

Public Contracts and Property Management

TITLE 41--PUBLIC CONTRACTS AND PROPERTY MANAGEMENT
CHAPTER 101--FEDERAL PROPERTY MANAGEMENT REGULATIONS
PART 101-37--GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

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Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; Executive Order 11541; and OMB Circular No. A-126 (Revised May 22, 1992).

Source: 56 FR 5356, Feb. 11, 1991, unless otherwise noted.

Sec. 101-37.000 Scope of part.

(a) The provisions of this part prescribe policies and procedures And make recommendations for executive agencies governing the efficient and effective management and utilization of Government-owned, leased, chartered and rented aircraft and related support services.

(b) Agencies are responsible for establishing clear accountability for aircraft management at a senior management level.

[57 FR 48329, Oct. 23, 1992] Subpart 101-37.1--Definitions

Sec. 101-37.100 Definitions.

In part 101-37, the following definitions apply:

Acquisition date means the date the agency acquired the asset.

Acquisition value means the value initially recorded on agency property records and/or accounting records at the time of acquisition. If the aircraft is acquired through an interagency transfer, the acquisition value is the greater of the aircraft net book value plus the cost of returning the aircraft to an airworthy, mission ready condition or the commercial retail value of that aircraft in average condition. If it is a military aircraft without a commercial equivalent, the

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acquisition value is equal to the scrap value plus the cost of returning the aircraft to an airworthy, mission ready condition.

Actual cost means all costs associated with the use and operation of an aircraft as specified in Sec. 101-37.406(b).

Agency aircraft means an aircraft, excluding aircraft owned by the Armed Forces, which is: (1) owned and operated by any executive agency or entity thereof, or (2) exclusively leased, chartered, rented, bailed, contracted and operated by an executive agency.

Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft received substantial damage.

Aircraft part means any part, component, system, or assembly primarily designated for aircraft.

Bailed aircraft means any aircraft borrowed by a department or agency from the Department of Defense (DOD), State or local government, or other non-Federal entity.

Capital asset means any tangible property, including durable goods, equipment, buildings, facilities, installations, or land, which:

- (1) Is leased to the Federal Government for a term of 5 or more years; or
- (2) In the case of a new asset with an economic life of less than 5 years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or
- (3) Is built for the express purpose of being leased to the Federal Government; or
- (4) Clearly has no alternative commercial use; e.g., special-purpose Government installation.

Charter aircraft means a one time procurement for aviation resources and associated services.

Civil aircraft means any aircraft other than a public aircraft.

Contract aircraft means aircraft procured for an agency's exclusive use for a specified period of time in accordance with the requirements of the Federal Acquisition Regulation (FAR) 48 CFR Chapter 1 or other applicable procurement regulations.

Criticality Code is the one-digit code assigned by Department of Defense to designate an aircraft part as a Flight Safety Critical Aircraft Part (FSCAP).

Deep cover aircraft means an agency aircraft that is utilized to gather information for law enforcement purposes. This aircraft does not display any agency markings. Although the registration filed with the Federal Aviation Administration (FAA) may indicate ownership by persons other than the owning or using agency, actual ownership will be maintained by the owning Federal agency.

Fatal injury means any injury which results in death within 30 days of the accident.

Fixed costs means the costs of operating aircraft that result from owning and supporting the aircraft and do not vary according to aircraft usage. For specific fixed aircraft program cost information, see Sec. 101-37.201(b).

Flight Safety Critical Aircraft Part (FSCAP) means any aircraft part, assembly, or installation containing a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shut-down resulting in an unsafe condition.

Forfeited aircraft means an aircraft acquired by the Government either by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States.

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Full coach fare means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

Government aircraft means any aircraft owned, leased, chartered or rented and operated by an executive agency.

Head of executive agency means the head of a Department, agency, bureau, or independent establishment in the executive branch, including any wholly owned Government corporation, or an official designated in writing to act on his or her behalf.

Incident means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

Intelligence agencies refers to the following agencies or organizations within the intelligence community:

- (1) Central Intelligence Agency;
 - (2) National Security Agency;
 - (3) Defense Intelligence Agency;
 - (4) Offices with the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
 - (5) The Bureau of Intelligence and Research of the Department of State;
 - (6) Intelligence elements of the Army, Navy, Air Force, Marine Corps, Federal Bureau of Investigation, Drug Enforcement Administration, Department of the Treasury, and Department of Energy; and
 - (7) The staff elements of the Director of Central Intelligence.
- Investigator-in-charge means the investigator who organizes, conducts, and controls the field phase of the investigation. This investigator shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel involved in the on-site investigation.

Lease purchase aircraft means a leased aircraft for which the Government holds an option to purchase.

Leased aircraft means an aircraft that the Government has a contractual right to use for a specific period of time.

Loaned aircraft means an aircraft owned by a Department or independent office which is on loan to a State, cooperator, or other entity.

Military surplus aircraft part is an aircraft part that has been released as surplus by the military, even if subsequently resold by manufacturers, owner/operators, repair facilities, or any other parts supplier.

Mission requirements mean activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical evacuation), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attaché-controlled aircraft, aeronautical research and space and science applications, and other such activities. Mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits. Routine site visits are customary or regular travel to a location for official purposes.

Net book value means the acquisition value plus the cost of capital improvements minus accumulated depreciation.

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Non-operational aircraft means an owned, leased, lease purchased, or bailed aircraft that cannot be flown or operated by the owning or using agency for an extended period (6 months or more).

Official travel means travel for the purpose of mission requirements, required use travel, and other travel for the conduct of agency business.

Operational aircraft means an owned, leased, lease purchased, or bailed aircraft that is flown and operated or capable of being flown and operated by the owning or using agency.

Operator means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

Owned aircraft means aircraft registered to a Department or an independent agency in conformity with the regulations of the Federal Aviation Administration of the Department of Transportation (14 CFR Chapter 1, Part 47) or in conformity with appropriate military regulations.

Owning agency means any executive agency, including any wholly owned Government corporation, having accountability for owned aircraft. This term applies when an executive agency has authority to take possession of, assign, or reassign the aircraft regardless of which agency is the using agency.

Production approval holder is the holder of a Federal Aviation Administration Production Certificate (PC), Approved Production Inspection System (APIS), Parts Manufacturer Approval (PMA), or Technical Standard Order (TSO) who controls the design and quality of a product or part thereof, in accordance with Part 21 of the Federal Aviation Regulations (14 CFR 21.305).

Reasonably available means commercial airline or aircraft (including charter) is able to meet the traveler's departure and/or arrival requirements within a 24-hour period (unless the traveler demonstrates that extraordinary circumstances require a shorter period of time).

Rental aircraft means aviation resources or services procured through a standing ordering agreement which is a written instrument of understanding, negotiated between an agency, contracting activity, or contracting office and contractor that contains: (1) terms and clauses applying to future contracts (orders) between parties during its term, (2) a description, as specific as practicable, of supplies or services to be provided, and (3) methods for pricing, issuing, and delivering future orders.

Replacement means the process of acquiring property specifically to be used in place of property which is still needed but will no longer adequately perform all the tasks for which it was used.

Required use means use of a Government aircraft for the travel of an executive agency officer or employee to meet bona fide communications or security requirements of the agency or exceptional scheduling requirements. An example of a bona fide communications requirement is having to maintain continuous 24-hour secure communications with the traveler. Bona fide security requirements include, but are not limited to, life threatening circumstances. Exceptional scheduling requirements include emergencies and other operational considerations which make commercial transportation unacceptable.

Residual value means the estimated value of an asset at the conclusion of its useful life, net of disposal costs. It is the dollar value below which the asset will not be depreciated. Residual value is established at the time of acquisition.

Seized aircraft means an aircraft that has been confiscated by the Federal Government either by summary process or by order of a court of competent jurisdiction pursuant to any law of the

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United States and whose care and custody will be the responsibility of the Federal Government until final ownership is determined by judicial process.

