

114TH CONGRESS
1ST SESSION

H. R. 2093

To preserve American space leadership, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

Mr. CULBERSON (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, and Mr. CUELLAR) 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 2015”.

6 **SEC. 2. ADMINISTRATOR AND DEPUTY ADMINISTRATOR.**

7 Section 20111 of title 51, United States Code, is
8 amended—

9 (1) in subsection (a)—

1 (A) by striking “ADMINISTRATOR.—There
2 is established” and inserting “ADMINIS-
3 TRATOR.—

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

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

7 (i) by inserting “, pursuant to para-
8 graph (2),” after “who shall be ap-
9 pointed”; and

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

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

15 “(2) BOARD OF DIRECTORS NOMINATIONS.—

16 The President shall appoint the Administrator under
17 paragraph (1) from among the list of nominees pro-
18 vided by the Board of Directors pursuant to section
19 20118(l)(2)(A). The President shall appoint a new
20 Administrator not later than 3 months after the first
21 set of nominees is so provided by the Board of Di-
22 rectors. The sitting Administrator may serve in the
23 position until a new Administrator appointed pursu-
24 ant to this paragraph is confirmed by the Senate.”;
25 and

1 (2) in subsection (b)—

2 (A) by striking “ADMINISTRATOR.—There
3 shall be” and inserting “ADMINISTRATOR.—

4 “(1) IN GENERAL.—There shall be”;

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

9 (C) by adding at the end the following new
10 paragraph:

11 “(2) BOARD OF DIRECTORS NOMINATIONS.—

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

16 **SEC. 3. BOARD OF DIRECTORS.**

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

20 **“§ 20118. Board of Directors**

21 “(a) ESTABLISHMENT.—There shall be established a
22 Board of Directors for the National Aeronautics and
23 Space Administration in accordance with this section, not
24 later than 9 months after the date of the enactment of
25 the Space Leadership Preservation Act of 2015.

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

3 “(1) Three members shall be appointed by the
4 President.

5 “(2) Three members shall be appointed by the
6 President pro tempore of the Senate.

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

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

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

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

16 “(c) QUALIFICATIONS.—The individuals appointed as
17 members of the Board shall be—

18 “(1) former astronauts or scientists or engi-
19 neers eminent in the fields of human spaceflight,
20 planetary science, space science, Earth science, and
21 aeronautics, or other scientific, engineering, busi-
22 ness, and social science disciplines related to space
23 and aeronautics;

24 “(2) selected on the basis of established records
25 of distinguished service; and

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

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

14 “(e) TERMS.—The term of office of each member of
15 the Board shall be 3 years, except that any member ap-
16 pointed to fill a vacancy occurring prior to the expiration
17 of the term for which his predecessor was appointed shall
18 be appointed for the remainder of such term. Any person
19 who has been a member of the Board for 12 consecutive
20 years shall thereafter be ineligible for appointment during
21 the 2-year period following the expiration of such 12th
22 year.

23 “(f) TRAVEL EXPENSES.—Each member of the
24 Board shall receive travel expenses, including per diem in
25 lieu of subsistence, in accordance with applicable provi-

1 sions under subchapter I of chapter 57 of title 5, United
2 States Code.

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

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

18 “(i) STAFF.—

19 “(1) IN GENERAL.—The Chairman may, with
20 the concurrence of a majority of Board members,
21 appoint professional staff, technical and professional
22 personnel on leave of absence from academic, indus-
23 trial, or research institutions for a limited term, and
24 operations and support staff. The duties of such
25 staff shall be assigned at the direction of the Board

1 as necessary to assist the Board in exercising its
2 powers and functions under this section.

3 “(2) COMPETITIVE SERVICE; COMPENSATION.—
4 Professional staff and limited-term technical and
5 professional personnel may be appointed without re-
6 gard to the provisions of title 5, United States Code,
7 governing appointments in the competitive service,
8 and the provisions of chapter 51 of such title relat-
9 ing to classification, and shall be compensated at a
10 rate not exceeding the maximum rate payable under
11 section 5376 of such title.

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

16 “(k) COMMITTEES.—The Board is authorized to ap-
17 point from among its members such committees as it
18 deems necessary, and to assign to committees so appointed
19 such survey and advisory functions as the Board deems
20 appropriate to assist it in exercising its powers and func-
21 tions under this section.

