

**GENERAL SERVICES  
ADMINISTRATION**

[FPMR Amendment G-117]

**41 CFR Parts 101-37 and 102-33**

RIN 3090-AH63

**Management of Government Aircraft**

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

**SUMMARY:** The General Services Administration (GSA) is revising the Federal Property Management Regulations (FPMR) by moving coverage on the management of aircraft into the Federal Management Regulation (FMR). A cross-reference is added to the FPMR to direct readers to the coverage in the FMR. The FMR coverage is written in plain language to provide agencies with updated regulatory material that is easy to read and understand.

**DATES:** *Effective Date:* November 6, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Peter Zuidema, Director, Aircraft Management Policy Division (MTA), 202-219-1377, or [peter.zuidema@gsa.gov](mailto:peter.zuidema@gsa.gov). For information pertaining to status or publication schedules, contact the Regulatory Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 208-7312. Please cite FPMR Amendment G-117.

**SUPPLEMENTARY INFORMATION:****A. Background**

This final rule updates, streamlines, and clarifies FPMR part 101-37 and moves the part into the Federal Management Regulation (FMR). The rule is written in a plain language question and answer format. This style uses an active voice, shorter sentences, and pronouns. Unless otherwise indicated in the text, the pronouns "we," "you," and their variants refer to an executive agency. A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

As the FPMR part 101-37 was amended a number of times over the years, its organization became a patchwork of rules on various subjects. In the new FMR part 102-33, GSA has reorganized and streamlined the content to address the life-cycle of aircraft management, from acquisition through disposal, and to accommodate revised reporting requirements, as follows:

(1) FPMR part 101-37 contained guidance on cost accounting for Government aircraft. GSA has removed

this detailed guidance because the information is contained in the Government Aircraft Cost Accounting Guide, published by GSA.

(2) FPMR part 101-37 contained regulations on reporting travel of senior Federal officials, approving travel on Government aircraft, and justifying and approving the use of Government aircraft to carry passengers. Because these regulations are essentially travel-related, GSA is moving them to 41 CFR chapters 300 and 301 of the Federal Travel Regulation (FTR). Both the Aircraft Management Policy Advisory Board, established by GSA in 1997 to assess the status of Federal aviation, and the Interagency Committee for Aviation Policy (ICAP) have endorsed this change.

(3) GSA has modified FPMR 101-37.3, Cost Comparisons for Acquiring and Using Aircraft, to focus on requirements for aircraft fleet modernization, including planning, budgeting, and contracting. This new subpart is titled, "Acquiring Government Aircraft and Aircraft Parts."

(4) FPMR part 101-37 contained two separate subparts dealing with "Accident and Incident Reporting and Investigation" and a "Federal Agency Aviation Safety Program." GSA has combined and streamlined these two subparts and incorporated them in FMR part 102-33, subpart C, Managing Government Aircraft and Aircraft Parts. This new subpart also incorporates policy contained in the "Safety Standards Guidelines for Federal Flight Programs," which the ICAP formally adopted in December 1998 and revised in December 1999. These ICAP Safety Standards Guidelines lay out the common requirements that executive agencies will follow to develop their own standards for aviation management/administration, operations, maintenance, training, and safety. Armed Forces aircraft follow safety programs established separately.

(5) GSA has clarified and expanded coverage of acquisition, management, and disposal of aircraft parts (particularly Flight Safety Critical Aircraft Parts (FSCAP) and life-limited parts) and included this guidance as appropriate throughout the subparts of the new rule.

(6) Sections 101-37.502 through 101-37.506 of the FPMR described the information that executive agencies were required to report using the old Federal Aviation Management Information System (FAMIS). GSA has closed down FAMIS, which was an outdated computer system, and is operating a new system, the Federal

Aviation Interactive Reporting System (FAIRS), to collect, analyze, and report information about Federal aviation programs. The agencies' new responsibilities for reporting through FAIRS are described in subpart E of FMR part 102-33, Reporting Information on Government Aircraft. Both the methods of reporting and some of the information to be reported have changed. The agencies submitted their data to FAMIS using digital media or paper, and they had no ability to query the FAMIS database. Now, users submit their data to FAIRS using the Internet, and agencies may query the FAIRS database on an ad hoc basis or access a set of predefined reports. FAMIS generated five major reports; FAIRS eliminates two of these, the "Facilities" and "Aviation Support Services" reports.

(7) Two of the ICAP's subcommittees recommended adding a requirement to report aviation accident and incident data. This new requirement is contained in subpart E of FMR 102-33. GSA will collect aviation accident/incident data through an Internet-based system called the ICAP Aviation Accident and Incident Reporting System (AAIRS). Collecting accident and incident information allows GSA and the agencies to generate statistical reports on Federal aviation safety and gives agencies enhanced opportunity to benchmark their safety programs and set performance measures.

(8) In subpart C of FMR 102-33, GSA has added a requirement that the executive agencies disseminate a "Disclosure Statement for Crewmembers and Qualified Non-Crewmembers Flying on Board Government Aircraft." The statement describes the rights and benefits of crewmembers and qualified non-crewmembers who may be killed or injured while working aboard a Government aircraft operated as a public aircraft. The Department of Transportation in their report, "Development of Plans for Responding to Aviation Disasters Involving Civilians on Government Aircraft" (March 11, 1999), requested that GSA require the agencies to give this disclosure statement to persons who may fly on Government aircraft that are operated as public aircraft. (Government aircraft flying passengers may not operate as public aircraft per Public Law 106-181.)

Despite the major changes from FPMR part 101-37 described above, the overall purpose of the part is unchanged: to provide guidance and assistance to executive agencies on minimizing costs and improving the management and use of Government aviation resources (following direction to the

Administrator of General Services found in Office of Management and Budget (OMB) Circular A-126, "Improving the Management and Use of Government Aircraft," revised May 22, 1992).

#### B. Executive Order 12866

GSA has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

#### C. Regulatory Flexibility Act

A Regulatory Flexibility Analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because there is no requirement that this final rule be published in the **Federal Register** for notice and comment.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not contain any information collection requirements that require the approval of the OMB under 44 U.S.C. 3501, *et seq.*

#### E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

#### List of Subjects

41 CFR Part 101-37

Accounting, Aircraft, Aviation safety, Government property management.

41 CFR Part 102-33

Accounting, Aircraft, Aviation safety, Government property management.

For the reasons set forth in the preamble, GSA amends 41 CFR chapters 101 and 102 as follows:

#### CHAPTER 101—[AMENDED]

#### PART 101-37—GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

1. Revise the Table of Contents for part 101-37 to read as follows:

Sec.

101-37.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102-1 through 102-220).

#### Subpart 101-37.1—Definitions

101-37.100 Definitions.

#### Subparts 101-37.2-101-37.3 [Reserved]

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

101-37.400 General.

101-37.401 [Reserved]

101-37.402 Policy.

101-37.403 Reimbursement for the use of Government aircraft.

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

101-37.405 Approving travel on Government aircraft.

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

101-37.407 Documentation.

101-37.408 Reporting travel by senior Federal officials.

#### Subparts 101-37.5-101-37.14 [Reserved]

2. Revise the authority citation for part 101-37 to read as follows:

**Authority:** 40 U.S.C. 121(c); 486(c); 31 U.S.C. 101 *et seq.*; Reorganization Plan No. 2 of 1970, 35 FR 7959, 3 CFR, 1966-1970 Comp., p. 1070; Executive Order 11541, 35 FR 10737, 3 CFR 1966-1970 Comp., p. 939; and OMB Circular No. A-126 (Revised May 22, 1992), 57 FR 22150.

3. Revise § 101-37.000 to read as follows:

#### § 101-37.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102-1 through 102-220).

(a) For information on Government aviation administration and coordination, see FMR part 102-33, Management of Government Aircraft, (41 CFR part 102-33).

(b) For information on travel on Government aircraft, continue to use the following subparts of the FPMR:

(1) Subpart 101-37.1—Definitions.

(2) Subpart 101-37.4—Use of Government-Owned and -Operated Aircraft.

#### Subparts 101-37.2, 101-37.3, 101-37.5, 101-37.6, 101-37.11, 101-37.12, 101-37.14 [Removed and Reserved]

4. Amend part 101-37 by removing and reserving subparts 101-37.2, 101-37.3, 101-37.5, 101-37.6, 101-37.11, 101-37.12, 101-37.14.

#### CHAPTER 102—[AMENDED]

5. Part 102-33 is added to subchapter B to read as follows:

#### PART 102-33—MANAGEMENT OF GOVERNMENT AIRCRAFT

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**Authority:** 40 U.S.C. 121(c); 31 U.S.C. 101 *et seq.*; Reorganization Plan No. 2 of 1970, 35 FR 7959, 3 CFR, 1066–1970 Comp., p. 1070; Executive Order 11541, 35 FR 10737, 3 CFR, 1966–1970 Comp., p. 939; and OMB Circular No. A–126 (Revised May 22, 1992), 57 FR 22150.

## Subpart A—How These Rules Apply

### General

#### § 102–33.5 To whom do these rules apply?

The rules in this part apply to all federally funded aviation activities of executive agencies of the U.S. Government, except those listed in paragraphs (a), (b), (c), and (d) of this section, who use Government aircraft to accomplish their official business.

(a) The Armed Forces are exempt from all but—

(1) Section 102–33.25(e) and (g), which concern responsibilities related to the Interagency Committee for Aviation Policy (ICAP); and

(2) Subpart D of this part.

(b) The President or Vice President and their offices are exempt.

(c) When an executive agency provides Government-furnished avionics for commercially owned or privately owned aircraft for the purpose of technology demonstration or testing, those aircraft are exempt.

(d) Privately owned aircraft that agency personnel use for official travel (even though such use is federally funded) are exempt.

#### § 102–33.10 May we request approval to deviate from these rules?

Yes, see §§ 102–2.60 through 102–2.110 of subchapter A of this chapter for guidance on requesting a deviation from the requirements in this part. GSA may not grant deviations from the requirements in OMB Circular A–126, “Improving the Management of Government Aircraft,” revised May 22, 1992. You should consult with GSA’s Aircraft Management Policy Division (MTA) before you request a deviation. Also, you should fax a copy of your letter of request to MTA at 202–501–6742 at the same time you mail it to GSA’s Regulatory Secretariat (see § 102–2.90 of subchapter A of this chapter). In most cases, GSA will respond to your written request within 30 days.

#### § 102–33.15 How does this part relate to the Federal Aviation Regulations?

This part does not supersede any of the regulations in 14 CFR chapter I (Federal Aviation Regulations).

#### § 102–33.20 What definitions apply to this part?

The following definitions apply to this part:

**Acquisition date** means the date that the acquiring executive agency took responsibility for the aircraft, *e.g.*, received title (through purchase, exchange, or gift), signed a bailment agreement with the Department of Defense (DOD), took physical custody (in the case of reassignment or interagency transfer), received a court order (in the case of forfeiture), put into operational status an aircraft that is newly manufactured by the agency, or otherwise accepted physical transfer (for example, in the case of a borrowed aircraft).

