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Emergency Employment of Army and Other Resources

NATIONAL GUARD COUNTERDRUG SUPPORT

By Order of the Secretaries of the Army and the Air Force:

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History. This printing publishes a revision of NGR 500-2/ANGI 10-801.

Summary. This regulation/instruction prescribes policies, procedures and responsibilities governing the utilization of National Guard and Department of Defense (DoD) resources in the National Guard Counterdrug Support Program. It also provides guidance pertaining to program and budget management of the Army National Guard Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) and the Air National Guard Drug Abuse Testing Program, referred to collectively as Substance Abuse (SA) programs.

Applicability. This regulation/instruction applies to the Army and Air National Guard of the 50 States, the Commonwealth of Puerto Rico, the Territory of Guam, the United States Virgin Islands, and the District of Columbia, hereafter referred to as states, while performing counterdrug missions when not in Federal Service.

Proponent and exception authority. The proponent of this regulation is the National Guard Bureau (NGB) Counterdrug Office. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Internal Control Systems/Management Control Process. This regulation/ instruction incorporates guidance from AR 11-2, AFI 65-201 and OMB Circular A-123. The Federal Managers' Financial Integrity Act, OMB Circular A-123 and DoD Directive (DoDD) 5010.38 apply to all DoD activities and programs. This regulation contains management control provisions, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation/instruction is prohibited without prior approval from the Chief, National Guard Bureau, **ATTN:** Counterdrug Office, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

Suggested Improvements. Users are encouraged to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Chief, National Guard Bureau, **ATTN:** Counterdrug Office, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

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Chapter 1

Introduction

1-1. Purpose.

This regulation/instruction prescribes policies, procedures and responsibilities governing the utilization of National Guard and Department of Defense (DoD) resources in the National Guard Counterdrug Support Program. It also provides program management and budget guidance for the Army National Guard Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) and the Air National Guard Drug Abuse Testing Program, referred to collectively as Substance Abuse (SA) programs. This regulation/instruction does not address National Guard counterdrug activities performed under authority of Title 10, United States Code. This regulation/instruction does not apply to military technician assistance programs established pursuant to Technician Personnel Regulation.

1-2. References.

Required references, related references, prescribed forms and referenced forms are listed in appendix A.

1-3. Explanation of Abbreviations and Terms.

Abbreviations and terms used in this regulation/instruction are explained in the glossary.

1-4. Statutory Authority.

- a.* Section 112, Title 32, United States Code (32 USC 112) is the authority for the Counterdrug Support Program.
- b.* Public Law 92-129 (Identification & Treatment of Drug and Alcohol Dependent Persons in the Armed Forces), as implemented by AR 600-85 (Alcohol and Drug Abuse Prevention and Control Program), NGR (AR) 600-85 (Drug Abuse Prevention and Control), AFI 44-120 (Drug Abuse Testing Program), is the authority for the ARNG ADAPCP and ANG Drug Abuse Testing Program.

1-5. Responsibilities.

- a.* The Secretary of Defense (SECDEF), in accordance with 32 USC 112, may provide resources through the Chief, National Guard Bureau, to states receiving SECDEF approval of the Governors' State Plans for National Guard Counterdrug Support.
- b.* The National Guard Bureau (NGB) is the official channel of communication between the states, Secretary of Defense and the Departments of the Army and Air Force as well as other federal agencies.
- c.* The Counterdrug Office (NGB-CD) has responsibilities as follows:

(1) Primary responsibility for the development and execution of National Guard Counterdrug Support Program policies, procedures, and regulations/instructions. Submit questions on Counterdrug Support Program policy to the Chief, Counterdrug Office.

(2) The Chief, Counterdrug Office, is the NGB Program Manager for the ARNG ADAPCP, providing guidance to the states in accordance with AR 600-85 and NGR 600-85.

(3) The Chief, Counterdrug Office, is the NGB Program Manager for the ANG Drug Abuse Testing Program, providing guidance to the states in accordance with AFI 44-120.

(4) The Counterdrug Office is the single point of contact within the National Guard Bureau for all issues pertaining to the Counterdrug Support Program and for program management/budget issues pertaining to the ADAPCP and the ANG Drug Abuse Testing Program.

(5) The Counterdrug Office funds a full-time Title 32 Active Guard/Reserve (AGR) Counterdrug Coordinator (CDC) position in each state for administration and management of counterdrug programs. (See paragraph 8-7 of this regulation/instruction.)

d. The Governor is the Commander-in-Chief of the State's National Guard units not in federal service. The District of Columbia National Guard serves under the Commanding General, who performs the function of a Governor with respect to state plans IAW paragraph 2-5.

e. Adjutants General are responsible for selection of CDCs and determining the chain of supervision for the Counterdrug Support Program. Adjutants General are responsible for identifying state program managers for the ADAPCP and the ANG Drug Abuse Testing Program. All designations must be in accordance with AR 600-85, NGR 600-85, and AFI 44-120 as applicable.

f. The Counterdrug Coordinator is responsible for all management control aspects of the Counterdrug Support Program within their state. They will ensure that programs and functions are conducted effectively and efficiently. All issues affecting the Counterdrug Support Program will be communicated between the CDC and Counterdrug Office to ensure the program meets management control requirements.

1-6. Regulatory Structure.

All of the programs described in this regulation/instruction are operated within the existing National Guard regulatory structure. Unless otherwise directed by proper authority, all existing rules, regulations, instructions and procedures applicable in general to the National Guard are also applicable to the programs described in this regulation/instruction.

Chapter 2**Counterdrug Support Program****2-1. Legal Considerations and Requirements.**

a. National Guard role. The National Guard provides counterdrug support to federal, state and local law enforcement agencies (LEAs) and to Community Based Organizations (CBOs) that request Drug Demand Reduction assistance. National Guard personnel engaged in counterdrug support activities for which federal funding is provided by 32 USC 112 must be acting in support of LEAs and or CBOs. National Guard counterdrug programs will only provide support to LEAs, and/or CBOs that have a counterdrug nexus as the primary purpose. When using

32 USC 112 funds, states may execute only those missions that have been approved by the SECDEF within the Governors' State Plans, in conformity with the mission definitions in this regulation/instruction.

(1) Requests to perform missions that are on the SECDEF approved mission list but were not included in the original annual state plan execution memorandum must be submitted to SECDEF thru NGB-CD for approval. Such requests must include certification by the Governor/Attorney General. (See paragraph 2-5.)

(2) Requests to perform missions that are not on the approved mission list must be submitted through NGB-CD to the SECDEF for approval. Requests must include certification by the Governor/Attorney General. (See paragraph 2-5.)

b. Requests for support. The National Guard will not initiate counterdrug operations without a request for support validated by the CDC or designated representative. Requests must originate with an LEA or CBO and be in writing, signed by a responsible official and specify the length of required support. An annual written request will be required when the requesting agency desires continuation of support from fiscal year to fiscal year.

c. Verbal requests. Verbal request must be followed by a written request as soon as possible for all support.

d. Federal/State law. The authority to provide counterdrug support is defined by Federal law if Federal funds are expended to support a mission, and by State law if State funds are used to support a mission. CDCs are reminded that CD activities in support of a Federal LEA can not violate State law.

e. Arrests, searches, and seizures. The Posse Comitatus Act (18 USC 1385) does not apply to National Guard personnel on duty under authority of Title 32. As a matter of policy, however, National Guard personnel will not, except for exigent circumstances or as otherwise authorized in this regulation, directly participate in the arrest of suspects, conduct searches which include direct contact of National Guard members with suspects or the general public, or become involved in the chain of custody for any evidence. State law may impose additional restrictions.

(1) Exigent circumstances are situations, in which immediate action is necessary to protect police officers, National Guard personnel, or other persons from death or injury; to prevent the loss or destruction of evidence; or to prevent the escape of a suspect already in custody.

(2) Supported LEAs are responsible for obtaining warrants required for searches or for determining the need for searches, inspections, and observations that do not require warrants. This responsibility includes the determination of any potential legal restrictions upon the use of thermal imaging or sense enhancing systems.

f. Responsibility/liability. Responsibility/liability for the actions of National Guard personnel involved in counterdrug support activities is as follows:

(1) Federal protection for personal injury, death, or property damage caused by National Guard personnel, acting within the line of duty, in Title 32 status, is governed by the Federal Tort Claims Act (28 USC 2671-2680).

(2) Responsibility and liability for actions by National Guard personnel on State Active Duty (SAD) are in accordance with state law. Personnel in a SAD status are not covered by the Federal Tort Claims Act.

(3) Responsibility and liability for loss and damage to National Guard equipment will be determined by a Report of Survey, in accordance with applicable regulations.

(4) Personnel on Title 32 duty in a non-pay status pursuant to written orders, when acting within the line of duty, are considered employees of the United States for purposes of the Federal Tort Claims Act.

(5) Volunteers (military or civilian) not on orders, are not employees of the United States for purposes of the Federal Tort Claims Act or the Federal Employees Compensation Act.

g. Environmental and/or Historical Landmark restrictions. All operations will be conducted in accordance with federal and state environmental and/or historical landmark laws and regulations.

2-2. Subpoenas and Requests for Information.

a. The National Guard, 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 Counterdrug Support Program. The State AGR Judge Advocate will be immediately notified in such cases.

b. The provisions of AR 27-40 (Litigation) or AFI 51-301 (Civil Litigation), as appropriate, are applicable when the above situations are related to "judicial proceedings" and "litigation" (as defined in those regulations).

c. The payment of travel expenses, per diem and fees, in response to subpoenas, is governed by AR 27-40 and AFI 51-301. National Guard members under subpoena who are not already serving under Counterdrug Support Program orders will be placed under orders for the period required for preparation and testimony. The CDC will maintain a copy of the subpoena or other documents. If the member is placed on, or serving under, orders by the National Guard, any payments received from the court as compensation for testifying must be forwarded to the USPFO (ARNG) or unit comptroller (ANG).

d. The provisions of AR 25-55 (The Department of the Army Freedom of Information Program) or DoD 5400.7-R, AFSUP1 (DoD Freedom of Information Act Program), as appropriate, are applicable when the above situations

are related to producing, disclosing or releasing official information (as defined by these regulations/instructions). AR 25-55 and DoD 5400.7-R, AFSUP1 apply when federal records are released to the public.

2-3. Special Notification Requirement.

The Counterdrug Coordinator will contact the NGB Chief Counsel (NGB-JA), through the Counterdrug Directorate, when either of the following circumstances occur in connection with the Counterdrug Support Program:

- a.* Possibility of civil liability on the part of a National Guard member, the National Guard, or volunteers.
- b.* Occurrence of negative judicial rulings based wholly or in part upon the conduct of National Guard members, or volunteers, including the suppression of evidence.

2-4. Tort Liability.

a. The Federal Tort Claims Act (FTCA) (28 USC 2671-2680) is applicable to National Guard members engaged in counterdrug support, serving under Title 32 orders. Individuals whose property is lost, damaged or destroyed, or who suffer personal injury or death as a result of the negligent acts or omissions of National Guard members acting within the scope of their duties, may file a claim against the United States under the FTCA. National Guard members acting within the scope of their authority and performing approved support (listed in the Governor's State Plan and approved by OSD) are immune from suit except for certain Constitutional torts; i.e., when a negligent act or omission constitutes a violation of the Constitutional rights of the injured party, including persons suspected of criminal activity, and certain intentional torts, such as assault and battery, false arrest and imprisonment.

b. National Guard members engaged in counterdrug support activities in a State Active Duty (SAD) status are entitled to the protections and immunities afforded by state law.

c. There is, at the present time, no protection from Federal Tort Claims Act liability or Federal Employees Compensation Act coverage for volunteers, including National Guard members not on orders or in any other recognized status. Such volunteers will not be utilized in any counterdrug activity without their having been advised beforehand of the foregoing lack of coverage. All National Guard volunteers should be placed as a minimum on retirement points only status in order to provide them liability coverage.

2-5. Governor's State Plan.

a. Each state will submit for review an annual Governor's State Plan to the National Guard Bureau, **ATTN:** Counterdrug Office. The plan will be approved and signed by the governor and the state attorney general in accordance with 32 USC 112(c).

b. The state plan must include a certification by the governor that any activities carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

c. The plan must include a certification by the attorney general that the missions/activities in the plan are consistent with, and not prohibited by, state law.

d. Certifications and approvals by governor and attorney general (or equivalent) cannot be waived.

e. Plans will be prepared in accordance with instructions published each year by the Counterdrug Office.

f. The CDC is responsible for the submission of the Governor's State Plan for counterdrug support.

g. The Governor's State Plan will not include plans for the Army National Guard Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) or the Air National Guard Drug Abuse Testing Program.

h. Carriage of weapons in support of Law Enforcement Agencies must be annotated in the Governor's State Plan.

2-6. Waiver Request.

Waiver requests for NGR 500-2/ANGI 10-801 must be submitted through the Chief, NGB-CD to the Chief, National Guard Bureau for approval. All requests must contain information detailing the reason for the waiver, that it will meet applicable federal, state and local laws and how it will affect their state program.

2-7. Authorized Missions.

Only the following counterdrug missions will be funded by the SECDEF under the authority of 32 USC 112. However, all counterdrug missions included in the Governor's State Plan must be consistent with, and not prohibited by, state law. Some states may not authorize the National Guard to perform every SECDEF approved mission. It is the purpose of the attorney general certification to ensure that the Governor's State Plan does not include any missions that are inconsistent with, or prohibited by, state law.

a. Mission Category #1. Program Management. Mission 1. Counterdrug Coordination, Liaison, and Management. Plan and coordinate state counterdrug supply and demand reduction support, establish liaison with supported LEAs and other community organizations, resource and manage personnel and equipment requirements for counterdrug support operations, and prepare operational/financial reports and briefings as required.

b. Mission Category #2. Technical Support.

(1) **Mission 2a. Linguist Support (Translator Support).** Provide transcription/translation of audio/video tapes, seized documents and other information media. National Guard personnel will not participate in active/real-time Title III conversation monitoring or directly participate in interrogation activities. The National Guard will not maintain or store final products in National Guard facilities or databases.

(2) **Mission 2b. Investigative Case and Analyst Support.** Assist LEAs in the establishment of counterdrug intelligence systems/databases and provide intelligence analysis support. All intelligence activities must be conducted in accordance with appropriate DoD regulations. The National Guard will not maintain or store final products in National Guard facilities or databases. Provide assistance to LEAs in developing investigations and cases for prosecution. Activities include, but are not limited to, inputting, reviewing, and analyzing collected LEA information, and providing legal, paralegal, and auditing assistance. Operational support to LEAs is designed to enhance the effectiveness of the supported agency and release law enforcement officers for drug enforcement duties. This category of support excludes such tasks as secretarial, janitorial, or receptionist duties.

(3) **Mission 2c. Deleted IAW OSD policy.**

(4) **Mission 2d. Communications Support.** Provide personnel to establish, operate and maintain communications stations, bases, and equipment in support of LEA counterdrug operations and assist with CBO communications/technical issues.

(5) **Mission 2e. Engineer Support.** Provide engineer support to LEAs and community organizations where the project has a counterdrug nexus. This will exclude operations concerning drug laboratories or hazardous materials. Local LEAs and governments must secure the area prior to arrival of National Guard personnel, take possession of any evidence or materials to be confiscated/destroyed and obtain clearances, court orders, warrants and/or permits for destruction, removal or disposal of materials or other environmental hazards/concerns.

(6) **Mission 2f. Subsurface/Diver Support.** Conduct subsurface inspections of commercial vessel hulls within U.S. territorial waters or U.S. maritime ports of entry (POE) through the use of sidescan sonar buoys or divers to detect alien devices or containers attached to the vessel hulls, or other underwater activities. Prior to the use of military qualified National Guard Diver personnel for hull inspection activities, the vessels must be secured by the responsible law enforcement officials. Divers may visually inspect 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 on dive status in approved dive positions. National Guard personnel will not dive in a permissive dive status conducting mission 2f. Permissive diving is strictly a training tool, not an operational status.

c. Mission Category #3. General Support.

(1) **Mission 3a. Domestic Cannabis Suppression/ Eradication Operations Support.** Support of LEA domestic cannabis suppression and eradication operations. This includes, but is not limited to, aerial support, logistic support, communications support, intelligence, planning support, operational staff coordination, medical support, physical security, ground transportation, eradication and destruction of contraband, and spraying of herbicides, in accordance with Environmental Protection Agency (EPA) regulations and state laws.

(2) **Mission 3b. Transportation Support.** Provide transportation (aerial, ground, or maritime) of LEA personnel/equipment, persons in LEA custody, seized property or contraband as part of ongoing time-sensitive counterdrug operations, when security or other special circumstances reasonably necessitate National Guard support and there is a counterdrug nexus. Routine administrative aerial transportation is not permitted under this mission nor are missions that compete with private enterprise. LEA officers are responsible for the security of any evidence or persons in their custody. Provide ground transportation of youth, adults, and associated equipment and supplies for community/state demand reduction program activities.