Senior executive branch official means civilian officials appointed by the President with the advice and consent of the Senate and civilian employees of the Executive Office of the President (EOP).

Senior Federal official means a person:

(1) Employed at a rate of pay specified in, or fixed according to, subchapter II of chapter 53 of title 5 of the United States Code;

(2) Employed in a position in an executive agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

(3) Employed in an executive agency position that is not referred to in paragraph (1) of this definition, (other than a position that is subject to pay adjustment under 37 U.S.C. 1009) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under 5 U.S.C. 5304 (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of the basic pay payable for the Senior Executive Service under 5 U.S.C. 5382; or

(4) Appointed by the President to a position under 3 U.S.C. 105(a) (2) (A), (B), or (C) or by the Vice President to a position under 3 U.S.C. 106(a) (1) (A), (B), or (C). Generally, a senior Federal official is employed by the White House or an executive agency, including an independent agency, at a rate of pay equal to or greater than the minimum rate of basic pay for the Senior Executive Service. The term senior Federal official does not include an active duty military officer.

Serious injury means any injury which: Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received: results in a fracture of any bone (except simple fractures of fingers, toes, or nose); causes severe hemorrhages, nerve, muscle, or tendon damage; involves any internal organ; or involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

Space available means travel using aircraft capacity that is already scheduled for use for an official purpose that would otherwise be unutilized. For the purposes of this part, space available travel is travel other than for the conduct of agency business.

Substantial damage means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes or wing tips are not considered
` `substantial damage."

Support service agreement means a pre-established agreement with a commercial vendor for specific aviation services.

Undercover aircraft means an owned, leased, lease purchased, or bailed aircraft that is utilized to gather information for law enforcement purposes. An undercover aircraft does not display agency markings but is registered with the FAA to the owning agency.

Unsalvageable aircraft part is an aircraft part which cannot be restored to an airworthy condition due to its age, physical condition, a non-repairable defect, insufficient documentation,

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or non-conformance with applicable specifications. For additional information on disposition of such parts refer to FAA Advisory Circular No. 21-38, or other current applicable guidelines.

Useful life means the service life, in years, of the aircraft as estimated by the manufacturer or evidenced by historical performance. The useful life is established at the time of acquisition.

Using agency means an executive agency using aircraft for which it does not maintain ownership. This term applies when an agency obtains aircraft from any other executive agency on a temporary basis.

Variable costs means the costs of operating aircraft that vary depending on how much the aircraft are used. For specific variable aircraft program cost information see Sec. 101-37.201(a). [60 FR 3548, Jan. 18, 1995, as amended at 62 FR 43472, Aug. 14, 1997]

Subpart 101-37.2--Accounting for Aircraft Costs

Source: 60 FR 3550, Jan. 18, 1995, unless otherwise noted.

Sec. 101-37.200 General.

The provisions of this subpart prescribe policies and procedures for accounting for aircraft costs. This subpart also prescribes provisions and procedures contained in OMB Circulars A-76 and A-126.

Sec. 101-37.201 Standard aircraft program cost elements.

The following cost elements will be used for the establishment of cost accounting systems and for reporting Government-owned and operated aircraft cost and utilization data to the Federal Aviation Management Information System (FAMIS) on GSA Form 3552.

(a) Variable costs. The variable costs of operating aircraft are those costs that vary depending on how much the aircraft are used. The specific variable cost elements include:

(1) Crew costs. The crew costs which vary according to aircraft usage consist of travel expenses, particularly reimbursement of subsistence (i.e., per diem and miscellaneous expenses), overtime charges, and wages of crew members hired on an hourly or part-time basis.

(2) Maintenance costs. Unscheduled maintenance and maintenance scheduled on the basis of flying time vary with aircraft usage and, therefore, the associated costs are considered variable costs. In addition to the costs of normal maintenance activities, variable maintenance costs shall include aircraft refurbishment, such as painting and interior restoration, and costs of or allowances for performing overhauls and modifications required by service bulletins and airworthiness directives. If they wish, agencies may consider all of their maintenance costs as variable costs and account for them accordingly. Otherwise, certain maintenance costs will be considered fixed as described in paragraph (b) of this section. Variable maintenance costs include the costs of:

(i) Maintenance labor. This includes all labor (i.e., salaries and wages, benefits, travel, and training) expended by mechanics, technicians, and inspectors, exclusive of labor for engine overhaul, aircraft refurbishment, and/or repair of major components.

(ii) Maintenance parts. This includes cost of materials and parts consumed in aircraft maintenance and inspections, exclusive of materials and parts for engine overhaul, aircraft refurbishment, and/or repair of major components.

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(iii) Maintenance contracts. This includes all contracted costs for unscheduled maintenance and for maintenance scheduled on a flying hour basis or based on the condition of the part or component.

(iv) Engine overhaul, aircraft refurbishment, and major component repairs. These are the materials and labor costs of overhauling engines, refurbishing aircraft, and/or repairing major aircraft components.

(A) In general, the flight hour cost is computed by dividing the costs for a period by the projected hours flown during the period. However, when computing the flight hour cost factor for this cost category, divide the total estimated cost for the activities in this category (e.g., overhaul, refurbishment, and major repairs) by the number of flight hours between these activities.

(B) Cost or reserve accounts for engine overhaul, aircraft refurbishment, and major component repairs may, at the agency's discretion, be identified and quantified separately for mission-pertinent information purposes. Reserve accounts are generally used when the aircraft program is funded through a working capital or revolving fund.

(3) Fuel and other fluids. The costs of the aviation gasoline, jet fuel, and other fluids (e.g., engine oil, hydraulic fluids, and water-methanol) consumed by aircraft.

(4) Lease costs. When the cost of leasing an aircraft is based on flight hours, the associated lease or rental costs are considered variable costs.

(5) Landing and tie down fees. Landing fees and tie down fees associated with aircraft usage are considered variable costs. Tie down fees for storing an aircraft at its base of operations should be considered part of operations overhead, a fixed cost.

(b) Fixed costs. The fixed costs of operating aircraft are those that result from owning and supporting the aircraft and do not vary according to aircraft usage. The specific fixed cost elements include:

(1) Crew costs. The crew costs which do not vary according to aircraft usage consist of salaries, benefits, and training costs. This includes the salaries, benefits, and training costs of crew members who also perform minimal aircraft maintenance. Also included in fixed crew costs are the costs of their charts, personal protective equipment, uniforms, and other personal equipment when the agency is authorized to purchase such items.

(2) Maintenance costs. This cost category includes maintenance and inspection activities which are scheduled on a calendar interval basis and take place regardless of whether or how much an aircraft is flown. Agencies are encouraged to simplify their accounting systems and account for all maintenance costs as variable costs. However, if they wish, agencies may account for the following costs as fixed costs:

(i) Maintenance labor. This includes all projected labor expended by mechanics, technicians, and inspectors associated with maintenance scheduled on a calendar interval basis. This does not include variable maintenance labor or work on items having a retirement life or time between overhaul. This category also includes costs associated with nonallocated maintenance labor expenses; i.e., associated salaries, benefits, travel expenses, and training costs. These costs should be evenly allocated over the number of aircraft in the fleet.

(ii) Maintenance parts. This includes all parts and consumables used for maintenance scheduled on a calendar interval basis.

(iii) Maintenance contracts. This includes all contracted costs for maintenance or inspections scheduled on a calendar interval basis.

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(3) Lease costs. When the cost of leasing an aircraft is based on a length of time (e.g., days, weeks, months, or years) and does not vary according to aircraft usage, the lease costs are considered fixed costs.

(4) Operations overhead. This includes all costs, not accounted for elsewhere, associated with direct management and support of the aircraft program. Examples of such costs include: personnel costs (salaries, benefits, travel, uniform allowances (when the agency is authorized to purchase such items), training, etc.) for management and administrative personnel directly responsible for the aircraft program; building and ground maintenance; janitorial services; lease or rent costs for hangars and administrative buildings and office space; communications and utilities costs; office supplies and equipment; maintenance and depreciation of support equipment; tie down fees for aircraft located on base; and miscellaneous operational support costs.

