



CHIEF OF THE NATIONAL GUARD BUREAU MANUAL

NGB-J32-CD
DISTRIBUTION: A

CNGBM 3100.01
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NATIONAL GUARD COUNTERDRUG SUPPORT

References: See Enclosure P.

1. Purpose. This manual provides procedural guidance for National Guard (NG) Counterdrug (CD) activities conducted in accordance with (IAW) references a and b.
2. Cancellation. None.
3. Applicability. This manual applies to all NG personnel, and other Department of Defense (DoD) civilian personnel and contractors supporting NG CD activities pursuant to reference b.
4. Procedures. This manual addresses authorized activities the NG CD Program performs when supporting Law Enforcement Agencies (LEA), Community Based Organizations (CBO) and Federal agencies that support a State law enforcement purpose IAW reference b.
5. Summary of Changes. This is the initial publication of CNGBM 3100.01.
6. Releasability. This manual is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil>>.

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7. Effective Date. This manual is effective upon publication and must be revised, reissued, cancelled, or certified as current every five years.



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ENCLOSURE A

ROLES, RESOURCES AND REQUIREMENTS

1. Secretary of Defense (SecDef). The SecDef authorizes all DoD CD funding, and is responsible for the execution and oversight of all DoD Counternarcotics activities, including the NG CDP as defined in reference b. Pursuant to reference b, the SecDef must report on the State CD activities and NG Counterdrug School (NGCS) activities on an annual basis on or about 01 February each year.
2. Undersecretary of Defense for Personnel (USD(P)). The USD(P) is the senior Defense executive office responsible for the approval of State Governors' requests for authorization and funds to use NG forces to conduct activities under State NG CD Activity Plans (State Plans) IAW reference b.
3. Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)). The ASD(SO/LIC) approves the curriculum and program structure of each NG CD school (NGCS) to ensure the proposed activities are consistent with DoD policies. Additionally, ASD(SO/LIC) provides annual guidance for the development of the CD program objective memorandum (POM), and an annual CD and counter-transnational organized crime (CTOC) budget IAW with the DoD and CD Planning, Programming, Budgeting and Execution (PPBE) processes.
4. Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD(CN>)). The DASD(CN>) prescribes policies for the use of NG personnel in a duty status pursuant to reference c, for the content requirements of State Plans, NGCS, and other DoD-authorized CD and CTOC activities in the United States and its Territories; reviews State Plans and NGCS Activity Plans to determine if the plans and the proposed activities are consistent with DoD policies; reviews and approves expenditures of operation and maintenance (O&M) funds exceeding \$100,000 for services and equipment IAW reference b and associated with State CD plans; and establishes the content requirements of State CDP and NGCS Annual Reports. Reviews and approves all requests, regardless of cost for digital imaging tools, secure communications equipment, or costs associated with classified networks.
5. Chief of the National Guard Bureau (CNGB). The CNGB is responsible for assisting the SecDef through DASD(CN>) with oversight responsibilities as set forth in current DASD(CN>) guidance to CNGB concerning the NG CDP. IAW reference d, the CNGB advises the SecDef on the provision of funds and regulations for the use of full-time NG personnel in carrying out State Plans; and serves as approval authority for NG expenditures of O&M funds less than \$100,000 per item. CNGB validates and forwards purchase requests for items \$100,000 or more as well as all requests, regardless of cost, for digital imaging tools (for example, Cellebrite™), secure communications equipment, or costs associated with classified networks to the DASD(CN>) for approval.

6. Director of Operations (NGB-J3/4/7). IAW current DASD(CN>) guidance and under the authority, direction and control of the CNGB, the Director of the National Guard Bureau Operations Directorate (NGB-J3/4/7) is the designated advisor to the DASD(CN>) on NG CD matters to ensure proper use of authorities, personnel, and resources in compliance with Federal and State law, as well as DoD policies and regulations. The NGB-J3/4/7 is the proponent for all NG CD activities as set forth in reference a. IAW reference b and an appropriate written delegation from the CNGB, the NGB-J3/4/7 exercises the approval authority of the CNGB for NG expenditures of O&M funds less than \$100,000, but more than \$5,000, per item.

7. Under the authority, direction and control of the Director of NGB-J3/4/7, the NGB Counterdrug Division (NGB-J32) Chief serves as the program administrator for the NG CDP and principal advisor to the NGB-J3/4/7 on all NG CDP matters; serves as Vice Chair of the NGCS Executive Steering Committee; serves as a non-voting member of the NGB CD General Officer Advisory Council (CD GOAC); and oversees NGB CD Federal-staff advisory councils to provide guidance on policy, oversight, and resources and equipment utilization (see references d and e).

8. NGB-J32. NGB-J32 develops, communicates, implements, and oversees NG CDP policies and procedures between the DoD and the 54 State NG CDPs, Federal Operations involving NG Service members in a T-32 status, and the NGCS. The NGB-J32 is organized along program functional competencies as shown in Figure 1.

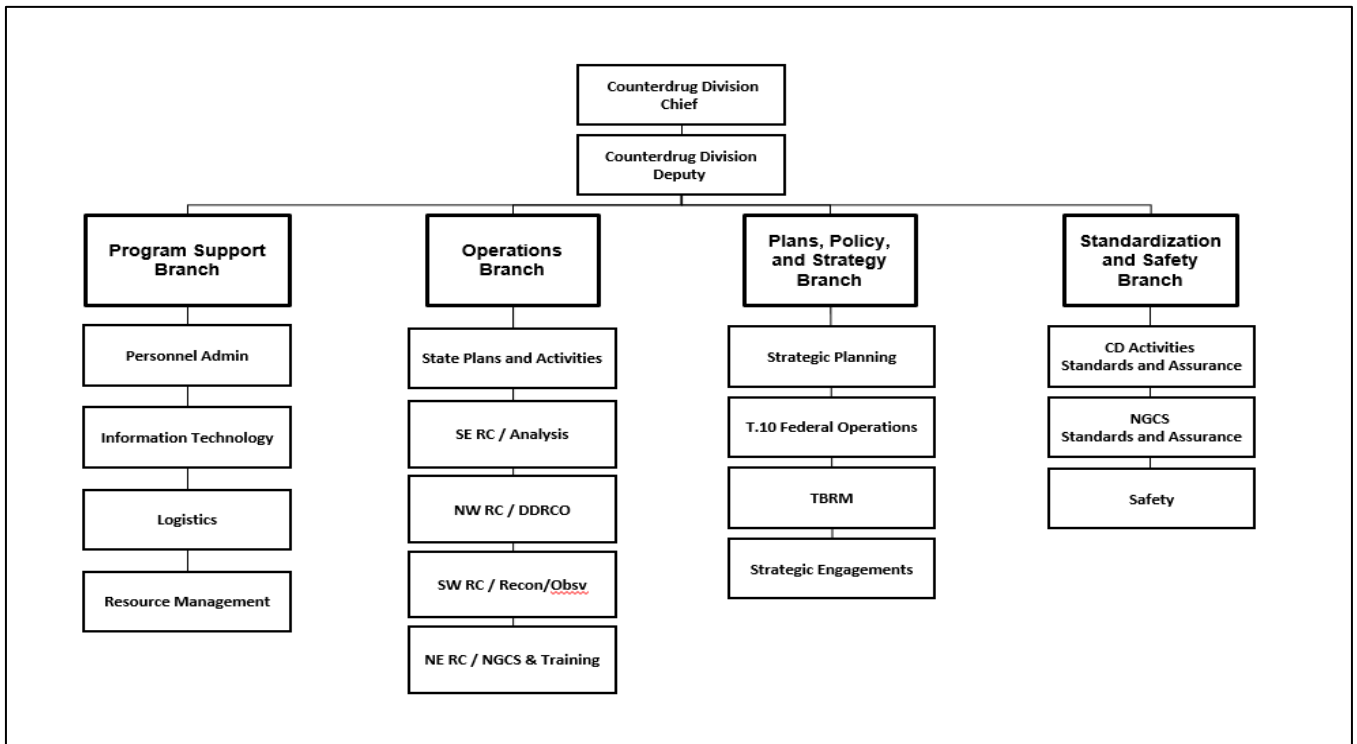


Figure 1. NGB-J32 Organizational Chart

a. The CD Program Support Branch is responsible for core program functions of personnel, logistics and acquisitions, information systems and resource management.

b. The CD Operations Branch is responsible for core program functions of coordination, preparation and submission of State Plans and NCGS Activity Plans, and guidance, support, and oversight of CD activities as defined in Enclosure B.

c. The CD Plans, Policy, and Strategy Branch is responsible for planning, for the interpretation and promulgation of CD policy, and for strategic relationships and messaging; provides oversight and coordinates administrative services for Federal Operations involving NG Service members in Title 10 status; and maintains and implements the Threat-Based Resource Model for future program funding decisions.

d. The CD Standardization and Safety Branch is responsible for establishing CDP management and execution standards and communicating guidance to the States regarding CDP standardization and safety; ensures program standardization through the CD Compliance Assurance Program by assessing areas mandated by law, regulation and policy as well as other areas identified as critical or important to the health and performance of the NG CD Program.

9. NGB CD General Officer Advisory Council (GOAC). Established by the CNGB in reference e, the CD GOAC serves as the principal advisory council to the CNGB on the execution of the NG CD Programs at the State level, including NG CD strategy, policy, plans, capabilities, organization, manpower, resources, and training required to support current and future NG CD operations.

a. The CD GOAC advises the CNGB in the form of recommendations, reports, analysis, and research as the Co-Chairs of the GOAC require or the CNGB directs.

b. The CD GOAC also serves to communicate CNGB strategic intent and guidance for the execution of the NG CD Program to State CD Programs and The Adjutants General (TAGs).

c. The CD GOAC should meet on a quarterly basis to address ongoing and projected strategic objectives as identified by the Co-Chairs or the CNGB.

10. CD Advisory Council (CDAC). Established by the Chief of NGB-J32, the CDAC serves as the State NG CDP coordinating and advisory body to the Chief of NGB-J32 for the development and implementation of NG policy directives, procedural guidance and State program management.

a. The CDAC represents the CD Coordinators from all States, Territories, and the District of Columbia and provides best military advice to the Chief of the NGB-J32 in the form of recommendations, reports, analysis, and research as the Chairman of the CDAC requires or as the Chief of the NGB-J32 directs.

b. The CDAC also provides State CD Programs a process and mechanism to identify, validate, and prioritize program implementation constraints for CD GOAC consideration.

c. The CDAC should meet on a quarterly basis sufficiently in advance of scheduled CD GOAC meetings in order to permit official communication with the CD GOAC and to enable comprehensive program evaluation for the CNGB.

11. NGCS Executive Steering Committee. Established by the Director of NGB-J3/4/7, the Executive Steering Committee supports the Director of NGB-J3/4/7 to ensure the five NGCS operate within the provisions of reference b and f, and regulations the SecDef may prescribe.

a. The Executive Steering Committee meets on a quarterly basis to:

(1) Review NGCS program structure to assess the use of resources and quality assurance of NGCS program efforts.

(2) Coordinate with NGCS Commandants and CD Coordinators when developing recommendations to the Director of the NGB-J3/4/7 and higher on existing and proposed programs of instruction no later than the second quarter of each fiscal year.

(3) Review and validate NGCS curriculum and courses with DASD(CN>) and NGB guidance on an annual basis in the third quarter of the fiscal year.

12. TAGs. TAGs will:

a. Obtain legal review of the State Plan from the Attorney General, or equivalent, for the State, Territory, or District of Columbia; obtain Governor's certification that the activities included in the State Plan that are carried out in conjunction with Federal LEAs serve a State law enforcement purpose; ensure State Plan submission through the NGB-J32 Operations Branch for the Director of the NGB-J3/4/7's recommendation and submission to DASD(CN>) for Office of the Secretary of Defense (OSD) approval of CD activities to be performed under reference b.

b. Appoint a State CD Coordinator to manage the State's CDP as set forth in paragraph 14 below.

c. Ensure the use of DoD CD resources and capabilities is prioritized to satisfy capability gaps that State, local, and Tribal LEAs and CBOs cannot practically replicate.

13. State CD Coordinator. The State CD Coordinator will:

a. Direct, administer, organize, and manage the State's CDP; ensure all NG Service members perform only those CD activities approved IAW current DASD(CN>) guidance by the SecDef within the State Plan.

b. Coordinate with the appropriate offices to develop the State Plan and submit for approval through the NG Joint Force Headquarters- State (NG JFHQs-State) and TAG; validate, prioritize, and execute all appropriately approved CD activities

supporting LEAs and Community Based Organizations IAW reference a, DoD CD publications, reference b, and this manual.

- c. Develop appropriate manager's internal control processes and ensure management of the State's CD activities.
- d. Manage and oversee all State CD funds IAW Enclosure M of this manual; and coordinate with the State United States Property and Fiscal Officer (USPFO), Wing Comptroller, and NGB-J32 as needed.
- e. Coordinate with unit of assignment all personnel actions for State NG personnel on full-time NG duty CD (FTNGD-CD) orders.
- f. Communicate to the Chief of the NGB-J32 Serious Information Notification Requirements on State CD activities through the NG JFHQs-State to the NGB-J32 Operations Branch using the Joint Information Exchange Environment.
- g. Ensure timely and accurate entry of all CD administrative and mission related data into Full Time Support Management Control System (FTSMCS) or other information system as directed by NGB-J32.

14. Commandant of the NGCS. The Commandant:

- a. Directs, administers, and manages the NGCS; and ensure all NG Service members perform only those training activities approved by the SecDef within the NGCS Activity Plan.
- b. Develops the NGCS Activity Plan and submit for approval through NG JFHQs-State and TAG; and develop, validate through the NGCS Executive Steering Committee, and execute all NGCS course curricula and NGCS activities supporting LEAs and CBOs IAW reference a, DoD CD publications, reference b, and this manual.
- c. Develops appropriate manager's internal control processes and ensure management of the NGCS activities.
- d. Manages and oversees all NGCS funds IAW Enclosure M of this Manual and coordinate with the State USPFO, Wing Comptroller, and NGB-J32 as needed.
- e. Coordinates with unit of assignment all personnel actions for State NGCS personnel.
- f. Communicates to the Chief of NGB-J32 Serious Information Notification Requirements on NGCS activities through the NG JFHQs-State to the NGB-J32 Operations Branch using the Joint Information Exchange Environment.
- g. Ensures timely and accurate entry of all NGCS administrative and course related data into FTSMCS or other information system as directed by NGB-J32.

15. Program Requirements and Restrictions. State CDPs and NGCS must conform to the following general guidance for all CD activities.

a. Information Handling. All NG Service members handle sensitive information IAW the supported organization's guidance, authorities, and oversight required by reference g. The CD Coordinator or the NGCS Commandant appoints an additional duty Security Manager who is responsible for personnel security IAW reference h.

(1) NG personnel, including service-qualified, military intelligence personnel, conducting NG-CDP activities pursuant to reference b shall not conduct intelligence activities as regulated by reference i. CD members must comply with DoD, Service, NGB, State, Territory, or District of Columbia, and supported agency, rules and procedures for information handling during CD activities conducted in support of their State Plan IAW references a, d, and j.

(2) The criminal information NG Service members process and analyze, as well as any analytic products are the property of the supported agency and are not subject to intelligence oversight. NG Service members will not use DoD/CD computers, systems and networks to enter, store, or transmit criminal data or information.

(3) CD Coordinators must coordinate with LEAs to ensure support provided by CD personnel is conducted IAW applicable State, local, and Tribal law and policy, in addition to all DoD, Service, and NGB regulations. CD Coordinators and NGCS Commandants must monitor the daily routines and actual duties performed by all NG CD personnel to ensure all CD activities are conducted IAW all applicable laws, rules, and regulations.

b. Operational Support Incidental to Military Training. IAW reference k, the primary purpose of Inactive Duty for Training (IDT) and Annual Training is to provide individual or unit readiness training. Operational support may occur incidental to, or as a consequence of, performing IDT and Annual Training. IAW references j and l, the planning and execution of compatible military training and operations may take into account the needs of supported organizations, including law enforcement officials, when such support is an incidental aspect of training performed for a military purpose. However, training events must not be planned and scheduled solely to accommodate an operational need.

(1) CD Coordinators are encouraged to coordinate known or anticipated CD support requests from civilian law enforcement officials with other State NG officials for their consideration when scheduling programmed and planned training missions.

(2) Only when incidental to training may NG Service members or units provide operational support during the Service member's or unit's performance of IDT or Unit Training Activities (UTA) or Annual Training. Such incidental to training operational support should meet the unit's Mission Essential Task List, the Commander's Task List or readiness requirements.

(3) Prior SecDef or CNGB approval may be required depending on the activity being performed. Before using NG personnel for operational support incidental to performing Inactive Duty Training/ Unit Training Assembly or Annual Training, CD Coordinators should consult with their NGB-J32 Regional Coordinator and State Judge Advocate for guidance.

c. Environmental or Historical Landmark Restrictions. All CD operations must be conducted IAW Federal, State, and local environmental or historical landmark laws and regulations.

d. Use of Civilian Personnel. State CDP may use civilian personnel to support program management upon confirmation that the State has the appropriate authority and such duty does not violate Federal or State law, regulations, or policy.

e. Hazardous or Fatal Chemicals – Weapons of Mass Destruction-Civil Support Team (WMD-CST). CD Coordinators facilitate LEA integration of NG WMD-CST capabilities into applicable CD activities involving hazardous substance production sites. IAW references m, n, and o, NG WMD-CSTs support first responders to ensure safety and are not to enter into the evidence chain of custody.

(1) CD Coordinators facilitate support coordination relationships between the WMD-CST Commander and applicable LEAs within their States. NG CDP Service members cannot engage in substance or hazardous material identification or disposal activities nor establish such organic capabilities within their CDPs. Questions concerning CDP use of WMD-CST may be directed to NGB-J32 Operations Branch for coordination with the Combating Weapons of Mass Destruction Division (NGB-J39).

(2) WMD-CST support to LEAs conducting CD operations involving hazardous substances must be done IAW references m, n, and o.

f. NG CDP personnel will not operate Unmanned Aircraft Systems (UAS) owned, maintained or possessed by civilian LEAs when conducting authorized CD activities; such activities are defined in Enclosure B. NG CDP personnel will not conduct authorized CD activities employing personally or privately procured UAS or related equipment.

g. Use of CD-Funded Equipment and/or Personnel for Non-CD Activities. Equipment, including aircraft (manned or unmanned), and/or personnel that are funded by reference b appropriations are primarily intended for use in connection with approved CD activities. On rare occasion, requests to use CD funded equipment and/or personnel for non-CD purposes may be made through NGB-J32 to DASD(CN>). Use of CD funded equipment and/or personnel for a non-CD purpose such as use for immediate response 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:

(1) Equipment 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 inclement weather or other perilous circumstances or conditions.

(2) Equipment 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.

(3) Equipment and/or personnel are needed for support of contingency operations, operations other than war, natural disasters, Defense Support to Civil Authorities (DSCA), and National Special Security Events (NSSEs).

h. Additional Requirements Concerning the Use of CD-Funded Equipment and/or Personnel for a Non-CD Purpose. In addition to the requirements of State law and the criteria set forth above in paragraph 15.g. of this Enclosure (on page A-7), the following additional criteria is applicable:

(1) State Immediate Response (State IR). Under State IR authority, the NG State Director of the Joint Staff, or equivalent, may direct a State IR using NG personnel in a FTNGD-CD status (T-32) under State command and control IAW State law. Neither placement nor extension of NG personnel in T-32 duty status is authorized to conduct State IR activities.

(2) Return to Duty. For State IR utilizing NG personnel in a FTNGD-CD duty status, use of such personnel should be ceased or replaced with non-CD equipment or personnel as soon as possible but not later than 72 hours, or such time as OSD directs that it cease. Absent such direction by OSD, and in the event use of CD funded equipment and/or personnel are contemplated beyond 72 hours, the CD Coordinator will return all CD funded equipment and/or personnel to CD operations/duty, unless removed from FTNGD-CD status. If removed from FTNGD-CD status in order to continue the State IR activity, then the responsible State official must immediately seek another authority (such as State Active Duty) or other resource to pay for the cost of using such equipment and/or personnel before the State IR activity is continued. Failure to identify another authority or resource will result in the immediate return of CD-funded personnel (and corresponding CD-funded equipment) to CD duty except in valid emergency situations.

(3) Alternatives. The State Director of the Joint Staff must consider all possible alternatives prior to approving the use of CD funded equipment and/or personnel for a non-CD purpose.

(4) CD Coordinators. CD Coordinators must direct support requests beyond the scope of this paragraph and paragraph 15.g. of this Enclosure to NGB-J32 Operations Branch (via email) prior to conducting the mission in order to coordinate the approval of any proposed non-CD support by the appropriate authority. CD Coordinators will ensure the use of CD-funded equipment and/or personnel for a non-CD purpose does not interfere with CD LEA operations except in valid emergency situations.

(5) Notification Requirements. For any use of CD-funded equipment and/or personnel for a non-CD purpose such as State IR, the NG JFHQs-State, in coordination with the CD Coordinator, must notify the SecDef through DASD(CN>), NGB, NGB-J32, and the National Guard Coordination Center (NGCC) at the earliest opportunity but not later than 12 hours after such State IR begins. Use of the Joint Information Exchange Environment for such notification is required. Use of CD funded equipment and/or personnel for a State IR mission must not involve actions that would subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory, such as search, seizure, or arrest.

(6) Use of CD-Funded Equipment and/or Personnel in a FTNGD-CD Status for State IR is a Reimbursable Activity at the Initiation of State IR Activities. All DSCA requests must be made and reimbursed IAW reference p. CD Coordinators must request reimbursement from the requesting agency before commencing the use of CD-funded equipment and/or personnel for non-CD activity such as State IR missions. The State USPFO is responsible for reporting and coordinating such reimbursement.

i. Use of CD Personnel for Emergency/Disaster Response Involving Wildfires and Hurricanes. Use of CD-funded equipment and/or personnel for State IR involving wildfires and hurricanes shall be IAW applicable CNGB guidance. Any such use must comply with the provisions of paragraph 15.h.(5) of this Enclosure.

16. Public Affairs Release Authority. The State Public Affairs Officer (PAO) is the release authority for information and media engagement for his or her respective State. The State PAO may request assistance from NGB PAO or NGB-J32 as required. Prior approval for release of articles and information to the public may be submitted through the State PAOs or the NGB PAO.

17. NGB-J32 Chief's Serious Information Notification Requirements.

a. CD Coordinators must notify NGB-J32 Operations Branch (via email) within 48 hours of an occurrence of any of the following:

(1) Violations of law, regulation, and policy. In addition, CD Coordinators should report any violation of Federal, State, local, or Tribal law, the penalty for which includes confinement for any period, to their servicing Judge Advocate as soon as possible.

(2) The possibility of civil liability on the part of any NG Service member or the NG. The CD Coordinator must also notify the NGB Office of the General Counsel through NGB-J32.

(3) Any adverse judicial ruling based wholly or in part on the conduct of NG personnel or volunteers engaged in CD activity of a State NG CD Program. The CD Coordinator must also notify NGB Office of the General Counsel through NGB-J32.

(4) Any incident involving NG Service member on FTNGD-CD which is likely to result in State, regional, or national media attention. The CD Coordinator must also notify NGB Office of the General Counsel through NGB-J32.

(5) Any discharge of a weapon in a non-training situation. Reports must follow Serious Incident Report format established by State policy.

b. Use of CD-Funded Equipment and/or Personnel for a Non-CD Purpose. CD Coordinators must notify and seek coordination with NGB-J32 Operations Branch (via email) prior to conducting any proposed non-CD mission. Non-CD activities using CD-funded equipment and/or personnel require CNGB coordination with DASD(CN>) for notification to SecDef in any instance as described in paragraphs 15.g. and 15.h. of this Enclosure including where the observation, recording, collection, or dissemination of information about U.S. persons, including their likenesses, is likely to occur, regardless of the underlying situation and criteria met.

c. CD Coordinators must notify the NGB-J32 Operations Branch through the NGCC, using the Joint Information Exchange Environment, concerning any use of CD-funded equipment and/or personnel for a non-CD purpose lasting more than 72 hours.