(3) **Mission 3c. Maintenance/Logistical Support.** Provide maintenance/logistical support of LEA vehicles and equipment to enhance the counterdrug effectiveness of the supported agency and release Law Enforcement Officers (LEOs) for drug enforcement duties. General maintenance/logistics support for non-counterdrug vehicles and equipment is prohibited.

(4) **Mission 3d. Cargo/Mail Inspection.** Assist LEAs by inspecting cargo and mail. Primary emphasis will be placed on POEs and functional equivalents. Cargo/Mail includes, but is not limited, to vehicles, containers, commercial cargo, aircraft, watercraft, baggage, and mail. National Guard personnel will not make arrests, conduct searches of individuals, seize property, or enter into the chain of evidence. Law enforcement officers must be present at inspection sites, make seizures, maintain custody of evidence, and maintain control of vehicle occupants.

d. Mission Category #4. Counterdrug-related Training. Mission 4. Training LEA/Military Personnel. Train LEA/military personnel in military subjects and skills useful in the conduct of counterdrug operations or in the operation of military equipment used in counterdrug operations. LEA participants are responsible for associated travel and per diem expenses.

e. Mission Category #5. Reconnaissance/Observation.

(1) Mission 5a. Surface Reconnaissance. Reconnoiter or perform area observation by land or water to detect and report illegal drug activities that include, but are not limited to, cultivated marijuana, suspected isolated drug trafficking airstrips, drug drop zones, drug trafficking corridors, illegal drug laboratories, suspicious aircraft, watercraft, or motor vehicles. National Guard personnel are prohibited from pursuing or targeting specific persons for surveillance. National Guard personnel will not maintain or store gathered information in National Guard facilities or databases. Information will be reported as designated by the supported LEA. Approved categories of counterdrug activities include, but are not limited to:

(a) Unattended Sensor Support. Personnel will support LEAs in the emplacement, monitoring and maintenance of unattended sensors in areas where suspected drug activity is occurring.

(b) Visual reconnaissance/observation by mobile patrols and listening posts/observation posts (LPs/OPs), using binoculars, cameras, night vision devices, and infrared/thermal imagery, including FLIR or lowlight devices. A LEO must be present or in direct contact with the National Guard team.

(c) Ground Surveillance Radar (GSR). Establish and operate ground radar sites using either Army or Air GSR systems. Mission includes site security and may require transportation support.

(2) Mission 5b. Aerial Reconnaissance. Conduct reconnaissance/observation of airspace, maritime or surface areas (land and internal waterways of the US and territories) for illegal drug activities which include, but are not limited to, cultivation of marijuana or delivery of illegal drugs. Reconnaissance may be directed toward suspected drug trafficking airstrips/drop/zones/ corridors or suspicious aircraft/watercraft/motor vehicles. For CD RAID/C-26/HH-60G FLIR missions, a LEO must be present or in direct contact. Mission may require site security for aircraft and ground radar. Approved equipment and techniques include, but are not limited to:

(a) Radars.

(b) Unmanned Aerial Vehicles (UAVs).

(c) Aerial visual techniques, including infrared/thermal imagery, and photographic reconnaissance.

(d) Photo reconnaissance/film processing.

f. Mission Category #6. Demand Reduction Support. Demand reduction support organizes National Guard resources, members, and their families in support of drug abuse prevention programs in the community. Support missions in this category should complement, but must not duplicate, other organizations' programs.

(1) Mission 6a. Community Based Demand Reduction Support. Provide support to community based activities primarily designed to educate, train, or otherwise prevent drug abuse among youth. This includes, but is not limited to, support of youth centers, drug-free events, community recreational programs, safe havens and community mobilization events.

(2) Mission 6b. Educational Institution Demand Reduction Support. Support community based activities that focus on educational institutions, or otherwise have an educational institution as the primary sponsor, and are primarily designed to educate, train, or otherwise prevent drug abuse. This includes, but is not limited to, tutoring, mentoring, support of after-school programs, drug-free activities, role model programs, and sports-drug awareness programs.

(3) Mission 6c. Informational Demand Reduction Support. Provide information about drug abuse or drug abuse programs. This includes, but is not limited to, static displays, the Red Ribbon Campaign, educational material distribution, and expenses for speakers.

(4) Mission 6d. Leadership Development. Support camps, retreats, seminars and programs, not primarily associated with educational institutions that focus on developing drug abuse prevention leadership skills in youth and adults. This includes, but is not limited to such activities as cadet programs, youth leadership camps, summer training courses for youth leaders, parent training programs, etc.

(5) Mission 6e. Coalition Development. Assist in the development of functioning community based coalitions organized to reduce the illegal use of legitimate drugs and the use of illegal drugs.

2-8. Agreements between the State and LEAs/CBOs (MOUs/MOAs).

a. A Memorandum of Understanding or Memorandum of Agreement (MOU/MOA) between the state and any supported LEA/CBO is required for counterdrug support for more than 30 consecutive days. The agreement must be approved and signed by both parties before support is provided. All MOU/MOAs will be reviewed and the review documented by the CDC with the LEAs/CBOs annually to ensure they meet support requirements. If only minor changes are required an addendum may be added to the MOU/MOA.

b. Agreements will be drawn in accordance with procedures established by the state and the LEAs/CBOs concerned, and must comply with all applicable federal/state laws and regulations/instructions. Agreements will be reviewed by a state judge advocate prior to submission to the LEA/CBO and must be in a professional format containing all requirements listed under 2-8c. The state attorney general (or equivalent) will review all MOUs/MOAs to ensure compliance with state law prior to The Adjutant Generals approval.

c. Agreements will address the following topics, as a minimum, and specify the responsibilities and obligations of both parties.

- (1) Purpose of agreement.
- (2) Authority (i.e., regulations, statutes).
- (3) Planned deployment of National Guard personnel and/or equipment.
- (4) Reporting procedures.
- (5) Command and control.
- (6) Scope of operations.
- (7) Force protection and Rules of Engagement.
- (8) Public affairs support.
- (9) Safety.
- (10) Responsibilities, including acquisition of warrants and permits.

(11) Relative liabilities of parties including any hold harmless agreements. No hold harmless agreements are required in agreements between federal agencies. The Federal Government may not hold harmless a state or other jurisdiction.

(12) Renegotiation. Agreements must be renegotiated when laws, regulations and/or support requirements change in such a manner that the agreement cannot be executed; e.g. revocation of DoD approval for a particular mission.

(13) Termination of Agreement. Agreements will terminate upon such terms as the parties agree; e.g. upon 90 days notice by either party. Inclusion in the agreement of an end date is not required merely because funds are appropriated on an annual basis.

(14) Asset forfeiture/sharing, if applicable.

d. MOUs/MOAs address support in a general manner but must cover all areas of concern. If a more specific agreement is required an operations plan with a cover memorandum may augment the MOU/MOA.

2-9. Interstate Agreements (MOUs/MOAs).

a. States that conduct operational counterdrug missions within the borders of other states will, to the extent required by and IAW the laws of the involved states, establish written MOUs/MOAs between the involved states.

b. At a minimum, Adjutants General, through the CDCs, will coordinate notice of the intent to conduct interstate operations prior to commencing such operations.

2-10. Funding, Entitlements and Other Fiscal Information.

a. Status of funding. CDC's will ensure that all personnel understand that the duration and size of the program is subject to annual appropriated funding levels, and that reductions in staff or breaks in duty could be required in the event of reduced budgets.

b. Title 32 USC 112 provides the funding authority for the National Guard Counterdrug Support Program. It authorizes funding for pay and allowances, uniform clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard used for counterdrug activities, and for the operation and maintenance of the equipment and facilities of the National Guard used for counterdrug support activities. It also authorizes funding for the procurement of services, supplies, equipment and the leasing of equipment for the National Guard of that state for the purpose of drug interdiction and counterdrug activities.

c. National Guard counterdrug support funds are part of the DoD counterdrug appropriation and will not be used for purposes other than the National Guard counterdrug support program. These funds are fenced by Modified Army Management Structure Codes (MAMSCOs), DoD Project Element Codes, (PECs), Workday Utilization Codes (WUCs), and Emergency Specialty Project Codes (ESP's). Requests for transfer of funds between appropriations or between ARNG and ANG must be submitted to NGB-CD for approval.

d. Incremental costs associated with missions performed incidental to training that include above normal expenditures (such as lodging) may be charged to counterdrug support accounts.

e. Periods of duty and pay/allowances

(1) Full-Time National Guard Duty Counterdrug (FTNGDCD) orders will reflect the entire duration of the mission and will not be broken to exclude weekends for the sole purpose of avoiding the costs of pay and allowances and associated entitlements/benefits.

(2) Soldiers and airmen are entitled to travel and transportation allowances while performing travel away from their counterdrug duty stations, when such travel constitutes "directed travel" in accordance with the Joint Federal Travel Regulation (JFTR).

f. Local area travel reimbursement is authorized for expenses incurred by members conducting official business in the local commuting area as defined by local commanders.

- g.* Travel expenses incurred by personnel on FTNGDCD with the counterdrug program when commuting to and from unit home station to train with the unit while it conducts Inactive Duty Training (IDT/IAD) and/or Annual Training (AT) are chargeable to the Counterdrug Program when the unit home station is a place other than the member's primary (FTNGDCD) place of duty. Such travel is "directed travel" because it is a condition of participation in counterdrug duty; soldiers and airmen training with their units while on Full-time National Guard Duty Counterdrug are not performing IDT/IAD, and are entitled to reimbursement for travel expenses IAW JFTR.
- h.* Personnel ordered to 140 or more consecutive days FTNGDCD are entitled to a PCS move at government expense in accordance with the JFTR. Soldiers/Airmen must not be denied travel pay, PCS entitlements, or other entitlements under the Joint Federal Travel Regulations (JFTRs). If funds are not available to support the duty IAW the JFTR, personnel will not be ordered to perform duty.
- i.* It is the responsibility of the CDC to develop and maintain internal controls necessary to assist with the reconciliation of both the ARNG and ANG financial systems. These controls will give proper documentation to support audit and control in accordance with Management Control Programs of both Army and Air Force in accordance with Federal Managers' Financial Integrity Act (FMFIA), Public Law 97-255.
- j.* Title 32 USC 112 counterdrug funds may be used for training of United States LEAs only. (See paragraphs 2-7, and 5-3.) Training will not be conducted for the purpose of training LEAs from other countries, but they may attend courses scheduled for domestic LEAs, providing no 32 USC 112 funds are expended for their associated costs.
- k.* Title 32 USC 112 counterdrug funds will not be used for the procurement of giveaways such as caps, T-shirts, pens, pencils, etc.
- l.* Contracted training, trainers, training materials, and training development are authorized only for training in support of missions approved in the State Counterdrug Support Plan, when internal training resources are not available.
- m.* Contracting for external evaluations of National Guard Counterdrug Programs must be approved by NGB-CD.
- n.* Accounting for nonappropriated funds, i.e., asset forfeiture-sharing funds, grants, and foundation donations, is a state responsibility.
- o.* Accounting for military nonappropriated funds, i.e. PX, BX, etc. will be coordinated with the USPFO and ANG comptrollers in accordance with applicable regulations.
- p.* Non-counterdrug training exceeding three days.
- (1) Counterdrug funds cannot be utilized for non-counterdrug training exceeding three days in length excluding travel time. CDCs may permit soldiers and airmen participating in non-counterdrug training of three days length, or less, to remain in a pay status on counterdrug orders, but will not be responsible for travel costs or other expenses connected with such training. This paragraph does not refer to Annual Training. (See paragraph 2-10t.)
- (2) "Non-counterdrug training", as used in paragraph 2-9p(1), above, does not include IDT/IAD. Counterdrug personnel serving under orders which encompass IDT/IAD will remain under those orders during all such periods, and counterdrug personnel are required to attend IDT/IAD as a condition of participation in the program. See paragraph 2-9f, above, for guidance pertaining to IDT/IAD/--related travel entitlements.
- q.* Separation pay. Counterdrug personnel performing self-terminating full-time duty pursuant to 32 USC 112 are, with certain limited exceptions as outlined in the DoD Financial Management Regulation, are entitled to separation pay if they meet the requirements of 10 USC 1174.
- r.* A cooperative agreement between the USPFO, acting on behalf of the Chief, NGB, and the Adjutant General, acting on behalf of the state, will be prepared prior to the issuance of any funding for counterdrug activities which include reimbursement to the state.
- s.* All Counterdrug funds are allocated for a specific intent and purpose. The duty performed must be directly related to the appropriate fund cite as allocated. The only exception is: CDCs may assign soldiers and/or airmen paid with interdiction support funds to perform no more than five consecutive days of demand reduction duty in a period and all travel will be paid from the demand reduction travel fund cite. The state will not exceed 10% of its interdiction funded days in support of demand reduction per fiscal year and will report this duty to NGB-CD.
- t.* Counterdrug personnel will remain on counterdrug orders while performing Annual Training. The pay, allowances, and other benefits shall be the same as those to which the member is entitled while performing counterdrug activities. Counterdrug appropriations shall be reimbursed out of appropriations available for paying Annual Training costs.
- u.* CDCs are responsible to ensure proper management controls are in place for effective control of travel orders and vouchers. Travel orders and appropriate documentation must be maintained and available for review for current and prior FY.
- v.* The CDC must maintain the current Counterdrug Budget Obligation Plan (CBOP).

2-11. ARNG Funding.

a. Pay and allowances (appropriation 2060).

Pay, allowances, travel, and per diem for FTNGDCD and AGR (Title 10 and Title 32) personnel are chargeable to the National Guard Personnel Appropriation (NGPA) and are identified as program costs in accordance with DFAS IN Manual 37-100-XX.

b. Operations and maintenance (appropriation 2065) Operations and maintenance expenses are chargeable to the Operations and Maintenance, National Guard, appropriation (OMNG), in accordance with DFAS 37 series manuals/regulations. O&M expenditures may include:

(1) Procurement of material, supplies, and labor required for operating and maintaining counterdrug facilities, aircraft, ground vehicles, and equipment.

(2) Procurement of medical supplies used in the Counterdrug Support Program.

(3) Procurement of contract meals and lodging for counterdrug personnel in support of counterdrug operations.

(4) Other counterdrug related expenses that cannot be linked directly to a specific mission. Additional guidance may be obtained from the Army Comptroller Directorate, Program and Budget Division (NGB-ARC-P).

(5) ARNG Air OPTEMPO Funding. Funding provided to states for CD RAID/CD Aviation Operations Flying Hour Programs (ARNG Air OPTEMPO – POL and Consumables) are only authorized for CD purposes and will not be diverted to other state programs. ARNG Air OPTEMPO Depot Level Repairs (DLR) funding at the AVCRAD level are only authorized for CD DLR purposes for those states receiving CD OPTEMPO Flying Hour Program funds and will not be diverted to other AVCRAD/State programs. Shortfalls of ARNG Air OPTEMPO (POL, Consumables and DLR) funding will be forwarded to NGB-CD for resolution. Excesses of ARNG Air OPTEMPO (POL Consumables and DLR) will be forwarded to NGB-CD for redistribution to other CD RAID/CD Aviation programs.

(6) Other expenses (i.e. contract meals for non AGR/FTNGDCD counterdrug personnel) that cannot be linked directly to a specific mission. Additional guidance may be obtained from Army Comptroller Division, Budget Execution and Analysis Branch (NGB-ARC-BE0).

2-12. ARNG Financial Management of CD Funding.

Regular reconciliation of Funding Authorization Documents (FADs), and Funding Allowance Targets (FATs), United States Property and Fiscal Officer (USPFO) reports and the internal budget records maintained by the staff of the CDC must account for all funds issued. The following reports must be available for review for the current and prior fiscal year:

a. Funding Allowance Targets (FATs)

b. Unliquidated Obligation Listing

c. Reservation Master Listing

d. Monthly Transaction Register Listing

e. Financial Plan Status Report (available from USPFO)

f. Obligation Plan Reports for USPFO

2-13. ANG Funding.

a. Military personnel (appropriation 3850/fund code 56). Pay, allowances, travel and per diem for FTNGDCD personnel and pay and allowances for AGR personnel are chargeable under this appropriation in accordance with AFMAN 65-604 (Appropriation Symbols and Budget Codes).

b. Operations and maintenance (appropriation 3840/fund code 58). Operations and maintenance funds cover costs that are the same as those of the ARNG, but include funding for Air National Guard AGR and FTNGDCD travel and per diem.

2-14. ANG Financial Management of CD Funding.

a. Regular reconciliation of all Funding Documents, workday accounting documents, obligation documents (Form 9s MIPRs, AF 616s Travel orders etc.) and internal budget records maintained by the staff of the CDC must account for all funds issued. The following reports must be available for review for the current and prior fiscal year:

(1) Resource Managers' reports from the Command Budget Authority System (CBAS), Micro-based budget automated system (Microbas) or the BQ system.

(2) Workday Documents

(3) Squadron WUC Detail Report

b. Workday transfers must be approved by NGB. Requests for transfer of funds and workdays should be forwarded to the regional coordinator for approval.

