



DoD INSTRUCTION 3000.14

DoD COUNTERDRUG AND COUNTER-TRANSNATIONAL ORGANIZED CRIME POLICY

Originating Component: Office of the Under Secretary of Defense for Policy

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Approved by: James H. Anderson, Performing the Duties of the Under Secretary of Defense for Policy

Purpose: In accordance with the authority in DoD Directive (DoDD) 5111.01, this issuance:

- Establishes policy, assigns responsibilities, and provides procedures for the planning, coordination, authorization, and implementation of DoD counterdrug (CD) programs, requests, activities, training, and resource expenditures.
- Assigns the responsibilities and provides procedures required to implement counter-illicit drug trafficking (CIDT) and counter-transnational organized crime (CTOC) programs that provide support to any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force in accordance with:
 - Sections 124, 284, and the sections relating to CIDT and CTOC in Chapter 16 of Title 10, United States Code (U.S.C.).
 - Section 1022 of Public Law (PL) 108-136 and Section 1021 of PL 108-375, as amended.

TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION	5
1.1. Applicability.	5
1.2. Policy.	5
SECTION 2: RESPONSIBILITIES	8
2.1. Under Secretary of Defense for Policy (USD(P)).....	8
2.2. Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD(SO/LIC)).....	8
2.3. Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats (DASD(CN>)).	9
2.4. Director, DSCA.....	11
2.5. Under Secretary of Defense for Intelligence and Security (USD(I&S)).	11
2.6. Director, Defense Intelligence Agency (DIA).	12
2.7. Director, National Geospatial-Intelligence Agency.....	12
2.8. Director, National Security Agency/Chief, Central Security Service.....	12
2.9. USD(C)/CFO.	13
2.10. General Counsel of the Department of Defense.	13
2.11. Inspector General of the Department of Defense.	13
2.12. DoD Senior Intelligence Oversight Official.	13
2.13. DoD Component Heads.	13
2.14. Secretaries of the Military Departments.	15
2.15. CJCS.	16
2.16. Combatant Commanders (CCDRs).....	16
2.17. Geographic CCDRs.	17
2.18. Commanders, United States Northern Command (CDRUSNORTHCOM) and United States Indo-Pacific Command (CDRUSINDOPACOM).	19
2.19. Commander, United States Southern Command (CDRUSSOUTHCOM).....	19
2.20. Commander, United States Special Operations Command (CDRUSSOCOM).	20
2.21. Commander, United States Transportation Command.	20
2.22. Chief, NGB.	20
2.23. Summary of Approval Authorities and Requirements for CD and CTOC Activities. .	21
SECTION 3: DoD CD ACTIVITIES	25
a. Section 124 of Title 10, U.S.C., D&M Activities.	25
b. CD Activities That Support U.S. Departments and Agencies In Accordance With Section 284(b) of Title 10, U.S.C.	25
c. CD or CTOC Activities That Support Foreign National Security Forces with CD Law Enforcement Responsibilities In Accordance With Section 284(c) of Title 10, U.S.C., and Section 333 of Title 10, U.S.C.	29
d. Section 1021 of PL 108-375 Activities.....	30
e. Section 1022 of PL 108-136 Activities.....	30
f. Other DoD CD Support.	31
SECTION 4: GUIDANCE AND PROCEDURES FOR CD AND CTOC ACTIVITIES	33
4.1. General CD and CTOC Activity Guidance.	33

- a. CD and CTOC Activities Outside of the United States and Its Territories in Support of U.S. Government Agencies..... 33
- b. CD and CTOC Activities In Support Of Foreign Nations..... 34
- c. CD and CTOC Activities Within the United States and Its Territories. 34
- 4.2. Request Criteria. 35
 - a. Section 284 of Title 10, U.S.C. 35
 - b. Section 1021 of PL 108-375. 35
 - c. Section 1022 of PL 108-136. 35
 - d. Section 333 of Title 10, U.S.C. 35
- 4.3. Requests for DoD Support. 36
 - a. Section 284 of Title 10, U.S.C., Requests..... 36
 - b. Section 1022 of PL 108-136 Requests..... 36
- 4.4. Implementation Guidance and Timelines. 37
 - a. CD and CTOC Activities In Accordance With Section 124 of Title 10, U.S.C., Section 284 of Title 10, U.S.C., and Section 1022 of PL 108-136..... 37
 - b. Security Cooperation Assistance Programs That Support CIDT, CTOC, Maritime Security, and Border Security Operations In Accordance With Chapter 16 of Title 10, U.S.C..... 38
 - c. CD Activities Pursuant to Section 112 of Title 32, U.S.C..... 38
- APPENDIX 4A: INFORMATION REQUIRED FOR DoD CD OR CTOC ACTIVITY RFA 39
 - a. CD and CTOC Activities Outside of the United States and Its Territories. 39
 - b. CD and CTOC Activities Within the United States and Its Territories..... 40
 - c. RFAs for Activities That Provide Support to CTOC or CT In Accordance With Section 1022 of PL 108-136. 40
- SECTION 5: UMMC AND SMALL-SCALE CONSTRUCTION GUIDANCE AND PROCEDURES 41
 - 5.1. General Guidance on Using UMMC and Small-Scale Construction with CD Authorities. 41
 - 5.2. Criteria for Approval of UMMC and Small-Scale Construction Projects Using CD Funds..... 41
 - 5.3. Approval Procedure for Construction Projects Using CD Funds. 42
- SECTION 6. FUNDING PROCESS AND PROCEDURES 44
 - 6.1. General Funding Guidelines. 44
 - a. Appropriation..... 44
 - b. Oversight..... 44
 - 6.2. Use of CD Funds to Place Economy Act Orders with Other Federal Departments and Agencies..... 45
 - a. Economy Act Guidelines. 45
 - b. Economy Act Procedures..... 46
 - c. HRV. 46
 - d. Funding. 47
 - e. AARs..... 47
 - f. Annual Review. 47
 - 6.3. Performance Measurement. 48
 - a. Feedback and Resourcing. 48
 - b. Metrics. 48

6.4. Reporting.....	48
a. Monthly and Quarterly Reports.	48
b. National Drug Control Budget.....	49
c. Annual DoD Inspector General Report.....	49
GLOSSARY	50
G.1. Acronyms.	50
G.2. Definitions.....	52
REFERENCES	56
CANCELLED REFERENCES	57

TABLES

Table 1. Summary of Approval Authorities and Requirements for CD and CTOC Activities ...	21
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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance:

a. Applies to:

(1) The Office of the Secretary of Defense (OSD), the Military Departments, CJCS and the Joint Staff, the Combatant Commands (CCMDs), the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (referred to collectively in this issuance as the “DoD Components”).

(2) National Guard (NG) personnel serving in a Title 10 or in a Title 32 duty status.

(3) DoD CD, CTOC, and counterterrorism (CT) activities that are conducted using authorities described in Section 3.

b. Does not apply to law enforcement activities pursuant to Sections 1585a, 2672, 2674, 4027, 7480, and 9027 of Title 10, U.S.C.; and Section 3680 of Title 50, U.S.C.

1.2. POLICY.

It is DoD policy to:

a. Develop CD and CTOC policies, plans, and programs to support national and DoD strategies (e.g., the National Security Strategy, National Defense Strategy, National Drug Control Strategy, Strategy to Combat Transnational Organized Crime, National Strategy for Counterterrorism, DoD’s Framework to Counter Drug Trafficking and Other Illicit Threat Networks, and other related strategies) to target, deny, disrupt, or degrade national security threats enabled by illicit drug trafficking and other forms of transnational organized crime (TOC). Such threats include:

(1) The trafficking of money.

(2) Human trafficking.

(3) Illicit financial flows.

(4) Illegal trade in weapons, natural resources, and wildlife.

(5) Other forms of illegal trafficking or trade as determined by the Secretary of Defense (SecDef).

b. Leverage CD and CTOC authorities to support operations with any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force.

c. Provide military unique capabilities in support of U.S. Government and foreign national security force activities to detect, monitor, and disrupt the trafficking of illicit drugs and chemicals used in the production of illicit drugs.

d. Prioritize CD and CTOC activities that use DoD's militarily unique capabilities and align with national security and defense strategies to enhance DoD's effectiveness by:

(1) Improving readiness and mission capability.

(2) Aligning CD and CTOC activities with CCMD campaign plan security objectives.

e. In accordance with Section 1022 of PL 108-136 (note following Section 271 of Title 10, U.S.C.), use joint task forces, if appropriate, to execute activities listed in Paragraphs 3.b. and 3.e. of this issuance.

f. Support requests for assistance (RFAs) from any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force as appropriate and in accordance with Section 284 of Title 10, U.S.C.

(1) The primary purpose of DoD CD-funded activities must significantly support DoD CD policies, objectives, programs, and activities.

(2) Requests for support will be evaluated in accordance with Sections 3 through 5 of this issuance.

g. Evaluate for effectiveness and adjust, subject to Section 1703 of Title 21, U.S.C., the resources of CD and CTOC programs that do not achieve desired results aligned with national security objectives or defense strategies.

h. Require unity of effort by coordinating and de-conflicting DoD CD activities with other departments and agencies of the Federal Government and of State, local, tribal, and foreign national security forces.

i. In accordance with Sections 284(b) and 284(c) of Title 10, U.S.C., support the CD or CTOC activities of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency.

j. Pursuant to Section 112 of Title 32, U.S.C., authorize State governors to use NG personnel on full-time duty, as appropriate, pursuant to Section 502(f) of Title 32, U.S.C., to perform activities (other than air transportation) authorized by the SecDef in a State drug interdiction and counterdrug activities plan, to support the CD or CTOC (with a CD nexus) activities of the State, local, and tribal law enforcement agencies (LEAs), or community-based organizations (CBOs) eligible to receive support pursuant to Section 508 of Title 32, U.S.C. Activities included in the State plan that are carried out in conjunction with federal LEAs must be certified by the

Governor of the State or a civilian law enforcement official of the State designated by the Governor as serving a State law enforcement purpose.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)).

The USD(P):

- a. Approves DoD CD and CTOC strategy, policy, and plans consistent with national strategies and DoD strategy, policies, and objectives.
- b. Approves all DoD CD and CTOC activities otherwise not delegated, including long-term continuous RFAs and training in accordance with Section 284(f) of Title 10, U.S.C.
- c. Approves requests submitted by DoD Components to use CD funding and resources for joint task force support to CT or CTOC activities pursuant to Section 1022 of PL 108-136. If these activities do not relate significantly to CD objectives, the USD(P) may waive this requirement upon a determination that such a waiver is vital to the national security interests of the United States and must promptly notify Congress of any such waiver.
- d. Approves State Governors' requests for authorization and funds to use NG forces to conduct activities in accordance with Section 112 of Title 32, U.S.C., and this issuance.
- e. Directs and oversees DoD CD-funded activities, including Planning, Programming, Budgeting, and Execution (PPBE) in accordance with DoDD 7045.14, "The Planning, Programming, Budgeting, and Execution (PPBE) Process," for the DoD Drug Interdiction and CD Activities, Defense appropriation.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT (ASD(SO/LIC)).

Under the authority, direction, and control of the USD(P), the ASD(SO/LIC)::

- a. Serves as the principal civilian advisor to the USD(P) and SecDef for CD strategy, plans, programs, and resources to ensure adherence to approved policy and planning guidance.
- b. Oversees and approves DoD efforts for detection and monitoring (D&M) of suspected illicit drug aerial, maritime, and surface traffic bound for the United States and approves requests for support in accordance with Sections 284(b) and 284(c) of Title 10, U.S.C.
- c. Approves CD or CTOC support provided pursuant to 284(c) of Title 10, U.S.C. and notifies Congress, as required, in accordance with Section 284(h) of Title 10, U.S.C., of requested support, unless approval is withheld by USD(P).
- d. Approves the curriculum and program structure of each NG CD school (NGCS) to ensure the proposed activities are consistent with DoD policies.

e. Provides annual guidance for the development of the CD program objective memorandum (POM), and an annual CD and CTOC budget in accordance with the DoD and CD PPBE processes.

f. Reviews and recommends approval to the USD(P) of security cooperation assistance proposals received from the Defense Security Cooperation Agency (DSCA) that provide training and equipment pursuant to Section 333 of Title 10, U.S.C., to foreign national security forces with CD and CTOC responsibilities.

g. Reviews and approves request for the establishment of any base of operation or training facility using CD resources that is planned to operate for more than 18 months or when the annual operation costs are \$500,000 or more.