ENCLOSURE B

AUTHORIZED CD ACTIVITIES

1. DoD Policy. IAW reference b, it is DoD policy to authorize State Governors to use NG personnel in a FTNGD-CD duty status to perform CD activities, including drug demand reduction activities, authorized by the SecDef in a State Plan to support the CD or CTOC (with a CD nexus) activities of the State, local, and Tribal LEAs, or eligible CBOs.

a. CD activities included in the State Plan that are carried out in conjunction with Federal LEAs must be certified by the Governor of the State, or a civilian law enforcement official of the State designated by the Governor, as serving a State law enforcement purpose. NG personnel performing CD activities assist LEAs with military-specific capabilities in support of those organizations' State drug interdiction counterdrug law-enforcement activities.

b. IAW with reference b, the SecDef authorizes funding for the CD activities listed in this Enclosure or as specifically approved by the SecDef IAW reference d. All CD activities included in the Governor's State Plan must serve a State law enforcement purpose. States may choose not to include all SecDef approved CD activities in its State Plan.

c. The State or Territory Attorney General, (or, in the case of a State or Territory with no position of Attorney General, a civilian official of the State or Territory equivalent to a State or Territory Attorney General), or the United States Attorney for the District of Columbia, as appropriate, must certify that the use of NG personnel for CD activities proposed under a Governor's State Plan is authorized by, and consistent with, State law.

2 Program Management. NG Service members perform personnel and equipment management and perform the legal and operational oversight functions required to execute approved activities properly. Program management costs should be between five and twenty percent of the total State CDP budget.

a. NGB Program Management. On behalf of the Director of NGB-J3/4/7, the NGB-J32 coordinates Governor CD support requests for SecDef approval, manages the disbursement of NG CD funds to Governors, and supports the NGB NGCS Executive Steering Committee's direction and oversight for the NGCS. NGB-J32 provides fiscal and logistic oversight for all NG CD funds, and coordinates NG policy and strategy with the Office of National Drug Control Policy (ONDCP).

b. State Program Management. The State CD Coordinator is responsible for managing personnel actions, equipment, and resources, support requests and integration, program execution of authorized CD activities and supervision of Service members in a T32 duty status.

3. Linguist and Transcription Services. NG personnel must possess DoD qualification to provide linguistic transcription and translation of audio files, seized documents, and other analog or digital media.

a. NG personnel will not participate in real-time intercepts, wiretaps, digital media monitoring, interviews, or interrogations.

b. Support agreements between NG CDPs and supported LEAs which address Information access are limited to non-custodial access to LEA information and media. NG CD personnel cannot receive or store law enforcement investigative documents or media, including U.S. persons information, on DoD systems. The supported organization must retain oversight and ultimate responsibility for their equipment, systems, and information.

c. Translator services include near-real-time transcription and translation support for CD related missions, but does not include cryptologic support, direct participation in interview or interrogation activities, or counter-intelligence activities. Near-real time transcription or translation in support of law enforcement must be directly supervised by appropriate officials from an LEA.

4. Analyst Support. Military Service-qualified personnel serving as analysts will follow the Federal, State, and local laws of criminal evidence and 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 information will not be processed or stored on DoD systems. Analysts are authorized to process, categorize, and evaluate criminal information, within the immediate scope of the supported law enforcement investigation, in support of law enforcement CD activities. Analyst support covers the following core competencies: document and digital media exploitation analysis, link analysis, and financial analysis. Analyst support and products include the development of graphs, charts, maps, and communications (toll) analysis of subjects of ongoing CD investigations; use of DASD(CN>)-authorized or LEA-owned analysis-specific software and hardware systems; production and coordinated dissemination of analytic products as approved by the supported LEA; and liaison with other analysts or LEAs.

a. Supported LEAs are responsible for obtaining the legal authorizations and warrants required to permit information handling. A Memorandum of Understanding (MOU) or LEA support request will be on file stating this responsibility falls upon the supported LEA. This MOU or LEA support request will remain on file for a minimum of two years following the completion of CD support to the respective LEA.

b. Pursuant to the SecDef-approved State Plans, service-qualified analysts may conduct post-collection analysis of seized documents and other analog or digital media to preserve digital evidence but may not conduct preliminary searches or examinations of digital media. Digital forensic examinations and document and media exploitation

analysis, conducted after preliminary search or examination by LEA officials, is limited to information within the scope authorized by warrant IAW subparagraph 4.b.(4) of reference q. NG CD Service member will not participate in real-time intercepts or interviews.

c. NG analysts are not authorized to maintain computerized data banks relating to individuals or organizations not affiliated with the DoD, unless authorized by the SecDef or a designee IAW reference q.

d. NG CDP personnel must only analyze those documents included within the case evidence assigned to the analyst and after authorized seizure by an LEA. A Service member may analyze Publically Available Information on authorized law enforcement systems only on subjects and targets of a criminal investigation in support of local, State, and Federal law enforcement agencies.

(1) In support of law enforcement CD activities, NG analysts may assist LEAs in analyzing seized digital information on illegal or unregulated criminal digital communications obtained by judicial warrant to identify the network architecture and drug trafficking organization's command and control, logistics, and communication methods.

(2) The analysis by NG personnel is limited to information within the scope authorized by warrant IAW subparagraph 4.b.(4) of reference q and in support of law enforcement CD activities.

e. Digital imaging tools previously approved by the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD(CN>)) and purchased with DoD CD funds, such as Cellebrite™, may be used to create digital copies for the supported law enforcement agency. Future purchase requests for such equipment must explain to the DASD(CN>) how operating this type of equipment is both "analytical" and "militarily unique". The subject device, and digital copy of data, must remain in the custody of the LEA, and the Service member must not be exposed to the data during the imaging process.

f. Mapping and imagery analysis consists of overhead and aerial imagery developed by photographic and electronic means. Use of Geographic Information Systems Services (GIS) analysis is encouraged as a military unique skill to provide LEA personnel with critical information about narcotic threat, areas of narcotic activity, and LEA operations support. GIS analysis may also analyze and distribute geospatial information to represent the terrain and its possible effects on illicit drug activity.

5. Communications Support. NG CD Service members may establish, operate, and maintain communication stations, bases, and communication equipment, including hardware, software, and other equipment to improve information sharing and collaboration, in support of law enforcement counterdrug operations. NG network and communication specialists establish command, control, communications and

information networks, and investigative network capabilities to improve the integration of law enforcement and NG activities. DASD(CN>) retains the approval authority for all CD-funded purchases of secure communication equipment and expenses for the establishment or installation of classified networks.

6. Engineer Support. NG CD Service members may provide engineer support to Federal, State, Territorial, local, and Tribal authorities to construct roads and fences and install lights at U.S. borders, including international ports of entry, to block drug-smuggling corridors. Only trained units and members of the NG are authorized to provide engineer support. The use of contracted support in engineer-type activities is not authorized.

7. Diver Support. NG CD Service members with service qualification may conduct subsurface hull inspections and training inside U.S. Territorial waters or U.S. maritime ports of entry. Before the use of Service-qualified NG Diver personnel for hull inspection activities, the vessels must be secured by the responsible LEA officials. Divers may visually inspect to detect alien devices or containers attached to vessel hulls, or other underwater abnormalities, and report to LEAs any unusual physical hull configurations but may not attempt entry, search, removal, or alteration of features detected. Divers participating in these operations must be in dive status in approved dive positions. Permissive dive status is strictly a training tool, and not authorized during CD mission execution.

8. Transportation Support. NG ground and aviation units may provide ground and airlift support to supported LEAs, to include controlled deliveries (aerial or ground), as requested by agencies involved in ongoing, real-time, time-sensitive operations. Transportation support may include tactical support to move personnel and equipment. Authorized support does not include administrative movements such as conferences or routine personnel and equipment movement which can be accomplished by LEAs organically or with commercial aircraft and other similar services. NG Service members must ensure LEA officers assume full responsibility for the security and accountability of personnel, material, or equipment in their custody, and retain chain of custody requirements for evidence or individuals detained by LEAs.

9. Training. The NG CDP has three lines of effort for training: State Plan training, NGCS training, and Program Management training.

a. State Plans Training. As approved by the SecDef in the State Plan, an NG CD Service member may provide training in the operation and maintenance of military equipment, militarily unique skills related to drug demand reduction activities, and other militarily unique skills critical to CD activities for Federal, State, local, and Tribal law enforcement, CBOs, and military personnel involved in CD operations IAW reference b. Contractor instruction is not authorized for State Plans training. NG CD training programs may pay associated support expenses incurred to execute training for military personnel such as consumables, Service member pay and allowances, and material

costs. LEA, CBO and other governmental organization participants are responsible for administrative travel and per diem expenses.

b. NGCS training. See Enclosure H, NG CD Schools Program.

c. Program Management Training. The NGB-J32 Training Section publishes the yearly training calendar. The NGB-J32 Training Section and Functional Managers plan, coordinate, and conduct program management courses through the five NGCSs. Program Management courses provide knowledge needed to support day-to-day operations of the NG CD Program.

d. CD-funded advanced military training to domestic law enforcement is not authorized. Advanced military training is defined in reference d and Enclosure G.

e. NG CD programmatic and training initiatives are coordinated with the appropriate Service proponents and authorized by the DASD(CN>) prior to resourcing.

10. Reconnaissance and Observation. NG CD Service members, in support of LEAs, may use ground, maritime, and aerial platforms within the United States to conduct reconnaissance and observation to detect, characterize, locate, track, and assess specific people, objects, or areas, in real or near real-time. NG personnel may not directly participate in the arrest of suspects, conduct searches that include direct contact with suspects or the general public, be involved in the chain of custody for any documents or data, or store gathered information in NG facilities or databases. Law Enforcement Officers must be present for all missions. Supported LEAs are responsible for obtaining the legal authorizations and warrants required to permit information handling. An MOU or LEA support request will be on file stating this responsibility falls upon the supported LEA. This MOU or LEA support request will remain on file for a minimum of two years following the completion of CD support to the LEA. Information will be reported as required by the supported LEA.

a. Aerial/Ground Reconnaissance. Aerial/Ground Reconnaissance is a law enforcement support mission undertaken to obtain, by visual, ground sensor, or electro-optical/infrared means, information about the activities and resources of LEA-developed targets, or to secure data concerning the meteorological, hydrographic, or geographic characteristics of a particular area. Examples include route, zone, and area reconnaissance.

b. Aerial/Ground Observation. Aerial/Ground Observation is a law enforcement support mission involving the observation of LEA-developed targets that may include suspicious buildings, vehicles, vessels, or persons in the United States and to provide precise and continuous coordinates to LEAs. During observation support, a law enforcement officer (LEO) must be present, on board the aircraft or in direct contact with NG Service members and the observation support must always occur under the continuous and immediate direction of a LEO.

c. Break Contact Plan. NG CD Service members conducting Aerial/Ground Observation or Reconnaissance are not authorized to assume an alias or alternate identity utilizing "Cover" as defined in reference r, DoD Cover and Cover Support Activities. NG Service members executing CD aerial or ground reconnaissance and observation support activities may develop a "Break Contact" plan to reduce NG Service member environmental exposure, ensure safety and security, preserve the integrity of law enforcement investigative information, and permit ingress/egress of NG Service member. Any such Break Contact plan must include sufficient measures to prevent any inference of NG Service member affiliation with any LEA including the supported agency.

d. Use of Unmanned Aircraft System (UAS) as an aerial reconnaissance and/or observation asset requires SecDef approval IAW reference s. The approval of a State Plan does not constitute SecDef approval of UAS-support missions. Prior to any use of military UAS for aerial reconnaissance and/or observation CD support to LEAs under reference b, the following is required:

(1) SecDef approval of NG UAS missions in support of State and local LEA CD operations IAW reference t.

(2) Prior to SecDef approval, the NG JFHQs-State satisfies staffing requirements and prepares all required documentation for submission through their respective State leadership for signatures IAW reference t.

(3) Execution of a Proper Use Memorandum IAW reference u in the case of use of NG Intelligence, Surveillance, and Reconnaissance aircraft for CD activities.

11. Drug Demand Reduction Outreach. NG Service members may provide training and support concerning militarily unique skills in leadership, mission analysis, planning, decision-making, and cross-organization coordination. This support is limited to promoting community-led efforts to develop and execute CD supply and demand reduction strategies for State, local, and Tribal organizations and Community Based Organizations (CBOs) with a substance abuse prevention nexus. All supported CBOs must be specifically identified in the State Plan. Support to a CBO is contingent upon that CBO having been specifically identified in a State Plan approved by the SecDef (or a designee).

a. For CBOs identified after State Plan approval, CD Coordinators must submit a request to support through NGB-J32 Operations Branch to DASD(CN>) for approval.

b. NG support to community anti-drug coalitions may include transportation (other than air transportation), communications, and technical training IAW reference v.

c. Drug Demand Reduction Outreach seeks to improve cross-organizational coordination and support to State and regional projects undertaken by CBOs, and may

employ militarily unique capabilities to develop the capacity for effective community coalition activities.

d. Drug Demand Reduction Outreach enhances collaboration at the local level by employing militarily unique capabilities and leadership, organizational, and planning skills. NG civil operations specialists promote coalition building and serve as intermediaries between coalition, NG CD mission sets, and Federal, State, Tribal, and local LEAs.

12. General CD Activities Requirements. The following procedural guidance applies to all NG CD activities.

a. The Posse Comitatus Act. Reference w does not apply to NG personnel serving on FTNGD-CD under reference c for CD support IAW reference b. However, Service members on FTNGD-CD are subject to regulation by SecDef and the service components. NG personnel on FTNGD-CD orders may not directly participate in the arrest of suspects, conduct searches that include direct contact of NG members with suspects or the general public, or become involved in the chain of custody for any evidence. State law may impose additional restrictions.

b. Title III (Wiretap) Operations. NG CDP personnel will not participate in real-time intercepts or interviews but may provide translator services that includes near-real time transcription and translation support including such services conducted under reference x, as Linguists, Analysts, Network Administrators, or Digital Forensic Examiners IAW this manual and reference x. Such support does not include cryptologic support, direct participation in interview or interrogation activities, or conducting counterintelligence activities for CD purposes. Near-real time transcription or translation in support of law enforcement must be directly supervised by appropriate officials from a LEA.

(1) NG CDP personnel may not serve as court-designated monitors responsible to minimize privileged voice or digital communications. NG CDP personnel may provide support (excluding real-time intercepts or interviews) to Title III operations to process, transcribe, translate, and analyze voice and digital communications which have been properly minimized.

(2) NG Service-qualified information technology personnel may provide assistance to LEAs to design, develop, install, configure, and indirectly administer Title III communications equipment but may not provide cryptologic support. Service members may not directly operate Title III equipment when LEA personnel conduct live monitoring of subject voice or digital communications.

c. CD Coordinators must ensure NG CD Program personnel providing indirect support to LEA activities involving suspect interviews, search, seizure, Title III, and LEA information management activities are trained on the scope and limitations for activities approved by the SecDef in the State Plans or in assigned activities to support DoD

Agencies and Combatant Commands IAW reference d. The Office of Legal Education with the Executive Office for United States Attorneys publishes manuals to guide LEOs, and by association, the NG CD Program personnel in the authorities, processes, scope, and conduct of such activities.

ENCLOSURE C

LEGAL CONSIDERATIONS IN CD SUPPORT OPERATIONS

1. General. This enclosure provides procedures for CD support activities conducted by NG personnel in the conduct of military operations and training in support of State, local, and Tribal LEA drug interdiction and CD activities. CD support activities must be proposed by the State Governor and set forth in a State Plan that is approved by the SecDef. This enclosure further outlines the legal considerations, best practices, program requirements and restrictions associated with CD support activities under reference b. The term State includes the States, Territories, and the District of Columbia.

2. Federal Statutory Authorities. The following Federal statutory authorities govern the use of Federal funds for CD support activities conducted by the NG CD Program pursuant to an approved State Plan. CD support activities conducted pursuant to a State Plan must be authorized by, and consistent with, State law. State CD Programs should consult their State Judge Advocate or State Attorney General, or equivalent, for State-specific statutory authorities.

a. Section 112 , Title 32, United States Code (reference b) is the authority for the NG CD Support Program to conduct authorized CD activity that serves a State law enforcement purpose.

b. Public Law 109-469 (reference f) is the authority for the NGCS.

c. Sections 10501 through 10503, Title 10, United States Code (references z, aa, and bb) set forth the role of the NGB as the channel of communications on all matters pertaining the Army National Guard of the United States and the Air National Guard of the United States between the Departments of the Army and Air, and the several States; the appointment, term, and role of the CNGB; and the function of the NGB to include functions as the SecDef may prescribe (that is, pursuant to reference b, the authority of the CNGB to resource, direct, oversee, advise and report on the NG CDP of the States, Territories, and the District of Columbia).

d. Section 502, T-32, United States Code (reference c) is the Federal authority under which all NG members are placed in a duty status to perform training and other duties where the Service member is subject to the command and control of the Governor and not subject to the Uniform Code of Military Justice. This includes IDT, ADT, and Annual Training conducted in the continental United States (CONUS), and Full Time NG Duty (FTNGD).

3. Regulatory Structure. All of the functions, roles and activities described in this manual are operated within the existing service component, NG and State regulatory structures. Unless otherwise directed by proper authority, all existing rules, regulations, instructions and procedures applicable to the NG are also applicable to the programs described in this manual.

4. State Plan. The State Plan must be approved and signed by the Governor and the State Attorney General, or their designee, pursuant to subparagraph (c) of reference b. The District of Columbia State Plan will be approved and signed by the Commanding General of the District of Columbia and the United States Attorney for the District of Columbia.

a. Any gubernatorial or attorney general delegation of authority to sign the State Plan must be in writing, identifying the designee by name, title, and position. The written delegation must be submitted by the CD Coordinator as an attachment to a State Plan submitted for SecDef approval.

b. The State Plan must include a certification by the Governor that any activities carried out in conjunction with Federal LEAs serve a State law enforcement purpose. The District of Columbia Plan must include a certification by the Commanding General, District of Columbia that any activities carried out in conjunction with Federal LEAs serve a law enforcement purpose under the laws of the District of Columbia.

c. The State Plan must include a certification by the State Attorney General, or, in the case of the District of Columbia, the United States Attorney for the District of Columbia, that the missions and activities in the plan are authorized by, and are consistent with State law or laws of the District of Columbia, as appropriate.

5. Subpoenas and Requests for Information. The NG, and its current and former members and employees, may receive subpoenas, orders, or other requests for the appearance or testimony of individuals or requests to produce, disclose, or release "official information" regarding the CD Program. The CD Coordinator or NGCS Commandant must notify the State Judge Advocate (SJA) or full-time, servicing SJA, immediately should such a situation arise.

a. The provisions of references cc and dd, as appropriate, are applicable when the above situations are related to judicial proceedings and litigation.

b. Expenses (for example, per diem and fees) incurred when responding to subpoenas are governed by references cc and dd.

c. Service members are not precluded from producing analytical products that may cause them to be subpoenaed when acting in support of law enforcement agencies pursuant to a valid, approved support request.

d. The provisions of references ee and ff, as appropriate, are applicable when the above situations are related to producing, disclosing or releasing official information. The release of Federal records to the public will be governed by reference gg.

e. NG members, including those who are not serving on NG CD Program orders, may be subpoenaed to testify. Personnel not on orders will be placed on orders for the duration of the time required to prepare exhibits and statements, and for appearances to provide testimony. Travel costs may be paid by the court issuing the subpoena or the

State NG CD Program. If the member is placed on, or serving under, orders of the NG, any payments received from the court as compensation for testifying must be forwarded to the USPFO for the ARNG or ANG Unit Comptroller.

f. The CD Coordinator will maintain a copy of the subpoena or other documents for five years.

6. Tort Liability. The Federal Tort Claims Act (FTCA) (reference hh) is applicable to Service members in either a Title 10 or Title 32 status serving on FTNGD-CD orders and acting within the scope of their duty. Such Service members may be immune from suit and receive Federal tort protection under reference hh for personal injury, death, or property damage caused by him/her while acting within the scope of his or her duty. However, a Service member who causes such injury, death, or damage while acting outside the scope of his/her duty or commits certain constitutional torts (that is, when a negligent act or omission constitutes a violation of the constitutional rights of the injured party, including persons suspected of criminal activity) or certain intentional torts (for example, assault, battery, false arrest, and imprisonment) is not personally immune from suit and protection from liability is not available under the FTCA.

a. NG members eligible for liability protection under the FTCA receive legal representation and defense from the U.S Attorney's office in the jurisdiction where the claim for personal injury, death, or property damage arose.

b. NG members engaged in CD support activities in a State Active Duty status are entitled to the protections and immunities afforded by State law.

c. Protection from liability under the FTCA is not provided for volunteers including NG members not on orders. All NG members performing CD duties will be on active status and placed on orders, with pay and allowances; or, with member consent without pay and allowances (for retirement points only) IAW references b and ii. Volunteers must not be utilized in any CD activity without first having been advised of the lack of FTCA liability protection.

d. CD Coordinators and NGCS Commandants must notify their servicing SJA and the NGB Office of General Counsel through the NG JFHQs-State, NGB-J3/4/7 and the NGB-J32 within 48 hours of any event which may result in potential civil liability by a member of the NG or volunteers related to duties performed in support of the NG CD activities. This will enable State and NGB coordination with Department of Justice (DoJ) and State Attorneys General to determine Federal or State tort protection eligibility of NG personnel and assign legal representation.

7. Notification Requirement for Items of Judicial Interest. The CD Coordinator or NGCS Commandant must notify the NGB Office of General Counsel through the NG JFHQs-State, NGB-J3/4/7, and the NGB-J32 if the following occur:

a. Criminal violations or potential civil liability by a member of the NG or a volunteer related to duties performed as part of NG CD support activities.

b. Negative judicial rulings or the suppression of evidence based upon the conduct of NG members or volunteers.

8. Use of Force. Use of force by members of the NG serving in State Active Duty status or under Title 32 will be governed by State law, usually criminal law. Rules for the use of force (RUF) will be developed by the State J3 in coordination with the State SJA in accordance with State law. RUF will vary from State-to-State because each State has a unique constitution, laws, and legal opinions on the use of force. Title 10 RUFs are not applicable to NG forces serving in a State status during a NG domestic law enforcement support operation. States that provide NG personnel in State Active Duty or Title 32 to another State normally will adopt the RUF of the supported State while deployed to the supported State. Before deployment, States involved will determine which RUF the supporting units and personnel will follow.

a. For those States in which the State Attorney General authorizes the carrying of lethal or nonlethal weapons, State NG RUF must be reviewed and approved by the Office of the State Attorney General, or equivalent for the Territories and the District of Columbia, every three years or when any change is mandated by State law or directed by any competent authority.

b. CD Coordinators must upload review and approval documents with their State Plan in Case Management Module of FTSMCS.

9. Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) Requirements. An MOU or MOA between a State CDP and any supported organization, LEA or CBO is required for CD support if support is for more than 30 consecutive days. Agreements are drawn IAW procedures established by the State and LEAs/ and CBOs concerned. In addition to the instructions set forth herein and in reference jj, as amended, agreements must comply with all other applicable Federal, State, local and Tribal laws, rules, and regulations.

a. The CD Coordinator must coordinate all MOUs or MOAs with their servicing SJA, other competent State legal authority where appropriate, and State's USPFO, to ensure compliance with all applicable Federal and State laws and regulations prior to execution. The legal review must be written and may be in the form of a memorandum for record.

b. The MOU or MOA or any agreement under this Enclosure must be signed by TAG, the CD Coordinator, and the LEA or CBO concerned in duplicate form before support is provided. State CD Programs should retain one original agreement and provide one original to the supporting LEA or CBO. TAGs may delegate in writing signature authority for MOUs or MOAs or other agreements to the Deputy or Assistant Adjutant General or the first General Officer in the supervisory chain. Further delegation is not permitted.

c. The CD Coordinator must upload all executed MOUs/MOAs, together with the legal review memorandum, to the program document upload module in FTSMCS.

d. The CD Coordinator will annually document a review of all MOUs/MOAs or other agreements with the supported LEAs/CBOs concerned to ensure the MOUs/MOAs meet support requirements. All changes to an MOU/MOA must be documented via an addendum coordinated, approved and executed as set forth above, and incorporated in to the MOU or MOA.

e. An MOU or MOA must be renegotiated when laws, regulations or support requirements change in such a manner that the responsibilities of either party to the agreement can no longer be met. After coordination with Chief, NGB-J32 or authorized designee, the CD Coordinator must terminate the MOU or MOA upon a failure of the parties to reach an agreement concerning any contemplated change in the terms of the MOU or MOA giving rise to a renegotiation.

10. MOU or MOA Content and Purpose. An MOU or MOA may address NG CD support activities in a general manner but must specify the responsibilities and obligations of the parties. An MOU or MOA should include the following topics at a minimum:

- a. Purpose of Agreement.
- b. Authority (regulations or statutes).
- c. Planned Deployment of Service members or Equipment.
- d. Reporting Procedures.
- e. Command and Control.
- f. Financial Obligations (applicable to reimbursable MOAs).
- g. Scope of Operations.
- h. Force Protection or RUF.
- i. Public Affairs Support.
- j. Criminal Intelligence/Analysis Oversight Responsibilities.
- k. Safety and Risk Management.
- l. Legal Responsibilities (Acquisition of warrants and permits).
- m. Asset Forfeiture and Sharing (if applicable).
- n. Uniforms and Task-Specific Attire.