(5) Administrative overhead. These costs represent a prorated share of salaries, office supplies, and other expenses of fiscal, accounting, personnel, management, and similar common services performed outside the aircraft program but which support this program. For purposes of recovering the costs of operations, agencies should exercise their own judgment as to the extent to which aircraft users should bear the administrative overhead costs. Agencies may, for example, decide to charge non-agency users a higher proportion, not to exceed 100 percent of administrative overhead, than agency users if the agency has the authority to do so. If an aircraft is provided pursuant to an interagency agreement under the Economy Act of 1932 (31 U.S.C. 1535), the agency must charge based on the actual costs of the goods or services provided. For purposes of OMB Circular A-76 costs comparisons, agencies should compute the actual administrative costs that would be avoided if a decision is made to contract out the operation under study.

(6) Self-insurance costs. Aviation activity involves risks and potential casualty losses and liability claims. These risks are normally covered in the private sector by purchasing an insurance policy. The Government is self-insuring; the Treasury's General Fund is charged for casualty losses and/or liability claims resulting from accidents. For the purposes of analyses, Government managers will recognize a cost for "self-insurance" by developing a cost based on rates published by GSA's Aircraft Management Division.

(7) Depreciation. The cost or value of ownership. Aircraft have a finite useful economic or service life (useful life). Depreciation is the method used to spread the acquisition value, less residual value, over an asset's useful life. Although these costs are not direct outlays as is the case with most other aircraft costs, it is important to recognize them for analyses required by OMB and other cost comparison purposes and when replenishing a working capital fund by recovering the full cost of aircraft operations. Depreciation costs depend on aircraft acquisition or replacement costs, useful life, and residual or salvage value. To calculate the cost of depreciation that shall be allocated to each year, subtract the residual value from the total of the acquisition cost plus any capital improvements and, then, divide by the estimated useful life of the asset.

(c) Other costs. There are certain other costs of the aircraft program which should be recorded but are not appropriate for inclusion in either the variable or fixed cost categories for the purposes of justifying aircraft use or recovering the cost of aircraft operations. These costs include:

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(1) Accident repair costs. These costs include all parts, materials, equipment, and maintenance labor related to repairing accidental damage to airframes or aircraft equipment. Also included are all accident investigation costs.

(2) Aircraft costs. This is the basic aircraft inventory or asset account used as the basis for determining aircraft depreciation charges. These costs include the cost of acquiring aircraft and accessories, including transportation and initial installation. Also included are all costs required to bring aircraft and capitalized accessories up to fleet standards.

(3) Cost of capital. The cost of capital is the cost to the Government of acquiring the funds necessary for capital investments. The agency shall use the borrowing rate announced by the Department of the Treasury for bonds or notes whose maturities correspond to the manufacturer's suggested useful life or the remaining useful life of the asset.

Sec. 101-37.202 Policy.

Agencies shall maintain cost systems for their aircraft operations which will permit them to justify the use of Government aircraft in lieu of commercially available aircraft, or the use of one Government aircraft in lieu of another; recover the costs of operating Government aircraft when appropriate; determine the cost effectiveness of various aspects of their aircraft program; and conduct the cost comparisons to justify in-house operation of Government aircraft versus procurement of commercially available aircraft services. To accomplish these purposes, agencies must accumulate their aircraft program cost into the standard aircraft program cost elements specified in Sec. 1010-37.201.

Sec. 101-37.203 [Reserved]

Sec. 101-37.204 Operations cost recovery methods.

Under 31 U.S.C. 1535, and various acts appropriating funds or establishing working funds to operate aircraft, agencies are generally required to recover the costs of operating all aircraft in support of other agencies and other governments. Depending on the statutory authorities under which its aircraft were obtained or are operated, agencies may use either of two methods for establishing the rates charged for using their aircraft; full cost recovery rate or the variable cost recovery rate.

(a) The full cost recovery rate for an aircraft is the sum of the variable and fixed cost rates for that aircraft. The computation of the variable cost rate for an aircraft is described in Sec. 101-37.304. The fixed cost recovery rate for an aircraft or aircraft type is computed as follows:

(1) Accumulate the fixed costs listed in Sec. 101-37.201(b) that are directly attributable to the aircraft or aircraft type. These costs should be taken from the agency's accounting system.

(2) Adjust the total fixed cost for inflation and for any known upcoming cost changes to project the new fixed total costs. The inflation factor used should conform to the provisions of OMB Circular A-76.

(3) Allocate operations and administrative overhead costs to the aircraft based on the percentage of total aircraft program flying hours attributable to that aircraft or aircraft type.

(4) Compute a fixed cost recovery rate for the aircraft by dividing the sum of the projected directly attributable fixed costs, adjusted for inflation, from paragraph (a) (2) of this section and

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the allocated fixed costs from paragraph (a) (3) of this section by the annual flying hours projected for the aircraft.

(b) The variable cost recovery rate is the total variable cost rate of operating an aircraft described in Sec. 101-37.304. If an agency decides to base the charge for using its aircraft solely on this rate, it must recover the fixed costs of those aircraft from the appropriations which support the mission for which the procurement of the aircraft was justified. In such cases, the fixed cost recovery rate may be expressed on an annual, monthly, or flying hour basis.

(c) To compute the full cost recovery rate of using a Government aircraft for a trip, add the variable cost recovery rate for the aircraft or aircraft type to the corresponding fixed cost recovery rate and multiply this sum by the estimated number of flying hours for the trip using the proposed aircraft.

Sec. 101-37.205 Aircraft program cost effectiveness.

Although cost data are not the only measures of the effectiveness of an agency's aircraft program, they can be useful in identifying opportunities to reduce aircraft operational costs. These opportunities include changing maintenance practices, purchasing fuel at lower costs, and the replacement of old, inefficient aircraft with aircraft that are more fuel efficient and have lower operation and maintenance costs. The most common measures used to evaluate the cost effectiveness of various aspects of an aircraft program are expressed as the cost per flying hour or per passenger mile (one passenger flying one mile). These measures may be developed using the standard aircraft program cost elements (see Sec. 101-37.201) and include, but are not limited to: maintenance costs/flying hours, fuel and other fluids/flying hours, and variable cost/passenger mile. GSA will coordinate the development of other specific cost-effectiveness measures with the appropriate Interagency Committee for Aviation Policy subcommittees (ICAP).

(a) Maintenance costs per flying hour. Maintenance costs per flying hour identifies on an aggregate basis relative cost effectiveness of maintenance alternatives. This measure is among those necessary to identify and justify procurement of less costly aircraft.

(b) Fuel and other fluids cost per flying hour. Fuel per flying hour identifies the relative fuel efficiency of an individual aircraft. The measure identifies the requirement to replace inefficient engines or to eliminate fuel inefficient aircraft from the fleet.

(c) Crew costs-fixed per flying hour. When based on the total fixed crew costs and flying hours, can be used to determine the impact of crew utilization on overall operating costs; can also be used to compare crew utilization and salary levels among different agency or bureau aircraft programs.

(d) Operations overhead per flying hour. Operations overhead may be used on an aggregate basis (i.e., total operations overhead expenditures divided by hours flown) to compare the overhead activities in direct support of aircraft operations among agencies or bureaus. This factor can indicate excess overhead support costs.

(e) Administrative overhead per flying hour. Administrative overhead may be used on an aggregate basis (i.e., total administrative overhead divided by hours flown) to compare the level of administrative support to other agencies and bureaus.

Subpart 101-37.3--Cost Comparisons for Acquiring and Using Aircraft

Source: 60 FR 3552, Jan. 18, 1995, unless otherwise noted.

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Sec. 101-37.300 General.

The provisions of this subpart prescribe policies and procedures for conducting cost comparisons for the acquisition, use, or lease of aircraft. This subpart incorporates selected provisions of OMB Circulars A-76 and A-126.

Sec. 101-37.301 Applicability.

