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AVIATION MANAGEMENT AND SAFETY

I. Purpose

To establish the framework for an efficient, effective, secure, and safe aviation program for the Department of Homeland Security (DHS) and its contractor aviation operations.

II. Scope

A. This Management Directive (MD) applies to all DHS Organizational Elements (OE) (as defined in MD 0010.1 "Management Directives System and DHS Announcements") and their contractors involved with the management, operation, and/or maintenance of aircraft and related services, and OEs that obtain Commercial Aviation Services (CAS) (Para 3, Definitions), except as indicated in exclusions in paragraph II.B, below.

B. **Exclusions.** The management and safety requirements in paragraph VI of this MD do not apply to:

1. Aircraft owned by the Armed Forces, or operated on behalf of the U.S. Government by Armed Forces personnel, as set forth in Section 40125(c) of Title 49, United States Code,
2. Aircraft owned and operated by other government agencies when used by DHS OEs during emergencies where loss of life or property is imminent, and the manager in charge approves the operation and certifies that this is the only reasonable option,
3. Aircraft owned and operated by another government agency in a non-emergency if:
 - a. The requirements of 41 CFR, Part 102.33.140, are established in a governing document (e.g., a memorandum of agreement or memorandum of understanding), and
 - b. The government agency meets the standards established by the OE's field element, and
 - c. The aviation program manager of the OE requesting support approves the operation, or

- d. The flights are scheduled airline operations conducted by U.S. air carriers.

III. Authorities

This MD is governed by numerous national policy circulars, regulations and directives such as:

- A. 5 CFR, § 2635, “Standards of Conduct for Employees of the Executive Branch.”
- B. 14 CFR, Chapter 1, § 21, 43, 61, 65, 91, 119, 135.117, 121.571, “Federal Aviation Regulations (FAR).”
- C. 41 CFR § 101-37, “Federal Property Management Regulations (FPMR).”
- D. 41 CFR § 102-33, “Federal Management Regulation (FMR).”
- E. 49 CFR, § 820,830, “National Transportation Safety Board.”
- F. 49 CFR, § 40125, “Qualification for Public Aircraft Status.”
- G. Federal Aviation Administration Advisory Circular on Government Aircraft (AC 1-1 dated 1995).
- H. National Transportation Safety Board (NTSB) document “Federal Plan for Aviation Accidents Involving Aircraft Operated by or Chartered by Federal Agencies”, Appendix F (NTSB/SPC-99-04).
- I. National Archives and Records Administration Transmittal #9.
- J. OMB Circular A-76, “Performance of Commercial Activities.”
- K. OMB Circular A-123, “Internal Control Systems.”
- L. OMB Circular A-126 (Revised), dated 5-22-92, “Improving the Management and Use of Government Aircraft.”

IV. Definitions

- A. **(Aircraft) Accident.** An occurrence associated with the operation of an aircraft that 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, serious injury, or the aircraft receives substantial damage.

B. **Approving Official.** An individual delegated the authority to approve planned official travel within an office or division and who determines that the travel is necessary and that funds are available. This person is also responsible for reviewing travel vouchers to ensure that the traveler performed the travel as authorized.

C. **Bailed Aircraft.** 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.

D. **Charter Aircraft.** An aircraft operated and maintained by a commercial aviation service provider that is hired by DHS under a contractual agreement specifying performance and a one-time exclusive use.

E. **Commercial Aviation Services (CAS).** Includes the following:

1. Leased aircraft,
2. Aircraft chartered or rented for exclusive use,
3. Full services (i.e., aircraft maintenance providers, aircraft, and related aviation services for exclusive use) contracted or obtained through an inter-service support agreement (ISSA), regardless of the length of the contract or agreement or,
4. Aviation services (i.e., services but not aircraft) obtained by commercial contract or ISSA, except those services acquired to support a Federal aircraft.

F. **Company Aircraft.** An aircraft owned by a corporation, a private business, a non-profit organization, or union that is not engaged in public commercial aviation purposes or for hire to the general public.

G. **Crew Member.** A person assigned to operate or assist in operating an aircraft. Who performs duties directly related to the operation of the aircraft (e.g., pilots, co-pilots, flight engineers, navigators) or duties assisting in operation of the aircraft (e.g., flight directors, crew chiefs, electronics technicians, mechanics). If a crewmember is onboard for the purpose of travel, (i.e., being transported from point to point) he/she must be authorized to travel in accordance with rules in 41 CFR 301-10.260 through 301-10.266 and 41 CFR 301-70.800 through 301-70.903.

H. **Qualified non-crew member.** A person flying on a Government aircraft whose skills or expertise are required to perform, or are associated with performing the non-travel related Governmental function for which the aircraft is being operated (qualified non-crewmembers may be researchers, law enforcement agents, firefighters, agricultural engineers, biologists, etc.) If a qualified non-crewmember is onboard for the purpose of travel (i.e., being transported from point to point), in addition to performing his/her duties related to the non-travel related Governmental function for which the aircraft is being operated (e.g., when a scientist conducts an experiment at the same time he/she is also on the aircraft for the purpose of traveling from point to point), he/she must be authorized to travel in accordance with rules in 41 CFR parts 301-10 and 301-70.

I. **Governmental Function.** The term “governmental function” means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

J. **Federal Aircraft.** An aircraft that an Executive Branch agency owns, bails, or borrows for any length of time.

K. **Government Aircraft.** An aircraft that is operated for the exclusive use of an executive agency and is a Federal aircraft, which an executive agency owns (i.e., holds title to) or borrows for any length of time under a bailment or equivalent loan agreement, or is a Commercial aircraft hired as commercial aviation services (CAS).

L. **(Aircraft) Incident.** An occurrence associated with the operation of an aircraft, other than an accident, that affects or could affect the safety of operations.

M. **Mission Personnel.** Individuals who are crew members, or qualified non-crew members, assigned to an aircraft for a specific mission. (See definitions G. and H. above.)

N. **Mission Requirements.** Activities that constitute the discharge of the Department’s official responsibilities. Travel aboard Government aircraft for purposes of attending meetings, site visits, conferences, or making speeches are examples of travel that are not mission requirements.

O. **National Capital Region (NCR)**. Per Executive Order 13150 definition, consists of the District of Columbia; Montgomery, Prince George's, and Frederick Counties in Maryland; Arlington, Fairfax, Loudon, and Prince William Counties in Virginia; and cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of the counties listed above.