22 “(l) FUNCTIONS.—

23 “(1) BUDGET PROPOSAL.—Not later than No-
24 vember 15 of each year, the Board shall provide to
25 the President, the Committee on Appropriations of

1 the House of Representatives, the Committee on
2 Science, Space, and Technology of the House of
3 Representatives, the Committee on Appropriations of
4 the Senate, and the Committee on Commerce,
5 Science, and Transportation of the Senate, a pro-
6 posed budget for the National Aeronautics and
7 Space Administration for the next fiscal year. Such
8 budget shall—

9 “(A) carry out the purpose described in
10 section 20102(h);

11 “(B) be based on—

12 “(i) the best professional judgment of
13 the Board;

14 “(ii) recommendations from the sci-
15 entific, engineering, and other technical ex-
16 perts communities; and

17 “(iii) the recommendations of the
18 most recent National Research Council
19 decadal surveys; and

20 “(C) follow such decadal survey’s rec-
21 ommended decision rules regarding program
22 implementation, including a strict adherence to
23 the recommendation that the National Aero-
24 nautics and Space Administration include in a
25 balanced program a flagship class mission,

1 which may be executed in cooperation with one
2 or more international partners.

3 “(2) NOMINEES FOR ADMINISTRATOR, DEPUTY
4 ADMINISTRATOR, AND CHIEF FINANCIAL OFFICER.—
5 The Board shall provide to the President—

6 “(A) a list of 3 nominees from which the
7 President shall appoint an Administrator pursu-
8 ant to section 20111(a);

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

12 “(C) a list of 3 nominees from which the
13 President shall appoint a Chief Financial Offi-
14 cer pursuant to section 205(a) of the Chief Fi-
15 nancial Officers Act (31 U.S.C. 901(a)).

16 The Board shall provide the first set of nominees
17 under this paragraph not later than 15 months after
18 the date of the enactment of the Space Leadership
19 Preservation Act of 2015.

20 “(3) REPORTS.—

21 “(A) ANNUAL INFRASTRUCTURE, CAPA-
22 BILITIES, AND WORKFORCE ASSESSMENT.—The
23 Board shall provide to the President and the
24 Congress annually a report assessing the status
25 of United States spaceflight infrastructure,

1 unique space capabilities, and the availability of
2 qualified United States workers necessary to
3 maintain such infrastructure and capabilities.
4 The assessment shall also identify areas of con-
5 cern, gaps in capability compared to foreign
6 spaceflight capabilities, and recommendations
7 on how to strengthen or improve United States
8 capabilities and workforce.

9 “(B) SPECIFIC POLICY MATTER RE-
10 PORTS.—The Board shall provide to the Presi-
11 dent and the Congress reports on specific, indi-
12 vidual policy matters within the authority of the
13 Administration (or otherwise as requested by
14 the Congress or the President) related to
15 human spaceflight, planetary science, Earth
16 science, aeronautics, and science, technology,
17 engineering, and mathematics education, as the
18 Board, the President, or the Congress deter-
19 mines the need for such reports.

20 “(4) REVIEW.—The Board shall provide to the
21 President and the Congress, not later than the later
22 of 180 days after the establishment of the Board or
23 the third quarterly meeting of the Board, and once
24 every 4 years thereafter, a review of current space
25 programs and a vision for future space exploration.

1 “(5) REMOVAL OF ADMINISTRATOR FOR
2 CAUSE.—The Board may provide to the President
3 and the Congress a report recommending the re-
4 moval of the Administrator for cause. Any such re-
5 port shall include the reasons for such recommenda-
6 tion.

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

12 “(n) FINANCIAL DISCLOSURE.—Members of the
13 Board shall be required to file a financial disclosure report
14 under title I of the Ethics in Government Act of 1978
15 (5 U.S.C. App. 92 Stat. 1836), except that such reports
16 shall be held confidential and exempt from any law other-
17 wise requiring their public disclosure.”.

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

“20118. Board of Directors.”.

22 **SEC. 4. BUDGET PROPOSAL.**

23 Section 30103 of title 51, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(e) BOARD OF DIRECTORS PROPOSAL.—

2 “(1) INCLUSION IN PRESIDENT’S PROPOSED
3 BUDGET.—The proposed budget for the Administra-
4 tion submitted to the Congress by the President for
5 each fiscal year shall include a description of, and a
6 detailed justification for, any differences between the
7 President’s proposed budget and the budget pro-
8 vided by the Board of Directors under section
9 20118(l)(1).

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

14 **SEC. 5. LONG-TERM CONTRACTING.**

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

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

20 (2) in subsection (a), by—

21 (A) striking “expendable launch vehicle
22 services” and inserting “rocket propulsion sys-
23 tems and manned and unmanned space trans-
24 portation vehicles and payloads, including ex-
25 pendable launch vehicles, and any other infra-

1 structure intended for placement or operation
2 in space or on celestial bodies, and services re-
3 lated thereto,”; and

4 (B) striking “related to launch” and in-
5 serting “related to”; and

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

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

“20142. Long-term contracting.”.

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