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AVIATION CONCEPT OF OPERATIONS

I. Purpose

This directive establishes the Department of Homeland Security (DHS) Concept of Operations (CONOP) for the use of DHS Aircraft.

DHS was established to transform and realign the myriad of government homeland security activities into a single department. In support of this effort, it is essential that DHS develop a comprehensive, integrated, national plan for deploying and using DHS aviation assets to meet DHS requirements. These activities include, but are not limited to: enforcement of relevant international, federal, state and local laws and regulations; detection, deterrence, interdiction and apprehension of those committing illegal acts; and responding to significant natural or terrorist related incidents that result in local or widespread harm to the public or facilities.

The intent of this document is to provide a broad-based Concept of Operations (CONOP) for the most effective employment of the Department's aviation assets to support DHS requirements and priorities.

II. Scope

This CONOP applies to the employment of all DHS aviation resources (manned and unmanned) including U.S. Customs and Border Protection Air and Marine Operations (CBP/AMO), CBP Office of Border Patrol Air and Marine Operations (CBP/OBP/AMO), and U.S. Coast Guard (USCG), in support of all DHS Organizational Elements and DHS authorized support to other departments and entities.

III. Authorities

This directive is governed by numerous Public Laws, regulations, rules and national policies, such as:

- A. Department of Homeland Security National Response Plan, December 2004
- B. Department of Homeland Security Appropriations Act, 2002, Pub. L. 108-334.

- C. 8 U.S.C. §1357 (Powers of immigration officers and employees)
- D. 14 U.S.C. §89 (Law enforcement)
- E. 18 U.S.C. (Crimes and Criminal Procedure) and 19 U.S.C., (Customs Duties)
- F. Federal Management Regulations (FMR) 41 CFR Part 102-33
- G. OMB Circular A-126 (Revised), dated 5-22-92, "Improving the Management and Use of Government Aircraft."
- H. Department of Homeland Security Management Directive 0020, "Management and Use of DHS Aircraft."

IV. Definitions

- A. **Administrative Control (ADCON):** Direction or exercise of authority over subordinate or other organizations in respect to administrative matters, such as personnel management, supply, services, and other matters not included in the operational mission of the subordinate or other organizations.
- B. **Aircraft Control Unit (ACU):** A unit with facilities and personnel, including controllers, for conducting aircraft control, and which exercises tactical control of aircraft or a unit(s).
- C. **Airspace Security:** The application of aviation resources to counter or respond to airborne threats generally associated with a specified geographical area and/or significant event.
- D. **Aviation Resources:** Aircraft (manned and unmanned) employed in support of any DHS Organizational Element and DHS authorized to support other departments and entities, along with associated infrastructure and equipment (owned, leased, on contract), and personnel who serve as crewmembers or provide maintenance and administrative support. This includes aviation resources in CBP/AMO, CBP/OBP/AMO, and USCG.
- E. **Incidents of National Significance:** As defined in the National Response Plan, based on criteria set forth in Homeland Security Directive (HSPD) 5, "Management of Domestic Incidents."
- F. **Integrator:** The person who coordinates, or oversees the coordination of, the participation of Organizational Element (OE) resources in missions and operations requiring the involvement of more than one Organizational Element.

G. **Lead Federal Agency (LFA)**: The agency that is responsible for leading and coordinating all aspects of Federal planning or response. In situations where a Federal agency owns, authorizes, regulates, or is otherwise deemed responsible for an event or emergency response, and has authority to conduct and manage Federal actions onsite, that agency normally will be the LFA.

H. **Operational Control (OPCON)**: Those functions of common authoritative direction involving the composition of subordinate forces, the assignment of tasks, and the designation of objectives necessary to accomplish the mission. It does not include administrative, discipline, internal organization, and unit training except when a subordinate commander requests assistance. Inherent in operational control is the authority to assign tactical control.

I. **Organizational Elements (OE)**: DHS Organizational Elements are defined in Management Directive 0010, "Management Directives System and DHS Announcements."

