



**NATIONAL HEADQUARTERS
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-6332**

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Civil Air Patrol
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30 Oct 00

Drug Enforcement Administration
Chief of Operations
700 Army Navy Drive
Arlington, VA 22202

HQ CAP-USAF
Commander
105 S. Hansell Street
Maxwell AFB, AL 36112-6332

USDA Forest Service
Chief
1621 N. Kent St. Rm. 1015
Arlington, VA 22209

HQ Civil Air Patrol
National Commander
105 S. Hansell Street
Maxwell AFB, AL 36066-6332

Sirs:

I have been asked to interpret the Memorandum of Understanding Between the Drug Enforcement Administration, the U.S. Forest Service, The Civil Air Patrol, Inc., and the U.S. Air Force, effective June 25, 1999 (MOU), as it applies to the issuance of mission numbers for flights to be accomplished pursuant to the MOU. I have found the language of the MOU to be obfuscatory and contradictory on this issue and solicit your concurrence of an interpretation to be presented in this letter.

The relevant provisions of the MOU are:

C.1. CAP-USAF authorizes CAP to issue mission numbers to DEA for DEA and USFS use of CAP as appropriate.

E.3. HQ CAP/DOC will issue USAF mission numbers to DEA on an as needed basis. DEA must approve the use of CAP resources and assign the mission number before any mission is launched. These mission numbers, assigned by the DEA and USFS are for operational missions only.

H. All Federal Tort Claims Act (FTCA) claims arising out of mission for which CAP has issued mission numbers to DEA will be processed by DEA in accordance with its administrative claims procedures, while all FTCA claims arising out of missions for which CAP has issued mission numbers to USFS will be processed by USFS in accordance with its administrative claims procedures.

I propose that all parties interpret these three provisions as follows:

1. CAP-USAF authorizes CAP/DOC to issue a block of mission numbers to DEA for operational missions. CAP-USAF also authorizes CAP/DOC to issue a block of mission numbers to USFS for operational missions.

2. If DEA approves a specific mission, it will assign a unique mission number from the block of authorized mission numbers to the unit or individual performing the mission before the mission is launched. If USFS approves a specific mission, it will assign a unique mission number from the block of authorized mission numbers to the unit or individual performing the mission before the mission is launched.

3. All Federal Tort Claims Act (FTCA) claims arising out of missions for which CAP has issued mission numbers to DEA will be processed by DEA in accordance with its administrative claims procedures. All FTCA claims arising out of missions for which CAP has issued mission numbers to USFS will be processed by USFS in accordance with its administrative claims procedures.

If this interpretation of the above cited provisions is acceptable to your agency, please so indicate by signing and dating your concurrence below.

This letter is being issued in four counterparts. When all four have been returned I will forward all counterparts to be incorporated as an amendment to the MOU pursuant to paragraph M of the MOU.

Sincerely,

STANLEY H. LEIBOWITZ, Col., CAP

cc: HQ CAP-USAF/XO
HQ CAP/DOX/DOC

The following agency concurs in the above interpretation of the cited provisions of the Memorandum of Understanding Between the Drug Enforcement Administration, the U.S. Forest Service, The Civil Air Patrol, Inc., and the U.S. Air Force, effective June 25, 1999 (MOU), as it applies to the issuance of mission numbers for flights to be accomplished pursuant to the MOU.

Civil Air Patrol, by Date
James C. Bobick
Brigadier General, CAP
National Commander

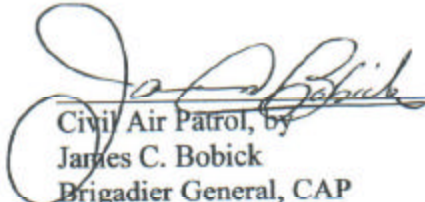
Drug Enforcement Administration, by Date
Richard A. Fiano,
Chief of Operations


CAP-USAF, by Date
Dennis B. Parkhurst
Colonel, USAF
Commander

Mike Dombeck 12/8/2008

USDA Forest Service, by Date
Mike Dombeck
Chief

The following agency concurs in the above interpretation of the cited provisions of the Memorandum of Understanding Between the Drug Enforcement Administration, the U.S. Forest Service, The Civil Air Patrol, Inc., and the U.S. Air Force, effective June 25, 1999 (MOU), as it applies to the issuance of mission numbers for flights to be accomplished pursuant to the MOU.


Civil Air Patrol, by _____ Date
James C. Bobick
Brigadier General, CAP
National Commander

 *GHWCO*
CAP-USAF, by _____ Date
Dennis B. Parkhurst
Colonel, USAF
Commander

Drug Enforcement Administration, by _____ Date
Richard A. Fiano,
Chief of Operations

USDA Forest Service, by _____ Date
Mike Dombeck
Chief