- o. Logistics Support Coordination.
- p. Air and Ground Transportation Request.
- q. Coordination for Hazardous Material Support.
- r. Terms for Termination of Agreement.

11. Aviation MOU or MOA. The CD Coordinator, and the involved State Army Aviation Officer (SAAO) and or ANG Flying Unit Commander must prepare an MOU or MOA to document the command and control, support, resource, and staff relationships between the involved SAAO or ANG Flying Unit Commander, and the CD Coordinator in the following areas:

- a. Development of Annex D of the State Plan to address accountability for Flying Hour Program (FHP) fund projections and flight hour execution.
- b. Flight training and standardization responsibilities.
- c. Use of CD-funded Service members in non-CD activities and training.
- d. Coordination and cooperation in operational and safety inspections.
- e. Ground and aviation mishap responsibilities and reporting.
- f. Chain of Command.
- g. The Use and status of traditional ARNG or ANG Service members in performing FTNGD-CD under the authority of reference b.
- h. CD missions Incidental to Training.
- i. Approved Briefing and Operations Officers.
- j. Operations Security (OPSEC).
- k. Public Information Releases.
- l. Other functions that may be determined by internal State command and staff management.
- m. Reimbursements for unauthorized costs incurred by the CD Program.

12. State-to-State CD Support Operations.

a. Any State-to-State support must be identified in the State Plan for approval by the SecDef. For State-to-State support not included in the State Plan, CD Coordinators must submit written requests to support CD operational activities within another State to NGB-J32 (via email to the Regional Coordinator). NGB will submit requests from States to support State-to-State CD activities to the DASD(CN>) for coordination and SecDef approval.

b. States approved to support operational CD missions within the borders of other States must, to the extent required by and IAW the laws of the involved States, establish a written MOU between the involved States unless such agreements are already in force under existing interstate compacts.

c. In addition to the foregoing requirements, TAGs, through the involved State CD Coordinators will coordinate a notice of intent to conduct interstate operations before commencing such operations.

13. Liability of Parties -- Hold Harmless Agreements. Hold harmless agreements are not required in agreements between Federal agencies. The Federal Government may not hold harmless a State or other jurisdiction.

ENCLOSURE D

STATE CD ACTIVITIES PLANS (STATE PLANS)

1. General. This enclosure outlines State responsibilities and annual requirements for planning, programming, and reporting NG CD activities, including State Plans, State CD Program Annual Reports, annual documents, approval of requests for purchases exceeding \$5,000 (“\$5K Packets”), and Unfunded Requests.

2. State Plan Overview. IAW reference b, a State Plan must specify how personnel of the NG of that State are to be used in drug interdiction and counterdrug activities. State NG CD Programs may execute only those CD activities identified within State Plans approved and funded by the SecDef in support of LEAs and CBOs engaged in CD activities. State CD Programs are not permitted to operate without an approved State Plan. State CD Program funding is contingent upon adherence to regulations as prescribed by the SecDef and approval of State Plans.

a. Any activities included in the State Plan that are carried out in conjunction with Federal LEAs must serve a State law enforcement purpose.

b. TAG, or the NG JFHQs-State Director of the Joint Staff, within the scope of the approved State Plan, may approve CD support to State law enforcement requests and activities conducted in conjunction with Federal LEAs only when they serve a State law enforcement purpose.

3. Responsibilities.

a. The Chief of the NGB-J32 provides templates for the format of the State Plan and Annual Report for State CD Program use; establishes procedural timelines that State CD Programs must meet to enable NGB senior leadership validation and Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD(CN>)) staffing actions for Under Secretary of Defense for Policy (USD(P)) approval prior to 01 October of each fiscal year for State Plans and 01 December of each fiscal year for Annual Reports. These requirements ensure timely and adequate funding of State CD Programs and enable prompt reporting by the SecDef to Congress.

(1) NGB-J32 Operations Branch provides assistance to State CD Coordinators in drafting, preparing, and reviewing State Plans and annual assessments.

(2) NGB-J32 Regional Coordinators support State CD programs throughout these processes.

b. State CD Coordinator Responsibility. The State CD Coordinator prepares and submits the State Plan and annual assessment using the templates provided by NGB-J32.

4. State Plan Preparation Timeline. Planning and approval of the State Plan follows the timeline shown in Figure 2 and is submitted to NGB-J32 IAW the annual State Plans Guidance Memorandum uploaded into the Case Management module of FTSMCS. State Plan templates are pulled directly from the Case Management Module in FTSMCS. Draft and final State Plans are uploaded to Case Management module of FTSMCS.

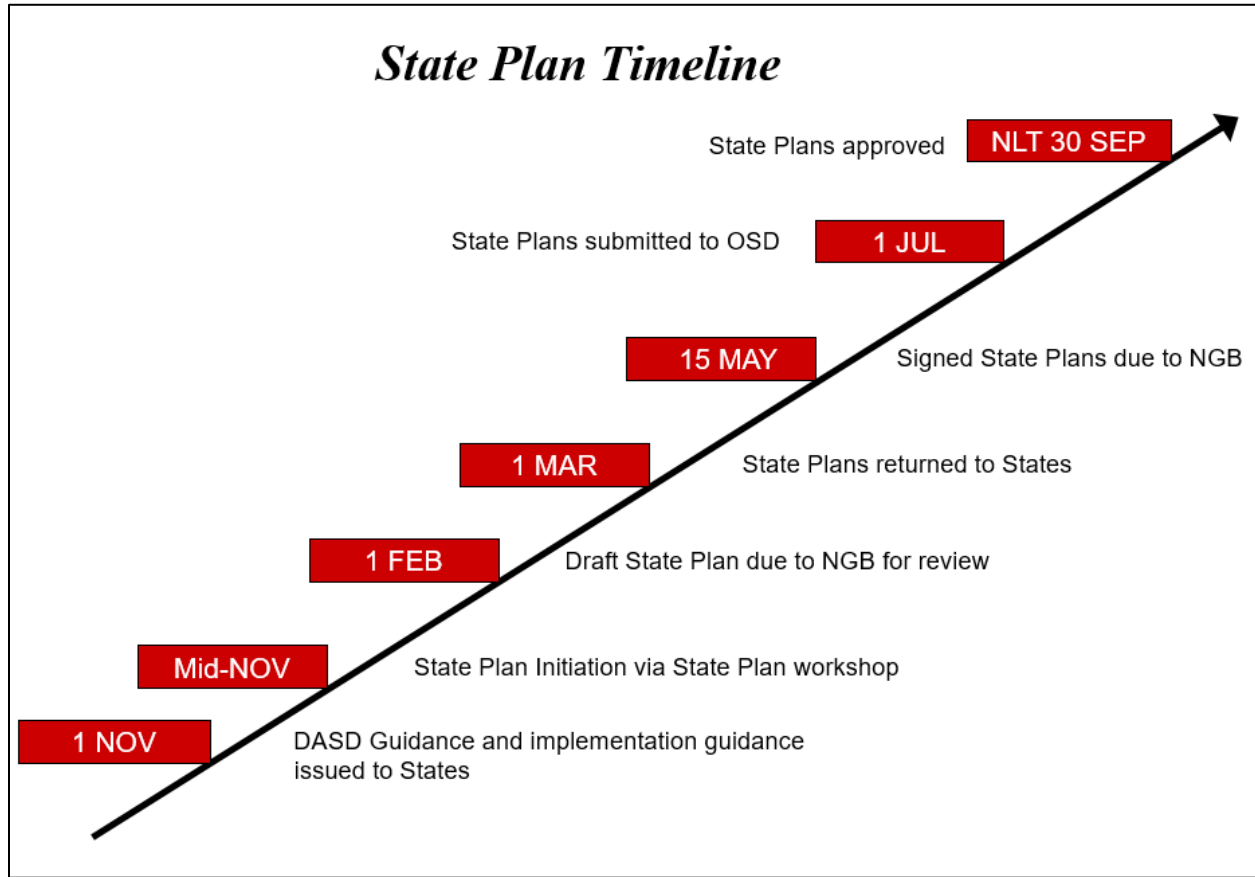


Figure 2. State Plan Timeline

5. State Plan Contents. The State Plan captures State CD Program requirements and allows NGB to represent funding shortfalls to OSD, Congress, and other stakeholders. The State Plan must communicate primary drug-related threats and vulnerabilities present within the State. The State Plan prioritizes CD activities and NG personnel, facilities, and equipment against those threats. The State Plan must include the following components:

a. Executive Narrative. Limited to one page, this narrative identifies the State's top five drug threats, lists State CD priorities and aligns them against threats and vulnerabilities. The narrative is clear and concise, identifies quantifiable goals, and communicates specific militarily unique capabilities not readily available outside DoD provided to LEAs and CBOs, and the readiness benefit.

b. Activities Under Authority Title 32 USC 112. A summarized list of planned CD activities authorized in reference b, combining all projected support for each mission category for each agency type.

c. Services and Expendable Supplies. A summarized list by category of projected operational and maintenance expenditures for services and expendable supplies with a per item value less than \$5,000. Any planned O&M purchases of digital imaging tools (for example, "Cellebrite™"), secure communications equipment, costs associated with classified networks, and single items more than \$5K must be listed in Appendix C to the State Plan. See Enclosure K for information on \$5K Packets.

d. State Plans Certification and Signature Page. A certifications and signature section for the CD Coordinator, TAG, State Attorney General, and Governor, or equivalents for the District of Columbia. Any delegation of signature authority by the Governor or The Attorney General require a proxy letter attached to the State Plan that shows signature authority. Memoranda of delegation of signature authority are required for all other personnel signing on behalf of an individual.

e. Appendix A to the State Plan details all planned flying hours for the State and for supported States. The CD Coordinator must coordinate with Army NG State Army Aviation Officer (SAAO) for total rotary-wing CD hours and/or (ANG) Air Wing Commander. Projected ARNG CD support flight hours (VCNA funds) cannot include aircraft qualification training, unit training, standardization, or maintenance test flights. They are requirements integral to other unit training OPTEMPO funds (VFHP). ANG RC-26 and C-130 hours are estimated by the owning State. CD Coordinators requiring RC-26 or C-130 support must coordinate with the State owning RC-26 or C-130 assets for inclusion in their State Plan.

f. Appendix B to the State Plan details all planned support to Federal, State, county, local, and Tribal LEAs and CBOs. All supported CBOs must be specifically identified in the State Plan.

g. Appendix C to the State Plan details the planned purchase of equipment regardless of per item value. This will include purchases planned against the Presidential Budget and Congressional Add. Approval of a State Plan does not constitute approval to execute purchases of equipment with a per item value greater than \$5,000. \$5K Packets will be routed through NGB to the appropriate authority IAW Enclosure K.

h. Appendix D to the State Plan details all training provided to LEAs by CD Programs using Project Code 7403 funds.

6. Annual Assessment. State CD Program annual assessments capture activities and resources used to counter State drug threats and effects achieved by executing the approved State Plans in the past fiscal year. These assessments inform the SecDef Report to Congress on the activities of the NG CD Program. The State CD Coordinator

submits annual assessments on State Plans activities executed during the preceding fiscal year under reference b per DoD guidance. The assessment will include the following:

- a. The number of members of the NG serving on FTNGD-CD and excluded from the computation of end strengths.
- b. A description of any CD related training and of the drug interdiction and CD activities executed under State Plans.
- c. A detailed statement of budget execution by Operation and Maintenance (Army and Air), Pay and Allowances, ANG MilPers and flight hours, and further detailed into the following categories:
 - (1) Construction.
 - (2) Equipment.
 - (3) Expendables.
 - (4) Facilities and Maintenance.
 - (5) Operations overhead.
- d. A description of the effect on military training and readiness of using units and personnel of the NG to perform activities under the State Plans.

7. Annual Documents. Annual documents are template reports required by NGB-J32 to project optimal resourcing requirements against potential funding shortfalls. Templates can be found in the Guidance tab of the State Plans portion of Case Management. CD Coordinators must prepare memoranda and rosters reflecting State CD Program coordination with State NG officials and submit them to the NGB-J32 Operations organizational Email box no later than 30 September each year. These coordinating records ensure State NG staff offices acknowledge CD Programs requirements and include:

- a. The CD Coordinator Funding Memorandum that ensures a common understanding of projected CD Program funding among the CD Coordinator, State G3, USPFO, and Wing Comptrollers. NGB-J32 target letters and projected IDT or Annual Training reimbursements are included as an attachment to the memo and acknowledged by the signature of the G3, USPFO, and Wing Comptrollers.
- b. The Manning Roster identifies NG personnel that the CD Coordinator intends to use on orders throughout the fiscal year and the activities that the individuals will support and must be acknowledged by signature of the CD Coordinator and Director of Joint Operations, or equivalent.

c. The Personnel Roster serves as a breakdown of personnel to include, pay data, continuous active duty, total active duty time, and duty location data. The Personnel Roster must be acknowledged by signature of the CD Coordinator.

8. \$5K Packets. State CD Coordinators must submit requests for single item purchases exceeding \$5K to their NGB-J32 Regional Coordinator for review and coordination IAW the procedures found in Enclosure K.

ENCLOSURE E

AGENCY SUPPORT REQUESTS

1. General. This enclosure outlines support request and validation procedures, defines support relationships, and establishes parameters for the application of CD assets.

2. CD Activities, Missions, and Execution. Projected CD activities contained in State Plans are executed through individual CD missions. Each CD mission is initiated with the receipt of an Agency Support Request (ASR). There are multiple steps which must be followed between receipt of an ASR and CD mission execution. The steps are ASR acceptance, validation, and approval by the CD Coordinator and entry into FTSMCS. NGB-J32 validates ASR through FTSMCS. The CD Coordinator enters Agency support missions nested under the ASR into FTSMCS, then executes the CD mission. State CD Programs must follow the ASR process described in this Enclosure.

3. Agency Support Request Processes.

a. Receipt and Acceptance of ASR. Requests originate with an LEA or CBO and must be in writing on the requesting agency's organizational letterhead or locally produced form which contains agency letterhead information, and is signed by the organization's official responsible for CD activities. The request must specify the support requirement, location, and duration.

b. Validation of ASR. The State CD Coordinator validates the request is generated from an appropriate official from a LEA or CBO with responsibility for CD activities, and the request for support has a valid counterdrug nexus. The CD Coordinator then determines whether the request can be supported by the State CD Program.

(1) The CD Coordinator, or a designee, determines the priority and validity of the support provided in response to a request.

(2) Approved activities are outlined in Enclosure B of this manual.

c. Approval and Entry of ASR. Once the State CD Coordinator approves the support of the ASR, the ASR is entered into the Case Management module of FTSMCS. Details of entry are included in the FTSMCS Handbook.

d. NGB-J32 Review and Validation. NGB-J32 Regional Coordinators review ASR entries not identified in a State Plan to ensure that LEAs and CBOs are acceptable and all activities supported are listed within their State Plan.

(1) Initial entry of ASRs for organizations identified within the State Plan must be completed by State CD programs by 01 September each year. NGB-J32 Regional Coordinators must have validation completed no later than 20 September each year to allow programs to adjust any support requests prior to the start of the fiscal year.

(2) ASRs received after the 01 September date must be input into the Case Management Module of FTSMCS as soon as possible and the State must notify NGB-J32 Regional Coordinator by email within 72 hours of input. Support to that agency will not start until validation by NGB-J32 is completed in Case Management.

e. Post Mission Reporting. Post mission reporting must be completed and closed no later than 30 October of each year to ensure that all data is complete and mission reports are closed properly for data rollup.

4. Roles and Responsibilities.

a. State CD Program. The CD Coordinator must ensure that ASRs are valid and uploaded into the Case Management Module of FTSMCS by 01 September for review.

b. NGB-J32. NGB-J32 is responsible for providing timely support to the States in the validation and approval of ASRs.

5. Requirements and Restrictions.

a. LEAs and CBOs requesting support for CD activities within the State may submit CD support requests to the State TAG, NG JFHQs-State, and the State CD Coordinator. All support provided to LEAs and CBOs under reference b authorities must have a valid CD nexus; be IAW the SecDef-approved Governor's State Plan; serve a State law enforcement purposes; support only those activities that are militarily unique (defined as unique skills or core capabilities possessed by DoD personnel that domestic law enforcement lacks or cannot practically replicate with a similar level of expertise); and be executed within the funding limitations provided by the SecDef.

(1) In circumstances with operational time constraints, the CD Coordinator or a designee may verbally approve support requests, which the CD Coordinator must confirm and record with a signed follow-on written request.

(2) Requesting agencies with enduring support relationships may submit written and signed fiscal year requests. Each distinct mission within an enduring support relationship must be annotated by an ASR Mission with supporting documentation. Note that support relationships which are expected to last, or have lasted over 30 days, require a MOU as described in Enclosure D.

(3) CD Coordinators may accept an agency web-based digital request with software-generated electronic signatures in lieu of an agency support request on agency letterhead.

b. TAG, or the designated representative, within the scope of the SecDef-approved State Plan, may approve CD support requests and activities conducted in conjunction with Federal LEAs when they serve a State law enforcement purpose. TAG or a designee will forward Federal LEA support requests that do not support State law

enforcement purposes to the Commander of the U.S. Northern Command or the Commander of the U.S. Indo-Pacific Command, as appropriate, through NGB-J32 for staffing IAW reference d.

c. All unit and individual augmentation support to the Combatant Commands approved by OSD will be sourced through the Mission Analysis Readiness Resource Synchronization tool. If State CD Coordinators are contacted by a Federal agency directly, the CD Coordinators must direct the agency to work directly with the CCMD.

d. NG personnel providing CD support to foreign military and foreign LEA outside of the continental U.S. shall be in a Title 10, U.S.C. duty status pursuant to authorities contained in references kk or ll. State CD Coordinators who receive Federal LEA requests for support of foreign LEAs or training of foreign personnel must route the requests through NGB-J32 Operations Branch to the appropriate CCMD. Employment of NG forces must be approved by the SecDef, or a designee, IAW Global Force Management processes and procedures.

e. Enduring Support Relationships. The CD Coordinator must establish a MOU with supported agencies for valid CD activities under reference b if it will last more than 30 consecutive days.

f. ASRs can remain valid for up to three years provided no substantial change to the nature and scope of the support provided by the State CD Program. CD Coordinators must validate multi-year ASRs on an annual basis within FTSMCS.

g. The CD Coordinator must establish that support activities' legal, force protection, public engagement, and RUF do not contradict Service, NGB, and TAG directives. Guidance and policies to govern the determination of RUF are outlined IAW State law within the State Plan and submitted for TAG, State Attorney General, and Governor approval, see reference i.

6. Non-CD related support requests. The LEA, Office of Emergency Services, or equivalent, requests to the State Director of the Joint Staff for non-CD support are governed by Enclosure A, paragraph 15, subparagraph g, of this manual.

ENCLOSURE F

AGENCY SUPPORT MISSION PLANNING

1. General. This enclosure describes the roles, processes, requirements and restrictions associated with the planning and execution of NG CD support operations, including operational briefings, force protection, and security considerations.
2. Operational Briefings. Operational briefings ensure NG CD personnel understand the scope and nature of authorized activities, force protection considerations, information protection, physical security, Communications Security (COMSEC), and OPSEC. These briefings must be completed and documented prior to NG CD personnel supporting any CD activity. A template for operational briefings is found at Appendix A to this enclosure.
 - a. NG personnel executing CD support operations must not directly participate in law enforcement activity such as search, seizure, arrest, or other similar activities. Additionally, the support may not place NG CD personnel in direct contact with suspects or civilians, cause NG CD personnel to become involved in the chain of custody for any document or data, or involve storing gathered information in NG facilities or databases.
 - b. The CD Coordinator ensures that all NG CD personnel supporting LEAs' or CBOs' CD activities receive an operational briefing, which must also include actions to be taken when reinforcement of the operation is required. For those CD activities which involve multiple NG CD personnel, the CD Coordinator may delegate this responsibility to the senior NG officer or NCO in charge.
 - c. The CD Coordinator, or a designee, ensures all NG personnel receive briefings on force protection, security, RUF, chain of custody, and break contact plans as outlined in this manual when the CD activity may result in any of following circumstances: potential for contact with suspects or civilians; multi-jurisdictional operations; air operations with new personnel; operations involving motor convoys, or new terrain.
 - d. The CD Coordinator, or a senior leader in charge, documents operational briefings, including the briefing topics, prior to every CD mission or activity through an attendance roster verified by the CD Coordinator. A record of operational briefing, including the briefing topics and attendance roster, must be uploaded as supporting documentation to each Agency Support Request Mission in FTSMCS.
3. Risk Management. All NG CD personnel must ensure that pre-operation (liaison) coordination and planning with supported LEAs and CBOs address the risk management of personnel and equipment throughout the operation IAW Enclosure I of this manual.
4. Personnel Protection. The CD Coordinator must ensure reasonable safeguards are in place before performing any activity to ensure personnel do not enter into life-

threatening situations, or come into direct contact with suspects or civilians during the conduct of authorized CD support activity. NG personnel will employ all such safeguards, abide by all CD Coordinator guidance, and must not knowingly enter into life-threatening situations.

a. The CD Coordinator or the NGCS Officer in Charge coordinates safety conditions and establishes jurisdictional responsibilities between LEAs and CD mission support personnel. For CD activities with support LEAs which are habitual or routine, the CD Coordinator must document safety and jurisdictional responsibilities within a MOU IAW Enclosure D of this manual.

b. NG personnel will avoid the disclosure of equipment capabilities, personnel, or unit identification in photographs, video recordings, or printed articles.

5. OPSEC. The CD Coordinator, or a designee, must ensure that authorized CD support operations satisfy OPSEC procedures IAW references mm and nn. OPSEC briefings are administered as part of operations briefings, where appropriate, or separately, as required.

6. Handling of Law Enforcement Sensitive/Law Enforcement Case Information. Policies and procedures to ensure protection of CUI (Controlled Unclassified Information) stored on information management systems, and reception methods for transmitting voice and hard copy information comply with reference oo.

a. Protective Markings of CD Program and NGCS Official Documents. CD Coordinators and NGCS Commandants must ensure that all CD plans, operations plans, orders, MOUs, school training records, course files, and other sensitive documents, are marked IAW current Service component and DoD information classification regulations. The most common classification for CD documents is CUI.

b. Dissemination. CUI material disseminated to authorized persons outside DoD must be marked with (by type or stamp): "This document contains information EXEMPT FROM MANDATORY DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT. Further distribution is prohibited without the approval of the Office of Primary Responsibility (OPR)." The OPR is located inside the State holding ownership of documents so marked.

c. Law Enforcement Case Information. Military Information Systems employed by State NG CD Programs are not authorized to receive, store or transmit Law Enforcement case information. Law Enforcement case information, should never be disseminated or transported via military networks, external hard drives, or vehicles, unless approved by an appropriate authority as a transportation support activity.

d. Agency Support Requests. Materials such as Agency Support Requests (ASRs) or other information necessary to project, plan or execute authorized CD activities IAW an approved State Plan may be designated as "Law Enforcement Sensitive" by the

originating LEA (see Enclosure C for more information on ASRs). Law Enforcement Sensitive information must be treated and protected as CUI IAW reference oo. Law Enforcement Sensitive data, not including Law Enforcement case information or evidence, may be disseminated via military networks on a “need to know” basis for mission approval and planning purposes only.