J. **Principal Federal Official (PFO)**: The Federal official designated by the Secretary of DHS to act as his/her local representative to oversee and coordinate large-scale, multi-agency operations, significant event response(s), or execute the Secretary's incident management responsibilities under the National Response Plan for Incidents of National Significance.

K. **Tactical Control (TACON)**: Used in the execution of operations and defined as the detailed and usually local direction and control of movement or maneuvers necessary to accomplish missions or tasks assigned. TACON is subordinate to OPCON.

V. Responsibilities

A. The **Under Secretary, Border and Transportation Security (BTS)**, the **Commandant, USCG**, the **Commissioner Customs and Border Protection**, and **Heads of other OE's** (to the extent applicable): shall develop policies and procedures to implement this directive and to ensure that all use of DHS aircraft is in the best interest of the Federal Government.

B. **The Aviation Management Council (AMC)** performs a commodities and management review role and reports directly to the Joint Requirements Council and the Strategic Sourcing Group. The DHS AMC is established to review and coordinate joint departmental aviation issues associated with overseeing operational policy and procedures, requirements generation and sourcing strategies, and asset management to support the mission of the Department.

VI. Policy & Procedures

A. Policy.

1. *General:* It is the policy of DHS to manage and use DHS aircraft in a manner that will comply with OMB Circular A-126, "Improving the Management and Use of Government Aircraft".

2. *Roles and Missions:* Each OE defines its range of aviation mission taskings in slightly different terms. Attachment 1 contains a list of broad, generalized mission descriptions that the USCG, CBP/AMO, and CBP/OBP/AMO typically conduct on a regular basis. Included in Attachment 1 are designations of Primary (1), Secondary (2), and Tertiary (3) OE's with the capabilities and responsibilities for that particular mission profile. (See Attachment 1)

Note: CBP/AMO recently transferred to CBP from Immigration and Customs Enforcement (ICE). By the end of FY05, CBP will be integrating the operations of CBP/AMO and CBP/BP/AMO. Following the completion of the integration, Attachment 1 will be revised to reflect the role of the integrated CBP assets as appropriate.

3. *Communications:* The DHS Wireless Management Office (WMO) is creating a unified and coordinated frequency management program for "wireless interoperability between DHS and all other federal agencies", to address the need for a standard set of common frequencies for joint aviation operations. Communication needs, requirements, and procedures specified for DHS aviation or by the AMC will be in accordance with the guiding principles and overarching strategies as specified in the WMO's current strategic plan.

B. Procedures.

1. Command and Control (C2).

a. Day to day operations: C2 TACON remains with the parent OE.

b. In response to support requests from a sister OE: C2 TACON rests with the requesting Organizational Element for the duration of the specific mission.

c. Crisis or major multi-agency operations: C2 TACON will rest with the Aviation Coordinator designated by the Principal Federal Official (PFO), Integrator, or Lead Federal Agency on scene manager, as appropriate.

d. ADCON and OPCON always remain with the parent OE.

2. **Safety, Risk Management and Mishap Procedures:** Risk management is an integral part of each aviation OE's operating procedures, and must be documented within their respective operating handbooks. Risk management will be a principal consideration and critical element during the planning and coordination phase of every operation. Each OE will use its respective mishap plan in case of an incident or accident, and any resulting investigation will be conducted in accordance with the parent OE's current procedures and policies, with cooperation from partner OE's, as needed.

3. **Significant Events:** During a significant event response (including Incidents of National Significance as specified in the National Response Plan) or large scale, multi-agency operation, a DHS PFO, Integrator, or Lead Federal Agency manager may be designated to plan and coordinate the overall operation. For National Special Security Events (NSSE) or events where the United States Secret Service (USSS) has a high level protectee attending, the USSS, as the LFA, is responsible for the design, coordination, and implementation of a security plan, including air space security. During significant events, the following guidelines will apply.

a. Command and Staff Organization

(1) Air Component Commander (ACC). The designated PFO/Integrator will appoint an ACC to oversee the aviation resources and the air component of the operation.

