



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NG-J3/7
DISTRIBUTION: A

CNGBI 7500.00
13 October 2016

DOMESTIC USE OF NATIONAL GUARD UNMANNED AIRCRAFT SYSTEMS

References: See Enclosure A.

1. Purpose. This instruction establishes policy and assigns responsibilities for the appropriate use of all Department of Defense (DoD) unmanned aircraft systems (UAS) and remotely piloted aircraft (RPA) in domestic National Guard (NG) operations, training, exercises, and testing in accordance with (IAW) reference a.

2. Cancellation. None.

3. Applicability. This instruction applies to all elements of the NG.

4. Policy. It is NG policy that any domestic use of UAS (hereinafter used to refer to both UAS and RPA) requires consultation for approval with the Federal Aviation Administration (FAA) and must be consistent with applicable laws, regulations, and memoranda of agreement concerning the operations of UAS in the National Airspace System.

a. Unless permitted by law and approved by the Secretary of Defense (SecDef), NG personnel using UAS for domestic operations may not conduct surveillance on U.S. persons. This restriction includes using any domestic UAS as part of an authorized DoD response to a lawful request from another Federal department or agency.

b. Consistent with references b and c, all information acquired, retained, and disseminated during domestic Army National Guard (ARNG) and Air National Guard (ANG) UAS employment will be IAW guidance from the Chief of the National Guard Bureau (CNGB) and DoD.

c. UAS may not be used for Federal, State, or local immediate response.

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d. Armed UAS may only be used in the U.S. for training, exercises, and testing purposes.

e. In appropriate circumstances, UAS may be used in lieu of manned aircraft for domestic missions. Appropriate circumstances may include when sustained endurance efforts are required; unmanned aircraft provides superior capabilities; or physical infrastructure limitations prohibit the use of manned rotary or fixed-wing aircraft.

f. SecDef approval is required for all domestic UAS operations unless specified in this instruction, law, or other guidance (including Homeland Defense, Defense Support of Civil Authorities, NG civil support, and Counterdrug operations and missions conducted by NG personnel in a State Active Duty or Title 32 status).

g. Governors in States where UAS assets are fielded may not employ UAS without SecDef approval; however, Governors may consider UAS employment in their planning for disaster response activities. Governors who seek to use UAS assets in support of actual State disasters should submit a formal request in writing. Such requests should contain the analysis conducted that determined that other manned air assets were not appropriate. The Chairman of the Joint Chiefs of Staff (CJCS), in consultation with the appropriate geographic Combatant Commander, CNGB, and the appropriate Military Department Secretary, will provide a recommendation to the SecDef concerning the use of UAS in support of a State request.

(1) Plans should consider the procedures and time required for FAA consultation for access to the necessary airspace and to obtain SecDef authorization.

(2) In concert with coordinated Federal Emergency Management Agency regional planning, any State that proposes the use of UAS will consult with the corresponding geographic Combatant Commander in coordination with NGB to ensure State and DoD plans maximize unity of effort.

h. Use of UAS assets in domestic training and exercises require prior notification to the SecDef if the platform is a large (Group 4/5 UAS) DoD UAS IAW reference d and will be used outside DoD-scheduled special use airspace (SUA).

(1) Prior approval by the SecDef is required if the UAS will be armed and used in a training, exercise, or testing event outside DoD SUA.

(2) Prior approval by the SecDef is required for any UAS training and exercises conducted with Federal, State, or local law enforcement agencies (LEAs), including any UAS training and exercises planned in coordination with

LEAs to meet LEA information needs IAW reference e.

(3) A valid FAA Certificate of Authorization and an approved proper use memorandum (PUM) are required.

i. State Counterdrug Coordinators supporting law enforcement requests to employ UAS must include a contingency in their Counterdrug State Plans. Use of UAS in counterdrug operations requires SecDef approval separate from the State counterdrug plan. Such UAS support requires an official law enforcement request and Counterdrug Coordinator approval to initiate a request packet for approval.

j. The only exception to the requirement for approval by the SecDef for the use of DoD UAS for domestic operations are Search and Rescue missions coordinated by the Air Force Rescue Coordination Center (AFRCC), Alaska Rescue Coordination Center (AKRCC), or Joint Rescue Coordination Center (JRCC)-Pacific. Specifically, the Commander of U.S. Northern Command, through the Commander, Air Forces Northern or Commander, Alaskan Command; or Commander of U.S. Pacific Command may approve the use of DoD UAS on an AFRCC/AKRCC/ Joint Rescue Coordination Center-Pacific coordinated mission after determining that UAS would be the best platform to assist and that its use would not interfere with primary military duties. State NG officials will notify proper NGB channels of any use of UAS during SAR operations.

5. Definitions. See Glossary.

6. Responsibilities.

a. The Adjutants General (TAG). TAGs will ensure State requests for domestic use of UAS are submitted as detailed in reference a.

b. Director of the Air National Guard (DANG). The DANG will review all requests for domestic use of ANG UAS.

c. Director of the Army National Guard (DARNG). The DARNG will review all requests for domestic use of ARNG UAS.

d. Directorate of Intelligence (NG-J2). NG-J2 will:

(1) Review all requests for domestic use of UAS for compliance with intelligence oversight policies.

