

## § 238.9

## 32 CFR Ch. I (7–1–05 Edition)

U.S. consular officials, coordination with other Federal agencies, as required, and the concurrence of municipal authorities involved.

(e) The *Head of the Interservice Sports Committee* shall act for the ASD(PA) in all matters pertaining to interservice competition and joint military Service participation in national and international sports. See § 238.17.

(f) The *Assistant Secretary of Defense (International Security Affairs)* (ASD(ISA)) shall coordinate DoD support of foreign disaster relief operations, in accordance with § 238.19.

(g) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall be responsible for certain miscellaneous public affairs-related activities, as specified in § 238.19.

### § 238.9 Information requirements.

(a) Records will be maintained and required reports furnished in accordance with § 237.6 of this title.

(b) The additional reporting requirement specified in § 238.11 has been assigned Report Control Symbol DDPA(M) 979.

### § 238.10 Armed Forces aerial demonstrations.

(a) *Purpose.* (1) This part relates to Armed Forces aerial demonstrations in support of community relations programs, including flight team demonstrations, parachute team demonstrations, flyovers, aerial reviews, static displays and other aerial activities.

(2) Attached to this enclosure is the approved DoD “Request for Aerial Demonstration” format.

(b) *Definitions.* As used herein, the following definitions apply:

(1) *Aerial event.* Any occasion such as an air show, festival, official Federal Government function, or official military and civic functions held on a military installation or elsewhere where an Armed Forces aerial demonstration is either a primary or incidental attraction.

(2) *Aerial demonstration.* The use or display of DoD military aircraft or personnel in any aerial event, including the following:

(i) *Flight team demonstration.* An exhibition of precision aerial maneuvers

and techniques flown by an officially designated Service flight demonstration team, such as the U.S. Air Force Thunderbirds and the U.S. Navy Blue Angels.

(ii) *Parachute team demonstration.* A demonstration of free-fall and precision-landing techniques by the officially designated unit, the U.S. Army Golden Knights. Other military parachute teams, including individuals or groups, may be specifically authorized for such demonstrations when representing the Department of Defense.

(iii) *Flyover.* A straight and level flight by no more than four military aircraft from a Military Service over a predetermined point on the ground at a specific time and not involving aerobatics or demonstrations.

(iv) *Aerial review.* A flyover of multiple types of aircraft or aircraft representing more than one Military Service with elements in trail formation and not involving precision maneuvers or demonstrations.

(v) *Static display.* A ground display of aircraft and its related equipment not involving taxiing or starting of engines while spectators are in the display area.

(vi) *Aerial activities.* All other aerial demonstrations, not listed in paragraphs (b)(2) (i) through (vi) of this section, designed to portray performance techniques by a single aircraft or group of aircraft or personnel. Such demonstrations include but are not limited to air-to-air refueling, helicopter flight techniques, maximum performance takeoff, performance record demonstrations, mass parachute jumps, air delivery of equipment, assault aircraft demonstrations, tactical helicopter troop landings under simulated tactical conditions, air-rescue demonstrations, and rappelling demonstrations.

(c) *Policy.* (1) Armed Forces aerial demonstrations may be authorized at appropriate public programs, on a military installation, or elsewhere which meet basic criteria set forth in this Instruction. Support may include officially designated military flight or parachute demonstration teams, flyovers, aerial reviews, the static displays of aircraft, and other aerial activities.

(2) Any aerial demonstration will be entirely dependent upon the Military Services' capability to provide such resources at the time of an event.

(3) All pertinent safety regulations of the Department of Defense and the Department of Transportation (Federal Aviation Agency) will be rigidly observed, and will take precedence over any or all conditions or circumstances.

(4) Maximum advantage of Armed Forces recruiting will be taken at public events where Armed Forces aerial demonstrations have also been authorized.

(5) During the hours aircraft are actually on display or providing demonstrations before the public, qualified Armed Forces personnel will be available to explain the missions performed and answer spectators' questions.

(6) Armed Forces teams may not compete for prize monies. (See part 237 of this title.)