(2) Air Operations Coordinator (AOC). The ACC will appoint an AOC who will be assigned to the PFO/Integrator.

(a) The AOC and staff will integrate all operations, develop patrol areas, coordinate aircraft deconfliction, evaluate current law enforcement information, evaluate and manage risks, and prepare a daily Air Tasking Order (ATO). The AOC will have the responsibility of making the risk management decision at the command and staff organization level, and will be an experienced aviation manager.

(b) The AOC and staff will employ accepted aviation safety practices, particularly risk management and pre-mishap planning of the involved OEs, during planning and monitoring of ongoing operations.

(c) The AOC will also coordinate use of aviation resources in support of logistics, migrant transportation and other emergent requirements.

(d) The AOC staff will consist of at least one U.S. Coast Guard aviator, one CBP/AMO Aviation Group Supervisor, and one Border Patrol Aviation Supervisor as appropriate to liaison with their respective OEs. Other agencies contributing aviation forces (e.g. other federal or local police forces) will also designate a liaison to coordinate with the AOC's staff.

(3) Aviation Liaison Officers (ALO). ALO's will be assigned to any appropriate planning and coordination staffs. They will serve as aviation advisors to these staffs, coordinate as required for mission planning, submit daily flight requests to the AOC for inclusion in the ATO, and coordinate short notice launches through supporting aviation OE.

4. **Operational Missions:** DHS aircraft may support significant events or other joint operations, and will fly on both scheduled and unscheduled missions:

a. *Scheduled Missions.* Tasking will be published in a daily Air Tasking Order (ATO). The ATO, at a minimum, will include: Event number, aircraft type, assigned area(s), on-scene time, and Aircraft Control Unit (ACU).

b. *Unscheduled Missions.* Short-notice aircraft launches can occur for a number of reasons, including: Need for air support from an off-shore unit, an emergent migrant landing, or a search and rescue case. The AOC will assign aircraft, as needed, from the operation's dedicated resources to fulfill mission requirements and will direct the launch of the appropriate air asset from a CBP/AMO Air Branch, USCG Air Station, or CBP/OBP Station. The requesting unit will contact their appropriate OE commander who will make the request to the AOC.

c. CBP/AMO aircraft will receive their transponder codes from the Air and Marine Operations Center (AMOC), per Standard Operating Procedures. U.S. Coast Guard aircraft will use standard Law Enforcement Interrogate Friend or Foe (IFF) mode II/III & IV transponder codes, and CBP/OBP/AMO aircraft will use their

standard law enforcement codes. All OE's will ensure the AMOC is briefed on transponder code assignments.

d. CBP/AMO and CBP/OBP/AMO aircraft will maintain emergency communications with the AMOC, per established operating procedures. USCG aircraft will maintain their emergency communications with appropriate assets, as assigned. Communications will be in accordance with a mission/task force operational annex appended to any compiled plan generated by the AOC and staff.

5. **Situational Awareness**: In addition to the Federal Aviation Administration's (FAA) Air Traffic Control Services, the AMOC is a tool available to provide aircraft de-confliction during joint DHS flight operations. Radar equipped U.S. Navy/USCG vessels may also provide de-confliction services when capable.

VII. Questions

Questions concerning this directive should be directed to DHS Management Directorate, Aviation Program Office.

Attachments:

Attachment #1: Aviation Mission Descriptions

Attachment #2: Law Enforcement Statutory Authorities (Excerpts)

Attachment #3: Air Tasking Order Format

Attachment #4: Daily Aviation Summary Report Format

ATTACHMENT 1: Aviation Mission Descriptions

Included in Attachment 1 are designations of Primary (1), Secondary (2), and Tertiary (3) OE's with the capabilities and responsibilities for that particular mission profile.

Where the designation is the same number, it indicates that the lead will be based on geographical location and local availability of resources, since both organizations are adequately skilled and regularly perform the same profile mission. In these instances where the designation is the same number the opportunity arises for DHS to leverage the most appropriate resources to meet the needs of the Department.

