

1 110th Congress

2 1st Session

3

4 H.R/S #####

5

6 To authorize the establishment of a National Space Prize Board.

7

8

9 IN THE HOUSE OF REPRESENTATIVES/IN THE SENATE

10

11 (Date)

12

13 (sponsor) introduced the following bill; which was referred to the

14 Committee on Armed Services (House)

15 Committee on Armed Services (Senate)

16

17

18 A BILL

19

20 To authorize the establishment of a National Space Prize Board.

21

22 *Be it enacted by the Senate and House of Representatives of the United States of*

23 *America in Congress assembled,*

24

25 **SECTION 1. SHORT TITLE(S).**

26

27 This Act may be cited as the “SPACE Act of 2007” or the “Space Prizes for the

28 Advancement of Commerce and Enterprise Act of 2007”.

29

1 **SECTION 2. THE NATIONAL SPACE PRIZE BOARD**

2 (a) ESTABLISHMENT.---There is established a National Space Prize Board
3 (referred to in this Act as the “Board”).

4 (b) PURPOSE.---The purpose of the Board is---

5 (1) to use cash prizes as a means to accelerate the commercial expansion
6 of economic, exploration, national security and scientific uses of space and spaceflight;

7 (2) to devise and award cash prizes to private sector space companies,
8 partnerships and other organizations for the completion of certain achievements deemed
9 by the members of the Board to advance the space interests of the United States in both
10 the public and private sectors;

11 (3) (To Come)

12 (c) MEMBERSHIP.—

13 (1) APPOINTMENT.—The Board shall have 7 Members;

14 (A) The Director of DARPA, The Secretary of Transportation,
15 Secretary of Commerce and the NASA Administrator shall serve as full members on a
16 permanent basis;

17 (B) Three additional members (Hereinafter “Outside Members”)
18 shall be appointed by the President with the advice and consent of the Senate under the
19 following guidelines;

20 (i) TERM.—Outside Members of the Board shall serve for a
21 term of 3 years and shall be eligible for reappointment, except that one member initially
22 appointed shall be appointed for a term of 2 years and one member initially shall be
23 appointed for a term of four years.

24 (ii) QUALIFICATIONS.—Outside Members shall be
25 selected from among individuals with national reputations in the private sector, policy
26 sector or academic institutions. While direct experience with space endeavors should be
27 considered, those individuals that have provided leadership in other fields shall be
28 eligible for appointment. Government officials or employees shall not be eligible for
29 appointment.

30 (iii) VACANCIES.— An individual appointed to fill a
31 vacancy occurring other than by the expiration of a term shall be appointed for the

1 remainder of the term of the former member the individual succeeds.

2 (iv) STATUS.—Membership on the Board by
3 Outside Members of the Board shall not be deemed to be an office within the meaning of
4 the statutes of the United States.

5 (v) TRAVEL EXPENSES.—Members of the Board shall
6 be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized
7 for employees of agencies under subchapter I of chapter 57 of title 5, United States Code,
8 while away from their homes or regular places of business.

9 (d) CHAIR.—The President shall designate an individual to serve as Chair of the
10 Board for a term of 3 years. Any individual designated as chair is eligible for
11 redesignation as Chair.

12 (e) BYLAWS.--- Upon the appointment and qualification of all members of the
13 board, the board may by majority vote adopt by-laws and adopt an official seal (which
14 shall be judicially recognized).

15 (f) MEETINGS.—The Board shall meet at the call of the Chair. A majority of the
16 members shall constitute a quorum, but a lesser number may conduct the business of the
17 Board.

18 (g) STAFF.—

19 (1) IN GENERAL.—The Board shall appoint and fix the compensation (in
20 accordance with the guidelines prescribed by the Administrator of General Services
21 under section 7(d) of the Federal Advisory Committee Act) of staff selected as permanent
22 staff of the Board, including but not limited to the appointment by the Board of an
23 Executive Director as well as staff required to coordinate the work of the board and the
24 activities of Board members.

25 (2) DETAILING OF FEDERAL EMPLOYEES.—At the request of the
26 Board, the head of a Federal department or agency may assign an employee to serve as a
27 member of the Board staff while employed by the United States.

28 (h) POWERS AND DUTIES---

29 (1) IN GENERAL.---The Board shall devise and award cash prizes
30 designed to;

31 (i) accelerate the commercial expansion of economic, exploration,

1 national security and scientific uses of space and spaceflight;

2 (ii) lead to prototypical demonstrations of new space vehicles,
3 technologies and capabilities that have the potential for application to the performance of
4 space activities in both the public and private sectors;

5 (2) COMPETITIVE PROCESS.---Recipients of prizes offered by the
6 Board shall be selected through one or more competitions overseen by the Board.