This subpart applies to all agencies in the executive branch of the Federal Government. It does not apply to the United States Postal Service, to the Government of the District of Columbia, or to non-Federal organizations receiving Federal loans, contracts, or grants.

Secs. 101-37.302--101-37.303 [Reserved]

Sec. 101-37.304 Variable cost rate.

For the purpose of comparing costs (Government, commercial charter, and airline) associated with passenger transportation flights, as required by Sec. 101-37.406, the agency should develop a variable cost rate for each aircraft or aircraft type as follows:

(a) Accumulate or allocate to the aircraft or aircraft type all historical costs, for the previous 12 months, grouped under the variable cost category defined in Sec. 101-37.201. These costs should be obtained from the agency's accounting system.

(b) Adjust the historical variable costs for inflation and for any known upcoming cost changes to determine the projected variable cost. The inflation factor used should conform to the provisions of OMB Circular A-76.

(c) Divide the projected variable cost of the aircraft or aircraft type by the projected annual flying hours for the aircraft or aircraft type to compute the variable cost rate (per flying hour).

(d) To compute the variable cost for a proposed trip, multiply the variable cost rate by the estimated number of flying hours for the trip. The number of flying hours should include:

(1) If no follow-up trip is scheduled, all time required to position the aircraft to begin the trip and to return the aircraft to its normal base of operations.

(2) If a follow-on trip requires repositioning, the cost for repositioning should be charged to the associated follow-on trip.

(3) If an aircraft supports a multi-leg trip (a series of flights scheduled sequentially), the use of the aircraft for the total trip may be justified by comparing the total variable cost of the entire trip to the commercial aircraft cost (including charter) for all legs of the trip.

Sec. 101-37.305 Acquisition and management.

(a) The number and size of aircraft acquired by an agency and the capacity of those aircraft to carry passengers and cargo shall not exceed the level necessary to meet the agency's mission requirements.

(b) Agencies must comply with OMB Circular A-76 before purchasing, leasing, or otherwise acquiring aircraft and related services to assure that these services cannot be obtained from and operated by the private sector more cost effectively.

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(c) Agencies shall review on a 5-year cycle the continuing need for all of their aircraft and the cost effectiveness of their aircraft operations in accordance with OMB approved cost justification methodologies. A copy of each agency review shall be submitted to GSA when completed and to OMB with the agency's next budget submission. Agencies shall report any excess aircraft and release all aircraft that are not fully justified by these reviews.

(d) Agencies shall use their aircraft in the most cost effective way to meet their requirements.

Subpart 101-37.4--Use of Government-Owned and -Operated Aircraft

Source: 58 FR 53660, Oct. 18, 1993, unless otherwise noted.

Sec. 101-37.400 General.

The provisions of this subpart prescribe policies and procedures for the use of Government aircraft. This subpart incorporates certain provisions of OMB Circular A-126 and OMB Bulletin Number 93-11.

Sec. 101-37.401 [Reserved]

Sec. 101-37.402 Policy.

Government aircraft shall be used for official purposes only in accordance with applicable laws and regulations, including this subpart.

(a) Use of Government aircraft. Agencies shall operate Government aircraft only for official purposes. Official purposes include the operation of Government aircraft for:

- (1) Mission requirements, and
- (2) Other official travel.

(b) Use of Government aircraft for official travel or on space available travel is subject to paragraphs (b) (1) and (2) of this section.

(1) Use of a Government aircraft for official travel other than required use travel or mission requirement travel; i.e., for the conduct of agency business, shall be authorized only when:

(i) No commercial airline or aircraft service (including charter) is reasonably available to fulfill effectively the agency's requirement; or

(ii) The actual cost of using a Government aircraft is not more than the cost of commercial airline or aircraft service (including charter). When a flight is made for mission requirements or required use travel (and is certified as such in writing by the agency which is conducting the mission), it is presumed that secondary use of the aircraft for other travel for the conduct of agency business will result in cost savings.

(2) Use of a Government aircraft on a space available basis is authorized only when:

(i) The aircraft is already scheduled for use for an official purpose;

(ii) Space available travel does not require a larger aircraft than needed for the already scheduled official purpose;

(iii) Space available use results in no, or only minor, additional cost to the Government; and

(iv) Reimbursement is provided as set forth in Sec. 101-37.403 of this subpart.

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(c) The Secretary of State, Secretary of Defense, Attorney General, Director of the Federal Bureau of Investigation, and the Director of Central Intelligence may use Government aircraft for travel other than:

- (1) To meet mission requirements, or
- (2) For the conduct of agency business, but only upon reimbursement at full coach fare and with authorization by the President or his designated representative on the grounds that a threat exists which could endanger lives or when continuous 24-hour secure communication is required.

Sec. 101-37.403 Reimbursement for the use of Government aircraft.

A passenger transported by Government aircraft is required to reimburse the Government under the circumstances specified, and in the amount indicated, in paragraphs (a) through (d) of this section.

- (a) For travel that is not required use travel:
 - (1) Any incidental private activities (personal or political) of an employee undertaken on an employee's own time while on official travel shall not result in any increase in the actual costs to the Government of operating the aircraft, and
 - (2) The Government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities (except as otherwise provided in paragraph (d) of this section).
- (b) For required use travel (except as otherwise provided in paragraph (d) of this section).
 - (1) For a wholly personal or political trip, the Government shall be reimbursed the full coach fare for the trip,
 - (2) For an official trip during which the employee engages in political activities, the Government shall be reimbursed the appropriate share of the full coach fare for the entire trip, and
 - (3) For an official trip during which the employee flies to one or more locations for personal reasons, the Government shall be reimbursed the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.
- (c) For space available travel, whether on mission requirements or other flights, the Government shall be reimbursed at the full coach fare except:
 - (1) As authorized under 10 U.S.C. 4744 and regulations implementing that statute, and
 - (2) By civilian personnel and their dependents in remote locations not reasonably accessible to regularly scheduled commercial airline service.
- (d) In any case of political travel, reimbursement shall be made in the amount required by law or regulation (e.g., 11 CFR 106.3) if greater than the amount otherwise required under paragraphs (a) through (c) of this section.

Sec. 101-37.404 Approving the use of Government aircraft for transportation of passengers.

- (a) Use of Government aircraft for official travel may be approved only by the agency head or official(s) designated by the agency head.
- (b) Whenever a Government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a

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space available basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such space available travelers. In emergency situations, an after-the-fact written certification by the agency is permitted.

[60 FR 3552, Jan. 18, 1995]

Sec. 101-37.405 Approving travel on Government aircraft.

Policy and practices under which travel on Government aircraft may be approved by the agency are specified in paragraphs (a) through (c) of this section.

(a) All travel on Government aircraft must have advance authorization by the sponsoring agency in accordance with its travel policies, OMB Circular A-126 and, when applicable, documented on an official travel authorization. Where possible, such travel authorization must be approved by at least one organizational level above that of the person(s) traveling. If review by a higher organizational level is not possible, another appropriate approval is required.

(b) All required use travel must have written approval on a trip-by-trip basis from the agency's senior legal official or the principal deputy, unless:

(1) The President has determined that all travel or travel in specified categories by an agency head is qualified as required use travel, or

(2) The agency head has determined that all travel or travel in specified categories by an officer or employee other than the agency head, is qualified as required use travel.

(i) Any determination by an agency head that travel by an officer or employee of that agency qualifies as required use travel must be in writing and set forth the basis for that determination. In emergency situations an after-the-fact written certification by an agency is permitted.

(ii) An agency head opting to determine that travel by an officer or employee may be required use travel shall establish written standards for determining when required use travel is permitted. Such travel shall not be permitted unless the travel is in conformance with the written standards.

(c) All travel by senior Federal officials, family members of senior Federal officials, and non-Federal travelers that is not to meet mission requirements or required use travel must be authorized in advance and in writing.