**Aircraft Management Policy Division (MTA)** is a division in the Office of Transportation and Personal Property, Office of Governmentwide Policy, GSA. Contact MTA staff at 1800 F Street, NW., Washington, DC 20405, Room 1221; (202) 501–4866; fax (202) 501–6742; Web site at <http://www.gsa.gov/aircraftpolicy>.

**Aircraft part** means an individual component or an assembly of components that is primarily designated for and used on aircraft.

**Armed Forces** means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and Reserve components and members serving without component status. For purposes of this part, the National Guard is also included in the Armed Forces.

**Aviation life support equipment (ALSE)** means equipment that protects flight crewmembers and others aboard an aircraft, assisting their safe escape, survival, and recovery during an accident or other emergency.

**Bailed aircraft** means a Federal aircraft that is owned by one executive agency, but is in the custody of and operated by another executive agency under an agreement that may or may not include cost-reimbursement. Bailments are executive agency-to-executive agency agreements and involve only aircraft, not services.

**Borrowed aircraft** means an aircraft owned by a non-executive agency and provided to an executive agency for use without compensation. The executive agency operates and maintains the aircraft.

**Chartered aircraft** means an aircraft that an executive agency hires commercially under a contractual agreement specifying performance and one-time exclusive use. The commercial source operates and maintains a charter aircraft. A charter is one form of a full service contract.

**Commercial aviation services (CAS)** include—

(1) Leasing aircraft for exclusive use or lease-purchasing an aircraft with the intent of taking title;

(2) Chartering or renting aircraft for exclusive use;

(3) Contracting for full services (*i.e.*, aircraft and related aviation services for exclusive use) or obtaining full services through an inter-service support agreement (ISSA); or

(4) Obtaining related aviation services (*i.e.*, services but not aircraft) by commercial contract or ISSA, except those services acquired to support a Federal aircraft.

**Crewmember** means a person assigned to operate or assist in operating an aircraft during flight time.

Crewmembers perform duties directly related to the operation of the aircraft (*e.g.*, as pilots, co-pilots, flight engineers, navigators) or duties assisting in operation of the aircraft (*e.g.*, as flight directors, crew chiefs, electronics technicians, mechanics). For related terms, see *Qualified non-crewmember* and *Passenger* elsewhere in this section.

**Criticality code** means a single digit code that DOD assigns to military Flight Safety Critical Aircraft Parts (FSCAP) (see § 102–33.370).

**Data plate** means a fireproof plate that is inscribed with certain information required by the Federal Aviation Regulations (14 CFR part 45) and secured to an aircraft, aircraft engine, propeller, or propeller blade. The information must be marked by etching, stamping, engraving, or other approved method of fireproof marking. The plate must be attached in such a manner that it is not likely to be defaced or removed during normal service or lost or destroyed in an accident. Data plates are required only on certificated aircraft; however, uncertificated aircraft may also have data plates.

**Declassify** means to remove a non-operational aircraft from the Federal aircraft inventory. Agencies may declassify only non-operational aircraft that they will retain for ground use only. Agencies must declassify an aircraft following the rules in §§ 102–33.415 and 102–33.420.

**Disposal date** means the date that the disposing executive agency relinquishes responsibility for an aircraft, for example, when the agency transfers title in the case of a sale or exchange; returns the aircraft to the lessor or bailer; declassifies it (for FAIRS, declassification is considered a “disposal” action, even though the agency retains the property); or relinquishes custody to another agency

(i.e., in the case of excess (transferred) or surplus (donated or sold) aircraft).

*Donated aircraft* means an aircraft disposed of as surplus by GSA through donation to a non-federal government, a tax-exempt nonprofit entity, or other eligible recipient, following the rules in part 102-37 of this subchapter. (Some agencies, for example DOD, may have independent donation authority.)

*Exclusive use* means a condition under which—

(1) An aircraft is operated for the sole benefit of the U.S. Government; and

(2) The executive agency using the aircraft has operational control of the aircraft and the authority to define departure times, origins and destinations of flights, and payloads, passengers, and cargo.

*Executive agency* means any executive department or independent establishment in the executive branch of the United States Government, including any wholly owned Government corporation. See 40 U.S.C. 472(a).

*Federal Acquisition Regulation (48 CFR chapter 1, parts 1 through 53)* is a codified regulation of the U.S. Government that provides uniform policies and procedures for acquisition of personal property and services by executive agencies.

*Federal aircraft* means an aircraft that an executive agency owns (i.e., holds title to) or borrows for any length of time. When an executive agency loans or bails an aircraft that meets the criteria for Federal aircraft, that loaned or bailed aircraft is still considered a Federal aircraft in the owning agency's inventory except when DOD is the owning agency of a bailed aircraft. In that case, the aircraft is recorded in the inventory of the bailee.

*Federal Aviation Interactive Reporting System (FAIRS)*. (See §§ 102-33.395 through 102-33.440.)

*Federal Aviation Regulation (14 CFR chapter I)* is a codified publication of the U.S. Government that describes uniform policies and procedures for regulating aviation within the national airspace system.

*Federal Supply Service (FSS)* is a component of GSA. FSS is organized by geographical regions. The FSS Property Management Division in GSA's Region 9, 450 Golden Gate Ave., 9FBP, San Francisco, CA 94102-3434, (415) 522-3029, has responsibility for disposing of excess and surplus aircraft.

*Federal Travel Regulation (FTR) (41 CFR chapters 300-304)* is a codified publication of the U.S. Government that describes uniform policies and procedures for managing travel of the executive agencies.

*Flight Safety Critical Aircraft Part (FSCAP)* means any military 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.

*Full service contract* means a contractual agreement through which an executive agency acquires an aircraft and related aviation services (for example, pilot, crew, maintenance, catering) for exclusive use. Aircraft hired under full service contracts are commercial aviation services (CAS), not Federal aircraft, regardless of the length of the contract.

*Government aircraft* means an aircraft that is operated for the exclusive use of an executive agency and is a—

(1) Federal aircraft, which an executive agency owns, bails, loans, or borrows; or

(2) Commercial aircraft hired as commercial aviation services (CAS), which an executive agency—

(i) Leases or lease-purchases with the intent to take title;

(ii) Charters or rents; or

(iii) Hires as part of a full service contract or an inter-service support agreement (ISSA).

*Government Aircraft Cost Accounting Guide (CAG)* means guidance published by GSA based on the cost elements defined in Attachments A and B to OMB Circular A-126 and in OMB Circular A-76, FAIRS, and the U.S. Government Standard General Ledger to account for Government aircraft costs.

*Governmental function* means a federally funded activity that an executive agency performs in compliance with its statutory authorities.

*Intelligence agencies* mean the following agencies or organizations within the U.S. intelligence community:

(1) Central Intelligence Agency.

(2) National Security Agency.

(3) Defense Intelligence Agency.

(4) National Reconnaissance Office.

(5) The Bureau of Intelligence and Research of the Department of State.

(6) Intelligence elements of the Army, Navy, Air Force, Marine Corps, Department of Justice, Department of the Treasury, and Department of Energy.

*Inter-service support agreement (ISSA)* means any agreement between two or more executive agencies

(including the Department of Defense) in which one agency consents to perform aviation support services (i.e., providing an aircraft and other aviation services or providing only services) for another agency with or without cost-reimbursement. An executive agency-to-executive agency agreement that involves only the use of an aircraft, not services, is a bailment, not an ISSA.

*Leased aircraft* means an aircraft hired under a commercial contractual agreement in which an executive agency has exclusive use of the aircraft for an agreed upon period of time. The acquiring executive agency operates and maintains the aircraft. Leased aircraft are hired as commercial aviation services (CAS).

*Lease-purchase aircraft* means a leased aircraft for which the leasing executive agency holds an option to purchase.

*Life-limited part* means any aircraft part that has an established replacement time, inspection interval, or other time-related procedure associated with it. For non-military parts, FAA specifies life-limited parts' airworthiness limitations in 14 CFR chapter I, §§ 21.50, 23.1529, 25.1529, 27.1529, 29.1529, 31.82, 33.4, and 35.5, and on product Type Certificate Data Sheets (TCDS) for products certified before airworthiness limitations were added to 14 CFR chapter I. Letters authorizing Technical Standards Orders (TSO) must also note or reference mandatory replacement or inspection of parts.

*Loaned aircraft* means a Federal aircraft owned by an executive agency, but in the custody of a non-executive agency under an agreement that does not include compensation.

*Military aircraft part* means an aircraft part used on an uncertificated aircraft that was developed for the Armed Forces.

*Non-operational aircraft* means a Federal aircraft that is not safe for flight and, in the owning executive agency's determination, cannot economically be made safe for flight. This definition refers to the aircraft's flight capability, not its mission-support equipment capability. An aircraft that is temporarily out of service for maintenance or repair and can economically be made safe for flight is considered operational.

*Official Government business*, in relation to Government aircraft—

(1) Includes, but is not limited to—  
(i) Carrying crewmembers, qualified non-crewmembers, and cargo directly required for or associated with performing Governmental functions (including travel-related Governmental functions);

(ii) Carrying passengers authorized to travel on Government aircraft (see OMB Circular A-126); and

(iii) Training pilots and other aviation personnel.

(2) Does not include—

(i) Using Government aircraft for personal or political purposes, except for required use travel and space available travel as defined in OMB Circular A-126; or

(ii) Carrying passengers who are not officially authorized to travel on Government aircraft.

*Operational aircraft* means a Federal aircraft that is safe for flight or, in the owning executive agency's determination, can economically be made safe for flight. This definition refers to the aircraft's flight capability, not its mission-support capability. An aircraft temporarily out of service for maintenance or repair is considered operational.

*Original equipment manufacturer* means the person or company who originally designed, engineered, and manufactured, or who currently holds the data rights to manufacture, a specific aircraft or aircraft part.

*Owned aircraft* means an aircraft for which title or rights of title are vested in an executive agency. Owned aircraft are considered Federal aircraft.

*Passenger* means a person flying onboard a Government aircraft who is officially authorized to travel and who is not a crewmember or qualified non-crewmember.

*Production approval holder* means the person or company who holds a Production Certificate (PC), Approved Production Inspection System (APIS), Parts Manufacturer Approval (PMA), or Technical Standards Order (TSO) authorization, issued under provisions of 14 CFR part 21, Certification Procedures for Products and Parts, and who controls the design and quality of a specific aircraft part.

*Qualified non-crewmember* means a person flying onboard a Government aircraft whose skills or expertise are required to perform or are associated with performing the Governmental function for which the aircraft is being operated (qualified non-crewmembers may be researchers, law enforcement agents, fire fighters, agricultural engineers, biologists, etc.). *Qualified non-crewmembers* are not passengers.

*Registration mark* means the unique identification mark that is assigned by the Federal Aviation Administration and displayed on Government aircraft (including foreign aircraft hired as CAS). *Tail number* is commonly used for *registration mark*.

*Related aviation services contract* means a commercial contractual agreement through which an executive agency hires aviation services only (not aircraft), e.g., pilot, crew, maintenance, cleaning, dispatching, or catering.

