

ASTRONAUT SAFE TEMPORARY RIDE OPTIONS ACT

MAY 6, 2024.—Ordered to be printed

Mr. LUCAS, from the Committee on Science, Space, and Technology,
 submitted the following

R E P O R T

[To accompany H.R. 272]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 272) to amend title 31, United States Code, to authorize transportation for Government astronauts returning from space between their residence and various locations, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 272 streamlines the process for the NASA Administrator to approve transportation of an astronaut following the return of the astronaut from space. This bill amends title 31, United States Code, to clarify that post-flight ground transportation of an astro-

naut between the astronaut’s residence and various locations for performance of official duties is considered transportation for an official purpose.

BACKGROUND AND NEED FOR LEGISLATION

Unique aspects of the space environment can cause astronauts to experience a number of physiological changes during missions. Following their return to earth, NASA requires certain astronauts to undergo extensive medical evaluations, allowing NASA both to study the effects of space on the human body and to ensure the well-being of the astronauts. As a part of this process, NASA must grant an astronaut post-flight medical clearance before the astronaut can operate a motor vehicle. Prior to obtaining such clearance, astronauts must rely on alternative methods of ground transportation to travel back and forth to their NASA-required medical evaluations or other official duties. To reduce this burden, the NASA Administrator may approve NASA’s provision of ground transportation for astronauts until they are cleared to drive but, under current law, must grant such approval for each astronaut on an individual basis.

H.R. 272 amends title 31, United States Code, to clarify that the NASA Administrator may provide a blanket approval for post-flight transportation of certain astronauts until they are medically cleared to drive. This eliminates the current redundant and bureaucratic approval process of the Administrator issuing separate approvals for each astronaut and ensures that astronauts have access to safe transportation before receiving clearance to operate motor vehicles. By streamlining the approval process, and ensuring astronauts are able to efficiently conduct post-mission medical examinations, NASA will be able to collect important biomedical data on the health impacts of space to further enable future exploration goals.

LEGISLATIVE HISTORY

H.R. 272 was introduced on January 11, 2023, by the Committee on Science, Space, and Technology’s Space and Aeronautics Subcommittee Chairman Babin (R–TX) and is cosponsored by Representative Jackson (D–NC).

SECTION-BY-SECTION

Section 1. Short title

The short title of this legislation is the “Astronaut Safe Temporary Ride Options Act” or the “ASTRO Act”.

Section 2. Transportation of astronauts returning from space

This section amends Section 1344 of title 31, United States Code, allowing the NASA Administrator to provide blanket approval of post-flight transportation for certain astronauts returning from space prior to such astronauts obtaining medical clearance to operate a motor vehicle. This section also directs an annual report on NASA’s use of the authority granted by this bill.

RELATED COMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop or consider H.R. 272.

On April 27, 2023 the Committee on Science, Space, and Technology held a hearing titled *An Overview of the Fiscal Year 2024 Proposed Budget Request for the National Aeronautics and Space Administration*. Members discussed both immediate and long-term agency and astronaut needs with the witness.

Witness:

- The Honorable Bill Nelson, Administrator, National Aeronautics and Space Administration

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, the Committee finds that no provision of H.R. 272 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance.

COMMITTEE CONSIDERATION

On March 20, 2024, the Committee on Science, Space, and Technology met to consider H.R. 272.

Chairman Lucas moved that the Committee favorably report the bill to the House of Representatives with the recommendation that the bill be approved. The motion was agreed to by a vote of 35–0.

ROLL CALL VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

House Committee on Science, Space, and Technology
 118th Congress
 Full Committee Markup

Bill # HR 272
 Motion to report HR 272 to the House

Majority	Aye	No	Present
Frank Lucas, Oklahoma	1		
Bill Posey, Florida	1		
Randy Weber, Texas			
Brian Babin, Texas	1		
Jim Baird, Indiana	1		
Daniel Webster, Florida	1		
Mike Garcia, California	1		
Stephanie Bice, Oklahoma	1		
Jay Obernolte, California	1		
Chuck Fleischmann, Tennessee	1		
Darrell Issa, California			
Rick Crawford, Arkansas	1		
Claudia Tenney, New York	1		
Ryan Zinke, Montana			
Scott Franklin, Florida	1		
Dale Strong, Alabama	1		
Max Miller, Ohio	1		
Rich McCormick, Georgia	1		
Mike Collins, Georgia	1		
Brandon Williams, New York	1		
Tom Kean, New Jersey	1		
Minority	Aye	No	Present
Zoe Lofgren, California	1		
Suzanne Bonamici, Oregon	1		
Haley Stevens, Michigan	1		
Jamaal Bowman, New York	1		
Deborah Ross, New Carolina	1		
Eric Sorensen, Illinois	1		
Andrea Salinas, Oregon	1		
Val Foushee, North Carolina	1		
Kevin Mullin, California	1		
Jeff Jackson, North Carolina	1		
Emilia Sykes, Ohio	1		
Maxwell Frost, Florida			
Yadira Caraveo, Colorado	1		
Summer Lee, Pennsylvania	1		
Jennifer McClellan, Virginia	1		
Gabe Amo, Rhode Island	1		
Sean Casten, Illinois	1		
Paul Tonko	1		
Total	35	0	

