

111TH CONGRESS
2D SESSION

H. R. 5587

To establish a United States Commission on Planetary Defense, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

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

A BILL

To establish a United States Commission on Planetary
Defense, and for other purposes.

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. ESTABLISHMENT OF COMMISSION.**

4 There is established in the legislative branch the
5 United States Commission on Planetary Defense (in this
6 Act referred to as the “Commission”).

7 **SEC. 2. PURPOSES.**

8 The purposes of the Commission are to—

9 (1) determine capabilities of United States Gov-
10 ernment entities, nongovernment organizations, for-

1 eign governments and entities, and international
2 bodies to detect, characterize, and neutralize poten-
3 tially dangerous Near Earth Objects (in this Act re-
4 ferred to as “NEOs”);

5 (2) identify and evaluate roles and responsibil-
6 ities of United States Government entities to detect,
7 characterize, and neutralize potentially dangerous
8 NEOs;

9 (3) determine United States effectiveness in
10 leading international efforts to detect, characterize,
11 and neutralize potentially dangerous NEOs;

12 (4) build upon United States Government and
13 foreign analyses, studies, and assessments, without
14 duplicating efforts, to determine current and re-
15 quired NEO characterization and mitigation capa-
16 bilities;

17 (5) identify and report on technology develop-
18 ment required to provide effective planetary defense
19 from dangerous NEOs; and

20 (6) investigate and report to the President and
21 Congress on its findings, conclusions, and rec-
22 ommendations for corrective measures that can be
23 taken to provide planetary defense.

1 **SEC. 3. COMPOSITION OF COMMISSION.**

2 (a) MEMBERS.—The Commission shall be composed
3 of 7 members, of whom—

4 (1) 1 member shall be appointed by the Chair-
5 man of the Committee on Science and Technology of
6 the House of Representatives, who shall serve as
7 chairman of the Commission;

8 (2) 1 member shall be appointed by the Chair-
9 man of the Committee on Commerce, Science, and
10 Transportation of the Senate, who shall serve as vice
11 chairman of the Commission;

12 (3) 1 member shall be appointed by the Chair-
13 man of the Committee on Science and Technology of
14 the House of Representatives;

15 (4) 2 members shall be appointed by the Rank-
16 ing Minority Member of the Committee on Science
17 and Technology of the House of Representatives;

18 (5) 1 member shall be appointed by the Chair-
19 man of the Committee on Commerce, Science, and
20 Transportation of the Senate; and

21 (6) 1 member shall be appointed by the Rank-
22 ing Minority Member of the Committee on Com-
23 merce, Science, and Transportation of the Senate.

24 (b) QUALIFICATIONS; INITIAL MEETING.—

25 (1) NONGOVERNMENTAL APPOINTEES.—An in-
26 dividual appointed to the Commission may be an of-

1 ficer or employee of the Federal Government or any
2 State or local government.

3 (2) OTHER QUALIFICATIONS.—Individuals ap-
4 pointed to the Commission shall be prominent
5 United States citizens, with national recognition and
6 significant depth of experience in astronomy, geol-
7 ogy, physics, nuclear weapons systems, space sys-
8 tems, advanced technology, foreign affairs, or other
9 relevant disciplines.

10 (3) DEADLINE FOR APPOINTMENT.—All mem-
11 bers of the Commission shall be appointed on or be-
12 fore [_____, 2010].

13 (4) INITIAL MEETING.—The Commission shall
14 meet and begin the operations of the Commission as
15 soon as practicable.

16 (c) QUORUM; VACANCIES.—After its initial meeting,
17 the Commission shall meet upon the call of the chairman
18 or a majority of its members. Four members of the Com-
19 mission shall constitute a quorum. Any vacancy in the
20 Commission shall not affect its powers, but shall be filled
21 in the same manner in which the original appointment was
22 made.

23 **SEC. 4. FUNCTIONS OF COMMISSION.**

24 (a) IN GENERAL.—The functions of the Commission
25 are as follows:

1 (1) Identify, review, and evaluate the structure,
2 coordination, management policies, and procedures
3 of the Federal Government, and, as appropriate,
4 international bodies, and nongovernmental entities,
5 relative to detecting, characterizing, mitigating, and
6 over all response efforts to dangerous NEOs.