7. Arms and Ammunition. NG CD operations involving the use of arms and ammunition must be authorized by State law, annotated in the State Plan, reviewed by the State Attorney General, if applicable, and approved by TAG in coordination with the servicing SJA prior to armed operations.

a. Prior to NG CD armed operations, the CD Coordinator must coordinate with the supported LEA leadership.

b. An individual must receive qualification training and testing with their assigned (by serial number) CD weapon IAW current service regulations, IAW references pp and qq.

c. Only Federal property book weapons (lethal or non-lethal) are authorized for use by NG personnel during CD activities to support LEAs.

d. Arms and ammunition are secured in a military storage facility IAW reference rr, Chapter 8, and ss, and will comply with all applicable State and local regulations at all times. Storage of Federal weapons at a personal domicile is not authorized.

e. Possession or use of non-issued or personally-owned lethal or non-lethal weapons or ammunition during CD-supported operations is prohibited. This paragraph is intended for Operational Counterdrug Activities only and not intended to interfere with TAG approved weapons policies within NG facilities.

f. NG personnel may not accept offers of weapons or ammunition from LEAs, except for use on LEA-operated ranges for training purposes only. NG personnel may not provide ammunition to non-military persons.

g. Lethal or non-lethal weapons may not be discharged except for training or to defend oneself, or other persons, in a life-threatening situation IAW pre-established RUF. The discharge of any firearm is always considered to be deadly force.

h. Personnel authorized to carry firearms must wear body armor while actively engaged in the CD activity requiring a firearm to be carried. The CD Coordinator determines what authorized CD activities Service members perform which require firearms. Pilots and aircrew involved in CD flight operations must comply with reference l.

i. Pilots In Command or Aircraft Commanders have the authority to override an order to chamber rounds while on board aircraft. Additionally, capsaicin-type deterrent

devices are not authorized during transportation aboard aviation assets. Arming of pilots is considered an armed state.

j. An ammunition account may be established to support missions within the CD Support Program through their Total Ammunition Management Information System Derivative Unit Identification Code account. This Derivative Unit Identification Code is for ammunition management purposes in Total Ammunition Management Information System only and does not identify the CD Program as a unit in The Army Authorization Documents System.

k. Operational ammunition must be secured and accounted for IAW Service regulations.

l. Operational load requirements will not exceed a similar unit's combat load as applicable to the State CD Program size and authorized weapons.

m. The use of non-DoD-procured ammunition in a weapon accounted for as Federal equipment and through a property book is prohibited.

8. Minimum Force. NG members may use minimum force (physically put hands-on, restrain, detain, subdue) to:

- a. Defend themselves or other persons.
- b. Protect NG and LEA property or prevent loss or destruction of evidence.

9. Uniform Considerations. NG personnel on FTNGD-CD must wear Service-issued or approved uniforms while on duty. CD Coordinators will ensure NG CD personnel conducting program management activities wear Service-issued uniforms while on duty.

a. CD Coordinators and NGCS Commandants may authorize the wear of civilian clothing for the direct performance of FTNGD-CD duty only when one or more of the following conditions is present:

(1) The military duty performed is in a physical office of the supported LEA or CBO and the senior LEA or CBO official requests that NG personnel not wear military uniforms.

(2) The military duty is in support of a LEA CD activity which might subject NG personnel to hostile targeting if affiliation with the CD activity were known.

(3) The military duty is in support of a LEA CD activity in which military affiliation or detection might compromise LEA investigations.

b. All authorizations of non-standard uniforms must be written and maintained in the State CDP records for a minimum period of five years. This requirement is inspectable by the NGB-J32 Compliance Assurance Program.

c. The CD Coordinator or NGCS Commandant must notify NGB-J32 Operations Branch (via email) of the intent and basis for authorization prior to any use of non-standard uniforms in NG CD activities.

d. CD Coordinators must ensure that NG personnel supporting LEA CD activities or CBO prevention programs in non-standard duty uniforms do not wear LEA-issued uniforms or other apparel or badges resembling any civilian LEA. NG CD personnel must ensure their physical appearance and apparel does not lead members of the public to perceive NG CD personnel as law enforcement officers.

e. Flight crews wear uniforms designated by the respective services for crew safety.

f. CD Coordinator coordinates with state USPFO and Central Issue Facility to exchange equipment or uniforms contaminated or destroyed in relation to CD support activities.

g. NG personnel wearing civilian attire as approved by the CD Coordinator or NGCS Commandant adhere to Service grooming standards.

10. Cover and Aliases. NG personnel performing CD activities are not authorized to directly participate in cover activities. NG personnel supporting LEA CD activities must not prepare or employ Cover operations and techniques, to include the use of aliases or false or assumed identities.

APPENDIX A TO ENCLOSURE F
AGENCY SUPPORT MISSION PLANNING

Operational Briefing Template

1. Mission Overview
 - a. State Law requirements
 - b. DoD Policy restrictions
 - (1) No direct participation in search, seizure, arrest
 - (2) Physical custody of evidence
 - c. Presence or likelihood of civilians
2. Terrain/Environmental Review
3. Force Protection considerations
 - a. RUF (if applicable)
 - b. Arms and Ammunition
4. Information Protection considerations
 - a. Evidence chain of custody
 - b. Handling of Law Enforcement Sensitive Information
 - c. Use of NG equipment/Military Information Systems
5. Physical security
 - a. Risk Assessment
 - b. Authorized uniform/appearance
 - c. Break Contact Plan
6. COMSEC
7. OPSEC
8. Supported Agency Specific Requirements

Figure 3. Operational Briefing Template

ENCLOSURE G

CD TRAINING

1. Three Lines of Effort for Training. The NG CD Program has three lines of effort for training: State Plans training, Program Management training, and NGCS training. This enclosure outlines procedural and planning requirements and other considerations for State Plans training of LEA and Program Management training. For procedural guidance and requirements related to NGCS training, see Enclosure H.
2. State Plan Training. The SecDef may provide funds to the Governor of State who submits a State Plan satisfying the requirements IAW reference b. State CD Coordinators will conduct only that State Plan training identified in the annual State Plan as approved by OSD. To the maximum extent possible, CD training for LEAs should be conducted at the NGCS. Proposed LEA training included in State Plan must be militarily unique, identify the type of training, provide a brief description of the skill, tactic or technique conveyed, the intended recipient of the training (LEA or CBO by name), the number of individual recipients, and the projected cost associated with the training activity.
3. Reporting. NG CD Program will report all State Plan training activities to NGB-J32 in their Annual Assessment by the first Monday of November in the succeeding fiscal year in order to meet OSD annual reporting requirements to Congress. Reports on NG State Plan training must include an assessment of benefits to readiness and the effects the activities have toward achieving the Governor's stated CD objectives.
4. Restrictions on State Plan Training. Training for LEAs through State CDPs must have a counterdrug nexus and support the objectives and lines of effort of National and DoD CD strategies, consistent with references a, d and guidance received from DASD(CN>).
 - a. NG CD Coordinator must obtain prior coordination through NGB-J32 with USD(P), the Joint Staff, and the appropriate CCMD for partner nation support, as applicable, in order to provide CD training for foreign military or foreign LEA personnel IAW references d, kk, and ll. Final approval is USD(P).
 - b. State Plan training must not provide advanced military training as defined in reference d.
 - c. State Plan training must focus on militarily unique capabilities and skills not readily available outside DoD to Federal, State, local, and Tribal Law Enforcement and community-based organizations (CBOs) to support LEA and CBO drug interdiction and drug-demand reduction activities.
 - d. State Plan training of civilian LEAs or CBOs on any military topic by NG CD Service members is based on, and consistent with, established Service training

doctrine, including the program of instruction. State Plan training of civilian LEAs or CBOs must not include skills, techniques, procedures, tactics, or information restricted or protected by DoD or Service policy.

e. Only NG CDP Service members are authorized to conduct State Plan training of civilian LEAs or CBOs. Contracted personnel are not authorized to conduct State Plan training.

5. Program Management Training. NGB-J32 establishes, plans, executes, and assesses NG CD Program Management courses in order to train State CDP personnel and enable support of day-to-day operations of the NG CDP. NG CD personnel assigned or attached to the NGB-J32, State NG CD personnel under the direction and supervision of NGB-J32, NGCS under an approved program of instruction, and service component training centers are authorized to conduct Program Management training.

a. NGB-J32 Training Section publishes the yearly training calendar for Program Management courses at the beginning of the fourth quarter of the fiscal year.

b. Appendix A to this Enclosure reflects the associated basic CD Program Management courses and personnel required to complete the courses within 6 months of assignment. Exceptions to this requirement must be submitted to the NGB-J32 Division Chief, or their designee, through the NGB-J32 Training Section.

6. Functional Activities Training. Functional activities training is a subset of Program Management training. The CD Coordinator must ensure Service members assigned to CD activities have the appropriate knowledge, skills, and experience to perform their duties. NG CD Program personnel must receive functional activity training prior to executing the following CD activities:

a. Linguist and Translator Training. Linguists must possess the appropriate language skill identifier awarded under the Defense Language Proficiency program. Language training may include dialect, mission-specific, and immersion training to ensure Linguists are able to comprehend and properly translate trans-regional and global dialects within their assigned languages. Linguists executing criminal analysis activities in conjunction with translation or transcription activities must also obtain the training listed in Appendix A of this enclosure.

b. Analysis Training. Refer to Appendix A of this enclosure.

c. Communications Training. Service members supporting this activity must be Service-trained and qualified.

d. Engineer Training. CD Coordinators providing engineer support ensure personnel are Service-trained and qualified.

e. Diver Training. Divers supporting CD activities complete an approved DoD diver qualification course and all applicable currency dive training.

f. Transportation Training. CD Coordinators who provide transportation support must ensure all participants are Service-trained and qualified.

g. Drug Demand Reduction Outreach Training. Refer to Appendix A of this enclosure.

h. Ground Reconnaissance/Observation. Refer to Appendix A of this enclosure.

i. Aerial Reconnaissance/Observation. LEA personnel on board military aircraft during aerial reconnaissance and observation missions are considered crew members for the purposes of mandatory training. As such, LEA personnel on board military aircraft must receive initial and annual refresher training in aircraft orientation and safety, aerial observation and reconnaissance tactics, techniques, and procedures (TTPs) normally associated with reconnaissance and observation techniques but tailored to the CD mission, operational areas, and day/night flying. Annual refresher training is required for LEA officers who continue to perform such CD aerial operations. The CD Coordinators maintain training records of LEA personnel and upload to the ASR mission module of FTSMCS. The SAAO/ANG Flying Unit Commander, in coordination with the CD Coordinator, conducts CD aviation unique training of LEA aerial observer/marijuana spotters on the mission-specific aircraft (UH-72, UH-60, RC-26, etc.). Orientation flights (one hour recommended) for new LEA aerial observers are required.

(1) The SAAO ensures aviators performing CD missions are qualified, trained, and have completed annual refresher training in the aircrew tasks to be performed. The SAAO provides a training record to the CD Coordinator which must include:

- (a) Safe aircraft operational hazards.
- (b) Aircrew coordination.
- (c) Internal aircraft communication systems.
- (d) Aircraft safety and emergency considerations.
- (e) Night flight, visual illusions, and light conservation.
- (f) CD mission and areas of operation TTPs.

(2) The SAAO, CD Coordinator, and supported LEA must ensure LEA personnel involved in CD aviation missions are trained in aircraft safety and proper operation of applicable sensor equipment.

7. Initial Entry CD Training. State CD Coordinators will train newly appointed NGCD Service members upon entry to the CD Support Program and upload supporting training records to FTSMCS. CD Coordinators ensure initial entry training covers the following subjects:

- a. Legal restrictions and limitations.
- b. Avoiding direct participation in law enforcement activities.
- c. Chain of command.
- d. Information handling and intelligence limitations.
- e. Rules of evidence.
- f. Safety.
- g. Force protection.
- h. Duty status.
- i. Tort protection.
- j. Ethics and standards of conduct IAW reference tt.
- k. Pay, allowances, and leave.
- l. Medical and dental benefits.
- m. Public Affairs.
- n. Prohibited practices.
- o. Use of Force.
- p. NGB-approved CD strategy.
- q. CD-authorized activities.
- r. DoD restrictions on Intelligence and Intelligence-related activities.
- s. Unit-specific requirements.

8. Risk Management Training. All Service members will receive annual safety and risk management training IAW Enclosure I.

9. Individual Weapons Qualification. Refer to Enclosure F.

10. CDP Initial Entry and Annual Doctrinal Training. CD Coordinators and NGCS Commandants provide initial and annual doctrinal training. CD Coordinators and NGCS Commandants must validate completed training requirements by Memorandum For Record with sign-in rosters, training schedule, agenda, and briefing slides attached. CD Coordinators and NGCS Commandants must upload the completed training validation memorandum and supporting documents to State Plan supporting documents in the Case Management Module of FTSMCS.

a. Initial Entry training is completed and validated no later than 30 November of each fiscal year.

b. Annual Doctrinal Training is completed and validated no later than 31 August of each fiscal year.

APPENDIX A TO ENCLOSURE G
CD TRAINING

Program Management Courses					
<i>Course Name</i>	<i>Proponent</i>	<i>Training Method</i>	<i>Required For</i>	<i>Days</i>	<i>Frequency</i>
Senior Leader's Course	NGB	Residence/ Virtual	CD Coordinators / Commandants/ Senior Enlisted Advisor	4	Once / refresher recommended every 3 years
CD-Resource Management Course	NGB	Residence/ Virtual	Finance Managers	5	Once
CD Safety Course	NGB	Residence	Safety OIC/ NCOIC	3	Once
FTSMCS Course	NGB	Residence / Virtual	Information Management Administrators	5	Once
CD Personnel and Administration Course	NGB	Residence / Virtual	CD Administrative OIC/NCOIC	3	Once
State Plan Writer's Workshop	NGB	Virtual	1 PAX per CDP	1	Once a Year
Aviation Interdiction and Policy	NGB	Residence / Virtual	Pilots in Command	3	Once
Functional Areas Courses					
<i>Course Name</i>	<i>Proponent</i>	<i>Training Method</i>	<i>Required For</i>	<i>Days</i>	<i>Frequency</i>
Criminal Analysis Phase 1	NGB	Residence / Virtual	All Analysts personnel	6	Once
Criminal Analysis Phase 2	NGB	Residence	1 PAX	10	Once
Drug Demand Reduction Civil Operations Phase (DDRCO) Phase 1	NGB	Residence / Virtual	All DDRCO personnel	5	Once
Drug Demand Reduction Civil Operations Phase (DDRCO) Phase 2	NGB	Residence	1 PAX DDRCO Personnel per CDP conducting DDRCO	6	Once
Ground Reconnaissance Phase 1	NGB	Blackboard	All Ground Reconnaissance /Observation personnel	Online	Once
Ground Reconnaissance Phase 2	NGB	Residence	1 PAX per CDP conducting GR /GO	12	Once

Figure 4. Functional Area and Program Management Training

ENCLOSURE H

NATIONAL GUARD COUNTERDRUG SCHOOLS

1. NG CD Schools (NGCS). The NGCS provide training in military unique capabilities and skills not readily available outside DoD to Federal, State, local, and Tribal law enforcement, CBOs, and military personnel to improve drug interdiction and drug-demand reduction activities. Reference f, as amended by reference uu, established the authority for the NG to operate the five regional CD training centers. The five NGCS are:

- a. The Multi-Jurisdictional CD Task Force Training, Camp Blanding, Florida.
- b. The Midwest CD Training Center, Johnston, Iowa.
- c. The Regional CD Training Academy, Meridian, Mississippi.
- d. The Northeast Regional CD Training Center, Fort Indiantown Gap, Pennsylvania.
- e. The Western Regional CD Training Center, Camp Murray, Washington.

2. Roles and Responsibilities.

a. At the direction of the Director of the NGB-J3/4/7, the NGB-J32 develops policy and procedural guidance for the NGCS including planning, timelines and milestones, program structure and curriculum cycles, the use of resources, and quality assurance of NGCS program efforts.

b. NGB-J32, Training and NGCS Functional Manager. The Functional Manager implements procedural guidance and provides technical assistance to the five NGCS in operations, planning, curriculum and budget development, and procurement. The Training Section conducts monthly NGCS teleconferences; supports the NGCS Executive Steering Committee and manages annual curriculum reviews; and coordinates, reviews, and prepares NGB submissions on NGCS Activity Plans and annual activity assessments.

- c. State TAG. As stated in Enclosure A.
- d. CD Coordinator. As stated in Enclosure A.
- e. NGCS Commandant. As stated in Enclosure A.

f. NGCS Advisory Board. Each NGCS maintains an Advisory Board, including published charter and by-laws documenting the structure and role of the board. Each Charter and by-laws are uploaded in FTSMCS. Charter and by-laws are reviewed at least every two years. Charter and by-laws direct the membership, meeting schedules, and scope of duties.

3. Mission Alignment Categories. There are three mission alignment categories approved by the DASD(CN>).

a. Mission Alignment Category 1. Courses that are militarily unique and represent a capability that LEAs cannot readily replicate. These militarily unique skills address a law enforcement capability gap relative to counterdrug operations.

b. Mission Alignment Category 2. Courses that teach a skill that is neither militarily unique nor commonly available to military or LEA which aligns with DoD CD objectives and lines of effort. This category addresses emergent law enforcement requirements.

c. Mission Alignment Category 3. Courses that are program management courses for the execution of NG CDP.

4. Course Development Criteria. Course criteria are established by DASD(CN>), communicated by NGB-J32 to the NGCS, and validated by the Executive Steering Committee. NGCS develop and maintain course curricula using the following criteria:

a. Course curricula must have a clear CD nexus, align with DoD and national drug control policy, and provide instruction based on militarily-unique skills which can be applied to LEA CD activities.

b. Course curricula must not convey basic LEA skills or commonly expected LEA competencies, not provide advanced military training, as defined in reference d, or tactics, techniques, or procedures restricted or classified by DoD or Service policy.

c. Courses involving skills, activities, or functions for which DoD lacks established policy, doctrine, or guidelines must be drafted by the NGCS, briefed to and validated by the Executive Steering Committee, and submitted to the DASD(CN>) for staffing and approval.

5. Executive Steering Committee.

a. The NGCS Executive Steering Committee aligns NGCS curriculum and courses with DoD guidance, integrates input from NGCS leadership and State CD Coordinators, ensures compliance with NGB Joint Staff, ARNG, ANG, and DASD(CN>) requirements, sets NGCS priorities, and reviews NGCS program structure. The Director of the NGB-J3/4/7 certifies the yearly Activity Plans of each NGCS.

b. Membership: Voting members are appointed by the Director of the NGB-J3/4/7 via memorandum.

c. Participants: Non-voting participants, such as senior civilian LEA officials, High Intensity Drug Trafficking Area Program directors and NGCS personnel, may attend Executive Steering Committee sessions to represent stakeholder perspective and interests.

d. Meetings: The Executive Steering Committee meets quarterly. Meetings are normally open to non-voting participants. The Chair of the Executive Steering Committee may hold closed meetings at his or her discretion.

e. NGCS Curriculum Review Timeline.

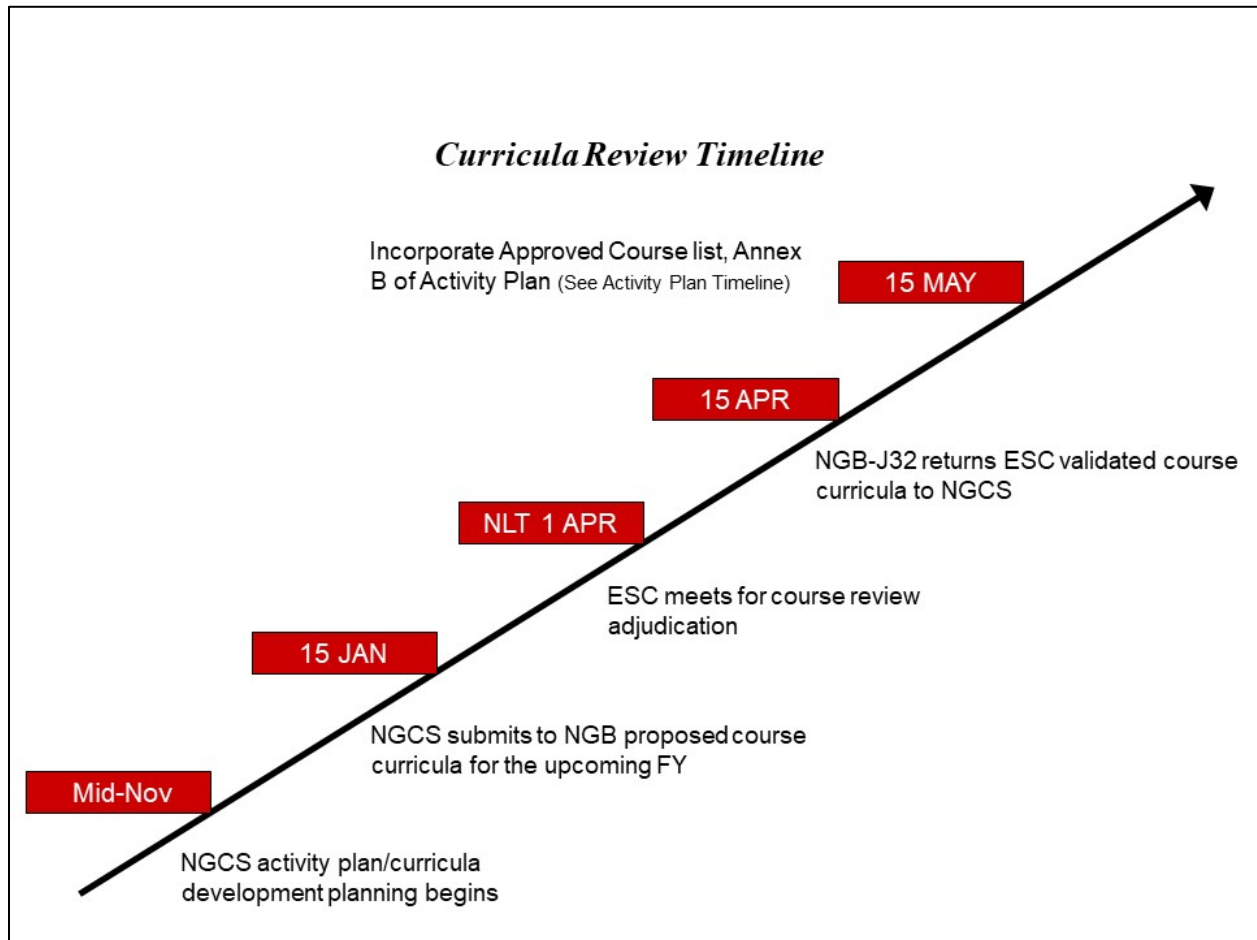


Figure 5. Curricula Review Timeline

6. NGCS Activity Plans.

a. Each NGCS Commandant prepares a yearly activities plan according to the timeline below. An activities plan will include:

(1) An Executive Narrative which explains the planning and prioritization for training and the benefit to DoD CD strategy.

(2) An NGCS Program Structure section establishing a breakdown of personnel, personnel functions, and associated costs.

(3) A Summary of O&M Purchases and Facility Forecast section, in which the NGCS Commandants must list any projected purchases with a per-item cost greater than \$5K in Appendix A of the plan.

(4) A summary of course alignment categories, the percentage of civilian agencies supported, and a summary of the type of instruction.

(5) An Activities Plan signed by the NGCS Commandant or State CD Coordinator for that school's location, and TAG of that State before being submitted to NGB-J32 for coordination with the Director of the NGB-J3/4/7.

