

110TH CONGRESS
1ST SESSION

H. R. 4916

To create a National Endowment to advance private sector development of aeronautics and space technologies by way of the National Advanced Space and Aeronautical Technologies Prize Award Program.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

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

A BILL

To create a National Endowment to advance private sector development of aeronautics and space technologies by way of the National Advanced Space and Aeronautical Technologies Prize Award Program.

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 “Aeronautics and Space
5 Prize Act”.

1 **SEC. 2. NATIONAL ENDOWMENT FOR AERONAUTICS AND**
2 **SPACE.**

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

6 (b) PURPOSES.—The purposes of the Endowment
7 are—

8 (1) to execute a program awarding cash prizes
9 in recognition of outstanding private sector achieve-
10 ments in basic, advanced, and applied research, tech-
11 nology development, and prototype demonstration
12 that have the potential for application to the Na-
13 tion’s aeronautics and space endeavors within the
14 National Aeronautics and Space Administration (re-
15 ferred to in this Act as “NASA”) and other govern-
16 mental agencies as well as private entities in the
17 United States;

18 (2) with the advice of NASA and other agencies
19 as appropriate, to carry out a program for tasteful
20 advertising of commercial products and services in
21 conjunction with the Nation’s aeronautics and space
22 endeavors in conjunction with NASA, other agencies
23 involved in aeronautics and space, or independently;
24 and

25 (3) to encourage private gifts of real and per-
26 sonal property or any income therefrom or other in-

1 terest therein for the benefit of, or in connection
2 with, the Nation's aeronautics and space endeavors
3 in NASA as well as other governmental agencies and
4 private entities involved in aeronautics and space in
5 the United States.

6 (c) **AUTHORITY OF THE ENDOWMENT.**—In carrying
7 out the purposes specified in subsection (b), the endow-
8 ment 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 (d) **POWERS OF THE ENDOWMENT.**—

21 (1) **CONTRACT.**—The Endowment, with the ad-
22 vice of NASA and other agencies as appropriate,
23 shall have the power to enter into contracts or
24 grants, to execute instruments, and generally to do
25 any and all lawful acts necessary or appropriate con-

1 sistent with the purposes of the Endowment speci-
2 fied in subsection (b).

3 (2) PAYMENT.—Neither NASA, other agencies,
4 private sector entities, nor any employee thereof, ex-
5 cept as specified in this Act, is authorized to accept
6 funds from the Endowment.

7 (3) COORDINATION.—In order to carry out its
8 functions under this Act, the Endowment may utilize
9 the services and facilities of NASA and other Fed-
10 eral agencies, and such services and facilities may be
11 made available on request to the extent practicable
12 without reimbursement therefor.

13 (e) GIFTS; DEVISES; BEQUESTS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the Endowment may accept, receive, so-
16 licit, hold, administer, and use any gifts, devises, or
17 bequests, either absolutely or in trust, of real or per-
18 sonal property or any income therefrom or other in-
19 terest therein for the benefit of or in connection with
20 the Nation's aeronautics and space endeavors within
21 NASA as well as other governmental agencies within
22 the United States, including a gift, devise, or be-
23 quest that is encumbered, restricted, or subject to
24 beneficial interests of private persons if any current
25 or future interest therein is for the benefit of the

1 Nation's aeronautics and space endeavors within
2 NASA as well as other governmental agencies in-
3 volved in aeronautics and space within the United
4 States. For purposes of this paragraph, an interest
5 in real property includes easements or other rights
6 for preservation, conservation, protection, or en-
7 hancement by and for the public of natural, scenic,
8 historic, scientific, educational, inspirational, or rec-
9 reational resources.

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

14 (3) PROPERTY OF THE UNITED STATES.—Gifts
15 and other transfers made to or for the use of the
16 Endowment shall be regarded as contributions, gifts,
17 or transfers to or for the use of the United States.

18 (f) 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.

23 (g) CHAIRPERSON OF THE ENDOWMENT.—

24 (1) IN GENERAL.—The Endowment shall be
25 headed by a Chairperson, who shall be appointed by

1 the President, by and with the advice and consent
2 of the Senate.

