

108TH CONGRESS
2D SESSION

H. R. 5336

To provide for a prize program to encourage development of space and aeronautics technologies and establish an endowment to further educate and inspire the public's interest in space and aeronautics.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. ROHRABACHER introduced the following bill; which was referred to the
Committee on Science

A BILL

To provide for a prize program to encourage development of space and aeronautics technologies and establish an endowment to further educate and inspire the public's interest in space and aeronautics.

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 “Space and Aeronautics
5 Prize Act”.

1 **SEC. 2. NATIONAL ENDOWMENT FOR SPACE AND AERO-**
2 **NAUTICS.**

3 (a) ESTABLISHMENT.—There is established a Na-
4 tional Endowment for Space and Aeronautics (referred to
5 in this Act as the “Endowment”).

6 (b) PURPOSE.—The purpose of the Endowment is—

7 (1) to further the public’s knowledge of and in-
8 spiration by the Earth, the Earth’s atmosphere,
9 human and robotic spaceflight and science missions,
10 and celestial bodies in space;

11 (2) to carry out a program to award cash prizes
12 in recognition of outstanding achievements in basic,
13 advanced, and applied research, technology develop-
14 ment, and prototype demonstration that have the po-
15 tential for application to the Nation’s space and
16 aeronautical endeavors in conjunction with, or inde-
17 pendent of, the National Aeronautics and Space Ad-
18 ministration (in this Act referred to as “NASA”);

19 (3) to carry out a program for tasteful adver-
20 tising of commercial products and services in con-
21 junction with the Nation’s space and aeronautics en-
22 deavors in conjunction with, or independent of,
23 NASA; and

24 (4) to encourage private gifts of real and per-
25 sonal property or any income therefrom or other in-
26 terest therein for the benefit of, or in connection

1 with, the Nation's aeronautics and space endeavors
2 to include those of the National Aeronautics and
3 Space Administration, its activities and its services.

4 (c) CHAIRPERSON OF THE ENDOWMENT.—The En-
5 dowment shall be headed by a Chairperson, who shall be
6 appointed by the President, by and with the advice and
7 consent of the Senate. Under the supervision and direction
8 of the President, the Chairperson shall be responsible for
9 the exercise of all powers and the discharge of all duties
10 of the Endowment, and shall have authority and control
11 over all personnel and activities thereof. The Chairperson
12 shall not engage in any other business, vocation, or em-
13 ployment while serving as such.

14 (d) TERMS.—The Chairperson shall serve for a term
15 of 4 years and shall be eligible for reappointment. Upon
16 expiration of the chairperson's term of office the Chair-
17 person shall serve until the Chairperson's successor shall
18 be appointed.

19 (e) DUTIES.—The Chairperson shall correlate the
20 programs of the Endowment, insofar as practicable, with
21 existing programs of Federal, State, regional, or private
22 groups, and shall develop the programs of the Endowment
23 with due regard to the contribution to the objectives of
24 this section which can be made by other Federal agencies
25 under existing programs. The Chairperson may enter into

1 interagency agreements to promote or assist the space and
2 aeronautics activities of other Federal agencies on a reim-
3 bursable or nonreimbursable basis, and may use funds au-
4 thorized to be appropriated for the purposes of subsection
5 (b) for the costs of such activities.

6 (f) AUTHORITY OF ENDOWMENT.—In the perform-
7 ance of carrying out the purposes specified in subsection
8 (b), the Endowment is authorized—

9 (1) to make, promulgate, issue, rescind, and
10 amend rules and regulations governing the manner
11 of its operations and the exercise of the powers vest-
12 ed in it by law;

13 (2) to appoint and fix the compensation of such
14 officers and employees as may be necessary to carry
15 out the purposes specified in subsection (b), in ac-
16 cordance with civil service laws; and

17 (3) to appoint such advisory committees as may
18 be appropriate for purposes of consultation and ad-
19 vice to the Endowment.

20 (g) GIFTS; DEVISES; BEQUESTS.—

21 (1) IN GENERAL.—Except as provided in sub-
22 paragraph (2), the Endowment may accept, receive,
23 solicit, hold, administer, and use any gifts, devises,
24 or bequests, either absolutely or in trust, of real or
25 personal property or any income therefrom or other

1 interest therein for the benefit of or in connection
2 with the Nation's aeronautics and space endeavors
3 to include those of NASA, its activities or its serv-
4 ices, including a gift, devise, or bequest that is en-
5 cumbered, restricted, or subject to beneficial inter-
6 ests of private persons if any current or future inter-
7 est therein is for the benefit of the Nation's aero-
8 nautics and space endeavors or NASA, its activities
9 or its services. For purposes of this paragraph, an
10 interest in real property includes easements or other
11 rights for preservation, conservation, protection, or
12 enhancement by and for the public of natural, sce-
13 nic, historic, scientific, educational, inspirational, or
14 recreational resources.

15 (2) LIMITATION.—The Endowment may not ac-
16 cept a gift, devise, or bequest which entails any ex-
17 penditure other than from the resources of the En-
18 dowment.

19 (3) PROPERTY OF THE UNITED STATES.—Gifts
20 and other transfers made to or for the use of the
21 Endowment shall be regarded as contributions, gifts,
22 or transfers to or for the use of the United States.

