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November 15, 2013

General Charles F. Bolden, Jr. (ret.)
NASA Administrator
300 E. Street, S.W.
Washington, D.C. 20546

Dear Administrator Bolden:

The United States' preeminence in human spaceflight has been both a source of pride and an inspiration to countless generations of Americans. As a former astronaut, you know that achieving that preeminence has come at the cost of tragic losses and hard lessons learned. In 2011, NASA carried out the planned retirement of the Space Shuttle Program after 30 years of distinguished service in supporting U.S. human spaceflight and exploration, science, and technology research in low-Earth orbit; construction of the International Space Station (ISS); and the transport of NASA and international crew members to and from the ISS.

Following the Space Shuttle Program, NASA began transitioning to a new partnership approach in which private companies are to develop and then provide human spaceflight systems to transport NASA crew members to the ISS once those systems achieve NASA's safety certification. As a result, achieving U.S. commercial crew transportation that is both safe and affordable will be critical to preserving our investment in the ISS and enabling its efficient and productive utilization.

To that end, as Members of the Committee on Science, Space, and Technology, we remain steadfast in our commitment to ensuring safety, establishing cost realism, and ensuring transparency in NASA's commercial crew and cargo programs and the services that the U.S. Government arranges for them to provide. As NASA finalizes the request for Commercial Crew Transportation Capability (CCtCap) proposals, we want to reiterate our commitment to those goals and express our concern that the draft solicitation does not appear to be consistent with that commitment.

It is now a decade since the loss of the space shuttle *Columbia*. In the aftermath of that tragedy, the *Columbia* Accident Investigation Board (CAIB), made the strong and unequivocal finding that ***"The design of the system*** [to follow the Space Shuttle] ***should***

give overriding priority to crew safety, rather than trade safety against other performance criteria, such as low cost and reusability, or against advanced space operation capabilities other than crew transfer". However, the draft CCtCap request for proposals runs counter to the CAIB's finding, describing the evaluation factors and the weighting of those evaluation factors by which NASA will select commercial crew companies to develop systems and fly NASA crew under a CCtCap contract thusly: *"Mission Suitability and Past Performance, when combined, are approximately equal to Price. The Price factor is more important than Mission Suitability, which is more important than Past Performance".* We are deeply concerned that we are being asked to invest taxpayer dollars in the development of a U.S. human spaceflight system on which NASA will rely to transport crew members to and from the ISS that does not make crew safety the number one priority.

Second, Members of our Committee have, ever since NASA's decision to fund a significant fraction of the cost of developing commercially provided crew transportation systems, voiced consistent concern over the lack of a full understanding of what U.S. taxpayers are being asked to invest in order to obtain a U.S. commercial human spaceflight capability. While NASA contracted for an Independent Cost Assessment (ICA) of the Commercial Crew Program, the ICA simply reviewed NASA's approach and methodology for estimating costs and did not validate the cost estimates used. In addition, the ICA found that the cost estimates being used by NASA do not align with, and are higher than, amounts being appropriated and projected to be appropriated for the program. Given the current fiscal environment, it gives us pause to have such significant questions about the cost of a multi-year, multi-billion dollar program, especially when the Congressionally-chartered Aerospace Safety Advisory Panel (ASAP) so clearly linked budget concerns with safety when it stated in its Fiscal Year 2011 Annual Report that *"The ASAP considers the lack of a credible and appropriately funded plan to develop a U.S. capability to launch its astronauts to the ISS to be an issue with significant safety implications."*

Third, human spaceflight remains risky. We are a long way away from achieving the routine operations experienced by the commercial aviation industry. In the event that accidents occur on U.S. commercial human spaceflight systems contracted by NASA for crew service to the ISS, we need the assurance that NASA will have timely and unfettered access to whatever data is required from commercial crew providers to establish the "root cause" of the accident so that corrective design changes or procedures can be independently evaluated and approved. The draft CCtCap proposal leaves questions as to whether NASA would have such guaranteed access.

Finally, bringing human spaceflight within the reach of the broader public would be a significant milestone in our nation's space capability if it can ever be realized, and we all share in the excitement of that potential. However, merging the taxpayer funded commercial crew program, a program that is intended to ensure NASA's independent crewed access to the ISS, with paid passenger travel is too big a step to take during the initial period of test flights and certification activities and before routine operational services have been achieved. We are concerned that the draft CCtCap proposal

incorporates the potential for such hybrid activities. Until all associated issues regarding liabilities, risks, and the roles and responsibilities of Government agencies that would handle aspects of such hybrid missions are resolved, inclusion of such hybrid activities is ill-advised in light of the additional levels of complexity and risks that would be added to an already stressed commercial crew program.

We commend NASA and the industry workforce on the progress being made as part of the commercial cargo and crew programs, and we look forward to achieving a safe and affordable U.S. commercial human spaceflight capability to support the continued operation and utilization of the ISS. We are ready to work with you in achieving that goal, and we hope that the final version of the request for proposals addresses the concerns raised in this letter.

Sincerely,

Eddie Bernice Johnson
Ranking Member
Committee on Science, Space, and Technology

Donna F. Edwards
Ranking Member
Space Subcommittee