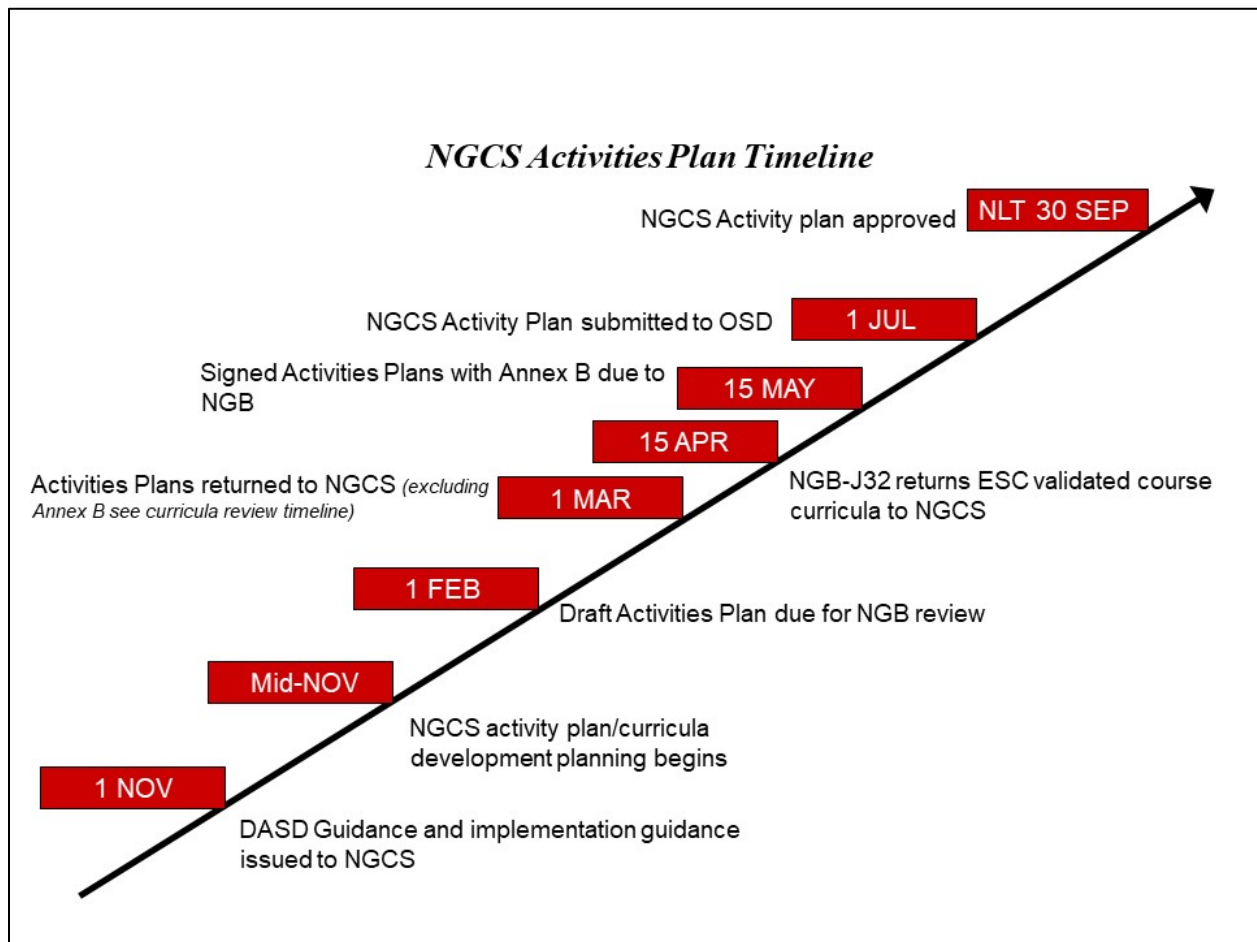


Figure 6. NGCS Activities Plan Timeline

7. Instructors. To the maximum extent practicable, NGCD military personnel provide course instruction for all Mission Alignment Category 1 courses. NGCD military personnel may provide course instruction for Mission Alignment Category 2 courses with the assistance of contracted instructor support where necessary. NGCS will follow DoD and State contracting rules.

8. NGCS Students.

a. Selection. Each NGCS establishes standards for civilian student selection based on professional guidance and tailored to specific course requirements identified by each NGCS Board of Directors.

b. Student Orientation. Each course includes a student orientation to the facilities and NG equipment to ensure a safe and efficient environment.

c. Student Evaluations. Evaluations address course content, quality of instruction, and the facilities. NGCS Commandants and the NGB-J32 use the results of student evaluations to review NGCS courses.

9. Funding, Entitlements, and Other Fiscal Information. Authorizations for NGCS expenditures can be found in reference ii for each fiscal year. Contract lodging and meals of DoD and non-DoD students in support of the CD school mission is authorized.

10. State Commandant. The NGCS Commandant is the State-coordinating authority for release of instructional material and student information.

a. All requests for NGCS student records must be in writing and reviewed by the school Commandant prior to release. The school Commandant may release student information to authorized officials from the supported LEA, CBO, and other supported organizations. Requests for NGCS student records not originating from the supported LEA, CBO, or other supported organization must be coordinated with the servicing Judge Advocate and the State NG Privacy and Freedom of Information Act (FOIA) official prior to release.

b. Student information requested by court order or subpoena will not be released until such request and information is reviewed by the servicing or State Judge Advocate.

c. All requests for NGCS instructional material must be in writing and reviewed by the school Commandant prior to release.

11. NGB-J32 Reporting Requirements. NGCS Commandants must report any of the following incidents through the NGB-J32 Operations Branch within 24 hours of an occurrence:

a. A student or staff member has died or been seriously injured.

b. A student on Temporary Duty orders is extended after the course is over due to unforeseen circumstances.

ENCLOSURE I

SAFETY AND RISK MANAGEMENT

1. Safety and Risk Management. Safety is a command responsibility at all echelons of the ARNG and ANG. Within State NGs, the ARNG State Safety Officer and the ANG Unit Safety Officer serve as the focal point for NG Safety programs executed IAW applicable Service regulations. Due to its unique and operational character, State CD Programs and NGCS must have a tailored safety program to reduce the risk of death or injury to Service members and civilians, and damage to vehicles, equipment, and property. CD Coordinators and NGCS Commandants must designate a representative who will participate in all State NG Safety Council activities. Additionally, for those States conducting CD aviation operations, CD Coordinators must designate a CD Safety Representative to serve as a member of the Army Aviation Support Facility or ANG Wing Safety Council.

a. State Safety Officers and Unit Safety Officers will:

(1) Assist the CD Coordinator, NGCS Commandants, and their respective CD Safety Officers in complying with Service-unique safety and risk management policies and procedures and preparing a CD-specific safety program.

(2) Serve as the principal point of contact for reporting death or injury to Service members and civilians, and damage to vehicles, equipment, and property that involve CD assets or activities.

(3) Serve as the principal support provider to CD Coordinators and NGCS Commandants; review findings and recommendations of mishap reports involving NG CD Program Service members or equipment.

b. Where the size and/or scope of a State's CD Program warrants, CD Coordinators or NGCS Commandants may require more focused safety program support. As appropriate, CD Coordinators and NGCS Commandants should:

(1) Appoint, in writing as an additional duty, one CD Safety Officer and one Safety NCO for programs larger than 20 personnel. Programs with fewer than 20 personnel will have, at a minimum, just one duty Safety Officer or Safety NCO. CD Safety Officers and Safety NCOs will complete the NGB-J32 CD Safety Course within six months of appointment.

(2) Establish a CD Safety Council for programs larger than 20 personnel. Smaller programs must be represented on the State Safety Council. Each NGCS will have a Safety Council.

(3) Regardless of CD Program size or scope, CD Coordinators and NGCS Commandants will:

- (a) Notify the NGB-J32 Safety Officer of all CD mishaps or reportable incidents (see reference vv and reference ww).
- (b) Ensure the use of the Risk Management Process.
- (c) Ensure organizations requesting and receiving NG CD Program support receive safety and risk management briefings relevant to each specific mission.
- (d) Publish an annual CD Safety and Risk Management Program Memorandum and Safety Philosophy addressing goals, objectives, and risk management during planning and mission execution.
- (e) Ensures all Service members are trained not to text while driving IAW reference xx.
- (f) Ensure a mishap report is filed using FTSMCS for personnel who are injured in the line of duty.
- (g) Review Risk Management in State MOUs, MOAs, RUFs and operational support agreements between the States. In the event of a reportable incident, develop post-incident reporting in conjunction with interstate support.

(4) CD Safety Officer will:

- (a) Develop and implement a Safety and Risk Management Standard Operating Procedure (SOP) for the State CD Program or NGCS, addressing each mission area contained within the State Plan or NGCS Activity Plan.
- (b) Coordinate with the ARNG and ANG Safety Officer for the respective State to ensure the Safety and Risk Management SOP and related directives do not conflict with the published ARNG/ANG Mishap Prevention Program.
- (c) Schedule and conduct annual safety classes for all State CD Service member (as a component of annual briefing requirements outlined in Enclosure G).
- (d) Coordinate with the State Occupational Health Professional and Ground Safety Officer IAW reference yy.
- (e) Include performance evaluations of safety and occupational health IAW reference zz.
- (f) Maintain safety files, statistics, and literature IAW references vv and ww, and applicable ANG directives.
- (g) Review, submit, and implement corrective actions as required by mishap reports. The safety representative at the site will complete a mishap or injury report.

A copy of the report is sent to NGB-J32, Safety Section, and to the unit where the Service member and equipment is permanently assigned.

(h) Verify all mishap data related to NG support to CD activities is entered into the safety module contained in FTSMCS within three workdays of the reportable mishap or accident. Upon completion of the investigative report, verify the report is closed in the safety module contained in FTSMCS.

(i) Ensure all personnel receive a local area hazard safety briefing addressing local area conditions, potential health problems, and/or potential hazardous conditions. Risks associated with requesting organization interaction must be included.

(5) Unit Commanders supporting CD operations “incidental to training” will:

(a) Implement adequate safety policies and procedures.

(b) Report mishaps or accidents through the chain of command.

(c) Inform the CD Coordinator of any Class A-F mishaps (as explained in the safety references).

c. All Service members conducting CD activities will comply with the Service safety regulations, policies, and procedures in addition to those established by the CD Coordinator, the CD Safety Officer, and the Mission Commander. Individual Service members conducting CD activities will:

(1) Make immediate on-the-spot corrections, regardless of rank, when unsafe practices or conditions are observed.

(2) Report all unsafe conditions to the CD Coordinator, the NGCS Commandant, or the Safety Officer or Non-Commissioned Officer when on-the-spot corrections cannot be made and/or residual risks remain.

(3) Report all mishaps through the chain of command immediately to the Safety Officer or Non-Commissioned Officer.

2. Risk Management Process. Risk Management is a required process for leadership to use in achieving the goal of preventing mishaps. IAW reference zz and reference aaa, the Risk Management Process focuses on:

a. Identifying hazards.

b. Assessing hazards to personnel, equipment, and the mission.

c. Developing controls and making risk mitigation decisions.

- d. Implementing controls.
- e. Supervising and evaluating.

3. Risk Management Assessment. A risk management assessment must be completed for all missions and retained in the mission file in FTSMCS. Mission risk assessments should be completed using DA Form 2977 or alternate risk assessment forms, when formally approved. Signature approval authority must be IAW references zz and aaa. All missions are preceded by a risk management briefing that includes the risks and controls that are to mitigate identified mission risks.

4. State CDP Safety and Risk Management SOPs. A safety and risk management SOP is required and must include procedures for each mission area contained in the State Plan. At a minimum, the State and risk management SOP topics include:

- a. State risks.
- b. Local or regional risks within the State.
- c. Integration of risk management into the operation plan (OPLAN) and operation order (OPORD).
- d. LEA and CBO risk potential.
- e. Risk management procedures.
- f. Pre- and post-mission briefings.
- g. Annual Training requirements.
- h. Air and ground accident prevention plans.
- i. Air and ground pre-accident plan. The pre-accident plan will be rehearsed at least once annually and documented by a Memorandum For Record signed by the CD Coordinator.
- j. Local area hazard safety briefing.
- k. Participation in State NG Safety Council.
- l. Privately owned vehicle annual safety training.
- m. Motorcycle safety training requirements required by State laws, military safety regulations, and installation policies.
- n. Accident and mishap reporting.

- o. Medical response and pre-accident plans.
- p. Relevant environmental regulations.
- q. General aviation and ground safety principles and procedures.

6. NGCS Safety and Risk Management SOP. In addition to those items addressed in State Safety and Risk Management SOP, NGCS Safety SOPs must address:

- a. Risk assessments for all NGCS programs of instruction involving field exercises, hazardous materials, drugs, animals, or weapons.
- b. Risks specific to NGCS curriculum and courses.

7. Risk Management Training. CD Service members must receive initial and annual Safety and Risk Management Program training in the following areas:

- a. Annual CD Coordinator, or designee, Safety and Risk Management Program goals, objectives, and lessons learned.
- b. Annual and refresher privately owned vehicle and motorcycle safety awareness briefings (on- and off-duty) that, at a minimum, address:
 - (1) Local traffic hazards.
 - (2) Seat belt use.
 - (3) Inclement weather.
 - (4) Hydroplaning.
 - (5) Texting and cell phone use while driving IAW reference xx.

ENCLOSURE J

AVIATION OPERATIONS

1. Aviation Support for LEAs and CBO CD Operations and Activities.

a. Requirements for Aviation Missions. The NG provides operational support to LEA CD operations using both ARNG and ANG aviation assets. Aviation support to LEA CD operation consists of three categories of activity: aerial reconnaissance/ observation; aerial transportation involving tactical logistics; and aerial transportation involving controlled deliveries. All aviation support must be included within the approved State Plan. Aerial transportation missions for controlled deliveries which require aircraft larger than an RC-26 must be coordinated with the NGB-J32 Aviation Functional Manager or Regional Coordinator prior to execution. All other aviation operational support to LEA CD operations listed in the State Plan will be conducted after approval of the State Plan without further coordination with NGB-J32.

b. Aerial Reconnaissance or Observation. NG aviation assets used to support CD aerial reconnaissance or observation missions are funded by reference b appropriations, and primarily intended for use in CD operations. On occasion, requests to use CD equipment and personnel for non-CD purposes are made and supported under Immediate Response Authority. CD Coordinators must ensure all procedures set forth in Enclosure A, paragraph 15, are followed and provide written notification of the intent to use NG CD aviation assets under Immediate Response Authority to NGB-J32 Aviation Functional Manager prior to execution of the mission. This notification permits NGB-J32 to provide timely notification to senior NGB leadership and OSD as required by law, policy, or regulation.

c. CD Aviation Mission (Other than Controlled Deliveries) Approval Process. The CD Coordinator facilitates the approval process by:

(1) Confirming the requested support falls within one of the authorized mission categories approved in the State Plan.

(2) Approving the mission and establishing support effort priorities IAW State or national CD strategies.

(3) Coordinating ARNG and ANG mission execution with the SAAO or the ANG Flying Unit Commander.

d. CD Aviation Missions Involving Controlled Delivery Approval Process. For interstate aerial transportation missions involving controlled deliveries, CD Coordinators must coordinate a notice of intent to conduct interstate operations before commencing such operations. State CD Programs execute aerial transportation missions involving controlled deliveries only after meeting the following criteria:

(1) The State CD Program receives an official request from an appropriate official of the LEA with responsibility for counterdrug activities on official agency letterhead.

(2) The State CD Coordinator validates the following:

- (a) A CD nexus.
- (b) In support of an ongoing operation.
- (c) Which activity is time critical.

(d) The material to be moved remains under constant LEA control during the entire operation.

(3) Controlled delivery flights involving NG CDP personnel as crew are executed by a Pilot in Command or Aircraft Commander qualified through the Counterdrug Aviation Integration and Policy Course (AIPC). CD Coordinator submits requests for exception to policy for this requirement to NGB-J32 for approval prior to execution of any aerial transportation mission involving controlled delivery.

(4) Controlled delivery requests which cannot be sourced by the State CDP supporting the LEA must be forwarded to the NGB-J32, ATTN: Aviation Functional Manager/Regional Coordinator, for external sourcing. The request includes the following:

(a) Controlled delivery checklist (see Appendix A to this enclosure).

(b) CD Coordinator validated request from an LEA on official agency letterhead.

2. Planning Factors for CD Aviation Operations.

a. Mission Briefing and Preflight Planning. All CD Aviation operations must include all pre- and post- flight planning and briefing requirements IAW references bbb, ccc, ddd, eee, and fff.

b. ARNG and ANG CD Pilots and CD Mission System Operators. ARNG and ANG CD Pilots and CD Mission System Operators supporting aerial reconnaissance and observation or transportation activities are trained to operate within the authorized limits of these activities as defined in Enclosure B.

c. LEA personnel. The NG CD Program may transport LEA personnel on DoD aircraft for purposes of facilitating CD activities IAW reference ggg.

d. The SAAO, ANG Flying Unit Commander, Pilot in Command, or Aircraft Commander determines specific operational mission assessed risks. The risk assessment must be documented on an authorized Risk Assessment Worksheet. This will include a Risk Management Briefing and crew, observer, and passenger briefings unique to LEA support operations.

e. Rappel and Special Purpose Insertion and Extraction System. Certain CD missions may require Rappel and Special Purpose Insertion Extraction System (SPIES). Rappel/SPIES operations are specifically addressed in references aaa and k. Rappel/SPIES operations, including public demonstrations, are considered high-risk mission tasks and must meet certain training and risk management requirements. CD Coordinators validate CD aviation operations involving Rappel/SPIES and notify NGB-J32 Regional Coordinator. All aviation missions involving Rappel/SPIES are coordinated with, and approved by, ARNG Aviation and Safety Division.

3. Aviation Training. The SAAO, ANG Flying Unit Commander, or respective flying unit commander, is responsible for Aviation Flight Readiness Training. CD-unique doctrinal and operational training is the responsibility of the CD Coordinator.

a. Pilot qualifications for rotary or fixed wing aircraft fall under the authority of the ARNG or ANG proponent.

b. CD pilot and Mission System Operator thermography or sensory mission equipment training is required IAW Enclosure G.

c. The CD Aviation Integration and Policy Course (AIPC) is the entry level CD Aviation course for all newly assigned CD Aviation Crewmembers. CD Coordinators will ensure all CD Aviation Crewmembers attend the CD AIPC as soon as possible after date of hire. The following must attend the AIPC prior to:

(1) CD Pilots performing Pilot in Command or Aircraft Commander duties for CD aviation operations.

(2) Pilot in Command or Aircraft Commanders while in support of CD aviation operations incidental to training.

d. The Aviation Advanced Techniques Course is recommended for CD Pilot in Command, Aircraft Commanders, and Mission System Operators. The Aviation Advanced Techniques Course provides advanced CD training for experienced CD Aviation Crewmembers.

5. LEA Aviation Training. The CD Coordinator must validate all LEA aviation training requirements and coordinate with the SAAO, ANG Flying Unit Commander, or respective flying unit commander to provide LEAs with aviation training unique to CD activities. All CD aviation training for LEA personnel must be conducted by a

CD-trained Pilot in Command or Aircraft Commander on FTNGD-CD orders. CD Coordinators must ensure the following training requirements for LEOs are met:

a. LEOs involved in CD operations must receive familiarization training on ARNG or ANG aircraft communications systems and authorized mission equipment IAW reference ggg.

b. The SAAO, ANG Flying Unit Commander, Pilot in Command, or Aircraft Commander will determine specific training mission associated risks. The risk assessment must be documented on a DD Form 2977, Deliberate Risk Assessment Worksheet, or an authorized Risk Assessment Worksheet. This will include a Risk Management Briefing and crew, observer, and passenger briefings unique to LEA support operations.

c. The CD Coordinator must maintain LEA and LEO personnel training records for six years, and provide these records as required.

(1) Training must be conducted on mission-specific aircraft, which will only include U.S. Service aircraft, not otherwise restricted.

(2) One hour orientation flights for new LEA passengers are recommended. Initial qualification and annual refresher is outlined in Enclosure G.

6. Aviation Mission Risk Management. Risk management must be an integral part of the mission approval process. The LEA, CD Coordinator, and aviation force provider must all work collaboratively to ensure all risks are identified, risk mitigation plans developed and assessed, controls implemented, supervised, and evaluated. In addition to normal aviation risk factors, special emphasis must be placed on the following risks:

- a. Landing zone clearance.
- b. Presence of known or suspected hostile persons within landing clearing areas.
- c. Hazards encountered by NG, LEA, and civilian personnel during air and ground operations.
- d. Aircraft security for passengers and crew.
- e. Crew, observer, and passenger briefings unique to LEA support operations.

7. Aviation Logistics.

a. Flying Hour Program (FHP). State Plans must contain estimated FHP projections for CD operational support and must reflect aircraft mission, design, and series (such as: CH-47D/F, UH-60L/M, UH-72A, C-12 or RC-26B). FHP must identify monthly flying

hour obligations projections in monthly, quarterly and annual increments in the State Plan.

b. Flying Hour Program (FHP) Resources.

(1) NGB-J32 determines flying hour requirements IAW State Plans and supplies them to the ARNG Aviation and Safety Division or ANG Operations Directorate for the annual FHP. In addition to identifying flying hour requirements within the State Plan, CD Coordinators must submit FHP Obligation Plans through FTSMCS.

(2) NGB-J32 is accountable for the authorization of CD FHP operating tempo (OPTEMPO) hours for ARNG CD FHP (VCNA). The ARNG and ANG are responsible for the use of CD flying hour OPTEMPO funds as issued by the respective Services.

(3) The CD Coordinator, in coordination with the SAAO and ANG Flying Unit Commander, must coordinate FHP requirements before the annual State Plan submission.

(4) VCNA Funds will be allocated for:

- (a) Missions supporting LEA CD operations or CBO events and activities.
- (b) Essential transportation for planning CD operations.
- (c) Training Service members, aircrews, and LEA personnel supporting CD activities.
- (d) Emergency situations and unplanned requirements.

(5) The SAAO and ANG Flying Unit Commander report missions flown and flight hours executed on FTNGD-CD orders in the Case Management module of FTSMCS. Monthly FHP reporting dates in CD Information System of Record must coincide with DA Form 1352 (Army Aircraft Inventory, Status, and Flying Time Report) or ANG monthly flying hour reporting periods.

(6) OSD requires quarterly and annual OPTEMPO reports on planned and executed flying hours for CD operational support. CD Coordinators must enter all CD flying hour reports into FTSMCS no later than the final calendar day of each month. This permits the NGB-J32 Aviation Functional Manager to compile and submit monthly CD Flying Hour Execution Reports to OSD in a timely manner.

(a) NGB-J32 submits quarterly FHP Execution Reports to the ARNG Aviation and Safety Division on the first day of the following quarter.

(b) CD Coordinators must enter all CD flying hours reports into FTSMCS no later than the 20th day of the month at the end of the each fiscal quarter (December, March, June, and September) in order for NGB-J32 to meet its suspense.

(c) Quarterly Flying Hour Program reporting dates must coincide with Department of the Army DA Form 1352 or ANG monthly flying hour reporting periods.

8. Aviation Staffing. CD aviation staffing recommendations are based on minimum CD aviation mission support requirements. CD manning may complement an aviation unit's operational support or staffing requirements to enhance aviation operational readiness related to meeting CD support requirements. The CD Coordinator and SAAO determine the appropriate support relationship and may include pilots, instructors, and maintainers, using the following criteria:

a. CD flight crew staffing requirements are not restricted or expanded to meet an ARNG flight facility or ANG unit's Active Guard and Reserve or military technician duty requirements.

b. CD Coordinators determine the optimal CD aviation staffing requirements according to the State's unique circumstances such as OPTEMPO, geography, stationing, and other factors.

c. CD Coordinators select a CD Aviation Officer in Charge. CD Coordinators staff, resource, and manage CD aviation operations to ensure LEA support requests are actioned in a timely, safe, and adequate manner to satisfy mission objectives.

d. For a viable CD aviation capability, the minimal recommended staffing level is two CD Pilots and one Crew Chief on FTNGD-CD orders for every 250 hours of planned flight time annually IAW the State Plan.

APPENDIX A TO ENCLOSURE J

STATE CONTROLLED DELIVERY PROCESS CHECKLIST TO COUNTERDRUG
AVIATION OPERATIONS

STATE PROCESS CHECKLIST -- COUNTERDRUG CONTROLLED DELIVERY	
Step 1	Submit Date:
Requesting Law Enforcement Agency (LEA):	
LEA Point of Contact (POC): Name:	
Phone #:	Alternate Phone #
Validation of Controlled Delivery (must meet the criteria below)	
a. Have a CD link:	
b. Part of ongoing operation:	
c. Time Critical in nature:	
d. IN AGENT POSSESSION at departure airport /HAZARDOUS MATERIALS inspection complete.	
Support Request Letter received from LEA:	
Support Request Synopsis:	
NG Requesting State:	
NG Requesting State POC Name/phone #:	
Cargo:	
Prior coordination for aircraft? Yes / No	
Desired Arrival Date and Time:	
Last possible arrival date and time:	
Need to know by date and time:	
Point of Origin:	Airport Identifier:
Destination Airport:	Airport Identifier:
Passenger Count: #	
Suspects-in-custody/Confidential Informants:	
Number of Agents/Officers:	
Step 2	
Contact NGB-J32 CD Aviation Functional Area Point of Contact	
Phone: 703-607-5399	
Email: ng.ncr.ngb-arng.mbx.ngb-j3-cd-state-plans@mail.mil	

Figure 7. State Process Checklist

ENCLOSURE K

ACQUISITION AND LOGISTICS MANAGEMENT

1. Acquisition and Logistics Management Roles.

a. The CD Coordinator or NGCS Commandant will:

(1) Account for all equipment in the CD Program or NGCS in accordance with ARNG and ANG inventory control systems.

(2) Ensure CD-funded equipment is clearly marked "For Authorized CD Use Only".

(3) Maintain and sign ARNG and ANG property books annually and with each addition or deletion of property. Conduct inventory of all ARNG, ANG and CD property quarterly or monthly, as required by Service supply discipline regulations.

(4) Appoint a Logistics Readiness Officer or NCO to manage and supervise CD-funded equipment and supply inventory and accountability.

b. The Logistic Readiness Officer or NCO:

(1) Maintains CD-funded equipment IAW ARNG command supply discipline regulations and reference hhh.

(2) Maintains accountability of CD-funded equipment through Hand Receipts (DA Form 3161 or 2062 or AF IMT 1297) and develops and maintains a State CD Logistics SOP.