P. **Official Travel**. Travel that falls into of these categories: mission requirements, required use transportation, or other transportation required for the conduct of agency business.

Q. **Passenger**. In relation to use of Government aircraft, a passenger is any person who flies onboard a Government aircraft, but who is not a crewmember or qualified non-crewmember.

R. **Private Aircraft**. Aircraft owned by an individual, or group of individuals, and which is not engaged in commercial aviation activities or for hire to the general public.

S. **Required Use Travel**. Travel of a DHS official or employee for whom the use of Government aircraft is required/directed to meet pre-determined, bona fide communications or security needs 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 the use of scheduled commercial transportation unacceptable.

T. **Senior Federal Official**. An individual who is: (1) paid according to the Executive Schedule established by 5 U.S.C. 53, Subchapter II, including Presidential appointees who are confirmed by the Senate; (2) employed in the U.S. Government's Senior Executive Service or an equivalent "senior" service; (3) is a civilian employee of the Executive Office of the President; (4) appointed by the President to a position under Section 105(a)(2)(A), (B), or (C) of Title 3 U.S.C., or by the Vice President to a position under Section 106(a)(1)(A), (B), or (C) of Title 3 U.S.C; (5) a contractor working under contract with an Executive agency, and who is paid at a rate equal to, or more than, the minimum rate for the Senior Executive Service, and has senior executive responsibilities.

U. **Secondary Purpose of Transportation**. Official travel on a Government aircraft that is already scheduled for mission requirements.

V. **Space Available Travel**. Travel where additional seating is available on a Government aircraft that is already scheduled for an official purpose without degrading mission capability.

W. **Sponsoring Agency**. A U.S. Government Agency with primary responsibility for the mission under which the travel was initiated.

X. **Full Coach Fare**. The price of a coach fare available to the general public on a scheduled air carrier between the day that the travel was planned and the day the travel occurred.

Y. **Actual Cost**. All costs associated with the use and operation of a DHS or other Government aircraft, in accordance with Attachment A of OMB Circular A-126.

V. Responsibilities

A. The **Chief of Administrative Services** shall coordinate with the Office of Management and Budget (OMB) and the General Services Administration (GSA) to develop DHS-wide aircraft guidance, and develop and oversee the implementation of DHS aviation policies and procedures. The Chief of Administrative Services also has oversight responsibilities for the life cycle management of aviation assets and compliance with OMB Circular A-123, "Internal Control Systems", regarding reports of weaknesses in aircraft programs.

B. The **Assistant Secretary for Legislative Affairs** shall review and approve requests from congressional travelers to use DHS aircraft. However, travel aboard DHS aircraft (other than Coast Guard aircraft) by other than crew members and qualified non-crew members can only be approved for aircraft that have a current certificate of airworthiness issued by the Federal Aviation Administration.

C. The **Chief Financial Officer (CFO)** shall review DHS planned aircraft acquisitions and other aircraft related actions as part of the budgetary process. The CFO is also responsible for evaluating and submitting to OMB, as part of the next Departmental budget submission, a copy of the results of each OE's biennial review of the continuing need/justification for all of their aircraft, and the cost effectiveness of their aircraft operations in accordance with the requirements of OMB Circular A-76.

D. **Heads of Department OEs that conduct aviation operations within their programs will:**

1. Develop and implement effective aviation operations, airworthiness, security, and safety programs that meet the requirements of this MD.
2. Ensure that clear accountability for management and use of DHS aircraft is established at a senior management level within the OE.

3. Ensure that internal policies and procedures for procuring aircraft and related services are consistent with the requirements of OMB Circulars A-76 and A-126.
4. Ensure that aircraft programs comply with the internal control requirements of OMB Circular A-123, and that aircraft programs are in the OE's Management Control Plan.
5. Ensure that cooperation is provided to GSA through participation in interagency working groups and other means to assist in developing aircraft management policies and standards, as required by OMB Circular A-126, and collecting aircraft information and other requirements of FMR 41 CFR Part 102-33.
6. Ensure that all request to GSA for a waiver to exchange/sale an aircraft are processed through the Chief of Administrative Services.
7. Appoint an Aviation Program Manager, or Aviation Safety Officer, or both, depending upon the scope of operations, number of aviation operations conducted, and/or number and type of aircraft assigned.
8. Designate an Aviation Manager to serve as a member on the DHS Aviation Management Council and Aviation Commodity Council.

E. **The Administrative Services Office Aviation Program Manager will:**

1. Implement DHS' aviation management and safety policies and establish the OE's standards for an aviation program that will ensure an effective, safe, secure, and cost efficient operation.
2. Provide direction to aviation contractors regarding required aviation services. This includes the types of missions that are required and the regulations, policies, and standards that contractors are to follow.
3. Serve as a member on the DHS Aviation Commodity Council and Aviation Management Council.
4. Review, in collaboration with appropriate DHS offices, the use of aviation assets to ensure the safe and efficient management of the Department's aviation services and resources.
5. Provide technical assistance and guidance, and be the focal point for the collection, retention, evaluation, and dissemination of aviation information.

VI. Policy & Procedures

A. Policy.

1. Except for certain airspace rules that apply to all aircraft [reference FAA Act of 1958, Title 49 United States Code (U.S.C.), Subtitle VII], the Federal Aviation Administration (FAA) has no legal jurisdiction over “public aircraft” operations. Therefore, for federally owned or operated aircraft DHS must be self-regulating [refer to 49 U.S.C. 410125(a) 37]. However, when a federally owned aircraft is carrying personnel not essential to the performance of a governmental function for which the aircraft was dispatched, or when an aircraft operation is conducted for compensation from outside of the Federal Treasury, then for that operation the aircraft is considered a “civil” aircraft and is required to comply with the applicable sections of the Federal Aviation Regulations [Title 14 Code of Federal Regulations (CFR) Chapter 1, Parts 21, 43, 61, 65, 91, 119] and DHS policy

2. DHS OEs that use Commercial Aviation Services (CAS) exclusively for the performance of governmental missions or passenger operations, must require the vendor or contractor to comply with the civil aviation standards [Title 14 CFR, Chapter 1 and 49 CFR Chapter XII] applicable to the type of operations conducted while in service to the Department or its contractor.