*Rental aircraft* means an aircraft hired commercially under an agreement in which the executive agency has exclusive use of the aircraft for an agreed upon period of time. The executive agency operates, but does not maintain, a rental aircraft.

*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 needs of the agency or to meet exceptional scheduling requirements. Required use travel must be approved as described in OMB Circular A-126.

*Risk analysis and management* means a systematic process for—

(1) Identifying risks associated with alternative courses of action involved in an aviation operation; and

(2) Choosing from among these alternatives the course(s) of action that will promote optimum aviation safety.

*Safe for flight* means approved for flight and refers to an aircraft, aircraft engine, propeller, appliance, or part that has been inspected and certified to meet the requirements of applicable regulations, specifications, or standards. When applied to an aircraft that an executive agency operates under the Federal Aviation Regulations (14 CFR chapter I), *safe for flight* means "airworthy," i.e., the aircraft or related parts meet their type designs and are in a condition, relative to wear and deterioration, for safe operation. When applied to an aircraft that an executive agency uses, but does not operate or require to be operated under the Federal Aviation Regulations, *safe for flight* means a state of compliance with military specifications or the executive agency's own Flight Program Standards, and as approved, inspected, and certified by the agency.

*Senior Aviation Management Official* means the person in an executive agency who will be the agency's primary member of the Interagency Committee for Aviation Policy (ICAP). This person must be of appropriate grade and position to represent the agency and promote flight safety and adherence to standards.

*Serviceable aircraft part* means a part that is safe for flight, can fulfill its operational requirements, and is sufficiently documented to indicate that the part conforms to applicable standards/specifications.

*Suspected unapproved part* means a non-military aircraft part, component, or

material that any person suspects of not meeting the requirements of an "approved part." Approved parts are those that are produced in compliance with the Federal Aviation Regulations (14 CFR part 21), are maintained in compliance with 14 CFR parts 43 and 91, and meet applicable design standards. A part, component, or material may be suspect because of its questionable finish, size, or color; improper (or lack of) identification; incomplete or altered paperwork; or any other questionable indication. See detailed guidance in FAA Advisory Circular 21-29, "Detecting and Reporting Suspected Unapproved Parts," available from FAA at <http://www.faa.gov>.

*Tail number* (See *registration mark*).

*Traceable part* means an aircraft part whose original equipment manufacturer or production approval holder can be identified by documentation, markings/characteristics on the part, or packaging of the part. Non-military parts are traceable if you can establish that the parts were manufactured under rules in 14 CFR part 21 or were previously determined to be airworthy under rules in 14 CFR part 43. Possible sources for making a traceability determination could be shipping tickets, bar codes, invoices, parts marking (e.g., PMA, TSO), data plates, serial/part numbers, manufacturing production numbers, maintenance records, work orders, etc.

*Training* means instruction for flight program personnel to enable them to qualify initially for their positions and to maintain qualification for their positions over time.

*Travel Management Policy Division (MTT)* means GSA's Office of Transportation and Personal Property, Office of Governmentwide Policy. MTT is responsible for publishing the Federal Travel Regulation (41 CFR chapters 300 through 304), which contains policy for management of travel of U.S. Government personnel and certain others. Contact the MTT staff at 1800 F Street, NW., Washington, DC 20405, Room G-219; (202) 501-1538; see their Web site at <http://www.gsa.gov/travelpolicy>.

*Unsalvageable aircraft part* means an aircraft part that cannot be restored to a condition that is safe for flight because of its age, its physical condition, a non-repairable defect, insufficient documentation, or its non-conformance with applicable standards/specifications.

## Responsibilities

### § 102–33.25 What are our responsibilities under this part?

Under this part, your responsibilities are to—

- (a) Acquire, manage, and dispose of Government aircraft (*i.e.*, Federal aircraft and commercial aviation services (CAS); see § 102–33.45) as safely, efficiently, and effectively as possible consistent with the nature of your agency's aviation missions;
- (b) Document and report the—
  - (1) Types and numbers of your Federal aircraft;
  - (2) Costs of acquiring and operating Government aircraft;
  - (3) Amount of time that your agency uses Government aircraft; and
  - (4) Accidents and incidents involving Government aircraft;
- (c) Ensure that your Government aircraft are used only to accomplish your agency's official Government business;
- (d) Ensure that all passengers traveling on your agency's Government aircraft are authorized to travel on such aircraft (see OMB Circular A–126);
- (e) Appoint (by letter to the Associate Administrator, Office of Governmentwide Policy, GSA) a Senior Aviation Management Official (SAMO), who will be your agency's primary member of the Interagency Committee for Aviation Policy (ICAP) (this paragraph (e) applies to all executive agencies that use aircraft, including the Department of Defense (DOD), the Federal Aviation Administration (FAA), and the National Transportation Safety Board (NTSB);
- (f) Designate an official (by letter to the Associate Administrator, Office of Governmentwide Policy, GSA) to certify the accuracy and completeness of information reported by your agency through the Federal Aviation Interactive Reporting System (FAIRS) (this official may be the SAMO or may be another individual who has the appropriate authority). (Armed Forces agencies, which include DOD and the U.S. Coast Guard, are not required to report information to FAIRS.);
- (g) Appoint representatives of the agency as members of ICAP subcommittees and working groups; and
- (h) Ensure that your agency's internal policies and procedures are consistent with the requirements of OMB Circulars A–126 and A–76 and this part.

### § 102–33.30 What are the duties of an agency's Senior Aviation Management Official (SAMO)?

The SAMO's duties are to—

- (a) Represent the agency's views to the ICAP and vote on behalf of the

agency as needed; contribute technical and operational policy expertise to ICAP deliberations and activities; and serve as the designated approving official for FAIRS when the agency elects to have one person serve as both the SAMO and the designated official for FAIRS (DOD will not have a designated official for FAIRS); and

- (b) Appoint representatives of the agency as members of ICAP subcommittees and working groups.

### § 102–33.35 How can we get help in carrying out our responsibilities?

To get help in carrying out your responsibilities under this part, you may—

- (a) Call or write to GSA's Aircraft Management Policy Division (MTA) (see § 102–33.20); or
- (b) Find more information on the Internet from the following Web sites:
  - (1) <http://www.gsa.gov/aircraftpolicy> (GSA Aircraft Management Policy Division).
  - (2) <http://www.gsa.gov/travelpolicy> (GSA Travel Management Policy Division).

### § 102–33.40 What are GSA's responsibilities for Federal aviation management?

Under OMB Circular A–126, "Improving the Management and Use of Government Aircraft," revised May 22, 1992 (available from <http://www.whitehouse.gov/omb>), GSA's chief responsibilities for Federal aviation management are to maintain—

- (a) A single office (*i.e.*, MTA) for developing policy for improving the management of Federal aviation, including acquisition, operation, safety, and disposal of Government aircraft, and publishing that policy;
- (b) An interagency committee (*i.e.*, the ICAP), whose members represent the executive agencies that use Government aircraft to conduct their official business (including FAA and NTSB specifically) and advise GSA on developing policy for managing Government aircraft; and
- (c) A management information system to collect, analyze, and report information on the inventory, cost, usage, and safety of Government aircraft.

**Note to § 102–33.40:** See OMB Circular A–126 for a complete listing of GSA's responsibilities related to Federal aviation.

## Subpart B—Acquiring Government Aircraft and Aircraft Parts

### Overview

#### § 102–33.45 What is a Government aircraft?

A Government aircraft is one that is operated for the exclusive use of an executive agency and is a—

- (a) Federal aircraft, which an executive agency owns, bails, loans, or borrows; or
- (b) Commercial aircraft hired as commercial aviation services (CAS), which an executive agency—
  - (1) Leases or lease-purchases with the intent to take title;
  - (2) Charters or rents; or
  - (3) Hires as part of a full service contract or an inter-service support agreement (ISSA).

#### § 102–33.50 Under what circumstances may we acquire Government aircraft?

Your agency may acquire Government aircraft when you meet the requirements for operating an in-house aviation program contained in OMB Circular A–76, "Performance of Commercial Activities," August 4, 1983 (available from <http://www.whitehouse.gov/omb>), and when—

- (a) For Federal aircraft—
  - (1) Aircraft are the optimum means of supporting your agency's official business;
  - (2) You do not have aircraft that can support your agency's official business safely (*i.e.*, in compliance with applicable safety standards and regulations) and cost-effectively;
  - (3) No commercial or other Governmental source is available to provide aviation services safely (*i.e.*, in compliance with applicable safety standards and regulations) and cost-effectively; and
  - (4) Congress has specifically authorized your agency to purchase, lease, or transfer aircraft and to maintain and operate those aircraft (see 31 U.S.C. 1343).
- (b) For commercial aviation services (CAS)—
  - (1) Aircraft are the optimum means of supporting your agency's official business; and
  - (2) Using commercial aircraft and services is safe (*i.e.*, conforms to applicable laws, safety standards, and regulations) and is more cost effective than using Federal aircraft, aircraft from any other Governmental source, or scheduled air carriers.

#### § 102–33.55 Are there restrictions on acquiring Government aircraft?

Yes, you may not acquire—

- (a) More aircraft than you need to carry out your official business;

(b) Aircraft of greater size or capacity than you need to perform your Governmental functions cost-effectively; or

(c) Federal aircraft that Congress has not authorized your agency to acquire or Federal aircraft or commercial aircraft and services for which you have not followed the requirements in OMB Circular A-76.

**§ 102-33.60 What methods may we use to acquire Government aircraft?**

Following the requirements of §§ 102-33.50 and 102-33.55, you (or an internal bureau or sub-agency within your agency) may acquire Government aircraft by means including, but not limited to—

- (a) Purchase;
- (b) Borrowing from a non-federal source;
- (c) Bailment from another executive agency;
- (d) Exchange/sale (but only with approval from GSA; see § 102-33.275);
- (e) Reimbursable transfer from another executive agency (see §§ 102-36.75 through 102-36.85 of this subchapter B);
- (f) Transfer from another executive agency as approved by GSA;
- (g) Reassignment from one internal bureau or subagency to another within your agency;
- (h) Forfeiture (you must have specific authority to seize aircraft);
- (i) Insurance replacement (*i.e.*, receiving a replacement aircraft);
- (j) Lease or lease-purchase;
- (k) Rent or charter;
- (l) Contract for full services (*i.e.*, aircraft plus crew and related aviation services) from a commercial source; or
- (m) Inter-service support agreements with other executive agencies for aircraft and services.

**§ 102-33.65 What is the process for acquiring Government aircraft?**

Acquiring aircraft generally follows a three-step process; planning, budgeting, and contracting, as described in §§ 102-33.70 through 102-33.105.

**Planning To Acquire Government Aircraft**

**§ 102-33.70 What directives must we follow when planning to acquire Government aircraft?**

When planning to acquire aircraft, you must follow the requirements in—

- (a) 31 U.S. Code Section 1343, "Buying and Leasing Passenger Motor Vehicles and Aircraft";
- (b) OMB Circular A-126, "Improving the Management and Use of Government Aircraft," revised May 22, 1992;

(c) OMB Circular A-11, Part 7, "Planning, Budgeting, Acquisition, and Management of Capital Assets," revised June 2002;

(d) OMB Circular A-76, "Performance of Commercial Activities," revised June 14, 1999; and

(e) OMB Circular A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs," revised January 22, 2002.

