

A composite space-themed image. In the top left, a portion of Earth is visible. Below it is the bright, glowing surface of the Sun. In the center, the Moon orbits. To the right is the reddish planet Mars. In the bottom right is the large, striped planet Jupiter. A comet with a long tail streaks across the upper right. A satellite orbits the Sun. In the top right, a spiral galaxy is visible against a starry background.

# Transportation of Passengers on NASA Aircraft



# NASA Aircraft Operation Authority

## 49 U.S.C. § 40102(a)(41)

- Public Law defines two operational pathways for Government and Government contracted aircraft operations within U.S.
  - 1) **Public Aircraft Operations (PAO)** under NASA's own certification and authority
    - NASA predominantly exercises the authority to fly Agency aircraft as PAO.
  - 2) **Civil Aircraft Operations (CAO)** under FAA certification and authority
    - **Required for Passenger Transportation** or “Commercial Purposes”



# NASA Aircraft Operation Authority

- For passenger transportation, under CAO authority, NASA aircraft and pilots must be FAA certified.
  - NASA has 5 aircraft that are FAA certificated and maintained to CAO standards

Tail Number	Aircraft Type	Center	Comments
N808NA	G-III	AFRC	
N992NA	G-III	JSC	Routinely flown as PAO as well
N95NA	GV	JSC	
N8NA	B-200	WFF	
N7NA	B-200	AFRC	Flyable storage





**Can an aircraft designated and certified for Public Operations be used to fly passengers?**

**No** ... Carriage of a passenger other than a crewmember or a qualified non-crewmember (QNC) makes the flight a civil aircraft operation (CAO) under the terms of the statute. It is important to note that a QNC is someone whose presence is required to perform the governmental function associated with the flight; **providing air transportation is not a governmental function.**

**What Constitutes a Governmental Function?**

The statute provides several examples of governmental functions in 49 U.S.C. § 40125(a)(2). This list is not inclusive and other governmental functions may exist. Functions **not listed should not be presumed to be acceptable**



# OMB Circular A-126

**Approving the Use of Government Aircraft.** The following policies apply to the procedures under which the use of government aircraft for official travel may be approved by the agency which owns or operates the aircraft:

- a. Only an agency head, or officials designated by the agency head (OSI), may approve the use of agency aircraft for official travel using the following justification:
  - ~~Required Use~~ (not applicable – used for national security considerations)
  - **Mission Required (narrowly defined in NPR 7900)**
    - Time-critical space operations, astronaut support, emergency response, etc.
    - Does not include attending meetings or program flight readiness reviews
  - ~~Cost Justified / Commercial Airline Service Not Reasonably Available~~
    - Per Sep. 2017 OMB policy memo prohibited cost or schedule justification for passenger flights. **Exceptions require White House Chief of Staff approval.**



...just because something is legal doesn't make it right. Even when the criteria of Circular A-126 and the FTR allow for the use of Government-owned, rented, leased, or chartered aircraft, departments and agencies should still consider whether commercial air travel is a more appropriate use of taxpayer resources. Accordingly, with few exceptions, the commercial air system used by millions of Americans every day is appropriate, even for very senior officials.

Therefore, all travel on Government-owned, rented, leased, or chartered aircraft, except space available travel and travel to meet mission requirements (as those situations are defined in Circular A-126) shall require prior approval from the White House Chief of Staff. Full-time required use travelers are exempted from this requirement. Further guidance from the White House Chief of Staff on the approval process will be forthcoming. OMB is also reviewing longstanding guidance pertaining to the use of Government-owned, rented, leased, and chartered aircraft and welcomes any suggestions that would strengthen existing controls. In the meantime, departments and agencies are reminded that they are required to adhere to the FTR and Circular A-126.



# NASA Passenger Flight Authorization

## NPR 7900 Chapter 4

- Use of available NASA or NASA-contracted aircraft for passenger transport must be justified and **authorized prior to each flight**.
  - Center aircraft operations request authorization to conduct passenger flight using Form 1653 (coordinated by Center POC)
  - **Use of Mission Required (MR) justification**, with the exception of pilot proficiency justification, **requires OSI approval**.
  - Any **senior official (SES)** on flight request **requires OGC concurrence**
- Passengers must be on official business with approved NASA travel authorization.
- Senior official use of Agency aircraft for travel reported to GSA semiannually.





BACK UP





## 49 U.S.C. § 40102(a)(41)

“Public aircraft” means any of the following:

- (A) Except with respect to an aircraft described in subparagraph (E) [*armed forces*], an aircraft used only for the United States Government.
- (B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration.
- (C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments.
- (D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, ...
- (E) An aircraft owned or operated by the armed forces or chartered ...
- (F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government

...



## 49 U.S.C. § 40125. Qualifications for Public Aircraft Status.

(a) Definitions.—In this section, the following definitions apply:

(2) 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.

(3) Qualified non-crewmember. — The term "qualified non-crewmember" means an individual, other than a member of the crew, aboard an aircraft-

(A) operated by the armed forces or an intelligence agency of the United States Government; or

(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

(b) Aircraft Owned by Governments. — An aircraft described in subparagraph (A), (B), (C), (D), or (F) of section 40102(a)(41) **does not qualify as a public aircraft ... when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.**



## 2005 Administrator [Griffin] Letter to All Officials in Charge and Center Directors

An ongoing [GAO] audit of NASA policies and procedures on passenger transportation has already highlighted several areas that warrant our immediate attention. A revision to NPR 7900.3A later this month will clarify our steadfast commitment to consistent Agencywide application of passenger transportation controls and accounting and strict adherence to OMB Circular A-I26 and NPR 7900.3A mandates. Each member of the NASA team is responsible for the stewardship of Government resources that must be a consistent hallmark of our Agency.

Each of you must become familiar with the Passenger Transportation regulations. In particular, all passenger travel must be cost effective and authorized in advance on a trip-by-trip basis. Any designation of a flight as mission-required use must meet the NPR 7900.3A criteria. All MMA requests--even those ultimately not resulting in use of a NASA aircraft--are valuable Agency records that must be retained in accordance with applicable laws, regulations, and NASA policy. Such records are part of our obligation of accountability.