3. Aircraft owned or operated by the Department, other than aircraft operations excluded by paragraph II.B, must have a Federal Aviation Administration (FAA) accepted or FAA-approved Continued Airworthiness Maintenance and Inspection Program [Title 14 CFR, Chapter 1, Part 91.409, paragraph g], applicable to the type and model aircraft operated, before entering service with the Department.

4. DHS OEs will prepare and maintain passenger manifests for all flights. A copy of the manifest will be kept for 2 fiscal years following the end of the year during which the flight occurred, in accordance with National Archives and Records Administration Transmittal 9. As a minimum, the manifest will consist of the information contained in Attachment 2.

5. OE policies for the use of DHS aircraft operating in support of DHS programs shall be consistent with this MD, and shall be developed and implemented by the OE holding and operating the DHS aircraft. Use of any DHS aircraft for transporting passengers and/or cargo shall be governed by this MD.

6. DHS OEs must ensure that aviation operations perform weight and balance calculations to ensure that aircraft are within the manufacturers' and FAA- or military-established weight and balance limitations for each operation, flight, or mission profile for which the aircraft is to be operated.

7. DHS OEs must ensure that passenger safety briefings fulfill the requirements set forth in 14 CFR Part 135.117 or 121.571, and those established in the National Transportation Safety Board (NTSB) document "Federal Plan for Aviation Accidents Involving Aircraft Operated by or Chartered by Federal Agencies", Appendix F (NTSB/SPC-99-04); (See Attachment 3.)

8. The use of company and private aircraft by Senior Federal Officials and political appointees must be coordinated through the Office of Asset Management (OAM) for DHS General Counsel's approval, to ensure compliance with 5 CFR, Part 2635.

B. **Procedures.**

1. **Reporting Requirements:** The following reporting requirements are established to ensure Federal aircraft and CAS are effectively used, program needs are met, and accurate information is obtained to report accountability to appropriate oversight entities:

a. Each OE operating, using, or sponsoring the use of Government aircraft must appoint a responsible individual to maintain the required records and reports of aircraft use and the other required reports established by this MD. This appointment must be in writing, must constitute a significant duty, and the name and appointment order must be on record with the Management Directorate, Aviation Program Office,

b. Every use of Government aircraft requires quarterly reporting of relevant information to the Federal Aviation Interactive Reporting System (FAIRS), IAW the Federal Management Regulations or successor regulations promulgated by GSA.

c. Each OE shall submit to the OAM semi-annual reports on non-mission travel on Government aircraft by senior Federal officials, dependents, and non-Federal travelers and mission travel on Government aircraft by senior Federal officials. This information is required for consolidation and reporting to GSA and OMB in the Senior Federal Travel Report.

d. Reports on classified trips shall not be reported to GSA, but must be maintained by the OE using the aircraft and be available for review as authorized. The report will include the following information:

- (1) Agency/Organization.
- (2) Name of the traveler.
- (3) Number of flights.
- (4) Traveler status (e.g., Senior Federal Official, Senior Executive Branch employee, Non-Federal employee, etc.)

2. **Accepted Aircraft Operators.** The Department occasionally relies on the aircraft support of other Federal, State, and local government agencies. Verification of the operator's compliance with government aviation safety standards, except for the exclusions in paragraph II.B, above, is required before personnel can travel or conduct missions on other Government aircraft, including those owned or operated by foreign governments.

3. **Foreign Air Carriers.**

a. The use of foreign aircraft, whether Government, scheduled commercial airline, or CAS provider, presents special problems for DHS travelers. Foreign operators may not meet the high standards of safety and oversight required of operators in the United States. While most nations, including the United States, subscribe to the standards of the International Civil Aviation Organization (ICAO), compliance by foreign air carriers is dependent on the ability and expertise of the governments of the nations wherein they reside to provide proper oversight. FAA conducts monitoring and reporting of a foreign country's ability to properly oversee aviation standards. DHS accepts FAA's International Aviation Safety Assessment (IASA) program determination of a foreign government's ability to oversee its flagged air carriers as meeting the ICAO standards and therefore, their acceptability for DHS use. To be fully acceptable under these criteria, the flagging ("host") country must be rated as "level 1" by IASA. Individual foreign airlines that demonstrate an unusually high accident history may be deemed unacceptable for passenger travel by OAM, even though their host ("flagging") countries meet the oversight criteria.

b. Foreign CAS providers may not be subject to the same oversight as scheduled commercial carriers in the same country. Military aircraft of foreign nations are not subject to the ICAO standards.

4. **Contractors.**

a. All DHS aviation contractors and sub-contractors, at every level, are responsible for compliance with this MD.

b. Contractors (and/or sub-contractors) that only use CAS in support of DHS program requirements must comply with the regulations and guidance in Title 14 CFR, Chapter 1 and 49 CFR, Chapter XII, applicable to the type of operations conducted while in service to the Department.

c. Each vendor or contractor that provides CAS must have a FAA-accepted or FAA-approved Continued Airworthiness Maintenance and Inspection Program [Title 14 CFR, Chapter 1, Part 91.409 (g)], applicable to the type(s) and model(s) aircraft operated, if operating former military aircraft - other than aircraft owned by the U.S. Armed Forces or operated on behalf of the U.S. Government by U. S. Armed Forces personnel, as defined by United States Code (U.S.C.) Title 10.

d. The CAS provider must give passenger safety briefings [Title 14 CFR, Chapter 1, Part 135 or 121] that fulfill the requirements established in the NTSB document, "Federal Plan for Aviation Accidents Involving Aircraft Operated by or Chartered by Federal Agencies", Appendix F (NTSB/SPC-99-04). (See Attachment # 3.)

e. Must report metrics requirements established by DHS, to ensure CAS are effectively used, program needs are met, and accurate information is obtained to provide accountability to appropriate oversight entities.