2.3. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR COUNTERNARCOTICS AND GLOBAL THREATS (DASD(CN>)).

Under the authority, direction, and control of the ASD(SO/LIC), the DASD(CN>) implements and executes DoD CD-funded activities. When executing DoD CD and CTOC activities, the DASD(CN>):

a. Develops strategy and policy, establishes priorities, and provides guidance applicable to DoD CD and CTOC activities consistent with national security and defense strategies and with DoD policies and objectives.

b. Evaluates the policies, processes, and resources that affect DoD's ability to execute DoD CD and CTOC activities, recommends actions as necessary to enhance DoD CD and CTOC capabilities, and oversees the DoD CD and CTOC programs funded with DoD's Drug Interdiction and CD Activities, Defense appropriation.

c. Directs, oversees, and monitors PPBE for DoD's Drug Interdiction and CD Activities, Defense appropriation resource allocations.

d. Identifies, coordinates, and oversees the execution of operational CD and CTOC support requirements with DoD Components, federal departments and agencies, and foreign national security forces.

e. Prescribes policies for the use of NG personnel in a duty status pursuant to Section 502(f) of Title 32, U.S.C., for State CD plans, NGCS, and other DoD-authorized CD and CTOC activities in the United States and its territories.

f. Reviews State CD plans and NGCS plans to determine if the plans and the proposed activities are consistent with DoD policies. Reviews and approves expenditures of operation and maintenance (O&M) funds exceeding \$100,000 for services and equipment associated with State CD plans.

g. Receives, reviews, and provides recommendations and OSD-level oversight on behalf of the USD(P) on the use of a DoD CD joint task force to support LEAs conducting CD or CTOC activities pursuant to Section 1022 of PL 108-136.

h. On behalf of the ASD(SO/LIC):

(1) Serves as the DoD point of contact for the Office of the Director of National Drug Control Policy and other federal and State agencies with CD and CTOC responsibilities, as appropriate.

(2) Provides policy oversight to DoD-led CD and CTOC fusion centers and joint and interagency task forces, including chairing relevant steering boards and committees, in accordance with their chartering documents.

(3) Engages with foreign partners to ensure DoD CD and CTOC programs support and align with national security and defense strategies.

i. Provides guidance, prioritization, and validation to DSCA on CD- and CTOC-related DoD Component security cooperation assistance proposals that provide training and equipment pursuant to Section 333 of Title 10, U.S.C., to foreign national security forces with CD and CTOC responsibilities.

j. Reviews and approves:

(1) Requests for all commercial transportation support pursuant to Section 284 of Title 10, U.S.C.

(2) Unspecified minor military construction (UMMC) projects funded in accordance with Section 284(b)(4) of Title 10, U.S.C. See Section 5 of this issuance for additional information on UMMC.

(3) NG expenditures of O&M over \$100,000 in accordance with Section 112 of Title 32, U.S.C.

k. Coordinates with the Joint Staff on CD-related policy matters that require input and consideration by the Joint Staff or the CCMDs.

l. Coordinates with the Department of State (DOS) on all support to foreign national security forces in accordance with Section 284 of Title 10, U.S.C.

m. Reviews Economy Act agreements (and associated documentation), such as memoranda of understanding (MOUs) that will obligate DoD CD funds for Section 284 of Title 10, U.S.C., support to any other department or agency of the Federal Government with CD or CTOC responsibilities before DoD Component signature. Follows the procedures in Paragraph 6.2. of this issuance.

n. Signs support agreements (and associated documentation), including agreements entered into pursuant to DoD Instruction 4000.19, "Support Agreements," beyond the scope of the DoD

Component's delegated authority after coordination with the Office of the USD(P) (OUSD(P)) regional desks; the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO); and the Office of General Counsel of the Department of Defense for compliance with CD and CTOC authorities.

o. Develops an assessment methodology, including a common set of core CD and CTOC effects-based metrics, to evaluate DoD CD and CTOC programs in accordance with Section 1115 of Title 31, U.S.C.

p. Provides resource management and oversight of the CD central transfer account (CTA) and complies with Chapter 14 of Volume 2B of DoD 7000.14-R to provide instructions applicable to budget formulation and congressional justification for DoD CD and CTOC activities.

2.4. DIRECTOR, DSCA.

Under the authority, direction, and control of the USD(P), in accordance with DoDD 5132.03, "DoD Policy and Responsibilities Relating to Security Cooperation," in addition to the responsibilities in Paragraph 2.12. of this issuance, and in coordination with the ASD(SO/LIC) and the DASD(CN>), the Director, DSCA, provides security cooperation related guidance on the process, planning, administration, execution, and management to the DoD Components for CIDT, CTOC, and maritime and border security training and equipping programs executed in accordance with Chapter 16 of Title 10, U.S.C.

2.5. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY (USD(I&S)).

The USD(I&S):

a. Develops DoD policy for CD and CTOC intelligence and provides oversight to ensure the Defense Intelligence Enterprise (DIE) is organized, trained, equipped, and structured to support DoD CD and CTOC activities and requirements.

b. Oversees CD and CTOC DIE Components compliance with Executive Order (E.O.) 12333, DoD Instruction (DoDI) 3115.12, and DoD Manual 5240.01.

c. Oversees DIE policies, plans, programs, requirements, capabilities, and resource allocations, including exercising responsibility for DoD Components within the National Intelligence Program and the Military Intelligence Program in accordance with Director of National Intelligence (DNI) guidance. Supports DoD CD and CTOC intelligence priorities established by the SecDef, DASD(CN>), and DNI policy guidance.

d. Designates a point of contact within the Office of the USD(I&S) to coordinate with the OUSD(P) on CD and CTOC-related intelligence issues, including threat finance intelligence (TFI).

e. Issues guidance for DIE Components to govern support and information-sharing relationships with:

(1) Other federal departments and agencies.

(2) State, local, tribal, and foreign national security forces.

(3) Other public and private partners supporting CD and CTOC-focused information integration, collaboration, and sharing efforts.

2.6. DIRECTOR, DEFENSE INTELLIGENCE AGENCY (DIA).

Under the authority, direction, and control of the USD(I&S), and in addition to the responsibilities in Paragraph 2.13. of this issuance, the Director, DIA:

a. Provides DoD all-source CD and CTOC analysis, including TFI, to national foreign intelligence activities as part of the DIA mission.

b. Coordinates with the USD(I&S) to advance DoD CD and CTOC intelligence and information sharing and partnerships with any other department or agency of the Federal Government or any State, local, tribal, or foreign national security forces, when authorized.

c. Links and synchronizes defense and national intelligence CD and CTOC capabilities to satisfy priority intelligence requirements that support efforts to achieve national CD or CTOC strategic objectives.

d. Reviews CD and CTOC intelligence gaps, shortfalls, and capabilities, and recommends improvements to the USD(I&S).

2.7. DIRECTOR, NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Under the authority, direction, and control of the USD(I&S), and in addition to the responsibilities in Paragraph 2.13. of this issuance, the Director, National Geospatial-Intelligence Agency, provides geospatial intelligence products, support, services, and information related to DoD CD and CTOC activities.

2.8. DIRECTOR, NATIONAL SECURITY AGENCY/CHIEF, CENTRAL SECURITY SERVICE.

Under the authority, direction, and control of the USD(I&S), and in addition to the responsibilities in Paragraph 2.13. of this issuance, the Director, National Security Agency/Chief, Central Security Service, provides signals intelligence, coordinates signals intelligence requirements, approves cryptologic support, and oversees the employment of capabilities and resources to provide products, support, services, and information related to DoD CD and CTOC activities.

2.9. USD(C)/CFO.

The USD(C)/CFO:

a. Maintains policies and procedures for financial management, fiscal matters, accounting, pricing, budgeting, internal reprogramming actions, and other matters affecting the DoD Drug Interdiction and CD Activities, Defense appropriation.

b. Coordinates with the DASD(CN>) on:

(1) Budget levels, program adjustments, and allocations that support the DoD Drug Interdiction and CD Activities, Defense appropriation and account.

(2) CD and CTOC policy matters specific to the Office of the USD(C)/CFO.

2.10. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

In addition to the functions assigned in DoDD 5145.01, the General Counsel of the Department of Defense advises the ASD(SO/LIC) and DASD(CN>) on the legal sufficiency of requests for DoD support from the geographic Combatant Commands (GCCs) or Defense Agencies and from interagency and foreign partners for activities submitted to the OUSD(P) for review and approval.

2.11. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

In accordance with Section 1704(d) of Title 21, U.S.C., and the May 8, 2018, Office of National Drug Control Policy (ONDCP) Circular, the Inspector General of the Department of Defense performs a detailed accounting and authentication of all funds expended on National Drug Control Program activities each fiscal year (FY). This includes performance measures, targets, and results associated with those activities for the preceding FY with data provided by the Office of the DASD(CN>) (ODASD(CN>)).

2.12. DOD SENIOR INTELLIGENCE OVERSIGHT OFFICIAL.

In accordance with DoDD 5148.13, the DoD Senior Intelligence Oversight Official (SIOO) exercises independent oversight of DoD intelligence and intelligence-related activities.

2.13. DOD COMPONENT HEADS.

The DoD Component heads:

a. Manage and oversee CD and CTOC programs funded by fiscal resources transferred annually from the DoD Drug Interdiction and CD Activities, Defense, appropriation.

- b. Leverage appropriate authorities to design and plan CD and CTOC programs that will increase strategic impact and operational effectiveness while prudently and efficiently managing government resources.
- c. Comply with the guidance in this issuance and develop and distribute appropriate and consistent guidance throughout their DoD Components.
- d. Plan and submit to the DASD(CN>) annual POM budgetary input for CD and CTOC programs, in accordance with DASD(CN>) POM guidance.
- e. Submit, through the Joint Staff, all mission requests required for USD(P) approval.
- f. Submit, through the Joint Staff, to the DASD(CN>) all mission requests to support foreign national security forces that require congressional notification. See Section 4 for additional guidance.
- g. Review and oversee approved intelligence-collection activities to meet DASD(CN>)-identified and -funded CD priority intelligence requirements in accordance with DoD Manual 5240.01.
- h. Follow global force management (GFM) processes and procedures through DoD systems of record in accordance with DoD policy, as sourcing solutions to request forces to support DoD Component CD and CTOC activities.
- i. Submit to the DASD(CN>) a quarterly report, by CD Project Code, on the execution status of allocated CD funds. See Paragraph 6.4. of this issuance for reporting requirements.
- j. Issue CD and CTOC implementing guidance, objectives, programs, and activities in accordance with policies within this issuance that:
 - (1) Require CD-related positions to be primarily used for CD-related efforts and have CD-related job objectives consistent with the annual DoD CD appropriation and Section 1301 of Title 31, U.S.C., except as permitted and approved in accordance with Section 1022 of PL 108-136. This applies to all CD-funded full-time equivalent positions.
 - (2) Comply with DoDI 5000.74 for contracted services. Review and validate CD and CTOC requirements through the Services Requirements Review Board process. Component heads may approve contracts for matters delegated to DoD Component heads by this issuance.
 - (3) Draw on guidance, knowledge, and experience related to the CD and CTOC missions, including the DIE, to pass on lessons learned within the Joint Lessons Learned Information System.
 - (4) Establish procedures to share relevant information with any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security forces performing CD and CTOC activities, as appropriate.

k. Assess, monitor, and evaluate the effectiveness of CD-funded programs and activities, and report performance measures of effectiveness in accordance with CD funding and performance reporting requirements consistent with guidance provided by DASD(CN>).

l. Submit performance metrics data (i.e., targets and results) to the CD Performance Metric System website at <https://cnresources.osd.smil.mil>.

m. Sign agreements for support as delegated to the DoD Component head in this and other DoD guidance documents.

n. Include appropriate contract provisions in CD-related contracts to ensure that contracted support is consistent with this instruction.