Date: 3/20/24

Result?	Agreed To: [X]		
	Not Agreed To: []		
	Withdrawn: []		
<i>Voice Vote</i>	<i>Ayes</i>	<i>Nays</i>	<i>Present</i>
	35	0	

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 272 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c)(4) of rule XIII, the goal of H.R. 272 is to streamline the process for the NASA Administrator to approve transportation of an astronaut following the return of such astronaut from space by clarifying that post-flight ground transportation of an astronaut between the astronaut's residence and various locations for performance of official duties is considered transportation for an official purpose.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, the Committee finds that no provision of H.R. 272 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of section 5(b) of the Federal Advisory Committee Act.

UNFUNDED MANDATE STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

EARMARK IDENTIFICATION

Pursuant to clauses 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 272 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not yet available.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 272 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 31, UNITED STATES CODE

* * * * *

SUBTITLE II—THE BUDGET PROCESS

* * * * *

CHAPTER 13—APPROPRIATIONS

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**SUBCHAPTER III—LIMITATIONS, EXCEPTIONS, AND
PENALTIES**

* * * * *

§ 1344. Passenger carrier use

(a)(1) Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes. Notwithstanding any other provision of law, transporting any individual other than the individuals listed in subsections (b) and (c) of this section between such individual's residence and such individual's place of employment is not transportation for an official purpose.

(2) For purposes of paragraph (1), transportation between the residence of an officer or employee and various locations that is—

(A) required for the performance of field work, in accordance with regulations prescribed pursuant to subsection (e) of this section, **[or]**

(B) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties, or transportation of federally owned ca-

nines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), or

(C) necessary for post-flight transportation of Government astronauts, and others subject to reimbursable arrangements, returning from space for the performance of medical research, monitoring, diagnosis, or treatment, or other official duties, prior to receiving post-flight medical clearance to operate a motor vehicle,

is transportation for an official purpose, when approved in writing by the head of the Federal agency.

(3) For purposes of paragraph (1), the transportation of an individual between such individual's place of employment and a mass transit facility pursuant to subsection (g) is transportation for an official purpose.

(b) A passenger carrier may be used to transport between residence and place of employment the following officers and employees of Federal agencies:

(1)(A) the President and the Vice President;

(B) no more than 6 officers or employees in the Executive Office of the President, as designated by the President; and

(C) no more than 10 additional officers or employees of Federal agencies, as designated by the President;

(2) the Chief Justice and the Associate Justices of the Supreme Court;

(3)(A) officers compensated at Level I of the Executive Schedule pursuant to section 5312 of title 5; and

(B) a single principal deputy to an officer described in subclause (A) of this clause, when a determination is made by such officer that such transportation is appropriate;

(4) principal diplomatic and consular officials abroad, and the United States Ambassador to the United Nations;

(5) the Deputy Secretary of Defense and Under Secretaries of Defense, the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, the members and Vice Chairman of the Joint Chiefs of Staff, and the Commandant of the Coast Guard;

(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives the Administrator of the Drug Enforcement Administration, and the Administrator of the National Aeronautics and Space Administration;

(7) the Chairman of the Board of Governors of the Federal Reserve System;

(8) the Comptroller General of the United States and the Postmaster General of the United States; and

(9) an officer or employee with regard to whom the head of a Federal agency makes a determination, in accordance with subsection (d) of this section and with regulations prescribed pursuant to paragraph (1) of subsection (e), that highly unusual circumstances present a clear and present danger, that an emergency exists, or that other compelling operational considerations make such transportation essential to the conduct of official business.

Except as provided in paragraph (2) of subsection (d), any authorization made pursuant to clause (9) of this subsection to permit the use of a passenger carrier to transport an officer or employee between residence and place of employment shall be effective for not more than 15 calendar days.

(c) A passenger carrier may be used to transport between residence and place of employment any person for whom protection is specifically authorized pursuant to section 3056(a) of title 18 or for whom transportation is authorized pursuant to section 28 of the State Department Basic Authorities Act of 1956, section 2637 of title 10, or section 8(a)(1) of the Central Intelligence Agency Act of 1949.

(d)(1) Any determination made under subsection (b)(9) of this section shall be in writing and shall include the name and title of the officer or employee affected, the reason for such determination, and the duration of the authorization for such officer or employee to use a passenger carrier for transportation between residence and place of employment.