(1) Such authorization must be approved on a trip-by-trip basis and must be signed by the agency's senior legal official or the principal deputy, or be in conformance with an agency review and approval system that has been approved by the Office of Management and Budget (OMB). In emergency situations, an after-the-fact written certification by an agency is permitted.

(2) In addition to the provisions of this subpart, Federal employees on official travel shall be subject to all other applicable travel rules and regulations. Travel by such individuals that is not official travel, for purposes of this subpart, is subject to the reimbursement requirements in Sec. 101-37.403(c) of this subpart for space available travel.

Sec. 101-37.406 Justification of the use of Government aircraft for transportation of passengers.

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(a) The cost comparison justifying the use of a Government aircraft for a proposed trip as required by Sec. 101-37.402(b) (1) (ii) of this subpart should be made prior to authorizing the use of the aircraft for that trip. Standard trip cost justification schedules developed by agencies may be used for this purpose. Agencies that are not able to use such schedules are required to conduct a cost justification on a case-by-case basis.

(b) When conducting a cost comparison, the agency must compare the actual cost of using a Government aircraft to the cost of using a commercial aircraft (including charter) or airline service. The actual cost of using a Government aircraft is either:

- (1) The amount that the agency will be charged by the organization that provides the aircraft,
- (2) The variable cost of using the aircraft, if the agency operates its own aircraft, or
- (3) The variable cost of using the aircraft as reported by the owning agency, if the agency is not charged for the use of an aircraft owned by another agency.

(c) The cost of using commercial airline or aircraft services for the purpose of justifying the use of Government aircraft:

(1) Must be the current Government contract fare or price, or the lowest fare or price available for the trip(s) in question,

(2) Must include, as appropriate, any differences in the cost of ground travel, per diem and miscellaneous travel (e.g., taxis, parking, etc.), and lost employees' work time (computed at gross hourly costs to the Government, including benefits), between using Government aircraft and commercial aircraft services, and

(3) Must include only the costs associated with passengers on official business. Costs associated with passengers traveling on a space available basis may not be used in the cost comparison.

Sec. 101-37.407 Documentation.

All uses of Government aircraft must be documented, and this documentation must be retained for at least 2 years by the aircraft operations manager. The documentation of each use of Government aircraft must include the information specified in paragraphs (a) through (g) of this section:

(a) Aircraft registration number (the registration number assigned by the Federal Aviation Administration or military-designated tail number);

(b) Purpose of the flight (the mission the aircraft was dispatched to perform);

(c) Route(s) flown;

(d) Flight date(s) and times;

(e) Name of each traveler;

(f) Name(s) of the pilot(s) and aircrew;

(g) When Government aircraft are used to support official travel, the documentation must also include evidence that Sec. 101-37.408 and other applicable provisions of this FPMR have been satisfied.

Sec. 101-37.408 Reporting travel by senior Federal officials.

Agencies shall submit semi-annual reports for the periods October 1 through March 31 (due May 31), and April 1 through September 30 (due November 30) to the General Services Administration, Aircraft Management Division, Washington, DC 20406. A copy of each report

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shall also be submitted to the Deputy Director for Management, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. Agencies shall submit report data using the Federal Aviation Management Information System structure and management codes for automated reporting or GSA Form 3641, Senior Federal Travel. Agencies that did not transport any senior Federal officials or special category travelers during the relevant time frame must still submit a written response that acknowledges the reporting requirements and states they have no travel to report. These reports shall be disclosed to the public upon request unless classified.

(a) Reports shall include data on all non-mission travel by senior Federal officials on Government aircraft (including those senior Federal officials acting in an aircrew capacity when they are also aboard the flight for transportation), members of the families of such officials, any non-Federal traveler (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), and all mission and non-mission travel for senior executive branch officials. The reports shall include:

- (1) The names of the travelers;
- (2) The destinations;
- (3) The corresponding commercial cost had the traveler used commercial airline or aircraft service (including charter);
- (4) The appropriate allocated share of the full operating cost of each trip;
- (5) The amount required to be reimbursed to the Government for the flight;
- (6) The accounting data associated with the reimbursement; and
- (7) The data required by Sec. 101-37.407 (a), (b), and (d) of this subpart.

(b) Each agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

(c) The agency using the aircraft must also maintain the data required by this section for classified trips. This information shall not be reported to GAS or OMB but must be made available by the agency for review by properly cleared personnel.

[60 FR 3553, Jan. 18, 1995]

Subpart 101-37.5--Management Information Systems (MIS)

Source: 60 FR 3553, Jan. 18, 1995, unless otherwise noted.

Sec. 101-37.500 General.

Executive agencies must maintain an aviation MIS. Agency systems will include computer applications appropriate to the complexity of the operation. Systems should be integrated among bureaus, agencies, and Departments as appropriate to maximize efficiency and effectiveness Government wide. MIS capabilities will include, but are not limited to, collecting, consolidating, and producing the reports and analyses required by: field-level organizations for day-to-day operations, agencies to justify the continuing use of aircraft or new acquisitions, GSA to develop Government wide aviation management guidance, and OMB and other oversight agencies to capitalize on opportunities to improve efficiency and effectiveness.

Sec. 101-37.501 [Reserved]

Sec. 101-37.502 GSA MIS responsibilities.

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The Aircraft Management Division will operate the Government wide aircraft MIS (also known as the Federal Aviation Management Information System (FAMIS)), develop generic aircraft MIS standards and software, and provide technical assistance to agencies in establishing automated aircraft information and cost accounting systems and conducting cost analyses required by OMB. The FAMIS will collect and maintain summary data including, but not limited to:

- (a) Aircraft and aviation related facilities inventories;
- (b) Cost and utilization for owned aircraft and aviation facilities;
- (c) Cost and utilization for chartered, rented, or contracted aircraft;
- (d) Inventories of support service agreements; and
- (e) Senior Federal official and special category travel data.

Sec. 101-37.503 Reporting responsibilities.

Reporting responsibilities are as follows:

- (a) Owned aircraft. The executive agency to which the aircraft is registered in conformance with the FAA regulations or appropriate military regulations is responsible for reporting inventory, cost, and utilization data for each aircraft.
- (b) Bailed aircraft. The executive agency which operates bailed aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.
- (c) Leased or lease/purchased aircraft. The executive agency which makes payment to a private or other public sector organization for the aircraft is responsible for reporting inventory, cost, and utilization data for each aircraft.
- (d) Loaned aircraft. The executive agency which owns an aircraft on loan to a Federal agency will report inventory, cost, and utilization data. The executive agency which owns an aircraft on loan to a State, cooperator, or other non-Federal entity will report inventory data associated with that aircraft.
- (e) Contract, charter, and rental aircraft. The executive agency which makes payment to a private sector or other public sector organization for the aircraft is responsible for reporting cost and utilization data by specific aircraft for each type of mission performed.
- (f) Support services. The executive agency establishing the aviation support services agreement with service vendors is responsible for reporting associated data by agreement number, aircraft or service type, and vendor.
- (g) Senior Federal official and special category travel. Each executive agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

Sec. 101-37.504 Reports.

Executive agencies will submit aviation management data using FAMIS structure format for automated reporting or appropriate forms. FAMIS data shall be submitted to the General Services Administration, Aircraft Management Division, Washington, DC 20406. Interagency report control number 0322-GSA-AN has been assigned to these reports. To the extent that information is protected from disclosure by statute, an agency is not required to furnish information otherwise required to be reported under this subpart.

- (a) Each executive agency will provide GSA with reports as changes occur for: (1) Facilities inventories. Additions, deletions, and changes shall be submitted using GSA Form 3549,

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Government-owned/leased Maintenance, Storage, Training, Refueling Facilities (per facility) or FAMIS file structures.

(2) Aircraft inventories. Additions, deletions, and changes shall be submitted using GSA Form 3550, Government Aircraft Inventory (per aircraft) or FAMIS file structures. Any aircraft operated or held in a non-operational status, must be reported to FAMIS regardless of its ownership category.

