

**27 FEBRUARY 2001**



**Operations**

**BOARD OF GOVERNORS OF THE CIVIL AIR  
PATROL**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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OPR: AF/XOOP (Maj James Macko)

Certified by: AF/XOO (Brig Gen Robert Bishop)

Pages: 5

Distribution: F

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This instruction implements AFD 10-27, *Civil Air Patrol*, **Public Law 106-398** and further guidance by the President of the United States regarding the Civil Air Patrol (CAP) Board of Governors. It describes the role, functions, and structure of the Board of Governors for Air Force personnel. It describes the relationship and responsibility of the Board to the Secretary of the Air Force (SECAF) and its relationship to other Air Force activities. It also prescribes general procedures for selecting Board members and Air Force Support to the Board.

**1. Legal Standing and Role of the Board of Governors.** The Board of Governors of the CAP is the governing body of the CAP in accordance with 10 U.S.C. 9447.

**1.1. Powers of the Board.** Under 36 U.S.C. 40304, the Board is directed to exercise the power granted to CAP as a Federally chartered non-profit corporation, including the power to:

1.1.1. Adopt and amend a constitution, bylaws, and regulations by approval of a majority of the members of the Board of Governors.

1.1.2. Adopt and alter a corporate seal.

1.1.3. Establish and maintain offices in the District of Columbia and the States, territories, and possessions of the United States to conduct its affairs.

1.1.4. Acquire, own, lease, encumber, and transfer property as necessary to carry out the purposes of the corporation.

1.1.5. Sue and be sued.

1.1.6. Do any other act necessary and proper to carry out the purposes of the corporation.

**1.2. Compliance with 10 U.S.C 9447 .** Neither the Board of Governors nor any other component of CAP may modify or terminate any requirement or authority set forth in 10 U.S.C. 9447.

**2. Principal Tasks.** The Board of Governors is responsible for the operation of CAP as a Federally chartered non-profit organization. As described in the CAP Constitution and Bylaws and related governing documents, as its principal tasks, the Board of Governors:

- 2.1. Reviews and determines long-range plans and programs for CAP.
- 2.2. Directs improvements in CAP programs, financial positions, legislative relations (consistent with the Anti-lobbying Act, 18 U.S.C. § 1913), asset allocations, and membership development, among other things. The Board may also consider current and projected policies relating to the effectiveness of CAP support to the Air Force, the nation, and the overall financial and volunteer wellbeing of CAP as authorized under public law and this instruction.
- 2.3. Serves as a pool of expert advisors, either individually or in groups, to various CAP activities. The individual Board members provide this service at their convenience and subject to their availability.
- 2.4. Appoints the CAP Executive Director.
- 2.5. Oversees the CAP Inspector General Program.
- 2.6. Oversees the activities of the CAP Adverse Action Review Board.
- 2.7. Oversees and may assign action items to the CAP Committee structure.
- 2.8. Revises the CAP Constitution and By-laws in accordance with section 1.1.1. of this instruction.
- 2.9. Inquires into any and all aspects of the CAP volunteer and CAP Corporate activities as it sees fit as authorized under public law.

**3. CAP Relationship with the Air Force .** As a nonprofit corporation, CAP has a unique relationship with the Air Force. As set forth in 10 U.S.C. 9442, CAP is a volunteer civilian auxiliary of the Air Force and the Secretary of the Air Force may use the services of CAP to fulfill the noncombat programs and missions of the Air Force. As set forth in 10 U.S.C. 9444, CAP receives material, personnel, and financial support from the Air Force to accomplish programs and missions assigned to it by the Secretary of the Air Force, who may also designate any program or activity of CAP as an Air Force program or mission. As set forth in 10 U.S.C. 9448, the Secretary of the Air Force governs the conduct of CAP when operating as the auxiliary of the Air Force and prescribes regulations governing the conduct of and support to CAP as the auxiliary subject to the approval of the Secretary of Defense.