(7) Armed Forces aerial demonstrations are usually limited to 2 days in any one aerial event. However, parachute demonstrations may extend over a 3-day period. This provision may be waived when:

(i) Other requests for the time frame have not been authorized.

(ii) Extended participation does not compromise another event because of travel time.

(iii) It is determined that the audience will change each day.

(iv) The event is of national or international nature and participation would be in the best interests of the Department of Defense.

(8) No two aerial demonstration teams of the same type will be approved for a single event. Flyovers may be authorized at an event where a flight or parachute demonstration team will perform, provided they are scheduled on days other than those authorized for the demonstration teams' performance. Static displays and other aerial activities may be authorized in conjunction with any other aerial participation.

(9) Aircraft performance record demonstrations are restricted to aircraft which have been assigned to an operational unit of a Military Service for at least 6 months in demonstrations which imply no competition among the

Military Services. They may be conducted periodically in the interest of keeping the public apprised of U.S. engineering-technical capabilities in the development of aircraft altitude, speed, endurance, and individual performance or record demonstrations.

(d) *Procedures.* (1) All nonmilitary sponsors desiring Armed Forces aerial demonstrations should be requested to complete the approved DoD request format (Enclosure 1). This format may be reproduced and distributed by the Military Services.

(2) The Department of Defense (OASD(PA)) will host a scheduling conference in mid-December each year to prepare the official flight and parachute demonstration team's performance schedules for the following year.

(i) Nonmilitary sponsors desiring flight and/or parachute demonstration teams must submit an approved DoD request format (Enclosure 1) to ASD(PA) no later than September 30 to be considered for inclusion in the approved schedule for the following calendar year.

(ii) Military Departments desiring flight or parachute demonstration team performances will consolidate their requests and forward them to ASD(PA) no later than November 15 to be considered for inclusion in the approved schedule for the following calendar year.

(iii) Following the scheduling conference, a tentative schedule will be prepared by OASD(PA) and submitted to the Military Departments for review and concurrence prior to final approval by the ASD(PA). Precautions will be taken to ensure that sponsors are *not* provided any information concerning the status of their request until final approval and release of the schedule by ASD(PA). Exceptions to this policy may be made only with advance approval of the OASD(PA).

(3) Nonmilitary sponsors desiring aerial demonstrations other than flight and parachute team demonstrations should be requested to submit an approved DoD request form (Enclosure 1) to OASD(PA) no later than 30 days, and preferably 60 days, prior to the scheduled event.

(4) DoD Components desiring to conduct aerial reviews involving more

than one Military Service on a military installation, or aerial reviews, flyovers, and other aerial activities elsewhere (except as provided in § 238.8(b)(4) of this part), will forward requests to ASD(PA) as soon as practicable and will include, as a minimum, those criteria contained in § 238.5(a)(2), this part.

(5) The Military Departments will forward requests for attempts to establish aircraft performance records and to release information relative thereto to the ASD(PA) at least 45 days prior to the date of the proposed attempt. Submissions will include a description of the specific aircraft to be used and full justification for the proposed record attempt, including supporting flight and information plans. ASD(PA) will coordinate the request within the Department of Defense and with other appropriate Government departments or agencies and the National Aeronautic Association of the United States of America.

(e) *Evaluation.* Approvals or disapprovals of requests for aerial demonstrations will be based on the following:

(1) *Program criteria.* (i) Public events which are appropriate for Armed Forces aerial demonstrations include such activities as dedications of airports and facilities, aviation shows, expositions and fairs, and civic events which contribute to the public knowledge of Armed Forces aviation equipment and capabilities.

(ii) Aerial demonstrations may be authorized for military installations, including those leased by Reserve Components, in accordance with the guidance and direction provided by the ASD(PA) and the Secretaries of the Military Departments. Appearances by the flight and parachute demonstration teams on a military installation will only be approved in support of an official “Open House” program.

(iii) To minimize interference with operations and training of Armed Forces aviation units, flyovers will be approved only for the following occasions.