(3) Aviation support services cost data. This data will be submitted using GSA Form 3554, Aircraft Contract/Rental/Charter Support Services Cost Data Form or FAMIS file structures, as support service agreements become effective.

(b) Each executive agency will provide GSA with reports annually on or before January 15 for the previous fiscal year ending September 30 for:

(1) Contract, rental, and charter aircraft cost and utilization data. Each form or FAMIS database record must contain only one aircraft for each type of mission performed. The data is submitted using GSA Form 3551, Contract/Charter/Rental Aircraft Cost and Utilization or FAMIS file structures.

(2) Government aircraft cost and utilization data. The cost and utilization information must be tracked by serial number and must reflect the actual use and expenditures incurred for each individual aircraft. These reports are to be submitted using GSA Form 3552, Government Aircraft Cost and Utilization or FAMIS file structures.

(c) Each executive agency will provide GSA with a report semiannually on or before May 31 for the period October 1 through March 30, and on or before November 30 for the period April 1 through September 30 for senior Federal official and special category travel. These reports are to be submitted using GSA Form 3641, Senior Federal Travel or FAMIS file structures. Executive agencies that did not transport any senior Federal officials or special category travelers during the relevant time frame must submit a written response that acknowledges the reporting requirements and states that they have no travel to report. For detailed explanation see Sec. 101-37.408.

Sec. 101-37.505 Aircraft used for sensitive missions.

Inventory, cost, and utilization data submitted to GSA for agency aircraft dedicated to national defense, law enforcement, or interdiction missions will be safeguarded as specified in Sec. 101-37.506. GSA will not allow identification (registration number, serial number, etc.), location, or use patterns to be disclosed except as required under the Freedom of Information Act.

Sec. 101-37.506 Reporting requirements for law enforcement, national defense, or interdiction mission aircraft.

Agencies using aircraft for law enforcement, national defense, or interdiction missions may use reporting provisions which provide for agency information protection as specified in paragraphs (a) and (b) of this section.

(a) Undercover aircraft. Agencies operating undercover aircraft as defined in Sec. 101-37.100, will report to GSA all FAMIS data in accordance with Sec. 101-37.504, to include the registration number and serial number as reported to the Federal Aviation Administration (FAA), Office of Aircraft Registry.

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(b) Deep cover aircraft. Agencies operating deep cover aircraft as defined in Sec. 101-37.100, will report to GSA all FAMIS data in accordance with Sec. 101-37.504, except for that data requiring special handling by the FAA. Specific identifying data for those aircraft requiring special handling by the FAA will be reported as follows:

(1) Special number data. Initially, agencies will supply the actual aircraft serial number with a unique code number. The code number will be used for all future data submissions. GSA will maintain the actual serial number and associated code in a secured file independent from all other FAMIS data. The secured file containing aircraft serial number data will not be printed or distributed.

(2) Registration number data. Agencies will not submit registration number (FAA registration number) for deep cover aircraft.

(3) Location data. Agencies will not submit location data.

Subpart 101-37.6--Management, Use, and Disposal of Government Aircraft Parts

Source: 62 FR 43472, Aug. 14, 1997, unless otherwise noted.

Sec. 101-37.600 What does this subpart do?

This subpart prescribes special policies and procedures governing the management, use, and disposal of Government-owned aircraft parts.

Sec. 101-37.601 What responsibilities does the owning/operating agency have in the management and use of Government aircraft parts?

(a) The owning/operating agency is responsible for ensuring the continued airworthiness of an aircraft, including replacement parts. The owning/operating agency must ensure that replacement parts conform to an approved type design, have been maintained in accordance with applicable standards, and are in condition for safe operation.

(b) In evaluating the acceptability of a part, the owning/operating agency should review the appropriate log books and historical/maintenance records. The maintenance records must contain the data set forth in the latest version of Federal Aviation Administration (FAA) Advisory Circular 43-9. When the quality and origin of a part is questionable, the owning/operating agency should seek guidance from the local FAA Flight Standards District Office (FSDO) in establishing the part's airworthiness eligibility.

Sec. 101-37.602 Are there special requirements in the management, use, and disposal of military Flight Safety Critical Aircraft Parts (FSCAP)?

(a) Yes. Any aircraft part designated by the Department of Defense as a FSCAP must be identified with the appropriate FSCAP Criticality Code which must be perpetuated on all documentation pertaining to such parts.

(b) A military FSCAP may be installed on a FAA type-certificated aircraft holding either a restricted or standard airworthiness certificate, provided the part is inspected and approved for such installation in accordance with the applicable Federal Aviation Regulations.

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(c) If a FSCAP has no maintenance or historical records with which to determine its airworthiness, it must be mutilated and scrapped in accordance with Sec. 101-37.609. However, FSCAP still in its original unopened package, and with sufficient documentation traceable to the Production Approval Holder (PAH), need not be mutilated. Undocumented FSCAP with no traceability to either the original manufacturer or PAH must not be made available for transfer or donation. For assistance in the evaluation of FSCAP, contact the local FAA Flight Standards District Office (FSDO).

Sec. 101-37.603 What are the owning/operating agency's responsibilities in reporting excess Government aircraft parts?

(a) The owning/operating agency must report excess aircraft parts to GSA in accordance with the provisions set forth in part 101-43 of this chapter. The owning/operating agency must indicate on the reporting document if any of the parts are life-limited parts and/or military FSCAP, and ensure that tags and labels, applicable historical data and maintenance records accompany these aircraft parts.

(b) The owning/operating agency must identify excess aircraft parts which are unsalvageable according to FAA or DOD guidance, and ensure that such parts are mutilated in accordance with Sec. 101-37.609. The owning/operating agency should not report such parts to GSA.

Sec. 101-37.604 What are the procedures for transferring and donating excess and surplus Government aircraft parts?

(a) Transfer and donate excess and surplus aircraft parts in accordance with part 101-43, Utilization of Personal Property, and part 101-44, Donation of Personal Property.

(b) Unsalvageable aircraft parts must not be issued for transfer or donation; they must be mutilated in accordance with Sec. 101-37.609.

Sec. 101-37.605 What are the receiving agency's responsibilities in the transfer or donation of excess and surplus Government aircraft parts?

(a) The receiving agency must verify that all applicable labels and tags, and historical/modification records are furnished with the aircraft parts. The receiving agency must also ensure the continued airworthiness of these parts by following proper storage, protection and maintenance procedures, and by maintaining appropriate records throughout the life cycle of these parts.

(b) The receiving agency must perpetuate the DOD-assigned Criticality Code on all property records of acquired military FSCAP. The receiving agency must ensure that flight use of military FSCAP on civil aircraft meets all Federal Aviation Regulation requirements.

(c) The receiving agency must certify and ensure that when a transferred or donated part is no longer needed, and the part is determined to be unsalvageable, the part must be mutilated in accordance with Sec. 101-37.609 and properly disposed.

Sec. 101-37.606 What are the GSA approving official's responsibilities in transferring and donating excess and surplus Government aircraft parts?

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(a) The GSA approving official must review transfer documents of excess and surplus aircraft parts for completeness and accuracy, and ensure that the certification required in Sec. 101-37.605(c) is included in the transfer document.

(b) The GSA approving official must also ensure the following statement is included on the SF123, Transfer Order Surplus Personal Property:

``Due to the critical nature of aircraft parts failure and the resulting potential safety threat, recipients of aircraft parts must ensure that any parts installed on a civil aircraft meet applicable Federal Aviation Administration Regulations, and that required certifications are obtained. The General Services Administration makes no representation as to a part's conformance with FAA requirements."

Sec. 101-37.607 What are the State Agency's responsibilities in the donation of surplus Government aircraft parts?

(a) The State Agency must review donation transfer documents for completeness and accuracy, and ensure that the certification provisions set forth in Sec. 101-37.605(c) is included in the transfer documents.

(b) The State Agency must ensure that when a donated part is no longer needed, and the part is determined to be unsalvageable, the donee mutilates the part in accordance with Sec. 101-37.609.