5. **Management and Use of DHS Aircraft.**

a. The management and use of DHS aircraft will comply with OMB Circular A-126, "Improving the Management and Use of Government Aircraft". The following policies apply to the management and use of DHS aircraft:

- (1) Federal aircraft in service to DHS must be operated and maintained in accordance with Departmental policy, the applicable parts of 14 CFR, Chapter I; 49 CFR Chapter XII; and/or equivalent international standards appropriate for the operations and type of aircraft in service.
- (2) DHS aircraft shall only be used for official purposes.
- (3) The number and size of DHS aircraft acquired by an OE and the capacity of those aircraft to carry passengers and cargo shall not exceed the level necessary to meet the OE's mission requirements.
- (4) OEs shall use their aircraft in the most cost-effective way to meet their requirements.
- (5) Qualified flight crews shall accomplish all DHS aircraft operations in airworthy aircraft. All practical and necessary steps shall be taken in aircraft operations to avoid loss of life, personal injury, property loss, or mission failure.
- (6) All applicable requirements of OMB Circular A-126 must be met, including all requirements related to approving the use of DHS aircraft, for: Official transportation, required use transportation, transportation of senior Federal officials and/or members of their families, and non-Federal travelers.
- (7) All applicable requirements of OMB Circular A-76 shall be met prior to purchasing, leasing, or otherwise acquiring DHS aircraft and related services, to ensure that these aircraft and services cannot be obtained from, and operated by, the private sector more cost effectively.
- (8) The continuing need for all DHS aircraft, and the cost effectiveness of DHS aircraft operations, shall be reviewed in accordance with the requirements of OMB Circular A-76. Any DHS aircraft not fully justified by these reviews shall be reported as excess and released for disposition.
- (9) Commercial transportation shall be used for passengers and/or cargo to the maximum extent practicable, consistent with effectively and economically meeting mission requirements. Use of DHS aircraft for transporting passengers and/or cargo, including such use on a Space Available basis, shall be in accordance with the provisions of this MD.

(10) DHS aircraft may not be used for political activities, except where incidental political activities add no additional costs and where no additional stops are required. Reimbursement with respect to incidental political activity of the traveler shall be made in accordance with OMB Circular A-126 and other applicable guidance.

6. **Use of DHS Aircraft for Mission Requirements.**

a. DHS aircraft are used to support defined DHS programs that must be accomplished to carry out statutory responsibilities.

b. Approval Authority for Mission Required Flights.

(1) All mission requirements flights on DHS aircraft must be approved in accordance with procedures established by the OE holding and operating the aircraft. In no case shall the approving authority be below the level of USCG Captain O-6 (or Commanding Officer or Duty Officer of a unit with aircraft), GS/GM-14, or other equivalent level in an OE.

(2) Officials ranked below the DHS senior level officials identified in subparagraph b. (1), above, or other equivalent positions in an OE, shall not approve their own mission flights.

(3) On an exception basis, persons below the levels in subparagraphs b. (1)&(2), above, may approve their own mission flights when prior approval is not practicable (e.g., unscheduled flights). However, such flights shall also be approved by a higher approval authority as soon as possible after the flight.

(4) Whenever a DHS aircraft, used to fulfill a mission requirement, is also used for transportation of passengers and/or cargo, such transportation is subject to all approval and other applicable requirements of this MD relating to the transportation of passengers and/or cargo.

7. **Use of DHS Aircraft for Transportation of Passengers and/or Cargo.**

a. Commercial airline (including charter) or aircraft service shall be used for transporting passengers and/or cargo to the maximum extent practicable, consistent with effectively and economically meeting mission requirements. DHS aircraft, however, may be used to transport passengers and/or cargo in accordance with this MD.

b. OEs must prepare implementing directives for passenger and or cargo flights IAW this MD, which shall specify in detail the positions authorized to approve passenger and/or cargo flights. Further delegation of this approval authority is not permitted.

c. Cost Comparisons

(1) When the use of a DHS aircraft for the primary purpose of transporting passengers and/or cargo is considered, an advance, written cost comparison shall be performed unless otherwise stated in this MD. (See Attachment 1, Cost Comparisons with Commercial Transportation.) The OE requesting use of the aircraft is responsible for performing the cost comparison.

(2) Required Use Transportation. Cost comparisons are not required for "Required Use" transportation, provided:

(a) A determination is made under paragraph e.1., below, that Required Use Transportation is appropriate; and

(b) The flight record contains adequate written justification clearly showing the reasons for use of DHS aircraft under these conditions; and

(c) The flight record shows the approximate flight hour cost of the particular aircraft.

d. Certification Requirement for Certain Space Available Transportation. 41 CFR, Part 301-70, requires a special certification requirement whenever a DHS aircraft, used to fulfill a mission requirement, is also used to transport senior Federal officials, members of their families, or other non-Federal travelers on a "Space Available" basis (except as authorized under 10 U.S.C. 4744 (military Space Available program) and regulations implementing that statute.) The certifying official shall be the same individual within the OE who is the approving authority for the mission flight. This individual must certify, in writing, prior to the flight that the aircraft is scheduled to perform a bona fide mission activity; that the minimum mission requirements have not been exceeded in order to transport such "Space Available" travelers; and such "Space Available" use does not require a larger aircraft than was needed for the original official purpose. Falsification of this certification, or other portions of the flight record, could result in criminal prosecution under 18 U.S.C. 1001, or other appropriate disciplinary action. In special emergency situations, an after-the-fact, written certification by the OE is permitted. The original of the written certification shall be included as part of the official flight records.

e. Transportation of Passengers/Approval Requirements. The following policies and procedures apply when DHS aircraft are used for official transportation. The specific approval requirements for each passenger being transported are determined by the type of passenger (e.g., a senior Federal official) and the basis of the transportation that will be provided (e.g., Required Use.)

(1) Required Use transportation.

(a) Required Use transportation may be requested by certain DHS officials. Once Required Use transportation is approved for a DHS official, then use of the DHS aircraft is also appropriate for staff members who are accompanying the DHS official.

(b) Approval Requirements. All required use transportation on DHS aircraft must be approved IAW the following guidelines.

i. Trip-by-trip approval must be approved in advance, and in writing, from the OE's senior legal official or principal deputy legal official. In special emergency situations, an after-the-fact written approval by an OE is permitted. If the DHS aircraft will be used for Required Use transportation of an official from outside DHS, that official must seek written approval from his/her agency's senior legal official or principal deputy legal official. That written approval must become a part of the flight records.

ii. Blanket approval in lieu of a trip-by-trip approval, the Secretary, DHS, may determine that all transportation for a DHS official, or transportation in specified categories, qualifies as Required Use. Such determinations are made only upon a written finding that the ongoing communications or security requirements of the official clearly dictate that all official transportation needs qualify as required use transportation. The requesting official must submit a memorandum through the General Counsel to the Secretary, providing written justification why his/her ongoing communications or security requirements dictate the need for Required Use transportation.