(2) Review and staff all PUMs for domestic use of UAS IAW reference f.

e. Directorate of Domestic Operations and Force Development (NG-J3/7). NG-J3/7 will:

(1) Review all requests for domestic use of UAS in coordination with NG-J2, Office of the NGB Chief Counsel (NGB-JA), Office of the NGB Public Affairs (NGB-PA), ARNG Operations or ANG Air Operations, NG-J3/7 (NG-J32) Counterdrug division, and the appropriate Service Foreign Disclosure Officer, if required.

(2) Provide a recommendation regarding requests for the domestic use of UAS to the SecDef through the CJCS, as delegated by this instruction.

f. NGB-JA. NGB-JA will:

(1) Review all requests for domestic use of UAS for compliance with applicable laws and policies for the mission described in the request package.

(2) Review all PUMs for domestic use of UAS for legal sufficiency IAW reference f.

g. NGB-PA. NGB-PA will advise and assist the States by providing public affairs guidance on domestic use of UAS in coordination with the Services, DoD, and interagency partners.

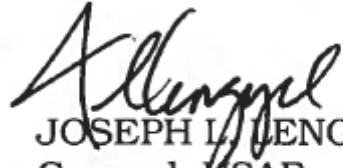
h. Service Foreign Disclosure Officer. The Service Foreign Disclosure Officer will review all requests for domestic use of UAS involving foreign government participation to ensure compliance with foreign disclosure requirements and determine whether the particular foreign national has the appropriate delegation of disclosure authorization letter on file, as required.

i. NG Joint Actions Control Office (NG-JACO). NG-JACO will route all requests requiring SecDef approval to the Joint Chiefs of Staff for Current Operations for action.

7. Summary of Changes. This is the initial publication of CNGBI 7500.00.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdc.ngb.army.mil>>.

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



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

Enclosures:

A -- References
GL -- Glossary

ENCLOSURE A

REFERENCES

PART I. REQUIRED

- a. Deputy Secretary of Defense Policy Memorandum 15-002, 17 February 2015, "Guidance for the Domestic Use of Unmanned Aircraft Systems"
- b. DoD Directive 5200.27, 07 January 1980, "Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense"
- c. DoD 5240.1-R, December 1982, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons"
- d. CJCS Instruction 3255.01, 17 July 2009 w/Change 1, 31 October 2011, "Joint Unmanned Aircraft System Minimum Training Standards"
- e. Title 10 United States Code, Section 371(b)
- f. CNGB Manual 2000.01, 26 November 2012, "National Guard Intelligence Activities"

PART II. RELATED

- g. DoD Instruction 3025.22, 26 July 2013, "The Use of the National Guard for Defense Support of Civil Authorities"
- h. DoD Directive 3025.18 (as amended), 29 December 2010, "Defense Support of Civil Authorities"
- i. CJCS Instruction 5711.01C, 06 June 2013, "Policy on Action Processing"
- j. CNGB Instruction 2000.01, 17 September 2012, "National Guard Intelligence Activities"
- k. CNGB Instruction 3100.01A, 22 June 2015, "National Guard Counterdrug Support"
- l. Joint Publication 3-30, 10 February 2014, "Command and Control of Joint Air Operations"
- m. Air Force Instruction 14-104, 05 November 2014, "Oversight of Intelligence Activities"

n. Army Regulation 381-10, 03 May 2007, "U.S. Army Intelligence Activities"

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
AFRCC	Air Force Rescue Coordination Center
AKRCC	Alaska Rescue Coordination Center
CJCS	Chairman of the Joint Chiefs of Staff
CNGB	Chief of the National Guard Bureau
DoD	Department of Defense
FAA	Federal Aviation Administration
IAW	In accordance with
NG	National Guard
NG-J2	Directorate of Intelligence
NG-J3/7	Directorate of Domestic Operations and Force Development
NGB-JA	Office of the National Guard Bureau Chief Counsel
NG-JACO	National Guard Joint Actions Control Office
NGB-PA	Office of National Guard Bureau Public Affairs
PUM	Proper Use Memorandum
RPA	Remotely Piloted Aircraft
SecDef	Secretary of Defense
SUA	Special Use Aircraft
UAS	Unmanned Aircraft System
TAG	The Adjutants General

PART II. DEFINITIONS

Unmanned Aircraft Systems -- Refers to both UAS and RPA

Unmanned Aircraft Large Systems -- Groups 4/5 UAS, as currently defined in CJCSI 3255.01, Joint Unmanned Aircraft System Minimum Training Standards, Incorporating Change 1, para. 9(a)(1)-(5) (October 31, 2011) and Joint Publication 3-30, Command and Control of Joint Air Operations, Figure III-15, page III-30 (February 10, 2014).

Unmanned Aircraft Small Systems -- Groups 1/2/3 UAS, as currently defined in CJCSI 3255.01, Joint Unmanned Aircraft System Minimum Training Standards, Incorporating Change 1, para. 9(a)(1)-(5) (October 31, 2011) and Joint Publication 3-30, Command and Control of Joint Air Operations, Figure III-15, page III-30 (February 10, 2014).