2.14. SECRETARIES OF THE MILITARY DEPARTMENTS.

In addition to the responsibilities in Paragraph 2.13. of this issuance, the Secretaries of the Military Departments:

a. Coordinate the timely allocation, transfer, and realignment of Service and Defense Agency CD funds, consistent with DoD policies, goals, and objectives, for program execution by the GCCs and Defense Agencies in coordination with the DASD(CN>).

b. Oversee the commitment and obligation of DoD CD funds that occur at subordinate commands and agencies, including major contracting actions, Economy Act transfers, and other forms of financial obligations.

c. Monitor the completion of major projects and activities initiated or executed by the Military Services and Defense Agencies in support of CCMD CD and CTOC requirements, including, but not limited to, facilities projects, procurement actions, service and maintenance contracts, and other purchases.

d. In coordination with DASD(CN>), approve CD and CTOC-related transportation requests on DoD aircraft not allocated to the CCMDs in accordance with DoDI 4515.13.

e. In consultation with the NG Bureau (NGB), assist the CJCS with identifying when NG forces are the appropriate sourcing solution for CD or CTOC activities. Seek and consider input from the Chief, NGB, on matters of policy with respect to the use of the NG for CD and CTOC activities.

f. Assist the CCMDs and NGB in preparing consolidated quarterly program and financial execution reports by reviewing draft submissions for accuracy and completeness. For centrally managed programs executed by Military Department or Defense Agency headquarters, the program managers will prepare and submit quarterly consolidated program execution reports to the DASD(CN>), including the status of civilian manpower.

g. In coordination with the CCMDs, provide appropriate information on foreign assistance activities for submission to foreignassistance.gov in accordance with the August 24, 2016, USD(P) Memorandum.

2.15. CJCS.

In addition to the responsibilities in Paragraph 2.13. of this issuance, the CJCS:

- a. Serves as the principal military advisor to the SecDef for CD and CTOC operations.
- b. Supports the DASD(CN>) and appropriate federal departments and agencies by participating in interagency and multinational CD and CTOC operations planning.
- c. Coordinates with the DASD(CN>) and provides the DASD(CN>) with recommendations on CD- and CTOC-related policy matters that require input and consideration by the Joint Staff, including authorization for activities and resource requests from CCMDs requiring OSD approval or congressional notification.
- d. Provides CD and CTOC guidance and priorities aligned with the National Defense Strategy, Contingency Planning Guidance, Joint Strategic Campaign Plan, and other force planning documents to the CCMDs to guide planning and total force sourcing solutions to meet requirements under GFM processes.
- e. Leads efforts to align intelligence, surveillance, reconnaissance, and analysis activities to support priority CD and CTOC operations to achieve national CD and CTOC strategic objectives.
- f. Develops CD and CTOC joint doctrine and issues implementing guidance, in consultation with relevant CCMDs and the DASD(CN>), to the Joint Force in order to establish roles, responsibilities, processes, and procedures for the coordination of DoD CD and CTOC activities.
- g. In coordination with the Chief, NGB, considers the use of NG forces in accordance with the GFM process to reduce the operational stress on Title 10 (active duty and reserve) forces through the use of Title 32 NG forces after receiving approved requests for CD and CTOC activities from a CCMD.
- h. In coordination with the Chief, NGB, establishes the necessary policies and procedures to employ NG personnel in a duty status pursuant to Section 502(f) of Title 32, U.S.C., as authorized by the SecDef with the concurrence of the Governors of the affected States, to support DoD-authorized CD and CTOC activities.

2.16. COMBATANT COMMANDERS (CCDRS).

In addition to the responsibilities in Paragraph 2.12. of this issuance, the CCDRs, through the CJCS:

- a. Require all CD and CTOC activities conducted within their assigned responsibilities to be authorized by a SecDef-approved execute order (EXORD).
- b. Identify, request, coordinate, program, and budget for Reserve Component support for CD and CTOC activities.
- c. Refer RFAs to the Chief, NGB, for consideration before submitting such RFAs to the Joint Staff and the DASD(CN>) when CCMD-assigned forces are not available to meet the requirements to reduce the operational stress on Title 10 (active duty and reserve) forces by using NG personnel in a duty status pursuant to Section 502(f) of Title 32, U.S.C.
- d. Maintain, oversee, and monitor the commitment, obligation, and expenditure of DoD CD funds executed in support of CD- and CTOC-related activities in coordination with the executing Military Department and Defense Agency. This includes support provided under Section 1022 of PL 108-136, major contracting actions, Economy Act transfers executed pursuant to Economy Act agreements, and the status of other applicable obligating instruments.
- e. Prepare appropriate annual reports for joint task forces in the respective area of responsibility (AOR), in accordance with Section 1022 of PL 108-136, and submit to the DASD(CN>).

2.17. GEOGRAPHIC CCDRS.

In addition to the responsibilities in Paragraph 2.16. of this issuance, the geographic CCDRs, through the CJCS:

- a. Plan and execute the DoD's CD and CTOC programs in accordance with DoD policies. Identify requirements and implement, manage, and oversee the PPBE of DoD CD and CTOC programs in accordance with appropriate strategic guidance and CCMD campaign plans.
- b. Identify, coordinate, and execute operational CD and CTOC support requirements with other CCMDs, federal departments and agencies, and foreign national security forces.
- c. Review, approve, and execute, as appropriate, DoD CD and CTOC activities in accordance with Section 284 of Title 10, U.S.C., as authorized in this instruction. Approval of other proposed activities is retained by a higher authority. Geographic CCDRs may delegate approval authority no lower than to an officer serving in a general or flag officer grade within their chain of command. The DASD(CN>) must be notified of any such delegation.
- d. Provide the DASD(CN>) a detailed implementation plan of activities for the next FY through the Joint Staff before the beginning of an FY. See Paragraph 4.4. of this issuance for further information.
- e. Submit requests requiring USD(P) approval or congressional notification through the Joint Staff no later than 90 days before execution.

f. Develop an assessment process to evaluate all CD and CTOC activities with measures of effectiveness and performance that support the GCC theater campaign plan (TCP) and DoD CD and CTOC policy and objectives.

g. Develop and provide CD-funded program cost and manpower estimates to the DASD(CN>) in support of POM and annual President's budget requests in coordination with the Military Departments and Defense Agencies and in accordance with DASD(CN>) guidance.

h. Before CCDR signature, coordinate with the DASD(CN>) regarding any interagency Economy Act agreements not involving the use of Section 333 of Title 10, U.S.C., that will obligate DoD CD funds in support of any other department or agency of the Federal Government or tribal LEA that has CD and CTOC responsibilities. Interagency agreements that involve Economy Act transfers must comply with the procedures in Paragraph 6.2.

i. Develop command arrangements or agreements to facilitate coordination across CCMD AOR boundaries prescribed in the Unified Command Plan.

j. Support valid requests sent by any department or agency of the Federal Government or of any State, local, tribal, or foreign national security force that supports DoD's CD and CTOC guidance and the GCC's TCP using CD resources available to the CCMD.

k. Allocate theater-level CD and CTOC intelligence resources through the Joint Staff Intelligence Directorate in support of GCC TCP requirements and counter threat finance (CTF) activities, in coordination with other elements of the DIE and in accordance with E.O. 12333 and relevant policy directives, including Office of the DNI and DoD intelligence tradecraft standards.

l. Nominate UMMC or small-scale construction projects for approval in accordance with Section 284(b)(4) and (c)(1)(B) of Title 10, U.S.C.

m. Review and approve the following CD and CTOC activities in accordance with Section 284(b) of Title 10, U.S.C., and the provisions of this issuance:

(1) Maintenance, repair, or upgrade of equipment loaned or transferred to any other department or agency of the Federal Government or of any State, local, or tribal LEA.

(2) Requests for CD or CTOC transportation via military air in accordance with this issuance.

(3) The establishment of a base of operations using CD resources that is planned to be in operation for fewer than 18 months and will have annual operations costs less than \$500,000. This does not include small-scale construction or UMMC.

(4) Assistance in establishing and maintaining command, control, communications, and computers (C4) networks for improved integration of law enforcement, active military, and NG CD and CTOC activities.

(5) Requests for linguist and intelligence analyst support. This does not include cryptologic support, real-time translation of oral or wire intercepts, direct participation in interrogation activities, or the use of counterintelligence assets for CD purposes.

(6) The use of aerial and ground reconnaissance support. This does not include observation or listening posts.

n. Monitor the status and completion of all projects, contracts, and other CD-funded activities conducted within the GCC AOR including, but not limited to, facilities projects, procurement actions, service and maintenance contracts, and other purchases.

2.18. COMMANDERS, UNITED STATES NORTHERN COMMAND (CDRUSNORTHCOM) AND UNITED STATES INDO-PACIFIC COMMAND (CDRUSINDOPACOM).

In addition to the responsibilities in Paragraph 2.17. of this issuance, the CDRUSNORTHCOM and CDRUSINDOPACOM:

a. Conduct D&M in accordance with Section 124 of Title 10, U.S.C., and with SecDef-approved EXORDs.

b. Coordinate on NG State CD plans and activities in collaboration with the CNGB to ensure the efficient use of DoD CD resources.

c. Review and approve the following CD- and CTOC-related activities in accordance with Section 284(b) of Title 10, U.S.C., and the provisions of this issuance:

(1) Requests for CD or CTOC training of law enforcement personnel of the Federal Government, and of State, local, or tribal governments.

(2) Construction of roads and fences and the installation of lighting to block drug-smuggling corridors across international boundaries of the United States.

2.19. COMMANDER, UNITED STATES SOUTHERN COMMAND (CDRUSSOUTHCOM).

In addition to the responsibilities in Paragraph 2.17, of this issuance, the CDRUSSOUTHCOM:

a. Conducts D&M in accordance with Section 124 of Title 10, U.S.C., and SecDef-approved EXORDs.

b. Reviews and approves CD and CTOC activities in Colombia in accordance with Section 1021 of PL 108-375 to the extent that the CDRUSSOUTHCOM has been delegated the authority to provide the substantive support in accordance with Section 284 of Title 10, U.S.C.

c. Limits the number of DoD military and contractor personnel assigned in Colombia in accordance with Section 1021 of PL 108-375.

2.20. COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND (CDRUSSOCOM).

In addition to the responsibilities in Paragraph 2.16. of this issuance, the CDRUSSOCOM:

- a. Reviews and approves (on an exceptional basis) advanced military training by special operations forces related to CD activities for domestic LEA, in accordance with the June 29, 1996 Deputy Secretary of Defense (DepSecDef) Memorandum.
- b. Develops an assessment process to evaluate all CD and CTOC activities with measures of effectiveness and performance that support the GCC TCP and DoD CD and CTOC policy and objectives.
- c. Develops and provides CD-funded program cost and manpower estimates to the DASD(CN>) in support of POM and annual President's budget requests in coordination with the Military Services and Defense Agencies and in accordance with DASD(CN>) annual guidance.

2.21. COMMANDER, UNITED STATES TRANSPORTATION COMMAND.

In addition to the responsibilities in Paragraph 2.16. of this issuance, the Commander, United States Transportation Command, reviews and approves the use of DoD transportation assets not assigned to the GCCs and Military Services to support the movement of personnel and cargo for support for any other department or agency of the Federal Government or a foreign country, in accordance with DoDI 4515.13, subject to coordination with the DASD(CN>). Any support to a foreign country should be processed in accordance with Section 284(c) of Title 10, U.S.C.

2.22. CHIEF, NGB.

In addition to the responsibilities in Paragraph 2.13. of this issuance, and in accordance with DoDD 5105.77, the Chief, NGB:

- a. Advises the SecDef, the CJCS, and DoD Component heads on matters involving the use of non-federalized NG units and personnel that perform CD and CTOC activities.
- b. Advises CCDRs on NG matters pertaining to CD and CTOC activities. Reviews and assesses requests and recommendations pertaining the use of the NG personnel for CD and CTOC activities.
- c. Advises the SecDef on the provision of funds and regulations for the use of full-time NG personnel in carrying out State CD plans in accordance with Section 112 of Title 32, U.S.C.
- d. Executes O&M expenditures for services and equipment in accordance with all CD and CTOC-related statutes, regulations, and policies, and provides adequate CD program oversight and management.

e. Approves NG expenditures of O&M funds less than \$100,000 per item in accordance with Section 112 of Title 32, U.S.C.

f. Submits to the DASD(CN>) annual reports on State CD plan activities conducted during the preceding FY in accordance with Section 112 of Title 32, U.S.C., and DASD(CN>) guidance, including an assessment of the benefit to readiness and the effects the activities and DoD resourcing have had toward achieving State CD objectives.

2.23. SUMMARY OF APPROVAL AUTHORITIES AND REQUIREMENTS FOR CD AND CTOC ACTIVITIES.

Table 1 provides a reference guide for requirements and approval levels for CD and CTOC Activities.

