

112TH CONGRESS
2D SESSION

H. R. 6491

To preserve American space leadership, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Mr. CULBERSON (for himself, Mr. WOLF, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. POSEY, Mr. OLSON, Mr. CALVERT, Mr. WEST, Mr. MACK, Mr. FARENTHOLD, Mr. CARTER, Mr. THORNBERRY, Mr. BURGESS, Mr. MCCAUL, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To preserve American space leadership, 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. SHORT TITLE.**

4 This Act may be cited as the “Space Leadership
5 Preservation Act of 2012”.

1 **SEC. 2. ADMINISTRATOR AND DEPUTY ADMINISTRATOR.**

2 Section 20111 of title 51, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) by striking “ADMINISTRATOR.—There
6 is established” and inserting “ADMINIS-
7 TRATOR.—

8 “(1) IN GENERAL.—There is established”;

9 (B) in paragraph (1), as so designated by
10 subparagraph (A) of this paragraph—

11 (i) by inserting “, pursuant to para-
12 graph (2),” after “who shall be ap-
13 pointed”; and

14 (ii) by inserting “The Administrator
15 shall serve for a term of 10 years.” after
16 “and activities thereof.”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(2) BOARD OF DIRECTORS NOMINATIONS.—

20 The President shall appoint the Administrator under
21 paragraph (1) from among the list of nominees pro-
22 vided by the Board of Directors pursuant to section
23 20118(l)(2)(A). The President shall appoint a new
24 Administrator not later than 3 months after the first
25 set of nominees is so provided by the Board of Di-
26 rectors. The sitting Administrator may serve in the

1 position until a new Administrator appointed pursu-
 2 ant to this paragraph is confirmed by the Senate.”;
 3 and

4 (2) in subsection (b)—

5 (A) by striking “ADMINISTRATOR.—There
 6 shall be” and inserting “ADMINISTRATOR.—

7 “(1) IN GENERAL.—There shall be”;

8 (B) in paragraph (1), as so designated by
 9 subparagraph (A) of this paragraph, by insert-
 10 ing “, pursuant to paragraph (2),” after “who
 11 shall be appointed”; and

12 (C) by adding at the end the following new
 13 paragraph:

14 “(2) BOARD OF DIRECTORS NOMINATIONS.—

15 The President shall appoint the Deputy Adminis-
 16 trator under paragraph (1) from among the list of
 17 nominees provided by the Board of Directors pursu-
 18 ant to section 20118(j)(2)(B).”.

19 **SEC. 3. BOARD OF DIRECTORS.**

20 (a) ESTABLISHMENT.—Subchapter II of chapter 201
 21 of title 51, United States Code, is amended by adding at
 22 the end the following new section:

23 **“§ 20118. Board of Directors**

24 “(a) ESTABLISHMENT.—There shall be established a
 25 Board of Directors for the National Aeronautics and

1 Space Administration in accordance with this section, not
2 later than 9 months after the date of enactment of the
3 ‘Space Leadership Preservation Act of 2012’.

4 “(b) MEMBERSHIP AND APPOINTMENT.—The Board
5 shall consist of 11 members to be appointed as follows:

6 “(1) Three members shall be appointed by the
7 President.

8 “(2) Three members shall be appointed by the
9 president pro tempore of the Senate.

10 “(3) One member shall be appointed by the mi-
11 nority leader of the Senate.

12 “(4) Three members shall be appointed by the
13 Speaker of the House of Representatives.

14 “(5) One member shall be appointed by the mi-
15 nority leader of the House of Representatives.

16 In addition to the members appointed under paragraphs
17 (1) through (5), the Administrator shall be an ex officio,
18 nonvoting member of the Board.

19 “(c) QUALIFICATIONS.—The persons appointed as
20 members of the Board shall be—

21 “(1) former astronauts or scientists or engi-
22 neers eminent in the fields of human spaceflight,
23 planetary science, space science, Earth science, and
24 aeronautics, or other scientific, engineering, busi-

1 ness, and social science disciplines related to space
2 and aeronautics;

3 “(2) selected on the basis of established records
4 of distinguished service; and

5 “(3) so selected as to provide representation of
6 the views of engineering, science, and aerospace
7 leaders in all areas of the Nation.

8 “(d) LIMITATION ON MEMBERS.—An individual em-
9 ployed by or representing an organization with which the
10 Administration has a contract is not eligible to serve on
11 the Board, except for scientists employed by or rep-
12 resenting colleges, universities, and other not-for-profit or-
13 ganizations. Additionally, a former Board member may
14 not take employment with or represent an organization
15 with which the Administration has a contract, or which
16 is seeking such a contract, for a period of 2 years following
17 completion of service on the Board.