2-15. Asset Sharing.

a. The Department of Justice and the Department of the Treasury have asset sharing programs (sharing of resources obtained through asset forfeiture) for the National Guard. The criteria for qualification to participate in the programs are set by the agencies which manage the programs and generally require that the National Guard qualify as a state law enforcement agency and use the percentage of participation in a particular case to determine the extent of the sharing. State participation is voluntary, at the discretion of the Adjutant General, and only if allowed by state law.

b. CD funds cannot be augmented from funds derived from asset sharing.

Chapter 3 Counterdrug Support Program Operations

3-1. Request Channels.

LEAs and CBOs will request counterdrug support through the Adjutant General, **ATTN:** Counterdrug Coordinator. Support requests that are beyond the capability of the state National Guard will be forwarded to the Counterdrug Directorate, **ATTN:** Regional Coordinator.

3-2. Operations Orders/Plans/SOPs.

See operations files instructions in Chapter 9 of this regulation/instruction.

3-3. Duty Status.

See paragraph 8-1 of this regulation/instruction.

3-4. Support Role.

The role of the National Guard in counterdrug supply reduction operations is to support LEAs. The CDC will ensure that personnel are not placed in situations that are likely to bring them in direct contact with suspects. The CDC will also ensure that National Guard members are not knowingly sent or directed to enter into a hostile environment where information indicates there is a high probability of encountering hostile fire or other life threatening situations.

3-5. Force Protection.

National Guard personnel at all levels will ensure that pre-operation (liaison) coordination and planning with supported law enforcement agencies address the Risk Management of personnel and equipment throughout the operation. A Risk Assessment of potential threats to National Guard members and property will be conducted during the planning stage. The CDC is designated as the focal point for NG personnel assigned to counterdrug support and will ensure the coordination of security and clear jurisdictional responsibilities between LEAs and CD mission personnel. CDCs will receive and disseminate time sensitive threat information from law enforcement agencies IAW AR 525-13, paragraph 5-16 and local policy. National Guard personnel will ensure that public affairs efforts, directed at complying with the public's right to know, do not jeopardize the safety of National Guard members and equipment by disclosure of personnel or unit identification in photographs, video recordings or printed articles.

3-6. Arming of Troops and Use of Force.

a. This paragraph contains federal guidelines that cannot be broadened. However, states will review these rules with the Attorney General (or equivalent) and add further restrictions as appropriate to comply with state law and/or policy.

b. The National Guard serves in a support role to law enforcement and will not be directly engaged in law enforcement duties; accordingly, Guard members will only be armed at the request of the supported law enforcement agency and when meeting the following criteria. A mission risk assessment will be conducted to identify hazards and evaluate whether Guard personnel should be armed as a force protection issue. The Adjutant General will determine whether troops will be armed. The Adjutant General's policy, to include procedures for chain of approval, delegation of authority (when applicable), and other guidance as desired, will be published in written form and made known to all counterdrug personnel. The Adjutant General may delegate approval, but the approval authority must be a primary staff officer and the Counterdrug Coordinator.

c. All personnel authorized to carry firearms must have received qualification training and testing on the type of firearm to be carried, in accordance with current regulations. Training will include instruction on safety functions, security, capabilities, limitations and maintenance of the firearms. Testing will include qualification firing in accordance with current qualification standards. (See 5-14 and 5-15)

d. Arms and ammunition will be secured at all times IAW appropriate regulations and policies. Rounds will be chambered only on order of the commander/senior officer/senior noncommissioned officer present, in coordination and in conjunction with the supported LEA, except in cases of exigent circumstances.

e. Firearms will not be discharged from moving vehicles. (Exception: To defend themselves or other persons in a life-threatening situation. The discharge of a weapon will require the filing of a Incident Report IAW paragraph 3-15.)

f. Pilots in command (PICs) of aircraft have the authority to override an order to chamber rounds while on board aircraft.

g. Possession or use of non-issued or personally owned firearms and/or ammunition during counterdrug support operations is prohibited. National Guard personnel will not accept offers of weapons or ammunition from LEAs

except for use on LEA operated ranges for training purposes only. The only weapons used for counterdrug support operations will be federally owned military weapons listed on the USPFOs property book account.

h. Federally owned military weapons will not be secured in private dwellings at anytime.

i. The CDC will direct additional weapons training when, in his judgment, it is advisable, regardless of the level of training indicated by training and qualification records.

j. National Guard members may use minimum force (restrain, detain, subdue) for the following purposes:

(1) To defend themselves or other persons.

(2) To protect property, or prevent loss/ destruction of evidence.

(3) To make arrests if they have arrest powers pursuant to state law and exigent circumstances require such action.

k. The discharge of any firearm is always considered to be deadly force.

l. National Guard members will be thoroughly briefed on the Rules of Engagement and Use of Force prior to the commencement of any operation.

3-7. ARNG Operational Ammunition.

a. An ammunition account may be established to support missions within the Counterdrug Support Program, per Common Table Allowances (CTA) 50-909, paragraph 26 (18) (Field and Garrison Furnishings and Equipment). Operational munitions are used when performing guard duty, patrols, investigative type duties and other operations in which the bearing of arms has been approved in accordance with paragraph 3-6 of this regulation/instruction.

b. Operational ammunition must be secured and accounted for in accordance with AR 710-2 (Inventory Management Supply Policy Below the Wholesale Level), DA Pam 710-2-1 (Using Unit Supply System) and DA Pam 710-2-2 (Supply Support Activity Supply System: Manual Procedures).

3-8. Basis of Issue for ARNG Operational Ammunition.

a. NGB-CD has determined that the following line item numbers and quantities (extracted from MP operational loads, CTA 50-909, Table 62) will be the basis of issue for the counterdrug operational load:

(1) C39136 9mm Ball M882 (A363)	45 rds/wpn
(2) D34821 00 Buckshot M19 (A011)	10 rds/wpn
(3) C35041 Ctg, 5.56 Ball M855 (A059)	120 rds/wpn
(4) D34973 5.56 Ball M193 (A071)	120 rds/wpn
(5) J77626 Grenade, Green Smoke (G940)	24 ea/DUIC
(6) J79133 Grenade, Red Smoke (G950)	24 ea/DUIC

NOTE: LIN D34973 is to be used with the M16A1 rifle. LIN C35041 is to be used with the M16A2 rifle. No substitution is authorized. C35041 should not be fired in the M16A1 rifle. D34973 can be fired safely and accurately in the M16A2/M16A3, but range is reduced approximately 16 percent, and penetration is also reduced.

b. The number and type of weapons used for computing the operational load will be limited to that necessary to conduct authorized operations.

3-9. Prohibited Practices.

a. Local purchase of commercial ammunition is prohibited.

b. Possession or use of personally owned firearms/ ammunition, or any firearms/ammunition other than that issued by counterdrug staff, is prohibited while on duty.

c. National Guard personnel will not accept offers of ammunition from LEAs, or other non-military sources, or provide ammunition to non-military entities.

3-10. Rules of Evidence and Chain of Custody.

Rules of evidence in civilian and military courts generally provide that physical objects cannot be accepted into evidence unless a chain of custody can be established. This is especially true for items subject to adulteration such as drugs. To ensure admissibility of such evidence, only LEOs should seize, handle and/or maintain custody of items that may be considered as evidence.

3-11. Operational Briefings.

In addition to initial training and annual refresher training in Counterdrug Support Program doctrine, soldiers and airmen in support of LEAs will be given additional briefings when the nature of operations indicates that reinforcement is advisable. Special briefings on rules of engagement, force protection, security, use of force, chain of custody, and/or other basic program provisions outlined in this regulation/instruction may be advisable when contact with suspects seems probable, when conducting multijurisdictional operations, when performing air

operations with new personnel, or when conducting operations involving motor convoys, new terrain or contact with civilians. CDCs and supervisors will determine when such additional briefings are appropriate.

3-12. Operations Security (OPSEC).

Supply reduction support operations will follow OPSEC procedures of AR 530-1 (Operations Security (OPSEC)) and DoD 5400.7-R, AFSUP1. OPSEC briefings will be administered as part of operations briefings, where appropriate or separately as required.

3-13. Physical Security.

CDCs will ensure that all physical security protective measures and appropriate risk assessments of all National Guard counterdrug controlled offices and and/or work areas are conducted in accordance with AR 190-11, AR 190-13 (The Army Physical Security Program), AR 190-51 (Security of Unclassified Army Property) and/or AFI 31-101V1 (The Air Force Physical Security Program), as applicable.

3-14. Communications Security (COMSEC).

Policies and procedures outlined in AR 380-19 (Information System Security Program) and/or AFI 14-201 (Intelligence Production and Applications) and AFI 33-211 (Communications Security (COMSEC)) will be followed to ensure protection of confidential information in information management systems and to determine appropriate methods for transmission or reception of voice and hard copy information.

3-15. Protective Markings.

a. Mark counterdrug plans, operations plans/orders, MOUs/MOAs and other sensitive documents, "FOR OFFICIAL USE ONLY," in accordance with AR 25-55, Chapter 4, and DoDD 5400.7R, AFSUP1. Refer to regulation/instruction for the proper marking of "FOR OFFICIAL USE ONLY" (FOUO) documents. Mark FOUO material sent to authorized persons outside the DoD with the following explanation typed or stamped on the document: This document contains information EXEMPT FROM MANDATORY DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT (FOIA). Exemptions (b)(5), (b)(7)(F), and Title 5, U.S. Code Section 552 (b) (5) and (b)(7)(F). Further distribution is prohibited without the approval of the Office of Primary Responsibility (OPR). The OPR is the office within the state holding ownership of the documents so marked.

b. Sensitive LEA materials will be treated as classified material protected to the CONFIDENTIAL level IAW CJCSM 3701.01 and Joint Pub 3-07.4 (Joint Counterdrug Operations).

c. There are other types of information that require application of controls and protective measures for a variety of reasons. In accordance with DoDD 5200.1-R, DoD Information Security Program Regulation, this information is known as "controlled unclassified information." Since classified information and controlled unclassified information exist side by side in the work environment, often in the same document, AR 380-5 should be reviewed for guidance. To release FOUO information to members of Congress consult DoDD 5400.4, and to the General Accounting Office use DoDD 7650.1.

3-16. Intelligence Oversight (IO).

a. References.

- (1) DoD 5200.1PH, DoD Guide to Marking Classified Documents.
- (2) DoD 5200.1R, Information Security Program Regulation.
- (3) DoDD 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.
- (4) AR 380-13, Acquisition and Storage of Information Concerning Persons and Organizations.
- (5) AR 381-10, US Army Intelligence Activities.
- (6) AFI 14-104, Conduct of Intelligence Activities.
- (7) NGR 20-10/ANGI 14-101, Inspector General Intelligence Oversight Procedures.

b. General.

(1) The National Guard does not conduct Intelligence activities of its own in Counterdrug Support Program missions. National Guard members support the criminal information analysis activities of LEAs. Criminal information comes into temporary possession of National Guard members supporting LEAs but is not retained by the National Guard.

(2) NGR 20-10/ANGI 14-101 provide guidance to National Guard Inspectors General in implementing oversight of intelligence activities. These two publications may aid CDCs in complying with requirements, since they describe procedures used by Inspectors General in reviewing counterdrug activities.

c. Requirements.

(1) National Guard Counterdrug Programs are not required to have formal intelligence oversight programs unless they have specifically requested Military Intelligence Support. They then must follow the procedures outlined in AR 381-10/AFI 14-104.

(2) Intelligence oversight training will be included in doctrinal training given to each member at initial entry, and repeated annually for all personnel. CDCs will ensure that members performing duty such as Missions 2a (Linguist Support), 2b (Investigative Case and Analyst Support) and various operations of Mission Category 5 (including Thermal Imagery in Mission 5b, Aerial Reconnaissance), receive such additional and specialized training as may be appropriate.

(3) CDCs will coordinate with LEAs to ensure that support of intelligence operations is conducted in accordance with applicable directives and in the support role intended by Counterdrug Support Program policy. This will require periodic monitoring of the daily routines and actual duties performed by National Guard members

3-17. Special Notification Requirements.

a. CDCs must notify NGB-CD when any of the following occurs in a counterdrug operation:

(1) Loss of life or serious injury.

(2) Substantial loss of, or damage to, government or private property; this includes loss of a government weapon and/or ammunition.

(3) "Immediate action" situation. This is any situation in which a National Guard member discharges a weapon, or is fired upon; a National Guard member inflicts injury; a National Guard member sustains an injury from hostilities; or, any other situation where the senior National Guard member present determines that an event of serious nature has occurred and should be reported.

b. This requirement is in addition to reports required by other federal or state regulations/policies.

c. When counterdrug personnel prepare reports in accordance with AR 190-40 (Serious Incident Reporting) or AFMAN 10-206 (Operational Reporting) ANGI 10-206 (Operational Reporting), the CDC will notify the Army and Air National Guard Command Posts and NGB-CD. If NGB-CD is notified of a serious incident directly from a state this information will be coordinated with the Army and Air National Guard Command Posts immediately by the person receiving the report.

d. Initial reporting will be by telephone call, facsimile message or electronic mail. A written report will follow if requested by NGB-CD.

3-18. Aviation Assets and Aircraft Safety.

a. **Aviation assets.** The State Army Aviation Officer (SAAO) for the Army National Guard and appropriate flying unit commanders for the Air National Guard will control aviation assets utilized in the Counterdrug Support Program. The CDC and NGB-CDO will coordinate to determine the number of flying hours needed to support the states flying hour program (FHP). A MOA will be established between the CDC and the SAAO for facilitation and execution of the FHP. The MOA will address, but is not limited to, outlining of duties and responsibilities of CD RAID/CD Aviation Operations (CD AVOPS) and personnel, supervisory roles, FHP execution/funding specifics, State Army Aviation Facility support for CD RAID and/or CD AVOPS and other pertinent requirements to ensure quality and timely LEA support. The CDC will coordinate with the SAAO/ANG flying unit to confirm the capability to fly those hours. CDC will ensure that counterdrug staff calculations of flight hours expended, and related costs, are reconciled with those of supporting units/AASFs and ANG units/facilities.

b. **CD C-26 Program Manager.** The CD C-26 program manager is responsible for executing operational CD missions as tasked by the CDC and the daily management and current year budget execution of the CD C-26 program. The Wizard Manager will develop standardized local operating procedures and rules of engagement for the CD C-26 operation IAW NGR 500-2/ANGI 10-801, and other applicable Air Force and ANG instructions, state and local laws.

c. **CD C-26 funding.** Funding provided for the CD C-26 program may only be utilized on the C-26 program and cannot be diverted to other state CD programs. CD C-26 funding (ESP Code DM) is separate from state plans funding (ESP Code DI). Each fiscal year, NGB-CDO will provide the program manager with the funding for the year via the unit comptroller and it will be the responsibility of the program manager to execute that budget. Shortfalls will be forwarded to NGB-CDO for redistribution to other CD C-26 programs.

d. **LEA requests.** Requests by LEAs for use of aircraft, or any operation involving aircraft, will be initially directed to CDCs in accordance with paragraph 3-1.

e. **Aircraft safety.** CDC staff, Army Aviation personnel and LEAs will coordinate planning to ensure that permission to land in selected landing zones has been obtained where necessary, and that the landing zones are free of hazards. LEAs will be responsible for clearing areas of potentially hostile persons prior to landings. Everyone concerned will take appropriate action to ensure that hazards to National Guard members, LEAs and civilians, are

minimized in operations involving aircraft. Pilots in Command (PIC) are responsible for the aircraft and the security of passengers and crew. PICs will not fly into or land in known hostile areas and will ensure that passengers are instructed in the principles of aircraft safety. Aircraft will maintain a safe distance from any known hostile elements when inserting LEAs or National Guard personnel into the operational area.

f. Guidance. National Guard Training Circular (NGTC) 1-500 serves as regulatory and doctrinal guidance for the employment of ARNG Aviation assets in the Counterdrug support role. All states and territories involved with or supporting counterdrug operations will adhere to the standards and requirements of NGTC 1-500.

g. Reporting Procedures. CD RAID personnel/CD ARNG AVN Ops personnel will track and report monthly via the Counterdrug Management Information System (CMIS) all ARNG Air OPTEMPO (MAMSCO 130G89.A0), POL, Consumables and Depot Level Repairs expenditures.

3-19. Counterdrug Reconnaissance and Interdiction Detachments (CD RAIDs).

a. The Counterdrug Directorate authorizes CD RAIDs to support counterdrug operations in selected states. CD RAID aircraft equipment includes aircraft equipped with special thermal imaging, communications and navigation equipment.

b. NGB-CD will specify addition/reduction of detachments, authorized manning, equipping and numbers of aircraft for CD RAIDs each fiscal year. Detachment members normally serve on extended orders in FTNGDCD status.

c. CD RAID Table of Distribution and Allowances (TDA) assets will only be employed in counterdrug support activities and are not authorized for any other purposes. Exception: State and National emergencies IAW paragraph 6-14.

d. CD RAID TDA assigned aircraft will not be consolidated with MTOE aircraft to support Non - CD RAID TDA OH-58 aviator currency. Exception: Marijuana Eradication Operations, IAW NGTC 1-500, paragraph 3-4.