Sec. 101-37.608 What are the responsibilities of the Federal agency conducting the sale of Government aircraft parts?

(a) The Federal agency must sell Government aircraft parts in accordance with the provisions set forth in Part 101-45, Sale, Abandonment, or Destruction of Personal Property of this chapter.

(b) The Federal agency must ensure that the documentation required pursuant to Sec. 101-37.603(a) accompanies the parts at the time of sale, and that sales offerings on aircraft parts contain the following statement:

``Purchasers are warned that the parts purchased herewith may not be in compliance with applicable Federal Aviation Administration requirements. Purchasers are not exempted from and must comply with applicable Federal Aviation Administration requirements. Purchasers are solely responsible for all FAA inspections and/or modifications necessary to bring the purchased items into compliance with 14 CFR (Code of Federal Regulations)."

(c) The Federal agency must ensure that the following certification is executed by the purchaser and received by the Government prior to releasing such parts to the purchaser:

``The purchaser agrees that the Government shall not be liable for personal injuries to, disabilities of, or death of the purchaser, the purchaser's employees, or to any other persons arising from or incident to the purchase of this item, its use, or disposition. The purchaser shall hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to purchase or resale of this item."

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Sec. 101-37.609 What are the procedures for mutilating unsalvageable aircraft parts?

- (a) Identify unsalvageable aircraft parts which require mutilation.
- (b) Mutilate unsalvageable aircraft parts so they can no longer be utilized for aviation purposes. Mutilation includes destruction of the data plate, removing the serial/lot/part number, and cutting, crushing, grinding, melting, burning, or other means which will prevent the parts from being misidentified or used as serviceable aircraft parts. Obtain additional guidance on the mutilation of unsalvageable aircraft parts in FAA AC No. 21-38, Disposition of Unsalvageable Aircraft Parts and Materials.
- (c) Ensure an authorized agency official witnesses and documents the mutilation, retain a signed certification and statement of mutilation.
- (d) If unable to perform the mutilation, turn in the parts to a Federal or Federally-approved facility for mutilation and proper disposition. Ensure that contractor performance is in accordance with the provisions of this part.
- (e) Ensure that mutilated aircraft parts are sold only as scrap.

Sec. 101-37.610 Are there special procedures for the exchange/sale of Government aircraft parts?

Yes. Executive agencies may exchange or sell aircraft parts as part of a transaction to acquire similar replacement parts in accordance with FPMR part 101-46. In addition to the requirements of this subpart, agencies must ensure that the exchange/sale transaction is accomplished in accordance with the methods and procedures contained in part 101-46 of this chapter, and comply with the restrictions and limitations under Sec. 101-46.202 of this chapter.

- (a) Prior to the proposed exchange/sale, agencies should determine whether the parts identified for disposition are airworthy parts. For additional guidance refer to the applicable FAA Advisory Circular(s), or contact the local FAA FSDO.
- (b) At the time of exchange or sale, agencies must ensure that applicable labels and tags, historical data and modification records accompany the aircraft parts prior to release. The records must contain the information and content as required by current DOD and FAA requirements for maintenance and inspections.
- (c) Life limited parts that have reached or exceeded their life limits, or which have missing or incomplete documentation, must either be returned to the FAA production approval holder as part of an exchange transaction, or mutilated in accordance with Sec. 101-37.609.
- (d) Unsalvageable aircraft parts, other than parts in paragraph (c) of this section, must not be used for exchange/sale purposes; they must be mutilated in accordance with Sec. 101-37.609.

Subparts 101-37.7--101-37.10 [Reserved]

Subpart 101-37.11--Aircraft Accident and Incident Reporting and Investigation

Source: 63 FR 43638, Aug. 14, 1998, unless otherwise noted.

Sec. 101-37.1100 What are my general responsibilities for aircraft accident and incident reporting and investigation?

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You must:

- (a) Develop a Federal agency specific aircraft accident and incident response plan for your agency;
- (b) Be prepared to participate in National Transportation Safety Board (NTSB) investigations of Federal agency aircraft accident or incidents involving your agency;
- (c) Conduct a parallel investigation of an aviation accident/incident involving your agency aircraft as appropriate;
- (d) Report any condition, act, maintenance problem, or circumstance which has potential to cause an aviation related mishap;
- (e) Provide training to your agency personnel who may be asked to participate in an NTSB investigation;
- (f) Assure that your reporting requirements are in compliance with the NTSB definitions contained in 49 CFR 830.2; and
- (g) Refer to 49 CFR part 830 for further details when required to report an aircraft accident, incident, or overdue aircraft to the NTSB.

Sec. 101-37.1101 What aircraft accident and incident response planning must I do?

You must develop an agency specific aircraft accident and incident response plan which include the following:

- (a) Reporting aircraft accidents, incidents, and overdue or missing aircraft,
- (b) Wreckage site safety,
- (c) Wreckage security,
- (d) Evidence preservation, and
- (e) A point of contact list with current telephone numbers for fire, crash rescue, medical, and law enforcement support personnel and trained agency accident investigators.

Sec. 101-37.1102 When must I give initial notification of an aircraft accident, incident, or overdue aircraft?

You must assure that the operator of any aircraft that is owned, leased, or under your exclusive use and operational control for more than 180 days immediately notifies the nearest NTSB field office when an accident or incident occurs.

Sec. 101-37.1103 What information must I give in an initial notification of an aircraft accident, incident, or overdue aircraft?

You must assure that the notification contains the following information, if available:

- (a) Type and registration of the aircraft;
- (b) Name of the owning agency;
- (c) Name of the pilot-in-command;
- (d) Date and time of the accident;
- (e) Last point of departure and the point of intended landing;
- (f) Position of the aircraft with reference to a geographical point;
- (g) Number of persons aboard, number fatally injured, and number seriously injured;
- (h) Nature of the accident, extent of damage, and the weather; and

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(i) A description of any explosives, radioactive materials, or any other dangerous substances carried on the aircraft.

Sec. 101-37.1104 What are my responsibilities for preserving aircraft wreckage, cargo, mail, and records resulting from aircraft accidents and incidents?

You must assure that the operator of your aircraft is responsible for preserving to the extent possible any wreckage, cargo, and mail carried aboard the aircraft that was involved in an accident or incident. All records such as history data recordings of flight and maintenance information and voice recordings pertaining to the flight and all records pertaining to the operation and maintenance of the aircraft and to the airmen must be preserved until the NTSB takes custody. If items must be moved from the aircraft or the scene of the accident/incident for safety or health reasons, sketches, descriptive notes, or photographs should be made if possible of the original positions and conditions of items moved. If classified material is involved in an accident or incident, you must coordinate its protection and recovery with the National Transportation Safety Board as required by 49 CFR 830.10 and 831.12.

Sec. 101-37.1105 What must I report regarding an aircraft accident, incident, or overdue aircraft?

You must assure that the operator of your aircraft files a report on NTSB Form 6120.1 or 7120.2 within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report involving a reportable incident shall be filed only if requested by the NTSB.

Sec. 101-37.1106 What must I do when the NTSB investigates an accident or incident involving my aircraft?

You should request designation as "party" to the investigation in accordance with 49 CFR 831.11 and assist the NTSB to the maximum extent possible. The NTSB shall allow you to participate in any investigation, except that you may not participate in the NTSB's determination of the probable cause of the accident. You may conduct your own parallel investigation. You and the NTSB must exchange appropriate information obtained or developed in the course of the investigation(s) in a timely manner.

Sec. 101-37.1107 What must I do if I observe a condition, act, maintenance problem, or circumstance that has the potential to cause an aviation related mishap?

You must report such observations to a senior aviation safety manager of your agency.

Sec. 101-37.1108 Why is it important that I be provided aircraft accident/incident related guidance in the form of this subpart, in addition to that found in 49 CFR parts 830 and 831?

You may be excluded from some civil standards because of your unique operational and/or airworthiness requirements. Therefore, in addition to meeting the requirements found in 49 CFR parts 830 and 831, you must do the following: Make personnel who are knowledgeable about your missions and trained as aircraft accident investigators available to work with the NTSB.