Table 1. Summary of Approval Authorities and Requirements for CD and CTOC Activities

DoD Approval Authority	CD Activity	Requirements
SecDef or DepSecDef	Support requiring the transfer of operational control of forces between CCDRs, except as otherwise noted.	GCC request in accordance with Appendix 4A through the Joint Staff to the DASD(CN>) for coordination.
	Waiver of non-reimbursable support to LEAs in accordance with 10 U.S.C. 277(c)(2).	GCCs request through the Joint Staff to the DASD(CN>) for coordination.
	In accordance with Section 502(f) of Title 32, U.S.C., approval of NG support of CD and CTOC activities not identified in State CD Plans.	Request from the Chief, NGB, through the Joint Staff to the DASD(CN>) for coordination.
USD(P)	Section 1022 of PL 108-136 requests from GCCs and Defense Agencies.	GCC request through the Joint Staff in accordance with Paragraph c. of Appendix 4A to this issuance.
	Approval of NG State CD Plans.	Follow DASD(CN>) guidance for State Plans.
	Capacity Building Programs in accordance with Chapter 16 of Title 10, U.S.C.	Follow USD(P) and DSCA guidance.

Table 1. Summary of Approval Authorities and Requirements for CD and CTOC Activities, continued

DoD Approval Authority	CD Activity	Requirements
ASD(SO/LIC)	D&M in accordance with Sections 284(b)(6) of Title 10, U.S.C., including contracted services.	GCC request in accordance with Appendix 4A through the Joint Staff to ODASD(CN>) for coordination.
	All support that requires congressional notification under Section 284(b) or (c) of Title 10, U.S.C., unless approval is withheld by USD(P).	GCC request in accordance with Appendix 4A through the Joint Staff to the DASD(CN>) for coordination.
		GCCs submit congressional notification template through the Joint Staff to the DASD(CN>) for OSD coordination in accordance with Section 284(c)(1)(A) - (F) of Title 10, U.S.C.
		DD Form 1391, "FY Military Construction Data," for small-scale construction projects.
	All DoD CD and CTOC activities pursuant to Section 284 of Title 10, U.S.C., not otherwise delegated, and continuous support pursuant to Section 284 longer than 364 days.	GCCs request in accordance with Appendix 4A to this issuance through the Joint Staff to the DASD(CN>) for coordination.
		When applicable, GCCs must include congressional notification template for support in accordance with Section 284(c) of Title 10, U.S.C.
Establish and operate bases or training facilities in accordance with Section 284(b)(4) of Title 10, U.S.C., for bases planned to operate for more than 18 months or when the annual operation costs are greater than \$500,000, and UMMC.	GCCs request in accordance with Appendix 4A to this issuance through the Joint Staff and in coordination with appropriate offices in OUSD(P); include the congressional notification template for support in accordance with Section 284(c)(1)(B) of Title 10, U.S.C.	
	DD Form 1391, "FY Military Construction Data," for UMMC.	

Table 1. Summary of Approval Authorities and Requirements for CD and CTOC Activities, continued

DoD Approval Authority	CD Activity	Requirements
DASD(CN>)	Transportation and logistics costs for any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force using commercial air in accordance with Section 284(b)(3) of Title 10, U.S.C.	Request in accordance with Appendix 4A to this issuance through the Joint Staff and coordination with appropriate offices in OUSD(P).
	NG expenditures of O&M funds over \$100,000 per item, in accordance with Section 112 of Title 32, U.S.C.	Follow DASD(CN>) guidance for State CD Plans.
GCCs	D&M in accordance with Section 124 of Title 10, U.S.C.	SecDef-approved EXORD. Notification to the Joint Staff upon mission execution.
	Maintenance, repair, or upgrade of equipment under Section 284(b)(1) and (2) of Title 10, U.S.C.	Notification to the Joint Staff upon mission execution.
	Transportation and logistics using military air under Sections 284(b)(3) of Title 10, U.S.C.	Notification message to the Joint Staff upon mission execution.
GCCs and CDRUSSOCOM	Training in accordance with Section 284(b)(5) of Title 10, U.S.C., including contracted training support.	Notification message to the Joint Staff upon mission execution. GCCs must send MOUs to DASD(CN>) for coordination prior to signature.
	Establish and operate bases or training facilities in accordance with Sections 284(b)(4) of Title 10, U.S.C., for bases planned to operate for less than 18 months or when the annual operation costs are less than \$500,000, not involving construction projects.	
	Construction of roads and fences and installation of lighting in accordance with Section 284(b)(7) of Title 10, U.S.C.	
	C4 and Network Activities in accordance with Section 284(b)(8) of Title 10, U.S.C.	
	Intelligence analysis, linguist, and translator services in accordance with Sections 284(b)(9) of Title 10, U.S.C.	
	Reconnaissance activities in accordance with Sections 284(b)(10) of Title 10, U.S.C.	
	Requests for support submitted in accordance with Section 1021 of PL 108-375 (specifically for CDRUSSOUTHCOM, to the extent authority is delegated).	

Table 1. Summary of Approval Authorities and Requirements for CD and CTOC Activities, continued

DoD Approval Authority	CD Activity	Requirements
	Economy Act agreements (and associated MOUs/documents) for delegated authorities.	
	Approval of advanced military training to law enforcement personnel.	See June 29, 1996, DepSecDef Memorandum.
CDRUSTRANSCOM	Approve using transportation assets not assigned to the GCC and Military Departments to support the movement of personnel and cargo (logistical equipment or freight that support CD and CTOC operations and controlled deliveries).	Coordination with the DASD(CN>).
CHIEF, NGB	NG O&M expenditures for purchases of CD equipment costing less than \$100,000 per item.	Accountability and tracking of equipment in accordance with NGB procedures.

SECTION 3: DoD CD ACTIVITIES

The following activities enable DoD Components to support missions of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agencies for CD and CTOC purposes. These activities and associated policies are in accordance with Section 124 of Title 10, U.S.C., subsections (b) and (c) of Section 284 of Title 10, U.S.C., Section 1021 of PL 108-375, as amended, and Section 1022 of PL 108-136, as amended

a. Section 124 of Title 10, U.S.C., D&M Activities.

DoD is the single lead agency of the Federal Government for the D&M of aerial and maritime transit of illicit drugs into the United States and may conduct activities in accordance with Section 124 of Title 10, U.S.C.

b. CD Activities That Support U.S. Departments and Agencies In Accordance With Section 284(b) of Title 10, U.S.C.

(1) Maintenance, Repair, or Upgrading of Equipment In Accordance With Sections 284(b)(1) and 284(b)(2) of Title 10, U.S.C.

Pursuant to Section 284(b)(1), DoD may use CD funds for the maintenance and repair of equipment for the purpose of preserving the future utility of and to upgrade such equipment to ensure the compatibility of that equipment with other equipment used in the department. Pursuant to Section 284(b)(2), DoD may also maintain, repair, or upgrade equipment (including computer software) other than equipment covered in Section 284(b)(1) to ensure that the equipment being maintained or repaired is compatible with equipment used by DoD and to upgrade such equipment to ensure the compatibility of that equipment with equipment used by DoD. DoD will not use this authority to procure for or transfer parts or equipment to any other department or agency of the Federal Government or of any State, local, or tribal agency.

(2) Transportation and Logistics In Accordance With Section 284(b)(3) of Title 10, U.S.C.

DoD may use CD funds for the transportation of personnel of the United States and foreign countries (including per diem expenses) and for the transportation of supplies and equipment (including controlled deliveries under the control of civilian law enforcement personnel) for the purpose of facilitating CD or CTOC activities within or outside of the United States. This authority does not permit the purchase of supplies or equipment that are to be transported. DoD will not support administrative-type movements, such as conferences, routine personnel and equipment deliveries that can be accomplished with commercial aircraft, and other similar missions.

(a) Priority for DoD fixed-wing air transportation is given to CD missions and controlled deliveries that involve ongoing, time-sensitive operations, and a significant amount of drugs or the disruption of major drug trafficking or TOC organizations.

(b) DoD may support other requests that are directly linked to ongoing CD and CTOC missions. Intra-theater movement of personnel, supplies, and equipment for CD or CTOC-related purposes by DoD fixed- or rotary-wing aircraft may be provided on a non-reimbursable basis, with the use of CD funds, for incremental costs associated with such support under Section 284 of Title 10, U.S.C.

(c) When necessary, due to mission requirements and load sizes, dedicated aircraft (e.g., special assignment airlift mission sorties) may support these missions.

(3) Establish and Operate Bases or Training Facilities In Accordance With Section 284(b)(4) of Title 10, U.S.C.

CCMDs and Defense Agencies may establish (including through a UMMC project) and operate bases of operations or training facilities for the purposes of facilitating CD or CTOC activities of DoD or of any federal, State, local, or tribal LEA within or outside the United States, consistent with the delegated authorities in this issuance.

(a) UMMC must be used for projects that constitute bases of CD operations or training facilities for any other department or agency of the Federal Government or of any State, local, or tribal LEA that are located on a domestic military installation or located in a foreign country on property over which the United States has operational control. UMMC may be used for projects that constitute bases of CD operations or training, including, but not limited to, piers for patrol boats, aviation fuel handling systems for airlift support, command centers, operational bases, training centers, and bare base life support for field units. Infrastructure development must be in accordance with this issuance. Additional information on UMMC is in Section 5 of this issuance.

(b) The use of U.S. military or a contracted vessel or vessels as a base of operations for CCMDs and any other department or agency of the Federal Government or of any State, local, or tribal LEA is authorized when used in accordance with Section 284(b)(4) of Title 10, U.S.C.

(4) Training In Accordance With Section 284(b)(5) of Title 10, U.S.C.

CD or CTOC training of law enforcement personnel of the Federal Government or of State, local, and tribal governments is authorized. This includes associated expenses for trainees and the provision of consumable materials and training aids necessary to carry out such training. Where consumables and non-re-usable training aids assist the unit being trained, are advantageous to DoD, and are properly documented, they may be left with the unit being trained. Proper documentation includes identification in training after-action reports (AARs) and with a hand receipt identifying what consumables or training aids were left, the quantities of such items, and who received them. Training is not limited to classroom and conference settings and, when in Presidentially declared combat zones, can include training on the planning of proposed or actual CD or CTOC operations.

(a) DoD will not provide advanced military training to LEA personnel, unless approved for U.S. Government LEA teams and members (e.g., a Drug Enforcement Administration Special Support Section team) preparing for overseas deployment (excluding

sniper training). On an exceptional basis, the CDRUSSOCOM may approve advanced military training by special operations forces, in accordance with the June 29, 1996, DepSecDef Memorandum.

(b) Training of U.S. Government LEA personnel may be conducted by, but is not limited to, U.S. Army military police schools and the NGCS.

(5) D&M In Accordance With Section 284(b)(6) of Title 10, U.S.C.

DoD D&M includes DoD programs to integrate equipment, technology, and data capabilities from CCMDs and Defense Agencies and any other department or agency of the Federal Government to track international illicit drug shipments. This does not include the transfer of D&M equipment to any other department or agency of the Federal Government or of any State, local, or tribal LEA. D&M support carried out in support of federal, State, local, and foreign national security force CD activities includes:

(a) Air and sea traffic within 25 miles of and outside of the geographic boundaries of the United States.

(b) Surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles from the boundary if the initial detection occurred outside of the boundary.

(6) Construction of Roads and Fences and Installation of Lighting In Accordance With Section 284(b)(7) of Title 10, U.S.C.

This activity consists of the construction of roads and fences, and the installation of lighting, to block drug-smuggling corridors across international boundaries of the United States.

(a) This authority will not be used for military construction on DoD installations.

(b) Unless otherwise approved by the DASD(CN>), construction of roads and fences, and installation of lighting, is limited to the southwest border of the United States.

(7) Command, Control, Communications, and Computers (C4) Network Activities In Accordance With Section 284(b)(8) of Title 10, U.S.C.

CCMDs and Defense Agencies may establish command, control, communications, and computers networks to provide improved integration with any other department or agency of the Federal Government or of any State, local, or tribal LEA. This includes integrating hardware, software, and other equipment and services necessary to develop a common operational picture for DoD CD and CTOC activities, integrating multi-sensor and multi-source information from multiple domains, facilitating collaborative planning, and helping users achieve greater situational awareness. This authority does not permit the purchase or transfer of C4 equipment to any other department or agency of the Federal Government or of any State, local, or tribal LEA.

(8) **Linguist and Intelligence Analysis Services In Accordance With Section 284(b)(9) of Title 10, U.S.C.**

Intelligence analysis support to LEAs is governed by Procedure 12 in DoD 5240.1-R. Support must be consistent with DoD Manual 5240.01 and DoD 5240.1-R. Support is subject to coordination with the DoD Component's general counsel or staff judge advocate (SJA) when military intelligence components or personnel are used. Intelligence analysis of open source information must be consistent with DoDI 3115.12.