3 (2) RESPONSIBILITIES.—Under the supervision
4 and direction of the President, the Chairperson shall
5 be responsible for the exercise of all powers and the
6 discharge of all duties of the Endowment, and shall
7 have authority and control over all personnel and ac-
8 tivities thereof. The Chairperson shall not engage in
9 any other business, vocation, or employment while
10 serving as such.

11 (3) TERMS.—The Chairperson shall serve for a
12 term of 4 years and shall be eligible for reappoint-
13 ment. Upon expiration of the Chairperson's term of
14 office the Chairperson shall serve until the Chair-
15 person's successor shall be appointed.

16 (4) DUTIES.—The Chairperson shall correlate
17 the programs of the Endowment, insofar as prac-
18 ticable, with existing programs of Federal, State, re-
19 gional, or private groups, and shall develop the pro-
20 grams of the Endowment with due regard to the
21 contribution to the objectives of this Act which can
22 be made by other Federal agencies under existing
23 programs. The Chairperson may enter into inter-
24 agency agreements to promote or assist the aero-
25 nautics and space activities of other Federal agen-

1 cies on a reimbursable or nonreimbursable basis, and
2 may use funds authorized to be appropriated for the
3 purposes of subsection (b) for the costs of such ac-
4 tivities.

5 **SEC. 3. NATIONAL ADVANCED SPACE AND AERONAUTICAL**
6 **TECHNOLOGIES PRIZE AWARD PROGRAM.**

7 (a) **IN GENERAL.**—The Endowment shall carry out
8 the program described in section 2(b)(1).

9 (b) **COMPETITION REQUIREMENTS.**—The Endow-
10 ment shall—

11 (1) widely advertise prize competitions and use
12 a competitive process for the selection of recipients
13 of prizes under this section; and

14 (2) make a determination, with the advice of
15 NASA and other governmental agencies as appro-
16 priate, prior to the advertisement required under
17 paragraph (1) if an individual prize might have ben-
18 efits for the Nation’s aeronautics and space endeav-
19 ors within NASA as well as other governmental
20 agencies and private entities involved in aeronautics
21 and space in the United States.

22 (c) **REGISTRATION.**—

23 (1) **IN GENERAL.**—The Endowment shall re-
24 quire potential recipients of prizes to register for any
25 prize competition under the program established

1 under this section, and, as part of the registration
2 process, to assume any and all risks and waive
3 claims against the United States Government and
4 its related entities for any injury, death, damage, or
5 loss of property or revenue or profits, whether di-
6 rect, indirect, or consequential, arising from their
7 participation in a competition, whether such injury,
8 death, damage, or loss arises through negligence or
9 otherwise, except in the case of willful misconduct.

10 (2) RELATED ENTITY.—For purposes of this
11 subsection, the term “related entity” includes a con-
12 tractor or subcontractor at any tier, and a supplier,
13 user, customer, cooperating party, grantee, investi-
14 gator, or detailee.

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

16 (1) The total amount of cash prizes budgeted in
17 a fiscal year shall not exceed \$150,000,000.

18 (2) No prize competition shall result in the
19 award of more than \$50,000 in cash prizes without
20 the approval of the Chairperson or the Chairperson’s
21 designee.

22 (e) AVAILABILITY OF FUNDS.—Funds appropriated
23 for the program authorized by this section shall remain
24 available until expended for a maximum of 4 years.

1 (f) REPORT.—The Endowment shall transmit to the
2 Committee on Appropriations and the Committee on Com-
3 merce, Science, and Transportation of the Senate, and to
4 the Committee on Appropriations and the Committee on
5 Science and Technology of the House of Representatives,
6 a report on the administration of the program under this
7 section for each fiscal year. The report shall include—

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

10 (2) the total amount of the cash prizes award-
11 ed; and

12 (3) the methods used for solicitation and eval-
13 uation of submissions, together with an assessment
14 of the effectiveness of those methods.

15 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as may be necessary to carry out this Act.

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