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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

May 18, 2011

The Honorable Charles F. Bolden, Jr.
Administrator
National Aeronautics and Space Administration
Washington, D.C. 20546-0001

Dear Administrator Bolden:

It has now been more than seven months since the NASA Authorization Act of 2010 ("the 2010 Act" – P.L. 111-267) was signed into law, and more than a month since the Fiscal Year 2011 Continuing Appropriations Act (P.L. 112-10) removed any remaining statutory obstacles to its full implementation. To this point, the National Aeronautics and Space Administration (NASA) has not made sufficient progress in carrying out the changes Congress required in the 2010 Act. Furthermore, NASA has not adequately complied with a number of reporting requirements designed to keep Congress apprised of NASA's progress in implementing the Act.

As Chairman and Ranking Member of the Senate committee charged with NASA oversight, it is our responsibility to make sure that NASA's policy direction, and the associated taxpayer investment, is proceeding in accordance with the law. Our Nation's space program is undergoing a transition that has not been seen since the end of the Apollo era, which presents many challenges and opportunities. NASA's current inaction and indecision in implementing this transition could impact our global standing and take many years and billions of dollars to repair. As a result, we are requesting bi-monthly briefings and detailed information documenting what steps NASA is taking to comply with the law. The first briefing should take place during the week of May 30, 2011.

The 2010 Act lays out a carefully considered bipartisan vision of the best path forward for NASA. While recognizing the reality that NASA will be facing significant budgetary restraints for the foreseeable future, the Act enables ambitious investments in science, aeronautics, education, and human space flight and exploration. For the last 50 years, our national investment in NASA has yielded important contributions to technology and innovation, national security, and our understanding of the world around us. It has also inspired countless Americans to pursue careers in math and science. The purpose of the 2010 Act was to provide NASA the guidance necessary to continue its long record of excellence and achievement in the decades to come.

As you know, the 2010 Act makes significant policy changes to NASA's human space flight programs. It takes a number of steps to shorten the anticipated gap in U.S. human space flight capabilities following the retirement of the Space Shuttle by providing continued support for NASA's efforts to develop a commercial space industry, while preserving and developing the Nation's capability for crewed missions beyond low-Earth orbit. It also requires NASA to leverage previous investments from both the Shuttle and the now-cancelled Constellation program to develop a Space Launch System capable of carrying the multi-purpose crew vehicle and heavy payloads beyond low-Earth orbit. The 2010 Act directs an incremental and evolvable approach with a goal of providing an initial operational capability as early as 2016.

Both the 2010 Act and the congressional deliberations that preceded the Act's passage made it clear that we are concerned about maintaining our Nation's human space flight capability, and that time is of the essence. Without a NASA-developed launch program to follow the Space Shuttle, NASA is beginning to lose the unique and highly technical skills that NASA employees have developed over 50 years of human space flight. Furthermore, by failing to decisively move forward with implementation, NASA is adding to the overall cost and schedule by delaying the transition from Constellation-related work and contracts to the new human space flight program. Due to the urgency of the situation and the scale of the transition, Congress and NASA will need to work more collaboratively than ever to ensure that policy and execution is aligned to most effectively achieve our space flight goals.

The 2010 Act requires NASA to provide a number of reports on implementing the policy changes; however, despite several reports, dozens of briefings, and two Commerce Committee hearings since the Act's passage, NASA's progress in implementing the policy changes remains unclear. We are now requesting the information and documents listed below to determine what steps NASA is taking to comply with the law.

I. Bi-Monthly Briefings from a Responsible NASA Official

Until further notice, we request that a senior NASA official who has first-hand knowledge of NASA's efforts to implement the policy changes of the 2010 Act brief Committee members and/or staff at least two times a month on these efforts. The first of these briefings should take place during the week of May 30, 2011.

II. Reports

Section 306(a). For the report on the effects of the transition to the Space Launch System on the solid and liquid rocket motor industrial bases required by Section 306(a) of the 2010 Act, which was supposed to have been delivered to Congress not later than 120 days after enactment, please provide the following information and documents:

- a) The name of the senior NASA official or officials responsible for preparing, reviewing, and approving this report for submission to Congress;
- b) A copy of the most recent draft of this report;

- c) A copy of a report regarding prospective solid rocket motor utilization that was purportedly presented to NASA leadership on or about March 8, 2011; and
- d) Copies of all documents and communications, including e-mails, in the custody of the official or officials named in (a) above discussing why NASA missed the 2010 Act's stated deadline.