3-20. SPIES, FRIES, STABO, HELOCAST, Rappelling and Paratroop Operations.

Training requirements for Standard Tactical Egress Operations are noted in Chapter 5 of this regulation/instruction.

3-21. Use of Counterdrug-equipped Aircraft for Non-counterdrug Missions.

See "Use of counterdrug assets for non-counterdrug missions" in Chapter 6 of this regulation/instruction.

3-22. Counterdrug Program Evaluations.

The Counterdrug Office will periodically send Counterdrug Program Evaluation teams to visit CDCs and their staff members to evaluate the state's compliance with laws, regulations, management controls and NGB Counterdrug Support Program policies. The team will assist the states and territories in achieving and maintaining compliance through a partnership process between them and NGB-CD. They will provide the Chief, NGB-CD and the TAG, with insight and information, to familiarize their staffs with issues, problems and perspectives of state counterdrug personnel. Their report will also address ways in which NGB-CD can improve service and support to the states. Counterdrug Coordinators will conduct a self-evaluation of their program on an annual basis (in the month of May) using the Counterdrug Checklist and submit a copy of DA Form 11-2R to the Counterdrug Program Evaluation Office. The Counterdrug Program Evaluation Office will provide the Counterdrug Checklist in written and electronic form to the CDCs.

3-23. Public Affairs.

a. Information about National Guard Counterdrug Support is subject to the provisions of DoDD 5122.5 (Assistant Secretary of Defense for Public Affairs (ASD(PA))), AFI 35-101 (Public Affairs Policies and Procedures), AR 360-5 (Public Information), AR 360-81 (Command Information Program), NGB Pam 360-5/ANGP 190-9 (National Guard Public Affairs Guidelines).

b. The decision to release individual or program information should be made at the State National Guard level, by means of conducting a joint risk-analysis between the state counterdrug coordinator, the state Public Affairs Officer (PAO) and the affected lead law enforcement or community based organization point of contact.

c. Information will be made fully and readily available, consistent with statutory requirements, unless its release is precluded by current and valid security classification. The provisions of the Freedom of Information Act will be supported in both letter and spirit.

d. News media travel with National Guard units, activities and programs are regulated by NGB Pam 360-5, and may require state PAO coordination with NGB-PA. Counterdrug Support media travel plans should be coordinated between the state CDC, the state PAO and the LEA/CBO, prior to state PAO coordination with NGB-PA.

Chapter 4 Safety and Accident Prevention

4-1. General.

a. The safety of National Guard counterdrug personnel is the primary concern of the counterdrug staff and will be emphasized in planning and during all operations. Accident prevention in counterdrug activities is based upon the philosophy that accidents can be prevented. Accident prevention is everyone's responsibility and an inherent function of leadership. CDCs will ensure that safety baselines are incorporated throughout the Counterdrug Standing Operations Procedures (SOP), and that the SOP encourages the use of Risk Management tools for all missions. The CDC will ensure establishment of a Safety Program customized to local needs and circumstances. All counterdrug personnel will be informed of the responsibilities, instructions, goals and methods outlined therein. The SOP will conform to DoD, Army, Air Force and National Guard regulations/instructions and state policies/ procedures.

b. The successful accomplishment of all counterdrug support missions and activities with the minimum of risk will be the main thrust of the program. The safety goals of the Counterdrug Support Program are:

(1) To enhance the total counterdrug mission effectiveness by eliminating/minimizing risks.

(2) To always provide a safe and healthy environment for all counterdrug personnel and others exposed to counterdrug activities.

c. The safety goals will be achieved through the following safety program objectives:

(1) Preventing injuries on or off duty.

(2) Detecting and eliminating the causes of accidents.

(3) Identifying and controlling risks.

(4) Complying with all federal, state, and local safety/environmental requirements.

4-2. Air National Guard Mishap Prevention Program.

a. This program, as described in DoD Instruction 6055.1 (Safety and Occupational Health Program), AFI 91-202 (The US Air Force Mishap Prevention Program) and AFI 91-202/ANGSUP 1 (The US Air National Guard Mishap Prevention Program), complies with the intent of this regulation/instruction. ANG units will continue to abide by established ANG directives and procedures when conducting counterdrug operations, with the exception that reporting procedures will be amended to include the CDC as an information copy addressee on all counterdrug-related matters. The Counterdrug Safety Officer will coordinate with each ANG unit Chief of Safety to ensure the Counterdrug SOP and related directives do not conflict with the ANG Mishap Prevention Program. Published ANG directives and procedures take precedence for ANG units.

b. See also AFI 91-204/ANGSUP 1 (Safety Investigations and Reports), AFI 91-213 (Operational Risk Management (ORM) Program) and AFI 91-301/ANGSUP 1 (Air Force Occupational and Environmental Safety, Fire Prevention and Health (AFOSH)).

4-3. Responsibilities.

a. Counterdrug accident prevention and reporting is everyone's responsibility. Policies, objectives and standards must be established, supported by commanders and understood by everyone to ensure effective accident prevention.

b. The CDC has the overall responsibility for the health, welfare and safety of counterdrug personnel and therefore the state counterdrug accident prevention program. Special attention will be given to aircraft and vehicle safety, with careful consideration of the unique requirements of each state (i.e., weather, geography, legal matters, etc.). The CDC will coordinate with appropriate safety and environmental officers/agencies to ensure that the SOP conforms to legal and regulatory requirements. The CDC will ensure that:

(1) A Counterdrug Safety Officer or NCO is appointed and trained.

(2) Risk assessments are conducted to ensure that the appropriate controls are utilized, that assignments are within personnel and equipment capabilities and that the most appropriate assets, consistent with operational success and safety goals, are utilized.

(3) Risk management principles and standardized procedures are followed for all operations regardless of mission urgency.

(4) A risk assessment is completed for all missions. Mission briefings will include the controls that will be utilized to reduce identified mission risks. An annual risk assessment is sufficient for operations that continue year round in one location with relatively stable routines. When circumstances change and new risk factors are present, new assessments will be prepared.

(5) All risk assessments made are filed in the related operations record.

(6) Safety principles/procedures will be integrated into Counterdrug Program Standing Operations Procedures (SOPs), Operations Orders (OPORDs), Operation Plans (OPLANs) and other directives. Topics to address include, but are not limited to:

- (a) Safety issues relevant to particular Mission Categories
- (b) Risk management procedures
- (c) Pre-operation and post-operation briefings
- (d) Training and operation rehearsals
- (e) Safety Council
- (f) Lessons learned
- (g) Air/Ground Accident Prevention Plans
- (h) Medical response planning
- (i) General ground safety principles/procedures
- (j) General air safety principles/procedures
- (k) Environmental regulations
- (l) Local Area Hazard Safety Briefing (DoD Instruction 6055.1, paragraph E3.3.1.7)

c. The Counterdrug Safety Officer/NCO will:

- (1) Manage the Counterdrug Safety Program for the CDC.
 - (2) Ensure that execution of duties and performance of accident prevention surveys are in accordance with AR 385-95 (Army Aviation Accident Prevention), AR 385-10 (Army Safety Program), NGR 385-10 (Army National Guard Safety & Occupational Health Program) and applicable ANG directives.
 - (3) Ensure that safety files, statistics and literature are maintained in accordance with AR 385-10, NGR 385-10 and applicable ANG directives.
 - (4) Ensure that mishap reports are submitted and reviewed, and that corrective actions are implemented. ANG mishap/injury reports will be completed by the safety representative at the site. Representative will forward/transmit a copy to the unit where the member/equipment is permanently assigned.
 - (5) Assist, when requested, personnel in learning about or implementing Risk Management into their duties, mission and tasks.
 - (6) Ensure risk management addresses safety, occupational and environmental health at all levels with respect to counterdrug operations and not as an add-on consideration (DoDI 6055.1, paragraph E3.2.3)
 - (7) Ensure that all personnel receive a local area hazard safety briefing. Included will be any unique local area conditions, potential health problems or hazardous conditions which may be encountered.
- d. Counterdrug personnel will:
- (1) Correct all known deficiencies. Everyone, regardless of rank, will make immediate on-the-spot corrections when unsafe practices or conditions are observed.
 - (2) Report all unsafe conditions to the CDC/ Counterdrug Safety Officer/NCO when on-the-spot corrections cannot be made.
 - (3) Immediately report all safety incidents/ accidents through the chain of command to the Counterdrug Safety Officer/NCO. ANG mishap/injury reports will be completed by the safety representative at the site. Representative will forward/transmit a copy to the unit where the member/equipment is permanently assigned.

4-4. Inquiries on Safety Issues.

Counterdrug personnel may direct inquiries on safety issues to the Counterdrug Office, **ATTN: NGB-CDO**.

Chapter 5 Training

5-1. Training Responsibilities of CDC.

- a. The CDC will ensure that all personnel authorized to carry firearms have received qualification training and testing on the type of firearm to be carried, in accordance with current regulations. Training will include instruction on safety functions, capabilities, limitations and maintenance of the firearms. Testing will include qualification firing in accordance with current qualification standards. See paragraph 3-7 of this regulation/instruction.
- b. The CDC will manage training of National Guard members and LEAs (Authorized Missions, Mission Category 4).

5-2. Restrictions on Advanced Military Training.

a. Advanced Military Training is defined as high intensity training which focuses on the tactics, techniques and procedures required to apprehend, arrest, detain, search for, or seize a criminal suspect when the potential for a violent confrontation exists.

b. Examples are:

- (1) Advanced Marksmanship (including sniper training).
- (2) Military Operations in Urban Terrain (MOUT).
- (3) Advanced MOUT.
- (4) Close Quarters Battle/Close Quarters Combat (CQB/CQC).

c. Advanced Military Training does not include basic military skills such as basic marksmanship, patrolling, mission planning, medical skills and survival skills.

d. National Guard personnel will not provide Advanced Military Training to United States civilian law enforcement agency personnel unless authorized and approved by the Director of NGB-CD

5-3. Funding Restriction on Training LEAs from Other Nations.

32 USC 112 counterdrug funds may be used for training of United States LEAs only in conduct of Mission 4 (see paragraphs 2-7, Mission 4, and 2-10j). Training will not be conducted for the primary purpose of training LEAs from other countries, but they may attend courses scheduled for domestic LEAs, providing no 32 USC 112 funds are expended for their costs.

5-4. Initial Orientation, Counterdrug Support Program Doctrine.

a. At entry on counterdrug duty, National Guard members will be taught Counterdrug Support Program doctrine and policy, to include:

- (1) Legal restrictions and limitations.
- (2) Avoiding direct involvement in law enforcement activities.
- (3) Chain of command.
- (4) Avoiding violation of Intelligence Oversight restrictions.
- (5) Rules of engagement.
- (6) Rules of evidence.
- (7) Use of force.
- (8) Safety.
- (9) Force protection.
- (10) Duty status.
- (11) Tort protection.
- (12) Standards of conduct.
- (13) Pay, allowances and leave.
- (14) Medical, dental, commissary and exchange benefits.

b. Contents of Counterdrug Support Program doctrinal training will be prepared and kept on file and will be reviewed by the State JAG at least every two years, or more frequently when the need is recognized.

c. Refresher doctrinal training will be given at least annually to personnel on extended orders. Individuals who miss group training will be provided briefing content for review, supplemented by discussion with supervisors, as appropriate.

5-5. Standards of Conduct.

a. National Guard members participating in the Counterdrug Support Program are required to comply with DoD 5500.7-R, Joint Ethics Regulation (JER), and with conflict of interest policies. They are required to uphold the highest standards of conduct.

b. Training on Standards of Conduct will be given concurrently with other doctrinal training. Training will conform to requirements of DoD 5500.7-R.

5-6. Mission-Oriented Training.

Counterdrug Support Program personnel may receive training specific to the types of activities being planned or to familiarize them with LEA or CBO procedures and methods of operation. When the need for special training is identified, the "train the trainer" concept will be utilized as appropriate.

5-7. MOS/AFSC Related Training.

The use of Counterdrug Support Program funds for qualification in Military Occupational Specialties (MOSs) or Air Force Specialty Codes (AFSCs), or for training which enhances MOS/AFSC skills (i.e., airborne, air-assault, ranger,

etc.) must have prior approval by the Director, NGB Counterdrug Directorate, in addition to approvals which may be required by applicable regulations/instructions.

5-8. Aerial Observer/Marijuana Training for LEAs.

Will be conducted IAW NGTC 1-500, paragraph 2-13.

5-9. CD RAID Training.

The Western Army Aviation Training Site (WAATS) has the responsibility for qualification and standardization of Counterdrug Reconnaissance and Interdiction Detachment (CD RAID) aviators and is the designated executive agent for all tactics techniques and procedures for CD AVN operations training. Candidates for CD RAID qualification must meet course prerequisites as defined in the aviation training site flight training guide. The US Army Department of Evaluation and Standards (DES) designees will conduct Counterdrug Operations Standardization and Evaluation Inspections for Standardization and Safety compliance every twenty-four months. The WAATS CD RAID Section has the authority to designate Regional CD RAID Standardization Instructor Pilots (using existing resources), who will ensure proficiency and currency requirements are maintained by CD RAID units.

5-10. SPIES, FRIES, STABO, HELOCAST, Rappelling and Paratroop Operations.

Special Operations Patrol Infiltration/Exfiltration (SPIES), Fast Rope Infiltration/Exfiltration (FRIES), Stability Airborne Operations (STABO), Rappelling and Helicopter Cast and Recover (HELOCAST). These operations are specifically addressed in NGR (AR) 95-210 and considered high risk mission tasks, which are only performed by designated ARNG Aviation Units which have these tasks annotated on Aircrew Member Commanders Task List - in support of the units Mission Essential Task List. Due to the inherent danger and possibility of injury or loss of life in the performance of these operations, CD mission support requiring these techniques may be approved by the Chief, National Guard Bureau (or his designee) on a case by case basis through NGB-CD. In addition, the state must have a training program approved by the Aviation and Safety Directorate (NGB-AVN) and must be completed prior to conducting such operations. This NGB directive only applies to ARNG Aviation Units and is not applicable to other DoD service components. National Guard personnel, Jump Masters, Rappel Masters, Cast Masters, etc. must be qualified and current IAW the appropriate regulation/s to conduct these missions.

5-11. ANG Counterdrug (CD) C-26 Training.

Counterdrug mission and crew training for Air National Guard Counterdrug C-26 aircraft operations will be conducted as directed by NGB-CDO.

5-12. Training in Use of Sensory Enhancing Equipment.

a. Counterdrug personnel supporting operations which employ sensory enhancing equipment will be trained in the use of the devices. Scheduling and selection of personnel for training is the responsibility of the CDC.

b. The CDC will coordinate ARNG aviation training requirements with the SAAO, and coordinate with flying unit commanders in regard to ANG aviation training requirements.

5-13. Intelligence Oversight Training.

Intelligence oversight training will be conducted for all counterdrug personnel, in accordance with applicable NGRs. It will be included in initial and annual doctrinal orientations (See paragraph 3-14).

5-14. ARNG Individual Weapons Qualification.

a. ARNG rifle qualification will be in accordance with DA Pam 350-38/39 (Standards in Weapons Training/Standards in Weapons Training (Special Operations Forces)), Table 5-31, TRC C and Table 5-37, TRC C (MP Standards, not CID).

b. ARNG pistol qualification will be in accordance with tables in DA Pam 350-38/39.

c. Ammunition for weapons qualification and operations will be ordered from the Operations, Training and Readiness Directorate, Training Division, Training Support Branch, (NGB-ART-S), using the following procedure. The CDC will submit ammunition requirements to the State Ammunition Managers (STAM) as part of the total STATE training requirement for roll up under the "FF" UIC account under Automated Training Ammunition Management System (ATAMS) or the appropriate state parent account when Training Ammunition Management Information System – Redesign (TAMIS-R) is brought on-line.

5-15. ANG Individual Weapons Qualification.

a. ANG M-16 rifle qualification will be in accordance with AFI 36-2227, Volume 2 (Combat Arms Training and Maintenance Rifle, Handgun, Shotgun, Grenade Launcher, M72 Light Antitank Weapon, Submachine Gun, and M249 Squad Automatic Weapon Training Program) Chapter 1.

b. ANG 9mm pistol qualification will be in accordance with AFI 36-2227, Volume 2, Chapter 2.

5-16. Additional ARNG/ANG Weapons Training.

Ammunition to support additional training of ARNG and ANG members may be authorized, provided that:

a. Quantities requested are based on a valid LEA Program of Instruction which National Guard members are directed to undergo.

b. Request is approved by the Counterdrug Office, State Plans (NGB-CDS).

c. Requests are forwarded through the State Ammunition Manager to NGB-ART-S.

d. Ammunition will be used for training purposes only. The State Ammunition Manager is responsible for ensuring compliance with AR 5-13 (Training Ammunition Management System). The Manager forecasts quantities, monitors issue, consumption and returns, and ensures appropriate UICs are credited.