**Note to § 102-33.70:** OMB Circulars are available from <http://www.whitehouse.gov/omb>.

**§ 102-33.75 What other guidance is available to us in planning to acquire Government aircraft?**

You can find guidance for acquisition planning in the "ICAP Fleet Modernization Planning Guide," which is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, and in OMB's "Capital Programming Guide," which is a supplement to OMB Circular A-11.

**OMB Circular A-76**

**§ 102-33.80 Must we comply with OMB Circular A-76 before we acquire Government aircraft?**

Yes, before you acquire Government aircraft, you must comply with OMB Circular A-76 to assure that the private sector cannot provide Government aircraft or related aviation services more cost-effectively than you can provide Federal aircraft and related services (see particularly the Circular's Revised Supplemental Handbook's Appendix 6, Aviation Competitions).

**§ 102-33.85 Where should we send our OMB Circular A-76 Cost-Comparison Studies?**

You should forward copies of the completed A-76 Cost-Comparison studies to OMB upon request or as required by OMB Circular A-11 to justify aircraft purchases and to GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, upon completion of a study.

**The Process for Budgeting To Acquire Government Aircraft**

**§ 102-33.90 What is the process for budgeting to acquire a Federal aircraft (including a Federal aircraft transferred from another executive agency)?**

(a) The process for budgeting to acquire a Federal aircraft or to accept a Federal aircraft transferred from another executive agency requires that you have specific authority from Congress in your appropriation, as called for in 31 U.S.C. 1343, to—

(1) Purchase, lease-purchase, or lease a Federal aircraft and to operate and maintain it; or

(2) Accept a Federal aircraft transferred from another executive agency and to operate and maintain it.

(b) For complete information on budgeting to own Government aircraft (*i.e.*, large purchase of a capital asset), see OMB Circular A-11, Part 7, and the "Capital Programming Guide," Supplement to Part 7, Appendix 7.

**§ 102-33.95 What is the process for budgeting to acquire commercial aviation services (CAS)?**

Except for leases and lease-purchases, for which you must have specific Congressional authorization as required under 31 U.S.C. 1343, you may budget to fund your commercial aviation services (CAS) hires out of your agency's operating budget.

**Contracting To Acquire Government Aircraft**

**§ 102-33.100 What are our responsibilities when contracting to purchase or lease-purchase a Federal aircraft or to award a CAS contract?**

In contracting to purchase or lease-purchase a Federal aircraft or to award a CAS contract, you must follow the Federal Acquisition Regulation (48 CFR chapter 1) unless your agency is exempt from following the Federal Acquisition Regulation.

**§ 102-33.105 What special requirements must we put into our CAS contracts?**

At a minimum, your contracts and agreements must require that any provider of CAS comply with—

- (a) Civil standards in the Federal Aviation Regulations (14 CFR chapter I) applicable to the type of operations you are asking the contractor to conduct;
- (b) Applicable military standards; or
- (c) Your agency's Flight Program Standards (see §§ 102-33.140 through 102-33.185 for the requirements for Flight Program Standards).

**Acquiring Aircraft Parts**

**§ 102-33.110 What are our responsibilities when acquiring aircraft parts?**

When acquiring aircraft parts, you must do the following:

- (a) Acquire the parts cost-effectively and acquire only what you need.
- (b) Inspect and test (as appropriate) all incoming parts and ensure that they are documented as safe for flight before installing them.
- (c) Obtain all logbooks and maintenance records (for guidance on maintaining records for non-military parts, see FAA Advisory Circular 43-9C, "Maintenance Records," which is

available from the Federal Aviation Administration (FAA) at <http://www.faa.gov>.

(d) Plan for adequate storage and protection.

(e) Report all Suspected Unapproved Parts (SUP) to the FAA, SUP Program Office, AVR-20, 45005 Aviation Drive, Suite 214, Dulles, VA 20166-7541, by telephone at 703-661-0580, or by calling the FAA Aviation Safety Hotline at 800-255-1111.

**§ 102-33.115 Are there special requirements for acquiring military Flight Safety Critical Aircraft Parts (FSCAP)?**

Yes, when you acquire military Flight Safety Critical Aircraft Parts (FSCAP), you must—

(a) Accept a FSCAP only when it is documented or traceable to its original equipment manufacturer (a FSCAP's DOD FSCAP Criticality Code should be marked or tagged on the part or appear on its invoice/transfer document; see § 102-33.375 for further explanation of the FSCAP Criticality Codes); and

(b) Not install undocumented, but traceable FSCAP until you have the parts inspected and recertified by the original equipment manufacturer or FAA-approved production approval holder (see § 102-33.370 on FSCAP).

**§ 102-33.120 Are there special requirements for acquiring life-limited parts?**

Yes, when you acquire new or used life-limited parts, you must—

(a) Identify and inspect the parts, ensuring that they have civil or military-certified documentation (*i.e.*, complete life histories); and

(b) Mutilate and dispose of any expired life-limited parts (see § 102-33.370 on handling life-limited parts).

**Subpart C—Managing Government Aircraft and Aircraft Parts**

**Overview**

**§ 102-33.125 If we use Federal aircraft, what are our management responsibilities?**

If you use Federal aircraft, you are responsible for—

(a) Establishing agency-specific Flight Program Standards, as defined in §§ 102-33.140 through 102-33.185;

(b) Accounting for the cost of acquiring, operating, and supporting your aircraft;

(c) Accounting for use of your aircraft;

(d) Maintaining and accounting for aircraft parts;

(e) Reporting inventory, cost, and utilization data (for reporting requirements, see subpart E of this part); and

(f) Properly disposing of aircraft and parts following this part and FMR

subchapter B (41 CFR chapter 102, subchapter B).

**§ 102-33.130 If we hire CAS, what are our management responsibilities?**

If you hire CAS, you are responsible for—

(a) Establishing agency-specific Flight Program Standards, as defined in §§ 102-33.140 through 102-33.185, as applicable, and requiring compliance with these standards in your contracts and agreements;

(b) Accounting for the cost of your aircraft and services hired as CAS;

(c) Accounting for use of your aircraft hired as CAS; and

(d) Reporting the cost and usage data for your CAS hires (for reporting requirements, see subpart E of this part).

**§ 102-33.135 Do we have to follow the direction in OMB Circular A-123, "Management Accountability and Control," June 21, 1995, for establishing management controls for our aviation program?**

Yes, you must follow the direction in OMB Circular A-123, "Management Accountability and Control," June 21, 1995, for establishing management controls for your aviation program. (See Note to § 102-33.70.) The circular requires that you establish organizations, policies, and procedures to ensure that, among other things, your aviation program achieves its intended results and you use your resources consistently with your agency's missions.

**Establishing Flight Program Standards**

**§ 102-33.140 What are Flight Program Standards?**

Flight Program Standards are standards specific to your agency's aviation operations, including your commercial aviation services (CAS) contracts. Your Flight Program Standards must meet the requirements in §§ 102-33.155 through 102-33.185, and they must meet or exceed applicable civil or military rules. When civil or military rules do not apply, you must use risk management techniques to develop Flight Program Standards specifically for your program. In your standards, you must address all aspects of your program, *e.g.*, uncertificated aircraft, high-risk operations, special personnel requirements, that may not be addressed under the rules for civil aircraft in the Federal Aviation Regulations (14 CFR chapter I). The requirements for Flight Program Standards in §§ 102-33.155 through 102-33.185 incorporate and adapt the ICAP's "Safety Standards Guidelines for Federal Flight Programs," revised December 22, 1999, and available from

GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

**§ 102-33.145 Why must we establish Flight Program Standards?**

You must establish Flight Program Standards to ensure that aircraft your agency uses are operated safely, effectively, and efficiently.

**§ 102-33.150 Is any agency exempt from establishing Flight Program Standards under this part?**

Yes, in addition to the Armed Forces and intelligence agencies, entities outside the executive branch of the Federal Government are exempt from establishing Flight Program Standards when using aircraft loaned to them by an executive agency (that is, owned by an executive agency, but operated by and on behalf of the loanee) unless the loanee—

(a) Uses the aircraft to conduct official Government business; or

(b) Is required to follow §§ 102-33.140 through 102-33.185 under a Memorandum of Agreement governing the loan.

**§ 102-33.155 How must we establish Flight Program Standards?**

To establish Flight Program Standards, you must write, publish (as appropriate), implement, and comply with detailed, agency-specific standards, which establish or require (contractually, where applicable) policies and procedures for—

(a) Management/administration of your flight program (in this part, "flight program" includes CAS contracts);

(b) Operation of your flight program;

(c) Maintenance of your Government aircraft;

(d) Training for your flight program personnel; and

(e) Safety of your flight program.

**Management/Administration**

**§ 102-33.160 What standards must we establish or require (contractually, where applicable) for management/administration of our flight program?**

For management/administration of your flight program, you must establish or require (contractually, where applicable) the following:

(a) A management structure responsible for the administration, operation, safety, training, maintenance, and financial needs of your aviation operation (including establishing minimum requirements for these items for any commercial contracts).

(b) Guidance describing the roles, responsibilities, and authorities of your flight program personnel, *e.g.*, managers, pilots and other crewmembers, flight

safety personnel, maintenance personnel, and dispatchers.

(c) Procedures to record and track flight time, duty time, and training of crewmembers.

(d) Procedures to record and track duty time and training of maintenance personnel.

## Operations

### § 102–33.165 What standards must we establish or require (contractually, where applicable) for operation of our flight program?

For operation of your flight program, you must establish or require (contractually, where applicable) the following:

(a) Basic qualifications and currency requirements for your pilots and other crewmembers, maintenance personnel, and other mission-related personnel.

(b) Limitations on duty time and flight time for pilots and other crewmembers.

(c) Compliance with owning-agency or military safety of flight notices and operational bulletins.

(d) Flight-following procedures to notify management and initiate search and rescue operations for lost or downed aircraft.

(e) Dissemination, as your agency determines appropriate, of a disclosure statement to all crewmembers and qualified non-crewmembers who fly aboard your agency's Government aircraft, as follows:

#### *Disclosure Statement for Crewmembers and Qualified Non-Crewmembers Flying on Board Government Aircraft Operated as Public Aircraft*

Generally, an aircraft used exclusively for the U.S. Government may be considered a "public aircraft" as defined in Public Law 106–181, provided it is not a Government-owned aircraft transporting passengers or operating for commercial purposes. A public aircraft is not subject to many Federal Aviation Regulations, including requirements relating to aircraft certification, maintenance, and pilot certification. If an agency transports passengers on a Government-owned aircraft or uses that aircraft for commercial purposes, the agency must comply with all Federal Aviation Regulations applicable to civil aircraft. If you have any questions concerning whether a particular flight will be a public aircraft operation or a civil aircraft operation, you should contact the agency sponsor of that flight.