(A) Those events outlined in paragraphs (e)(1) (i) and (ii), above.

(B) Civic-sponsored public observances of and official ceremonies for

Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

(C) Memorial or funeral services for dignitaries of the Armed Forces and the Federal Government, and for rated/designated aviation personnel of the Armed Forces as determined by appropriate Military Department regulations.

(D) Ceremonies honoring foreign dignitaries, when directed by executive order or the Secretary of Defense.

(E) Occasions primarily designed to encourage the advancement of aviation.

(2) *Sponsor criteria.* See § 238.6 (a)(2) and (b)(2).

(3) *Site criteria.* (i) Sponsors are required to obtain a Federal Aviation Agency waiver for any public demonstration by military aircraft or parachutists. The final authorization for such aerial demonstrations hinges upon the sponsor securing this waiver far enough in advance to permit adequate planning (normally no later than 60 days prior to the event).

(ii) Flight or parachute team demonstrations are restricted to appropriate events at airports, over open bodies of water, or over suitable open areas of land where crowd control can be ensured.

(iii) Flight demonstration team aircraft must operate from suitable airfields or the site of the event must be within a reasonable distance of a staging base. In the latter case, performances are seldom authorized since the recruiting potential is significantly reduced.

(iv) For any military aircraft to operate from an airport show site, all operational requirements concerning minimum usable runway lengths and load-bearing capacity must be met.

(v) Mass parachute jumps, aerial delivery of equipment, assault aircraft demonstrations, or tactical helicopter troop landings under simulated tactical conditions will be limited to military installations. These activities, except those scheduled as part of regular training programs, are not authorized for public events.

(4) *Support criteria.* (i) While the Department of Defense does not require the sponsor to provide the Department with a public liability and property

damage insurance policy, this should not deter the sponsor from obtaining the insurance he/she feels is necessary for protection.

(ii) Civilian sponsors will be responsible for providing the following:

(A) The standard Military Services allowance for quarters and meals for Armed Forces participants, except for flyovers and other aerial activities not involving landing.

(B) If necessary, transportation, meals, and hotel accommodations for representatives of the requested unit to visit the site prior to the event.

(C) Transportation for Armed Forces participants between the site of the event and hotel and return. Additionally, if required, transportation from home station to the event and return.

(D) Telephone facilities for necessary official communications regarding the event.

(E) A recent aerial photograph, taken vertically from an altitude of 5,000 feet or higher, to the team giving the demonstration.

(F) Availability of suitable aircraft fuel at military contract prices. If fuel is not available at military contract prices, the sponsor must pay any costs over military contract prices, including transportation and handling.

(G) An ambulance and a doctor on the site during flight and parachute team demonstrations and certain other aerial activities, as determined in advance by the Military Services or the OASD(PA).

(H) Mobile firefighting, crash, and ground-to-air communications equipment at the demonstration site.

(I) Security for aircraft that land and are parked at the site during their entire stay.

(J) If necessary, aircraft for use as a jump platform by a parachute team at the location of the event.

(f) *Funding.* (1) Aerial demonstrations at public events, except for flyovers, aerial reviews, and other aerial activities not involving landing, will be provided at no additional cost to the Government.

(i) The sponsor is required to pay the standard per diem for quarters and meals, as prescribed in the Joint Travel Regulations, Volumes 1 and 2, and to provide adequate ground transpor-

tation between hotels and the site of the event and other necessary services, as determined by the participating Component and agreed to by the sponsor.

(ii) The sponsor should make the check for the required amount payable to the DoD organization which incurred reimbursable expenses. Usually, this will be the DoD organization to which the demonstration team is assigned. The Defense representative who makes the arrangements for the demonstration will provide the sponsor with the name or other identity of the organization to be cited as payee on the check. The sponsor will present the check to the appropriate demonstration team or aircraft commander upon arrival at the scheduled event. The commander, in turn, will transmit the check, expeditiously, to the accounting and finance office that supports the payee's operations.