(2) If a clear and present danger, an emergency, or a compelling operational consideration described in subsection (b)(9) of this section extends or may extend for a period in excess of 15 calendar days, the head of the Federal agency shall determine whether an authorization under such paragraph shall be extended in excess of 15 calendar days for a period of not more than 90 additional calendar days. Determinations made under this paragraph may be reviewed by the head of such agency at the end of each such period, and, where appropriate, a subsequent determination may be made whether such danger, emergency, or consideration continues to exist and whether an additional extension, not to exceed 90 calendar days, may be authorized. Determinations made under this paragraph shall be in accordance with regulations prescribed pursuant to paragraph (1) of subsection (e).

(3) The authority to make designations under subsection (b)(1) of this section and to make determinations pursuant to subsections (a)(2) and (b)(3)(B) and (9) of this section and pursuant to paragraph (2) of this subsection may not be delegated, except that, with respect to the Executive Office of the President, the President may delegate the authority of the President under subsection (b)(9) of this section to an officer in the Executive Office of the President. No designation or determination under this section may be made solely or principally for the comfort or convenience of the officer or employee.

(4) Notification of each designation or determination made under subsection (b)(1), (3)(B), and (9) of this section and under paragraph (2) of this subsection, including the name and title of the officer or employee affected, the reason for any determination under subsection (b)(9), and the expected duration of any authorization under subsection (b)(9), shall be transmitted promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(e)(1) Not later than March 15, 1987, the Administrator of General Services, after consultation with the Comptroller General, the Director of the Office of Management and Budget, and the Director of the Administrative Office of the United States Courts, shall promulgate regulations governing the heads of all Federal agencies in

making the determinations authorized by subsections (a)(2)(A), (b)(9), and (d)(2) of this section. Such regulations shall specify that the comfort and convenience of an officer or employee is not sufficient justification for authorizations of transportation under this section.

(2) In promulgating regulations under paragraph (1) of this subsection, the Administrator of General Services shall provide criteria defining the term “field work” for purposes of subsection (a)(2)(A) of this section. Such criteria shall ensure that transportation between an employee’s residence and the location of the field work will be authorized only to the extent that such transportation will substantially increase the efficiency and economy of the Government.

(f) Each Federal agency shall maintain logs or other records necessary to establish the official purpose for Government transportation provided between an individual’s residence and such individual’s place of employment pursuant to this section.

(g)(1) If and to the extent that the head of a Federal agency, in his or her sole discretion, deems it appropriate, a passenger carrier may be used to transport an officer or employee of a Federal agency between the officer’s or employee’s place of employment and a mass transit facility (whether or not publicly owned) in accordance with succeeding provisions of this subsection.

(2) Notwithstanding section 1343, a Federal agency that provides transportation services under this subsection (including by passenger carrier) may absorb the costs of such services using any funds available to such agency, whether by appropriation or otherwise.

(3) In carrying out this subsection, a Federal agency, to the maximum extent practicable and consistent with sound budget policy, should—

(A) use alternative fuel vehicles for the provision of transportation services;

(B) to the extent consistent with the purposes of this subsection, provide transportation services in a manner that does not result in additional gross income for Federal income tax purposes; and

(C) coordinate with other Federal agencies to share, and otherwise avoid duplication of, transportation services provided under this subsection.

(4) For purposes of any determination under chapter 81 of title 5 or chapter 171 of title 28, an individual shall not be considered to be in the “performance of duty” or “acting within the scope of his or her office or employment” by virtue of the fact that such individual is receiving transportation services under this subsection. Nor shall any time during which an individual uses such services be considered when calculating the hours of work or employment for that individual for purposes of title 5 of the United States Code, including chapter 55 of that title.

(5)(A) The Administrator of General Services, after consultation with the appropriate agencies, shall prescribe any regulations necessary to carry out this subsection.

(B) Transportation services under this subsection shall be subject neither to the last sentence of subsection (d)(3) nor to any regulations under the last sentence of subsection (e)(1).

(6) In this subsection, the term “passenger carrier” means a passenger motor vehicle or similar means of transportation that is owned, leased, or provided pursuant to contract by the United States Government.

(h) As used in this section—

(1) the term “passenger carrier” means a passenger motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased by the United States Government; and

(2) the term “Federal agency” means—

(A) a department—

(i) including independent establishments, other agencies, and wholly owned Government corporations; but

(ii) not including the Senate, House of Representatives, or Architect of the Capitol, or the officers or employees thereof;

(B) an Executive department (as such term is defined in section 101 of title 5);

(C) a military department (as such term is defined in section 102 of title 5);

(D) a Government corporation (as such term is defined in section 103(1) of title 5);

(E) a Government controlled corporation (as such term is defined in section 103(2) of title 5);

(F) a mixed-ownership Government corporation (as such term is defined in section 9101(2) of this title);

(G) any establishment in the executive branch of the Government (including the Executive Office of the President);

(H) any independent regulatory agency (including an independent regulatory agency specified in section 3502(10) of title 44);

(I) the Smithsonian Institution; and

(J) any nonappropriated fund instrumentality of the United States,

except that such term does not include the government of the District of Columbia.

(i) Notwithstanding section 410(a) of title 39, this section applies to the United States Postal Service.

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