5-17 Mission 5a Training.

a. All states performing Mission 5a that is approved in their State Plan, will ensure at least one qualified person directly involved in the operation or training of Mission 5a has attended the National Counterdrug Civil-Military Institute (NICI) Mission 5a developed course. The Mission 5a course developed at NICI has established the minimum training requirements and all states will develop training programs tailored to their state mission (i.e. Legal Review, Armed Mission vs. Non Armed Missions) to at least meet the minimum requirements.

b. The CDC will ensure through the individual(s) who attended the NICI developed course that all individuals performing Mission 5a have received the minimum training and briefings prior to performing Mission 5a operations. This training will be supported through Program Of Instructions (P.O.I.) or Lesson Guides. Validation of all Mission 5a related training will be in the form of sign-in rosters or individual training records that will be kept on file at the CD Headquarters.

c. The CDC will manage and become familiar with the minimum requirements, which include but are not limited to:

- (1) Mission 5a Course Overview
- (2) Mission 5a Overview
- (3) Legal (POSSE COMITATUS) Review
- (4) Legal / Rules of Engagement Review
- (5) Public Affairs
- (6) Mission 5a Rules of Engagement
- (7) Risk Management
- (8) Operations Order
- (9) Case Study (The Redford Incident)
- (10) Serious Incident Report
- (11) LP/OP Employment
- (12) Medical/Safety Procedures
- (13) Situational Training (Action Drills)

d. The CDC will ensure these minimum requirements are met by each individual as initial training, and sustainment/refresher training is conducted and recorded annually.

5-18. Training Development.

a. Training conducted on any military topic by a state's CD personnel for LEA's, CBO's or military personnel should be based upon, and consistent with, the appropriate military training manuals.

b. States that anticipate teaching standard military topics should identify the training by course title in the annual state plan.

c. Training on non-standard military topics (with the exception of topics stated in paragraph 5-2) should be developed in accordance with the following structure and identified in the state plan.

- (1) Needs Assessment Statement
 - (a) CD nexus
 - (b) Source/requesting agency (military, law enforcement, community based organizations)
 - (c) Geographic area of training – interstate/intrastate
 - (d) Target audience
- (2) Program of Instruction (POI) Course title

- (a) Training environment (i.e. classroom, field environment, tactical training facility)
- (b) Objective
- (c) Course synopsis
- (d) Pre-requisites
- (e) Special requirements (instructor qualifications)
- (3) Course Administrative Data
 - (a) Course length
 - (b) Maximum, optimum and minimum class size
 - (c) Academic hours
- (4) Risk Assessment (as per NGR 500-2/ANGI 10-801)
- (5) Evaluation (generic statement) i.e. program of instruction must have an evaluation and quality assurance for both instruction and instructor
 - (6) Testing- all courses will be required to have a testing mechanism. This method can either be written or performance oriented.

5-19. Training Approval.

States providing training to LEAs, CBOs or military personnel on non-military topics will develop a training plan in accordance with the structure in paragraph 5-18. Training plans will be submitted to the Counterdrug Training Advisory Council (CTAC) through one of the regional representatives for review at a quarterly meeting. CDCs will maintain plans sanctioned by the CTAC for review and verification.

Chapter 6

Equipment Procurement, Accountability and Utilization

6-1. Applicability of ARNG/ANG Supply Directives.

- a. State Adjutants General may conduct counterdrug operations with federal property issued to the Army and Air National Guard.
- b. Counterdrug ARNG equipment is subject to Army National Guard supply directives. Paragraph 06Z of HQ STARC TDA or an applicable Common Table of Allowance (CTA) are the normal authorization documents for nonexpendable property (see paragraphs 6-5 and 6-6).
- c. Air National Guard fiscal and supply directives are applicable to equipment purchased with ANG 32 USC 112 funds.

6-2. Hand Receipt Accounts for Counterdrug Equipment.

- a. ARNG equipment will be accounted for through hand receipt issue from the HQ STARC PBO to the CDC.
- b. ANG accounts: see paragraphs 6-8 thru 6-10.

6-3. Central Procurement.

- a. States will not procure equipment already marked for central procurement by the National Guard Bureau, unless authorized to do so by NGB-CD.
- b. Central procurement includes:
 - (1) The Total Package Fielding Program (TPFP), in which the ARNG and ANG Directorates obtain equipment for the states.
 - (2) Purchase of equipment by NGB-CD for issue to all or some of the states. NGB-CD will advise the states periodically of new technology, test results and anticipated purchases.

6-4. Delegation of Approving Authority for OMNG Expenditures.

In accordance with authority delegated by the Chief, National Guard Bureau, the Chief, Counterdrug Office, further delegates to USPFOs the authority to approve expenditure of counterdrug OMNG funds. State counterdrug and USPFO staff will evaluate proposed expenditures and ensure that 32 USC 112 funds are utilized only for counterdrug purposes. Providing this rule is obeyed and the state has adequate OMNG funds, NGB-CD action as an approving authority is not required by the Counterdrug Office. The following guidelines are applicable:

- a. All OMNG purchases must comply with the Competition in Contracting Act of 1984 (CICA-84) and satisfy requirements of the Federal Acquisition Regulation (FAR), Defense Acquisition Regulation Supplement (DFARS) and Army Federal Acquisition Regulation Supplement (AFARS), as applicable.

b. Computer equipment purchases will be coordinated through the state Director of Information Management (DOIM), and must meet Reserve Component Automation System (RCAS) requirements.

c. Automation equipment and software purchases must be in accordance with Elements of Resource (EOR) as indicated in the 37 series, DFAS regulations.

d. In some cases, USPFO staff or other state personnel may request the concurrence of NGB-CD for OMNG expenditures, despite the delegated authority noted above. Regional Coordination teams will assist states in expediting such transactions.

6-5. Authorizations for Nonexpendable ARNG Property.

a. ARNG nonexpendable property will be authorized by one of the following:

(1) Paragraph 06Z, HQ STARC TDA. Additions to this paragraph are executed by the Force Management Division (NGB-ARF), acting in response to requests from the Logistics Division, Logistics Management Branch (NGB-ARL-S). Paragraph 06Z may include non-standard commercial equipment as well as military issue.

(2) Common Tables of Allowances (CTAs).

b. NGB-CD grants permission for states to deal directly with NGB-ARL-S to secure authorizations, in accordance with the delegation described in paragraph 6-4.

c. Regional Coordinators, when asked to assist, will act as expeditors of procurement decisions made at state level.

d. AR 71-13 (Department of the Army Equipment Authorization and Usage Program) is applicable to counterdrug programs.

6-6. Computers Purchased with ARNG Counterdrug Funds.

a. Computers are normally CTA items. CDCs will coordinate computer purchases with the state DOIM, and will select only equipment which meet RCAS requirements. Purchase of computers by state counterdrug staff or issue of computers initiated by NGB-CD may result in exceeding CTA allowances. In that event, the authorization process is as follows:

b. When the state has initiated the action, the CDC will request a special authorization from NGB-ARL-S, which will issue the appropriate written authority. NGB-CD delegates authority to CDCs, in conjunction with Property Book Officers and USPFO personnel, to deal directly with NGB-ARL-S.

c. When computers are issued via action originating with NGB-CD, special instructions will be provided.

d. Computer equipment, though usually non-expendable, will not be listed in the counterdrug O6Z paragraph of the HQ STARC TDA. CDC staff will retain authorization documents issued by NGB-ARL-S for as long as the equipment concerned is on hand, and ensure that computers are included in hand receipt accounts.

6-7. ARNG and ANG Equipment Procedures and Accountability.

Counterdrug funds are "fenced" by Congressional mandate. Equipment purchased with such funds cannot be reallocated to other organizations and, by law, must be identified as counterdrug equipment and maintained under counterdrug control.

6-8. ANG Procedures, Support Equipment/ Automated Data Processors.

ANG organizations will submit requests for support equipment and automated data processing systems (for use in support of state counterdrug operations) in accordance with this chapter. Compliance with these procedures will help maintain uniformity of document flow, minimize potential confusion/delay in document processing, and insure asset accountability.

6-9. ANG Information Processing Management System (IPMS).

a. IPMS is the standard Air Force inventory system for Automated Data Processing Equipment (ADPE). All ADPE, with the exception of some Table of Allowance (TA) equipment, must be entered in IPMS. Follow unit policy/directives for procurement of ADPE (i.e. submission of AF Form 9 and AF Form 3215). The Communications Flight will enter counterdrug automated data processing equipment in IPMS in PN "11". This PN must be created in IPMS. The Project Element Code (PEC) identifying counterdrug equipment is 52889F.

b. Counterdrug equipment custodians will ensure that automated data processors are listed on the unit CA/CRL, after entry of equipment data in IPMS in PN 11.

6-10. ANG Equipment Procedures and Accountability.

a. All equipment, non-accountable items (NF1 items - calculators or furniture) and automated data processors will be listed on the R15 Organizational Visibility List to track counterdrug funds, in accordance with AFMAN 23-110 part two, chapter 22, page 22-26, paragraph 22.31.3.

b. Counterdrug equipment custodians of requesting organizations will submit requests through AFEMS, specifying Force Activity Designator two (FAD II), and Allowance Source Code (ASC) 054DRUG. Justification statement through AFEMS will indicate whether equipment is requested for execution of the existing Governor's State Plan, or pertains to a pending revision of the plan. The specific mission (see authorized missions, Chapter 2 of this regulation/instruction) will be indicated.

c. The Equipment Management Section (EMS) of Base Supply will review the request, assign a base control number, maintain a suspense copy and forward a copy of the AFEMS request to the USPFO. USPFO personnel will review the request and State Plan with the CDC, and other staff if appropriate, and forward it to ANG/LG (Directorate of Logistics). ANG/LG will forward the AFEMS request to NGB-CDS for approval. EMS, upon receipt of an approval, will clear the suspense copy, and process the request. Copies of the AFEMS approval will be provided to the requesting unit and the CDC.

d. EMS will not request counterdrug support equipment without AFEMS approval. When security concerns preclude listing specific mission data on the AFEMS request, included information will indicate that a separate classified message detailing the justification will be sent to NGB-CDS by facsimile.

e. The above "dual tracking" procedures will be followed. Accountability is established by the Base; the responsibility for use and reallocation of counterdrug assets rests solely with the CDC.

6-11. Loan and Lease of Equipment.

a. States may coordinate directly with other states for the temporary loan of additional federal property needed to support counterdrug operations. Lease of property to Law Enforcement Agencies (LEAs) and Community Based Organizations (CBOs) will be in accordance with 32 USC 112, AR 700-131 (Loan and Lease of Army Material) or AFMAN 23-110 and DoDD 1225.6 (Equipping the Reserve Forces) as applicable. All leases of federal property to LEAs must be in return for fair market value. Agreements will be coordinated with the USPFO, to ensure requirements for approval by, or reporting to, higher headquarters are observed.

b. Requests by state or local agencies/organizations will be directed initially to the CDC.

6-12. Restricted Use of 32 USC 112 Equipment/ Services.

a. All equipment/services purchased, loaned, leased, or otherwise obtained using 32 USC 112 funds will be used for the Counterdrug Support Program except as specified in paragraph 6-14.

b. CDCs will avoid commingling of counterdrug and non-counterdrug equipment in storage wherever possible, and take measures as needed to prevent deliberate or unintentional transfer or misuse of counterdrug equipment. Normal supply procedures may be supplemented by special markings, special procedures and whatever additional management controls are necessary to enforce policies concerning use of equipment purchased with fenced funds.

c. Restricted use originates with the fiscal principle of "fenced funds" and applies to both ARNG and ANG equipment or services.

6-13. Disposition of Excess Equipment.

a. Policy is applicable to both ARNG and ANG equipment.

b. "Excess equipment" in this context means any property (nonexpendable or durable expendable equipment) which was purchased with 32 USC 112 funds and is no longer needed by the state program concerned. The purpose of the excess equipment policy is to ensure, as far as is practical, that property purchased with fenced funds remains in the service of the Counterdrug Support Program by transferring it to a state where it may be needed, once it is identified as excess in the state which purchased it.

c. NGB-CDS is the clearing house to assist CDCs in determining if their excess property can be used in another state.

d. Counterdrug staff will contact NGB-CDS when an item has been identified as excess. Regional Coordinator personnel will contact other states and determine if the equipment can be used elsewhere. Upon identifying a need, NGB-CDS will contact CDCs of gaining and losing states and lateral transfer procedures will be initiated in accordance with normal ARNG/ANG procedure for interstate transfer.

e. When NGB-CDS finds no need for the item in other states, the CDC will be given permission to release the item for disposal as excess property in accordance with applicable directives.

6-14. Use of Counterdrug Assets for Non-counterdrug Missions.

a. Counterdrug-equipped assets, including CD RAID aircraft, C-26 aircraft and Light Armored Vehicles (LAVs), are funded by 32 USC 112 appropriations and intended for primary use in counterdrug operations. NGB-CD acknowledges that requests will be made for the use of the assets to take advantage of thermal imaging and/or communications capabilities, etc. Allowances must be made for use of resources outside counterdrug activities. Assets may be used in a life/death emergency situation which meets the following criteria:

(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/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 during civil disturbances, disasters or weapons of mass destruction support.

b. A request must be made by an LEA, Office of Emergency Services or equivalent agency to the National Guard. Flying hour costs, vehicle costs, fuel costs and personnel costs must be reimbursed by other ARNG/ANG funding or by the agency making the request.

c. CDCs will verify requests and ensure that all available alternate sources of support (such as requests through MSCA in the example of escaped felons or search/rescue, or use of SAD for civil disturbances or natural disasters) are considered as possible alternatives to the use of counterdrug assets.

d. CDCs will coordinate with supported agencies to ensure that use does not interfere with counterdrug LEA operations except in valid life/death emergency situations.

e. CDCs may refer situations not meeting the above criteria to NGB-CD. The Counterdrug Office will consider them on a case-by-case basis.

f. Counterdrug personnel may take leave and perform State Active Duty simultaneously with concurrence of the CDC and when supporting operations covered under NGR 500-1/ANGI 10-8101 (Military Support to Civil Authorities).

Chapter 7**Light Armored Vehicle (LAV) Program**

a. NGB-CD will appoint a Program Manager (PM) from within the NGB-CD organization to provide overall program oversight functions to include but will not be limited to: Training, Operations, Maintenance, Budget and Future Program Expansion.

b. The guidance for the above listed areas will be provided in the NGB-CD LAV Standing Operating Procedures document. This document will address: mission, operational, maintenance, organization and standardization guidelines; training report requirements/format and basic program operating material. The SOP will be reviewed annually and will be supplemented by a State LAV Annex to cover state program unique materials and procedures. Counterdrug Program Evaluations will include the review of the State LAV Annex.

c. The state annex will delineate mission procedures IAW approved state plans. The annex will also include coordination and documentation procedures to cover all deviations, proposals or revisions to state plans ensuring state staff coordination. Documentation will include all intrastate support.

d. All LAV operations must be IAW NGR 500-2/ANGI 10-801, local state and federal statutes. The NGB-CD PM should be contacted for assistance and/or clarification when operations/actions are not covered in the guidelines listed

Chapter 8**Personnel and Administration****8-1. Duty Status.**

a. National Guard members may participate in the Counterdrug Support Program in the following paid duty statuses:

(1) Full-time National Guard Duty (FTNGD).

Orders will cite Title 32 USC Sec.502f as authority. National Guard members in FTNGDCD status must have Counterdrug Support Program duties as their primary mission. Duties must be in accordance with the funding citation (MAMSCO) and Type Duty Code (TDC) specified on the orders.

(2) **State Active Duty (SAD).** State funded SAD personnel may provide counterdrug support and will be employed in accordance with state regulations. SAD personnel will conduct counterdrug missions in accordance with this regulation/instruction, but pay, allowances and benefits will be provided by state law.

(3) **IDT/IAD or AT, incidental to training.** National Guard personnel may support LEAs and/or other activities in the Counterdrug Support Program in an IDT/IAD/AT status if the performance of that duty is incidental to the training already scheduled. National Guard units may perform their period of AT in support of counterdrug missions which meet the Mission Essential Task List (METL) or readiness requirements of the unit, under authority of Public Law 101-510, Section 1004 (Defense Authorization Act, FY 91, Additional Support for Counterdrug Activities). Prior approval of the Chief, Operations, Training and Readiness Directorate (NGB-ARO) or the Director, Operations, Plans and Programs (ANG/XO), is required.

b. Soldiers and airmen will be ordered to FTNGDCD for the duration of the duty to which they are assigned; duty periods will not be broken or exclude weekends for the sole purpose of avoiding the costs of pay and allowances and associated entitlements/benefits.

c. Contract employees, Civil Service employees or other civilian employees cannot be funded using Sec 112, Title 32 funds.

8-2. Utilization of Title 32 AGR Personnel, State Employees and Civilian Personnel.

a. State employees will be utilized in FTNGDCD status only after confirmation by appropriate state authority that such duty does not violate state law, regulations or policy.

b. It is the Department of Defense's policy that no federal or state civilian employees, military technicians, or "personnel service" contract personnel are authorized to perform counterdrug duty pursuant to 32 USC 112.

8-3. OCONUS Counterdrug Duty.