In the mission areas of Transport, Support to Federal, State and Local Law Enforcement and Support to other Federal Agencies, it is very difficult to designate requesting Organizational Element priorities due to the significance of the event/incident/situation and the geographical orientation. The requesting Organizational Element may have to contact one of the aviation programs, describe their situation, and allow the aviation experts to direct them to the appropriate aviation support program. Key factors include, but are not limited to, the time between the request and the actual flight, number of personnel, weight of cargo, specific equipment needs, and the mission objectives.

Aviation Mission Area	Description	CG	CBP AMO	CBP OBP AMO
Radar Patrol Maritime	The use of aircraft with various radar sensors for gathering law enforcement information and detection of unlawful activity. (Does not include electro-optical/infrared - EO/IR)	1	1	N/A
Radar Patrol Border and Interior	The use of aircraft with various radar sensors gathering law enforcement information and detection of unlawful activity. (Does not include EO/IR)	2	1	N/A
Patrol/Search Maritime	The use of aircraft gathering law enforcement information and detection of unlawful activity. While on patrol, aircraft may provide direct support or direction to ground or maritime units that are conducting law enforcement or homeland security activities.	1	1	2
Patrol/Search Border Areas	The use of aircraft for gathering law enforcement information and detection of unlawful activity. While on patrol, aircraft may provide direct support or direction to ground or maritime units that are conducting law enforcement or homeland security activities.	2	2	1

Aviation Mission Area	Description	CG	CBP AMO	CBP OBP AMO
Patrol/Search Interior	The use of aircraft gathering law enforcement information and detection of unlawful activity. While on patrol, aircraft may provide direct support or direction to ground or maritime units that are conducting law enforcement or homeland security activities.	3	1	2
Interdiction Airborne, including Airspace Security	The use of aircraft specifically to detect, identify, intercept, track, and apprehend general aviation aircraft attempting the transport of contraband or the illegal entry of individuals into the United States. This includes enforcement of Temporary Flight Restricted (TFR) airspace.	2	1	3
Interdiction Maritime	The use of aircraft specifically to detect, identify, intercept, track, and apprehend general maritime vessels attempting the transport of contraband or the illegal entry of individuals into the United States.	1	2	2
Interdiction Land	The use of aircraft specifically to detect, identify, intercept, track, and apprehend general land-based vehicles and/or individuals attempting the transport of contraband or the illegal entry of individuals into the United States.	3	2	1
Transport	Using aircraft to transport agents, contraband, prisoners, special response teams, and other essential non-crewmembers or cargo supporting law enforcement or homeland security missions.	1	1	1
Search and Rescue/ Humanitarian. Maritime	Using aircraft to conduct search and rescue operations or assist persons in distress.	1	2	2
Search and Rescue/ Humanitarian. Border	Using aircraft to conduct search and rescue operations or assist persons in distress.	2	2	1
Search and Rescue/ Humanitarian. Interior	Using aircraft to conduct search and rescue operations or assist persons in distress.	2	1	2

Aviation Mission Area	Description	CG	CBP AMO	CBP OBP AMO
Investigative Support and Surveillance	Using aircraft to provide direct support to criminal investigations with airborne sensors, visual tracking, or photography.	3	1	2
Support to Federal, State and Local Law Enforcement	Using DHS aircraft to provide law enforcement capabilities in support of other law enforcement organizations.	1	1	1
Support to Significant Natural or Terrorist Incidents	Using DHS Aircraft to assist in the response to significant natural or terrorist related incidents under the National Response Plan (EP&R/FEMA).	1	1	1
Support to other Federal Agencies	Using DHS aircraft to assist other Federal agencies in a non-law enforcement role. For example, assisting EP&R, National Wildlife Service, National Geologic Survey with transportation, animal population counts, surveying, etc.	1	1	1
Protection of Critical Infrastructure Maritime	Using aircraft to deter and identify threats to infrastructure, such as power plants and oil and chemical production facilities.	1	2	3
Protection of Critical Infrastructure Border	Using aircraft to deter and identify threats to infrastructure, such as power plants and oil and chemical production facilities.	2	2	1
Protection of Critical Infrastructure Interior	Using aircraft to deter and identify threats to infrastructure, such as power plants and oil and chemical production facilities.	3	1	2
Defense Readiness	Using aviation resources to augment Department of Defense missions within the capability and authority of those resources (e.g., detailing aviation resources to the tactical control of an air defense sector for radar patrol in the respective area of responsibility, and DoD escort missions).	1	2	3

