



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 21, 2005
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 3070 -- National Aeronautics and Space Administration Authorization Act of 2005

(Rep. Calvert (R) California and Rep. Boehlert (R) New York)

The Administration appreciates H.R. 3070's endorsement of many elements of the President's Vision for Space Exploration. The bill provides many of the policies and tools necessary to achieve the fundamental goal of the Vision, i.e., the advancement of U.S. scientific, security, and economic interests through a robust space exploration program. The Administration is particularly pleased that the bill endorses key goals of the Vision, including returning Americans to the Moon no later than 2020 and ultimately sending humans to Mars and other destinations. The Administration also appreciates that the bill endorses the development of the Crew Exploration Vehicle as a top priority of the exploration effort of the National Aeronautics and Space Administration (NASA) and that the bill provides prize authority under NASA's Centennial Challenges program, which will stimulate innovation and competition from non-traditional sources in exploration and ongoing NASA mission areas. In addition, the Administration appreciates changes to the bill that are expected to be offered in a Manager's Amendment that would authorize full funding for exploration activities and endorse the Space Shuttle's safe return to flight as the first step in the President's Vision.

The Administration supports House passage of H.R. 3070 as it would be modified by the Manager's Amendment. However, the Administration has serious concerns with several of the bill's provisions that must be satisfactorily addressed prior to final congressional action on reauthorization legislation.

Administration Concerns

First, several aspects of Sections 204 and 501 related to the International Space Station (ISS) interfere with effective implementation of United States policy and preclude the flexibility needed for NASA to manage the program consistent with the Vision. In particular, Section 204 requires that NASA allocate 15 percent of funding budgeted for ISS research to research that is not directly related to human exploration, which would overly restrict funding allocations within the program. In addition, Section 501 dictates parameters for ISS configuration and research activities that may prove to be in conflict with NASA's plans for the ISS. These provisions inappropriately restrict NASA's ability to manage national and programmatic priorities.

Second, the Manager's Amendment would authorize a total funding level for NASA in FY 2006 exceeding the President's Budget by over \$500 million, including an increase above the request for Aeronautics of \$110 million and for the Hubble and Webb space telescopes by \$270 million. Authorized funding in the Manager's Amendment for FY 2007 also is more than \$760 million above NASA's planned budget, including significantly more funding than requested for Aeronautics. The Administration objects to these specific increases, all of which are contrary to the President's Budget. The Administration also objects to Section 201, which modifies NASA's appropriations account structure, including establishing an additional appropriations account.

Third, the Administration urges amendment of section 105(a) by adding an additional exception to the foreign launch ban that allows such launches "when directed by the President." The legislation should ensure that the President has sufficient flexibility to address unforeseen circumstances that may arise in space launch and space flight matters.

Fourth, the ISS Independent Safety Commission and the Human Space Flight Independent Investigation Commission required by Title VIII conflict with the constitutional separation of powers and the constitutional authority of the President to supervise the unitary Executive Branch. In addition, the former commission appears to duplicate measures NASA is currently taking, based on the direction in the report of the Columbia Accident Investigation Board, to establish the Independent Technical Authority and the NASA Engineering and Safety Center to provide independent technical and safety assessments. The latter commission duplicates measures NASA currently has in place to establish accident investigation boards, based on the NASA Contingency Action Plan for Space Operations. If Title VIII is not deleted, section 831(b) should be revised to eliminate the congressional role in the making of appointments to the commission, particularly in light of the subpoena power conferred on the commission, and section 837(a) should be amended to eliminate requirements for dissemination of reports without an opportunity for Presidential review.

Finally, in addition to the significant concerns highlighted above that need to be satisfactorily addressed prior to final congressional action on reauthorization legislation, the Administration is concerned about the number of reports and studies that this legislation would require. The Administration understands the need for timely information for Congress to conduct its oversight responsibilities; however, the burden that would be placed on various agencies of the Executive Branch of having to complete dozens of new reports and studies, many of them recurring, would require diversion of staff and resources from the agency's core missions. The Administration looks forward to working with Congress to reduce the number of reporting requirements contained in this bill, while at the same time providing the information Congress needs to effectively conduct its work.

Amendment to Iran Non-Proliferation Act

The Administration urges that the proposed amendment to the Iran Nonproliferation Act of 2000 (INA) (P.L. 106-178) that NASA recently transmitted to the Congress be added to acceptable NASA authorization legislation or another appropriate legislative vehicle. The proposed amendment presents a balanced approach which first and foremost maintains U.S. nonproliferation principles and objectives, while also maintaining the cooperative U.S.-Russia space partnership. Beginning in April 2006, INA restrictions could prevent the U.S. from maintaining U.S. crew members on the International Space Station except during brief Space Shuttle visits. INA restrictions will affect NASA's ability to meet U.S. obligations to the International Space Station Partners under existing Station agreements, including crew rescue capability. INA restrictions could also prevent the United States from effective use of Russian capabilities in support of human space exploration. Removing the restriction on payments related to human space flight will enable the United States to take advantage of unique Russian capabilities and provide parity between NASA and the Defense Department in acquiring Russian capabilities. U.S.-Russia space cooperation is an area of the overall U.S.-Russia relationship that has had marked success and should be preserved.

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