This regulation/instruction addresses only Title 32 counterdrug duty. National Guard OCONUS counterdrug duty is performed in a Title 10 status. Requests for approval of OCONUS duty in support of Army/Air Force OCONUS counterdrug missions will be sent to NGB-CDO.

8-4. Attendance at IDT/IAD and Annual Training (AT).

National Guard members participating in the Counterdrug Support Program in Full-time National Guard Duty Counterdrug (FTNGDCD) status will train with their units at monthly IDT/IAD assemblies and Annual Training (AT): they will remain in FTNGDCD status while so doing. Training with their units for all monthly IDT/IAD assemblies and AT is required for all National Guard personnel on FTNGDCD. National Guard units will carry individuals in the Counterdrug Program in a "constructive attendance" category for purposes of pay and accountability during IDT/IAD and AT.

8-5. Leave.

Soldiers and airmen accrue leave on FTNGDCD status. Leave is managed in accordance with AR 600-8-10 (Leave and Passes) and AFI 36-3003 (Military Leave Program). Leave registers, to include control numbers, will be maintained internally by counterdrug staff where pay systems do not provide an automated accounting on Leave and Earnings Statements (LEs). CDC's will manage leave procedures and should encourage counterdrug personnel to use accrued leave during the duration of the tour order.

8-6. End Strength Exemptions.

a. The number of soldiers and airmen serving on FTNGDCD tours for the Counterdrug Support Program will not impact allowable end strengths of personnel supporting reserve components. Neither will they count against authorizations outlined in Title 10 USC, Sections 12012 (Authorized Strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard) and 12011 (Authorized Strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard).

b. Soldiers and airmen serving on FTNGDCD in the Counterdrug Support Program are exempt from end strength reporting and limitations on the number of FTNGDCD days members may perform in a fiscal year under NGR 37-111 (Administration of Training and Special Work), and/or ANGI 36-2001 (Management of Training and Operational Support within the Air National Guard).

8-7. Counterdrug Coordinator (CDC) Positions.

a. The Counterdrug Office funds a Title 32 Counterdrug Coordinator position for each state. States that accept this position must utilize the incumbent as the principal manager and administrator of the state Counterdrug Support Program.

b. This position is not included in inventories or quotas for normal full-time support positions (see paragraph 8-6, above). Individuals selected by states must meet normal selection criteria for ARNG/ANG Title 32 AGR status.

c. CDCs may have supervisory responsibilities in ADAPCP and/or the ANG Drug Abuse Testing Program, if so directed by the Adjutant General. Such duties must conform to provisions of AR 600-85, AFI 44-120 and NGR (AR) 600-85, as applicable.

8-8. Personnel Screening.

a. Selection of personnel for counterdrug duty (in both paid and unpaid statuses) must include screening which provides reasonable certainty that the volunteer is of good character, well motivated and an appropriate representative of the National Guard in duties subject to high profile scrutiny by LEAs, National Guard senior commanders, news media and the general public.

b. National Guard members pending disciplinary action, under civilian court orders or awaiting adjudication, or involved in other potentially negative situations will be carefully screened to ensure that they are not assigned in situations where their legal or personal affairs might reflect unfavorably on the Counterdrug Support Program, the National Guard or the state.

c. All volunteers will be screened. See paragraph 8-9, for screening of unpaid mission 6 volunteers. All other screening instructions of this chapter apply to duty in a pay status.

8-9. Screening of Mission 6 Volunteers in Non-pay Status.

The CDC will establish screening procedures for unpaid National Guard volunteers participating in mission 6 activities. It is recommended that this screening, as a minimum, include securing a favorable letter of recommendation from each applicant's unit commander. Mission 6 participants in a pay status will be screened in the same manner as other paid personnel.

8-10. Early Notice of Special Requirements for Counterdrug Duty.

a. CDCs will ensure that applicants for Counterdrug Support Program duty are well informed about the unique requirements for counterdrug duty.

b. It is recommended that applicants be provided written information sheets which detail prerequisites. Such documents should, as a minimum, include unique requirements such as:

(1) Drug testing (urinalysis) prior to entry on active duty, and periodic testing while on active duty. These requirements are in addition to testing by units of assignment during IDT/IAD under ADAPCP or the ANG Drug Abuse Testing Program.

(2) Requirement to continue attendance at IDT/IAD and AT while on FTNGDCD.

(3) Status of funding from year to year.

(4) Probability of criminal records checks, and/or security screening by LEAs of applicants serving in LEA offices or in positions where they are privy to operational information of LEAs. Applicants will be informed that such inquiries are likely to be completed after entry on duty and that rejection by LEAs could result in their removal from the counterdrug program.

(5) Standards of Conduct.

(a) Members are required to uphold the highest standards of conduct and personal appearance. Outside employment, associations and off-duty conduct/activities must be consistent with federal directives on ethics and with state and federal conflict of interest policies.

(b) National Guard members participating in the Counterdrug Support Program are required to comply with state laws and with DoD 5500.7-R. They are required to uphold the highest standards of conduct and personal appearance.

c. The above conditions of service will be clearly stated in announcements and advertisements for counterdrug positions.

8-11. Screening for Duty of 30 or fewer Consecutive Days.

a. Applicant must be eligible for FTNGDCD in accordance with normal ARNG or ANG requirements.

b. Applicant must be recommended by unit commander.

c. Applicant must have a current Report of Physical Examination (SF 88) in accordance with AR 40-501 on file in health records and must complete a DA Form 7349-R (Initial Medical Review/Annual Medical Certificate)

(ARNG applicants) or AF Form 895 (Annual Medical Certificate) (ANG applicants). DA Form 7349-R may be found in AR 40-501, Reproducible Forms section.

d. DA Form 7349-R/AF Form 895 and health records (including SF 88, medical histories and cardiovascular risk screening reports, if any) will be screened to ensure there are no permanent or temporary medical profiles or health conditions which indicate inability to perform the required duties satisfactorily or indicate the duty might be hazardous to the individual's health or well-being.

e. Applicant will normally undergo drug testing upon entry to Counterdrug duty. However, for periods of 30 days or less only, CDCs have discretionary authority to waive the urinalysis requirement.

f. CDCs may delegate execution of the screening process to organization/major command headquarters (ARNG) or to base/organization/unit commanders (ANG), when large numbers are involved or when time considerations justify it.

8-12. Screening of Duty for 31 or More Consecutive Days.

a. Meet all requirements of paragraph 8-11 *a-d*.

b. Favorable interview by CDC or representative.

c. Favorable Entrance National Agency Check/ National Agency Check (ENTNAC/NAC) within past 15 years (security clearance is not required).

d. Favorable investigation/security check by LEA (if required by the specific LEA concerned).

e. Favorable drug testing upon entry on active duty.

f. Meet the medical qualification under initial procurement standards of ARNG (AR 40-501, Chapter 2) (Standards of Medical Fitness) or ANG (AFI 48-123, Attachment 2) (Medical Examination and Standards).

g. Army National Guard personnel must meet the HIV testing requirements of AR 600-110 (Identification, Surveillance and Administration of Personnel Infected with Human Immunodeficiency Virus (HIV)).

h. Air National Guard members must have a periodic medical examination within 24 months prior to entry and a current HIV test within 180 days prior to entry. ANG members age 40 or older must have an exercise tolerance treadmill test if the Cardiac Risk Index (CRI) is 10,000 or greater.

8-13. Procedures for Personnel Screening.

a. CDC staff will coordinate with commanders, records custodians and State Security Managers to review records and determine that the applicant is eligible for FTNGDCD in accordance with normal ARNG/ANG standards and if any of the considerations noted in paragraph 8-9 *b*, above, are applicable. Commander's written recommendation will be secured. CDC or an authorized representative will conduct a personal interview. State Security Managers (ARNG and ANG) will verify ENTNAC/NAC status of applicants.

b. When duty positions are advertised competitively by HRO, CDC staff will coordinate closely with HRO to ensure that program requirements are correctly advertised and that all the screening requirements of this chapter are met.

c. Successful completion of personnel and medical screening may be considered qualification for reentry to counterdrug duty for one year if a break in duty is less than 90 days. CDCs may require a complete new screening if they see fit to do so. ANG member must meet worldwide duty standards as outlined in AFI 48-123 attach 2. An AF Form 895 must be completed and reviewed prior to reentry.

8-14. Special Considerations Regarding ENTNAC, NAC and LEA Investigations.

a. State ARNG/ANG security managers will verify that applicants have had a favorable Entrance National Agency Check or National Agency Check (ENTNAC/ NAC) in the last 15 years (security clearance is not required). The CDC will appoint a security manager for the state counterdrug program to assist with personnel and physical security.

b. There is no statutory/regulatory authority for the National Guard to conduct criminal background investigations to qualify members for counterdrug duty. The CD security manager must conduct a Police Records Check on each applicant prior to their receiving orders for duty. Applicants may also be subject to investigation by LEAs to meet agency security requirements for working in their offices or having access to LEA information, files or databases, in accordance with legal authority possessed by the LEA.

c. CDC staff not assigned to LEAs but privy to sensitive LEA operational information (for example, CDC administrative or operations personnel who review requests for support or maintain operations files) may be subject to the same security requirements. As in *b.*, above, this is a determination to be made by LEAs and/or CDCs.

d. When LEAs require investigation of supporting Guard members, the CDC will refer applicants to the LEAs, who will be responsible for the entire process, including privacy act statements. The CDC staff and state full-time

support personnel will not participate in the process, with the exception of National Guard members assigned to LEA support whose normal duties include participating in such inquiries.

e. When an LEA determines that a military security clearance meets their security requirements, CDC staff may confirm existing security status with the help of the state level ARNG or ANG Security Managers, but any new inquiries must be made by LEAs in accordance with their own legal authority.

f. Applicants not acceptable to LEAs may be rejected from the program or relieved from duty.

8-15. Drug Testing Upon Entry on Duty.

a. All applicants ordered to duty of 31 or more consecutive days will be given drug & alcohol urinalysis testing upon entry on active duty.

b. If unfavorable test results are received orders will be terminated immediately.

c. Favorable ADAPCP/SAP test results may be substituted for testing scheduled specifically to qualify for counterdrug duty, providing the test was conducted within 30 days prior to entry on duty.

d. At the discretion of the CDC, members who leave the Counterdrug Support Program for less than ninety days and apply for reentry may be excused from drug testing. Otherwise, applicants for reentry will be tested in accordance with a. thru c., above.

8-16. Medical Standards.

Applicants must qualify under ARNG or ANG worldwide duty/initial enlistment or appointment standards prescribed by AR 40-501, Chapter 2, or AFI 48-123, attachment 2 for duty over 30 days. Eligibility can be determined by:

a. Applicants may qualify by successfully undergoing a new physical examination under standards of AR 40-501, Chapter 2, or AFI 48-123, attachment 2. Examination may be through a Military Entrance Processing Station (MEPS) or active component military treatment facility authorized to conduct such examinations. This regulation/instruction will be cited as authority.

b. Entry into FTNGDCD, other than AGR Title 10/32 program, for a period greater than 30 days requires the applicant to meet the standards of AR 40-501, Chapter 2.

8-17. Procedure for Determination by State Army Surgeon.

a. Applicants who will be over 40 years of age by the anticipated entry on duty must have passed Cardiovascular Screening (Phase I or II as appropriate), as prescribed in AR 40-501 and NGR 40-501, within two years prior to consideration for counterdrug duty. DA Form 4970-E (Medical Screening Summary-Cardiovascular Risk Screening Program) is the record of such screening. Repeat screening will be necessary for over-40 applicants who have not been screened in the last two years.

b. If a Chapter 2 physical was completed more than 1 year ago but is within 2 years the Surgeon will review the applicant's current SF 88, DA Form 7349-R, DA Form 4970-E and other health records as appropriate. CDC staff will assist the Surgeon as necessary in procuring records and arranging interviews with applicants.

c. If fully qualified and no waiver required, the State Army Surgeon will forward written confirmation of the eligibility or ineligibility of the applicant to the CDC.

8-18. Procedure for Determination by State Air Surgeon.

a. All applicants will execute an AF Form 895 (Medical Screening Form) within 30 days prior to review by the local ANG medical clinic and the State Air Surgeon.

b. The CDC staff will assist the State Air Surgeon as necessary in procuring records and arranging interviews with applicants.

c. The State Air Surgeon will certify the SF 88 qualified for CD duty valid for 1 year.

8-19. Medical Waivers.

a. When an applicant fails to meet standards, the State Army Surgeon, State Air Surgeon or examining physician may elect to declare the individual unqualified with reasonable cause. The individual found unqualified may submit the records, to include an appropriate current clinical evaluation, through the CDC and NGB-CD to the Army or Air Surgeon for a waiver.

b. ARNG waiver requests and supporting papers will be forwarded by the CDC through NGB-CD to the Chief Surgeon, Health Services Division (NGB-ARS). The decision of NGB-ARS is final.

c. Since soldiers can perform counterdrug duty for extended periods (i.e. 3 year tours) with the possibility of achieving an active duty retirement, use of Chapter 2, AR 40-501 standards are required. Soldier on active duty

orders for less than 30 days, must meet AR 40-501 Chapter 3 retention standards and may only have a permanent 2 as their highest PULHES numerical indicator. To be considered for a waiver soldiers must meet retention standards under AR 40-501. Numerical PULHES indicators of permanent 3 and 4 will disqualify a soldier for the purpose of accession into the counterdrug program.

d. ANG waiver requests and documents will be forwarded by the State Air Surgeon to the NGB Air Surgeon (ANG/SG). The decision of ANG/SG is final.

8-20. Conditional Duty.

a. When delays in medical screening of applicants for duty of 31 or more consecutive days occur, the CDC may permit applicants to serve under orders for 30 or fewer consecutive days until medical qualifications for the intended longer duty are confirmed. If medical qualifications are not received by the end of 30 day orders the applicant must have a 31 day break before any new order may be issued. Upon confirmation of medical qualifications, and if the applicant fully qualifies under personnel screening requirements orders for the desired period may be issued.

b. Authorization of short-term orders under a., above, is at the discretion of the CDC. The CDC should give first consideration to the interests of the Counterdrug Support Program and the National Guard when considering this option.

8-21. Medical Standards/Drug Testing Subsequent to Entry on Duty.

a. ARNG/ANG personnel who serve on counterdrug duty for 31 or more consecutive days are subject thereafter to retention standards of AR 40-501 or AFI 48-123 while they remain on duty.

b. National Guard members are subject to unannounced testing while on duty in the Counterdrug Support Program. CDCs will ensure that personnel on extended orders are tested at least annually. This is in addition to testing by units of assignment under ADAPCP and the ANG Drug Abuse Testing Program during IDT/IAD.

8-22. Retaining a Record of the Screening Process.

CDC staff will record names/ranks/titles/dates of personnel verifying applicant's qualifications (applicants for duty of 31 or more consecutive days only) on a checklist and retain it for the duration of the member's counterdrug service plus one year. All applicants must meet all regulatory requirements and a semi-annual review of records will be conducted to verify regulatory requirements are met. At the discretion of the CDC, a checklist confirming successful screening can be used as authority for reentry on counterdrug duty after a break not to exceed one year, with the exception that drug testing will be in accordance with paragraph 8-15. The checklist will include:

- a.* Applicant's rank, name and Social Security Number (SSN).
- b.* Unit of assignment, indicating ARNG or ANG as applicable.
- c.* Rank and name of unit commander recommending individual, and date recommended.
- d.* Date of interview; rank, name and title of interviewer.
- e.* Rank, name and title of individual reviewing personnel records and date review conducted.
- f.* Rank, name and title of individual confirming ENTNAC/NAC status, and date status confirmed.
- g.* Date urinalysis conducted; date results confirmed; rank, name and title of individuals confirming results.
- h.* Date qualifying medical examination conducted and name of agency performing examination, or rank and name of Army/Air Surgeon confirming qualifications and date confirmed. Annual review of DA Form 7349-R or AF Form 895 must be conducted to ensure personnel meet requirements for duty.
- i.* Waiver information, if applicable (date waiver granted, name of NGB staff element granting waiver).
- j.* Reasons for rejection of an applicant if applicable (enclose related correspondence, explanatory Memorandum for Record or other documentation). In such cases, the checklist will be retained for two years after the close of the fiscal year in which rejection occurred (see paragraph 8-23c).
- k.* All personnel on duty in the CD program must meet the requirements of AR 350-41 (Training in Units) or AFI 40-501 and AFI 40-501, ANG SUP1 40-501 (Air Force Fitness Program). The CDC staff will maintain a record of the date and score of the last two tests on record to verify personnel are in compliance with regulatory requirements.
- l.* Personnel on duty in the Counterdrug Program will be terminated from the program if they do not meet regulatory requirements. Termination procedures will be IAW the appropriate regulation that disqualifies them for duty.