Aviation Mission Area	Description	CG	CBP AMO	CBP OBP AMO
Ports, Waterway, and Coastal Security	Using aircraft to support harbor patrols, vulnerability assessments, gathering law enforcement information and analysis, and other activities to prevent terrorist attacks including High Interest Vessel and High Occupancy Vessel escorts (LNG tankers, cruise ships, etc.) and minimize the damage from attacks that do occur.	1	2	3
Maritime Safety	Using aircraft to support the setting of standards and conduct vessel inspections to better ensure the safety of passengers and crew aboard cruise ships, ferries, and other passenger vessels and commercial and fishing vessels; partnering with states and boating safety organizations to reduce recreational boating deaths.	1	2	2
Living Marine Resources	Using aircraft to protect our nation's fishing grounds from foreign encroachment; enforcing domestic fishing laws and regulations through inspections and fishery patrols.	1	3	3
Environmental Protection	Using aircraft to support the prevention and response to hazardous materials spills and the prevention of the illegal dumping of plastics, garbage, and other material into our nation's waters.	1	3	3
Aids to Navigation	Using aircraft to support the maintenance of navigation aids for waterways and the monitoring of marine traffic through vessel traffic service centers.	1	3	3
Ice Operations	Using aircraft to support domestic and polar ice operations that facilitate the movement of critical goods and personnel in support of scientific and national security activity, and year-round commerce. Includes the use of aircraft in the efforts of the International Ice Patrol.	1	3	3

ATTACHMENT 2: Law Enforcement Statutory Authorities of DHS Organizational Elements

14 U.S.C. §89 states that the U.S. Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. The U.S. Coast Guard also possesses broad authority to enforce most of Title 18 and 19, and specific authority to execute customs authority, as well as authority to perform maritime search and rescue missions under 14 U.S.C. §88.

18 U.S.C. and 19 U.S.C. authorize Customs Officers, to include enforcement personnel within the CBP/AMO offices, to regulate the movement of carriers, persons, and commodities between the U.S. and other nations. It is through this statutory authority that CBP/AMO plays a key role in the overall anti-drug effort at the border. Customs jurisdiction is triggered by the entry or attempted entry into the United States of persons, merchandise, cargo, and conveyances. Laws enforced include those pertaining to the illegal movement of criminal funds, services, or merchandise across our national borders under the Bank Secrecy Act, Money Laundering Control Act, and other Customs laws enforced or administered by CBP and ICE. Enforcement of 8 U.S.C. §1357 allows CBP/AMO to target those individuals attempting to enter the United States illegally. CBP/AMO also has certain delegated authority under Title 49, in fulfilling its airspace security mission.

8 U.S.C. §1357 regulates the enforcement of the Immigration and Nationality Act by Immigration Officers. In addition to other authority, it states that Immigration Officers have the authority “within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States.” Border Patrol Agents also possess authority to arrest for violations covered in Titles 8, 18, 19, 21, and 31, as they pertain to their related homeland security mission.

ATTACHMENT 4: Daily Aviation Summary Report FORMAT

The Daily Aviation Summary Report will be e-mailed/faxed to the AOC in the PFO ICC by each USCG Air Station, CBP/AMO Air Branch, or CBP Station.

Daily Aviation Summary Report

DATE:

EVENT #	1	2	3	4	5	6	7
FLIGHT TIME							
A/C TYPE							
CALL SIGN							
ACU							
ASSIGNED AREA							
T/O TIME							
O/S TIME							
D/S TIME							
O/D TIME							
# TOI'S							
REMARKS							
Total Number of Sorties Flown:							
Total Number of Flight Hours:							
Total Number of TOI's							