Section 309. Section 309 of the 2010 Act required NASA to submit to Congress a report on the reference vehicle designs of the Space Launch System and the multi-purpose crew vehicle within 90 days of enactment. The 2010 Act also required NASA to provide an update to this report in the President's annual budget request. On January 10, 2011, NASA submitted a "preliminary" response to this requirement, but has not provided any further submission. Please provide the following information and documents related to the Section 309 report requirement:

- a) The name of the senior NASA official or officials responsible for preparing, reviewing, and approving the January 10 preliminary report and any subsequent reports or updates for submission to Congress;
- b) Copies of any draft reports or updates prepared prior to or since the submission of the January 10 preliminary report, including any draft of reports or updates NASA has submitted to the Office of Management and Budget; and
- c) Copies of all documents and communications, including e-mails, in the custody of the officials named in (a) above discussing:
 - 1) Why NASA submitted only a "preliminary" Section 309 response to Congress; and
 - 2) The budget scenarios and assumptions, development schedules, cost analyses, decision criteria, trade studies, technical architecture evaluations, and all other relevant evaluations NASA used to develop the Space Launch System Reference Vehicle Design and the Multi-Purpose Crew Vehicle Reference Vehicle Design described in the January 10 preliminary report.

Section 403(b)(2). For the commercial market assessment required by Section 403(b)(2) of the 2010 Act, which was supposed to have been delivered to Congress not later than 180 days after enactment, and which NASA actually submitted to Congress on April 27, 2011, please provide the following information and documents:

- a) The name of the senior NASA official or officials responsible for preparing, reviewing, and approving this report for submission to Congress;
- b) A copy of the commercial market assessment commissioned on or about February 28, 2011, that purportedly concluded there is currently not a non-Government market for commercially-developed crew and cargo transportation systems; and
- c) Copies of all documents and communications, including e-mails, in the custody of the officials named in (a) above discussing the findings or conclusions of earlier drafts of this report, including the assessment referenced in (b) above, regarding the existence of a

non-Government market for commercially-developed crew and cargo transportation systems.

III. Additional Information Regarding Implementation of Title III of the 2010 Act

Title III of the 2010 Act requires NASA to begin working on the development of a Space Launch System and multi-purpose crew vehicle with an operational goal by December 31, 2016. Title III also requires NASA to use existing contracts, workforce, and capabilities to the extent practicable to develop these new systems. In order to help us understand what progress NASA is making on these requirements, please provide the following information and documents:

- a) A list of the mission directorate and agency personnel responsible for meeting the requirements of Section 302 of the 2010 Act, which requires NASA to develop a Space Launch System, and a list of the mission directorate and agency personnel responsible for meeting the requirements of Section 303 of the 2010 Act, which requires NASA to develop a multi-purpose crew vehicle;
- b) Copies of studies, analyses, assessments, memoranda, plans, and other documents related to NASA's consideration of current contracts that could be extended or modified in the course of implementing the requirements of Sections 302 and 303 of the 2010 Act;
- c) A list of all contracts NASA has extended or modified since passage of the 2010 Act in the course of implementing the requirements of Sections 302 and 303 of the 2010 Act;
- d) Copies of all contract extensions or modifications described in (c) above;
- e) A copy of an internal analysis recently completed by a NASA contracting official purportedly finding that the requirements for the multi-purpose crew vehicle in section 303 of the Act are consistent with the general scope of the existing Orion crew exploration vehicle contract and that NASA can meet the Section 303 requirements using the existing Orion crew exploration vehicle contract;
- f) Copies of all studies, analyses, assessments, memoranda, plans, and other documents related to steps that NASA is taking or considering taking to transition the human space flight civil servant and contractor workforces to the new human space flight systems required by the 2010 Act, in order to comply with the 2010 Act's Section 304 requirement that NASA retain critical skills and capabilities to the extent practicable;
- g) Copies of all studies, analyses, assessments, memoranda, plans, and other documents related to any new affordability strategies NASA is implementing or considering implementing to reduce costs for design, development, production, and operations of the Space Launch System and multi-purpose crew vehicle required by sections 302 and 303 of the 2010 Act; and
- h) All documents and communications, including e-mails, in the custody of the NASA officials named in a) above related to NASA's efforts to implement the requirements of sections 302, 303, and 304 of the 2010 Act.

Letter to Administrator Bolden
May 18, 2011

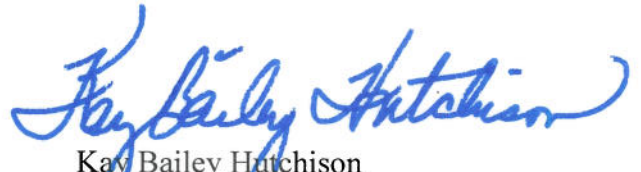
Please provide the requested information and documents by June 3, 2011.

The Committee is making this request under the authority of Senate Rules XXV and XXVI. An attachment to this letter provides additional information about how to respond to the Committee's request. If you have any questions about this request, please contact John Williams of the majority staff (202-224-1300) or Rebecca Seidel of the minority staff (202-224-1251).

Sincerely,



John D. Rockefeller IV
Chairman



Kay Bailey Hutchison
Ranking Member



Bill Nelson
Chairman –
Subcommittee on Science and Space



John Boozman
Ranking Member –
Subcommittee on Science and Space