(a) Translator and interpreter services that support a CD or CTOC mission may be employed. This can include near-real-time translation of non-U.S. person communication in support of CD or CTOC missions. Appropriate officials from a civilian LEA must directly supervise the near-real-time translation of non-U.S. person-communication. Neither direct participation in interrogation activities that require interpretation nor the use of counterintelligence assets for CD or CTOC purposes is authorized.

(b) Other requests for intelligence analysis support will be provided only pursuant to written agreements between DoD, through the USD(P), and any other federal department or agency or State, local, or tribal LEA.

(c) Any U.S. person information received by a DoD analyst will be managed in accordance with DoD Manual 5240.01.

(d) NG personnel may only conduct intelligence activities in accordance with DoD Manual 5240.01. Intelligence support to LEAs is governed by Procedure 12 in DoD 5240.1-R unless authorized by SecDef.

(9) **Reconnaissance Activities In Accordance With Section 284(b)(10) of Title 10, U.S.C.**

This activity may consist of aerial or ground-based systems to support DoD Components and any other department or agency of the Federal Government or of any State, local, or tribal LEA. Domestic aerial and ground reconnaissance activities may be conducted within the United States in support of LEAs to identify land and transportation routes used for drug cultivation, but activities by Title 10 (active duty and reserve) forces intended to surveil, target, track, or capture still or motion images of U.S. persons are not authorized under Section 284(b)(10) of Title 10, U.S.C.

(a) **Aerial Reconnaissance.**

This includes conducting visual and photographic reconnaissance and observation of illicit drug activities from the aerial domain. Types of approved aerial reconnaissance include, but are not limited to, forward and side-looking infrared, electro-optical, airborne radar, synthetic aperture radar, aerial observers employed on rotary-wing aircraft, fixed-wing aircraft, or unmanned aircraft systems, including lighter-than-air systems.

(b) **Ground Reconnaissance.**

Ground reconnaissance generally describes ground-based visual and photographic reconnaissance and observation of an area to identify or locate cultivated drug plants, drug-processing laboratories, smuggling or drug-to-market transit routes, or other drug-related nodes and installations. This reconnaissance may be accomplished using static observation or listening posts, mounted or dismounted patrols, ground-based ground surveillance radars, remote and unattended sensors, divers, or tunnel detection support.

c. CD or CTOC Activities That Support Foreign National Security Forces with CD Law Enforcement Responsibilities In Accordance With Section 284(c) of Title 10, U.S.C., and Section 333 of Title 10, U.S.C.

(1) Section 284 of Title 10, U.S.C., Activities.

(a) Transportation and Logistics In Accordance With Section 284(c)(1)(A) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(2) of this issuance may be provided for foreign law enforcement and security forces.

(b) Establish and Operate Bases or Training Facilities In Accordance With Section 284(c)(1)(B) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(3) of this issuance may be provided for foreign national security forces. Small-scale construction is not to exceed the cost limit prescribed in Section 284(i)(3) of Title 10, U.S.C. Small-scale construction must be used for projects that constitute bases of CD or CTOC operations or training, including, but not limited to, piers for patrol boats, aviation fuel handling systems for airlift support, command centers, operational bases, training centers, and bare base life support for field units. This also includes the office equipment and furnishings necessary to establish an initial operating capability of the base. Small-scale construction must be based on a specific CD or CTOC activity or program supported by DoD that is identified in writing and must enable or support CD or CTOC operations. Additional information on small-scale construction is in Section 5.

(c) D&M In Accordance With Section 284(c)(1)(C) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(5) of this issuance may be provided for foreign law enforcement agencies, except that D&M of surface traffic inside the United States is not permitted.

(d) Command, Control, Communications, and Computers Network Activities In Accordance With Section 284(c)(1)(D) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(7) of this issuance may be provided for foreign national security forces for improved integration of U.S. federal and foreign law enforcement entities and the U.S. Armed Forces. Authorized support may consist of technical services, technical advice, and technical support. Any proposed purchase of equipment, or any provision of training, is to be processed under 10 U.S.C. 333. This authority does not permit the purchase or transfer of C4 equipment to foreign national security forces.

(e) Intelligence Analysis, Linguist, and Translator Services In Accordance With Section 284(c)(1)(E) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(7) of this issuance may be provided for foreign law enforcement agencies. Cryptologic support must be approved by the Chief of Transnational Crime and Strategic Issues, National Security Agency/Central Security Service, with the concurrence of an appropriate OSD official with intelligence oversight responsibilities, and the DoD General Counsel.

(f) Reconnaissance Activities in Accordance with Section 284(c)(1)(F) of Title 10, U.S.C.

Support outlined in Paragraph 3.b.(9) of this issuance may be provided for foreign law enforcement agencies.

(2) Capacity-Building Programs for Foreign National Security Forces In Accordance With Section 333 of Title 10, U.S.C.

The SecDef, with the concurrence of the Secretary of State, is authorized to conduct or support a program or programs to provide training and equipment to foreign national security forces for the purpose of building the capacity of such forces to conduct CIDT and CTOC operations.

d. Section 1021 of PL 108-375 Activities.

Activities undertaken in accordance with this authority, as amended, allow for the use of CD funds to support the Government of Colombia's unified campaign against narcotics trafficking and against activities by designated terrorist organizations operating in Colombia. Section 1021 also authorizes using CD funds for the CT activities specified in Section 1021. DoD activities in accordance with Section 1021 of PL 108-375 require a supplemental substantive authorization in law, such as Section 284 of Title 10, U.S.C. Section 1021 of PL 108-375, in support of the Government of Colombia's unified campaign, grants additional authority to take action to protect human health and welfare in emergency circumstances, including undertaking hostage rescue operations, within the limitations prescribed in the statute.

e. Section 1022 of PL 108-136 Activities.

With approval by the SecDef, a DoD joint task force may use CD resources and CD and CTOC authorities in accordance with Section 284 of Title 10, U.S.C. (subject to the guidance in this issuance), to support CTOC and CT activities within its AOR.

(1) For the purposes of this issuance, joint task forces include other DoD-led multi-component or multi-agency entities such as joint interagency task forces, joint interagency coordination groups, CCDR interagency action groups, combined joint task forces, and fusion cells.

(2) Joint task forces may be used by any CCMD or Defense Agency working on CD-funded activities and may provide support to any law enforcement agency of the Federal, Government or of any State local, tribal, or foreign law enforcement agency.

(3) Section 1022 of PL 108-136 activities are limited to those permitted in accordance with Section 284 of Title 10, U.S.C., must be used consistent with the activities outlined in Paragraphs 3.b. and 3.c. of this issuance, and must be at the request of an LEA for support in accordance with Section 284(a) of Title 10, U.S.C. CCMDs and Defense Agencies may use the authority in Section 1022 of PL 108-136 to use CD resources to provide CT- or CTOC-related intelligence analysis support, including support related to illicit financial flows; the trafficking of drugs, people, money, wildlife, or natural resources; maritime piracy; or other illicit means determined by the SecDef.

(4) To request authority to provide support under Section 1022 of PL 108-136, the DoD Component should submit a request to the ODASD(CN>) with the following information:

- (a) The name of the DoD joint task force to provide the support.
- (b) The description, purpose, and objectives of the support.
- (c) The LEAs receiving the support.
- (d) How the support aligns with DoD strategic priorities.
- (e) What impact, if any, the support would have on the DoD Component's CD or CTOC programs.
- (f) How the support relates to national security objectives.

(5) CT or CTOC support under Section 1022 of PL 108-136 may only be provided if SecDef has made one of the two following determinations:

(a) SecDef determines that the objectives of using CD funds of a joint task force relate significantly to the objectives of providing support for CD activities by that joint task force or any other joint task force.

(b) SecDef may waive the requirement of Paragraph 3.e.(5).(a) of this issuance if he or she determines that such a waiver is vital to the national security interests of the United States. The SecDef will promptly submit a written notification of the waiver to the congressional defense committees, along with a description of the vital national security interests associated with the CT or CTOC support covered by the waiver.

f. Other DoD CD Support.

(1) **Base of Operation Enhancements to Support Anti-Terrorism and Force Protection (AT/FP) Requirements.**

In accordance with Section 284(b)(4) or (c)(1)(B) of Title 10, U.S.C., CCMDs may use CD funds to support AT/FP at U.S. or partner nation bases of operation that are designated for CD or CTOC operations. Additional AT/FP enhancements may be used in the following situations:

(a) Efforts to increase security or incorporate AT/FP standards using CD resources at foreign law enforcement agency facilities should be requested as part of:

1. An infrastructure project.
2. A request to establish a base of operations or training facility, in accordance with Section 284 of Title 10, U.S.C.

(b) When enhancing AT/FP for DoD deployed forces, requirements should be identified by the DoD Component and captured as part of the deployment order request.

(2) CTF.

All CTF activities must be a subset of a CN or CTOC activity, unless conducting the activity under Section 1022 of PL 108-136. In accordance with DoDD 5205.14, DoD TFI capabilities provided by DIE directly support DoD CTF activities. CCMDs and Defense Agencies may use CD resources to provide CTF intelligence analysis support in accordance with Section 284(b) and (c) of Title 10, U.S.C., and Section 1022 of PL 108-136. DoD TFI capabilities may be used, pursuant to the approval of an appropriate Section 284, Title 10, U.S.C., request.

(3) Contract Support.

Pursuant to Section 284(d) of Title 10, U.S.C., DoD Components may acquire services or equipment by contract for support provided in accordance with Section 284(b) and (c) of Title 10, U.S.C., if the DoD Component is delegated the approval authority and would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for DoD. DoD Components must seek appropriate approval authority before executing a contract for support for activities beyond their delegated authority.

SECTION 4: GUIDANCE AND PROCEDURES FOR CD AND CTOC ACTIVITIES

4.1. GENERAL CD AND CTOC ACTIVITY GUIDANCE.

a. CD and CTOC Activities Outside of the United States and Its Territories in Support of U.S. Government Agencies.

(1) DoD personnel will not directly participate in law enforcement activities (e.g., search, seizure, arrests, or similar activities) unless such personnel are otherwise authorized by law to do so. This does not preclude the provision of force protection.

(2) Except in Presidentially declared combat zones:

(a) DoD personnel will not accompany U.S. law enforcement agents or partner nation law enforcement and security forces on CD or CTOC field operations. DoD personnel will not provide operational planning for U.S. law enforcement agents or partner nation law enforcement and security forces.

(b) DoD personnel will provide CD or CTOC support from a secure base or area. CCDRs may authorize DoD personnel to operate from a forward operating base or area if the CCDR determines that the forward operating base or area is secure.

(3) Except in Presidentially declared combat zones or pursuant to appropriate legal authority (e.g., hostage rescue in accordance with Section 1021 of PL 108-375), training is limited to providing information to enable the trainees to do their own planning. Participants may bring draft plans for DoD trainers to critique, and DoD trainers may conduct after-action reviews, but DoD trainers may not prepare, issue, or approve such draft plans. Trainers may assess the performance of personnel being trained, prepare critiques, and adjust training based on results observed during the monitoring of operations from secure locations.

(4) Within Presidentially declared combat zones, DoD personnel may provide support from a location and in a manner that the commander deems suitable based on appropriate military planning considerations and may accompany U.S. law enforcement agents or foreign law enforcement or security forces on CD or CTOC field operations.

(5) Nothing in this issuance will be construed to restrict the authority of a commander to take action in accordance with the laws of armed conflict and the applicable rules of engagement for a military operation against any valid military target. The presence of law enforcement personnel on such operations must not be construed to characterize such operations as subject to any restriction applicable to operations undertaken for the purpose of providing support to law enforcement.

(6) Unless otherwise directed by the SecDef, DoD personnel will not perform clerical or administrative duties such as secretarial, receptionist, or janitorial tasks in support of other agencies. Unless otherwise directed by the SecDef, DoD personnel will not perform

maintenance on, or provide logistics support for, civilian law enforcement vehicles or equipment. DoD operational support to U.S. LEAs is designed to enhance the effectiveness of the supported agency and to provide a reciprocal benefit to DoD. It is not designed and may not be used to augment the supported agency's appropriations, or to release LEA officers for other drug enforcement duties.

b. CD and CTOC Activities In Support Of Foreign Nations.

