

108TH CONGRESS
2D SESSION

H. R. 4522

To provide for the establishment of an independent, Presidentially-appointed Commission to assess the safety of the International Space Station and its crew.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2004

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Science

A BILL

To provide for the establishment of an independent, Presidentially-appointed Commission to assess the safety of the International Space Station and its crew.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Space
5 Station Independent Safety Commission Act of 2004”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act—

8 (1) the term “Commission” means the Commis-
9 sion established under this Act;

1 (2) the term “ISS” means the International
2 Space Station;

3 (3) the term “NASA” means the National Aer-
4 onautics and Space Administration;

5 (4) the term “NASA Administrator” means the
6 Administrator of NASA; and

7 (5) the term “NTSB” means the National
8 Transportation Safety Board.

9 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

10 (a) **ESTABLISHMENT.**—The President shall establish
11 an independent, nonpartisan Commission within the exec-
12 utive branch to discover and assess any vulnerabilities of
13 the International Space Station that could lead to its de-
14 struction, compromise the health of its crew, or necessitate
15 its premature abandonment.

16 (b) **DEADLINE FOR ESTABLISHMENT.**—The Presi-
17 dent shall issue an executive order establishing a Commis-
18 sion within 30 days after the date of enactment of this
19 Act.

20 **SEC. 4. COMPOSITION OF COMMISSION.**

21 (a) **NUMBER OF COMMISSIONERS.**—The Commission
22 shall consist of 15 members.

23 (b) **SELECTION.**—The members of the Commission
24 shall be chosen in the following manner:

1 (1) The Chairman of the NTSB shall be a
2 member of the Commission.

3 (2) The President shall appoint the remaining
4 14 members, and shall designate the Chairman and
5 Vice Chairman of the Commission from among its
6 members.

7 (3) Five of the 14 members appointed by the
8 President shall be selected by the President in the
9 following manner:

10 (A) The majority leader of the Senate, the
11 minority leader of the Senate, the Speaker of
12 the House of Representatives, the minority
13 leader of the House of Representatives, and the
14 President of the collective-bargaining organiza-
15 tion including the largest number of NASA en-
16 gineers, shall each provide to the President a
17 list of candidates for membership on the Com-
18 mission.

19 (B) The President shall select one of the
20 candidates from each of the 5 lists for member-
21 ship on the Commission.

22 (4)(A) With the exception of the Chairman of
23 the NTSB, no officer or employee of the Federal
24 Government shall serve as a member of the Commis-
25 sion.

1 (B) No member of the Commission shall have,
2 or have pending, a contractual relationship with
3 NASA.

4 (C) The President may waive the prohibitions
5 in subparagraphs (A) and (B) with respect to the se-
6 lection of not more than 2 members of the Commis-
7 sion.

8 (5) The President shall not appoint any indi-
9 vidual as a member of the Commission who has a
10 current or former relationship with the NASA Ad-
11 ministrator that the President determines would
12 constitute a conflict of interest.

13 (6) To the extent practicable, the President
14 shall ensure that the members of the Commission in-
15 clude some individuals with experience relative to
16 human-carrying spacecraft, as well as some individ-
17 uals with investigative experience and some individ-
18 uals with legal experience.

19 (7) To the extent practicable, the President
20 shall seek diversity in the membership of the Com-
21 mission.

22 (c) DEADLINE FOR APPOINTMENT.—All members of
23 the Commission shall be appointed no later than 60 days
24 after issuance of the executive order establishing the Com-
25 mission.

1 (d) INITIAL MEETING.—The Commission shall meet
2 and begin operations as soon as practicable.

3 (e) QUORUM; VACANCIES.—After its initial meeting,
4 the Commission shall meet upon the call of the Chairman
5 or a majority of its members. Eight members of the Com-
6 mission shall constitute a quorum. Any vacancy in the
7 Commission shall not affect its powers, but shall be filled
8 in the same manner in which the original appointment was
9 made.

10 **SEC. 5. TASKS OF THE COMMISSION.**

11 The Commission shall, to the extent possible, under-
12 take the following tasks:

13 (1) Catalog threats to and vulnerabilities of the
14 ISS, including design flaws, natural phenomena,
15 computer software or hardware flaws, sabotage or
16 terrorist attack, number of crewmembers, and inabil-
17 ity to adequately deliver replacement parts and sup-
18 plies, and management or procedural deficiencies.

19 (2) Make recommendations for corrective ac-
20 tions.

21 (3) Provide any additional findings or rec-
22 ommendations considered by the Commission to be
23 important, whether or not they are related to ISS
24 safety.

1 (4) Prepare a report to Congress, the Presi-
2 dent, and the public.