18 “(e) TERMS.—The term of office of each member of
19 the Board shall be 3 years, except that any member ap-
20 pointed to fill a vacancy occurring prior to the expiration
21 of the term for which his predecessor was appointed shall
22 be appointed for the remainder of such term. Any person
23 who has been a member of the Board for 12 consecutive
24 years shall thereafter be ineligible for appointment during

1 the 2-year period following the expiration of such 12th
2 year.

3 “(f) TRAVEL EXPENSES.—Each member of the
4 Board shall receive travel expenses, including per diem in
5 lieu of subsistence, in accordance with applicable provi-
6 sions under subchapter I of chapter 57 of title 5, United
7 States Code.

8 “(g) MEETINGS.—The Board shall meet quarterly
9 and at such other times as the Chairman may determine,
10 but the Chairman shall also call a meeting whenever one-
11 third of the members so request in writing. The Board
12 shall adopt procedures governing the conduct of its meet-
13 ings, including delivery of notice and a definition of a
14 quorum, which in no case shall be less than one-half plus
15 one of the members of the Board.

16 “(h) CHAIRMAN AND VICE CHAIRMAN.—The election
17 of the Chairman and Vice Chairman of the Board shall
18 take place at each first quarter meeting occurring in an
19 even-numbered year. The Vice Chairman shall perform the
20 duties of the Chairman in his absence. In case a vacancy
21 occurs in the chairmanship or vice chairmanship, the
22 Board shall elect a member to fill such vacancy.

23 “(i) STAFF.—The Board may, with the concurrence
24 of a majority of its members, permit the appointment of
25 a staff consisting of professional staff members, technical

1 and professional personnel on leave of absence from aca-
2 demic, industrial, or research institutions for a limited
3 term, and such operations and support staff members as
4 may be necessary. Such staff shall be appointed by the
5 Chairman and assigned at the direction of the Board. The
6 professional members and limited term technical and pro-
7 fessional personnel of such staff may be appointed without
8 regard to the provisions of title 5, United States Code,
9 governing appointments in the competitive service, and the
10 provisions of chapter 51 of such title relating to classifica-
11 tion, and shall be compensated at a rate not exceeding
12 the maximum rate payable under section 5376 of such
13 title, as may be necessary to provide for the performance
14 of such duties as may be prescribed by the Board in con-
15 nection with the exercise of its powers and functions under
16 this section.

17 “(j) SPECIAL COMMISSIONS.—The Board is author-
18 ized to establish such special commissions as it may from
19 time to time deem necessary for the purposes of this sec-
20 tion.

21 “(k) COMMITTEES.—The Board is also authorized to
22 appoint from among its members such committees as it
23 deems necessary, and to assign to committees so appointed
24 such survey and advisory functions as the Board deems

1 appropriate to assist it in exercising its powers and func-
2 tions under this section.

3 “(l) FUNCTIONS.—

4 “(1) BUDGET PROPOSAL.—Not later than No-
5 vember 15 of each year, the Board shall provide to
6 the President, and to the Committee on Appropria-
7 tions and the Committee on Science, Space, and
8 Technology of the House of Representatives and the
9 Committee on Appropriations and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate, a proposed budget for the National Aeronautics
12 and Space Administration for the next fiscal year.
13 Such budget shall—

14 “(A) carry out the purpose described in
15 section 20102(h);

16 “(B) be based on—

17 “(i) the best professional judgement
18 of the Board;

19 “(ii) recommendations from the sci-
20 entific, engineering, and other technical ex-
21 perts communities; and

22 “(iii) the recommendations of the
23 most recent National Research Council
24 decadal surveys; and

“(C) follow such decadal survey’s recommended decision rules regarding program implementation, including a strict adherence to the recommendation that the National Aeronautics and Space Administration include in a balanced program a flagship class mission, which may be executed in cooperation with one or more international partners.

“(2) NOMINEES FOR ADMINISTRATOR, DEPUTY ADMINISTRATOR, AND CHIEF FINANCIAL OFFICER.—

The Board shall provide to the President—

“(A) a list of 3 nominees from which the President shall appoint an Administrator pursuant to section 20111(a);

“(B) a list of 3 nominees from which the President shall appoint a Deputy Administrator pursuant to section 20111(b); and

“(C) a list of 3 nominees from which the President shall appoint a Chief Financial Officer pursuant to section 205(a) of the Chief Financial Officers Act (31 U.S.C. 901(a)).