(3) Ensures all CD-funded equipment is clearly marked as "For Authorized CD Use Only".

(4) Handles weapons and ammo IAW ARNG and ANG regulatory requirements.

2. Acquisitions. Operational acquisitions is defined as a requirement for basic supply and service needs which support only a particular office or region of a State CD program. State USPFO Contracting Office provides operational acquisitions and contracting support for State CD programs.

3. Acquisition Regulations. All CD-funded acquisitions and contracting support activities must comply with all applicable Federal, DoD, and State regulations and instructions. DoD policy places additional restrictions on the use of CD funds to purchase certain types or classes of equipment. CD Coordinators and NGCS Commandants must consult with their servicing JA, USPFO, and NGB-J32 Regional

Coordinators prior to committing CD funds to any purchase of services or any purchases of equipment more than \$5,000.

a. CD personnel responsible for project management and ordering activities must be familiar with basic Federal regulations and instructions including the Purpose Statute (reference iii), references jjj, kkk, III, and the Anti-deficiency Act (reference mmm), and general fiscal law principles such as the Bona Fide Needs Rule. Any questions should be coordinated with a State's servicing JA or other appropriate State civilian attorney advisor.

b. CD Coordinators and NGCS Commandants should consult with their Supervisory Contract Specialist to determine whether the appointment of a Contracting Officer's Representative is warranted for the State CD Program. Where warranted, the Contracting Officer's Representative is nominated by the CD Coordinator and the Contracting Officer appoints the Contracting Officer's Representative, in consultation with the USPFO, to manage and monitor detailed activities associated with each contract. Duties include inspecting goods and services, monitoring contractor activities, and certifying contract invoices.

c. State USPFO provides contracting support for approved CD acquisitions and contracts. The contracting authority remains with the NG Head of Contracting Activity and Senior Contracting Official.

4. Limitations on Acquisitions. CD Coordinators and NGCS Commandants must request OSD approval for all purchases of digital imaging tools, secure communication equipment and expenses for the establishment or installation of classified networks. Use the procedures described in paragraph 5 of this enclosure for these requests.

5. Acquisitions more than \$5,000. State CD Coordinators and NGCS Commandants must submit all requests for single item purchases of more than \$5,000 for approval by the Chief of the NGB-J32, NGB-J3/4/7, or OSD depending on the cost thresholds.

a. State CD Coordinators should consider the availability of existing ARNG or ANG equipment, before submitting such purchases. CD Coordinators must also consider the future costs of maintaining equipment that is purchased with CD funds.

b. All projected equipment purchases more than \$5,000 per item must be listed in the State Plan with sufficient detail to identify the end item intended to be purchased, the "per item" cost of each end item, the total cost of the purchase transaction, the drug threat the item is intended to address, and the CD activity or activities for which the item is used. However, inclusion on the State Plan does not constitute final approval of equipment purchases more than \$5,000.

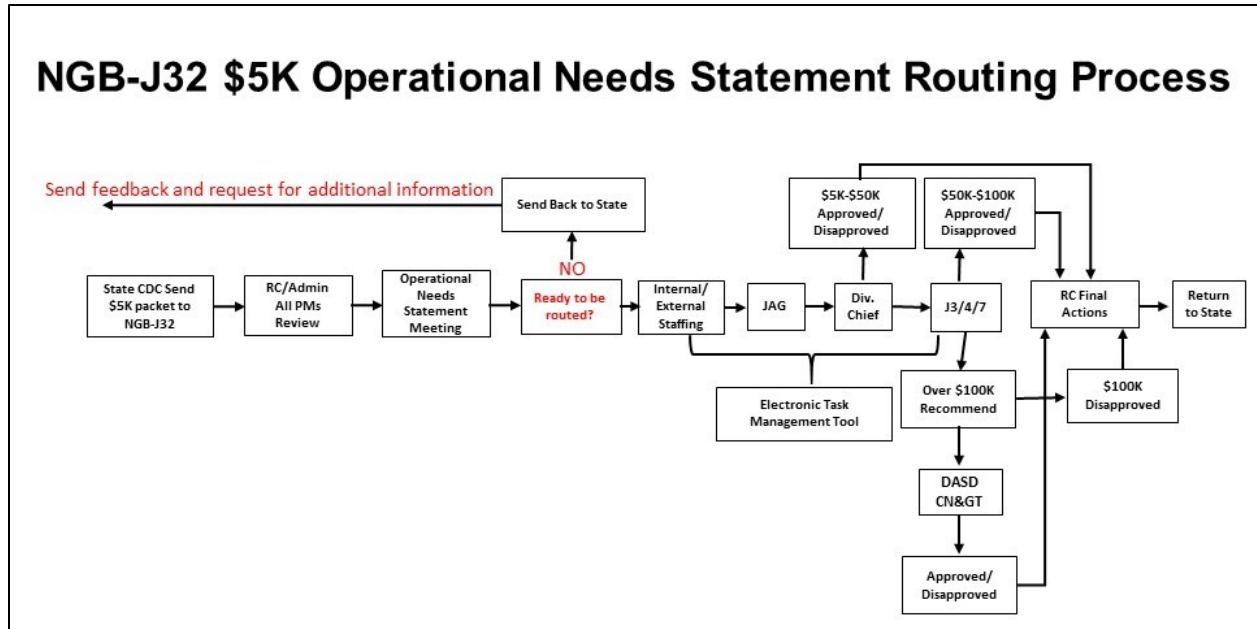


Figure 8. \$5K Packet Process

c. Prior approval of an item is not continued approval of future purchases of the same item. A \$5K Packet must be submitted for each purchase transaction. \$5K packets cannot cross fiscal years. If funds are not executed within the current fiscal year, a new packet is required for the following fiscal year. A \$5K Packet submission is required regardless of the funding mechanism used to purchase the item (for example, Cooperative Agreement, Military Interdepartmental Purchase Request, Government Purchase Card, Contract).

d. CD Coordinators must submit an Operational Needs Statement through the Regional Coordinator assigned within NGB-J32 Operations Branch for OSD approval for all equipment purchases exceeding \$5,000 per item, regardless of whether the equipment purchase is listed in the State Plan, prior to obligating CD funds for any such purchase. Items to be purchased under an Operational Needs Statement should have direct applicability to the execution of authorized CD missions. A sample is found at Appendix A to this enclosure.

e. The State USPFO and State Judge Advocate must certify their review and approval of the intended purchase request by endorsing the Operational Needs Statement prior to submission.

f. In addition to the Operational Needs Statement, CD Coordinators must include the following documentation with the submission of their \$5K Packet:

(1) Copy of Appendix C to the current fiscal year State Plan or Appendix A to the current fiscal year NGCS Activity Plan, as applicable.

(2) Make, model, manufacturer, and complete product description of the item to be purchased.

(3) Copy of the “draft” purchase request or contract that would be used, pending the availability of funds.

g. NGB-J32 will not accept an Operational Needs Statement until all documents listed above are completed.

6. Logistics Management. TAGs may conduct CD operations with Federal property issued to the ARNG and ANG.

a. Equipment purchased with CD Operations and Maintenance funds are subject to ARNG or ANG supply directives and regulations based on whether ARNG or ANG CD Operations and Maintenance funds are used to acquire the equipment.

b. State CD Coordinators requiring equipment to conduct CD operations not available in the State must coordinate/submit a request for assistance to NGB-J32.

7. Cooperative Agreements. State CDPs are authorized to enter into Cooperative Agreements to reimburse a State for use of facilities and services IAW reference hhh.

a. IAW reference b and DoD policy, CD Operational and Maintenance funds may only be used to operate and maintain the equipment and facilities of the NG used for drug interdiction and CD activities.

b. CD Operational and Maintenance funds are not authorized for purchasing or leasing commercial real property; this includes office space or facilities.

8. Military Construction. Expenditures for minor military construction projects will not exceed the dollar amounts specified in reference nnn. Requests specifying the requirements for such construction projects are routed to NGB-J32 for approval, and then planned and executed IAW references ooo, ppp, and qqq.

a. The use of facilities constructed or renovated utilizing CD funds must be for the purpose of supporting CD operations.

b. Conditions for tenancy, integration into the installation’s real property master plan, facilities support, and occupancy must be documented with a cooperative agreement or MOU.

9. Authorizations for Nonexpendable Property. The CD Coordinator, NGCS Commandant, or their respective designee, coordinates with their respective USPFO, to authorize and account for non-expendable equipment.

10. CD-Funded Computer Purchases. The CD Coordinator, the NGCS Commandant, or their respective designee, coordinates computer purchases with the State Director of

Information Management. Computers intended for integration into the DoD Enterprise Service Directory or Defense Domain Name Service adhere to DoD Information Network – ARNG requirements.

a. State CD Programs may use CD funds to purchase information technology (IT) peripherals, software, and licenses, other than digital imaging software licenses, which aid CD personnel in processing and analyzing LEA case information on LEA information systems. All new purchases of digital imaging tools, secure communications equipment, or costs associated with classified networks must be forwarded through NGB-J32 to DASD (CN>) for approval. Any IT peripheral purchased with CD funds cannot store LEA case information.

b. All ARNG acquisition of IT computers, peripherals, software and licenses requires an approved Information Technology Approval System (ITAS) waiver from the NGB C4 Systems and Chief Information Officer Directorate (NGB-J6) per reference rrr. State programs must follow their State processes for purchases in addition to submitting \$5K Packets as required by DoD policy. All ITAS waivers received at NGB-J6 using CD lines of accounting are forwarded to NGB-J32 Resource Management Section for review and approval. Regional Coordinators will verify that a \$5K Packet was submitted and approved for items as required.

11. Restricted Use of CD Equipment or Services.

a. The CD Coordinator, NGCS Commandant or designated Logistics Readiness Officer or NCO, avoids co-mingling unit equipment with equipment purchased with CD funds to prevent deliberate or unintentional transfer or misuse of equipment purchased with CD funds.

b. All equipment purchased with CD funds are identified by special markings, procedures, and additional management controls to enforce policies concerning use of CD-funded equipment.

c. The NG is not authorized to use CD funds to purchase equipment for LEAs or other supported organizations, or to purchase equipment for activities not approved by the SecDef.

d. CD personnel supporting LEAs employ CD-purchased equipment within the scope of their support to that LEA. Upon completion of support to LEA, CD personnel return with all assigned equipment. CD-purchased equipment, such as IT peripherals, may remain at the LEA only for the duration of continued mission assignment of the CD personnel.

12. Disposition of Excess CD-purchased Equipment.

a. The State CD Coordinator, NGCS Commandant, or their respective designee, notifies the NGB-J32 Regional Coordinator of equipment that needs to be excessed.

The NGB-J32 Regional Coordinator will assist CD Coordinators or the NGCS Commandant in disseminating the availability of excess equipment for use by another State CDP or NGCS through an interstate transfer.

b. Excessed equipment is available for transfer for a minimum of 30 days. After 30 days, the CD Coordinator, or NGCS Commandant or the designee of either, may release excessed equipment for disposal IAW sss.

c. All excessed accountable equipment or non-expendable repair parts must be processed by the State ARNG or ANG Property Book Officer through the Defense Reutilization and Marketing Office for disposal.

APPENDIX A TO ENCLOSURE K
ACQUISITION AND LOGISTICS MANAGEMENT

[State Letterhead]

[State Office Symbol]

[Date]

MEMORANDUM FOR NATIONAL GUARD BUREAU COUNTERDRUG DIVISION

Subject: Operational Needs Statement for [be very specific on the item type, make, and model number]

1. Problem: Explain the problem and need that the acquisition of this particular piece of equipment will solve. Explain why current equipment will not satisfy the stated need.
2. Justification: [Justify why this type, make, and model number is the best to acquire. Explain how many missions are presently going un-executed as a result by not having this piece of equipment. It is important that the State justify WHY they need the equipment, WHO will be operating and using the equipment (should only be CD personnel), and who they will be supporting (LEA most likely), WHAT mission category #__ is, and HOW that equipment will support the mission [how it will actually be used]. (The key here is, we don't want to be getting in the business of buying LEA equipment for the LEA to borrow with no real NG support.)]
3. System Characteristics: [This can be taken from the product description.]
4. Operational Concept: [Explain how you will use this equipment. Will it be given to LEA or a CBO to use, or will it be manned and maintained by the assigned counterdrug personnel? Explain what mission sets this piece of equipment will support and how often the item will be used per year.]
5. Organizational Concept: [Explain how you will field this piece of equipment. Will it be static for one agency, or will it be moved throughout the State/Territory for use by many customers. Explain if the item will be assigned to a dedicated team in your program such as the Drug Demand Reduction Team or a ground reconnaissance team. Explain how you plan to man this piece of equipment. Are you adding a requirement to your organization or are you supplanting a task performed by an older piece of equipment.]
6. Procurement Objective: [Explain if the item is for operational use, or for test and evaluation. Give explanation on when acquisition will be completed. How many of the item do you need for optimal effectiveness?]
7. Support Requirements: [Explain any attachments or additional support items that might be needed for the item. Explain, in brief, how you plan to train personnel on this

ENCLOSURE L

PERSONNEL

1. Purpose. This enclosure provides procedural guidance for NG Service members serving on FTNGD-CD orders IAW references b and c.

2. Duty Status.

a. Authority to Conduct State Plan Activities on FTNGD-CD Orders. A State Plan will certify that CD activity performed IAW reference b will be conducted at a time when the personnel involved are not in Federal service. NG Service members may only perform duties in support of CD activities under a Governor's State Plan after receiving orders to active duty IAW references b and c. Service under these two authorities is referred to as Full Time National Guard Duty for Counterdrug (FTNGD-CD). Duties performed on FTNGD-CD orders must be limited to the performance of CD activities approved by the SecDef and approved funding. State CD Programs must comply with reference p when Service members in a T-32 duty status are supporting civil authorities under immediate response authority.

b. State Active Duty. NG CD Program personnel on FTNGD-CD orders cannot concurrently serve on State Active Duty orders.

c. Federal Technicians. Federal Technicians are prohibited from supporting CD activities funded IAW reference b. Federal Technicians, in an IDT, UTA, or Annual Training status, may only provide support to CD activities when that support is incidental to the training purpose for the IDT, UTA, or Annual Training status and the training is previously planned and not scheduled to accommodate an operational need.

d. NG Service members serving in program management roles within NGB-J32 are in a Title 10 duty status and placed on Active Duty Operational Support-Reserve Component (ADOS-RC) orders IAW reference ttt for providing support to State NG CD Programs.

e. NG Service members volunteering to participate in Drug Demand Reduction Outreach while not in a duty status are not employees of the DoD or the United States for purposes of liability protection IAW reference uuu and compensation IAW reference hh.

3. Required Notifications for Applicants Prior to Entry on FTNGD-CD Duty. The CD Coordinator, NGCS Commandant, or the respective designee, must provide prospective NG Service members written notice of the following preconditions necessary to be placed on CD orders. These requirements must be clearly stated in CD announcements and position advertisements. These requirements of service are not waivable. Requirements include:

- a. Commander's endorsement and certification of good standing in the unit.
 - b. Must meet Service-specific physical fitness requirements.
 - c. Must submit to a CD Program entry urinalysis. NG CD Service members are subject to periodic urinalysis while on active duty IAW reference uuu and reference vv. CD periodic urinalysis is in addition to any urinalysis performed by units of assignment during IDT, UTA, or Annual Training.
 - d. Mandatory attendance at all IDT, UTA, or Annual Training IAW reference a and reference b.
 - e. Mandatory criminal records checks and/or security screening for applicants to serve in LEA offices or in positions in which law enforcement sensitive information or operational plans are handled. Failure to pass the necessary criminal records check and security screenings may result in member removal from FTNGD-CD orders.
 - f. The following Standards of Conduct for NG Service members are required to comply:
 - (1) with military standards of personal appearance and conduct while on FTNGD-CD.
 - (2) with reference tt, and paragraph 5(a) if they desire to engage in outside employment, associations, or off-duty activities.
 - g. Personnel voluntarily released from Active Guard/Reserve (AGR) who desire to enter into the NG CD Program may be required to first return to inactive duty status for at least 31 consecutive days.
4. Restrictions on Initial Entry and Continued FTNGD-CD Service. CD Coordinators and NGCS Commandants, or the designee of either, must coordinate with Commanders, Records Custodians, and State Security Managers to review records and determine that the prospective NG CD Service member is eligible for FTNGD-CD IAW normal ARNG and ANG procedures. The following criteria render an NG Service member ineligible for FTNGD-CD:
- a. Pending Adverse Administrative or Criminal Actions. NG Service members pending disciplinary action, or civilian criminal court proceedings, may not perform duties or be assigned to offices which may result in unfavorable public relations for the NGB, the State NG CD activities, or the supported LEA.
 - b. Disqualifying Medical Conditions. Disqualifying conditions include temporary and permanent conditions that do not meet medical retention standards. NG Service members experiencing a disqualifying condition cannot conduct CD activities.

c. Controlled Substance Use. NG Service members who test positive for the use of a controlled substance are barred from CD duty of any type, unless the positive result is determined to be either:

(1) A lawful drug use IAW reference uuu or vvv, as established by written determination from the appointed military Medical Review Officer of the ANG or ARNG equivalent.

(2) Substantial errors were made in the urinalysis selection, collection, or testing process, as determined and approved by TAG.

d. IAW applicable regulations, the CD Coordinator or NGCS Commandant will revoke the orders of any NG Service members on FTNGD-CD orders who have an adjudicated determination of illegal drug use or unlawful use of controlled substances no later than 15 days after such determination.

5. Outside Employment While on CD Orders. Individuals on reference b CD orders may engage in outside employment during non-duty hours with the prior written approval of the CD Coordinator or NGCS Commandant.

a. NG Service members on FTNGD-CD are not authorized to engage in work as auxiliary, or sworn officers of the law, or any law enforcement duties during normal duty hours. NG Service members are authorized to perform the minimum hours necessary to maintain existing law enforcement credentialing only during non-duty hours and not within the scope of their CD duties.

b. Prior to performing activity necessary to maintain existing law enforcement credentialing, the NG Service member will obtain written approval from the CD Coordinator or NGCS Commandant.

c. The CD Coordinator or NGCS Commandant will coordinate such approval/disapproval with the servicing JA.

6. Personnel Screening for 30 or Fewer Consecutive Days of Duty. Applicants must meet FTNGD Operational Support IAW ARNG or ANG eligibility requirements.

a. Commanders or designated representatives provide a written recommendation.

b. ARNG Service members meet medical retention standards IAW reference www.

c. ANG Service members meet medical retention standards IAW reference xxx.

d. Drug testing is required after entry for all Service members while in service on FTNGD-CD orders. The CD Coordinator, NGCS Commandant, or their respective designee, may waive the urinalysis requirements for periods of FTNGD-CD of 30 days or less.

e. The CD Coordinator, or designee, may delegate the screening process to organization/major command headquarters or to base/organization/unit Commanders.

7. Personnel Screening for More than 30 Days of Duty. In addition to all criteria listed in paragraphs 6.a. through 6.f., applicants must favorably meet the following criteria:

a. Interview by the CD Coordinator or NGCS Commandant, or designee.

b. Entrance National Agency Check/National Agency Check within the past 10 years.

c. Investigation/security check by LEA (if required by the specific LEA concerned).

d. NG Service members serving CD duty for 31 or more consecutive days are subjected to medical retention standards IAW references yyy and zzz, while on active duty.

e. The rank of the State's CD Program Service members should be commensurate to the position's duties and responsibilities, mission requirements, the size of the program, and the degree of military, civil government, and public integration as determined by the CD Coordinator.

f. NG Service members are subjected to unannounced drug testing while on orders for FTNGD-CD, in addition to any drug testing conducted by the Service member's unit of assignment. CD Coordinators and NGCS Commandants must ensure personnel entering FTNGD-CD submit to a urinalysis within 30 days of entry and then annually thereafter.

(1) Applicants' positive drug tests are reviewed IAW references uuu or vvv with final written findings provided by a Medical Review Officer prior to orders being suspended or extended beyond the order's original period.

(2) All adverse administrative and legal actions against NG Service members who have tested positive are referred to the Service member's chain of command.

(3) Favorable results for a substance abuse test conducted within the previous 30 days may be used to qualify for CD duty.

g. Applicants for re-entry into service on orders for FTNGD-CD, including Service members released from active duty (REFRAD) in support of contingency operations, must be advised pursuant to paragraph 3 of this enclosure; undergo all program screening and entry requirements. The CD Coordinator may review Post-Deployment Health Assessment in the ARNG Medical Protection System or the ANG Preventive Health Assessment and Individual Medical Readiness reports prior to the Service member's re-hire.

h. The CD Coordinator, or designee, coordinates with the Human Resources Office to ensure duty positions are open to competition and accurately advertised.

8. Medical Waivers. ARNG and ANG medical waivers are executed IAW references xxx, yyy, and zzz. For applicants otherwise qualified to serve on FTNGD-CD, CD Coordinators and NGCS Commandants may place applicants on orders for up to 29 consecutive days pending receipt of medical waivers.

9. FTNGD-CD Orders and Tour Periods.

a. The end strength for NG Service members on FTNGD-CD orders pursuant to the execution of reference b is reported IAW references aaaa, bbbb, and cccc.

b. NG Service members on FTNGD-CD orders under reference c or reference ttt to support CD activities pursuant to reference b do not count against Selected Reserve End Strengths authorized by Congress under reference bbbb, IAW reference cccc. The status of FTNGD-CD is defined in references dddd and eeee.

c. FTNGD-CD orders may be published up to, but not to exceed, three years. Orders extending into or beyond the next fiscal year must state "subject to the availability of funding" in the orders remarks section. Follow-on tours are authorized subject to Service Member performance and funding availability.

d. Officers, Warrant Officers, and enlisted personnel may serve beyond 20 years of active Federal service. Continuation on FTNGD-CD will be based on the needs of the State CDP as determined by the CD Coordinator or NGCS Commandant and approved by TAG. Retention in service is governed by ARNG and ANG personnel policies.

10. Continued CD Service or Renewal of Orders.

a. The CD Coordinator or the NGCS Commandant determines which NG Service member's orders are extended based upon availability of funding, mission requirements, and past performance.

b. Service members experiencing a disqualifying medical condition cannot conduct CD activities and must be referred to a medical review board IAW reference www (Chapters 9 and 10), and reference ffff.

c. Prior to renewing the orders, the CD Coordinator or NGCS Commandant must complete the screening requirements listed in this Enclosure. CD Coordinators and NGCS Commandants must use the CD Order Continuation Checklist found at Appendix A to this enclosure and upload the completed checklist to the Case Management module of FTSMCS. A break in orders is not required prior to renewing CD orders.

11. FTNGD-CD Voluntary and Involuntary Release from FTNGD-CD. Guidance for ARNG is published by ARNG-HRH and found in reference gggg. Guidance for ANG is located in reference hhhh. The CD Coordinator or NGCS Commandant ensures personnel executing authorized CD duties for 90 or more consecutive days are issued a DD Form 214 IAW reference iiiii. CD Service members released from FTNGD-CD for performing qualifying CD duties for 90 days, or fewer, are issued a DD Form 220.

a. Voluntary Early Release. NG Service members may request early release from CD orders by submitting a written memorandum setting forth the reason(s) for the request through the CD Coordinator or NGCS Commandant to TAG for final action.

b. Involuntary Early Release. CD Coordinators and NGCS Commandants must initiate the involuntary release process for personnel serving on FTNGD-CD. Applicable Service separation regulations outline the regulatory guidance. Notifying personnel of their release date in writing is required. Personnel will receive a minimum of 15 calendar days' notification before their release, and will be released upon the termination date of their tours. Personnel will have an opportunity to provide a rebuttal or comments during the first 5 working days of the 15-day period. Any information added to the recommendation after the rebuttal period requires presentation to the individual for further rebuttal or comment. The individual being separated will have another 5 working days for rebuttal or comment on the added information. The initiating supervisor will forward the recommendation together with the individual's rebuttals or comments through the chain of command and the CD Coordinator to TAG for final action. If TAG decides to release the individual, then he or she will separate within 30 calendar days of notification of the decision or on the tour's termination date, whichever occurs first. Notifying the individual's unit of assignment is required. Personnel are involuntarily released from FTNGD-CD for reasons including the following:

(1) Conviction of the CD Service member of a felony offense under any jurisdiction no later than 15 days after such determination.

(2) A final or adjudicated determination of positive urinalysis for a unlawful use of controlled substance. NG Service members who test positive for illegal drug use will have their orders revoked not later than 30 days after the positive report confirmation date. If the positive drug report is for a Medical Review Officer reviewable drug, all adverse administrative and legal actions are suspended pending Medical Review Officer determination that the use was for legitimate medical purposes.

