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(Original Signature of Member)

112TH CONGRESS  
2D SESSION

**H. R.**

To preserve American space leadership, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CULBERSON (for himself, Mr. WOLF, Mr. POSEY, Mr. SMITH of Texas, Mr. SENSENBRENNER, and Mr. OLSON) introduced the following bill; which was referred to the Committee on

**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”.

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

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

1 (1) in subsection (a)—

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

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

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

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

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

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

16 “(2) BOARD OF DIRECTORS NOMINATIONS.—

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

1 ant to this paragraph is confirmed by the Senate.”;

2 and

3 (2) in subsection (b)—

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

6 “(1) IN GENERAL.—There shall be”;

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

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

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

18 **SEC. 3. BOARD OF DIRECTORS.**

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

22 **“§ 20118. Board of Directors**

23 “(a) ESTABLISHMENT.—There shall be established a  
24 Board of Directors for the National Aeronautics and  
25 Space Administration in accordance with this section, not

1 later than 9 months after the date of enactment of the  
2 ‘Space Leadership Preservation Act of 2012’.

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

5 “(1) 3 members shall be appointed by the  
6 President.

7 “(2) 3 members shall be appointed by the presi-  
8 dent pro tempore of the Senate.

9 “(3) 1 member shall be appointed by the minor-  
10 ity leader of the Senate.

11 “(4) 3 members shall be appointed by the  
12 Speaker of the House of Representatives.

13 “(5) 1 member shall be appointed by the minor-  
14 ity leader of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

21       “(i) STAFF.—The Board may, with the concurrence  
22 of a majority of its members, permit the appointment of  
23 a staff consisting of professional staff members, technical  
24 and professional personnel on leave of absence from aca-  
25 demic, industrial, or research institutions for a limited

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

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

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

25       “(l) FUNCTIONS.—

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

11                   “(A) carry out the purpose described in  
12                   section 20102(h);

13                   “(B) be based on—

14                           “(i) the best professional judgement  
15                           of the Board;

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

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

22                   “(C) follow such decadal survey’s rec-  
23                   ommended decision rules regarding program  
24                   implementation, including a strict adherence to  
25                   the recommendation that the National Aero-

1 nautics and Space Administration include in a  
2 balanced program a flagship class mission,  
3 which may be executed in cooperation with one  
4 or more international partners.

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

7 The Board shall provide to the President—

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

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

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

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

22 “(3) REPORTS.—

23 “(A) ANNUAL INFRASTRUCTURE, CAPA-  
24 BILITIES, AND WORKFORCE ASSESSMENT.—The  
25 Board shall provide to the President and the

1 Congress annually a report assessing the status  
2 of United States spaceflight infrastructure,  
3 unique space capabilities, and the health of the  
4 United States workforce necessary to maintain  
5 such infrastructure and capabilities. The assess-  
6 ment shall also identify areas of concern, gaps  
7 in capability compared to foreign spaceflight ca-  
8 pabilities, and recommendations on how to  
9 strengthen or improve United States capabili-  
10 ties and workforce.

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

22 “(4) QUADRENNIAL REVIEW.—The Board shall  
23 provide to the President and the Congress, not later  
24 than the later of 180 days after the establishment  
25 of the Board or the third quarterly meeting of the

1 Board, and once every 4 years thereafter, a quadren-  
2 nial review of current space programs and a vision  
3 for future space exploration.

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

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

15 “(n) FINANCIAL DISCLOSURE.—Members of the  
16 Board shall be required to file a financial disclosure report  
17 under title II of the Ethics in Government Act of 1978  
18 (5 U.S.C. App. 92 Stat. 1836), except that such reports  
19 shall be held confidential and exempt from any law other-  
20 wise requiring their public disclosure.”.

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

“20118. Board of Directors.”.

1 **SEC. 4. BUDGET PROPOSAL.**

2 Section 30103 of title 51, United States Code, is  
3 amended by adding at the end the following new sub-  
4 section:

5 “(e) BOARD OF DIRECTORS PROPOSAL.—

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

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

18 **SEC. 5. LONG TERM CONTRACTING.**

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

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

24 (2) in subsection (a), by—

25 (A) striking “expendable launch vehicle  
26 services” and inserting “rocket propulsion sys-

1           tems and manned and unmanned space trans-  
2           portation vehicles and payloads, including ex-  
3           pendable launch vehicles, and any other infra-  
4           structure intended for placement or operation  
5           in space or on celestial bodies, and services re-  
6           lated thereto,”; and

7                   (B) striking “related to launch” and in-  
8                   serting “related to”; and

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

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

“20142. Long term contracting.”.