In addition to the guidelines in Paragraph 4.1.a. of this instruction, the CCDR will confirm that DOS has conducted human rights vetting (HRV) on the unit and commander (and individuals, as appropriate) for the commission of any gross violations of human rights before providing support. Such HRV is undertaken to ensure compliance with Section 362 of Title 10, U.S.C., and as prescribed in the August 18, 2014, SecDef Memorandum. HRV should be conducted within the 12 months before the date of the proposed support, and the requesting CCMD should confirm that DOS possesses no credible information of any gross violations of human rights by the unit to receive assistance since the date of the HRV report.

c. CD and CTOC Activities Within the United States and Its Territories.

In addition to Paragraph 4.1.a.(1) of this issuance, the following apply:

(1) DoD will not use Title 10 CD resources for continuous, on-going, or long-term (i.e., greater than 364 days) operational support commitments at the same location without prior approval from the ASD(SO/LIC). Title 10 support is limited to assistance that involves militarily unique skills. The DASD(CN>) will evaluate exceptions for continuing support annually to assess whether support continues to meet CD objectives, the impacts of such support on unit and individual readiness, and return on investment for providing such support.

(2) The SecDef may provide funds to the Governor of a State in accordance with Section 112 of Title 32, U.S.C., to support certain State, local, and tribal LEA or CBO RFAs. Activities executed by the NG under Section 112 of Title 32, U.S.C., conducted in conjunction with federal LEAs that serve a State law enforcement purpose must be submitted and validated by the State's adjutant general in the USD(P)-approved State plan. Federal LEA RFAs for activities not conducted in conjunction with a State, local, or tribal LEA, or that do not serve a State law enforcement purpose, will be sent to the appropriate GCC for consideration in accordance with Section 284 of Title 10, U.S.C.

(3) The NGCSs may train the national security forces of foreign countries through CD or CTOC-related courses that provide training on unique military capabilities pursuant to Section 333 of Title 10, U.S.C. Training programs provided pursuant to Section 333 of Title 10, U.S.C., must be approved by the USD(P) and follow the guidance and processes developed by the Office of the USD(P) and DSCA.

(4) NG personnel in Title 32 duty status may provide CD or CTOC support, such as ground and aerial reconnaissance, before and after search warrants executed by State and local LEAs. The support may not involve contact with subjects of an investigation or witnesses, and must be performed at a location where there is not a reasonable likelihood of a confrontation

between law enforcement personnel and civilians. NG personnel will not assume custody of evidence and may only support law enforcement actions undertaken pursuant to a warrant.

(5) CD and CTOC support may include linguist, intelligence analysis, document and media exploitation (DOMEX), communications, and diver support. DoD personnel may assist LEAs to preserve digital evidence, but may not conduct preliminary searches or examinations of digital media. Digital forensic examinations and DOMEX analysis, conducted after LEA officials have conducted the preliminary search or examination, will be limited to information within the scope authorized by warrant in accordance with Paragraph 4.b.(4) of DoDD 3300.03.

(6) The use of unmanned aircraft systems in the United States and its territories must be in accordance with the August 18, 2018, SecDef Memorandum, "Guidance for the Domestic Use of Unmanned Aircraft Systems in U.S. National Airspace."

4.2. REQUEST CRITERIA.

All RFAs must follow the policies and guidance within this issuance.

a. Section 284 of Title 10, U.S.C.

In the case of support for other departments or agencies of federal, State, local, or tribal governments, a request will be in writing from an appropriate non-DoD official who has responsibility for CD or CTOC activities.

(1) In the case of support for foreign national security forces, a request will be from an appropriate official of any other department or agency of the Federal Government that has CD or CTOC responsibilities. The U.S. Chief of Mission or designated representative may request the DoD support.

(2) The activity must enable the department or agency of the federal, State, local, or tribal government or foreign national security force to accomplish CD or CTOC objectives.

b. Section 1021 of PL 108-375.

Requests are made by an appropriate official of any other department or agency of the Federal Government who has responsibility for supporting the unified campaign by the Government of Colombia against drug trafficking and against organizations that are designated as foreign terrorist organizations in Colombia.

c. Section 1022 of PL 108-136.

Requests must meet the criteria and information required pursuant to Section 284(a) of Title 10, U.S.C., including identifying the relationship to DoD CT or CTOC objectives.

d. Section 333 of Title 10, U.S.C.

Requests will be sent to the appropriate CCMD, through the Joint Staff, to DSCA.

4.3. REQUESTS FOR DOD SUPPORT.

Supported RFAs from any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force must document all information in Appendix 4A to this issuance.

a. Section 284 of Title 10, U.S.C., Requests.

(1) CD or CTOC Activities Outside of the United States and Its Territories.

DoD may provide support to CD or CTOC activities of any other department or agency of the Federal Government or foreign national security force if such support is requested by the official who has responsibility for the CD or CTOC activities of the department or agency of the Federal Government. All requests for international CD or CTOC support should be sent to the relevant CCDR, with command authority of the appropriate AOR or joint operational area, for validation and approval by the appropriate DoD official, including cases where support is for foreign national security forces.

(2) CD or CTOC Activities Within the United States and Its Territories.

(a) Domestic federal LEA CD RFAs should be sent to CDRUSNORTHCOM or CDRUSINDOPACOM for coordination in accordance with Section 284 of Title 10, U.S.C., and sourcing under the GFM process. For State, local, and tribal LEA requests sent to the CCMDs, the appropriate CCDR will coordinate with the NGB to assess whether it is appropriate for the State NG to provide the support in accordance with Section 112 of Title 32, U.S.C.

(b) RFAs from LEAs that involve multiple CCMDs and Defense Agencies, or combine CD and CTOC activities globally, will be sent to the DASD(CN>) for validation and coordination with the appropriate level approval of the Joint Staff, Military Departments, and affected CCMDs.

(c) In accordance with Section 112 of Title 32, U.S.C., the NGB will forward RFAs from federal agencies, RFAs for activities not conducted in conjunction with a State, local, or tribal LEA, or RFAs that do not serve a State law enforcement purpose to the CDRUSNORTHCOM or CDRUSINDOPACOM within 30 days of receipt. Requests sent to the appropriate CCMD after 30 days are invalid and must be resubmitted by the federal agency.

(d) Prior to NG personnel in a Title 32 duty status undertaking activities that support State, local, tribal LEAs, CBO RFAs, or CD activities conducted in conjunction with federal LEAs that serve a State law enforcement purpose, the proposed activities will be submitted to, and validated by, the respective adjutants general in their State plan and approved by the USD(P).

b. Section 1022 of PL 108-136 Requests.

A CCMD, Defense Agency, or joint task force proposing to support an LEA conducting CT or CTOC activities against a threat network must provide a written request, which includes information from Paragraph c. of Appendix 4A to this issuance, through the Joint Staff, to the

DASD(CN>) for review. The ODASD(CN>) will prepare and coordinate these requests for decision by the SecDef.

4.4. IMPLEMENTATION GUIDANCE AND TIMELINES.

a. CD and CTOC Activities In Accordance With Section 124 of Title 10, U.S.C., Section 284 of Title 10, U.S.C., and Section 1022 of PL 108-136

(1) By May 1 of each FY, the CCMD or Defense Agency CD and CTOC program managers will provide the DASD(CN>), through the Joint Staff, the estimated Section 124 of Title 10, U.S.C., and Section 284 of Title 10, U.S.C., total support requirements (including UMMC, and small-scale construction), per country, not to exceed their respective fiscal controls (unless a realignment is requested) for the following FY using the CD and CTOC Support Requirement for FY XXXX template. The template is available at <https://go.usa.gov/xUAs6>.

(2) CCMDs and Defense Agencies will properly coordinate the requirements, including an initial legal review before submission. CD and CTOC support within the United States and its territories must be de-conflicted with support provided through NG State plans to ensure CCMDs or Defense Agencies are not providing redundant and duplicative support to any other department or agency of the Federal Government or of any State, local, or tribal LEAs.

(3) The DASD(CN>) will review the proposed requirements and provide feedback to the DoD Components within 30 days after receipt or by June 30 of each FY.

(4) By July 31 of each FY, the CCMDs and Defense Agencies will provide the DASD(CN>), through the Joint Staff, all notification documentation for Sections 284(b) and 284(c) of Title 10, U.S.C., including UMMC and small-scale construction requirements (see section 5 for more information on UMMC and small-scale construction), that require higher-level approval or congressional notification for the following FY. Congressional notifications must follow the notice to Congress for support for CD and CTOC activities. The template is available at <https://go.usa.gov/xUAsD>.

(a) The ODASD(CN>) will coordinate requests in accordance with Sections 284(b) and 284(c) of Title 10, U.S.C., that require higher-level approval or congressional notification within the OUSD(P), OUSD(C)/CFO, Office of the Assistant Secretary of Defense for Legislative Affairs, Office of General Counsel of the Department of Defense, and, as appropriate, DOS. The DASD(CN>) will provide the Joint Staff notification of approval status before the beginning of the next FY.

(b) Congressional notification should be submitted no later than September 1 to allow for sufficient time for congressional notification.

(5) CCMDs and Defense Agencies will not expend funds before the waiting period after DASD(CN>) notifies the appropriate congressional committees has expired, and HRV is completed.

(6) If changes occur, or if there are updates that have not been notified to Congress, the CCMD or Defense Agency must provide the DASD(CN>), through the Joint Staff (as appropriate), notice of the changes and any corresponding realignment requests at least 90 days before the execution of the proposed change or update.

(7) CCMDs and Defense Agencies must report activities conducted in accordance with Section 1022 of PL 108-136 by October 30, and must cover the previous 1-year period. The report must include a description of all support provided, the recipient of support, the intended objective, the relationships between terrorist and DTOs within their AOR, and an assessment of support provided.

b. Security Cooperation Assistance Programs That Support CIDT, CTOC, Maritime Security, and Border Security Operations In Accordance With Chapter 16 of Title 10, U.S.C.

CCMD CD and CTOC program managers will follow USD(P) policies and DSCA implementation guidance, reporting requirements, and timelines for training and equipping in accordance with Chapter 16 of Title 10, U.S.C. CD and CTOC guidance will be incorporated into the annual Multiyear Security Cooperation Planning Guidance and Threat Objective Annex and promulgated to all the CCMDs.

c. CD Activities Pursuant to Section 112 of Title 32, U.S.C.

(1) States and territories must submit their certified NG State plans and, if applicable, NGCS plans, through the NGB and the Joint Staff, to the DASD(CN>) by August 1 of each year for the following FY. NG State plans annual assessments and NGCS reports for the preceding FY will be submitted by December 1 of each year. The annual assessment will identify CD activities conducted, the funding provided to the governors, the number of NG personnel excluded from end-strength computation, the effectiveness of the activity, and a description of the effects the State plans had on NG training and readiness. The ODASD(CN>) will provide templates and updates to these report formats by May 1 of each year.

(2) The State CD plans activities must align with DoD CD and CTOC policies and objectives and the National Drug Control Strategy to decrease illicit drug supply and demand. Activities must employ militarily unique capabilities that serve State law enforcement purposes, have a CD nexus, and have a DoD readiness benefit.

(3) The State plans and NGCS will be coordinated within the OUSD(P), the OUSD(C)/CFO, the Joint Staff, and the appropriate CCMD for partner nation support, as applicable, before submission for approval by the USD(P).

(4) The NGB will not distribute funds to a State until after the USD(P) approves the State plan.

APPENDIX 4A: INFORMATION REQUIRED FOR DoD CD OR CTOC ACTIVITY RFA

a. CD and CTOC Activities Outside of the United States and Its Territories.

(1) The following information must be documented when CCMDs conduct CD or CTOC activities in support of federal agencies:

- (a) Name and specific position title of the official who submits the request.
- (b) Name of the requesting agency and office.
- (c) Description of the type of request, citing specific authority and activity, and contact information of the SJA who reviewed the request for legal sufficiency.
- (d) Mission of DoD personnel involved and the source of the DoD assigned or supporting personnel.
- (e) Purpose and objectives of the support.
- (f) Estimated number of DoD personnel or equipment required.
- (g) Estimated number of personnel participating from the requesting agency.
- (h) Proposed dates or timeline of activity, including dates of deployment (i.e., the dates of arrival in and departure from the partner nation).
- (i) Explanation of how the activity supports the CD mission and objectives of the requesting agency.
- (j) Command relationships of DoD personnel involved.
- (k) Source of funding.
- (l) Review of the risk to DoD personnel.
- (m) Statement regarding whether DoD personnel will be armed and, if so, the nature of the armament.
- (n) Statement regarding the legal status of DoD personnel deployed in the partner nation.
- (o) Applicable rules of engagement or rules for the use of force, as well as limitations on participation by DoD personnel in law enforcement activities, CD or CTOC field operations, and any activity in which hostilities may be imminent (as appropriate).
- (p) Status of approval of the deployment by the U.S. Chief of Mission or appropriate representative and appropriate unit commander.

