

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

AIR FORCE POLICY DIRECTIVE 10-36

7 FEBRUARY 2022



Operations

**CONTRACTED OPERATIONAL AIR
SERVICES FOR TRAINING SUPPORT**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-Publishing.af.mil for downloading or ordering

RELEASABILITY: There are no releasability restrictions on this publication

OPR: AF/A3TI

Certified by: AF/A3
(Lt Gen Joseph T. Guastella)

Supersedes: AFPD10-36, 30 September 2020

Pages: 7

This publication is consistent with Department of Defense Directive (DoDD) 1322.18, *Military Training*, and Air Force Policy Directive (AFPD) 11-4, *Aviation Service*, for contracted operational air services for training support necessary to maintain mission qualification and continuation training. This directive establishes policy for Air Force (AF) contracted aircraft operations for training support, and assigns roles and responsibilities to support the planning and procurement of contracted operational air services, including the sponsorship of contracted air services procured by foreign governments. This policy directive applies to all civilian employees of the AF and uniformed members of the Regular Air Force, Air Force Reserve, Air National Guard, and contractors to the extent required by the applicable contract. This publication does not apply to members assigned to the Air Education and Training Command, the Air Force Test Center, or United States Space Force (USSF). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This rewrite of AFPD 10-36 changes the responsible government official who has the authority to designate contractor-owned civil aircraft to operate as state aircraft outside the National Airspace System (NAS) from the Secretary of the Air Force to the Major Command Commander (MAJCOM/CC).

1. Overview.

1.1. During the process of planning or supporting procurement of contracted operational air services for training support, including the sponsorship of contracted air services procured by foreign governments, factors such as proper aircraft airworthiness, aircraft status (civil, public, or state), aircrew qualification, safety, maintenance, and liability are vital to consider.

1.2. Air support for training may be contracted when available organic AF assets are insufficient to meet all Special Warfare Airmen and aircrew training requirements to maintain combat mission readiness. Contracts for air operational support for training shall be consistent with this AFPD.

2. Policy.

2.1. Within the NAS, aircraft contracted by the Department of Defense (DoD) or a foreign government sponsored by an AF organization for training support shall operate in compliance with Federal Aviation Administration, range, and local operating regulations and procedures.

2.2. A contracted aircraft may require an assessment for airworthiness in accordance with AFPD 62-6, *USAF Airworthiness*.

2.3. Contracted aviation services shall meet the requirements defined in Defense Contract Management Agency Instruction (DCMAI) 8210.1/AFI 10-220_IP, *Contractor's Flight and Ground Operations*.

2.4. For flights within the NAS, contracts shall require contractors to operate their aircraft in civil aircraft status unless the operations qualify for public aircraft status, and are specifically designated and declared as public aircraft by the AF. Contracts shall require contractors to comply with applicable Federal Aviation Administration regulations and guidance for designated qualified flights including preflight filing requirements.

2.5. For flights outside of the NAS, contracts shall require contractors to operate their aircraft in civil aircraft status unless, in rare circumstances, a responsible government official approves contracted state aircraft operations and authorized officials designate and declare the particular aircraft for operation in state aircraft status.

2.5.1. The MAJCOM/CC is the responsible AF official with the authority to designate contractor-owned civil aircraft to operate as state aircraft outside the NAS. The MAJCOM/CC may delegate this authority to no lower than the Deputy Commander.

2.5.2. Procedures for approving, designating, declaring, and conducting state aircraft operations are defined in the DoD Foreign Clearance Guide's General Volume, (<https://www.fcg.pentagon.mil/fcg.cfm>).

2.5.3. A contractor shall not operate in state status without written designation by a responsible government official specifying state aircraft status for that particular aircraft and operation outside the NAS, even if the same contractor aircraft has been designated as a public aircraft for operations within the NAS.

2.5.4. AF personnel shall consult DoDD 4500.54E, *DoD Foreign Clearance Program*, and the DoD Foreign Clearance Guide, in particular the *DoD Commercial Contract Aircraft Appendix* to obtain procedural guidance regarding operations outside of the NAS.

2.6. When the AF designates and declares contracted flights as Public Aircraft Operations (PAO) within the NAS, the AF becomes responsible for airworthiness, authorization of operations, oversight of the particular operation, oversight of maintenance procedures, and verification of aircrew qualifications and training. The AF may also become responsible for safety and accident investigations as described in Title 49 United States Code (USC) § 1132.