**3.1. Limitation on the Authority of the Board of Governors.** The Board of Governors has no authority to establish, or exercise authority over, any Air Force policy, mission, or activity.

**3.2. Reporting .** The Board of Governors will report regularly, and not less than annually, to the Secretary of the Air Force on the status of CAP as the auxiliary of the Air Force. Such reports will include CAP's performance in conducting Air Force programs and missions assigned during the preceding twelve month period and CAP's ability to execute Air Force assigned programs and missions.

**4. Board Membership.** In accordance with 10 U.S.C. 9447, the Board will be comprised of eleven members. The composition of the Board of Governors is as follows:

**4.1. Four members appointed by the Secretary of the Air Force .** In accordance with 10 U.S.C. 9447, these appointees may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens. Those members who are

active Air Force officers or employees of the United States may be appointed ex-officio with indefinite terms.

4.1.1. Ex-officio members will be selected from Air Force General Officer and Senior Executive Service (SES) positions within the Air Force. With the Approval of the Secretary of the Air Force, Air Force personnel serving as acting or temporary occupants of positions previously designated as ex-officio members of the board may serve in the same capacity as Air Force members of the Board of Governors.

4.1.2. Prominent civilians or retired General Officers with an active interest in CAP shall be appointed as At-Large members and will serve a three-year term to provide continuity for the Board.

4.1.3. AF/XOOP will recommend potential ex-officio and at-large board members to the Secretary of the Air Force for final appointment. AF/XOOP will notify the CAP Executive Director and/or the Chairman of the Board of Governors on changes (ex-officio, at-large, acting or temporary) to the Air Force members of the Board of Governors.

**4.2. Four members of CAP .** In accordance with 10 U.S.C. 9447, these members are selected in accordance with the constitution and bylaws of the CAP.

**4.3. Representatives from Interested Organizations .** In accordance with 10 U.S.C. 9447, the final three members of the Board are selected from among the personnel of any Federal Government agencies, public corporations, nonprofit associations, or other organizations that have an interest and expertise in civil aviation and the CAP mission.

4.3.1. These members shall be selected and initially appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

4.3.2. Any vacancy in the position of a member of the Board from outside organizations that is not filled under section 4.3.1. of this instruction within 90 days of the vacancy shall be filled by an individual selected by majority vote of the other members of the Board.

**4.4. Chairman .** In accordance with 10 U.S.C. 9447, the Chairman is selected by the members of the board from members appointed by the Secretary of the Air Force and members selected in accordance with the constitution and bylaws of the CAP. The Chairman is selected from, and alternates on a two-year basis between, the Air Force and CAP members of the board. The Chairman is responsible for the overall direction and effectiveness of the Board.

**5. Air Force Personnel Participation.** Air Force personnel, both civilian and military, may be invited to participate in Board activities. Air Force military and civilian personnel may take part in Board meetings in non-deliberative, informational or administrative roles. Attendance of such supporting Air Force personnel is at the pleasure of the Chairman and subject to the approval of the Secretary of the Air Force or his representative.

**6. Board Meetings.** At the call of the Board Chairman, the Board meets in general session at least twice each year. Additional meetings of the Board are authorized when there are topics or problem areas that are time-dependent. The Chairman schedules and convenes the meetings as required.

**7. Records Management.** Official records generated as a result of Board activities shall be maintained at the CAP National Headquarters. Copies of all official records shall be made available to CAP-USAF upon request.

ROBERT H. FOGLESONG, Lt General, USAF  
DCS/Air and Space Operations

**Attachment 1**

**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION**

***References***

Section 9441-9448, Title 10, United States Code

AFI 10-2701, Organization and Function of the Civil Air Patrol, 27 Feb 2001

AFPD 10-27, Civil Air Patrol, 27 Feb 2001

***Abbreviations and Acronyms***

**CAP**—Civil Air Patrol

**CAP USAF**—Civil Air Patrol-United States Air Force

**SECAF**—Secretary of the Air Force

**DoD**—Department of Defense