



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

February 17, 2015

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR ACQUISITION,
TECHNOLOGY, AND LOGISTICS
UNDER SECRETARY OF DEFENSE FOR POLICY
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE
COMMANDER, U.S. NORTHERN COMMAND
COMMANDER, U.S. PACIFIC COMMAND
CHIEF, NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
SENIOR INTELLIGENCE OVERSIGHT OFFICER

SUBJECT: Policy Memorandum 15-002, "Guidance for the Domestic Use of Unmanned Aircraft Systems"

EXPIRATION DATE: February 17, 2018

POINT OF CONTACT: For more information, contact OASD(HD&GS) at (571) 256-8322.

This policy memorandum provides guidance for the domestic use of unmanned aircraft systems (UAS) to ensure that Department of Defense (DoD) UAS are used in accordance with U.S. law and DoD policy, and to ensure the appropriate use of DoD UAS assets in domestic operations, training, exercises, and testing.

DoD domestic aviation operations support Homeland Defense (HD), Defense Support of Civil Authorities (DSCA), and military training and exercises. Unless specifically provided for in this policy, law, or other guidance, the approval of the Secretary of Defense is required for all domestic UAS operations (including HD, DSCA, and National Guard (NG) State support operations, including DoD UAS operated by NG personnel in Title 32 or State Active Duty status). Any domestic use of UAS requires consultation with the Federal Aviation Administration (FAA) and must be consistent with applicable laws, regulations, and memoranda of agreement concerning the operations of UAS in the National Airspace System (NAS). This guidance applies to all DoD UAS use in the United States (hereafter "domestic use" or "domestic

operations”), whether operated by or under contract to Active or Reserve Component military personnel, or by other DoD personnel.

Unless permitted by law and approved by the Secretary of Defense, any DoD personnel using UAS for domestic operations, whether or not the DoD UAS use is related to an intelligence activity, may not conduct surveillance on U.S. persons. This restriction includes using any domestic DoD UAS as part of an authorized DoD response to a lawful request from another Federal department or agency. Consistent with DoD Directive 5200.27¹ and applying the oversight guidance contained in DoD 5240.1-R² to intelligence and non-intelligence related domestic UAS use, all UAS acquisition, collection, retention, and dissemination of information during domestic DoD UAS employment will be in accordance with standing DoD and DoD Component intelligence oversight guidance and will require coordination and review of a proper use memorandum (PUM).

The following guidance on the domestic use of UAS is effective immediately.

DoD Operations

In appropriate circumstances, UAS may be used in lieu of manned aircraft for domestic missions. Appropriate circumstances may include when:

- sustained endurance efforts are required;
- unmanned aircraft provide superior capabilities; or
- physical infrastructure limitations prohibit the use of manned rotary- or fixed-wing aircraft.

DoD UAS in the United States may only be used for HD, DSCA, and NG State support operations, including operations to support Federal, State, local, and tribal government organizations, if approved by the Secretary of Defense. DoD UAS may not be used for Federal, State, or local immediate response.

Armed DoD UAS may not be used in the United States for other than training, exercises, and testing purposes.

In the event of a request for Federal support, the Chairman of the Joint Chiefs of Staff, in consultation with the appropriate geographic Combatant Commanders, will provide a recommendation to the Secretary of Defense concerning the use of DoD UAS. To seek approval for other missions, DoD Components should use the approval authorities, procedures, and reporting requirements contained in applicable laws and regulations, such as CJCS Instruction 3710.01B, “DoD Counterdrug Support.” Support will be provided on a reimbursable basis unless otherwise required by law, or on a non-reimbursable basis if such support is both authorized by law and approved by the Secretary of Defense.

¹ DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense.

² DoD 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons.

State/National Guard Operations

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

Plans should factor in the procedures and time required for FAA consultation for access to the necessary airspace and to obtain Secretary of Defense authorization. In concert with Federal Emergency Management Agency-coordinated regional planning, any State that proposes the use of DoD UAS in its plans should consult with the corresponding geographic Combatant Commander to ensure that State and DoD plans maximize unity of effort and efficiency.

Search and Rescue Exception

The only exception to the requirement for approval by the Secretary of Defense for the use of DoD UAS for domestic operations are search and rescue (SAR) missions involving distress and potential loss of life that are coordinated by the Air Force Rescue Coordination Center (AFRCC), Alaska Rescue Coordination Center (AKRCC), or Joint Rescue Coordination Center (JRCC)-Pacific. Specifically, the following commanders may approve the use of DoD UAS on an AFRCC/AKRCC/JRCC-Pacific coordinated mission with a properly issued SAR mission number after a determination that UAS would be the best platform to assist in the SAR mission and that its use would not interfere with the primary military duties of the unit concerned:

- Commander, U.S. Northern Command, through the Commander, Air Forces Northern, in the delegated role of Inland SAR Operations Coordinator for the continental United States Search and Rescue Region;
- Commander, U.S. Northern Command, through the Commander, Alaskan Command, as SAR Operations Coordinator for the Elmendorf Search and Rescue Region, landmass of Alaska; or
- Commander, U.S. Pacific Command, in the role of SAR Coordinator for the landmass of Hawaii, in close coordination with the U.S. Coast Guard.

Each commander will ensure that all legal, intelligence oversight (including the requirement to obtain a PUM), Privacy Act, and airspace issues are properly addressed. Each commander will promptly inform the Secretary of Defense, through appropriate channels, after the use of DoD UAS has been approved.

The Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)) will include this SAR exception in the next revision of DoD Directive 3025.18, "Defense Support of Civil Authorities."