8-23. Personnel and Health Records.

a. CDC staff will ensure that original Reports of Medical Examination (SF 88) conducted to qualify for counterdrug duty, as well as originals of DA Forms 4970-E, DA Form 7349-R and AF Form 895, are forwarded to official health records custodians. CDC staff will coordinate with health records/personnel records custodians to

determine if other documents generated in the selection process, such as medical waiver correspondence and supporting documents, should be placed in official records.

b. Documents containing sensitive personal or medical information, such as medical histories, examinations and related documents, will not be retained once the screening process is complete.

c. As an exception to *b.*, above, counterdrug staff will retain any documents, however personal in nature, if they are necessary to explain or justify rejection of an applicant or relief from duty for cause, when the probability exists that they would otherwise not be available in response to future inquiries by higher headquarters. Retain such documents for two years after close of the fiscal year in which rejection or relief from duty occurred.

8-24. Injury in Line of Duty.

a. National Guard members on counterdrug orders who are injured in the line of duty are entitled to benefits under 10 USC 1074(a) during the period of their active duty. The CDC will ensure a line of duty status is determined for all personnel who become ill or who are injured while on any form of counterdrug duty.

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.

8-25. Report of Separation from Active Duty (DD Form 214).

DD Form 214 will be issued to personnel performing qualifying counterdrug duties in accordance with DoD Instruction 1336.1 Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series), and Army and Air Force regulations/instructions.

8-26. Personnel Evaluations.

a. Counterdrug supervisors may be required by applicable Army and Air personnel regulation/ instructions to provide input to the official raters of counterdrug personnel in units of assignment.

b. Soldiers/airmen on counterdrug duty will in many instances spend more duty days in that status than in normal drill, AT or training status, and should receive proper recognition for their contributions. CDCs will coordinate with state level ARNG and ANG personnel staff to ensure compliance with applicable regulations/instructions.

8-27. Records Identifying Individuals by Name and SSN.

a. CDC staff will retain documents identifying individuals by name and social security number (SSN) only as necessary to perform counterdrug missions and protect the interests of soldiers and airmen.

b. When it is necessary to acquire, receive or forward personal, confidential or sensitive documents, or any documents identifying members by name and social security number, they will be retained only as long as necessary. Documents will be forwarded to records custodians or to individuals concerned, as appropriate.

8-28. Privacy Act/Freedom of Information Act Review.

CDCs will periodically request a review by state ARNG and ANG staff, to ensure that internal procedures comply with The Privacy Act of 1974 (implemented by AR 340-21 (The Army Privacy Program) and AFI 33-332 (Air Force Privacy Act Program)) and the Freedom of Information Act (FOIA) (implemented by AR 25-55 and DoDD 5400.7R, AFSUP1.

Chapter 9

Records and Reports

9-1. Counterdrug Management Information System (CMIS) Reports.

CMIS reports will be prepared and submitted IAW the CMIS Operational Manual. CMIS policies and procedures will be updated using All States Memorandums as reporting requirements change. The primary management control for the Counterdrug Program and states will be CMIS.

9-2. Organization Files.

a. CDCs will ensure that current and historical files of the Counterdrug Support Program are established in accordance with AR 25-400-2 (The Modern Army Recordkeeping System (MARKS)).

b. Files will be maintained by the CDC staff in a central location. As an exception, mission 6 files may be maintained separately when the Adjutant General has directed supervision of mission 6 operations by someone other

than the CDC. Such files will be maintained in accordance with this regulation/instruction and will be periodically integrated into historical files of the Counterdrug Support Program.

9-3. Documenting Intelligence Oversight Training.

- a.* See paragraphs 3-14 and 5-13 of this regulation/ instruction.
- b.* Training records will include documentation of Intelligence Oversight training, to include briefing content used and rosters or statements confirming attendance.
- c.* When Intelligence Oversight training is conducted by other than the CDC staff, copies of documentation described in b., above, will be obtained for Counterdrug Support Program files.

9-4. Counterdrug Support Program Operations Files.

- a.* The CDC will ensure that a file is established for every operation conducted, in all mission categories. Files will be closed at the end of the fiscal year. New files will be initiated at the start of the fiscal year for operations continued from the previous fiscal year.
- b.* Separate files will ordinarily be prepared for each agency or organization supported. When a given agency/organization is supported in different locations, a file will ordinarily be maintained for each location. CDCs may at their discretion make exception to this rule, providing that files clearly indicate what dates, names and other significant data apply to what location.

9-5. Typical Contents of Operations Files.

This list is not all-inclusive in nature. The intent is to have an audit trail and clear history of operations and significant incidents. Operations files reinforce memory, help inform staff internally and contribute to lessons learned and future planning. They provide an important audit trail for higher headquarters and protect the counterdrug staff in the event of investigations or legal action.

- a.* Operations files will include, as a minimum at the CD Headquarters:
 - (1) The LEA or CBO request which initiated the operation. When continuous support operations are renewed from year to year with the same agency, a request for continuation will be secured annually, before the start of the new fiscal year.
 - (2) Risk assessments. An annual risk assessment is sufficient for operations which continue year round in one location with relatively stable routines. When circumstances change and new risk factors are present, new assessments will be prepared.
 - (3) Documents generated by Army Aviation or ANG flight operations procedures (i.e. DA 2408-12 and AF 781), such as flight reports, flight checklists, documents pertaining to number of flight hours flown, fuel costs, etc.
 - (4) MOU/MOA (IAW 28/2-9)
 - (5) An Operations Plan (OPLAN), Operations Order (OPORD) or SOP outlining the nature of the operation. The essential requirement is that an outside party, unfamiliar with the operation, would be able to understand the nature of the operation. For instance, daily routine duty in an LEA office should be distinguishable from a remote field operation; continuous year round support should be distinguishable from short term or intermittent support.
- b.* The following items will be included where applicable, at the discretion of the CDC:
 - (1) Copies of reports and news media articles pertaining to arrests and seizures associated with the operation.
 - (2) Copies of initial reports of major accidents or injuries, or reports of serious incidents or immediate action situations.
 - (3) Cross-references to appropriate accident reports, when major accidents, injuries or property loss occurs.
 - (4) After action reports or special reports of lessons learned.
 - (5) SOPs, checklists, evaluations, job descriptions, etc., developed for particular operations, situations, locations or agencies and which may be useful for future reference.
 - (6) Mission 6 files, in order to indicate the nature of operations, participants, purposes, etc., may include letters, memos, announcements, letters of instruction (LOIs) or other materials not normally found in supply reduction operations files.
 - (7) Copies of orders of individuals serving in the operation. When mission 6 operations are performed by volunteers not on orders, a listing by name and rank will suffice.
- c.* Files should not include operation-specific information that LEAs may consider confidential or sensitive, unless the information is necessary for protecting the interests of the National Guard.

9-6. Safety Related Files.

See Chapter 4 of this regulation/instruction.

9-7. Retention Periods for Counterdrug Records.

a. Generally, records on hand will include those of the current fiscal year and the two immediate previous fiscal years. In the event this guideline conflicts with other USA/USAF/ARNG/ANG regulations/ instructions, the other directives will take precedence, except that documents which may bear upon legal action under the Federal Tort Claims Act (FTCA) must be retained for at least two years subsequent to the incidents concerned.

b. Files should not include operational-specific information, which LEAs may consider confidential or sensitive, unless the information is necessary for protecting the interests of the National Guard.

c. Documents generated by the applicant screening process will be retained in accordance with paragraphs 8-22 and 8-23 of this regulation/instruction.

Chapter 10

Substance Abuse Programs

10-1. General.

The Army National Guard Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) is conducted in accordance with AR 600-85 and NGR (AR) 600-85. The Air National Guard Drug Abuse Testing Program is conducted in accordance with AFI 44-120 and ANGR 30-2 (Social Actions NGB-Program). This regulation/instruction refers to these programs collectively as Substance Abuse (SA) programs. This regulation/instruction does not apply to military technician assistance programs established pursuant to Technician Personnel Regulation.

10-2. Responsibilities.

a. The Director, Counterdrug Directorate (NGB-CD) is the National Guard Bureau program manager for the Army and Air National Guard Substance Abuse programs. The Counterdrug Office point of contact for state personnel is the Chief, Substance Abuse Programs section (NGB-CDS-SA).

b. Adjutants General will designate state program managers for ADAPCP and the ANG Drug Abuse Testing Program. Designations must not conflict with requirements of AR 600-85 and NGR (AR) 600-85 or AFI 44-120 and ANGR 30-2, as applicable.

10-3. Annual Plans and Budgets.

a. Plans and budget requests must be submitted as directed by AR 600-85, NGR (AR) 600-85 and in accordance with guidance from NGB-CDS-SA.

b. Plans/requests for Substance Abuse programs are not part of the Governor's State Plan for the Counterdrug Support Program.

10-4. Funding for Substance Abuse Programs.

a. Funding for Substance Abuse programs is issued to the states within the Counterdrug Support Program budget. These funds are fenced within that budget, and may be utilized only for the ADAPCP or ANG Drug Abuse Testing Program, as indicated in fund citations.

b. ADAPCP:

(1) ADAPCP Operations and Maintenance (O&M) funds are used to purchase supplies to support the collection and shipment of urine specimens to the toxicology laboratory designated by NGB-CDS.

(2) The cost of ARNG litigation support packages (LSPs) is borne by NGB. The state Judge Advocate General (JAG) or Alcohol and Drug Control Officer (ADCO) will submit requests for the LSP to the appropriate toxicology laboratory and will provide a copy of the request to NGB-CDS. The LSP must be ordered by a JAG or ADCO/NCO. These same procedures will be utilized for payment of expert witness and telephone consultation fees for drug boards, after coordination and approval from NGB-CDS.

(3) ADAPCP O&M funds may be used to purchase education, prevention, and training materials and equipment which convey a drug abuse prevention and/or educational message for National Guard members and their families. O&M funds may not be used to purchase promotional items.

(4) Budgeting and payment to laboratories for all drug urinalysis testing is executed by NGB.

(5) ADAPCP Pay and Allowance (P&A) funds are used for training personnel to conduct drug urinalysis collection, and for administrative support of the ADAPCP.

c. ANG Drug Abuse Testing Program:

(1) The ANG uses counterdrug funds (O&M) to purchase supplies to support collection and shipment of specimens.

(2) ANG Drug Abuse Testing Program O&M funds may be used to purchase education, prevention, and training materials and equipment which convey a drug abuse prevention and/or educational message for National Guard members and their families. O&M funds may not be used to purchase promotional items.

(3) Counterdrug funds (Milpers) are used by the ANG for training personnel in drug urinalysis collection and for administrative support of the ANG Drug Abuse Testing Program.

10-5. Drug Urinalysis Collection.

National Guard personnel performing drug urinalysis collection procedures will receive training as directed by NGB-CDS-SA, in accordance with Army/Air Force regulations/instructions. State level responsibilities for training in these procedures are as follows:

a. ADAPCP coordinators/program managers must be trained as Alcohol and Drug Control Officers (ADCOs), as directed by Chief, NGB-CDS-SA, in coordination with the United States Army Drug and Alcohol Operations Agency (USADAOA).

b. The ADAPCP coordinator will conduct further training of ARNG personnel as necessary.

c. Air National Guard personnel are trained by NGB-CDS-SA or other trainees designated by NGB-CDS-SA IAW ANG/USAF Testing Regulations.

10-6. Records and Reports.

Records and reports will be prepared and submitted in accordance with AR 600-85 and NGR (AR) 600-85 or AFI 44-120 and ANGR 30-2, supplemented by periodic instructions from NGB-CDS-SA.

**Appendix A
References**

***Section I
Required Publications***

Title 5 USC 81
Compensation for Work Injuries

Title 5 USC 552
Public Information

Title 10 USC 12012
Authorized Strengths: Senior Enlisted Members On Active Duty Or On Full-Time National Guard Duty For Administration Of The Reserves Or The National Guard

Title 10 USC 12011
Authorized Strengths: Reserve Officers On Active Duty Or On Full-Time National Guard Duty For Administration Of The Reserves Or The National Guard

Title 10 USC 1074
Medical and Dental Care for Members and Certain Former Members

Title 10 USC 1174
Separation Pay Upon Involuntary Discharge or Release from Active Duty

Title 18 USC 1385
Use of Army and Air Force as Posse Comitatus

Title 28 USC 2671-2680
Federal Tort Claims Act (FTCA)

Title 32 USC 112
National Guard Drug Interdiction and Counter-Drug Activities

Title 32 USC 502f
National Guard Training Or Other Duty In Addition To Drill And Annual Training

Army Federal Acquisition Regulation Supplement (AFARS) (Cited in paragraph 6-4a)

Competition in Contracting Act of 1984 (CICA-84)

Defense Federal Acquisition Regulation Supplement (DFARS)

Defense Authorization Act (FY 91), Additional Support for Counterdrug Activities (Public Law 101-510, Section 1004)

Federal Acquisition Regulation (FAR)

Joint Federal Travel Regulations (JFTR)

DoD 5500.7-R
Joint Ethics Regulation (JER)

DoD 7000.14-R Volume 7A
Department of Defense Financial Management Regulation (Military Pay Policy and Procedures Active Duty and Reserve Pay)

DoD 5100.76-M

Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives

DFAS-IN Manual 37-100-XX

The Army Management Structure

AR 5-13

Training Ammunition Management System

AR 11-2

Management Control

AR 25-55

The Department of the Army Freedom of Information Program

AR 25-400-2

The Modern Army Recordkeeping System (MARKS)

AR 27-40

Litigation

AR 40-501

Standards of Medical Fitness

AR 71-13

Department of the Army Equipment Authorization and Usage Program

AR 190-11

Physical Security of Arms, Ammunition and Explosives

AR 190-13

The Army Physical Security Program

AR 190-40

Serious Incident Report

AR 190-51

Security of Unclassified Army Property (Sensitive and Nonsensitive)

AR 340-21

The Army Privacy Program

AR 360-5

Public Information

AR 360-81

Command Information Program

AR 380-13

Acquisition and Storage of Information Concerning Persons and Organizations

AR 380-19

Information Systems Security

AR 381-10

U.S. Army Intelligence Activities

AR 385-10

The Army Safety Program

AR 385-95

Army Aviation Accident Prevention

AR 530-1

Operations Security (OPSEC)

AR 600-8-10

Leaves and Passes

AR 600-85

Alcohol and Drug Abuse Prevention and Control Program

AR 700-131

Loan and Lease of Army Material

AR 710-2

Inventory Management Supply Policy Below the Wholesale Level

DA Pam 350-38

Standards in Weapons Training

DA Pam 350-39

Standards in Weapons Training (Special Operations Forces)

DA Pam 710-2-1

Using Unit Supply System (Manual Procedures)

DA Pam 710-2-2

Supply Support Activity Supply System: Manual Procedures

CTA 50-909

Field and Garrison Furnishings and Equipment

AFI 14-104

Conduct of Intelligence Activities

AFI 14-201

Intelligence Production and Applications

AFI 31-101V1

The Air Force Physical Security Program

AFI 33-322

Records Management Program

AFI 33-332

Air Force Privacy Act Program

AFI 35-101

Public Affairs Policies and Procedures

AFI 36-3003

Military Leave Program

AFI 37-138
Records Disposition Procedures and Responsibility

AFI 44-120
Drug Abuse Testing Program

AFI 48-123
Medical Examinations and Standards

AFI 51-301
Civil Litigation

AFI 65-201
Management Control

AFI 91-202
The US Air Force Mishap Prevention Program

AFI 91-202/ANGSUP 1
US Air National Guard Mishap Prevention Program

AFI 91-204/ANGSUP 1
Safety Investigations and Reports

AFI 91-213
Operational Risk Management (ORM) Program

AFI 91-301/ANGSUP 1
Air Force Occupational and Environmental Safety, Fire Prevention and Health (AFOSH) Program

AFMAN 10-206
Operational Reporting

AFMAN 23-110
USAF Supply Manual

AFMAN 36-2227V1
Combat Arms Training and Maintenance (CATM) Training Management and Range Operations

AFMAN 36-2227V2
Combat Arms Training and Maintenance Rifle, Handgun, Shotgun, Grenade Launcher, M72 Light Antitank Weapon, Submachine Gun, and M249 Squad Automatic Weapon Training Programs

AFMAN 65-604
Appropriation Symbols and Budget Codes (Fiscal Year 1999)

ANGR 30-2
Social Actions NGB-Program

ANGI 10-206
Operational Reporting

ANGI 36-2001
Management of Training and Operational Support within the Air National Guard

ANGI 36-2910

Line of Duty and Misconduct Determinations

NGR 20-10/ANGI 14-101

Inspector General Intelligence Oversight Procedures

NGR 37-111

Administration of Training and Special Work Workdays

NGR 40-3

Medical Care for Army National Guard Members (Cited in paragraph 2-10b (3))

NGR 40-501

Standards of Medical Fitness – Army National Guard

NGR (AR) 95-210

Army National Guard: General Provisions and Regulations for Aviation Training

NGR 385-10

Army National Guard Safety & Occupational Health Program

NGR (AR) 600-85

Drug Abuse Prevention and Control

NGB Pam 360-5/ANGP 190-9

National Guard Public Affairs Guidelines (Cited in paragraph 3-22d)

NGTC 1-500

Counterdrug Aviation Tactics, Techniques and Procedures (ARNG)

Section II

Related Publications

Title 5 USC 7902

Occupational Safety & Health Act (OSHA)(Public Law 91-596)

