

29 JULY 2005



Operations

CIVIL AIR PATROL

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTICE: This publication is available digitally on the AFDPO WWW site at:
<http://www.e-publishing.af.mil>

OPR: AF/XOS-HA (Col Sciss)
Supersedes AFD 10-27, 21 December 2000.

Certified by: AF/XO (Maj Gen Bishop)
Pages: 5
Distribution: F

This directive establishes Air Force policy concerning the Civil Air Patrol (CAP). CAP is both a Federally supported, congressionally chartered non-profit corporation and a volunteer civilian auxiliary of the Air Force. The Secretary of the Air Force (SECAF) may use the services of CAP to fulfill the non-combat programs and missions of the Air Force.

SUMMARY OF REVISIONS

This document has been extensively revised and should be reviewed in its entirety. Significant changes include a description of CAP's corporate role and further delineation of CAP's status as an auxiliary of the Air Force when performing designated Air Force-assigned missions. This revision establishes the SECAF as the approval authority for missions assigned to CAP by the Air Force, and for Air Force support to and oversight of CAP. Additionally, this directive delegates approval authority and assigns responsibilities to certain Air Force agencies concerning CAP activities.

1. CAP Purpose. Pursuant to Title 10 United States Code (U.S.C.) § 9441 and Title 36 U.S.C. § 40302, the purpose of the CAP Corporation is to provide an organization:

- 1.1. To encourage and aid citizens of the United States in contributing their efforts, services, and resources in developing aviation and in maintaining air supremacy; and to encourage and develop by example the voluntary contribution of private citizens to the public welfare.
- 1.2. To provide aviation education and training, especially to its senior and cadet members.
- 1.3. To encourage and foster civil aviation in local communities.
- 1.4. To provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies.
- 1.5. To assist the Department of the Air Force in fulfilling its non-combat programs and missions.

2. CAP Mission Status. CAP may conduct its activities as either an auxiliary of the Air Force or in its corporate status:

2.1. **Air Force Auxiliary.** CAP is an auxiliary of the Air Force when it assists the Air Force or any Federal agency in fulfilling its non-combat programs and missions. CAP support may include, but is not limited to, Air Force-assigned missions in support of homeland security operations, consequence management, support to civilian law enforcement, and other civil support. CAP may only support an agency or department of the Federal government in its capacity as the Air Force Auxiliary. Certain CAP programs, such as cadet orientation flights, may be approved and assigned as Air Force missions when these support Air Force non-combat programs and missions.

2.2. **Congressionally Chartered Nonprofit Corporation.** CAP Corporation may use Federally provided resources to provide assistance requested by state or local governmental authorities and non-governmental organizations (NGOs) to perform disaster relief missions and other emergency or non-emergency public purpose missions and activities. CAP may also use Federally provided resources to perform certain missions that fulfill its corporate purposes as described in paragraph 1. of this Policy Directive.

3. Employment Considerations. CAP is one of the assets that the Air Force may use in order to fulfill its non-combat programs and missions. However, as a civilian auxiliary of the Air Force, CAP participation in Air Force missions is strictly voluntary. When an Air Force mission that may be appropriate for CAP participation arises, the SECAF, or an appropriate delegate, will determine whether CAP assets will be employed in accordance with AFI 10-2701, *Organization and Function of the Civil Air Patrol*. All missions assigned to CAP by the Air Force will be reviewed for compliance with applicable law and regulation by the appropriate Air Force authority.

4. Air Force Auxiliary Mission Approval Authority. The Air Force authorizes and approves all CAP auxiliary missions. Depending on the nature of the mission, the appropriate Air Component Commander, designated official of the Air Force Rescue Coordination Center (CONUS) or the appropriate Joint Rescue Center (OCONUS), the AF National Security Emergency Preparedness Agency (AFNSEP), USAF/XO, and/or CAP-USAF may, as delegates of the SECAF, approve such missions. These agencies will coordinate mission approval, when necessary, with the appropriate Combatant Commander, HQ USAF, and/or USAF/XO. AFI 10-2701 lists the approval authorities for specific mission categories.

5. Air Force Support for CAP. The Air Force may furnish equipment, supplies, appropriated funds, and other resources necessary to enable CAP to fulfill its Air Force-assigned missions. The specific forms of allowable Air Force support are set forth in 10 U.S.C. § 9444 (b). The Air Force may provide Federal funds and other resources to those aspects of the CAP Aerospace Education Program that further the fulfillment of Air Force missions and objectives. The Air Force may also provide Federal funds and other resources to those facets of CAP's Cadet Program that are consistent with Air Force missions and objectives. The Air Force may detail personnel to provide advice and assistance to CAP.

6. Air Force Regulation of CAP Corporate Activities. Although the SECAF may regulate activities undertaken by CAP, pursuant to 10 U.S.C., Chapter 909, the Air Force will allow CAP the widest latitude possible in conducting corporate activities. The Air Force will usually only regulate and oversee those corporate activities that are supported by appropriated funds, use assets procured with appropriated funds,

or involve matters where CAP's activities could give the appearance of endorsement of the action by the Air Force or could be detrimental to the Federal government. (See also, paragraph 9.8.)

