

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
NATIONAL COMMUNICATIONS SYSTEM,  
THE UNITED STATES AIR FORCE  
AND THE CIVIL AIR PATROL

**A. Parties:** This Memorandum of Understanding (MOU) defines and establishes methods for cooperation and coordination between the U.S. Air Force (USAF), Civil Air Patrol (CAP), and the Department of Homeland Security/National Communications System (NCS), herein referred to as the Parties. This MOU replaces the agreement dated 6 January 1986.

1. National Communications System

- a. National Communications System: The genesis of the National Communications System (NCS) was in 1962, after communications problems among the United States, the Union of Soviet Socialist Republics, the North Atlantic Treaty Organization, and foreign heads of state during the Cuban missile crisis threatened to complicate the crisis further. President Kennedy established the National Communications System by a Presidential Memorandum on August 21, 1963. The NCS mandate included linking, improving, and extending the communications facilities and components of various Federal agencies, focusing on interconnectivity and survivability.
- b. On April 3, 1984, President Ronald Reagan signed Executive Order (E.O.) 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," which broadened the NCS' national security and emergency preparedness (NS/EP) capabilities and superseded President Kennedy's original 1963 memorandum.
- c. On February 28, 2003, after nearly 40 years with the Secretary of Defense serving as its Executive Agent, President George W. Bush transferred the National Communications System to the Department of Homeland Security (DHS). A revised E.O. 12472 reflects the changes of E.O. 13286. On November 15, 2005, the NCS became part of the Department's Directorate for Preparedness after nearly two years under the Information Analysis and Infrastructure Protection Directorate. Currently, the DHS Under Secretary for National Protection and Programs serves as the NCS Manager.

2. Civil Air Patrol - CAP is a federally-chartered, non-profit private corporation that may serve as an auxiliary of the Air Force when the Air Force assigns a non-combat program or mission to CAP. Thus, the term "Air Force Auxiliary/Civil Air Patrol" (AFAUX/CAP) as used in this MOU refers to CAP when properly

tasked to perform Air Force-assigned missions (AFAMs) for the Air Force or other Federal agencies as further described in paragraph D below.

**B. Purpose:** This agreement is to establish cooperation and a close working relationship between the Manager, NCS, and AFAUX/CAP for crisis or emergency communications functions using the SHARed RESources (SHARES) program to pass emergency traffic via HF radio communication resources, if available. It is intended through joint coordination and exercise of the resources of both organizations to enhance the nation-wide posture of telecommunications readiness for any conceivable crisis or emergency. This MOU provides for AFAUX/CAP to assist NCS in support of national security emergency preparedness telecommunications requirements as outlined in Executive Order 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions", April 3, 1984.

**C. Authority:** The authorities for the parties to enter into this agreement are:

1. Executive Orders 12472 and 13286
2. National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (in particular, paragraph 18)
3. 10 U.S.C. § 9441 *et seq.* (describes how the Civil Air Patrol is an Air Force auxiliary when "used by any department or agency in any branch of the Federal Government")
4. Department of Defense Instruction (DODI) 4000.19, *Interservice and Intragovernmental Support*
5. Air Force Instruction (AFI) 10-2701, Organization and Function of the Civil Air Patrol

**D. Mission Description:** AFAUX/CAP may provide extensive communications resources to the Manager, NCS, to provide or restore critical communications of the Federal government under conditions of crisis or emergency when normal lines of communication are disrupted. The Air Component Commander (ACC), or designee, is the Air Force assigned mission (AFAM) approval authority for Air Force assigned missions conducted by CAP. In the Continental United States, Puerto Rico and the U.S. Virgin Islands, the ACC is the 1AF Commander; in Alaska the ACC is the 11AF Commander and in Hawaii, the ACC is the 13AF Commander. Pursuant to AFI 10-2701 and in exceptional circumstances where contact with the ACC's Operations Center is not possible and delay would cause loss of life, 1 AF National Security Emergency Preparedness Directorate (NSEP) may approve AFAMs IAW this MOU.