Title 10 USC 375

Restriction on Direct Participation by Military Personnel in Interdiction, Search, Seizure, Arrest, Unless Authorized by Law

Title 31 USC 3511

Federal Managers' Financial Integrity Act of 1982
(Public Law 97-255)

Title 42 USC 3782 (a)

General Authorization of Certain Federal Agencies

Executive Order 12333

United States Intelligence Activities

Public Law 92-129

Identification & Treatment of Drug and Alcohol Dependent Persons in the Armed Forces

Public Law 97-255

Federal Managers' Financial Integrity Act (FMFIA)

President's National Drug Control Strategy (published each fiscal year)

29 CFR Part 1910

OSHA Standards

GAO Standards for Internal Controls in the Federal Government

OMB Circular A-123

Management Accountability and Control

TPR 990-2

Hours of Duty, Pay and Leave

United States Signals Intelligence Directives (USSID)

CJCSM 3701.01

Classification Guide for Counterdrug Information

Joint Pub 3-07.4

Joint Counterdrug Operations

DoD 5200.1PH

DOD Guide to Marking Classified Documents

DoD 5200.1R

Information Security Program Regulation

DoD Directive 1000.3

Safety & Occupational Health Policy for the Department of Defense

DoD Directive 5010.38

Internal Controls

DoD Directive 5122.5

Assistant Secretary of Defense for Public Affairs (ASD)(PA)

DoD Directive 5200.27

Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense

DoD 5240.1-R

Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons

DoD 5400.7-R, AFSUP1

DoD Freedom of Information Act Program

DoD Directive 5525.5

Department of Defense Cooperation with Civilian Law Enforcement Officials

DoD Instruction 6055.1

DoD Safety and Occupational Health (SOH) Program

DFAS-IN Regulation 37-1

Finance and Accounting Policy Implementation

AR 25-1

The Army Information Resources Management Program

AR 40-3

Medical, Dental and Veterinary Care

AR 55-29

Military Convoy Operations in CONUS

AR 95-1

Flight Regulations

AR 130-5/AFMD 12

Organization and Functions, National Guard Bureau

AR 310-49

The Army Authorization Documents System (TAADS)

AR 350-41

Training in Units

AR 385-40

Accident Reporting and Records

AR 385-55

Prevention of Motor Vehicle Accidents

AR 420-90

Fire and Emergency Services

AR 600-9

Army Weight Control Program

AR 600-55

The Army Driver and Operator Standardization Program (Selection/Training/Testing/Licensing)

AR 672-74

Army Accident Prevention Award Program

DA Pam 385-40

Army Accident Investigation and Reporting

AFPD 36-27

Social Actions

AFI 33-211

Communications Security (COMSEC) User Requirements

AFI 44-121

Alcohol and Drug Abuse Prevention and Treatment (ADAPT) Program

ANGMD 38-01

State Air National Guard Headquarters

NGR 10-2

State Area Command, Army National Guard

NGR (AR) 95-1

ARNG Aviation Flight Regulations

NGR (AR) 350-1

Army National Guard Training

NGR 500-1/ANGI 10-8101

Military Support to Civil Authorities

NGR 600-10

ARNG Tour Program (NGB-Controlled Title 10 USC Tours)

NGB Pam 11-5

Army National Guard Internal Control Program

Section III

Prescribed Forms

DA Form 2408-12

Army Aviators Flight Record

DA Form 4970-E

Medical Screening Summary-Cardiovascular Risk Screening Program

DA Form 7349-R

Initial Medical Review-Annual Medical Certificate

AF Form 9

Request for Purchase

AF Form 781

Multiple Item Prescription (DD Form 2005, Privacy Act Statement Serves)

AF Form 895

Annual Medical Certificate

AF Form 3215

C4 Systems Requirements Document

Section IV

Referenced Forms

DD Form 214

Report of Separation from Active Duty

DA Form 2028

Recommended Changes to Publications and Blank Forms

SF 88

Report of Medical Examination

Glossary

Section I

Abbreviations

AASF

Army Aviation Support Facility

AC

Active Component

A/C

Aircraft Commander (ANG)

ADAPCP

Alcohol and Drug Abuse Prevention Control Program (ARNG)

ADCO

Alcohol Drug Abuse Control Officer in the ADAPCP

ADPE

Automated Data Processing Equipment

ADSW

Active Duty/Special Work

AFI

Air Force Instruction

AFMAN

Air Force Manual

AFMD

Air Force Mission Directive

AFPD

Air Force Policy Directive

AFR

Air Force Regulation

AFSC

United States Air Force Specialty Code

AGR

Active Guard/Reserve

AMSCO

Army Management Structure Code

ANG

Air National Guard

ANG/DO

Directorate of Operations (ANG)

ANG/DP

Directorate for Personnel and Training

ANG/FM

Directorate, Financial Management and Comptroller (ANG)

ANGI

Air National Guard Instruction

ANG/LG

Directorate of Logistics (ANG)

ANGMD

Air National Guard Mission Directive

ANGP

Air National Guard Pamphlet

ANGR

Air National Guard Regulation

ANG/SC

Directorate of Communications and Information (ANG)

ANG/SE

Directorate of Safety (ANG)

ANG/SG

The Air Surgeon (ANG)

AR

Army Regulation

ARNG

Army National Guard

ASC

Allowance Source Code

AT

Annual Training

BX

Base Exchange

CBO

Community-Based Organization

CDC

Counterdrug Coordinator

CJCSM

Chairman of the Joint Chiefs of Staff Manual

CNGB

Chief, National Guard Bureau

COMSEC

Communications Security

CNAC

Customs National Aviation Center

CONUS

Continental United States

CONUSA

Continental United States Army

CTA

Common Table of Allowance

CTAC

Counterdrug Training Advisory Council

CQB/CQC

Close Quarters Battle/Close Quarters Combat

CY

Calendar Year

DAACC

Drug and Alcohol Abuse Control Committee (ANG)

DANG

Director, Air National Guard

DA PAM

Department of the Army Pamphlet

DARNG

Director, Army National Guard

DAT

Drug Analysis Testing

DBMS

Director of Base Medical Services (ANG)

DDR

Drug Demand Reduction

DDRA

Drug Demand Reduction Administrator

DFAS

Defense Finance Accounting Service

DLEA

Drug Law Enforcement Agency

DoD

Department of Defense

DoDD

Department of Defense Directive

DoDI

Department of Defense Instruction

DoDPM

Department of Defense Pay Manual

DOIM

Director of Information Management

DPP

Dedicated Procurement Program

DRAC

Demand Reduction Advisory Council

DPRM

Demand Reduction Program Manager

DSN

Defense Switched Network

DTPAM

Drug Testing Program Administration Manager

EMS

Equipment Management Section

ENTNAC

Entrance National Agency Check

EOR

Elements of Resource

EPA

Environmental Protection Agency

EPIC

El Paso Intelligence Center

EPR

Enlisted Performance Report

ESP

Emergency Special Program

ESSO

Executive Support Staff Officer (ANG)

FAD

Financial Authorization Document or Force Activity Designator

FICA

Federal Involuntary Contributions Act

FLETC

Federal Law Enforcement Training Center

FLIR

Forward Looking Infrared

FOIA

Freedom of Information Act

FOUO

For Official Use Only

FRIES

Fast Rope Infiltration/Exfiltration

FTCA

Federal Tort Claims Act

FTDTL

Forensic Toxicology Testing Laboratory

FTNGDCD

Full-Time National Guard Duty Counterdrug

FY

Fiscal Year

GSR

Ground Surveillance Radar

GSU

Geographically Separated Unit (ANG)

HELOCAST

Helicopter cast and recovery

HQ STARC

Headquarters, State Area Command

HRO

Human Resources Officer or Human Resources Office

IAD

Inactive Duty (ANG equivalent to IDT)

IDT

Inactive Duty Training (ARNG equivalent to IAD)

IO

Intelligence Oversight

IPMS

Information Processing Management System (USAF)

JA

Judge Advocate

JAG

Judge Advocate General

JCS

Joint Chiefs of Staff

JER

Joint Ethics Regulation

JFTR

Joint Federal Travel Regulation

JTF

Joint Task Force

LAN

Local Area Network

LAV

Light Armored Vehicle

LEA

Law Enforcement Agency/Agent

LEO

Law Enforcement Officer

LES

Leave and Earnings Statement

LFC

Local files check (criminal records)

LOI

Letter of Instruction

LP/OP

Listening Post/Observation Post

LSP

Litigation Support Package

MAMSCO

Modified Army Management Structure Code

MCTFT

Multijurisdictional Counterdrug Task Force Training School

MEPS

Military Entrance Processing Station

METL

Mission Essential Task List

MILPO

Military Personnel Officer

MOA

Memorandum of Agreement

MOI

Memorandum of Instructions

MOS

Military Occupational Specialty

MOU

Memorandum of Understanding

MOUT

Military Operations in Urban Terrain

MRD

Mandatory Removal Date

MRO

Medical Review Officer (ANG)

MSCA

Military Support to Civil Authorities

MSD

Mandatory Separation Date

MUTA

Multiple Unit Training Assembly

MUTPM

Medical Urinalysis Testing Program Monitor (ANG)

NAC

National Agency Check

NCIC

National Crime Information Center

NCO

Noncommissioned Officer

NCOER

Noncommissioned Officer Evaluation Report

NGB

National Guard Bureau

NGB-ARC

Comptroller Division (ARNG)

NGB-ARC-BE

Comptroller Division, Budget Execution Branch (ARNG)

NGB-ARL

Logistics Division (ARNG)

NGB-ARL-S

Logistics Division, Logistics Management Branch (ARNG)

NGB-ARM

Full-Time Support Division (ARNG)

NGB-ARO

Operations Division (ARNG)

NGB-ARP

Personnel Division (ARNG)

NGB-ARS

Office of the Chief Surgeon (ARNG)

NGB-ART-S

Training Division, Training Support Branch (ARNG)

NGB-AVN

Aviation and Safety Division (ARNG)

NGB-CD

Counterdrug Office

NGB-CD-SA

Counterdrug Office, Safety Officer

NGB-CDO

Counterdrug Office, ANG Counterdrug Operations

NGB-CDS

Counterdrug Office, State Plans

NGB-CDS-SA

Counterdrug Office, Substance Abuse Programs

NGB-JA

NGB Chief Counsel

NGB-PA

NGB Public Affairs and Community Support

NGPA

National Guard Personnel Appropriation

NGTC

National Guard Training Circular

NICI

National Counterdrug Civil-Military Institute

NORAD

North American Aerospace Defense Command

OCONUS

Outside Continental United States

OER

Officer Evaluation Report

O&M

Operations and Maintenance

OMNG

Army National Guard Operations and Maintenance Appropriation

OPLAN

Operations Plan

OPORD

Operations Order

OPSEC

Operations Security

OPR

Office of Primary Responsibility

OSD

Office of the Secretary of Defense

P&A

Pay and Allowances or Personnel and Administration (ARNG)

PAO

Public Affairs Officer

PBO

Property Book Officer

PCS

Permanent Change of Station

PEC

Project Element Code

PIC

Pilot in Command (ARNG)

PN

Part Number (ANG IPMS)

POC

Point of Contact

POE

Port of Entry

POI

Program of Instruction

POM

Program Objective Memorandum

POMSO

Plans, Operations, and Military Support Officer (ARNG)

POTO

Plans, Operations, and Training Officer (ARNG)

PX

Post Exchange

RCAS

Reserve Component Automation System

RLSO

Regional Logistical Support Office

SA

Substance Abuse

SAD

State Active Duty

SAAO

State Army Aviation Officer (ARNG)

SAO

Social Actions Officer (ANG)

SECDEF

Secretary of Defense

SF

Standard Form

SIC

Senior Installations Commander (ANG)

SITREP

Situation Report

SOC

Special Operations Command

SOP

Standing Operating Procedures

SPIES

Special Operations Patrol Infiltration/Exfiltration

SSN

Social Security Number

ST

Special Training

STABO

Stability Airborne Operations

STARC

State Area Command

TA

Table of Allowances

TAADS

The Army Authorization Documents System

TC

Training Circular

TDA

Table of Distribution and Allowances

TDC

Type Duty Code

TM

Technical Manual

TPFP

Total Package Fielding Program

TPR

Technician Personnel Regulation

UADC

Unit Alcohol and Drug Coordinator

UAV

Unmanned Aerial Vehicle

UIC

Unit Identification Code

UMD

Unit Manning Document

UMR

Unit Manning Report

USA

United States Army

USADAOA

United States Army Drug and Alcohol Operations Agency

USAF

United States Air Force

USAFR

United States Air Force Reserve

USAMPS

United States Army Military Police School

USAR

United States Army Reserve

USCS

United States Customs Service

USMEPCOM

United States Military Entrance Processing Command

USPFO

United States Property and Fiscal Officer or United States Property and Fiscal Office

USSID

United States Signals Intelligence Directives

WAN

Wide Area Network

Section II**Terms****Active Duty (AD)**

Full-time duty in the active military service of the United States (10 USC Sec 101 (d) (1)). Active duty is always performed in a Title 10 (Federal) status. Active duty includes active duty for training (ADT) and active duty other than for training (ADOT).

Active Service (AS)

Service on active duty or full-time National Guard duty (10 USC Sec 101 (d) (3)).

Adjutant General

ARNG or ANG officer responsible for management of the National Guard of a State and Territory, Puerto Rico, and the District of Columbia not on federal duty (In DC and RI, there is a Commanding General rather than an Adjutant General; they perform most of the same functions as Adjutants General).

Attorney General

Principal legal officer of state government (or equivalent in states without an Attorney General).

Civil Authorities

Elected and appointed public officials and employees of Federal, state, and local governments.

Coalition

A combination into one body of different factions, parties, or organizations for a specific purpose.

Commingling

Per “The American Heritage Dictionary” – To blend or cause to blend together; mix. Per “Webster’s Third New International Dictionary” – To mingle or mix together.

Community

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

Community Based Organizations (CBOs)

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

Counterdrug Security Manager

The counterdrug security manager will be appointed to assist with personnel and physical security issues affecting only the state counterdrug programs.

Counterdrug Support Program

Support provided to federal, state or local LEAs, civil authorities or Community Based Organizations to assist with drug interdiction and demand reduction activities under authority of Title 32 USC Section 112, in support of the National Drug Control Strategy.

Drug Abuse Testing Program

Drug testing program applicable to members of the ANG, USAFR and USAF, as prescribed by AFI 44-120.

Exigent Circumstances

Circumstances in which immediate action is necessary to protect police officers, National Guard personnel or other persons from injury, to prevent loss or destruction of evidence, or to prevent the escape of a suspect already in custody.

Full-Time National Guard Duty

Training or other duty, other than inactive duty performed by a member of the Army National Guard of the United States Training or the Air National Guard of the United States in the member’s status as a member of the National

Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505, of Title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States. Generally, counterdrug duty is performed in FTNGD status, although it may be performed in State Active Duty (SAD) status.

Inactive Duty for Training (IDT)

Training or duty performed by members of the ANG in Title 32 (State status) under Title 32 USC sections 502(a)(1) or 502(f) and 37 USC section 1002.

Incidental to Training

Term describing Counterdrug Support Program operations conducted during a training period which would have been conducted regardless of counterdrug operations. Routes and schedules may be altered in order to maximize counterdrug benefits.

Law Enforcement Agency (LEA)

An organization, coordinating council or a task force comprised of several LEAs, empowered by Federal, state or local law to investigate, enforce or prosecute criminal laws regarding illegal drugs and controlled substances.

Military Personnel Appropriations (MPA) man-days

MPA man-days provided by active AF organizations to support active duty missions accomplished by ANG members.

Mishap Sequence

All events that lead up to and all action or inaction's that involve an accident or incident that results in death, bodily injury, and/or loss or damage to property and/or equipment which may create liability for an individual or the United States.

National Guard

Except as stated otherwise, National Guard means a state National Guard when not in Federal service, or all such organizations collectively.

Nexus

A means of connection, link or tie.

Other Training Duty (OTD)

Training, other than IADT or AT, (i.e., special training, formal school training) that provides all other structured training, to include on the job training, for individuals or units to enhance proficiency.

State Active Duty

Duty performed by a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia in the member's status as a member of the State organized militia pursuant to State law and not pursuant to Title 10 or Title 32.

States

For the purpose of this regulation/instruction: all 50 states, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Territory of Guam and the District of Columbia are inclusive per 10 USC Sec.10001.

State Plans

Plan submitted annually by the states for National Guard Counterdrug Support Program activities under authority of Title 32 USC Section 112.

Substance Abuse (SA) programs

A term referring collectively to the ARNG ADAPCP and the ANG Drug Abuse Testing Program.

Title III

Title III of Omnibus Crime Control and Safe Streets Act of 1968 (18 USC secs 2510 et seq) as amended.

Workdays

Workdays is a general term for all categories of training funded by the Air National Guard: Annual, Special, School, ADSW or inactive duty periods: Unit Training Assemblies, Proficiency Training, Training Period Preparation Assemblies or Additional Flying Training Periods.

Section III

Special Abbreviations and Terms

This section contains no entries.