The Board shall provide the first set of nominees under this paragraph not later than 15 months after the date of enactment of the ‘Space Leadership Preservation Act of 2012’.

1 “(3) REPORTS.—

2 “(A) ANNUAL INFRASTRUCTURE, CAPA-
3 BILITIES, AND WORKFORCE ASSESSMENT.—The
4 Board shall provide to the President and the
5 Congress annually a report assessing the status
6 of United States spaceflight infrastructure,
7 unique space capabilities, and the health of the
8 United States workforce necessary to maintain
9 such infrastructure and capabilities. The assess-
10 ment shall also identify areas of concern, gaps
11 in capability compared to foreign spaceflight ca-
12 pabilities, and recommendations on how to
13 strengthen or improve United States capabili-
14 ties and workforce.

15 “(B) SPECIFIC POLICY MATTER RE-
16 PORTS.—The Board shall provide to the Presi-
17 dent and the Congress reports on specific, indi-
18 vidual policy matters within the authority of the
19 Administration (or otherwise as requested by
20 the Congress or the President) related to
21 human space flight, planetary science, earth
22 science, aeronautics, and science, technology,
23 engineering, and mathematics education, as the
24 Board, the President, or the Congress deter-
25 mines the need for such reports.

1 “(4) QUADRENNIAL REVIEW.—The Board shall
2 provide to the President and the Congress, not later
3 than the later of 180 days after the establishment
4 of the Board or the third quarterly meeting of the
5 Board, and once every 4 years thereafter, a quadren-
6 nial review of current space programs and a vision
7 for future space exploration.

8 “(5) REMOVAL OF ADMINISTRATOR FOR
9 CAUSE.—The Board may provide to the President
10 and the Congress a report recommending the re-
11 moval of the Administrator for cause. Any such re-
12 port shall include the reasons for such recommenda-
13 tion.

14 “(m) BUDGET MEETINGS.—Portions of Board meet-
15 ings in which the Board considers the budget proposal re-
16 quired under subsection (l)(1) for a particular fiscal year
17 may be closed to the public until the Board submits the
18 proposal to the President and the Congress.

19 “(n) FINANCIAL DISCLOSURE.—Members of the
20 Board shall be required to file a financial disclosure report
21 under title II of the Ethics in Government Act of 1978
22 (5 U.S.C. App. 92 Stat. 1836), except that such reports
23 shall be held confidential and exempt from any law other-
24 wise requiring their public disclosure.”.

1 (b) TABLE OF SECTIONS.—The table of sections for
2 chapter 201 of title 51, United States Code, is amended
3 by adding at the end of the items for subchapter II the
4 following new item:

“20118. Board of Directors.”.

5 **SEC. 4. BUDGET PROPOSAL.**

6 Section 30103 of title 51, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(e) BOARD OF DIRECTORS PROPOSAL.—

10 “(1) INCLUSION IN PRESIDENT’S PROPOSED
11 BUDGET.—The proposed budget for the Administra-
12 tion submitted to the Congress by the President for
13 each fiscal year shall include a description of, and a
14 detailed justification for, any differences between the
15 President’s proposed budget and the budget pro-
16 vided by the Board of Directors under section
17 20118(l)(1).

18 “(2) ELEMENTS OF BUDGET PROPOSAL.—Sub-
19 sections (a) through (d) of this section shall apply
20 to the proposed budget provided by the Board of Di-
21 rectors under section 20118(l)(1).”.

22 **SEC. 5. LONG TERM CONTRACTING.**

23 (a) AMENDMENTS.—Section 20142 of title 51,
24 United States Code, is amended—

1 (1) in the section heading, by striking “**Con-**
 2 **tracts regarding expendable launch vehi-**
 3 **cles**” and inserting “**Long term contracting**”;

4 (2) in subsection (a), by—

5 (A) striking “expendable launch vehicle
 6 services” and inserting “rocket propulsion sys-
 7 tems and manned and unmanned space trans-
 8 portation vehicles and payloads, including ex-
 9 pendable launch vehicles, and any other infra-
 10 structure intended for placement or operation
 11 in space or on celestial bodies, and services re-
 12 lated thereto,”; and

13 (B) striking “related to launch” and in-
 14 serting “related to”; and

15 (3) in subsection (b), by striking “launch serv-
 16 ices” and inserting “the goods and services to have
 17 been provided under the contract”.

18 (b) TABLE OF SECTIONS AMENDMENT.—The item
 19 relating to section 20142 in the table of sections for chap-
 20 ter 201 of title 51, United States Code, is amended to
 21 read as follows:

“20142. Long term contracting.”.