7 (i) The Board may, in its sole discretion, designate another entity,
8 including but not limited to corporations, non-profit organizations or government
9 agencies, to oversee any particular competition, provided that said entity does not
10 materially benefit from the cash prize. The Board may contract with other entities to run
11 competitions and as such compensate those entities for direct expenses only in the
12 conduct of the competition.

13 (3) ADVERTISEMENT OF COMPETITIONS.---The Board shall widely
14 advertise any competition conducted under the program.

15 (4) REGISTRATION.---Each potential recipient of a prize in a
16 competition under the jurisdiction of the Board shall register with the Board or any entity
17 so designated by the Board as being responsible for a particular competition.

18 (5) ASSUMPTION OF RISK.—In registering for a competition under
19 paragraph (4), a potential recipient of a prize shall assume any and all risks, and waive
20 claims against the United States Government and its related entities (including
21 contractors and subcontractors at any tier, suppliers, users, customers, cooperating
22 parties, grantees, investigators, and detailees), for any injury, death, damage, or loss of
23 property, revenue, or profits, whether direct, indirect, or consequential, arising from
24 participation in the competition, whether such injury, death, damage, or loss arises
25 through negligence or otherwise, except in the case of willful misconduct.

26 (i) BUDGETING AND AWARDED OF FUNDS.---

27 (1) AVAILABILITY OF FUNDS.---Any funds appropriated to carry out
28 this section shall remain available until expended.

29 (2) AUTHORIZATION OF APPROPRIATIONS.--- The Board shall
30 receive \$100 million per year. Funds shall be appropriated within the budget of the
31 Defense Advanced Research Projects Agency (hereinafter DARPA) at the Department of

1 Defense and shall be assigned by the Secretary to the Board. Funds appropriated for this
2 purpose may not be reprogrammed.

3 (3) MAXIMUM PRIZE AMOUNT.--- The Board is authorized to offer
4 single prizes in any amount not to exceed \$400 million on its own authority. Prizes
5 larger than \$400 million will require specific authorization by the Congress.

6 (4) FUNDING INDIVIDUAL PRIZES.--- The Board may fund a prize
7 as follows;

8 (i) The Board shall determine a suitable prize, including details of
9 the competition and the amount of the cash prize;

10 (ii) The Board shall then make a best estimate of the minimum
11 time in terms of years required for a registrant to fulfill the requirements necessary to win
12 that particular competition and to claim the prize;

13 (iii) The Board shall then divide the full amount of the prize,
14 including any administrative costs or other expenses associated with that prize, by the
15 number of years the Board in its best estimation believes will pass before the prize is
16 won. The result shall be known as the "Annual Funding Requirement" for that prize.

17 (iv) The Board shall then cause to be deposited in an escrow
18 account the "Annual Funding Requirement" from the funds appropriated for the Board
19 under Section (2) each year until the prize is won or the prize has been fully funded.

20 (v) Should the Prize be won before it can be fully funded, the
21 Board shall transfer the amount of the Annual Funding Requirement to the winner on an
22 annual basis, as soon as practicable following the beginning of the Federal Fiscal Year,
23 until such time as the prize has been fully awarded. The Board shall not pay any interest,
24 fees or penalties to compensate winner should prize be won in advance of being fully
25 funded.

26 (5) FINITE TERM FOR INDIVIDUAL PRIZES AND
27 COMPETITIONS.--- The Board shall, in devising a cash prize and competition, assign a
28 fixed term in years for the competition, not to exceed 10 years. If, at the end of the
29 designated term the requirements of the competition have not been met by any registered
30 competitor, then the prize shall terminate and any and all funds held shall be returned to
31 the general accounts of the Board to be re-designated for other cash prizes.

1 (j) FUNDING FROM OTHER ENTITIES.--- The Board is hereby authorized to
2 enter into agreements with other entities, including corporations, non-profit organizations
3 and other government departments, to offer joint prizes, provided;

4 (A) The prize jointly offered adheres to the basic purpose of the Board as
5 set out herein;

6 (B) The entity offering additional funds agrees to deposit funds to a
7 designated escrow account base on the formula and rules set out in Sections (i)(4) and
8 (i)(5); and

9 (C) The Board retains full authority over the competition and the
10 awarding of the cash prize.

11 (k) LIMITATIONS.---

12 A) All awards under this statute shall be limited to United States citizens,
13 corporations, non-profit organizations, educational institutions and
14 other domestic entities only.

15 B) No registrant or competitor can utilize any government funding, direct
16 or indirect, in the design, construction, deployment, launch, or any
17 other phase or effort conducted in connection with the prize
18 competition.

19 C) Competition participants will be permitted to use Government-funded
20 resources including, but not limited to, software libraries, global
21 positioning system (GPS) signals or test ranges, provided such
22 resources are uniformly available to all participants.

23 (l) REPORTING.-- The Board shall provide to the Congress each year a report
24 listing current prize competitions, proposed competitions and other activities. The first
25 report from the Board under this Act should contain a ten year timeline of proposed
26 prizes, including Annual Funding Requirements.