You have certain rights and benefits in the unlikely event you are injured or killed while working aboard a Government-owned or operated aircraft. Federal employees and some private citizens are eligible for workers' compensation benefits under the Federal Employees' Compensation Act (FECA). When FECA applies, it is the sole remedy. For more information about FECA and its coverage, consult with your agency's benefits office or contact the Branch of Technical Assistance at

the Department of Labor's Office of Workers' Compensation Programs at (202) 693–0044.

State or foreign laws may provide for product liability or "third party" causes of actions for personal injury or wrongful death. If you have questions about a particular case or believe you have a claim, you should consult with an attorney.

Some insurance policies may exclude coverage for injuries or death sustained while working or traveling aboard a Government or military aircraft or while within a combat area. You may wish to check your policy or consult with your insurance provider before your flight. The insurance available to Federal employees through the Federal Employees Group Life Insurance Program does not contain an exclusion of this type.

If you are the victim of an air disaster resulting from criminal activity, Victim and Witness Specialists from the Federal Bureau of Investigation (FBI) and/or the local U.S. Attorney's Office will keep you or your family informed about the status of the criminal investigation(s) and provide you or your family with information about rights and services, such as crisis intervention, counseling and emotional support. State crime victim compensation may be able to cover crime-related expenses, such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. The Office for Victims of Crime (an agency of the Department of Justice) and the U.S. Attorneys Office are authorized by the Antiterrorism Act of 1996 to provide emergency financial assistance to State programs for the benefit of victims of terrorist acts or mass violence.

*If you are a Federal employee.* If you are injured or killed on the job during the performance of duty, including while traveling or working aboard a Government aircraft or other Government-owned or operated conveyance for official Government business purposes, you and your family are eligible to collect workers' compensation benefits under FECA. You and your family may not file a personal injury or wrongful death suit against the United States or its employees. However, you may have cause of action against potentially liable third parties.

You or your qualifying family member must normally also choose between FECA disability or death benefits, and those payable under your retirement system (either the Civil Service Retirement System or the Federal Employees Retirement System). You may choose the benefit that is more favorable to you.

*If you are a private citizen not employed by the Federal government.* Even if the Federal government does not regularly employ you, if you are rendering personal service to the Federal government on a voluntary basis or for nominal pay, you may be defined as a Federal employee for purposes of FECA. If that is the case, you and your family are eligible to receive workers' compensation benefits under FECA, but may not collect in a personal injury or wrongful death lawsuit against the United States or its employees. You and your family may file suit against potentially liable third parties. Before you board a Government aircraft, you may wish to consult with the department or

agency sponsoring the flight to clarify whether you are considered a Federal employee.

If the agency determines that you are not a "Federal employee," you and your family will not be eligible to receive workers' compensation benefits under FECA. If you are onboard the aircraft for purposes of official Government business, you may be eligible for workman's compensation benefits under state law. If an accident occurs within the United States, or its territories, its airspace, or over the high seas, you and your family may claim against the United States under the Federal Tort Claims Act or Suits in Admiralty Act. If you are killed aboard a military aircraft, your family may be eligible to receive compensation under the Military Claims Act, or if you are an inhabitant of a foreign country, under the Foreign Claims Act.

**Note:** This disclosure statement is not all-inclusive. You should contact your agency's personnel office, or if you are a private citizen, your agency sponsor or point-of-contact for further assistance.

(f) At the origin of each flight, creation of a manifest containing the full names of all persons on board for each leg of flight, a point of contact for each person, and phone numbers for the points of contact.

(g) Documentation of any changes in the manifest by leg, and retention of manifests for two years from the time of flight.

(h) Procedures for reconciling flight manifests with persons actually on board and a method to test those procedures periodically.

(i) At the origin of each flight, preparation of a complete weight and balance computation and a cargo-loading manifest, and retention of this computation and manifest for 30 days from the time of flight.

(j) Appropriate emergency procedures and equipment for specific missions.

(k) Procedures to ensure that required Aviation Life Support Equipment (ALSE) is inspected and serviceable.

## Maintenance

### § 102–33.170 What standards must we establish or require (contractually, where applicable) for maintenance of our Government aircraft?

For maintenance of your Government aircraft, you must establish or require (contractually, where applicable) the following:

(a) Aircraft maintenance and inspection programs that comply with whichever is most applicable among—

- (1) Programs for ex-military aircraft;
- (2) Manufacturers' programs;
- (3) FAA-approved programs (*i.e.*, following the Federal Aviation Regulations);

(4) FAA-accepted programs (*i.e.*, those following ICAP guides that have been accepted by the FAA); or

(5) Your agency's self-prescribed programs.

(b) Compliance with owning-agency or military safety of flight notices, FAA airworthiness directives, or mandatory manufacturers' bulletins applicable to the types of aircraft, engines, propellers, and appliances you operate.

(c) Procedures for operating aircraft with inoperable equipment.

(d) Technical support, including appropriate engineering documentation and testing, for aircraft, powerplant, propeller, or appliance repairs, modifications, or equipment installations.

(e) A quality control system for acquiring replacement parts, ensuring that the parts you acquire have the documentation needed to determine that they are safe for flight and are inspected and tested, as applicable.

(f) Procedures for recording and tracking maintenance actions; inspections; and the flight hours, cycles, and calendar times of life-limited parts and FSCAP.

#### Training

##### **§ 102–33.175 What standards must we establish or require (contractually, where applicable) to train our flight program personnel?**

You must establish or require (contractually, where applicable) an instructional program to train your flight program personnel, initially and on a recurrent basis, in their responsibilities and in the operational skills relevant to the types of operations that you conduct. See § 102–33.180(a) for specific requirements for safety manager training.

#### Safety

##### **§ 102–33.180 What standards must we establish or require (contractually, where applicable) for flight program safety?**

For flight program safety, you must establish or require (contractually, where applicable) the following:

(a) The appointment of qualified aviation safety managers (*i.e.*, those individuals who are responsible for an agency's aviation safety program, regardless of title), who must be—

(1) Experienced as pilots or crewmembers or in aviation operations management/flight program management; and

(2) Graduated from an aviation safety officer course provided by a recognized training provider and authority in aviation safety before appointment or within one year after appointment.

(b) Risk analysis and risk management to identify and mitigate hazards and provide procedures for managing risk to an optimum level.

(c) Use of independent oversight and assessments (*i.e.*, unbiased inspections) to verify compliance with the standards called for in this part.

(d) Procedures for reporting unsafe operations to senior aviation safety managers.

(e) A system to collect and report information on aircraft accidents and incidents (as required by 49 CFR part 830 and §§ 102–33.445 and 102–33.450).

(f) A program for preventing accidents, which includes—

(1) Measurable accident prevention procedures (*e.g.*, pilot proficiency evaluations, fire drills, hazard analyses);

(2) A system for disseminating accident-prevention information;

(3) Safety training;

(4) An aviation safety awards program; and

(5) For Federal aircraft-owning agencies, a safety council.

##### **§ 102–33.185 What standards must we establish or require (contractually, where applicable) for responding to aircraft accidents and incidents?**

For responding to aircraft accidents and incidents, you must establish or require (contractually, where applicable) the following:

(a) An aircraft accident/incident reporting capability to ensure that you will comply with the NTSB's regulations (in 49 CFR parts 830 and 831), including notifying NTSB immediately when you have an aircraft accident or an incident as defined in 49 CFR 830.5.

(b) An accident/incident response plan, modeled on the NTSB's "Federal Plan for Aviation Accidents Involving Aircraft Operated by or Chartered by Federal Agencies," and periodic disaster response exercises to test your plan. You can see a copy of the NTSB's plan on the Web at <http://www.nts.gov/publicn/1999/SPC9904.pdf> or htm.

(c) Procedures (see 49 CFR 831.11) for participating as a party in NTSB's investigations of accidents or incidents involving aircraft that your agency owns or hires and for conducting parallel investigations, as appropriate.

(d) Training in investigating accidents/incidents for your agency's personnel who may be asked to participate in NTSB investigations.

(e) Procedures for disseminating, in the event of an aviation disaster that involves one of your Government aircraft, information about eligibility for benefits that is contained in the disclosure statement in § 102–33.165(e)

to anyone injured, to injured or deceased persons' points of contact (listed on the manifest), and to the families of injured or deceased crewmembers and qualified non-crewmembers.

**Note to § 102–33.185:** This part does not supersede any of the regulations in 49 CFR part 830 or part 831. For definitions of terms and complete regulatory guidance on notifying NTSB and reporting aircraft accidents and incidents, see 49 CFR parts 830 and 831.

#### Accounting for the Cost of Government Aircraft

##### **§ 102–33.190 What are the aircraft operations and ownership costs for which we must account?**

You must account for the operations and ownership costs of your Government aircraft as described in the "Government Aircraft Cost Accounting Guide" (CAG), which follows OMB Circular A–126 and is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

##### **§ 102–33.195 Do we need an automated system to account for aircraft costs?**

If you own Federal aircraft or operate bailed Federal aircraft, you must maintain an automated system to account for aircraft costs by collecting the cost data elements required by the Federal Aviation Interactive Reporting System (FAIRS). The functional specifications and data definitions for a FAIRS-compliant system are described in the "Common Aviation Management Information Standard" (C-AMIS), which is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405. See §§ 102–33.395 and 102–33.460 for more information on FAIRS and C-AMIS. Agencies who use only CAS aircraft and do not have Federal aircraft must keep records adequate for reporting information through FAIRS, but are not required to have an automated system (see §§ 102–33.435 and 102–33.440 for the information on CAS that you must report through FAIRS).

##### **§ 102–33.200 Must we periodically justify owning and operating Federal aircraft?**

Yes, after you have held a Federal aircraft for five years, you must justify owning and operating the aircraft by reviewing your operations and establishing that you have a continuing need for the aircraft, as required in OMB Circular A–76. You must also establish the cost-effectiveness of all your aircraft operations following OMB-approved cost justification methodologies, which

are described in OMB Circular A-76 every five years.

**§ 102-33.205 When we use our aircraft to support other executive agencies, must we recover the operating costs?**

(a) Under 31 U.S.C. 1535 and other statutes, you may be required to recover the costs of operating aircraft in support of other agencies. Depending on the statutory authorities under which you acquired and operate your aircraft, you will use either of two methods for establishing the rates charged for using your aircraft:

- (1) The variable cost recovery rate; or
- (2) The full cost recovery rate.

(b) See the Government Aircraft CAG, which is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, for definitions of these terms.

**Accounting for the Use of Government Aircraft**

**§ 102-33.210 How do we account for the use of our Government aircraft?**

To account for the use of Government aircraft, you must document all flights and keep this documentation for two years after the date of the flight. For each flight, record the—

- (a) Aircraft's registration mark;
- (b) Owner and operator (*e.g.*, the owner may not be the operator, as is the case when a CAS aircraft, owned commercially, is operated by U.S. Government personnel);
- (c) Purpose of the flight (*i.e.*, the Governmental function that the aircraft was dispatched to perform);
- (d) Departure and destination points;
- (e) Flight date(s) and times;
- (f) A manifest (see §§ 102-33.165(g) and (h)); and
- (g) Name(s) of the pilot(s) and crewmembers.