3 **SEC. 6. POWERS OF COMMISSION.**

4 (a) IN GENERAL.—

5 (1) HEARINGS AND EVIDENCE.—The Commis-
6 sion or, on the authority of the Commission, any
7 subcommittee or member thereof, may, for the pur-
8 pose of carrying out this Act—

9 (A) hold such hearings and sit and act at
10 such times and places, take such testimony, re-
11 ceive such evidence, administer such oaths; and

12 (B) subject to paragraph (2)(A), require,
13 by subpoena or otherwise, the attendance and
14 testimony of such witnesses and the production
15 of such books, records, correspondence, memo-
16 randa, papers, and documents,
17 as the Commission or such designated subcommittee
18 or designated member may determine advisable.

19 (2) SUBPOENAS.—

20 (A) ISSUANCE.—

21 (i) IN GENERAL.—A subpoena may be
22 issued under this subsection only—

23 (I) by the agreement of the
24 Chairman and the Vice Chairman; or

1 (II) by the affirmative vote of 8
2 members of the Commission.

3 (ii) SIGNATURE.—Subject to clause
4 (i), subpoenas issued under this subsection
5 may be issued under the signature of the
6 Chairman or any member designated by a
7 majority of the Commission, and may be
8 served by any person designated by the
9 Chairman or by a member designated by a
10 majority of the Commission.

11 (B) ENFORCEMENT.—

12 (i) IN GENERAL.—In the case of con-
13 tumacy or failure to obey a subpoena
14 issued under subparagraph (A), the United
15 States district court for the judicial district
16 in which the subpoenaed person resides, is
17 served, or may be found, or where the sub-
18 poena is returnable, may issue an order re-
19 quiring such person to appear at any des-
20 ignated place to testify or to produce docu-
21 mentary or other evidence. Any failure to
22 obey the order of the court may be pun-
23 ished by the court as a contempt of that
24 court.

1 (ii) ADDITIONAL ENFORCEMENT.—In
2 the case of a failure of a witness to comply
3 with a subpoena or to testify when sum-
4 moned under authority of this section, the
5 Commission may, by majority vote, certify
6 a statement of fact constituting such fail-
7 ure to the appropriate United States attor-
8 ney, who may bring the matter before a
9 grand jury for its action, under the same
10 statutory authority and procedures as if
11 the United States attorney had received a
12 certification under sections 102 through
13 104 of the Revised Statutes of the United
14 States (2 U.S.C. 192 through 194).

15 (b) CONTRACTING.—The Commission may, to such
16 extent and in such amounts as are provided in appropria-
17 tion Acts, enter into contracts to enable the Commission
18 to discharge its duties under this Act.

19 (c) INFORMATION FROM FEDERAL AGENCIES.—

20 (1) IN GENERAL.—The Commission may secure
21 directly from any executive department, bureau,
22 agency, board, commission, office, independent es-
23 tablishment, or instrumentality of the Government,
24 information, suggestions, estimates, and statistics
25 for the purposes of this Act. Each department, bu-

1 reau, agency, board, commission, office, independent
2 establishment, or instrumentality shall, to the extent
3 authorized by law, furnish such information, sugges-
4 tions, estimates, and statistics directly to the Com-
5 mission, upon request made by the Chairman, the
6 chairman of any subcommittee created by a majority
7 of the Commission, or any member designated by a
8 majority of the Commission.

9 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
10 SEMINATION.—Information shall be received, han-
11 dled, stored, and disseminated by members of the
12 Commission and its staff consistent with all applica-
13 ble statutes, regulations, and Executive orders.

14 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

15 (1) GENERAL SERVICES ADMINISTRATION.—
16 The Administrator of General Services shall provide
17 to the Commission on a reimbursable basis adminis-
18 trative support and other services for the perform-
19 ance of the Commission's tasks.

20 (2) OTHER DEPARTMENTS AND AGENCIES.—In
21 addition to the assistance prescribed in paragraph
22 (1), departments and agencies of the United States
23 may provide to the Commission such services, funds,
24 facilities, staff, and other support services as they

1 may determine advisable and as may be authorized
2 by law.

3 (3) NASA ENGINEERING AND SAFETY CEN-
4 TER.—The NASA Engineering and Safety Center
5 shall provide data and technical support as re-
6 quested by the Commission.

7 (e) POSTAL SERVICES.—The Commission may use
8 the United States mails in the same manner and under
9 the same conditions as departments and agencies of the
10 United States.

11 **SEC. 7. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.**

12 (a) PUBLIC MEETINGS AND RELEASE OF PUBLIC
13 VERSIONS OF REPORTS.—The Commission shall—

14 (1) hold public hearings and meetings to the ex-
15 tent appropriate; and

16 (2) release public versions of the reports re-
17 quired under this Act.

18 (b) PUBLIC HEARINGS.—Any public hearings of the
19 Commission shall be conducted in a manner consistent
20 with the protection of information provided to or developed
21 for or by the Commission as required by any applicable
22 statute, regulation, or Executive order.