23 (h) POWERS OF THE ENDOWMENT.—

24 (1) CONTRACT.—The Endowment, with the ad-
25 vice of NASA and other agencies as appropriate,

1 shall have the power to enter into contracts or
2 grants, to execute instruments, and generally to do
3 any and all lawful acts necessary or appropriate con-
4 sistent with the purposes of the Endowment speci-
5 fied in subsection (b).

6 (2) PAYMENT.—No payment shall be made
7 under this section except upon application therefor
8 which is submitted to the Endowment in accordance
9 with regulations issued and procedures established
10 by the Chairperson. Neither NASA nor any em-
11 ployee thereof is authorized to accept funds from the
12 Endowment.

13 (3) COORDINATION WITH NASA.—The Endow-
14 ment may utilize the services and facilities of NASA,
15 and such services and facilities may be made avail-
16 able on request to the extent practicable without re-
17 imbursement therefor.

18 (i) REPORTING.—Promptly at the end of each fiscal
19 year, the Endowment shall transmit to Congress an an-
20 nual report of its proceedings and activities, including a
21 full and complete statement of its receipts, expenditures,
22 and investments.

1 **SEC. 3. PRIZE AWARD PROGRAM TO ENCOURAGE DEVELOP-**
2 **MENT OF ADVANCED SPACE AND AERO-**
3 **NAUTICAL TECHNOLOGIES.**

4 (a) **AUTHORITY.**—The Chairperson may carry out a
5 program to award cash prizes in recognition of out-
6 standing achievements in basic, advanced, and applied re-
7 search, technology development, and prototype demonstra-
8 tion that have the potential for application to the perform-
9 ance of the space and aeronautical activities of the Na-
10 tional Aeronautics and Space Administration.

11 (b) **COMPETITION REQUIREMENTS.**—The Endow-
12 ment shall—

13 (1) widely advertise prize competitions and use
14 a competitive process for the selection of recipients
15 of prizes under this section.

16 (2) make a determination prior to the advertise-
17 ment required under paragraph (1) if an individual
18 prize might have benefits for private entities within
19 the United States as well as NASA.

20 (c) **REGISTRATION.**—

21 (1) **IN GENERAL.**—The Endowment shall re-
22 quire potential recipients of prizes to register for any
23 prize competition under the program established
24 under this section, and, as part of the registration
25 process, to assume any and all risks and waive
26 claims against the United States Government and

1 its related entities for any injury, death, damage,
2 loss of property or revenue or profits, whether di-
3 rect, indirect or consequential, arising from their
4 participation in a competition, whether such injury,
5 death, damage or loss arises through negligence or
6 otherwise, except in the case of willful misconduct.

7 (2) RELATED ENTITY.—The term “related enti-
8 ty” includes a contractor or subcontractor at any
9 tier, a supplier, user, customer, cooperating party,
10 grantee, investigator or detailee.

11 (d) LIMITATIONS.—The following limitations apply:

12 (1) The total amount of cash prizes budgeted in
13 a fiscal year may not exceed \$150,000,000.

14 (2) No prize competition may result in the
15 award of more than \$10,000,000 in cash prizes
16 without the approval of the Chairperson or designee.

17 (e) AVAILABILITY OF FUNDS.—Funds appropriated
18 for the program authorized by this section shall remain
19 available for 2 years.

20 (f) REPORT.—The Chairperson shall transmit to the
21 Committees on Appropriations and on Commerce, Science,
22 and Transportation of the Senate and to the Committees
23 on Appropriations and on Science of the House of Rep-
24 resentatives a report on the administration of the program
25 for that fiscal year. The report shall include—

1 (1) the space and aeronautics applications for
2 which cash prizes were awarded;

3 (2) the total amount of the cash prizes award-
4 ed; and

5 (3) the methods used for solicitation and eval-
6 uation of submissions, together with an assessment
7 of the effectiveness of those methods.

8 **SEC. 4. ORBITAL DEMONSTRATION PRIZE AUTHORITY.**

9 (a) IN GENERAL.—The Endowment shall carry out
10 a program to award a prize for the demonstration of a
11 space flight vehicle to carry at least 1 person to a min-
12 imum altitude of 400 kilometers originating from within
13 the United States or its territories, complete at least 3
14 complete orbits of the Earth, and return safely to the
15 Earth. It is highly desirable for the space flight vehicle
16 to demonstrate a high degree of reusability for future
17 flights beyond the demonstration flight.

18 (b) ADDITIONAL REQUIREMENTS.—In order to be eli-
19 gible for the prize described in this section, the space flight
20 vehicle—

21 (1) shall be built with the capacity to carry a
22 minimum of 3 persons;

23 (2) shall not have been substantially developed
24 under a contract or grant from any foreign or do-
25 mestic government;

1 (3) may use a foreign or domestic space launch
2 vehicle to launch the space flight vehicle to orbit;
3 and

4 (4) comply with, or obtain waivers for, all inter-
5 national, national, regional, or local laws or regula-
6 tions which pertain to the activities described in this
7 section.

8 (c) AMOUNT OF PRIZE.—The total amount of cash
9 prize for the program described in this section may not
10 exceed \$100,000,000.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated such sums as
13 may be necessary to carry out this Act.

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