



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

June 10, 2008
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 6063 – National Aeronautics and Space Administration Authorization Act of 2008

(Rep. Udall (D) Colorado and 7 cosponsors)

The Administration supports maintaining a strong national civil space science and aeronautics enterprise and is committed to advancing the quest for new knowledge, discovery, and exploration that is embodied in NASA programs and activities. However, the Administration strongly opposes H.R. 6063 because it mandates specific Space Shuttle flights that greatly threaten NASA's ability to retire the Shuttle in 2010, an action that is critical to implementing the President's Vision for Space Exploration. In addition, the Administration has other serious objections to several provisions of H.R. 6063 that must be satisfactorily addressed prior to final congressional action on reauthorization legislation.

The bill contains provisions that mandate two contingency logistics flights and an additional Shuttle flight for the Alpha Magnetic Spectrometer and require that these flights take place before Shuttle retirement, thus effectively superseding the 2010 Shuttle retirement date that is a critical step to enabling successful development of the Crew Exploration Vehicle as called for by the President's Vision for Space Exploration. Consistent with the Vision, the current Space Shuttle flight manifest is a measured and carefully balanced plan to allow the completion of the International Space Station (ISS), a safe and orderly retirement of the Shuttle, and the smooth transition of facilities and personnel to Exploration Systems programs by September 2010. The direction in this section would almost certainly result in several serious impacts and risks to NASA's exploration programs and other activities, including: (1) significantly increasing costs of the Shuttle program, not including potential recertification activities; (2) delaying the operational capability of the Orion CEV well beyond its current projected dates; (3) exacerbating transition challenges, including facilities and workforce; and (4) exposing astronaut crews to increased risks. In addition, statutorily mandating additional flights regardless of safety assessments and costs sets a dangerous and unwise precedent.

The Space Shuttle must be retired by the end of 2010, and the NASA Administrator's authority to make the final determination on Shuttle flights based on safety considerations must be preserved. In addition, any increased cost of an additional Shuttle flight must be satisfactorily accommodated within the President's proposed discretionary spending total.

The FY 2009 budget request of \$17.6 billion is sufficient to achieve NASA's goals, and the additional \$2.6 billion authorized in the bill above the President's request is inconsistent with the Administration's fiscal policies. Accordingly, the Administration opposes this increased authorization level.

In addition, H.R. 6063 directs several specific activities under the assumption that additional funding will be appropriated, making it likely they will become unfunded

mandates. Directing activities in this manner would severely disrupt the budgets for NASA's ongoing, carefully-balanced programs and Centers linked to other high-priority goals and activities. For this reason and in view of associated problematic policy implications, the following requirements should either be removed from the bill or appropriately modified: (1) carrying out an additional procurement for Commercial Orbital Transfer Services (COTS) crew capabilities, and mandating that NASA purchase commercial services regardless of cost; (2) establishing an Exploration-related technology research and development program that would draw funding away from the Orion CEV, delaying its availability; (3) establishing a cross-cutting technology development program within the Science Mission Directorate at a level of five percent of the Directorate's budget; (4) requiring the continued operation and utilization of the ISS by the United States after 2016, without first mitigating significant budget implications in the outyears; and (5) prescribing specific roles and responsibilities regarding NASA's work with various advisory and external review committees and other Federal agencies that the Administration believes would be problematic and duplicative of already well-established roles and responsibilities.

The Administration also is concerned with the proposed wording of certain provisions and strongly urges that these provisions be modified before passage of the bill. For example, the direction in the bill to limit NASA's ability to dispose of Space Shuttle-related hardware is likely to severely disrupt ongoing Shuttle retirement and transition activities. Similarly, the specific wording of other provisions in H.R. 6063, including requiring all space observatories to be serviceable regardless of practicality; overly-prescribed aeronautics research goals; and unproductive astronaut health surveys could lead to serious unintended consequences, including greatly increased costs to carry out these mandates. The Administration calls on Congress to modify these provisions to provide NASA sufficient flexibility to make programmatic and management decisions as necessary.

In addition, the bill directs NASA to initiate discussions with foreign nations on "space traffic management." This provision directly infringes upon the President's authority to conduct foreign affairs. The United States already actively promotes international cooperation to enhance spaceflight safety and supports consideration of voluntary transparency and confidence building measures in appropriate venues under the leadership of the Department of State, with appropriate assistance from the Department of Defense. These provisions accordingly should be removed. A similar objectionable provision is contained in the bill's section governing "exploration crew rescue."

Finally, in addition to the significant concerns highlighted above that must be satisfactorily addressed prior to final congressional action, the Administration has an overarching concern about the highly prescriptive nature of the bill and the significant 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, including NASA, is of concern. The Administration looks forward to working with Congress to modify these aspects of the bill.

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