23 **SEC. 8. STAFF OF COMMISSION.**

24 (a) IN GENERAL.—

1 (1) APPOINTMENT AND COMPENSATION.—The
2 Chairman, in consultation with Vice Chairman, in
3 accordance with rules agreed upon by the Commis-
4 sion, may appoint and fix the compensation of a
5 staff director and such other personnel as may be
6 necessary to enable the Commission to carry out its
7 functions, without regard to the provisions of title 5,
8 United States Code, governing appointments in the
9 competitive service, and without regard to the provi-
10 sions of chapter 51 and subchapter III of chapter 53
11 of such title relating to classification and General
12 Schedule pay rates, except that no rate of pay fixed
13 under this paragraph may exceed the equivalent of
14 that payable for a position at level V of the Execu-
15 tive Schedule under section 5316 of title 5, United
16 States Code. Employees of NASA shall not be ap-
17 pointed to the staff of the Commission.

18 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

19 (A) IN GENERAL.—The executive director
20 and any personnel of the Commission shall be
21 considered employees under section 2105 of
22 title 5, United States Code, for purposes of
23 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
24 that title.

1 (B) MEMBERS OF COMMISSION.—Subpara-
2 graph (A) does not apply to members of the
3 Commission.

4 (b) DETAILEES.—Any Federal Government em-
5 ployee, except for an employee of NASA, may be detailed
6 to the Commission without reimbursement from the Com-
7 mission, and such detailee shall retain the rights, status,
8 and privileges of his or her regular employment without
9 interruption.

10 (c) CONSULTANT SERVICES.—The Commission may
11 procure the services of experts and consultants in accord-
12 ance with section 3109 of title 5, United States Code, but
13 at rates not to exceed the daily rate paid a person occu-
14 pying a position at level IV of the Executive Schedule
15 under section 5315 of title 5, United States Code. Any
16 consultant or expert whose services are procured under
17 this subsection shall disclose any contract or association
18 it has with NASA or any NASA contractor.

19 **SEC. 9. COMPENSATION AND TRAVEL EXPENSES.**

20 (a) COMPENSATION.—Each member of the Commis-
21 sion may be compensated at not to exceed the daily equiva-
22 lent of the annual rate of basic pay in effect for a position
23 at level IV of the Executive Schedule under section 5315
24 of title 5, United States Code, for each day during which

1 that member is engaged in the actual performance of the
2 duties of the Commission.

3 (b) TRAVEL EXPENSES.—While away from their
4 homes or regular places of business in the performance
5 of services for the Commission, members of the Commis-
6 sion shall be allowed travel expenses, including per diem
7 in lieu of subsistence, in the same manner as persons em-
8 ployed intermittently in the Government service are al-
9 lowed expenses under section 5703(b) of title 5, United
10 States Code.

11 **SEC. 10. SECURITY CLEARANCES FOR COMMISSION MEM-**
12 **BERS AND STAFF.**

13 The appropriate Federal agencies or departments
14 shall cooperate with the Commission in expeditiously pro-
15 viding to the Commission members and staff appropriate
16 security clearances to the extent possible pursuant to ex-
17 isting procedures and requirements. No person shall be
18 provided with access to classified information under this
19 Act without the appropriate security clearances.

20 **SEC. 11. REPORTING REQUIREMENTS AND TERMINATION.**

21 (a) INTERIM REPORTS.—The Commission may sub-
22 mit to the President and Congress interim reports con-
23 taining such findings, conclusions, and recommendations
24 for corrective actions as have been agreed to by a majority
25 of Commission members.

1 (b) FINAL REPORT.—The Commission shall submit
2 to the President and Congress, and make concurrently
3 available to the public, a final report containing such find-
4 ings, conclusions, and recommendations for corrective ac-
5 tions as have been agreed to by a majority of Commission
6 members. Such report shall include any minority views or
7 opinions not reflected in the majority report.

8 (c) TERMINATION.—

9 (1) IN GENERAL.—The Commission, and all the
10 authorities of this Act with respect to the Commis-
11 sion, shall terminate 60 days after the date on which
12 the final report is submitted under subsection (b).

13 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
14 MINATION.—The Commission may use the 60-day
15 period referred to in paragraph (1) for the purpose
16 of concluding its activities, including providing testi-
17 mony to committees of Congress concerning its re-
18 ports and disseminating the final report.

19 (d) NATIONAL ACADEMY OF SCIENCES REVIEW.—
20 The NASA Administrator shall enter into an arrangement
21 with the National Academy of Sciences for a review of
22 compliance with the recommendations of the Commission.
23 The National Academy of Sciences may consult with
24 former members of the Commission as appropriate. The
25 NASA Administrator shall transmit a report to the Con-

1 gress containing the results of the review not later than
2 18 months after the date the final report of the Commis-
3 sion is submitted under section 11(b).

4 **SEC. 12. FUNDING.**

5 Such sums as are necessary to carry out this Act are
6 authorized to be appropriated. Sums authorized by this
7 Act shall remain available until the termination of the
8 Commission.

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