

## § 101-37.000

## 41 CFR Ch. 101 (7-1-02 Edition)

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

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

### § 101-37.000 Scope of part.

(a) The provisions of this part prescribe policies and procedures and make recommendations for executive

agencies governing the efficient and effective management and utilization of Government-owned, leased, chartered and rented aircraft and related support services.

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

[57 FR 48329, Oct. 23, 1992]

## Subpart 101-37.1—Definitions

### § 101-37.100 Definitions.

In part 101-37, the following definitions apply:

*Acquisition date* means the date the agency acquired the asset.

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

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

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

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

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

*Bailed aircraft* means any aircraft borrowed by a department or agency

from the Department of Defense (DOD), State or local government, or other non-Federal entity.

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

(1) Is leased to the Federal Government for a term of 5 or more years; or

(2) In the case of a new asset with an economic life of less than 5 years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or

(3) Is built for the express purpose of being leased to the Federal Government; or

(4) Clearly has no alternative commercial use; e.g., special-purpose Government installation.

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

*Civil aircraft* means any aircraft other than a public aircraft.

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

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

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

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

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

*Flight Safety Critical Aircraft Part (FSCAP)* means any aircraft part, assembly, or installation containing a

critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shut-down resulting in an unsafe condition.

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

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

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

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

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

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

(1) Central Intelligence Agency;

(2) National Security Agency;

(3) Defense Intelligence Agency;

(4) Offices with the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

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

(6) Intelligence elements of the Army, Navy, Air Force, Marine Corps, Federal Bureau of Investigation, Drug Enforcement Administration, Department of the Treasury, and Department of Energy; and

(7) The staff elements of the Director of Central Intelligence.

*Investigator-in-charge* means the investigator who organizes, conducts, and controls the field phase of the investigation. This investigator shall assume responsibility for the supervision and coordination of all resources and of the activities of all personnel involved in the on-site investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Required use* means use of a Government aircraft for the travel of an executive agency officer or employee to meet bona fide communications or security requirements of the agency or

exceptional scheduling requirements. An example of a bona fide communications requirement is having to maintain continuous 24-hour secure communications with the traveler. Bona fide security requirements include, but are not limited to, life threatening circumstances. Exceptional scheduling requirements include emergencies and other operational considerations which make commercial transportation unacceptable.

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

*Seized aircraft* means an aircraft that has been confiscated by the Federal Government either by summary process or by order of a court of competent jurisdiction pursuant to any law of the United States and whose care and custody will be the responsibility of the Federal Government until final ownership is determined by judicial process.

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

*Senior Federal official* means a person:

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

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

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

payable for the Senior Executive Service under 5 U.S.C. 5382; or

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

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

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

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

*Support service agreement* means a preestablished agreement with a commercial vendor for specific aviation services.

*Undercover aircraft* means an owned, leased, lease purchased, or bailed aircraft that is utilized to gather information for law enforcement purposes. An

undercover aircraft does not display agency markings but is registered with the FAA to the owning agency.

*Unsalvageable aircraft part* is an aircraft part which cannot be restored to an airworthy condition due to its age, physical condition, a non-repairable defect, insufficient documentation, or non-conformance with applicable specifications. For additional information on disposition of such parts refer to FAA Advisory Circular No. 21-38, or other current applicable guidelines.

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

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

*Variable costs* means the costs of operating aircraft that vary depending on how much the aircraft are used. For specific variable aircraft program cost information see § 101-37.201(a).

[60 FR 3548, Jan. 18, 1995, as amended at 62 FR 43472, Aug. 14, 1997]

### Subpart 101-37.2—Accounting for Aircraft Costs

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

#### § 101-37.200 General.

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

#### § 101-37.201 Standard aircraft program cost elements.

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

(a) *Variable costs*. The variable costs of operating aircraft are those costs

that vary depending on how much the aircraft are used. The specific variable cost elements include:

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

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

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

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

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

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