**§ 102-33.215 May we use Government aircraft to carry passengers?**

Yes, you may use Government aircraft to carry passengers with the following restrictions:

- (a) You may carry passengers only on aircraft that you operate or require contractually to be operated according to the rules and requirements in Federal Aviation Regulations (14 CFR chapter I).
- (b) For certain kinds of travel, your agency must justify passengers'

presence on Government aircraft (see OMB Circular A-126 and the Government Aircraft Cost Accounting Guide (CAG) published by GSA for complete information on authorizing travel and analyzing costs before authorizing travel on Government aircraft).

**§ 102-33.220 What are the responsibilities of an agency's aviation program in justifying the use of a Government aircraft to transport passengers?**

(a) Upon request from an agency's travel approving authority, the agency's aviation program must provide cost estimates to assist in determining whether or not use of a Government aircraft to carry passengers is justified. See OMB Circular A-126 for more information on justifying travel on Government aircraft. See also the Government Aircraft Cost Accounting Guide (CAG) published by GSA (defined in § 102-33.20) for guidance on estimating the cost of using a Government aircraft. The cost of using a Government aircraft is—

- (1) The variable cost of using a Federal aircraft;
- (2) The amount your agency will be charged by a CAS provider; or
- (3) The variable cost of using an aircraft owned by another agency as reported by the owning agency if you are not charged for the use of the aircraft.

(b) In weighing alternatives for travel on Government aircraft, you must also consider the following:

- (1) If no follow-on trip is scheduled, all time required positioning 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 the 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.
- (4) The use of foreign aircraft as CAS is authorized when the agency has determined that an equivalent level of

safety exists as compared to U.S. operations of a like kind. The safety of passengers shall be the overriding consideration for the selection of travel mode when comparing foreign sources of scheduled commercial airlines and CAS.

**Managing Aircraft Parts**

**§ 102-33.225 How must we manage aircraft parts?**

You must manage your aircraft parts by maintaining proper storage, protection, maintenance procedures, and records for the parts throughout their life cycles.

**§ 102-33.230 May we use military FSCAP on non-military FAA-type certificated Government aircraft?**

You may use dual-use military FSCAP on non-military aircraft operated under restricted or standard airworthiness certificates if the parts are inspected and approved for such installation by the FAA. See detailed guidance in FAA Advisory Circular 20-142, "Eligibility and Evaluation of U.S. Military Surplus Flight Safety Critical Aircraft Parts, Engines, and Propellers."

**§ 102-33.235 What documentation must we maintain for life-limited parts and FSCAP?**

For life-limited parts and FSCAP, you must hold and update the documentation that accompanies these parts for as long as you use or store them. When you dispose of life-limited parts or FSCAP, the up-to-date documentation must accompany the parts. (See § 102-33.370.)

**Subpart D—Disposing of Government Aircraft and Aircraft Parts**

**Overview**

**§ 102-33.240 What must we consider before disposing of aircraft and aircraft parts?**

Before disposing of aircraft and aircraft parts, you must first determine if the aircraft or parts are excess to your agency's mission requirements or if you will need replacements (*i.e.*, your aircraft or parts are not excess), as follows:

(a) If your aircraft/parts are ...	And ...	Then ...
No longer needed to perform, or cannot perform, any Governmental function for your agency, <i>i.e.</i> , they are excess to your needs,	You will not replace them, .....	You must report them to GSA as excess property (see part 102-36 of this subchapter B).

(b) If your aircraft/parts are ...	But ...	Then ...
No longer suitable for performing their mission(s) for your agency,	You need to replace them to continue performing your mission(s).	You are prohibited from exchanging or selling your aircraft unless you ask for and receive approval from GSA to deviate from part 102-39 of this subchapter B. However, exchange/sale of aircraft parts is permitted.

**§ 102-33.245 May we report as excess, or replace (i.e., by exchange/sale), both operational and non-operational aircraft?**

Yes, you may report as excess both operational and non-operational aircraft by following the rules governing excess property in part 102-36 of this subchapter B. Exchange or sale of aircraft is prohibited by part 102-39 of this subchapter B, so you will need approval from GSA to deviate from that part to replace operational or non-operational aircraft by exchange/sale. (See § 102-33.275 for further guidance on this restriction).

**§ 102-33.250 May we report as excess, or replace, declassified aircraft?**

Yes, you may report as excess, or replace, a declassified aircraft (see §§ 102-33.415 through 102-33.420 for information on declassifying aircraft). However, a declassified aircraft is no longer considered an aircraft, but may be considered as a group of aircraft parts or other property for ground use only. You must carry such "aircraft parts or other property" on your property records under the appropriate Federal Supply Classification group(s) (e.g., miscellaneous property, but not as an "aircraft"). For disposal of the property remaining after declassification of an aircraft, you must follow the property disposal regulations in parts 102-36, 102-37, and 102-39 of this subchapter B.

**§ 102-33.255 Must we document FSCAP or life-limited parts installed on aircraft that we will report as excess or replace?**

Yes, you must comply with the documentation procedures described in § 102-33.370 if your aircraft and/or engines contain FSCAP or life-limited parts.

**§ 102-33.260 When we report as excess, or replace, an aircraft (including a declassified aircraft), must we report the change in inventory to the Federal Aviation Interactive Reporting System (FAIRS)?**

(a) Yes, when you report as excess, or replace, an aircraft, you must report the change in inventory to the Federal Aviation Interactive Reporting System (FAIRS). For complete information, see the "FAIRS User's Manual," which is available from GSA, Aircraft Management Policy Division (MTA),

1800 F Street, NW., Washington, DC 20405.

(b) Within 14 calendar days of the date you dispose of the aircraft, you must report—

- (1) The disposal method (e.g., reassignment, inter-agency transfer, donation, sale as surplus or scrap, declassification, or exchange/sale);
- (2) The disposal date; and
- (3) The identity and type of recipient (e.g., State, educational institution, executive agency, commercial vendor).

**Reporting Excess Government Aircraft**

**§ 102-33.265 What are our options if aircraft are excess to our needs?**

If aircraft are excess to your needs, your options include first determining if any of your sub-agencies can use the aircraft. If so, you may reassign the aircraft within your agency. If not, you must report the aircraft as excess property to GSA (see parts 102-36 and 102-37 of this subchapter B). GSA will dispose of the property, giving priority first to transferring it to another Federal agency, next to donating it as surplus property, and finally to selling it to the public as surplus.

**§ 102-33.270 What is the process for reporting an excess aircraft?**

To report an excess aircraft, you must submit a Standard Form (SF) 120, Report of Excess Personal Property (see § 102-2.135 of this chapter), to GSA (Federal Supply Service (FSS) Region 9, 450 Golden Gate Ave., 9FBP, San Francisco, CA 94102-3434, (415) 522-3029). You may also report electronically to GSA's Federal Disposal System (FEDS). For information on reporting excess property electronically, contact the FSS Office of Transportation and Personal Property (FBP), 1941 Jefferson Davis Highway, Room 812, Arlington, VA 22202, (703) 305-7240.

**Replacing Aircraft Through Exchange or Sale**

**§ 102-33.275 Are there restrictions on replacing aircraft by exchange or sale?**

Yes, because aircraft are on GSA's exchange/sale prohibited list (see part 102-39 of this subchapter B), you may not exchange or sell aircraft unless you obtain approval from GSA to deviate from part 102-39 of this subchapter B (see § 102-33.10 on how to request a

deviation). In your letter of request to GSA, you must include the full details of your situation and the proposed transaction and certify that—

- (a) Your agency's mission is dependent upon receiving a replacement aircraft;
- (b) You will be replacing the aircraft with similar-type property (see § 102-39.15 of this subchapter B for a definition of "similar");
- (c) Your replacement will be on a one-for-one basis (you must request and justify a waiver from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, to deviate from the one-for-one rule); and
- (d) The exchange or sale meets all other requirements in part 102-39 of this subchapter B.

**Note to § 102-33.275:** The requirement to get GSA's approval for an exchange/sale does not apply if a Federal statute specifically authorizes your agency to exchange or sell certain aircraft.

**§ 102-33.280 What are our options if we need a replacement aircraft?**

If you need to replace an aircraft, and you have GSA's prior written approval for a deviation (see § 102-33.275), your options include—

- (a) Negotiating and conducting an exchange transaction directly with an aircraft provider and obtaining credit toward the purchase of a replacement aircraft, following the procurement rules applicable to your agency; or
- (b) Selling the aircraft and using the proceeds to offset the cost of purchasing a replacement aircraft, following part 102-39 of this subchapter B. The GSA can conduct sales for you; contact GSA (Region 9) for more information.

**§ 102-33.285 Do we need to include any special disclaimers in our exchange/sale agreements for uncertificated aircraft or aircraft that we have operated as public aircraft (i.e., not in compliance with the Federal Aviation Regulations, 14 CFR chapter I)?**

Yes, when you exchange or sell uncertificated aircraft or aircraft maintained as public aircraft, you must ensure that the exchange or sales offerings contain the following statement:

*Warning to purchasers/recipients.* The aircraft you have purchased or received in an

exchange may not be in compliance with applicable FAA requirements. You are solely responsible for bringing the aircraft into compliance with 14 CFR chapter I, or other applicable standards, by obtaining all necessary FAA inspections or modifications.

**§ 102–33.290 What other disclaimers must we include in our exchange/sale agreements for aircraft?**

When you exchange or sell aircraft, you must ensure that the following disclaimer is signed by the purchaser/recipient and received by the Government before releasing the aircraft to the purchaser/recipient:

The purchaser/recipient agrees that the Government shall not be liable for personal injuries to, disabilities of, or death of the purchaser/recipient, the purchaser's/recipient's employees, or to any other persons arising from or incident to the purchase of this aircraft, its use, or disposition. The purchaser/recipient 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, use, or resale of this item.

**§ 102–33.295 May we exchange or sell an aircraft through reimbursable transfer to another executive agency?**

Yes, you may exchange or sell aircraft through reimbursable transfer to another executive agency if you have prior written approval from GSA to deviate from part 102–39 of this subchapter B (see § 102–33.275). See part 102–39, subpart B, and part 102–36 of this subchapter B for more information on reimbursable transfer of property. Before offering to the public an aircraft that is eligible for exchange/sale, you should consult with other executive agencies to find out if any agency is interested in taking the aircraft for reimbursement in funds or in kind (as you are directed in part 102–39 of this subchapter B).

**Note to § 102–33.295:** Some agencies may also have special congressional authorization to recover costs.

**Disposing of Aircraft Parts**

**§ 102–33.300 What must we consider before disposing of aircraft parts?**

Before disposing of aircraft parts, you must determine if they are excess to your agency's mission requirements or if you will need replacements (*i.e.*, they are not excess). The table in § 102–33.240 shows the differences between excess and replacement parts.

**§ 102–33.305 May we report as excess, or replace, FSCAP and life-limited parts?**

Yes, you may report as excess, or replace, FSCAP and life-limited parts, but they require special handling. See the tables in § 102–33.370.

**§ 102–33.310 May we report as excess, or replace, unsalvageable aircraft parts?**

No, you may not report unsalvageable aircraft parts as excess or exchange or sell them for replacements. You must mutilate unsalvageable parts. You may sell the mutilated parts only as scrap or report that scrap to GSA for sale.