7 (2) Assess United States and foreign technology
8 readiness levels required to provide effective plan-
9 etary defense and make recommendations to develop
10 required technologies, including NEO detection and
11 characterization systems, spacecraft, propulsion sys-
12 tems, nuclear devices, high order explosive systems,
13 modeling and simulation capabilities, and laser sys-
14 tems.

15 (3) Submit to the President and Congress such
16 reports as are required by this Act containing such
17 findings, conclusions, and recommendations as the
18 Commission shall determine, including proposing or-
19 ganization, coordination, planning, management ar-
20 rangements, procedures, rules, and regulations.

21 **SEC. 5. POWERS OF COMMISSION.**

22 (a) IN GENERAL.—

23 (1) HEARINGS AND EVIDENCE.—The Commis-
24 sion or, on the authority of the Commission, any

1 subcommittee or member thereof, may, for the pur-
2 pose of carrying out this Act—

3 (A) hold such hearings and sit and act at
4 such times and places, take such testimony, re-
5 ceive such evidence, and administer such oaths.

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

10 (c) INFORMATION FROM FEDERAL AGENCIES.—

11 (1) IN GENERAL.—The Commission is author-
12 ized to secure directly from any executive depart-
13 ment, bureau, agency, board, commission, office,
14 independent establishment, or instrumentality of the
15 Government, information, suggestions, estimates,
16 and statistics for the purposes of this Act. Each de-
17 partment, bureau, agency, board, commission, office,
18 independent establishment, or instrumentality shall,
19 to the extent authorized by law, furnish such infor-
20 mation, suggestions, estimates, and statistics di-
21 rectly to the Commission, upon request made by the
22 chairman, the chairman of any subcommittee cre-
23 ated by a majority of the Commission, or any mem-
24 ber designated by a majority of the Commission.

1 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
2 SEMINATION.—Information shall only be received,
3 handled, stored, and disseminated by members of
4 the Commission and its staff consistent with all ap-
5 plicable statutes, regulations, and Executive orders.

6 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) GENERAL SERVICES ADMINISTRATION.—
8 The Administrator of General Services shall provide
9 to the Commission on a reimbursable basis adminis-
10 trative support and other services for the perform-
11 ance of the Commission's functions.

12 (2) OTHER DEPARTMENTS AND AGENCIES.—In
13 addition to the assistance prescribed in paragraph
14 (1), departments and agencies of the United States
15 may provide to the Commission such services, funds,
16 facilities, staff, and other support services as they
17 may determine advisable and as may be authorized
18 by law.

19 (e) GIFTS.—The Commission may accept, use, and
20 dispose of gifts or donations of services or property.

21 (f) POSTAL SERVICES.—The Commission may use
22 the United States mails in the same manner and under
23 the same conditions as departments and agencies of the
24 United States.

1 **SEC. 6. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 (a) IN GENERAL.—The Federal Advisory Committee
4 Act (5 U.S.C. App.) shall not apply to the Commission.

5 (b) PUBLIC MEETINGS AND RELEASE OF PUBLIC
6 VERSIONS OF REPORTS.—The Commission shall—

7 (1) hold public hearings and meetings to the ex-
8 tent appropriate; and

9 (2) release public versions of the reports re-
10 quired under section 10(a) and (b).

11 (c) PUBLIC HEARINGS.—Any public hearings of the
12 Commission shall be conducted in a manner consistent
13 with the protection of information provided to or developed
14 for or by the Commission as required by any applicable
15 statute, regulation, or Executive order.

16 **SEC. 7. STAFF OF COMMISSION.**

17 (a) IN GENERAL.—

18 (1) APPOINTMENT AND COMPENSATION.—The
19 chairman, in consultation with vice chairman, in ac-
20 cordance with rules agreed upon by the Commission,
21 may appoint and fix the compensation of a staff di-
22 rector and such other personnel as may be necessary
23 to enable the Commission to carry out its functions,
24 without regard to the provisions of title 5, United
25 States Code, governing appointments in the competi-
26 tive service, and without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of such
2 title relating to classification and General Schedule
3 pay rates, except that no rate of pay fixed under this
4 paragraph may exceed the equivalent of that payable
5 for a position at level V of the Executive Schedule
6 under section 5316 of title 5, United States Code.