(2) In addition to requirements in Paragraph 4A.a.(1) of this Appendix, the following are required for conducting activities in support of a foreign law enforcement agency:

(a) A statement confirming the DOS possesses no credible information of any gross violations of human rights by the personnel or unit receiving the CD or CTOC support within 1-year of the proposed activity start date; and

(b) The status of approval of the deployment by the foreign government (including the name and specific position of the foreign nation official granting approval), the U.S. Chief of Mission, and the appropriate unit commanders.

b. CD and CTOC Activities Within the United States and Its Territories.

In addition to all the requirements in Paragraph 4A.a.(1) of this Appendix, the CCMDs must document the following when conducting CD or CTOC support for federal, State, local, or tribal LEAs:

(1) Capabilities assessment of the requesting agency outlining specific capability gaps or why the requesting agency cannot provide the requested support.

(2) Capabilities assessment of Title 32 resources available to provide support or reasons why existing Title 32 resources cannot provide the requested support.

c. RFAs for Activities That Provide Support to CTOC or CT In Accordance With Section 1022 of PL 108-136.

With approval from the SecDef, a DoD joint task force may use CD resources and CD and CTOC authorities in accordance with Section 284 of Title 10, U.S.C., to support CTOC and CT activities within its AOR, subject to the requirements in Paragraph 3.e. of this instruction. RFAs for support of an approved Section 1022 request will follow the procedures outlined in Paragraphs 4A.a. and 4A.b. of this appendix.

SECTION 5: UMMC AND SMALL-SCALE CONSTRUCTION GUIDANCE AND PROCEDURES

5.1. GENERAL GUIDANCE ON USING UMMC AND SMALL-SCALE CONSTRUCTION WITH CD AUTHORITIES.

a. UMMC using DoD's Drug Interdiction and CD Activities, Defense, appropriation may be undertaken to establish or operate bases of CD operations or training in support of the CD activities of DoD Components or any other department or agency of the Federal Government or State, local, or tribal government that conducts CD activities, pursuant to Section 284(b)(4) of Title 10, U.S.C. Paragraph (a)(2) of Section 2805 of Title 10, U.S.C., establishes a cost ceiling for each UMMC project executed with DoD's Drug Interdiction and CD Activities, Defense, appropriation supporting any other department or agency of the Federal Government or State, local, or tribal government that conducts CD activities, pursuant to Section 284(b)(4) of Title 10, U.S.C. UMMC may only occur on a military installation.

b. Small-scale construction is limited to bases of operations of foreign national security forces with CD responsibilities in accordance with Section 284(c)(1)(B) of Title 10, U.S.C. Section 284(i)(3) of Title 10, U.S.C., establishes a cost ceiling for each small-scale construction project executed in accordance with that section.

c. The scoping, classification, and definition decisions for the project are engineering judgments by the GCC engineer supporting the contract execution. The engineering judgment must be sound and based on good faith when determining what constitutes a complete and usable facility or a complete and usable improvement to an existing facility. To define the scope of the project, the GCC must describe to the engineer what requirement the construction project will satisfy. GCCs will require project definitions and scoping decisions to be supported with clear and rational explanations.

d. A single project may not be split into increments to stay within the cost ceiling. Generally, if two planned projects are interdependent, they must be carried out as a single project. Projects that are interrelated may be carried out as separate projects if each project results in a complete and usable facility. A base consisting of many interrelated facilities may be built, but those facilities minimally required for the operation or mission of the base are considered interdependent. The project scope must outline the justification and determination of whether the project is interrelated or interdependent.

e. The GCC will confirm that the foreign unit and commander (or individuals, as appropriate) to receive assistance for construction support are vetted by DOS for any gross violations of human rights before commencing (i.e., before obligating funds for) construction per paragraph 4.1.b. of this issuance.

5.2. CRITERIA FOR APPROVAL OF UMMC AND SMALL-SCALE CONSTRUCTION PROJECTS USING CD FUNDS.

All construction requests must support DoD CD or CTOC policies and objectives and be consistent with the types of DoD CD and CTOC support identified in Section 3.

5.3. APPROVAL PROCEDURE FOR CONSTRUCTION PROJECTS USING CD FUNDS.

a. The GCC will submit construction requests through the Joint Staff to the DASD(CN>) for approval.

(1) When seeking approval, GCCs will include a request memo signed by the CCDR, or the appropriate delegated authority, a detailed project description (including DD Form 1391) for each project, the RFA from an appropriate official with CD or CTOC responsibilities, and their SJA review of the proposed project. Each DD Form 1391 must:

- (a) Be signed by the appropriate GCC engineer supporting contract execution.
- (b) Identify the agency and individual requesting the construction project.
- (c) Provide an operational assessment justifying the infrastructure requirement.
- (d) Identify the agency that will use the completed facilities.
- (e) Specify the purpose of the project.
- (f) Explain how the project aligns with the GCC TCP or other security cooperation activities.
- (g) Detail the project's scope.
- (h) State the estimated cost.
- (i) For UMMC projects, identify the military installation on which the project will be constructed.

(2) For any construction proposal at a single location that includes multiple facilities with a total estimated cost of more than 90 percent of the statutory ceiling for construction projects as identified in Section 2805(a)(2) of Title 10, U.S.C., for UMMC, or Section 284(i)(2) of Title 10, U.S.C., for small-scale construction, the GCC proposal will include an analysis by the project engineer that addresses project scoping and definition.

(a) This analysis will include an explanation for the engineer's conclusions regarding whether facilities are interdependent or interrelated. The mission requirements are an important element in the engineer's decision process; the engineer must consult with mission requirements officials and other construction stakeholders that are involved with the project.

(b) Project scope determinations are made based on the language in the RFA, which should outline the requirements for the project. The contracting officer for the organization overseeing the construction will determine the contract scope.

(c) The GCC SJA will review and coordinate all project request documentation to ensure engineer scoping and project definition decisions are accurate and proper.

b. GCCs must obtain approval from the DASD(CN>) before the DoD construction agency obligates funding towards the project. This does not preclude the GCC from taking any and all steps short of obligating funds before DASD(CN>) approval.

c. Projects may begin (i.e., have funds obligated towards the construction project) only after the completion of HRV and the end of the 15-day notice-and-wait period beginning on the date the written notice is received by Congress and the DASD(CN>) has determined that the required notification has been met.

SECTION 6. FUNDING PROCESS AND PROCEDURES

6.1. GENERAL FUNDING GUIDELINES.

The CD and CTOC mission areas that receive CD resources reflect where the DoD's capabilities will provide the greatest impact against threats posed by illicit drug trafficking and other illicit threat networks while enhancing U.S. national security.

a. Appropriation.

Congress appropriates resources for these efforts to DoD under the title "Drug Interdiction and CD Activities, Defense." Funding from this appropriation is internally reprogrammed to DoD Components via the CD CTA for program execution in the year of execution. With the exception of active-duty military pay and activities that the Military Departments would otherwise undertake (e.g., military training and use of flight hours), the appropriation finances all DoD CD activities, including the reimbursement for authorized civilian full-time equivalent positions, and CTOC- or CT-approved activities through related authorities, like Section 1021 of PL 108-375 or Section 1022 of PL 108-136.

b. Oversight.

Unique program identifiers, also known as project codes, track resources for major activities across DoD Components during all stages of the DoD PPBE process.

(1) Planning and Programming Phase.

The development of the CD POM will begin each February. Development and associated analyses by the ODASD(CN>) will take place from February through July. This includes the development of:

(a) Annual POM guidance.

(b) Other program-specific financial management and performance reviews to enable rigorous oversight of CD funded programs and activities.

(2) Budgeting Phase.

New program budget baselines are established with the completion of each annual POM review. Initiated by the ODASD(CN>), the budgeting phase will take place from August through December.

(3) Execution Phase.

Upon apportionment of funds from the annual DoD Appropriations Acts, the ODASD(CN>) initiates periodic internal reprogramming actions. Funding from the DoD Drug Interdiction and CD Activities, Defense, appropriation contained within the CD CTA is transferred to the Military Department and Defense Agency appropriations for program

execution. Funds are sub-allocated by CD or CTOC project code to provide execution visibility for major programs across multiple DoD Components. Once reprogrammed, these funds will be available for obligation for the same time period and purpose of the appropriation where they were transferred, and still retain the underlying CD purpose of the original appropriation.

6.2. USE OF CD FUNDS TO PLACE ECONOMY ACT ORDERS WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.

The Economy Act provides authority for federal agencies to order goods and services from major organizations within the same agency or other federal agencies and to pay the actual costs of those goods and services. For DoD CD or CTOC purposes, the Economy Act is used as an acquisition authority and is applicable for transactions where goods or services are acquired from another federal department or agency (referred to as a “servicing agency”). It is commonly cited in the Economy Act agreement and associated documents/MOU when DoD requires services from another agency to conduct a DoD CD or CTOC activity, but must also be used if another department or agency is requesting services or support from DoD, including through the NG. This guidance applies when the servicing agency provides CD or CTOC support of DoD activities undertaken in accordance with Section 284 of Title 10, U.S.C., and NG elements supporting DoD-authorized activities in accordance with Section 112 of Title 32, U.S.C.

a. Economy Act Guidelines.

DoD Components (and NG elements supporting drug interdiction and CD or CTOC activities in accordance with Section 112 of Title 32, U.S.C., and Section 284 of Title 10, U.S.C.) that require supplies and services from other federal agencies with CD funds will use the Economy Act (Sections 1535 and 1536 of Title 31, U.S.C.), unless more specific authority applies.

(1) Before initiating an Economy Act order, DoD Component legal counsel will review the associated MOU and other documentation to validate that the provided services are legally authorized, necessary, and not already provided for by another more specific authority or appropriation. Section 1535 of Title 31, U.S.C., establishes four basic conditions on the use of the Economy Act:

- (a) Funds are available.
- (b) The head of the requesting agency or unit decides the order is in the best interest of the U.S. Government.
- (c) The agency or unit to be asked to fill the order is able to provide or get by contract the ordered goods or services.
- (d) The head of the requesting agency decides that ordered goods or services cannot be provided by contract as conveniently or economically by a commercial enterprise.

(2) If these criteria are met, then the DoD Component may draft an MOU and other documentation to support the Economy Act agreement. The DoD Component’s legal counsel must review the MOU and other documents related to the Economy Act agreement and provide a

legal assessment before signature for activities that may be approved under delegated authority or before submission to the DASD(CN>) for non-delegated support.

(a) Supporting MOUs must include the requirement or type of support, the servicing agency, fiscal terms and conditions for the receiving and servicing agencies, expected outcomes for DoD with measured values, the applicable CD project code, and the funding amount.

(b) The servicing agency must ensure all expenditures conform to the Economy Act agreement and MOU. For the FY funding, the period of performance for services provided and obligation of funds will be terminated no later than September 30. The servicing agency will return all funds provided under the Economy Act agreement and MOU for which expenditure has not been made by August 15, excepting those funds allocated for goods and services that have been fully provided, but for which expenditure has not been made (e.g., when the final bill has not yet been received).

b. Economy Act Procedures.

(1) DoD Components are responsible for drafting MOUs that support Economy Act agreements. Joint interagency task forces and joint task forces must obtain approval from the sponsoring CCMD.

(2) DoD Components are responsible for obtaining the determination and findings (D&F) approved by a contracting officer with authority to contract for the supplies and to order services. The D&F must accompany each Economy Act order under the MOU. Subpart 17.5 of the Federal Acquisition Regulation provides the requirements for the D&F.

(3) DoD Components must coordinate with the DASD(CN>) before signing interagency Economy Act agreements and MOUs that cite CD authorities.

(4) Activities under MOUs between DoD and other federal departments or agencies that support foreign partners pursuant to Section 284(c) of Title 10, U.S.C., may be undertaken only after DOS coordination and expiration of the 15-day congressional notice-and-wait period prescribed by Section 284(h) of Title 10, U.S.C. Funds may not be obligated until the DASD(CN>) has provided clearance and the 15-day congressional notice-and-wait period has expired.

(5) DoD Components must provide the DASD(CN>) with copies of all signed Economy Act agreements and associated MOUs that are supported by CD funding.

c. HRV.