(c) Reimbursement for Required Use transportation. The Government shall be reimbursed as follows:

i. When Required Use transportation also includes Space Available transportation, other than for the conduct of official Government business, the Government shall be reimbursed in accordance with paragraph h.2., below.

ii. When Required Use transportation also involves incidental political activity, the Government shall be reimbursed in accordance with OMB Circular A-126 and other applicable guidance.

(d) Reporting Requirements. Required Use transportation for senior Federal officials, members of the families of such senior Federal officials, and non-Federal travelers that is non-mission travel must be reported in accordance with paragraph VI B. 1.

f. Transportation Not Considered Mission Related or Deemed Required Use Travel. Official transportation on DHS aircraft that is not considered mission related or Required Use, may be approved only if such transportation is cost effective, or if no commercial airline (including charter) or commercial aircraft service is reasonably available to effectively fulfill the OEs requirement (i.e., able to meet the traveler's departure and arrival requirements within a 24-hour period, unless the traveler demonstrates that extraordinary circumstances require a shorter period.)

(1) Approval Requirements. Any use of DHS aircraft that does not meet mission requirements or is Required Use travel must be approved in writing. When applicable, such transportation must be documented on an official travel authorization. Except as provided in paragraph (2) below, such transportation must be approved by a designated official at least one organizational level above the person(s) traveling. The following paragraphs provide minimum approval levels for specific categories of travelers:

(a) Transporting passengers originating from the National Capitol Region (NCR) requires approval by the Vice Commandant, USCG, or equivalent position in other OEs.

(b) Transporting passengers originating from outside the NCR requires an approval authority, established by the OE, no lower than one level below the approval level in subparagraph (a), above.

(2) Special Approval Requirements. Use of DHS aircraft to transport certain categories of people must be approved, in advance and in writing. Such approvals may be issued only on a trip-by-trip basis and must be signed by the OE's senior legal official or principal legal deputy. In special emergency situations, an after-the-fact written approval by the OE is permitted, but becomes a part of the official flight records. These categories are:

(a) Senior Federal officials.

(b) Family members of senior Federal officials.

(c) Non-Federal travelers.

(3) Reporting Requirements. Transportation that does not meet mission requirements or Required Use standards is subject to special reporting requirements if it involves non-mission travel by senior Federal officials, members of their families, and/or non-Federal travelers. Such non-mission travel must be reported in accordance with paragraph VI B. 1.

g. Space Available Travel in Conjunction with Mission Requirements. When DHS aircraft are performing mission requirements, there may be an opportunity for Space Available transportation. The need for Space Available transportation shall not serve as the basis for establishing mission requirements. Space Available transportation must be under conditions where the aircraft has been scheduled to perform a bona fide mission activity and the minimum mission requirements have not been exceeded. Space Available transportation must also be certified in accordance with paragraph VI B. 7. d., whenever a DHS aircraft is used to transport senior Federal officials, members of their families, or other non-Federal travelers.

(1) Approval Requirements. Space Available transportation in conjunction with mission flights of DHS aircraft must be approved and documented on an official travel authorization. Except as provided in paragraph (2), below, such transportation must be approved at least one organizational level above the person(s) traveling. Also, the applicable approval authority shall be no lower than:

(a) When transporting passengers originating from the NCR: The USCG Assistant Commandants, CBP Assistant Commissioners, or equivalent positions in an OE.

(b) When transporting passengers originating from outside the NCR, the approval authority shall be established by the OE, and shall be no lower than one level below the approval level in subparagraph (a), above.

(2) Special Approval Requirements.

(a) When the following categories of people are transported in a Space Available category on a mission flight, such transportation must be approved in advance and in writing:

- i. Senior Federal officials.
- ii. Members of their families.
- iii. Non-Federal travelers.

(b) Travel by individuals identified in paragraphs i through iii, above, can only be approved by the OE General Counsel or Deputy General Counsel. Approvals must be obtained on a trip-by-trip basis. However, in special emergency situations an after-the-fact written approval is permitted. These approvals must become a part of the official flight record.

h. Space Available Transportation.

(1) Travelers may not use DHS aircraft for Space Available travel unless:

- (a) The aircraft is already scheduled for use for an official purpose, and
- (b) Such Space Available use does not require a larger aircraft than needed for the official purpose, and
- (c) Such Space Available use results only in minor additional cost to the Government, and
- (d) Reimbursement is provided as set forth in subparagraph (2), below. If Space Available travel is to be authorized it should be authorized on a first-come, first-serve basis. To do otherwise is to expose the Department to avoidable, adverse commentary and future statutory limitations.

(2) Reimbursement for Space Available Transportation. For Space Available transportation, other than for the conduct of official Government business, whether on mission or other flights, the Government shall be reimbursed at the full coach fare except:

(a) As authorized under 10 U.S.C. 4744 and regulations implementing the statute.

(b) Civilian employees and their dependents in remote locations (i.e., locations not reasonably accessible to regularly scheduled commercial airline service) specifically identified in the OE's implementing directive.

i. Congressional Transportation. All requests for transportation on DHS aircraft for Members of Congress, their staffs, spouses and/or dependents shall be reviewed and approved by the Assistant Secretary for Legislative Affairs. If an OE receives a request for such travel, the request shall be promptly forwarded to the Assistant Secretary for Legislative Affairs for review and approval.

j. Non-Official Travelers. Transporting spouses, dependents, and other non-official travelers aboard DHS aircraft is generally prohibited. Official transportation of such individuals (including the DHS senior level officials' spouses) is permitted only if unquestionably in the best interest of the Federal Government (e.g., under circumstances in which the spouse of a DHS senior level official is accompanying that official on a mission in which the spouse is actually to participate, when such transportation is deemed in the national interest, or is desirable because of a diplomatic benefit to the country.) Spouses and dependents may also be transported on DHS aircraft when they are in an official travel status, e.g., permanent change of station travel. Space Available transportation is permitted when authorized under 10 U.S.C. 4744, and regulations implementing that statute; or by civilian employees and their dependents in remote locations in accordance with paragraph (1) below; or when such transportation is approved in accordance with this MD and reimbursement is made in accordance with paragraph (3), below.