(3) The individuals' conduct, degree of efficiency, or manner of performance is seriously deficient. CD Coordinators and NGCS Commandants may initiate release of Service members on FTNGD-CD orders for reasons permitted by regulation, including but not limited to poor duty performance or actions not in keeping with the published standards, hinders operational or administrative mission support, and corrective or rehabilitative efforts have not resulted in the necessary improvements.

(4) Non-availability or curtailment of funds for FTNGD-CD.

(5) Rank and Pay Grade Requirements:

(a) CD Coordinators and NGCS Commandants ensure member's rank and pay grade are appropriate for FTNGD-CD task(s) performed. The following conditions constitute grounds for involuntary early release if left uncorrected:

1. Changes in mission that eliminate personnel requirement or cause improper utilization or underutilization of a member's skills/pay grade.

2. The NG Service Member on FTNGD-CD orders is promoted or appointed to a higher grade based on traditional NG unit assignment and is no longer grade compatible with duties performed while supporting CD activities. An NG service member released from service or not granted a follow-on FTNGD-CD order may apply for separation pay, if he or she has attained eligibility.

3. NG Service members on FTNGD-CD assigned to a position triggering "grade inversion" where the supervisor is junior in grade to the supervisee.

(6) Failure of the individual to disclose pertinent information.

12. Line of Duty.

a. NG Service members on CD orders who are injured in the line of duty (LOD) are entitled to benefits under reference jjjj during the period of their Active Duty. State CD Coordinator or NGCS Commandant must ensure NG Service members injured while on FTNGD-CD orders receive a LOD determination IAW applicable Service policies. CD Coordinators or NGCS Commandants must ensure a mishap report is completed in the CD Information Management system module documenting LOD and injury. ANG LODs will process IAW references kkkk and llll. ARNG LODs will process IAW references mmmm and nnnn.

b. Members on tours for over 30 days may be extended on active duty, with their consent, for medical treatment of a disability. Members on tours of 30 days or less may be extended when it is determined that the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty.

13. Medical Separation.

a. Airmen injured while on a CD order, remain on CD orders under Medical Continuation (MEDCON). The Wing Medical Group to which the Airman is assigned submits the Service member's MEDCON request packet through ANG Readiness Center- Personnel Directorate (NGB/A1) to Air Reserve Command (ARC CMD) for approval. Once approved, MEDCON days are allocated by NGB/A1 and resourced through NGB-J32 to the State CD budget and added to future CD Budget Obligation Plan planning as required to cross fiscal years.

b. Soldiers injured while on a CD order may consent to an extension of their active duty order under reference www to complete the Integrated Disability Evaluations System process. Soldiers who do not consent to the extension, are released from FTNGD-CD to complete the Integrated Disability Evaluations System process in their traditional M-Day status IAW reference oooo.

14. Regular Retirement Processing.

a. NG Service members on FTNGD-CD orders who meet the minimum qualification of 20 years of cumulative active duty Service may qualify for regular active duty retirement (see references pppp, qqqq, and rrrr) IAW DoD and State policy.

b. The CD Coordinator ensures the retiring CD Service member is given adequate time to address all transition requirements and use accrued leave.

15. Non-Regular Retirement. NG Service members on FTNGD-CD orders who have not met the minimum active duty Service requirement for regular retirement, but who have completed 20 years of reserve Service, may choose a non-regular traditional reserve retirement (see reference rrrr) IAW DoD and State policy.

16. Leave, Passes, and Permissive Temporary Duty. The CD Coordinator or NGCS Commandant administers and manages leave procedures IAW references ssss and tttt. NG Service members on FTNGD-CD orders accrue leave, including military parental leave, IAW references ssss and tttt.

17. Personnel Performance Evaluations. Within Service guidelines, the CD Coordinator or NGCS Commandant establishes personal measures of performance, professionalism, accountability, and ensures CD service members receive, at a minimum, annual CD performance evaluations utilizing service specific counseling forms. The CD Coordinator or designee must provide an annual letter of input to the CD service member's Rater and Senior Rater, which may be in the form of the annual CD performance evaluation.

18. Records Retention. The CD Coordinator or NGCS Commandant must retain and protect documents identifying individuals by name and Social Security number who serve on FTNGD-CD IAW DoD and Service component requirements. The CD Coordinator or NGCS Commandant delegates custodial responsibility for handling and storage of all personnel records.

a. The CD Program staff or the NGCS staff, as appropriate, retain CD Program hiring and personnel administrative documents identifying individuals by name and Social Security number only as necessary to perform CD missions and protect the interests of CD Program Service members. The CD Coordinator forwards documents to the CD records custodian or returns documents to the individual concerned.

b. The CD Coordinator or NGCS Commandant, or delegate, coordinates with the records custodian at the member's unit of assignment to ensure documents such as medical waiver correspondence and any supporting documentation are entered into the Service member's official record. Once the screening process is complete, documents containing personally identifying information or personal health information, such as medical histories, examinations, and related documents are stored IAW reference uuuu.

c. The CD Coordinator or the NGCS Commandant records only the names, ranks, titles, and date of entry into CD service for applicants qualifying for duty 30 or more consecutive days, and retains data for the duration of the member's CD service, plus one year.

19. Privacy Act and the Freedom of Information Act Review. CD Coordinators and NGCS Commandants must obtain annual reviews by state ARNG and ANG staff, to ensure that State CD Program internal procedures comply with references vvvv and wwwv, and implemented by references ee and ff.

20. Personnel Security. State ARNG or ANG security managers verify that CD Program applicants have a favorable Local Agency Check with Credit Check covering the last 10 years. At the CD Coordinator's or designee's request, the State ARNG or ANG Security Manager must provide the supported LEAs with a confirmation of NG CD Program personnel security clearance status. For CD purposes, and IAW reference xxxx, all personnel with in-scope personnel security investigations are eligible to support the CD activities.

21. Outside Continental U.S. (OCONUS) Official Travel. NG Service members traveling OCONUS for official travel comply with DoD policies and regulations. NG CD Program Service members are not authorized OCONUS Official Travel on T-32 orders, and are not authorized to perform CD activities under reference b while OCONUS. OCONUS Official Travel requires that the NG Service member is in a T-10 duty status.

ENCLOSURE M

RESOURCE MANAGEMENT

1. NG CD Program Fiscal Authority. Reference b permits the SecDef to fund State drug interdiction and CD activities proposed by the Governor within an approved State Plan. Reference f permits the SecDef to fund five NGCSs to conduct training of LEA and CBOs pursuant to an approved NGCS Activity Plan. For both, such funding may be used for:

a. Military pay and entitlements, uniform clothing allowance, subsistence, travel and related expenses of NG CD Program Service member using ARNG National Guard Personnel, Army (NGPA), and ANG Military Personnel (MilPers) funds.

b. Operation and maintenance of NG equipment and facilities used for the purpose of drug interdiction and CD activities, the procurement of services and equipment, and the leasing of equipment for approved CD activities under reference b using ARNG O&M funds and ANG O&M funds.

2. CD Resource Planning, Programming, Budgeting and Execution Process. The NG CD Program CD resource planning, programming, budgeting, and execution process is a cyclical financial management process which funds the NG CD Program using annual funding appropriations.

a. State Budget Plans. State CD Programs and NGCS initiate the financial management cycle by preparing a budget based on proposed CD activities for the next fiscal year. State CD Program and NGCS budgets must be prepared IAW with the State Plan planning cycle described in Enclosure J or the NGCS Activity Plan cycle described in Enclosure H.

b. Target Letter. NGB-J32 prepares and publishes the targeted funding level for the State CD Program and NGCS based on the projected funding authority established in the President's Budget and any anticipated Congressional supplement to funding accomplished within the National Defense Appropriation. For planning purposes, the NGB-J32 issues the Target Letter in the second quarter of each fiscal year or as soon thereafter as practicable.

c. CD Budget Obligation Plan. The CD Coordinator and NGCS Commandant submits CD Budget Obligation Plans on an annual basis through the CD Budget Obligation Plan module of the CD application within FTSMCS. The CD Coordinator and NGCS Commandant submit an initial CD Budget Obligation Plan based on historical operations utilizing the projected President's Budget funding authority (CD Budget Obligation Plan-Presidential Budget or CD Budget Obligation Plan 1). The initial CD Budget Obligation Plan must plan for the program to maintain operations for a 12 month (fiscal year) program. An additional CD Budget Obligation Plan is required for known or projected Congressional supplement of CD Program funding (CD Budget Obligation

Plan or CD Budget Obligation Plan 3), which identifies additional State CD Program or NGCS requirements outside of the President's Budget funding authority. NGB-J32 utilizes the CD Budget Obligation Plan submissions to distribute funds for operation to the ARNG and/or ANG financial systems.

d. Unfunded Requirement (UFR) Process. Funding requests in excess of the State's current funding authority are considered an UFR. State CD Programs seeking additional funding using this process must submit UFR requests to NGB-J32 Operations Branch. NGB-J32 prioritizes State UFR requests and submits funding recommendations to the NGB-J32 Division Chief for approval. IAW applicable laws, rules, and regulations, NGB-J32 Resource Management Section distributes approved UFR requests as funds are available at NGB.

(1) NGB-J32 considers only UFRs which support activities approved within the State Plan. NGB-J32 will not accept UFRs prior to 30 days after the final Appropriation of funds is signed into law. NGB-J32 will not accept UFRs after 15 August of the fiscal year.

(2) An exchange of appropriation is a UFR. CD Coordinators turn in funds from the appropriation to be exchanged prior to distribution of new appropriation.

(3) The UFR process is not authorized for:

(a) Program growth beyond the fiscal year (funds may not be available for subsequent fiscal years).

(b) Funds still owed to States according to their CD obligation plans.

(c) Purchase of equipment which cannot be maintained with future fiscal year funds.

(d) Capabilities that LEAs can practically replicate.

(4) CD Coordinators submitting a UFR for unbudgeted entitlement to pay and allowances, to include separation pay, submit a memorandum to the Chief of the NGB-J32 detailing the circumstances which prohibited the adequate budget planning for this requirement.

(5) If submitting UFRs for multiple items, CD Coordinators must prioritize items within the package.

(6) CD Coordinators coordinate UFRs with NGB-J32 Regional Coordinators to ensure accuracy and validity of requests, prior to submitting UFRs through NGB-J32 Regional Coordinators.

(7) NGB-J32 provides annual instruction on the UFR process no later than the first month of the second quarter of each fiscal year.

3. Roles and Responsibilities.

a. CD Coordinators and NGCS Commandants are responsible for the administration, management, and execution of all State CD Programs and NGCS-appropriated funds, respectively, and may bear pecuniary liability for unauthorized expenditures. The CD Coordinator and NGCS Commandant is responsible for:

(1) State CD Program participation in Joint Reconciliation Process with State USPFO and ANG Triannual Review with the Wing Comptroller.

(2) Ensuring management controls are in place to maintain effective control of CD funding. Controls will be developed and maintained to reconcile both the ARNG and ANG financial systems.

(3) At a minimum, State CD Coordinators and NGCS Commandants should designate a State CD Program Finance Manager to plan, budget, and execute State CD Program or NGCS funding.

b. The CD Coordinator and NGCS Commandant forward requests for transfer of ANG workdays, ANG funds, and ARNG funds, to the appropriate NGB-J32 Regional Coordinator for approval and action.

c. The CD Finance Manager is responsible for the budgeting, obligation and expenditure of all State CD Program and NGCS-appropriated funds on behalf of the CD Coordinator or NGCS Commandant. The CD Finance Manager will:

(1) Observe and practice all applicable Department of Defense (DoD) and Service Component financial regulations, directives, and cooperative agreements under State law.

(2) Maintain obligation documents and reconcile obligations with local USPFO and Wing comptroller according to State USPFO and ANG Comptroller policy.

(3) Conduct monthly, internal reconciliation of all NG CD Program accounts which is an assessable activity under the NG CD Compliance Assurance Program. NGB-J32 provides additional reconciliation documents through Guard Knowledge Online (GKO) to ensure that execution reconciliation is in alignment with the State USPFO and NGB-J32.

(4) Ensure management controls to reconcile both ARNG and ANG financial systems are consistently executed as directed. Audits of these management controls are conducted annually IAW reference yyyy.

4. Military Pay and Entitlements.

a. Full-Time National Guard Duty – Counterdrug (FTNGD-CD) orders reflect Permanent Duty Station, entire duration of assignment and are not amended for the sole purpose of avoiding the costs of pay, allowances, special pay, separation pay, benefits, or any other associated entitlement.

b. CD Service members performing FTNGD-CD are entitled to applicable military pay and allowances IAW reference zzzz and all applicable service regulations and instructions. CD Service members on FTNGD-CD, when performing IDT/UTA/Annual Training, are not entitled to additional pay, allowances, or other benefits for participation in required training.

c. FTNGD-CD tours for projects more than 180 days are Permanent Change of Station tours and may not be split to provide travel entitlements IAW the Joint Travel Regulation. Entitlement to Basic Allowance for Housing is authorized IAW the Joint Travel Regulation.

d. CD personnel on FTNG-CD are entitled to separation pay IAW references zzzz, aaaaa, and bbbbb.

(1) Payment of separation pay for ARNG personnel is the responsibility of the State CD Program as part of their annual State program budget. ARNG CD programs should track potential personnel eligible for separation pay each fiscal year for budget planning. CD Coordinators and NGCS Commandants coordinate through NGB-J32 Regional Coordinators to obtain NGB-J32 written acknowledgement for State USPFO processing of separation payment.

(2) Payment of separation pay for ANG personnel is coordinated through NGB/A1. The CD Coordinator initiates separation pay actions through the Force Support Squadron of the assigned ANG personnel.

5. Allowances. Determination of any potential travel and transportation allowances for NG personnel in a FTNGD status performing CD support activities will be IAW applicable law, rules and regulations to include reference b, local policy, and the Joint Travel Regulation.

a. IDT/UTA Travel. The CD program may be responsible for associated travel costs while the CD Service member performs mandatory unit training assemblies at the primary duty location of the unit of assignment IAW the Joint Travel Regulation. CD Coordinators and NGCS Commandants should consult their servicing Judge Advocate.

b. Annual Training Travel. The unit of assignment of NG personnel in a FTNGD status performing CD support activities is responsible for all travel costs associated with Annual Training.

6. Alternate Duty Uniforms. CD Coordinators may authorize NG Service members performing certain CD activities in support of civilian LEAs and CBOs to wear an alternate duty uniform under the following conditions. NGCS Commandants cannot authorize an alternate duty uniform for performing authorized activities in conjunction with SecDef-approved NGCS activities plans.

a. CD Coordinators may authorize the wear of an alternate duty uniform for NG Service members performing ground reconnaissance and observation, analysis, translation and transcription, and drug-demand reduction outreach where the supported organization makes such a request in the Agency Support Request or an MOU or an MOA.

b. For NG Service members performing ground reconnaissance and observation, CD Coordinators ensure the alternate duty uniform clearly identifies the Service member as a member of the State NG.

c. For analysis, translation and transcription, and drug-demand reduction outreach, CD Coordinators ensure the alternate duty uniform is non-tactical and clearly identifies the Service member as a member of the State NG.

d. NGB-J32 and the NG CD Program does not provide additional resourcing for alternate duty uniforms.

7. CD Resource Management Requirements and Restrictions.

a. Reference b and DASD(CN>) guidance prohibits the procurement of equipment using O&M funds for digital imaging tools, secure communications equipment, costs associated with classified networks, or items greater than \$5,000, without prior approval by the SecDef or designee. See Enclosure K, Acquisitions and Logistics Management, for details on the procurement submission process.

b. CD support funds, with the exception of ANG aviation OPTEMPO funding, are “fenced” by OSD as part of the DoD Drug Interdiction and CD Activities appropriation and may not be used for purposes other than the NG CD Support Program.

c. Inactive Duty Training (IDT)/Annual Training/School Reimbursement. NG Service members on FTNGD-CD are required to participate in unit training consisting of IDT and Annual Training each fiscal year IAW reference b. CD Coordinators and NGCS Commandants are not required to curtail CD orders for IDT and Annual Training requirements. CD personnel appropriations must be reimbursed in full through State training appropriations IAW reference b.

(1) The CD Coordinator and the NGCS Commandant are responsible to ensure all IDT/Annual Training/School reimbursements are projected in the reimbursement module in FTSMCS Case Management. As the duty is performed, CD Coordinators, NGCS Commandants or their designee, are responsible for uploading auditable

documentation in the reimbursement module in FTSMCS Case Management. CD Coordinators, NGCS Commandants, or their designee, record all adjustments for changes, cancellations, or additions.

(2) ARNG reimbursement is submitted and executed through the State USPFO. State CD Coordinators ensure tracking and calculation of duty performed by Service members on FTNG-CD and submit validation documentation to the USPFO IAW State procedures.

(3) NGB-J32 processes ANG reimbursement quarterly based on validation documents provided by CD Coordinator or NGCS Commandant. The CD Coordinator or NGCS Commandant uploads required documentation into the reimbursement module in FTSMCS on a monthly basis, after duty performance is complete. NGB-J32 verifies validation and pulls any invalidated days from the State within five duty days of the end of the quarter, unless the CD Coordinator or NGCS Commandant coordinates with the NGB-J32 Resource Management prior to the end of the quarter.

(4) Calculation of Reimbursable Days.

(a) IDT/Annual Training. State training appropriations reimburse State CD programs on the ratio of one man day for two unit training assemblies for IDT. No earnings accumulate for days in which a single unit training assembly is performed. Earnings for Army IDT periods are reimbursed from the IDT account, "Reserve Component pay and allowances - Inactive Duty." State training appropriations reimburse State CD Programs on a one-day-to-one-day ratio for Annual Training performed. Earnings for Army Annual Training periods are reimbursed from the Annual Training account, "Reserve Component pay and allowances - Annual Training." The NGB-A1 reimburses the NGB-J32 CD account for Air IDT/Annual Training periods through Defense Finance and Accounting Service.

(b) Non-CD-related Schools. One day of reimbursement is earned for each day of school training performed. Costs associated for school training is reimbursed from the appropriate school's individual training account.

(c) Validation of Duty. States must validate successful performance of IDT/Annual Training/School training and provide sufficient documentation to ensure the proper level of reimbursement.

(d) Reimbursement Schedule. The States conduct cost transfers based on State Policy. State CD Programs complete all cost transfers no later than 15 September of the current fiscal year.

(e) Reimbursement Instructions. Cost transfers are processed by commitment items 1198, 1199, 122A, 122D, 1210, and 1250.

(f) CD Coordinators and NGCS Commandants coordinate with NGB-J32 Resource Management for approval of ANG service training reimbursement, such as Professional Military Education or Air Force Specialty Code upgrading schools, in order to keep ANG Service members on FTNGD-CD during training. CD Coordinators and NGCS Commandants must request approval to remain on CD orders prior to the ANG Service member's departure date.

(g) CD Coordinators and NGCS Commandants coordinate with State G3 for ARNG Service members attending service training schools for attendance and reimbursement.

(h) CD Coordinators, NGCS Commandants or their designee, must upload the approved travel voucher or certificate of completion, reflecting actual school attendance, into the reimbursement module in FTSMCS Case Management to initiate reimbursement after attendance at the school is completed. NGB-J32 completes Resource Management processes and validates the reimbursement request through Defense Finance and Accounting Service.

(5) CD Coordinators, NGCS Commandants, or their respective designee, must seek reimbursement for pay, allowances, travel costs, and other entitlements associated with attending service schools for training not associated with the CD Program.

8. Operations Under a Continuing Resolution Authority (CRA). In the event of operations under a CRA, all funding allocations and distributions are limited to the specifics of the CRA language and applicable law. Initial budget targets are limited to the CRA specifications through the duration of the CRA. Additional information is distributed from the USPFO and Wing Comptrollers during these conditions.

ENCLOSURE N

CD INFORMATION MANAGEMENT

1. Information Management. The NG CDP requires that State CD Program and NGCS provide timely and accurate information concerning the planning, execution, and evaluation of all CD activities conducted. Reference a requires NGB-J3/4/7 to maintain a system of record to capture necessary CD program information for oversight, assessment, and reports to Congress. This enclosure defines the system of record, capabilities, roles, and requirements of CD information management. This enclosure also applies to those State CD Programs operating program websites.

2. CD Information Management System. The NGB-J32 Information Technology (IT) Section establishes and maintains the CD information management system to provide operational oversight and aid in strategic planning, trend analysis, reporting, official record keeping, budget oversight, personnel and programmatic training, and CD activities performance and efficiency measures. The CD application within FTSMCS is the NG CD Program information management system of record.

a. The NGB-J32 Division Chief identifies changes to the information management system for documenting NG CD data in a Memorandum For Record to the State CD Programs.

b. Other aspects of NG CD Program management may require the use of other DoD information management systems including, General Funds Enterprise Business System (GFEBs), Defense Travel System (DTS), Military Personnel Data System (MiLPDS), Integrated Personnel and Pay Systems, Army (IPPS-A), Air National Guard Reserve Order Writing Systems (AROWS-R), Department of the Army Mobilization Processing System (DAMPS) and Air Force Integrated Personnel and Pay Systems (AFIPPS). State CD Coordinators must integrate the data from these systems into FTSMCS in order to facilitate accurate reporting CD performance metrics and analysis of program trends.

3. Capabilities. FTSMCS is a data management solution that allows CD Coordinators and NGCS Commandants to input programmatic information from a singular source while minimizing redundant data compilation and retrieval requirements across echelons. FTSMCS also serves as the historical repository for the NG CD Program information, capturing data from legacy systems. FTSMCS allows State CD Coordinators and NGCS Commandants to track and manage CD personnel, programmatic training, equipment usage, financial obligations and reimbursements, State/School Plans, Agency Support Request and produce annual program activity assessments.

4. Roles and Responsibilities.

a. The NGB-J32 IT Section coordinates with the NGB ARNG-G1 and NGB ARNG-G6/Director of Information Management as necessary to ensure the CD information management system meets DoD and Service-specific regulatory requirements. NGB-J32 IT publishes updates to the FTSMCS applications through the CD Desk Reference. The CD Desk Reference addresses how to use the system and manage data entry and does not establish or interpret policy. This can be accessed through the help menu in FTSMCS.

b. NGB-J32 Functional Managers monitor and assess the Measures of Effectiveness and Measures of Performance for each authorized CD activity described in Enclosure B. NGB-J32 FMs provide information management guidance, procedures, responsibilities, and best practices governing the input of NG CD program data through the FTSMCS User Guide which can be accessed through the help menu in FTSMCS.

c. State CD Coordinators and NGCS Commandants are responsible for their CD Program information and ensure timely, accurate data is input into FTSMCS. CD Coordinators and Commandants may delegate the authority to accomplish these responsibilities. CD Coordinators or Commandants must appoint at least one CD Program or NGCS System Administrator who controls the roles and levels for end-user access.

d. CD Program and NGCS System Administrators are responsible for ensuring that the information input into FTSMCS is current and correct. System Administrators complete monthly quality assurance and data integrity checks on the information input by the State CD Program and NGCS users.

e. State CD Programs and NGCS data entry users are required to document, manage, and maintain information in a timely and accurate manner.

f. CD News and Alerts are posted throughout the year to inform CD personnel of any announcement for CD information.

5. Information System Portal (GKO) and CD Websites.

a. The web portal to access the CD Information System will post a security notice with current language as published by the Office of the Chief of the National Guard Bureau.

b. All NG CD Program websites must comply with references ccccc, ddddd, and eeeee.

ENCLOSURE O

CD COMPLIANCE ASSURANCE PROGRAM

1. NGB CD Compliance Assurance Program. The NGB CD Compliance Assurance Program ensures NG CD Program and NGCS compliance with Federal law, regulations, and policy governing the use of Congressionally-appropriated funds to support State drug interdiction and CD activities, NGCS, and other DoD-authorized CD and CTOC activities in the United States and its Territories.

2. Compliance Assurance Introduction. Compliance assurance is a continuous process and a part of daily administrative and operational activities mandated by Federal law and DoD policy. Complementary to the broader DoD internal control program, the NGB CD Compliance Assurance Program establishes a transparent process to assist CD Coordinators and NGCS Commandants in assessing and recording their compliance with laws, regulations, policies, and processes and, when necessary, to establish a cooperative improvement plan to correct program management and operational deficiencies. The CD Coordinator and NGCS Commandant should employ the CD Compliance Assurance Program to identify and correct program management and operational deficiencies in a timely manner and make data-driven decisions.

a. CD Coordinators and NGCS Commandants are encouraged to establish additional performance measures based on State CD Program or NGCS unique or specific requirements for evaluation, but these measures are not evaluated by the NGB CD Compliance Assurance Program.

b. Internal controls should focus on NG CD Program or NGCS functions.

c. The Compliance Assurance Program Assessment Questionnaire is not intended to cover all controls and CD Coordinators or NGCS Commandants are encouraged to supplement the Assessment Questionnaire as needed to aid in their specific CD Program or NGCS compliance assurance.