**§ 102–33.315 What are the procedures for mutilating unsalvageable aircraft parts?**

To mutilate unsalvageable aircraft parts, you must—

(a) Destroy the data plates, remove the serial/lot/part numbers, and cut, crush, grind, melt, burn, or use other means to prevent the parts from being misidentified or used as serviceable aircraft parts. See detailed guidance in the FAA's Advisory Circular 21-38, "Disposition of Unsalvageable Aircraft Parts and Materials," available from the FAA. Call your regional FAA Flight Standards District Office for additional guidance;

(b) Ensure that an authorized official of your agency witnesses and documents the mutilation; and

(c) Retain a signed certification and statement of mutilation.

**§ 102–33.320 What must we do if we are unable to perform required mutilation of aircraft parts?**

If you are unable to perform the required mutilation of aircraft parts, you must turn in the parts to a Federal or federally approved facility for mutilation and proper disposition. Ensure that any contractor follows the provisions of § 102–33.315 for mutilating and disposing of the parts.

**§ 102–33.325 What documentation must we furnish with excess/surplus or replaced parts when they are transferred, donated, exchanged, or sold?**

When you transfer, donate, exchange, or sell excess/surplus or replaced parts, you must—

(a) Furnish all applicable labels, tags, and historical and modification records for serviceable aircraft parts;

(b) Mark mutilated parts as unsalvageable (mutilated parts may be sold only for scrap; see § 102–33.315); and

(c) Ensure that all available tags, labels, applicable historical data, life-histories, and maintenance records accompany FSCAP and life-limited parts and that FSCAP criticality codes (see § 102–33.375) are perpetuated on documentation (see § 102–33.330 for additional requirements).

**Reporting Excess Aircraft Parts**

**§ 102–33.330 What must we do with aircraft parts that are excess to our needs?**

If you have aircraft parts that are excess to your needs, you must first determine if any of your sub-agencies can use the parts. If they can, you may reassign them within your agency. If they cannot, then you must report the excess parts to the GSA FSS Office in your region, using SF 120, Report of Excess Personal Property (see § 102–2.135 of subchapter A of this chapter). When reporting excess FSCAP, you must include the manufacturer's name, date of manufacture, part number, serial number, and the appropriate Criticality Code on the SF 120. You may report electronically using the FEDS system. For information on reporting excess property electronically, contact the FSS Office of Transportation and Personal Property (FBP), 1941 Jefferson Davis Highway, Room 812, Arlington, VA 22202, (703) 305–7240. See parts 102–36 and 102–37 of this subchapter B on disposing of excess property.

**§ 102–33.335 What are the receiving agency's responsibilities in the transfer or donation of aircraft parts?**

An agency that receives transferred or donated aircraft parts must:

(a) Verify that all applicable labels and tags and historical and modification records are furnished with serviceable aircraft parts (*i.e.*, parts that are intended for flight use). This requirement does not apply to parts for ground use only. See the tables at § 102–33.370.

(b) Mutilate all transferred or donated parts that you discover to be unsalvageable, and dispose of them properly, following the procedures in § 102–33.315.

**§ 102–33.340 What are GSA's responsibilities in disposing of excess and surplus aircraft parts?**

In disposing of excess aircraft parts, the GSA Federal Supply Service office in your region reviews your SF 120, Report of Excess Personal Property (see § 102–2.135 of subchapter A of this chapter) for completeness and accuracy (of status, condition, and FSCAP and demilitarization codes if applicable) and ensures that the following certification is included on disposal documents (*e.g.*, transfer orders or purchasers' receipts):

Because of the critical nature of aircraft parts' failure and the resulting potential safety threat, recipients of aircraft parts must ensure that any parts installed on an aircraft meet applicable Federal Aviation Regulations and must obtain required certifications. GSA makes no representation as to a part's

conformance with the Federal Aviation Administration's requirements.

**§ 102-33.345 What are a State agency's responsibilities in the donation of Federal Government aircraft parts?**

When a State agency accepts surplus Federal Government aircraft parts for donation, the agency must—

(a) Review donation and transfer documents for completeness and accuracy, and ensure that the certification in § 102-33.340 is included;

(b) Ensure that when the donee determines the part to be unsalvageable, the donee mutilates the part following the procedures in § 102-33.315; and

(c) Ensure that the donee retains, maintains, and perpetuates all documentation for serviceable parts (*i.e.*, parts intended for flight use).

**Replacing Aircraft Parts Through Exchange or Sale**

**§ 102-33.350 Do we need approval from GSA to replace aircraft parts by exchange or sale?**

No, you don't need approval from GSA to replace parts by exchange or sale. However, you must follow the provisions of this subpart and part 102-39 of this subchapter B. Replacement parts do not have to be for the same type or design of aircraft, but you must use the exchange allowance or sales proceeds to purchase aircraft parts to support your aviation program to meet the "similarity" requirement in part 102-39 of this subchapter B.

**§ 102-33.355 May we do a reimbursable transfer of parts with another executive agency?**

Yes, you may request that the Federal Supply Service office in your region approve a reimbursable transfer of aircraft parts under the exchange/sale authority in part 102-39 of this subchapter B to another executive agency as a way to receive parts in exchange or money to be used to purchase replacement parts.

**§ 102-33.360 What is the process for selling or exchanging aircraft parts for replacement?**

(a) You or your agent (*e.g.*, another Federal agency or GSA, Federal Supply Service (FSS)) may transact an exchange or sale directly with a non-federal source or do a reimbursable transfer with another executive agency as long as you or your agent—

(1) Follow the provisions in this part and in part 102-39 of this subchapter B.

(2) Ensure that the applicable labels and tags, historical data and modification records accompany the parts at the time of sale, and that sales offerings on aircraft parts contain the following statement:

*Warning to purchasers/recipients.* The parts you have purchased or received in an exchange may not be in compliance with applicable FAA requirements. You are solely responsible for bringing the parts into compliance with 14 CFR part 21 or other applicable standards, by obtaining all necessary FAA inspections or modifications.

(3) Ensure that the following certification is signed by the purchaser/

recipient and received by the Government before releasing parts to the purchaser/recipient:

The purchaser/recipient agrees that the Government shall not be liable for personal injuries to, disabilities of, or death of the purchaser/recipient, the purchaser's/recipient's employees, or to any other persons arising from or incident to the purchase of this item, its use, or disposition. The purchaser/recipient 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, use, or resale of this item.

(b) GSA, Federal Supply Service (FSS), can conduct sales of aircraft parts for you. Contact your GSA Regional Office for more information.

**§ 102-33.365 Must we report exchange or sale of parts to FAIRS?**

No, you don't have to report exchange or sale of parts to FAIRS. However, you must keep records of the transactions, which GSA may request to see.

**Special Requirements for Disposing of Flight Safety Critical Aircraft Parts (FSCAP) and Life-Limited Parts**

**§ 102-33.370 What must we do to dispose of military FSCAP or life-limited parts?**

To dispose of military FSCAP or life-limited parts, you must use the following tables:

(a) Table 1 for disposing of uninstalled FSCAP and life-limited parts follows:

TABLE 1 FOR DISPOSING OF UNINSTALLED FSCAP AND LIFE-LIMITED PARTS

(1) If an Uninstalled FSCAP ( <i>i.e.</i> , not installed in an aircraft or engine)—		
(i) Is documented .....	Then .....	(A) You may exchange or sell it or transfer it to another executive agency under parts 102-36 and 102-39 of this subchapter B and the rules in this part; (B) GSA may donate it for flight use under part 102-37 of this subchapter B; or (C) GSA may donate it for ground use only, after you mutilate and mark it, "FSCAP—NOT AIRWORTHY" (the State Agency for Surplus Property must certify that the part has been mutilated and marked before donation).
(ii) Is undocumented, but traceable to its original equipment manufacturer (OEM) or production approval holder (PAH)—	Then .....	(A) You may exchange or sell it only to the OEM or PAH under part 102-39 of this subchapter B; (B) GSA may transfer or donate it for flight use, but only by making it a condition of the transfer or donation agreement that the recipient will have the part inspected, repaired, and certified by the OEM or PAH before putting it into service (Note: Mark parts individually to ensure that the recipient is aware of the parts' service status); or (C) GSA may donate it for ground use only, after you mutilate and mark it, "FSCAP—NOT AIRWORTHY" (the State Agency for Surplus Property must certify that the part has been mutilated and marked before donation).

TABLE 1 FOR DISPOSING OF UNINSTALLED FSCAP AND LIFE-LIMITED PARTS—Continued

(iii) Is undocumented and untraceable, you must mutilate it, and—	Then .....	(A) GSA may transfer or donate it for ground use only, after you mark it, "FSCAP—NOT AIRWORTHY" (the State Agency for Surplus Property must certify that the part has been mutilated and marked before donation); or (B) You may sell it only for scrap under §§102–33.310 and 102–33.315.
(2) If an uninstalled life-limited part (i.e., not installed in an aircraft or engine)—		
(i) Is documented with service life remaining.	Then .....	(A) You may exchange or sell it or transfer it to another executive agency under parts 102–36 and 102–39 of this subchapter B and the rules in this part; (B) GSA may donate it for flight use under part 102–37 of this subchapter B; or (C) GSA may donate it for ground use only, after you mutilate and mark it, "EXPIRED LIFE-LIMITED—NOT AIRWORTHY" (the State Agency for Surplus Property must certify that the part has been mutilated and marked before donation).
(ii) Is documented with no service life remaining, or undocumented, GSA may not transfer it to another executive agency for flight use—	But .....	(A) GSA may transfer or donate it for ground use only, after you mutilate and mark it, "EXPIRED LIFE-LIMITED—NOT AIRWORTHY" (the State Agency for Surplus Property must certify that the part has been mutilated and marked before donation); or (B) You must mutilate it and may sell it only for scrap.

(b) Table 2 for disposing of installed life-limited parts follows:

TABLE 2 FOR DISPOSING OF INSTALLED LIFE-LIMITED PARTS

(1) If a life-limited part is installed in an aircraft or an engine, and it—		
(i) Is documented with service life remaining—	Then .....	(A) You may exchange or sell the aircraft or engine, or GSA may transfer the aircraft or engine to another executive agency under parts 102–36 and 102–39 of this subchapter B and the rules in this part; (B) GSA may donate the aircraft or engine for flight use; or (C) GSA may donate the aircraft or engine for ground use only, after you remove the part, mutilate it and mark it, "EXPIRED LIFE-LIMITED—NOT AIRWORTHY." (Note: An internal engine part may be left installed, if, as a condition of the donation agreement, the receiving donee agrees to remove and mutilate the part, and mark it (the State Agency for Surplus Property must certify that the part has been mutilated and marked)).
(i) Is documented with service life remaining—	Then .....	(A) You may exchange or sell the aircraft or engine, or GSA may transfer the aircraft or engine to another executive agency under parts 102–36 and 102–39 of this subchapter B and the rules in this part; (B) GSA may donate the aircraft or engine for flight use; or (C) GSA may donate the aircraft or engine for ground use only, after you remove the part, mutilate it and mark it, "EXPIRED LIFE-LIMITED—NOT AIRWORTHY." (Note: An internal engine part may be left installed, if, as a condition of the donation agreement, the receiving donee agrees to remove and mutilate the part, and mark it (the State Agency for Surplus Property must certify that the part has been mutilated and marked)).