(1) Remote Locations. Transporting DHS officials/employees and their families to and from remote locations (i.e., locations not reasonably accessible by regularly scheduled commercial airline service) for reassignment, medical attention, or other legitimate purposes, is permitted only with proper approval. The remote locations must be specifically identified in the OE's implementing directive.

(2) Approval Authority. Recurring classes of passengers approved as eligible for Space Available transportation shall be identified in the USCG, CBP, or other OE implementing directives. For any travel that involves spouses, dependents, and other non-official travelers (except for blanket approval of recurring situations in remote locations and recurring classes of passengers specifically identified in the USCG, CBP, or other OE implementing directives), the approval authority must not be lower than the USCG Vice Commandant, the CBP Deputy, or other equivalent position in the OE. However, if such transportation involves senior Federal officials, members of their families, or non-Federal travelers, the approval of the OE senior legal official or principal deputy legal official is required.

(3) Reimbursement. When non-official travelers are transported on DHS aircraft on a Space Available basis for other than the conduct of official Government business, whether on mission flights or other flights, the Government shall be reimbursed at the full coach fare.

k. Documentation of Aircraft Use, Retention of Records, and Special Reporting Requirements.

(1) Justification Documentation. A full, detailed, written justification shall be included in the Aircraft Use Record for each flight of a DHS aircraft clearly showing why the aircraft was used. Whenever a DHS aircraft, used to fulfill a mission requirement, is also used to transport senior Federal officials, members of their families, or other non-Federal travelers on a "Space Available" basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), there must be a written certification statement in accordance with paragraph VI B.7.d., above. If the DHS aircraft actually used was not the most cost-effective aircraft, the reason(s) for the use shall be documented in the flight records and be readily available for audit. Vague or

ambiguous justifications shall not be used when transporting passengers or cargo. Justifications such as “official business”, or “official transportation”, etc., are insufficient, by themselves, to support the determination that the DHS aircraft was used for official purposes.

(2) Record Content. All uses of DHS aircraft must be documented and this documentation retained as part of the official flight records. Falsification of the certification statement or other portions of the flight record could result in criminal prosecution under 18 U.S.C. 1001, or appropriate disciplinary action. The USCG, CBP, and other OEs shall ensure that their official flight records (and/or attachments to these records) have the capability to allow the entry of the information required by this paragraph.

(3) Minimum Requirements. Records of use of DHS aircraft shall include, at a minimum, specific flight details applicable to the particular flight, such as: Tail number of the plane used; the type of aircraft used; dates and times of arrival and departure; number of hours flown; point of origin; enroute stops; destinations; names and status of all passengers; justification and approval for any Space Available passengers and official travelers; type of cargo; title, position, name(s), and signature(s) of the authorized individual(s) approving the flight and/or passengers; name(s) of the pilot(s) and flight crew members; a full, detailed, written justification clearly showing the purpose(s) of the flight; and the original certification statement for Space Available transportation required under paragraph VI B. 7.d.

(4) Additional Requirements. The following information, if applicable, shall also be included in the flight record as justification for the flight.

(a) The flight record shall contain adequate written justification clearly showing the reason(s) for using DHS aircraft under either “Required Use” travel or travel when commercial airlines or air service is not reasonably available to effectively fulfill the transportation requirements. Further, the flight record shall also show approximate flight hour costs of the particular aircraft and mission.

(b) Cost Comparisons. When DHS aircraft are used for the primary purpose of transportation (except as provided for in subparagraph (1) above, the specific results of the cost comparison between the use of commercial aircraft and use of DHS aircraft must be included in the records.

(5) Exceeding Minimum Mission Requirements. Pertinent data shall be contained in the record to show that (or determine if) minimum mission requirements were not exceeded (other than minor deviations resulting from the requirements of a particular flight). If minimum mission requirements were exceeded (other than minor deviations discussed above), justification for this occurrence shall also be contained in the flight records.

NOTE: Minimum mission requirements may not be exceeded in order to carry Space Available passengers who are senior Federal officials, members of their families, or non-Federal travelers.

(6) Retention of Records. Records of Use for DHS aircraft shall be retained for a minimum of two years in accordance with the National Archives and Records Administration Transmittal #9. Additionally, flight hours shall be accumulated on an annual basis for each DHS aircraft by purpose of flight, and such information shall be retained for a minimum of three years.

8. **Implementation**.

a. This MD is effective on publication.

b. OEs shall promptly initiate actions necessary to implement this MD. Within 120 days from the date of this MD, the USCG, CBP, and other OEs (as applicable) shall forward their internal policies and procedures implementing this MD to the Chief of Administrative Services, for review. Proposed changes to policies and procedures that implement this MD shall be processed in the same manner. Copies of all changes shall be provided to the Office of the Chief of Administrative Services as soon as they are published.

c. Internal directives that implement this MD may contain additional policies and procedures unique to the OE, but may not be less restrictive than this MD. The responsibility for these policies and procedures shall be assigned to a senior management official who has the authority and resources to implement them throughout the OE.

VII. QUESTIONS.

Questions concerning this MD should be directed to the Chief of Administrative Services, Aviation Program Manager.

Attachments:

1. Cost Comparison with Commercial Transportation Worksheets
2. DHS Aircraft Passenger Manifest Format
3. Pre-flight Passenger Briefing Checklist

COST COMPARISONS WITH COMMERCIAL TRANSPORTATION

a. General

DHS aircraft may be used for official transportation of passengers and/or cargo when such use is cost effective based on a cost comparison with use of commercial transportation. Except as provided elsewhere in this MD, DHS aircraft shall be used for transportation only when the variable cost of using a DHS aircraft is not more than the cost of using commercial airline (including charter) or aircraft service.

**b. Required Use
Transportation**

Cost comparisons are not required when DHS aircraft are used for required use transportation in accordance with this MD. The flight records shall contain adequate written justification showing clearly the reasons for use of DHS aircraft under these conditions. Further, the flight record shall also show approximate flight hour costs of the particular aircraft.

**c. Mission
Requirements/
Secondary
Purpose of
Transportation**

Cost comparisons are not required whenever DHS aircraft are used for mission requirements/secondary purpose of transportation of passengers and/or cargo since such use would, in effect, be a cost savings.