1. The National Communications System (NCS), in its role of planning and preparing for national security and emergency preparedness (NS/EP), has undertaken a number of initiatives to provide communications to support all hazardous situations. One of these initiatives is the SHARES High Frequency (HF) Radio Program.

- a. The purpose of SHARES is to provide a single, interagency emergency message handling system by bringing together existing HF radio resources of Federal, state and industry organizations when normal communications are destroyed or unavailable for the transmission of national security and emergency preparedness information. SHARES further implements EO 12472.
- b. Any costs associated with AFAUX/CAP support to the NCS will be reimbursed by the NCS.
- c. AFAUX/CAP may provide volunteer resources which are in excess of normal AFAUX/CAP operations.
- d. AFAUX/CAP volunteers supporting NCS will follow established AFAUX/CAP procedures for membership in SHARES.
- e. SHARES members may use personal communications equipment but are not authorized to transmit classified information.

2. Specific requests for Civil Air Patrol communications support will be submitted to the CAP National Operations Center (NOC). Requests will include:

- a. Detailed description of support required
- b. Name and title of requester
- c. Agency
- d. Telephone/mobile/fax number for local contact
- e. Email for local contact
- f. Any other relevant information
- g. The request will be called, faxed or emailed to the CAP NOC where the request will be reviewed and validated. This validation does not establish AFAM status. IAW AFI 10-2701 the CAP NOC will then forward the request to the appropriate approval authority who will review the request and determine whether to assign it Air Force mission status. Only an Air Force official, as designated in AFI 10-2701, may assign Air Force missions to CAP.

**E. Limitations:** Missions performed under this MOU are limited as follows:

1. Participation with NCS is restricted to communications support;
2. Other AFAMs take precedence over missions under the provisions of this MOU.

**F. Guidance, Direction and Control:** Operational and tactical guidance, direction and control of AFAUX/CAP resources performing AFAMs remain with the Air Force at all times. Any Party to this MOU may suspend a mission in the event unsafe operational conditions exist.

1. NCS understands and agrees that AFAUX/CAP missions are performed by civilian volunteers and that AFAUX/CAP participation in activities described in this MOU are likewise, strictly voluntary.
2. AFAUX/CAP and the Manager, NCS, agree to participate in cooperative pre-emergency planning, exercise and training programs.

**G. Coordination:** Copies of all applicable correspondence and reports will be furnished to all points of contact listed in Annex A of this memorandum.

**H. Liability:** All Federal Tort Claims Act and Federal Employees Compensation Act claims, arising out of AFAUX/CAP AFAMs conducted IAW this MOU will be processed by the Air Force in accordance with its administrative claims procedures.


**I. Duration of Agreement, Amendments and Modifications:** This agreement is effective when signed by all Parties and will terminate when any Party gives written notice at least 60 days in advance to the other Parties. The provisions of this MOU may be modified at any time upon mutual agreement of the Parties. Authority to approve administrative changes to this MOU has been delegated from AF/A3/5, Deputy Chief of Staff, Operations, Plans and Requirements to A3O-AHC, Homeland Operations Division, AF Auxiliary Branch as long as the main intent of this MOU is not changed and all Parties are in agreement. The MOU will be reviewed by the NCS and Air Force offices of responsibility every three years to ensure that it continues to meet programmatic requirements. This review will be annotated on a memorandum for record with recommendation of changes, if any. All necessary changes will be accomplished either by an amendment to this agreement or by entering into a new agreement, whichever is deemed expedient to the interest of both Parties.

**J. Resolution of Disagreements:** Nothing herein is intended to conflict with current NCS or DoD directives. If the terms of this agreement are inconsistent with existing directives of the agencies entering into this agreement, then those portions of this agreement which are determined to be inconsistent shall be invalid, but the remaining terms and conditions not affected by the inconsistency shall remain in full force and effect. Should disagreement arise on the interpretation of the provisions of this agreement, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing and presented to the all others for consideration. If agreement on interpretation is not reached within thirty days, the Parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

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ANNEX A

POINTS OF CONTACT

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