DoD-Required Training and Exercises

The primary purpose of domestic UAS training and exercises is for DoD forces to conduct realistic training in their core Federal military mission areas. DoD UAS used in training and exercises will not acquire or collect information (except for incidental collection) about specified U.S. persons or non-DoD controlled property or facilities located outside DoD-controlled installations without consent. All UAS acquisition, collection, retention, and dissemination of information will be in accordance with standing DoD regulations and policy, including DoD Component intelligence oversight guidance, and will require a PUM.

Use of DoD UAS assets in domestic training and exercises requires:

- Prior notification to the Secretary of Defense if the platform is a large DoD UAS³ and is to be used in training and exercises outside DoD-scheduled special use airspace (SUA);⁴
- Prior approval by the Secretary of Defense if the UAS is armed and will be used in a training, exercise, or testing event outside DoD SUA; and
- Prior approval by the Secretary of Defense for any DoD UAS training and exercises conducted with Federal, State, or local law enforcement agencies (LEAs), including any DoD UAS training and exercises planned in coordination with LEAs to meet LEA information needs in accordance with 10 U.S.C. § 371(b).

The notification to or request for approval by the Secretary of Defense required by this section will be submitted to the Secretary at least 30 days prior to the training, exercise, or testing event through appropriate Military Department/Service, Combatant Command, or NGB channels via the Joint Staff (J-3), and may be submitted either on a case-by-case basis or in batch format for periods not to exceed one calendar year in advance of the proposed exercise or training.

Exercises, Training, and Activities Not Required by DoD

Although DoD equipment issued to the NG is often available for use by State Governors for non-DoD purposes, Secretary of Defense approval is required for the use of DoD UAS assets for non-DoD purposes, for DSCA training and exercises, or for NG UAS training and exercises that provide incidental support to civil authorities. This includes DoD UAS operated by forces in Title 10 status and National Guard personnel in Title 32 or State Active Duty status.

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

⁴ DoD Scheduled Special Use Airspace (SUA): Warning Areas, Restricted Areas, Military Operations Area (MOA), Prohibited Areas, Controlled Firing Areas, and National Security Areas. For purposes of this Guidance, FAA-designated military training routes are also included. It is acknowledged that DoD UAS, in some cases, may have to transit the NAS from their departure/arrival airfield to DoD SUA to conduct their assigned mission. In all cases, appropriate airspace approval is required.

State officials who wish to propose the use of DoD UAS in support of major State disaster response exercises (or training requiring approval by the Secretary of Defense) should factor in the procedures and time required to consult with the FAA for access to the necessary airspace and to obtain Secretary of Defense approval. States in which DoD UAS assets are fielded that have a requirement for their use in these exercises (or training requiring approval by the Secretary of Defense) will submit the Governor's request in writing at least 30 days in advance to the Secretary of Defense through appropriate Military Department/Service, Combatant Command, or NGB channels via the Joint Staff (J-3), and may submit such requests either on a case-by-case basis or in batch format for periods not to exceed one (1) calendar year in advance of the proposed exercise or training.

Access to the U.S. National Airspace System

In order to conduct domestic operations, exercises, and training, DoD UAS operations will likely not be confined to segregated airspace; therefore, routine access to the national airspace will likely be required. The Department must continue to make progress in advancing regulatory policy and guidance associated with UAS operations in the NAS, as well as in aggressively developing detect-and-avoid technology to ensure safe operation of UAS in unsegregated airspace.

The Chair of the DoD Policy Board on Federal Aviation (PBFA) will lead the Department's efforts to advocate for the elimination of unnecessary regulatory restrictions that prevent routine access to the NAS for DoD UAS. The PBFA Chair will work through the multi-agency UAS Executive Committee to pursue regulatory changes and/or arrangements and develop reasonable standards of safety that address liability and take into account the excellent safety record of the Department's global UAS operations.

DoD will continue to promote the development of technologies, standardized operating procedures, and policies that ensure that DoD UAS are able to operate safely within the national airspace while also balancing and protecting personal privacy.

Other Designated Responsibilities

Under Secretary of Defense for Policy

The Under Secretary of Defense for Policy (USD(P)) is authorized to establish the appropriate policy for domestic use of UAS for force protection and protection of other DoD assets, whether in DoD Instruction 2000.16, "DoD Antiterrorism Standards," or other appropriate DoD issuance.

Assistant Secretary of Defense for Homeland Defense and Global Security

The ASD(HD&GS), under the authority, direction, and control of the USD(P), is the principal civilian advisor to the Secretary of Defense for the domestic use of DoD UAS. The ASD(HD&GS) will conduct a comprehensive review of this policy every three years and seek approval of appropriate revisions, if required. All policy development will be coordinated with

the Chairman of the Joint Chiefs of Staff, the DoD General Counsel, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, and the heads of other appropriate DoD organizations.

Assistant to the Secretary of Defense for Public Affairs

The Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)) is responsible for coordinating public affairs inquiries with the Military Departments/Services, Joint Staff, Combatant Commands, National Guard Bureau, State departments and agencies, and other Federal departments and agencies as required. The ATSD(PA) is the lead DoD official for establishing public affairs guidance on domestic use of DoD UAS. Additionally, to promote transparency, the ATSD(PA) will work with the PBFA and the ASD(HD&GS) to develop a webpage outlining DoD UAS domestic operations.

This guidance replaces and rescinds the Deputy Secretary of Defense Memorandum, "Interim Guidance for the Domestic Use of Unmanned Aircraft Systems," September 28, 2006.⁵

A handwritten signature in black ink, appearing to be "R. H. ...", is centered on the page.

⁵ New operational and training requests/notification requirements take effect 60 days after the date that this policy memorandum is signed.