7 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

8 (A) IN GENERAL.—The executive director
9 and any personnel of the Commission who are
10 employees shall be employees under section
11 2105 of title 5, United States Code, for pur-
12 poses of chapters 63, 81, 83, 84, 85, 87, 89,
13 and 90 of that title.

14 (B) MEMBERS OF COMMISSION.—Subpara-
15 graph (A) shall not be construed to apply to
16 members of the Commission.

17 (b) DETAILEES.—Any Federal Government employee
18 may be detailed to the Commission without reimbursement
19 from the Commission, and such detailee shall retain the
20 rights, status, and privileges of his or her regular employ-
21 ment without interruption.

22 (c) CONSULTANT SERVICES.—The Commission is au-
23 thorized to procure the services of experts and consultants
24 in accordance with section 3109 of title 5, United States
25 Code, but at rates not to exceed the daily rate paid a per-

1 son occupying a position at level IV of the Executive
2 Schedule under section 5315 of title 5, United States
3 Code.

4 **SEC. 8. COMPENSATION AND TRAVEL EXPENSES.**

5 (a) COMPENSATION.—Each member of the Commis-
6 sion may be compensated at not to exceed the daily equiva-
7 lent of the annual rate of basic pay in effect for a position
8 at level IV of the Executive Schedule under section 5315
9 of title 5, United States Code, for each day during which
10 that member is engaged in the actual performance of the
11 duties of the Commission.

12 (b) TRAVEL EXPENSES.—While away from their
13 homes or regular places of business in the performance
14 of services for the Commission, members of the Commis-
15 sion shall be allowed travel expenses, including per diem
16 in lieu of subsistence, in the same manner as persons em-
17 ployed intermittently in the Government service are al-
18 lowed expenses under section 5703(b) of title 5, United
19 States Code.

20 **SEC. 9. SECURITY CLEARANCES FOR COMMISSION MEM-**
21 **BERS AND STAFF.**

22 The appropriate Federal agencies or departments
23 shall cooperate with the Commission in expeditiously pro-
24 viding to the Commission members and staff appropriate
25 security clearances to the extent possible pursuant to ex-

1 isting procedures and requirements, except that no person
2 shall be provided with access to classified information
3 under this Act without the appropriate security clearances.

4 **SEC. 10. REPORTS OF COMMISSION; TERMINATION.**

5 (a) INTERIM REPORTS.—The Commission may sub-
6 mit to the President and Congress interim reports con-
7 taining such findings, conclusions, and recommendations
8 for corrective measures as have been agreed to by a major-
9 ity of Commission members.

10 (b) FINAL REPORT.—Not later than 18 months after
11 the date of enactment of this Act, the Commission shall
12 submit to the President and Congress a final report con-
13 taining such findings, conclusions, and recommendations
14 for corrective measures as have been agreed to by a major-
15 ity of Commission members.

16 (c) TERMINATION.—

17 (1) IN GENERAL.—The Commission, and all the
18 authorities of this Act, shall terminate 120 days
19 after the date on which the final report is submitted
20 under subsection (b).

21 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
22 MINATION.—The Commission may use the 120-day
23 period referred to in paragraph (1) for the purpose
24 of concluding its activities, including providing testi-

1 mony to committees of Congress concerning its re-
2 ports and disseminating the final report.

3 **SEC. 11. FUNDING.**

4 **[(a) TRANSFER FROM THE _____.—Of the**
5 amounts authorized to be appropriated by this Act and
6 made available in Public Law _____ not to exceed
7 \$2,000,000 shall be available for transfer to the Commis-
8 sion for purposes of the activities of the Commission under
9 this Act.]

10 (b) DURATION OF AVAILABILITY.—Amounts made
11 available to the Commission under subsection (a) shall re-
12 main available until the termination of the Commission.

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