**d. Transportation
Not to Meet
Mission
Requirements or
Required Use
Transportation**

Cost comparisons shall be performed on all transportation in this category, except use of DHS aircraft when no commercial airline (including charter) or aircraft service is reasonably available (i.e., 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) to effectively fulfill the OE's requirement. (In such cases, however, the flight record shall show approximate flight hour costs of the particular aircraft.) Cost comparisons are to be performed for each use of DHS aircraft for transportation that does not meet mission requirements or Required Use transportation in accordance with paragraph VI B.7.c., of this MD. All cost comparison analyses and justifications for use of DHS aircraft for the primary purpose of transportation of passengers and/or cargo shall be included as part of the aircraft use records which are to be maintained in accordance with this MD. The following criteria shall be considered in cost comparisons for use of DHS aircraft for transportation.

d.(1) Passengers

d.(1)(a) Cost comparisons shall be made using commercial transportation cost appropriate to the travel. The cost of using commercial airline or aircraft services for the purpose of justifying use of DHS aircraft must be the current Government contract air fare or price, or the lowest fare or price known to be available for the trip(s) in question. (When the exact itinerary is unknown, the highest contract air fare will be used.)

d.(1)(b) Cost comparisons may take into consideration such travel-related expenses as excess baggage, ground transportation, and subsistence costs (per diem or actual expenses). The value of an individual's lost work time may be considered in the calculation. For purposes of a cost comparison, the value of lost work time shall be calculated for all DHS officials/employees in an official travel status as follows:

Value of lost work time = Gross hourly cost (including fringe benefits) X hours lost if commercial transportation is used.

d.(1)(c) When travelers from other Federal agencies are transported on DHS aircraft on a Space Available basis for official Government business, to participate in the activity that serves as the basis for the DHS transportation requirement, these Federal travelers may be included in the cost comparison calculation.

d.(1)(d) Cost comparisons shall use the variable flight hour cost for DHS aircraft developed by the OE. These costs shall include all of the applicable variable cost elements contained in OMB Circular A-126, Attachment B, Standard Aircraft Program Cost Element Definitions.

d.(1)(e) As a guide in performing proper cost comparisons, a self-explanatory cost comparison worksheet for passenger transportation and a cost comparison analysis format are provided as part of this Attachment.

d.(2) Cargo

d.(2)(a) Cost comparisons shall be made between the variable cost of using a DHS aircraft and the cost of using commercial airline (including charter) or aircraft service that could effectively fulfill the cargo transportation requirement.

d.(2)(b) DHS aircraft may be used for the transportation of cargo whenever: (1) the variable cost of using a DHS aircraft is not more than the cost of using commercial airline (including charter) or aircraft service, or (2) commercial airline (including charter) or aircraft service could not fulfill effectively the cargo transportation requirement.

d.(2)(c) Cost comparisons shall use the variable flight hour costs for DHS aircraft developed by the OE. These costs shall include all of the applicable variable cost elements contained in OMB Circular A-126, Attachment B, Standard Aircraft Program Cost Element Definitions.

d.(2)(d) There is no format for cost comparisons for the primary purpose of transportation of cargo. The record of the cost comparison shall show each of the following:

- (1) the cost of using commercial transportation
 - (2) the cost of using DHS aircraft
 - (3) the difference between the two options (savings or cost overrun) and
 - (4) the justification of why the DHS aircraft was used (i.e., a cost savings or an explanation of the other overriding factor for such use)
-

e. Cost Comparisons for Government Aircraft

For OEs to make the cost comparisons necessary to justify the use of Government aircraft, the OE must compare the actual cost of using a Government aircraft to the cost of using commercial aircraft (including charter) or airline service. The actual cost of using a Government aircraft is either:

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

**f. Cost
Comparison and
Recurring Usage**

In accordance with OMB Circular A-126, Attachment A, OEs that propose to use their aircraft to support recurring transportation between locations are encouraged to develop standard trip cost justification schedules. These schedules would summarize the projected costs of using one or more specific types of their aircraft to travel between selected locations as compared to using commercial aircraft (including charter) or airline service between those locations. Comparative costs for varying passenger loads would also be shown. OEs that choose to use this approach would be able to see at a glance the minimum number of official travelers needed to justify the use of a particular aircraft, or aircraft type, for a trip between locations on the schedule. OEs that are not able to use such schedules are required to do a cost comparison on a case-by-case basis.

COST COMPARISONS WITH COMMERCIAL TRANSPORTATION, Continued

COST COMPARISON ANALYSIS FORMAT

COST COMPARISON ANALYSIS

1. Total Cost of Commercial Transportation
(from Worksheet Part C.6.) \$ _____
2. Total Cost of Using DHS Aircraft
(from Worksheet Part B.2.d.) \$ _____
3. Difference (1. - 2.) = \$ _____

POSITIVE DIFFERENCE = SAVINGS TO GOVERNMENT: USE OF DHS AIRCRAFT JUSTIFIED ON ECONOMICS

NEGATIVE DIFFERENCE = COST OVERRUN: DO NOT USE DHS AIRCRAFT ABSENT OTHER OVERRIDING FACTORS

JUSTIFICATION/ADDITIONAL INFORMATION

- 1.____ Justified on economics based on the above cost comparison analysis.
- 2.____ Transportation requirement could not be fulfilled effectively because noncommercial airline (including charter) or aircraft service was not reasonably available (this overrides the cost comparison analysis showing that commercial transportation was more expensive; justify in 5. below)
- 3.____ Transportation performed for another agency under a reimbursable agreement.
- 4.____ Transportation of spouse/dependent/other nonofficial traveler involved. (Justify in 5. below.)
5. Justification: _____

SIGNATURE

DATE

Note: When cost comparisons are required for the use of DHS aircraft, the Cost Comparison Analysis Format becomes part of the official flight record.