3. NGB-J32 Compliance Assurance Program. This program evaluates State NG CD Program regulatory compliance through continuous internal and external assessment of CD Program and NGCS functional areas on a three-year cycle as shown in Figure 9. CD Coordinators and NGCS Commandants complete internal assessments annually. NGB-J32 coordinates on-site assessments in the second year of the Compliance Assurance Program cycle and as requested by the States. NGB-J32 completes a capstone evaluation of CD Programs in the third year of the cycle.

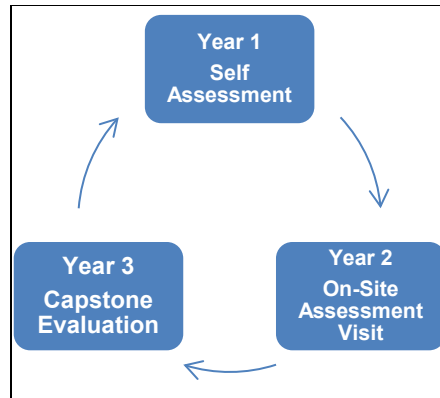


Figure 10. Three Year Capstone Cycle

a. The NGB CD Compliance Assurance Program identifies key standards of program management and operational CD activities whose performance or absence can be objectively measured regardless of individual program size or CD activities scope. These standards are captured in the Compliance Assurance Program Assessment Questionnaire. Standards focus on requirements mandated by law, regulations, policies and guidance in areas considered critical or important to the health and performance of the State's CD Program and NGCS. The Compliance Assurance Program Assessment Questionnaire evaluates program performance and management data from the previous fiscal year to verify CD Program or NGCS compliance.

b. CD Coordinators and NGCS Commandants complete annual Self-Assessments using the Compliance Assurance Program Assessment Questionnaire (located in FTSMCS, Counterdrug, Case Management, Compliance Assurance Program) no later than 15 November of each fiscal year; appoint, a Compliance Assurance Program Administrator (recorded in Case Management), responsible for supporting the CD Coordinator and NGCS Commandant Compliance Assurance Program and serves as the primary NGB-J32 Compliance Assurance Program Section point of contact.

c. NGB-J32 Regional Coordinators review State CD Program Self-Assessments to confirm regulatory compliance; continuously monitor State programs with improvement plan; and make recommendations to NGB-J32 Compliance Assurance Program Section Chief on measures of performance associated with regulatory requirements.

d. NGB-J32 Compliance Assurance Program Section Chief establishes and updates a Compliance Assurance Program Assessment Questionnaire in conjunction with the NGB-J32 Compliance Assurance Program Section and NGB-J32 Functional Managers on an annual basis and, IAW current guidance and policy, publishes an annual schedule of assessments for State and NGCS programs and supervises the preparation of assessment and evaluation reports.

e. NGB-J32 Compliance Assurance Program Section coordinates and executes On-Site Assessment Visits with State CD Coordinators and NGCS Commandants and completes capstone evaluation.

f. NGB-J32 Division Chief approves all assessment and evaluation reports; considers and adjudicates all non-concur responses to on-site assessment and capstone evaluation reports.

4. NGB CD Compliance Assurance Program Assessment Cycle. The Compliance Assurance Program Assessment Cycle operates on a three-year-rotating basis. States with NGCS receive assessments of both the State Plans and NGCS on the same schedule with separate reports.

a. Self-Assessment (Year One). In every fiscal year, the CD Coordinator and NGCS Commandant complete a self-assessment, which addresses both program management and CD activities performed by the State CD Program and NGCS. The NGB-J32 Regional Coordinator, responsible for the State and NGCS, reviews the self-assessment and confirms regulatory compliance. Self-assessments result in an advisory findings report from the Compliance Assurance Program Section to the CD Coordinator or the NGCS Commandant.

b. On-Site Assessment (Year Two). The CD Coordinator or NGCS Commandant completes the annual self-assessment prior to the arrival of the NGB-J32 Compliance Assurance Program Team. The NGB-J32 Compliance Assurance Program on-site team is comprised of one Compliance Assurance Program Section lead and one or more NGB-J32 Functional Managers. NGB-J32 Compliance Assurance Program Team completes the on-site assessment through review of the Assessment Questionnaires from year one and year two supporting documentation. The NGB-J32 Compliance Assurance Program team provides an in-brief to all necessary CD Program and NGCS personnel upon arrival to coordinate the agenda, review the State CD Program and NGCS activities, and answer outstanding questions from the State CD Program and NGCS leadership. During the on-site assessment, the Division Chief and Functional Managers review documentation supporting the Assessment Questionnaire and examines the business practices of the State CD Program and NGCS. At the conclusion of the on-site assessment, the NGB-J32 Compliance Assurance Program Team provides an out-brief detailing preliminary findings and recommended courses of action for any program management and operational deficiencies. The out-brief does not constitute the final report of findings for the on-site assessment. Seven days after the on-site assessment, the Division Chief submits an informal report to the CD Coordinator and NGCS Commandant. Upon receipt of the on-site assessment, if necessary, the CD Coordinator and NGCS Commandant create and implement an Assessment Improvement Plan as described in paragraph 5, below.

c. Capstone Evaluation (Year Three). The CD Coordinator or NGCS Commandant completes an annual Self-Assessment, which is reviewed by the NGB-J32 Compliance Assurance Program Team. The Compliance Assurance Program Section Chief notifies the CD Coordinator or NGCS Commandant of the timeframe for the capstone evaluation. The Compliance Assurance Program Team evaluates the program and the status of any improvement plan provided by the CD Coordinators or NGCS Commandants. This report captures an overall assessment of the program covering a

three year period. If the results of this evaluation identify legal, regulatory, or functional deficiencies, NGB-J32 Division Chief presents the CD Coordinator or NGCS Commandant with the opportunity to address such deficiencies. A final, comprehensive report is generated by the Compliance Assurance Program Section for the CD Coordinator or NGCS Commandant. Where significant legal or regulatory deficiencies remain uncorrected, NGB-J3/4/7 may provide the final report to the State or Territory TAG (or the Commanding General of the District of Columbia).

(1) The NGB-J32 CD Standardization and Safety (CDSS) Branch prepares a preliminary report of assessment which is adjudicated by the NGB-J32 Division Chief. The NGB-J32 CDSS Branch submits the preliminary report of assessment to the CD Coordinator or NGCS Commandant, who must either concur or non-concur with any findings of "needing improvement" or "not in compliance" within 10 business days of receipt of the preliminary report. When feasible, the NGB-J32 Division Chief and CD Coordinator or NGCS Commandant may confer to resolve reported deficiencies. For non-concurrence with the findings of the NGB-J32 Compliance Assurance Program Team, the CD Coordinator and NGCS Commandant must provide a concise statement of the reasoning for non-concurrence.

(2) The NGB-J32 Division Chief, or a designee, together with the NGB-J32 CDSS Branch, adjudicates all non-concur responses to the preliminary report and submits the final report to the State CDC/NGCS Commandant within 15 business days of receipt of any non-concur responses.

5. State NG CDP/NGCS Compliance Assurance Programs. State CD Coordinators or NGCS Commandants are responsible for assessing their State NG CD Program/NGCS for compliance with Federal law, regulations, and policy on an annual basis. CD Coordinators or NGCS Commandants conduct continual and annual program assessments using the Compliance Assurance Methodology described above as a baseline.

6. Assessment Criteria. During all assessments in the cycle, the NGB-J32 Compliance Assurance Program Team assesses program management and operational functional areas. The Compliance Assurance Program Team annotates the evaluation of each area of program management and operational CD activity assessed using a four tier scale: "meets standard," "meets standard with comment," "needs improvement," or "not in compliance."

a. "Meets Standard". The area of the program management and operational CD activity meets substantially all key standards found in the Assessment Questionnaire and is supported by required documentation as inspected by the NGB-J32 Compliance Assurance Program Team.

b. "Meets Standard With Comment". The area of the program management and operational CD activity meets a large majority, but not all, of key standards found in the Assessment Questionnaire, but the procedures employed by the State/NGCS are

deficient and the key standard can be fully supported by required documentation provided by the State CD Program or NGCS.

c. “Needs Improvement”. The area of the program management and operational CD activity meets a preponderance of the key standards found in the Assessment Questionnaire or cannot be substantially supported by required documentation as inspected by the NGB-J32 Compliance Assurance Program Team.

d. “Not in Compliance”. The area of the program management and operational CD activity meets half or less than half of the key standards found in the Assessment Questionnaire or is unsupported by required documentation as inspected by the NGB-J32 Compliance Assurance Program Team. Any violation of fiscal or operational law will result in a finding of “not in compliance” and result in an NGB-J32 report of the finding to DASD(CN>) as required by law.

e. Assessment Improvement Plan. The Assessment Improvement Plan facilitates ongoing transparent communication to identify and maintain compliance with laws, regulations, and policies. For areas identified as “needing improvement” or “not in compliance,” the Division Chief annotates an in-depth description of the findings supporting this evaluation. All findings of “needing improvement” or “not in compliance” will require an Assessment Improvement Plan.

7. CD Coordinator and NGCS Commandant Compliance Assurance Program Assessment Improvement Plan. After receipt of the On-Site Assessment Visit Report, the CD Coordinator or NGCS Commandant employs the data-driven decision process to develop an Assessment Improvement Plan. The CD Coordinator or NGCS Commandant and any designated State CD Plan or NGCS staff directorate may consult with the NGB-J32 CD Standardization and Safety (CDSS) Branch and Functional Managers to discuss the assessment results and seek recommendations to address program management and operational deficiencies.

a. The CD Coordinator or NGCS Commandant has 90 days to develop and submit an Assessment Improvement Plan (via email) to the NGB-J32 CDSS Branch. The CD Coordinator or NGCS Commandant submits the Assessment Improvement Plan in State memorandum format, addressing each finding of “needs improvement” or “not in compliance” from the Assessment Report. Assessment Improvement Plans must include proposed corrective actions and estimated dates of completion. If any finding has already been corrected, the CD Coordinator or NGCS Commandant must detail when and how it became compliant and provide supporting documentation as an attachment to the Assessment Improvement Plan.

b. Upon request, the NGB-J32 CDSS Branch assists the CD Coordinator or NGCS Commandant in formulating an Assessment Improvement Plan. NGB-J32 serves as a resource to help the CD Coordinator or NGCS Commandant in updating an existing plan to address any deficiencies.

c. The NGB-J32 CDSS Branch informs the CD Coordinator or NGCS Commandant (via email within 10 business days) whether the proposed Assessment Improvement Plan is acceptable to the NGB-J32.

d. Findings of “needs improvement” must be corrected within 60 days of notice of acceptance of the Assessment Improvement Plan by the NGB-J32.

e. Findings of “not in compliance” must be corrected within 90 days of notice of acceptance of the Assessment Improvement Plan by the NGB-J32. Additional time may be granted by NGB-J32 case by case.

8. Staff Assistance Visit. A staff assistance visit is a positive way to provide assistance to a CD Program or NGCS. These visits are tailored for the requesting CD Program and NGCS, allowing NGB-J32 Functional Managers to provide training and clarify law and NGB-J32 policy. Staff assistance visits also help NGB-J32 develop accurate guidance or policy and improve training. To schedule a staff assistance visit, the CD Coordinator or NGCS Commandant sends a written request to their NGB-J32 Regional Coordinator in coordination with the NGB-J32 CDSS. The NGB-J32 CDSS may recommend a Staff Assistance Visit for a CD Program or NGCS.

ENCLOSURE P

REFERENCES

PART I. REQUIRED

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- b. Title 32 United States Code (U.S.C.), Section 112, "Drug Interdiction and Counterdrug Activities"
- c. 32 U.S.C. § 502, "Required Drills and Field Exercises"
- d. Department of Defense (DoD) Instruction 3000.14, 28 August 2020, "DoD Counterdrug and Counter-Transnational Organized Crime Policy"
- e. CNGB Instruction 7403.01, 27 January 2014, "National Guard Counterdrug Program General Officer Advisory Council," Validity Extended to 27 January 2020
- f. Public Law 109-469, Title IX, "Office of National Drug Control Policy Reauthorization Act of 2006," 29 December 2006, § 901, "National Guard Counterdrug Schools"
- g. 28 Code of Federal Regulation (CFR) Part 23, "Criminal Intelligence Systems Operating Policies," accessible online at <<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=6f7d4bd0341ac10ad72b9375f4afb345&h=L&mc=true&r=PART&n=pt28.1.23>> (accessed on 30 July 2021)
- h. DoD Manual 5200.02, 03 April 2017, "Procedures for the DoD Personnel Security Program," Incorporating Change 1, 29 October 2020
- i. DoD Directive 5240.01, 09 November 2020, "DoD Intelligence Activities"
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- r. DoD Directive S-5205.61, 15 July 2014, "(CUI) DoD Cover and Cover Support Activities," Incorporating Change 1, 02 November 2020
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- t. CNGB Instruction 7500.00, 13 October 2016, "Domestic Use of NG Unmanned Aircraft Systems"
- u. CNGB Instruction 2000.01C, 14 August 2018, "National Guard Intelligence Activities"
- v. 32 U.S.C. § 508, "Assistance for Certain Youth and Charitable Organizations"
- w. 18 U.S.C. Chapter 67, § 1385, "Use of Army and Air Force as Posse Comitatus"
- x. 18 U.S.C. § 2510, Supplement 5, "Crimes and Criminal Procedure"
- y. Public Law 101-510, 05 November 1990, "National Defense Authorization Act (NDAA) of 1991," Section 1004, "Additional Support for Counter-Drug Activities" (Section 1004 of the National Defense Authorization Act for Fiscal Year 1991, referred to in subsection (h)(1)(A)(vi)(VI), in section 1004 of Pub. Law 101-510, which was set out as a note under section 374 of this title prior to being repealed by Pub. Law 114-328, div. A, title X, § 1011(b), 23 December 2016, 130 Statute 2385.)
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- cc. Army Regulation (AR) 27-40, 19 September 1994, "Litigation"
- dd. Air Force (AF) Instruction 51-301, 02 October 2018, "Civil Litigation"
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- aaa. AF Policy Directive 90-8, 23 December 2019, "Environment, Safety & Occupational Health Management and Risk Management"
- bbb. AR 95-1, 22 March 2018, "Flight Regulations"
- ccc. National Guard AR 95-1, Supplement 1, 30 December 2018, "Flight Regulations"
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GLOSSARY

PART I. ACRONYMS

ADOS-RC	Active Duty Operational Support-Reserve Component
AFIPPS	Air Force Integrated Personnel and Pay Systems
AIPC	Aviation Integration and Policy Course
ANG	Air National Guard
ARNG	Army National Guard
ARNG-AV	Army National Guard Aviation and Safety Division
AROWS- R	Air National Guard Reserve Order Writing Systems
ASR	Agency Support Request
CBO	Community-Based Organization
CD	Counterdrug
CDAC	CD Advisory Council
CDSS	CD Standardization and Safety
CNGB	Chief of the National Guard Bureau
CNGBI	Chief of the National Guard Bureau Instruction
CNGBM	Chief of the National Guard Bureau Manual
COMSEC	Communications Security
CONUS	Continental United States
CRA	Continuing Resolution Authority
CTOC	Counter Transnational Organized Crime
CUI	Controlled Unclassified Information
DAMPS	Department of the Army Mobilization Processing System
DASD(CN>)	Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats
DoD	Department of Defense
DUIC	Derivative Unit Identification Code
DTS	Defense Travel System
ESC	Executive Steering Committee
FHP	Flying Hour Program
FOIA	Freedom of Information Act
FTCA	Federal Tort Claims Act
FTNGD-CD	Full-Time National Guard Duty Operational Support (CD)
FTSMCS	Full Time Support Management Control System
FY	Fiscal Year
G3	Army National Guard Operations Division
GFEBs	General Funds Enterprise Business System
GOAC	General Officer Advisory Council
GKO	Guard Knowledge Online
IAW	In accordance with
IDT	Inactive Duty Training
IPPS-A	The Integrated Personnel and Pay Systems, Army
IT	Information Technology

JA	Judge Advocate
LEA	Law Enforcement Agency
LEO	Law Enforcement Officer
LOD	Line of Duty
MEDCON	Medical Continuation
MiLPDS	Military Personnel Data System
Milpers	Military Personnel
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSO	Mission System Operator
NCOIC	Non-Commissioned Officer in Charge
NG	National Guard
NG JFHQs-State	National Guard Joint Force Headquarters-State
NGB-J32	CD Division
NGB-J/3/4/7	National Guard Bureau Operations Directorate
NGB	National Guard Bureau
NGB/A2/3/6/10	Air National Guard Operations Directorate
NGCS	National Guard Counterdrug School
NGPA	National Guard Personnel, Army
O&M	Operation and Maintenance
OCONUS	Outside Continental United States
ONDCP	Office of National Drug Control Policy
ONS	Operational Needs
OPR	Office of Primary Responsibility
OPSEC	Operations Security
OPTEMPO	Operating tempo
OSD	Office of the Secretary of Defense
PAO	Public Affairs Officer
PAX	Personnel
RUF	Rules for Use of Force
SAAO	State Army Aviation Officer
SecDef	Secretary of Defense
SOP	Standard Operating Procedure
SPIES	Special Purpose Insertion Extraction System
TAG	The Adjutant General
TAMIS	Total Ammunition Management Information System
TTPs	Tactics, Techniques, and Procedures
USD(P)	Under Secretary of Defense for Policy
UAS	Unmanned Aircraft System
UFR	Unfunded Requirement
U.S.	United States
U.S.C.	United States Code
USPFO	United States Property and Fiscal Office
UTA	Unit Training Activities
VCNA	Accounting Code for Counterdrug Flight Hours

VFHP
WMD-CST

Accounting Code for Flying Hour Program
Weapons of Mass Destruction – Civil Support Team

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for use in the Chief of the National Guard Bureau Manual 3100.01.

Active Service – Service member on active duty or full-time National Guard duty.

Advanced Military Training -- High intensity training which focuses on tactics, techniques, and procedures required to apprehend, arrest, detain, search for, or seize a criminal suspect when the potential for violent confrontation exists. It includes advanced marksmanship (including sniper training), military operations in urban terrain, advanced military operations in urban terrain, close quarters battle and close quarters combat, and similar specialized training.

Adventure-based Education -- A process that puts participants into a unique physical environment; places them in new social groups or teams; provides this team with a real challenge that requires adaptation and learning and has the potential for failure; provides participants and teams with the necessary support and coaching to overcome the required adaptive challenge and initial failure to achieve mastery; provides a debriefing discussion and experience that assures participants identify learning; and tests participants in order to measure the effect of the program on the core performance measures of effectiveness.

Army Substance Abuse Program -- Drug testing program applicable to members of the Active Army, the Army National Guard, the United States Army Reserve, and Department of the Army Civilian employees, as prescribed by reference ppp.

Attorney General -- Principal legal officer of a State government (or equivalent in States without an Attorney General).

Bona Fide Needs Rule -- The bona fide needs rule holds that an appropriation is available for obligation only to fulfill a genuine or bona fide need of the agency during the appropriation's period of availability. Accordingly, agencies may only obligate funds to fill a requirement once the bona fide need exists, and may only use funds current while the bona fide need exists. This is often phrased as "current year money for current year needs." This means that the payment is chargeable to the fiscal year in which the obligation is incurred as long as the need arose, or continued to exist, in that year.

Coalition -- An arrangement between two or more people, organizations, political bodies or States for common action.

Community -- People with common interests living in a particular area, the area itself, or a group linked by a common history or social, economic or political interests.

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

Controlled Delivery -- Transportation of drugs, vehicles, suspects, and Law Enforcement Officers from one location to another. These are usually short notice events and occur when a delivery of some type is expected at a specific location at a specific time.

Counterdrug -- Those active measures taken to detect, monitor, and counter the production, trafficking, and use of illicit drugs.

Counterdrug Activities -- Those measures taken to detect, interdict, disrupt, or curtail any activity that is reasonably related to illicit drug trafficking.

Counterdrug Operations — Civil or military actions taken to reduce or eliminate illicit drug trafficking. See also counterdrug; counterdrug operational support.

Counterdrug Program -- Support provided to Federal, State, or local Law Enforcement Agencies, civil authorities, or Community-Based Organizations to assist with drug interdiction and demand reduction activities under authority of reference b, in support of the National Drug Control Strategy. It also includes the National Guard Counterdrug Schools.

Counter Transnational Organized Crime -- Deliberate activities designed to disrupt the self-perpetuating associations and activities between the individuals, organizations, and systems which comprise a transnational criminal organization and facilitate the Transnational Criminal Organization acquisition and retention of illicit power, influence, monetary, and commercial gains through illegal means.

Drug-Demand Reduction Activities – A continuum of events focused on the primary prevention of illicit substance use, treatment and social reintegration.

Drug Interdiction -- A continuum of events focused on interrupting illicit drugs smuggled by air, sea, or land. See also counterdrug operations.

Environmental Strategies -- Environmental strategies are prevention strategies which focus on changing conditions in the environment. These strategies are an essential part of any comprehensive prevention plan because there are a number of conditions in the legal, physical, social, and economic environment that may make it easier for people, both adults and youth, to use substances and participate in unhealthy behaviors.

Full-Time National Guard Duty Counterdrug -- Training or other duty, other than inactive duty performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the Service member's status as a member of the National Guard of a State, Territory, or the District of Columbia under reference c for which the member is entitled to pay from the United States or for which the member has waived pay from the United States. Counterdrug duty is performed on Full-Time National Guard Duty Operational Support (Counterdrug) orders, a Title 32 502(f) status.

Incidental to Training -- Term describing Counterdrug Support Program operations conducted during a training period which would have been conducted regardless of Counterdrug operations.

Force Protection -- Includes preventive measures taken to mitigate actions against National Guard Service members (include family members), resources, facilities, and critical information. Force protection does not include actions taken to protect against accidents, weather, or disease.

Inter-Service Agreements -- Formal, long-term or operational specific support agreements between Services, Department of Defense, or non-Department of Defense agencies governed by reference hh. These agreements are normally developed at the Service Secretariat and governmental agency Director level, document funding and reimbursement procedures as well as standards of support between the supplying and receiving Services or agencies.

Memorandum of Agreement -- A conditional agreement between two or more parties where the transfer of funds for services are anticipated and the actions of one party depends on the actions of another party.

Memorandum of Understanding -- Defines general areas of understanding within both parties' authorities and no transfer of funds for services is anticipated where actions of each party are not dependent on another party.

Nexus -- Connection, link, or causal link.

Other Training Duty -- Training, other than Inactive Duty Training or Annual Training, (that is, special training, formal school training) that provides all other structured training, to include on the job training, for individuals or units to enhance proficiency.

Risk Management -- The process to identify, assess, and control risks and make decisions that balance risk cost with mission benefits.

Standard Operating Procedures -- A set of instructions covering those features of operations which lend themselves to a definite or standardized procedure without loss of effectiveness.

State Active Duty -- Duty performed by a member of the National Guard of a State, Territory, or the District of Columbia in the Service member's status as a member of the State-organized militia pursuant to State law.

State -- For the purpose of this manual: all 50 States, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Territory of Guam, and the District of Columbia are inclusive.

State Plans -- Plan submitted annually by the States for National Guard Counterdrug Support Program activities in accordance with reference b.

State Rules for Use of Force and Use of Force Policy -- Policy guidance issued by The Adjutant General (or the Commanding General of the District of Columbia) and approved by the State Attorney General on the use of force and weapons within the State for Counterdrug missions.

The Adjutant General -- A National Guard general officer responsible for the management of both the Army National Guard and Air National Guard of a State or Territory not on Federal duty. The senior military officer for the District of Columbia who acts in this capacity is the Commanding General.

Transnational Organized Crime -- Self-perpetuating associations of individuals who operate across national borders for the purpose of obtaining power, influence, monetary or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence and with a multinational organizational structure to exploit international commerce, communication mechanisms, and legal or regulatory inconsistencies.

Workday -- A term for all categories of Air National Guard-funded training to include Annual, Special, School, Active Duty for Operational Support or Inactive Duty for Training periods, Unit Training Assemblies, Proficiency Training, Training Period Preparation Assemblies, or Additional Flying Training Periods.