

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

SUITE 2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6301
(202) 225-6375
<http://science.house.gov>

June 17, 2010

Hon. Charles F. Bolden, Administrator
National Aeronautics and Space Administration
Two Independence Square, SW
Washington, D.C. 20546

Dear Mr. Bolden:

Since February of this year, the Committee on Science and Technology has been attempting to evaluate the Administration's proposal for the future of human spaceflight contained in the Fiscal Year 2011 budget request. The plan outlined in the FY 2011 budget request constituted a major departure from the previous congressionally authorized program of record, Constellation.

The Science and Technology Committee is the sole committee within the House of Representatives with legislative authority over the National Aeronautics and Space Administration (NASA). Because of our role as an authorizing committee for NASA, our Committee has been attempting to evaluate the Administration's plan so that we may move toward a reauthorization of NASA before the end of the Fiscal Year. As you know, the prior NASA authorization expired at the end of Fiscal Year 2009.

In our attempt to review the Administration's human spaceflight plan, the Committee has made repeated requests for detailed cost and programmatic information which was lacking in the FY 2011 budget request. This information is necessary for Congress to adequately review the Administration's plan so that Congress can exercise its Constitutional duty to legislate on this topic.

Unfortunately, despite your personally giving your assurances to the Committee that details would be forthcoming, NASA has failed to provide the budgetary and programmatic information necessary for the Committee to assess the Administration's proposal. In April of this year the Administration announced significant changes to the original plan, and those additional proposals also have not been supported by the detailed budgetary and programmatic analysis needed for Congress to evaluate them.

The Committee requested this supporting information to the Administration's human spaceflight proposal on at least four separate occasions:

- 1) To you at a February 25, 2010, Committee hearing on the Administration's FY 2011 budget request;
- 2) To Associate Administrator Doug Cooke at a March 24, 2010, Space and Aeronautics Subcommittee hearing;
- 3) To you at a May 26, 2010, Committee hearing on the Administration's proposed human spaceflight plan; and,
- 4) In a June 10, 2010, letter we sent to you requesting these materials.

In addition, Committee staff requested this information from NASA on numerous occasions in meetings with agency employees.

The failure of NASA to supply Congress with this information hampers our ability to address the future of NASA's human spaceflight program in a timely manner. Simultaneously, the agency is implementing dramatic changes to the Constellation program which are resulting in the loss of thousands of skilled jobs and which will cause unavoidable delays in the development of Ares-I and Orion, should Congress decide not to terminate those programs. Since NASA has failed to provide the Committee with any detailed supporting materials with which Congress can judge the proposed human spaceflight plan, Congress must insist upon the production of all materials NASA relied upon in formulating its proposal.

We therefore demand that the following records (as defined in the Attachment) be produced to the Committee on Science and Technology:

- 1) All records relating to the development of NASA's human spaceflight proposal included within the FY 2011 budget request, including any analysis of the executability of the proposed plan through 2025;
- 2) All records relating to the development of NASA's revised human spaceflight proposal announced by the President on April 15, 2010, including any analysis of the executability of the proposed plan through 2025;
- 3) All records relating to any budgetary analysis performed by NASA relating to NASA's human spaceflight proposal, including any analysis of the executability of the proposed plan through 2025;

- 4) All records relating to any budgetary analysis performed by NASA relating to the Constellation program generally, and Ares-I, Orion, and Ares-V specifically which was produced or utilized in the formulation of NASA's human spaceflight proposal;
- 5) All records relating to analysis or estimates of the employment impacts of cancelling the Constellation program both for the agency and for the private sector, and all records relating to analysis or estimates of the employment impacts of implementing NASA's human spaceflight plan;
- 6) All other records NASA deems relevant to the support of the Administration's human spaceflight plan.

Please provide these materials and information to Room 2321 of the Rayburn House Office Building no later than close of business on Friday June 25, 2010. To arrange for the delivery of these materials or if you have any questions, please contact John Piazza, Chief Counsel at (202) 226-8668 or Richard Obermann, Space and Aeronautics Subcommittee Staff Director at (202) 225-7223. Please provide two copies of these materials (one for the Majority and one for the Minority).

Any materials relevant to this request over which privilege is asserted will be documented, item by item, with the express legal basis for the privilege claimed for each item clearly noted. This shall be compiled in one document and submitted to the Committee with the materials produced.

We sincerely hope that in the future, NASA engages this Committee and this Congress in a more cooperative manner. Thank you for your attention to this matter.

Sincerely,



BART GORDON
Chairman



RALPH HALL
Ranking Member



GABRIELLE GIFFORDS
Chairwoman
Subcommittee on
Space and Aeronautics



PETE OLSON
Ranking Member
Subcommittee on
Space and Aeronautics

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.