COST COMPARISONS WITH COMMERCIAL TRANSPORTATION, Continued

COST COMPARISON WORKSHEET FOR PASSENGER TRANSPORTATION

PART A. GENERAL INFORMATION

1. Purpose of Travel: _____

2. Date(s) of Travel: _____

3. Travel Itinerary (include dates and desired times of arrival/departure): _____

4. Special Requirements: _____

COST COMPARISONS WITH COMMERCIAL TRANSPORTATION, Continued

COST COMPARISON WORKSHEET FOR PASSENGER TRANSPORTATION

PART B. ESTIMATED COSTS OF USING DHS AIRCRAFT

1. Aircraft Information:

a. OE: _____

b. Recommended Aircraft:

<u>Type</u>	<u>Speed</u>	<u>Passenger Capacity</u>
c. Non-availability of Aircraft (explain): _____		

2. Estimated Costs (use only the applicable variable cost elements):

a. Number of Flight Hours = _____ Hours*

b. Variable Cost Related to Flight Hours

(1) Crew Costs Variable/Hour	\$ _____
(2) Maintenance Cost Variable/Hour	\$ _____
(3) Overhaul Cost/Hour	\$ _____
(4) Fuel and Fluids/Hour	\$ _____
(5) Aircraft Lease/Rent variable/Hour	\$ _____
TOTAL ((1)+(2)+(3)+(4)+(5))X(# of Flight Hours)	\$ _____

c. Other Variable Costs Not Related to Flight Hours**

(1) Staging Costs	\$ _____
(2) Crew Per Diem	\$ _____
(3) Landing and Tie-Down Fees	\$ _____
(4) Miscellaneous (Food, etc.)	\$ _____
TOTAL ((1)+(2)+(3)+(4)) =	\$ _____

d. Total Cost of Using DHS Aircraft

(2.b. + 2.c.) = \$ _____

* In calculating the total number of flight hours for use in the cost comparison, additional flight hours resulting from flight legs to preposition the aircraft and return it to its home base must be included in the calculation.

** In calculating other variable costs not related to flight hours, the additional costs resulting from flight legs to preposition the aircraft and return it to its home base must be included in the calculation.

COST COMPARISONS WITH COMMERCIAL TRANSPORTATION, Continued

COST COMPARISON WORKSHEET FOR PASSENGER TRANSPORTATION

PART C. ESTIMATED COMMERCIAL COSTS

Note: Commercial costs are to be determined using contract airfares absent other overriding factors. Specific details on possible flight arrangements may be provided as an attachment to this Part C.

1. Commercial cost/passenger \$_____ (x) Number of official travelers (DHS and other Federal Agency) _____ = Total Commercial Air Fare \$_____
2. Per Diem (if avoided by using DHS aircraft) \$_____
3. Excess baggage costs (total) \$_____
4. Group transportation/rental car/other transportation (if avoided by using DHS aircraft) \$_____
5. Total value of lost work time (VLWT)* \$_____
- 6 Total cost of commercial transportation (1. + 2. + 3. + 4. + 5.) \$_____

*Note: Value of lost work time (VLWT) = gross hourly cost (including fringe benefits) times the number of hours lost if commercial transportation is used.

VLWT Calculations (official DHS passengers only):

Rank/ Grade	Gross Hourly Cost		Number of Passengers		Extended Cost
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
_____	_____	/hr	x	_____	= \$ _____
Total Gross Hourly Cost =					\$ _____

VLWT/hour \$_____ (x) # of Hours Lost = \$_____ Total VLWT (enter in 5. above)

DHS AIRCRAFT PASSENGER MAIFEST

Date: **Aircraft:** **Departure Point:** **Destination:**

Name (last name first)	Agency and Office Symbol	Office Phone Number	Are you reimbursing the Government For this Flight?	Are you Senior Executive Service?	Are you Confirmed By the United States Senate?	Emergency Contact Name and Phone Number
1.			YES/NO	YES/NO	YES/NO	
2.			YES/NO	YES/NO	YES/NO	
3.			YES/NO	YES/NO	YES/NO	
4.			YES/NO	YES/NO	YES/NO	
5.			YES/NO	YES/NO	YES/NO	
6.			YES/NO	YES/NO	YES/NO	
7.			YES/NO	YES/NO	YES/NO	
8.			YES/NO	YES/NO	YES/NO	
9.			YES/NO	YES/NO	YES/NO	
10.			YES/NO	YES/NO	YES/NO	

PRE-FLIGHT PASSENGER BRIEFING CHECKLIST

Briefing of passengers before flight.

1. Before each takeoff each pilot in command of an aircraft carrying passengers shall ensure that all passengers have been orally briefed on each of the following:
 - A. *Smoking.* Each passenger shall be briefed on when, where, and under what conditions smoking is prohibited (including, but not limited to, any applicable requirements of part 252 of this title). This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with the lighted passenger information signs (if such signs are required), posted placards, areas designated for safety purposes as no smoking areas, and crewmember instructions with regard to these items. The briefing shall also include a statement (if the aircraft is equipped with a lavatory) that Federal law prohibits: tampering with, disabling, or destroying any smoke detector installed in an aircraft lavatory; smoking in lavatories; and, when applicable, smoking in passenger compartments.
 - B. The use of safety belts, including instructions on how to fasten and unfasten the safety belts. Each passenger shall be briefed on when, where, and under what conditions the safety belt must be fastened about that passenger. This briefing shall include a statement that the Federal Aviation Regulations require passenger compliance with lighted passenger information signs and crewmember instructions concerning the use of safety belts.
 - C. The placement of seat backs in an upright position before takeoff and landing.
 - D. Location and means for opening the passenger entry door and emergency exits.
 - E. Location of survival equipment.
 - F. If the flight involves extended overwater operation, ditching procedures and the use of required flotation equipment.
 - G. If the flight involves operations above 12,000 feet MSL, the normal and emergency use of oxygen; and
 - H. Location and operation of fire extinguishers.

ATTACHMENT 3

2. Before each takeoff, the pilot in command shall ensure that each person who may need the assistance of another person to move expeditiously to an exit if an emergency occurs and that person's attendant, if any, has received a briefing as to the procedures to be followed if an evacuation occurs. This paragraph does not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft.
3. The oral briefing required by paragraph 1. shall be given by the pilot in command or a crewmember.
4. The oral briefing required by paragraph 1, shall be supplemented by printed cards which must be carried in the aircraft in locations convenient for the use of each passenger. The cards must:
 - A. Be appropriate for the aircraft on which they are to be used.
 - B. Contain a diagram of, and method of operating, the emergency exits and.
 - C. Contain other instructions necessary for the use of emergency equipment on board the aircraft.
5. The briefing required by paragraph 1, may be delivered by means of an approved recording playback device that is audible to each passenger under normal noise levels.