(2) All costs are binding after a team or crew personnel have arrived at a show site, even though weather conditions or other unforeseen circumstances force the event to be canceled.

(g) *Responsibility and authority.* (1) The Assistant Secretary of Defense (Public Affairs) shall approve Armed Forces aerial demonstrations in support of community relations programs, as follows:

(i) All official flight team and parachute team demonstrations held on a military installation or elsewhere.

(ii) Flyovers held off a military installation (except as provided in paragraph (g)(2)(ii), of this section).

(iii) Aerial reviews involving more than one Military Service held on a military installation and all aerial reviews held elsewhere.

(iv) Aerial demonstrations held outside the United States which are not within a Unified or Specified Command area of responsibility.

(v) Other activities held off a military installation (except as provided in paragraph (g)(2)(v) of this section).

(2) The Secretaries of the Military Departments are authorized to approve aerial demonstrations in support of community relations programs by aircraft of their respective Services, as follows:

(i) Flyovers for events on military installations.

(ii) Flyovers at events off military installations for civic-sponsored observances of Armed Forces Day, Memorial Day, Independence Day and Veterans Day (except in the National Capital area).

(iii) Flyovers provided for military funerals for rated/designated aviation personnel of the Armed Forces.

(iv) Static display of aircraft held on military installations or elsewhere.

(v) Other aerial activities, as follows:

(A) Those held on military installations.

(B) Air-rescue demonstrations, team, or single parachute demonstrations (other than the U.S. Army Golden Knights), Navy Seal Team demonstrations, rappelling demonstrations, and air-to-air refueling demonstrations.

**§ 238.11 Armed Forces bands, troops, and units in support of public programs.**

(a) *Purpose and scope.* This enclosure is intended for use when determining the appropriateness or extent of Armed Forces participation in official Federal Government, military, or civic functions and all other community relation programs conducted in public. It governs all uniformed Armed Forces commands, organizations, units, and personnel appearing in public, including bands, musical groups, individuals, color guards, drill teams, marching units, exhibits or displays, and the loan or use of Armed Forces facilities and material in support of community relations programs.

(b) *Policy.* Armed Forces support of public programs has been developed by the Department of Defense to ensure compliance with public law, to ensure equitable distribution of resources to as many appropriate events as possible, and to avoid excessive disruption of training and operational missions of the Military Services. DoD support of public programs is authorized and encouraged when such support is in the best interest of the Department of Defense and the Armed Services. The Defense Establishment and the Armed Forces belong to the American people and thus the Department should not do

for one segment of the society what it cannot do for all.

(c) *Procedures—(1) General.* Requests for Armed Forces support of public programs shall be addressed to the nearest military installation, giving full details on the approved DoD request format (enclosure 2), so that a decision, based on program criteria, sponsor criteria, site criteria and support criteria can be made.

(2) *National/International programs.* Requests for Armed Forces support for programs which, by their nature or because of news media coverage, could be of national or international interest will be forwarded through established command channels to the ASD(PA) for approval. Approval will be based upon program, sponsor, site, and support criteria listed above, or any recommendation or request for exception to policy by the appropriate commander.

(3) *Events in the National Capital area.* All requests for Armed Forces support of public programs within the National Capital area will be sent to the ASD(PA) for approval. Requests for Military Service bands, musical units, drill teams, color guards, etc., stationed in the Washington, D.C. area, may be made by submitting the attached approved DoD request format through appropriate command channels.

(4) *Local events.* Local military commanders may authorize support of purely local programs without further authorization from the Department of Defense. The program must be consistent with at least one condition of each of the established criteria groups in § 238.6(a) and be consistent with resource capability, operational commitments and applicable regulations.

(d) *Evaluation.* (1) When evaluating requests for Armed Forces support of public programs, the interests of the Department of Defense, the public at large, operational requirements of the Military Services, and availability of appropriate resources are prime considerations. (See § 238.6 (a) and (b).) Commitment of resources to specific programs must be balanced with the governing factors and guidelines of the basic Instruction and with requests for similar participation received from