TABLE 2 FOR DISPOSING OF INSTALLED LIFE-LIMITED PARTS—Continued

(ii) Is documented with no service life remaining, or undocumented—	Then .....	<p>(A) You must remove and mutilate the part before you exchange or sell the aircraft or engine (see rules for disposing of uninstalled life-limited parts in Table 1 of paragraph (a) of this section). (Note: If an aircraft or engine is exchanged or sold to its OEM or PAH, you do not have to remove the expired life-limited part);</p> <p>(B) You must remove and mutilate it before GSA may transfer or donate the aircraft or engine for flight use (see the rules for disposing of uninstalled FSCAP in Table 1 in paragraph (a) of this section). (Note: An internal engine part may be left installed, if you identify the part individually to ensure that the receiving agency is aware of the part's service status and, as a condition of the transfer or donation agreement, the receiving agency agrees to remove and mutilate the part before the engine is put into service. You must certify mutilation for transfers, and the State Agency for Surplus Property must certify that the part has been mutilated for donations); or</p> <p>(C) GSA may donate the aircraft or engine for ground use only, after you remove the part, mutilate and mark it "EXPIRED LIFE-LIMITED—NOT AIRWORTHY." (Note: An internal engine part may be left installed, if, as a condition of the donation agreement, the receiving agency agrees to remove and mutilate the part and mark it (the State Agency for Surplus Property must certify that the part has been mutilated and marked)).</p>
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**§ 102–33.375 What is a FSCAP Criticality Code?**

A FSCAP Criticality Code is a code assigned by DOD to indicate the type of FSCAP: Code "F" indicates a standard FSCAP; Code "E" indicates a nuclear-hardened FSCAP. You must perpetuate a FSCAP's Criticality Code on all property records and reports of excess. If the code is not annotated on the transfer document that you received when you acquired the part, you may contact the appropriate military service or query DOD's Federal Logistics Information System (FLIS—FedLog) using the National Stock Number (NSN) or the part number. For assistance in subscribing to the FLIS service, contact the FedLog Consumer Support Office, 800–351–4381.

**Subpart E—Reporting Information on Government Aircraft**

**Overview**

**§ 102–33.380 Who must report information to GSA on Government aircraft?**

You must report information to GSA on Government aircraft if your agency—

- (a) Is an executive agency of the United States Government; and
- (b) Owns, lease-purchases, bails, borrows, loans, leases, rents, charters, or contracts for (or obtains by inter-service support agreement) Government aircraft.

**§ 102–33.385 Is any civilian executive agency exempt from the requirement to report information to GSA on Government aircraft?**

No civilian executive agency is exempt, however, the Armed Forces (including the U.S. Coast Guard, the Reserves, and the National Guard) and U.S. intelligence agencies are exempt from the requirement to report to GSA on Government aircraft.

**§ 102–33.390 What information must we report on Government aircraft?**

- (a) You must report the following information to GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405:
  - (1) Inventory data on Federal aircraft through FAIRS.
  - (2) Cost and utilization data on Federal aircraft through FAIRS.
  - (3) Cost and utilization data on CAS aircraft and related aviation services through FAIRS.
  - (4) Accident and incident data through the ICAP Aircraft Accident Reporting System (AAIRS).
  - (5) The results of cost-comparison studies in compliance with OMB Circular A–76 to justify purchasing, leasing, modernizing, replacing, or otherwise acquiring aircraft and related aviation services.
    - (b) Information on senior Federal officials and others who travel on

Government aircraft to GSA, Travel Management Policy Division (MTT), 1800 F Street, NW., Washington, DC 20405 (see OMB Circular A–126 for specific rules and a definition of senior Federal official).

**Federal Aviation Interactive Reporting System (FAIRS)**

**§ 102–33.395 What is FAIRS?**

FAIRS is a management information system operated by GSA (MTA) to collect, maintain, analyze, and report information on Federal aircraft inventories and cost and usage of Federal aircraft and CAS aircraft (and related aviation services). Users access FAIRS through a highly-secure Web site. The "FAIRS User's Manual" contains the business rules for using the system and is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

**§ 102–33.400 How must we report to FAIRS?**

You must report to FAIRS electronically through a secure Web interface to the FAIRS application on the Internet. For information on becoming a FAIRS user, call GSA, Aircraft Management Policy Division, (MTA).

**§ 102–33.405 When must we report to FAIRS?**

You must report any changes in your Federal aircraft inventory within 14 calendar days. You must report cost and

utilization data to FAIRS at the end of every quarter of the fiscal year (December 31, March 31, June 30, and September 30). However, you may submit your information to FAIRS on a

daily, weekly, or monthly basis. To provide enough time to calculate your cost and utilization data, you may report any one quarter's cost and utilization in the following quarter, as follows:

Quarter	Submit
QTR 1—October 1—December 31 .....	Federal inventory for QTR 1. Federal cost and utilization for previous QTR 4. CAS cost and utilization for previous QTR 4.
QTR 2—January 1—March 31 .....	Federal inventory for QTR 2. Federal cost and utilization for QTR 1. CAS cost and utilization for QTR 1.
QTR 3—April 1—June 30 .....	Federal inventory for QTR 3. Federal cost and utilization for QTR 2. CAS cost and utilization for QTR 2.
QTR 4—July 1—September 30 .....	Federal inventory for QTR 4. Federal cost and utilization for QTR 3. CAS cost and utilization for QTR 3.

**Federal Inventory Data**

**§ 102–33.410 What are Federal inventory data?**

Federal inventory data include information on each of the operational and non-operational Federal aircraft that you own, bail, borrow, or loan. See the "FAIRS User's Manual," published by GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, for a complete listing and definitions of the FAIRS Federal inventory data elements.

**§ 102–33.415 When may we declassify an aircraft and remove it from our Federal aircraft inventory?**

When an aircraft is lost or destroyed, or is otherwise non-operational and you want to retain it, you may declassify it and remove it from your Federal aircraft inventory. When you declassify an aircraft, you remove the data plate permanently, and the resulting "aircraft parts or other property" are no longer considered an aircraft. See §§ 102–33.415 through 102–33.420 for rules on declassifying aircraft, and see part 102–36 or 102–37 of this subchapter B on reporting declassified aircraft as excess.

**§ 102–33.420 How must we declassify an aircraft?**

To declassify an aircraft, you must—  
(a) Send a letter to GSA, Aircraft Management Policy Division (MTA),

1800 F Street, NW., Washington, DC 20405, requesting approval to declassify the aircraft and stating that the aircraft is non-operational (which includes lost or destroyed). In this letter, identify the Federal Supply Classification (FSC) group(s) that the declassified aircraft/parts will fall under if applicable, describe the condition of the aircraft (crash-damaged, unrecoverable, parts unavailable, etc.), and include photographs as appropriate.

(b) Within 14 calendar days of receiving GSA's approval to declassify the aircraft—

(1) Following applicable Federal Aviation Regulations (14 CFR 45.13), request approval from your local FAA Flight Standards District Office (FSDO) to remove the manufacturer's data plate;

(2) Within 14 calendar days of receiving approval from FAA to remove the data plate, inform GSA (MTA) of FAA's approval, send the data plate by courier or registered mail to the FAA, as directed by your FSDO, and remove any Certificate of Airworthiness and the aircraft's registration form from the aircraft, complete the reverse side of the registration form, and send both documents to the FAA.

(c) Delete the aircraft from your FAIRS inventory records and update your personal property records, deleting the declassified aircraft from the aircraft category and adding it to another

Federal Supply Classification group or groups, as appropriate.

**Federal Aircraft Cost and Utilization Data**

**§ 102–33.425 What Federal aircraft cost and utilization data must we report?**

You must report certain costs for each of your Federal aircraft and the number of hours that you flew each aircraft. In reporting the costs of your Federal aircraft, you must report both the amounts you paid as Federal costs, which are for services the Government provides, and the amounts you paid as commercial costs in support of your Federal aircraft. For a list and definitions of the Federal aircraft cost and utilization data elements, see the "FAIRS User's Manual," which is available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

**§ 102–33.430 Who must report Federal aircraft cost and utilization data?**

Executive agencies, except the Armed Forces and U.S. intelligence agencies, must report Federal cost and utilization data on all Federal aircraft. Agencies should report Federal cost and utilization data for loaned aircraft only if Federal money was expended on the aircraft.

**Commercial Aviation Services (CAS) Cost and Utilization Data**

**§ 102–33.435 What CAS cost and utilization data must we report?**

You must report the costs and flying hours for each CAS aircraft you hire. You must also report the costs and contractual periods for related aviation services that you hire (*i.e.*, by contract or through an inter-service support agreement (ISSA)). Report related aviation services that you hire commercially in support of Federal aircraft as “paid out” Federal aircraft costs—do not report them as CAS. See the “FAIRS User’s Manual,” available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405 for a complete description of the CAS data elements reportable to FAIRS.

**§ 102–33.440 Who must report CAS cost and utilization data?**

Executive agencies, except the Armed Forces and U.S. intelligence agencies, must report CAS cost and utilization data. You must report CAS cost and utilization data if your agency makes payments to—

- (a) Charter or rent aircraft;
- (b) Lease or lease-purchase aircraft;
- (c) Hire aircraft and related services through an ISSA or a full service contract; or
- (d) Obtain related aviation services through an ISSA or by contract except

when you use the services in support of Federal aircraft.

**Accident and Incident Data**

**§ 102–33.445 What accident and incident data must we report?**

You must report within 14 calendar days to GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, all aviation accidents and incidents that your agency is required to report to the NTSB. You may also report other incident information. The GSA and the ICAP will use the collected accident/incident information in conjunction with FAIRS’ data, such as flying hours and missions, to calculate safety statistics for the Federal aviation community and to share safety lessons-learned.

**§ 102–33.450 How must we report accident and incident data?**

You must report accident and incident data through the ICAP Aviation Accident and Incident Reporting System (AAIRS), which is accessible from the Internet. Instructions for using the system and the data elements and definitions for accident/incident reporting are available through the system or from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

**Common Aviation Management Information Standard (C-AMIS)**

**§ 102–33.455 What is C-AMIS?**

Common Aviation Management Information Standard (C-AMIS), jointly written by the ICAP and GSA and available from GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405, is a guide to assist agencies in developing or modernizing their internal aviation management information systems. C-AMIS includes standard specifications and data definitions related to Federal aviation operations.

**§ 102–33.460 What is our responsibility in relation to C-AMIS?**

If you use a management information system to provide data to FAIRS by batch upload, you are responsible for ensuring that your system is C-AMIS-compliant. For more information on compliance with C-AMIS, contact GSA, Aircraft Management Policy Division (MTA), 1800 F Street, NW., Washington, DC 20405.

Dated: September 11, 2002.

**Stephen A. Perry,**

*Administrator of General Services.*

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