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Develop accident and incident response plans. And understand that a parallel investigation may be conducted. Such teamwork will enhance both NTSB's and your aircraft accident investigation and prevention efforts.

Sec. 101-37.1109 What training must I have to participate in an NTSB investigation?

You must be trained in aircraft accident investigation, reconstruction, and analysis. You must also receive aircraft accident investigation recurrency training and be familiar with NTSB accident investigation procedures.

Subpart 101-37.12--Federal Agency Aviation Safety Program

Source: 59 FR 27486, May 27, 1994, unless otherwise noted.

Sec. 101-37.1200 General.

(a) This subpart sets forth guidance to agencies for establishing aviation safety programs in accordance with the direction given to GSA in OMB Circular A-126, but the subpart is not binding on other agencies.

(b) The aviation safety program objective is the safe accomplishment of the agency mission, and is a direct result of effective management which should include attention to detail sufficient to preclude the occurrence of an accident. Each agency should establish appropriate key management positions and define their responsibilities and qualifications. Agencies should ensure these positions are staffed with properly qualified personnel.

Sec. 101-37.1201 Applicability.

As prescribed in this subpart 101-37.12, the requirement to develop and operate an aviation safety program which addresses all program facets including, but not limited to, flight, ground, and weapons environments, is applicable to all Federal aviation programs.

Sec. 101-37.1202 Agency aviation safety responsibilities.

Agencies operating aviation programs are responsible for establishing and conducting a comprehensive aviation safety program. Agencies should appoint qualified aviation safety managers at both the national and operational program level.

Sec. 101-37.1203 Aviation safety manager qualifications.

(a) Aviation safety manager positions may be full time or additional duty, based on program mission requirements. In general, an aviation safety manager should, regardless of management level:

- (1) Be knowledgeable in agency aviation program activities within his/her purview;
- (2) Have experience as a pilot, crew member, or in aviation operations management; and
- (3) Be a graduate of a recognized aviation safety officer or accident prevention course, or qualified within 1 year through attendance at formal courses(s) of instruction.

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(b) These standards should be used as a guide to ensure that qualified personnel are selected as safety managers. However, they do not supersede those job classifications prescribed by the Office of Personnel Management or other appropriate authority.

Sec. 101-37.1204 Program responsibilities.

Agencies will ensure that policies, objectives, and standards are established and clearly defined to support an effective aviation accident prevention effort. The aviation safety manager should develop and implement an agency aviation safety program which integrates agency safety policy into aviation related activities.

Sec. 101-37.1205 Program elements.

As a recommendation, aviation safety program elements should include, but not be limited to, the following:

- (a) Aviation safety council;
- (b) Inspections and evaluations;
- (c) Hazard reporting;
- (d) Aircraft accident and incident investigation;
- (e) Education and training;
- (f) Aviation protective equipment;
- (g) Aviation qualification and certification; and
- (h) Awards program.

Sec. 101-37.1206 Aviation safety council.

(a) Each agency should establish aviation safety councils at the appropriate aircraft operations level. The purpose of the council is to promote safety by exchanging ideas, reviewing, and discussing hazard reports and accident and incident reports, and assessing the threat to safe operation inherent in mission operations plans. The council should function to recommend changes to agency policies, rules, regulations, procedures, and operations based upon such discussions, reviews, and assessments. The council should meet regularly and should consist, at a minimum, of those individuals within the organization responsible for the following areas:

- (1) Operations/mission planning;
- (2) Safety;
- (3) Aircrew training;
- (4) Maintenance; and
- (5) Aircrew scheduling.

(b) Safety meetings for operations and maintenance personnel are used to increase the education and awareness of agency personnel regarding the hazards associated with aviation and to discuss mishap prevention. Meetings should be scheduled and conducted on a regular basis.

Sec. 101-37.1207 Inspections and evaluations.

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The purpose of any inspection or evaluation is to prevent aviation accidents and to foster aviation safety.

(a) Each agency should establish and maintain an inspection and evaluation program for all aviation activities. All operational elements of the aviation activity should be regularly inspected and evaluated based on standardized criteria established by the agency. The purpose of this program is to ensure that the agency mission is being carried out in accordance with Federal and agency safety regulations and directives.

(b) Records should be kept and will identify the function or work area involved, date(s), hazard(s) identified, and recommended corrective action(s). All agencies will ensure appropriate resolution and close-out.

Sec. 101-37.1208 Hazard reporting.

Each agency safety program should include an aviation hazard reporting and resolution tracking system. Hazards are identified as conditions, practices, or procedures that constitute an immediate or potential threat to the safe conduct of aviation operations and may be reported by any person. Reports may be submitted on any event, procedure, practice, or condition that adversely affects safety of aviation operations. Prompt resolution of hazards, by safety threat priority, should be the goal of the agency.

Sec. 101-37.1209 Aircraft accident and incident investigation and reporting.

Each agency aviation safety program should have an aircraft accident and incident investigation and reporting capability (see subpart 101-37.11).

Sec. 101-37.1210 Education and training.

Each aviation operations program should develop and conduct aviation safety training within applicable OPM guidelines. Identification, development, and presentation of training needs that are unique to respective programs should be accomplished as required. Training frequency, duration, and currency requirements should be developed for each safety discipline, and should consist of initial and recurring training.

Sec. 101-37.1211 Aviation protective equipment.

Each agency should establish an aviation protective equipment program. Such a program should ensure that all personnel flying aboard agency aircraft are equipped with, or have at their disposal, appropriate aviation life support equipment.

Sec. 101-37.1212 Aircrew qualification and certification.

Minimum standards for aircraft operations are established by OPM Position Classification Series GS-2181. Agencies should periodically review operational requirements to establish or revise aircrew standards. Such standards should ensure that aircrew members meet the minimum qualification and certification necessary for the continued safe operation of aircraft.

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Sec. 101-37.1213 Aircraft accident and incident database.

Each agency should establish an aircraft accident and incident data collection system to support an effective aviation safety and accident prevention program. The database should include:

- (a) Owner and operator of the aircraft;
- (b) Federal Aviation Administration registration number or assigned tail number;
- (c) Aircraft make, model, and serial number;
- (d) Location of occurrence;
- (e) Date of mishap (month/day/year);
- (f) Type of mishap, accident, or incident (see Sec. 101-37.1101, Definitions);
- (g) Estimated damage to the aircraft;
- (h) Type of injury; no injury, serious injury, or fatal injury (see Sec. 101-37.1101, Definitions);
- (i) Brief description of the circumstances; and
- (j) Name of the investigator as it appears on the factual report (see Sec. 101-37.1108).

Sec. 101-37.1214 Aviation safety awards program.

Each agency should establish an aviation safety awards program to recognize individuals and organizations for exceptional acts or service in support of the organizational aviation safety program. Such a program should provide for awards in flight, ground, and weapons safety, if applicable.

Subpart 101-37.13 [Reserved]

Subpart 101-37.14--Forms

Sec. 101-37.1400 General.

This subpart provides the necessary information to obtain forms prescribed or available for use in connection with the subject matter covered in part 101-37. These forms are designed to provide a uniform method of requesting and transmitting aviation management information and uniform documentation of transactions among Government agencies.

Sec. 101-37.1401 GSA forms availability.

Copies of the forms identified in paragraphs (a) through (e) of this section may be obtained from the General Services Administration (FBX), Washington, DC 20406.

- (a) GSA Form 3549, Government-owned/Leased Maintenance, Storage, Training, Refueling Facilities (Per Facility).
- (b) GSA Form 3550, Government Aircraft Inventory (Per Aircraft).
- (c) GSA Form 3551, Contract/Rental/Charter Aircraft Cost and Utilization.
- (d) GSA Form 3552, Government Aircraft Cost and Utilization (Per Aircraft).
- (e) GSA Form 3554, Aircraft Contract, Rental/Charter and Support Services Cost Data Form.