



CHIEF NATIONAL GUARD BUREAU NOTICE

NG-J2
DISTRIBUTION: A

CNGBN 2000
12 October 2016

INTERIM REVISION TO CNGB SERIES 2000.01, "NATIONAL GUARD INTELLIGENCE ACTIVITIES"

References: See Enclosure A.

1. Purpose. This notice is an interim revision to references a and b for compliance with new guidance from the Secretary of Defense (SecDef) and the Attorney General of the United States, which is contained in reference c. These changes are effective immediately.
2. Cancellation. Procedures 1 through 10 of reference b and any portions of references a and b that are inconsistent with reference c are cancelled. Procedures 12 through 15 of reference d remain in effect until incorporated in or cancelled by other Department of Defense (DoD) guidance. Other guidance contained in references a and b remain in effect.
3. Applicability. This notice applies to all elements of the National Guard (NG), to include Title 32 (T-32) NG Joint force Headquarters-State (NG JFHQs-State), and T-32 NG intelligence units and staff organizations, and non-intelligence organizations that perform or train to perform intelligence or intelligence-related activities, as defined in reference a, hereinafter referred to as the NG intelligence component. In addition to references c and d, Army National Guard (ARNG) and Air National Guard (ANG) members serving in a Title 10 (T-10) status must comply with Service-specific guidance in accordance with (IAW) references e and f.
4. Background. The SecDef and Attorney General of the United States recently signed reference c, which changes intelligence oversight (IO) procedures 1 through 10 previously published in reference d.
5. Action or Procedure. All personnel identified in paragraph 3 will adhere to and be knowledgeable of policy contained in reference c. Initial and annual IO

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training must be updated to include this new procedural guidance no later than (NLT) 01 March 2017. Such personnel who access or use U.S. person information (USPI) must be trained on the civil liberties and privacy protections that apply to such information NLT 01 March 2017, and annually thereafter.

a. Defense Intelligence Component Heads. The Director of NG Joint Staff Directorate of Intelligence (NG-J2), Director of ARNG G2, and Deputy Director of ANG Intelligence, Surveillance and Reconnaissance Operations (NGB/A2/3/6/10) will serve as designated Defense Intelligence Component heads for the NG-J2, ARNG G2 and ANG A2 respectively. NG JFHQs-State J2s will serve as designated Defense Intelligence Component heads for their respective T-32 NG JFHQs-State and State T-32 ARNG and ANG forces.

b. USPI Retention Policy. Paragraph 6.b. of reference a is amended to state “The Adjutants General and the Commanding General of the District of Columbia National Guard must include the procedures for retaining USPI, recording the reasons for retaining USPI and the authority for approving retention of USPI in accordance with (IAW) reference c, paragraph 3.3.f(1)(e) in the State IO Policy.”

c. NG Intelligence Component Shared Repository Hosting. A NG intelligence component hosting a shared repository containing USPI will require that each participant acknowledge in writing receipt of IO training and agreement to comply with all law, policies, and procedures applicable to the protection of USPI before granting access IAW paragraph 3.1.b. of reference c.

d. Improper Dissemination of USPI. Improper dissemination of USPI to include inadvertent dissemination of known USPI, dissemination of information later discovered to be USPI, and intentional improper dissemination of USPI will be treated and reported immediately as questionable intelligence activity IAW reference g and Procedure 15 of reference d.

e. Proper Use Memorandums (PUM). The following are changes to Enclosure E of reference b:

(1) The requirement levied in paragraph 6.a.(2) for the National Guard Bureau Inspector General to review PUMs is cancelled.

(2) The requirement contained in paragraph 6.a.(4)(h) for State Inspectors General to review T-32 PUMs is cancelled.

(3) Paragraph 6.a.(4)(e)1. is changed to read: “I certify that the intended collection and use of the requested information, materials, and imagery are in support of congressionally approved programs and are not in violation of applicable laws. The request for imagery is not for the purpose of targeting any specific U.S. person (USPER), nor is it inconsistent with the

Constitutional and other legal rights of USPERs. Applicable security regulations and guidelines, and other restrictions will be followed.” *This PUM has been reviewed for legal sufficiency by insert rank, name, title, e-mail address and phone of Staff Judge Advocate reviewing the PUM) on (insert date reviewed).*

(4) Paragraph 6.a.(4)(f) is changed to read: Paragraph 5. “I am authorized as a trusted agent and certifying official on behalf of the requesting unit, and I understand I am responsible for the accuracy of the information contained herein and for the proper safeguarding of products received in response.” *Insert State J2 certifying official’s name and contact information. This must be field grade officer or civilian equivalent. If the State J2 does not meet this rank requirement, then a field grade officer in his chain of command may serve as certifying official.*

(5) Delete paragraphs 6.a.(4)(g) and 6.a.(4)(h).

(6) Paragraph 6.a.(4)(i) is changed to read: Paragraph 6. Name, office, telephone number, and e-mail address or fax number for PUM point of contact.”

6. Releasability. This notice is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdcc.ngb.army.mil>>.

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature, unless cancelled earlier.


JOSEPH L. LENGYEL
General, USAF
Chief, National Guard Bureau

Enclosure:

A -- References

ENCLOSURE A

REFERENCES

- a. CNGB Instruction 2000.01A, 24 July 2015, “National Guard Intelligence Activities”
- b. CNGB Manual 2000.01, 26 November 2012, “National Guard Intelligence Activities”
- c. DoD Manual 5240.01, 08 August 2016, “Procedures Governing the Conduct of DoD Intelligence Activities”
- d. DoD 5240.1-R, Change 1, 08 August 2016, “Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons”
- e. AR 381-10, 03 May 2007, “U.S. Army Intelligence Activities”
- f. AF Instruction 14-104, 05 November 2014, “Oversight of Intelligence Activities”
- g. CNGB Instruction 0700.01, 09 June 2013, “Inspector General Intelligence Oversight”