3. Roles and Responsibilities.

3.1. The Deputy Chief of Staff, Operations (AF/A3) shall:

3.1.1. Develop policy for the use of contracted operational air services for training support.

3.1.2. Develop guidance to establish specific requirements for contracted aircraft for training support.

3.1.3. Provide applicable Department of the Air Force oversight of PAO on behalf of the USSF Chief Operations Officer (COO) for training support to USSF Field Commands, as requested by the USSF COO.

3.1.4. Execute SECAF responsibilities flowing from DoDD 4500.54E which relate to the designation of contractor aircraft as state aircraft.

3.2. The Assistant Secretary of the Air Force for Acquisition, Technology & Logistics (SAF/AQ) through the Air Force Program Executive Officer for Combat and Mission Support (AFPEO/CM) shall:

3.2.1. Provide services acquisition policy and guidance in their role as the Air Force's Senior Services Manager.

3.2.2. Provide a governance structure in accordance with AFI 63-138, *Acquisition of Services* for contracted aircraft requirements.

3.3. Major Command Commanders (MAJCOM/CC) shall:

3.3.1. Manage requirements within their contracted aircraft portfolios, including sponsorship of contracted air services procured by foreign governments.

3.3.2. Determine the need and develop the requirements for contracted aircraft consistent with AF/A3 requirements.

3.3.3. In conjunction with legal counsel, evaluate the costs and benefits associated with the potential use of Civil Aircraft Operations (CAO) after determining whether or not the use of contractor aircraft in public or state aircraft status is a legally available option.

3.3.4. Designate and declare flights within their contracted aircraft portfolios as PAO, when appropriate, in accordance with 49 USC §§ 40102(a)(41) and 40125.

3.3.5. Provide oversight of aircrew, maintenance, and safety standards for flights designated and declared as PAO.

3.3.6. Serve as the responsible official within the AF with the authority to designate contractor-owned civil aircraft to operate as state aircraft outside the NAS.

3.3.7. Assign and execute installation-level program management and contracting support for functional commanders and functional directors as applicable for contracted aircraft.

FRANK KENDALL
Secretary of the Air Force

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

49USC § 1132

49USC § 40102(a)(41)

49USC § 40125

DoDD 1322.18, *Military Training*, 3 October 2019

DoDD 4500.54E, *DoD Foreign Clearance Program (FCP)*, 28 December 2009

DCMAI 8210.1/AFI 10-220_IP, *Contractor's Flight and Ground Operations*, 5 April 2017

DoD Foreign Clearance Guide, *DoD Commercial Contract Aircraft Appendix*
(<https://www.fcg.pentagon.mil/fcg.cfm>), 17 June 2021

AFPD 11-4, *Aviation Service*, 12 April 2019

AFPD 62-6, *USAF Airworthiness*, 16 January 2019

AFI 63-138, *Aquisition of Services*, 30 September 2019

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

DoD Commercial Contract Aircraft Appendix, July 2019

FAA, *Notice of Policy Regarding Civil Aircraft Operators Providing Contract Support to Government Entities (Public Aircraft Operations)*, 76 FR 16349, 23 March 2011

FAA Advisory Circular 00-1.1B, *Public Aircraft Operations—Manned and Unmanned*, 21 September 2018

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFI—Air Force Instruction

CAO—Civil Aircraft Operation

COO—Chief Operations Officer

AF—Air Force

AFPD—Air Force Policy Directive

DoD—Department of Defense

DoDD—Department of Defense Directive

MAJCOM/CC—Major Command Commander

NAS—National Airspace System

PAO—Public Aircraft Operation

USC—United States Code

USSF—United States Space Force

Terms

Civil Aircraft Operation (CAO)—Within the NAS, all aircraft operations other than those conducted as PAO in accordance with applicable law. Outside the NAS, all aircraft operations other than those that have been designated to operate in state aircraft status.

Contracted Operational Air Services for Training Support—A contract for air services that support an operational military unit in conducting continuation training that ensures mission ready/combat mission ready aircrews.

Organic AF Assets—Includes civilian employees, uniformed members, real property, personal property (including aircraft), intellectual property, and other resources of the AF, Regular Air Force, Air Force Reserve, and Air National Guard. Excludes contractors, their employees, and their property.

Public Aircraft Operation (PAO)—The operation of an aircraft that meets the legal definition of “public aircraft” established in 49 USC § 40102(a)(41) and the legal qualifications for public aircraft status outlined in 49 USC § 40125 and has been designated and declared to be in PAO status by the responsible government official.

State Aircraft—An aircraft operated by a government for sovereign, non-commercial purposes such as military, customs, and police services.