7. Cooperative Agreement between the CAP and the Air Force. The Air Force will use a Cooperative Agreement (CA), including a Statement of Work (SOW), to define the overall working relationships between the CAP and the Air Force, pursuant to 10 U.S.C. 9441 *et seq*, and to facilitate the transfer of Federal resources to CAP. The CA shall be consistent with Department of Defense Grant and Agreement Regulations (DoDGARs), will address programmatic requirements, and will outline the responsibilities of each organization. All CAP programs and missions supported by Federal funds shall be addressed in the SOW.

8. Liability. For purposes of the Federal Tort Claims Act (FTCA), CAP is deemed to be an instrumentality of the United States only when executing and/or providing direct support to Air Force-assigned missions. When performing duties in direct support of an Air Force-assigned mission, the Federal Employees Compensation Act (FECA) covers CAP members (age 18 and older). FTCA/FECA coverage does not extend to any CAP corporate activity. The Air Force may provide appropriated funds for paying the cost of liability insurance to underwrite certain CAP missions and activities carried out as a Federally chartered nonprofit corporation.

9. Air Force Policy toward and Oversight of CAP. The Secretary of the Air Force hereby delegates and assigns the following authority and responsibilities concerning CAP:

9.1. **SAF/MR**, on behalf of the Secretary of the Air Force, is responsible for strategic guidance, policy direction, and oversight of all matters that pertain to the formulation and review of Air Force plans, policies, programs, and budgets affecting the CAP.

9.2. **USAF/XO**, on behalf of the Secretary of the Air Force and the Air Force Chief of Staff, is responsible for overall execution of Air Force plans, policies, programs, and budgets affecting CAP, including assisting in policy development, developing and implementing instructions and regulations, resource advocacy, and Air Force support.

9.3. **USAF/XOS-HA** is the primary Headquarters Air Force office for CAP matters. All other Secretariat/Air Staff functional offices will provide support, as required.

9.4. **Air Education and Training Command (AETC)** will serve as the MAJCOM level force provider of CAP to the appropriate Combatant Commander and will provide program advocacy. AETC staff will provide programmatic support for CAP. AETC/LGC is authorized to approve and take all other appropriate actions with respect to CAP's Cooperative Agreement, consistent with statutes, program guidance, and/or Air Force directives.

9.5. **Air University (AU)** will serve as the Numbered Air Force (NAF) level force provider for CAP and will provide advocacy to AETC.

9.6. **CAP-USAF** is responsible for day-to-day Air Force support, advice, liaison, and oversight of CAP programs, with emphasis on safety, security, and programmatic requirements. CAP-USAF personnel will be the primary functional interface between other Federal agencies and CAP. The CAP-USAF/CC is the program manager for the purposes of the CAP Cooperative Agreement and Statement of Work.

9.7. **Air Force Auxiliary Board.** The Air Force Auxiliary Board (AFAB) is the primary Headquarters Air Force level body to address issues requiring cross-functional expertise. The AF/XOS will act as board president. The membership will be director level (O-6 or equivalent) representatives of each Air Staff two-letter, the CAP-USAF/CC, and the AETC Grants Officer.

9.8. **Board of Governors.** The Board of Governors (BOG) of the Civil Air Patrol is the governing body of the CAP Corporation. The Board of Governors is composed of eleven members, four of whom are appointed by the Secretary of the Air Force. The BOG is responsible for the effective, efficient and proper management of the Corporation, subject to requirements of law and Federal regulation, including such regulations as may be prescribed in Air Force Policy Directives and Instructions pertaining to CAP. Further description of the CAP Board of Governors is contained in AFI 10-2702.

9.9. In addition to the specific SECAF delegations above, AFI 10-2701 lists other specific areas where the SECAF may designate individuals as his designee.

10. Implementation and Applicability. This policy directive implements 10 U.S.C. 9441 *et seq.*

Michael L. Dominguez
Acting Secretary of the Air Force

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Title 5, United States Code §§ 8141

Title 10, United States Code §§ 9441 – 9448

Title 36, United States Code §§ 40301 – 40307

Title 32, Code of Federal Regulations, Chapter 842.137-842.143

DoD 3210.6-R, Department of Defense Grant and Agreement Regulations, 13 Apr 98

DoD 3210.6, Defense Grant and Agreement Regulatory System (DODGARS), 27 Feb 95

AFPD 10-8, *Homeland Security*

AFDD 1, *Air Force Basic Doctrine*

AFI 10-2701, *Organization and Function of the Civil Air Patrol*

AFI 10-2702, *Board of Governors of the Civil Air Patrol*

Joint Publication 3-0, *Doctrine for Joint Operations*

Abbreviations and Acronyms

Air Force Auxiliary— Civil Air Patrol assets performing an Air Force-assigned mission

CA— Cooperative Agreement

CAP— Civil Air Patrol “CAP” is a shorthand reference to the “Civil Air Patrol,” which can perform activities as an auxiliary of the AF or strictly in its corporate capacity. (Generally, context determines meaning.)

CAP Corporation—Civil Air Patrol acting in a corporate capacity

Consequence Management— Those measures taken to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of a chemical, biological, nuclear, and /or high-yield explosive situation. For domestic consequence management, the primary authority rests with the States to respond and the Federal Government to provide assistance as required. Also called CM (JP3-0).

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

DoDGARs— Department of Defense Grant and Agreement Regulatory System; provides uniform administrative policies and procedures for the award and administration of DoD grants and other assistance instruments.

Federal Funds— Funds appropriated either for the Air Force or directly for CAP

SECAF—Secretary of the Air Force

SOW— Statement of Work