The servicing agency is responsible for coordinating with DOS to verify that the unit and commander (or individuals as appropriate) to receive assistance supported by DoD funds have been vetted by the DOS for any gross violations of human rights before beginning support (i.e., before funds are obligated) per paragraph 4.1.b. of this issuance. The DoD Component must electronically confirm that the servicing agency has performed this function. HRV documentation must be available to the DASD(CN>) upon request. The DoD Component

will provide HRV documentation the DoD technical representative identified in the MOU and maintain it for at least 3 years after the expiration or termination of an MOU.

d. Funding.

(1) DoD Components will use annual CD budget allocations to fund Economy Act agreements and will be responsible for the proper accounting of funds. At a minimum, proper accounting requires ensuring the servicing agency performs or renders agreed-upon services, obtains invoices, vouchers, or receipts to document the expenditure of funds, and de-obligates funds before the end of their period of availability, to the extent the servicing agency has not performed or provided evidence that it incurred valid obligations as part of its performance.

(2) All support provided under an Economy Act order must be completed during the period of availability of the appropriation or appropriations cited in the order. Any funds not expended by the servicing agency must be de-obligated and returned to the DoD Component by August 15 of each FY.

e. AARs.

AARs provide DoD Components and the DASD(CN>) a foundation for analyses when assessing the effectiveness and sustainability of CD and CTOC programs and activities in meeting strategic objectives.

(1) Servicing agencies must provide AARs to supported DoD Components that include:

- (a) The metrics outlined in the MOU.
- (b) Documentation of HRV.
- (c) Reports for services acquired with CD funds.
- (d) Reports of financial and audit data, including a final accounting of expenditures.
- (e) A summary of best practices.
- (f) An assessment of the impact of the event or activity.
- (g) Suggestions for future follow-up events and activities.

(2) AARs should be provided by servicing agencies to the DoD Component and the DASD(CN>) 60 days after each event or activity has concluded. For long-term support, AARs will be provided quarterly.

f. Annual Review.

The annual review will be part of the annual DoD Inspector General attestation review of previous year obligations and expenditures at the end of each FY. Reviewers may request copies of documents that were used to obligate funds from the DoD Drug Interdiction and CD

Activities, Defense, appropriation. DoD Components not in compliance with this guidance may experience reduced funding for future year activities.

6.3. PERFORMANCE MEASUREMENT.

a. Feedback and Resourcing.

The continuous evaluation of performance helps DoD Components make better-informed investment and program decisions during the planning and programming stages of the PPBE process. DoD Components provide feedback regarding program performance to the DASD(CN>) to make key resource and management decisions and informs the development of future policies, programs, and activities. As a National Drug Control Program agency, DoD is required to report program performance targets and results to the ONDCP annually.

b. Metrics.

The DASD(CN>) and DoD Components will develop performance measurement processes and metrics to measure the absolute and relative success of programs and activities in the context of the goals and objectives of the DoD CD and CTOC strategic framework.

(1) Performance metrics should focus on how funded operations and activities directly advance DoD CD and CTOC objectives and link to CCMD TCPs and equivalent Military Department or Defense Agency strategic guidance.

(2) Components may suggest modifications to performance metrics criteria when required to improve the overall efficacy of CD and CTOC performance measurement systems.

6.4. REPORTING.

a. Monthly and Quarterly Reports.

To support the efficient and effective employment of appropriated resources, DoD Components that receive CD funds are required to provide the DASD(CN>) with periodic program status reports by CD project code. DoD Components must report, at a minimum, the following:

(1) Monthly program and financial execution reports specifying financial status by CD project code and Military Department or Defense Agency.

(2) Quarterly reports on personnel fill and vacancy status for civilian, military (both active and reserve), contractor, and other personnel assigned to, allocated to, or supporting the DoD Component.

(3) Quarterly reports on progress/completion status for facilities projects.

(4) Quarterly reports on major equipment purchases.

(5) Quarterly reports on services contracts.

(6) Quarterly reports on operations tempo execution data for aerial and maritime assets provided by Military Departments.

(7) Additional reports to meet statutory compliance or oversight requirements, as required.

(8) Other required data as outlined in the annual program execution guidance issued by the DASD(CN>) at the beginning of each FY.

b. National Drug Control Budget.

In accordance with annual DoD Integrated Program and Budget Review guidance provided by the USD(C)/CFO and the Director, Cost Assessment and Program Evaluation, the DASD(CN>) will submit input to the ONDCP for the consolidated National Drug Control Budget and include:

(1) Budget materials and exhibits.

(2) Supplemental budget summaries and justification materials to the ONDCP for input into the consolidated National Drug Control Budget.

c. Annual DoD Inspector General Report.

The Office of Inspector General of the Department of Defense will provide the DASD(CN>) an annual review by February 1 of the detailed accounting and authentication of all funds expended on National Drug Control Program activities of the prior FY. The ODASD(CN>) will address any deficiencies identified in the annual review by December 30.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
AAR	after-action report
AOR	area of responsibility
ASD(SOL/IC)	Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict
AT/FP	anti-terrorism and force protection
CBO	community-based organization
CCDR	Combatant Commander
CCMD	Combatant Command
CD	Counterdrug
CDRUSINDOPACOM	Commander, U.S. Indo-Pacific Command
CDRUSNORTHCOM	Commander, U.S. Northern Command
CDRUSSOCOM	Commander, U.S. Special Operations Command
CDRUSSOUTHCOM	Commander, U.S. Southern Command
CJCS	Chairman of the Joint Chiefs of Staff
CIDT	counter illicit drug trafficking
CT	counterterrorism
CTA	central transfer account
CTF	counter threat finance
CTOC	counter-transnational organized crime
D&M	detection and monitoring
D&F	determination and findings
DASD(CN>)	Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats
DepSecDef	Deputy Secretary of Defense
DIA	Defense Intelligence Agency
DIE	Defense Intelligence Enterprise
DNI	Director of National Intelligence
DoDD	DoD directive
DoDI	DoD instruction
DOMEX	document and media exploitation
DOS	Department of State
DSCA	Defense Security Cooperation Agency
DTO	drug trafficking organization
EXORD	execute order
E.O.	Executive order

FY	fiscal year
GCC	geographic Combatant Command
GFM	global force management
HRV	human rights vetting
LEA	law enforcement agency
MOU	memorandum of understanding
NG	National Guard
NGB	National Guard Bureau
NGCS	Nation Guard counterdrug school
O&M	operation and maintenance
ODASD(CN>)	Office of the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats
ONDCP	Office of National Drug Control Policy
OUSD(P)	Office of the Under Secretary of Defense for Policy
PL	Public Law
POM	program objective memorandum
PPBE	Planning, Programing, Budgeting, and Execution
RFA	request for assistance
SecDef	Secretary of Defense
SJA	staff judge advocate
TCO	transnational criminal organization
TCP	theater campaign plan
TFI	threat finance intelligence
TOC	transnational organized crime
UMMC	unspecified minor military construction
U.S.C.	U.S. Code
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
USD(I&S)	Under Secretary of Defense for Intelligence and Security
USD(P)	Under Secretary of Defense for Policy

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
advanced military training	High-intensity instruction that focuses on the tactics, techniques, and procedures required to apprehend, arrest, detain, search for, or seize a criminal suspect when the potential for violent confrontation exists. It includes advanced marksmanship (including sniper training), military operations in urban terrain, advanced military operations in urban terrain, close quarters battle and close quarters combat, and similar specialized training.
cargo	Defined in Defense Transportation Regulation 4500.9-R, “Definitions,” September 20, 2017.
CD	Defined in the DoD Dictionary of Military and Associated Terms.
CD activities	Defined in the DoD Dictionary of Military and Associated Terms. Also called “CIDT.”
CD operational support	Defined in the DoD Dictionary of Military and Associated Terms.
CD operations	Defined in the DoD Dictionary of Military and Associated Terms.
CTF activities	Defined in the DoD Dictionary of Military and Associated Terms.
cryptologic support	For the use of DoD CD and CTOC resources, cryptologic support is the exploitation of foreign communications and non-communications emitters for CD and CTOC purposes.
degrade	Temporarily reduce the effectiveness or efficiency of DTOs and transnational criminal organizations (TCOs) systems, efforts, or means. DTOs and TCOs are unable to function as a global organization and regress into groups whose expansion is held in check by local and regional security forces, law enforcement, or other elements of national power.
deny	Hinder or prevent DTOs and TCOs from using terrain, illicit finances, logistics, safe havens, materials, and services in order to allow U.S. law enforcement and criminal prosecution agencies, in partnership with foreign national LEAs and foreign military forces to

TERM	DEFINITION
	target criminal assets and exploit opportunities to reduce profitability and growth. However, the duration of denial will depend on the DTOs and TCOs ability to reconstitute.
D&M (as authorized by Section 124 of Title 10, U.S.C.)	The operation of DoD equipment by DoD personnel to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of identifying and communicating with that vessel or aircraft; and directing that vessel or aircraft to go to a location designated by appropriate civilian officials. (10 U.S.C. § 124)
D&M (as authorized by Section 284 of Title 10, U.S.C.)	The detection, monitoring, and communication of the movement of air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and surface traffic outside the geographic boundary of the United States and within the United States, not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary. (10 U.S.C. § 284)
DIE	Defined in DoDI 3020.51.
disrupt	Temporarily interrupt or reduce the effectiveness or efficiency of an illicit network or activity (e.g., the bulk transportation of illicit drugs or other contraband, chemical precursors, or the financial proceeds of illicit trade, or the detention, arrest, or seizure of suspects and evidentiary items).
direct participation	Actions that subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory, such as search, seizure, arrest, and, in the context of linguist duties, participating in an interrogation, including real-time translation.
drug interdiction	Defined in the DoD Dictionary of Military and Associated Terms.
DOMEX	The processing, translation, analysis, and dissemination of collected hard-copy documents and electronic media that are under U.S. Government physical control and are not publicly available. For DoD Components using CD and CTOC authorities and resources, this DOMEX or DOMEX analysis is limited to the handling of documents and media conducted after LEA officials have conducted the preliminary search or examination, and will be limited to information within the scope authorized by warrant in accordance with Paragraph 4.b.(4) of DoDD 3300.03.S

TERM	DEFINITION
Economy Act	Provides authority for federal agencies to order goods and services from other federal agencies (including other Military Departments and Defense Agencies) and to pay the actual costs of those goods and services. It is commonly cited in MOUs when DoD requires services from another agency to conduct a DoD activity.
engineer support	Engineering capabilities and activities, other than combat engineering, that modify, maintain, or protect the physical environment. Primarily focused on providing construction support.
foreign national security force	All foreign national LEAs and foreign military forces with a CD law enforcement mission.
illicit means	Includes the trafficking of money, human trafficking, illicit financial flows, illicit trade in natural resources and wildlife, trade in illicit drugs and weapons, and other forms of illicit means determined by the SecDef.
illicit threat network	A threat network with a primarily criminal purpose.
intelligence activities	All activities that the DoD components conduct pursuant to Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended. (DoD Manual 5240.01)
interdependent facilities	Facilities that are mutually dependent in performing the function for which they were constructed, and so constitute one complete and usable facility.
interrelated facilities	Facilities whose mission function is independent of the mission function of any other facility on the site. Unlike interdependent facilities, these will be able to perform their mission fully even if all other facilities are canceled.
joint task forces	Include, but are not limited to, DoD-led joint interagency task forces, joint interagency coordination groups, CCDR's interagency action groups, and combined joint task forces that can provide support to domestic and foreign nation LEAs conducting CD, CT, or CTOC activities. May be assigned within any DoD Component operating as a cell focused on specific CD, CT, or CTOC activities, or may also incorporate personnel of any other department or agency of the Federal Government or of any State, local, tribal, or foreign national security force.

TERM	DEFINITION
militarily unique	Unique skills or core capabilities possessed by DoD personnel that domestic law enforcement lacks or cannot practically replicate with a similar level of expertise.
military construction	Defined in Paragraph (a) of Section 2801 of Title 10, U.S.C.
reconnaissance	A mission undertaken to obtain, by visual observation or other detection methods, such as unattended ground sensors, information about the activities and resources that support a CD or CTOC objective.
requesting agency	A DoD Component receiving support and/or services from another DoD or other federal agency. May also be called the “receiving agency.”
servicing agency	A DoD or other federal agency providing support and or services to a DoD Component. May also be called the “supporting agency.”
target	In the context of intelligence-related activities, a country, area, installation, agency, or person against which intelligence operations are directed.
TOC	Defined in the U.S. Strategy to Combat Transnational Organized Crime.

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