

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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October 20, 2016

The Honorable John Holdren
Director
Office of Science and Technology Policy
725 17th Street, N.W.
Room 5228
Washington, DC 20502

Dear Director Holdren,

On July 6th, 2016, I sent you a letter requesting the Office of Science and Technology Policy provide a briefing on current U.S. policy governing the export of U.S. commercial satellites for launch on Indian launch vehicles, provide documentation associated with this policy, and answer a number of questions (see attached).

In your official response dated July 15th, 2016, you notified the Committee that the Office of Science and Technology Policy “defers to the Department of State in responding to your inquiries.” Despite promises from Department of State in official correspondence dated August 3rd, 2016, to provide this briefing “as soon as possible,” the Department of State has failed to provide a briefing as requested, provide any documentation, or answer any of the requested questions (see attached). This is unacceptable. This briefing should be simple to provide since the “policy” is already being implemented.¹ This information is needed to assist the Committee in its oversight responsibilities, under House Rule X(1)(p), X(2)(b)(1)(A), and X(3)(k).

Furthermore, the “National Space Transportation Policy” is a White House level policy central to this discussion. Specially, the National Space Transportation Policy states:

The United States will maintain its general policy of not supporting the development or acquisition of space transportation systems in non-MTCR countries. Consistent with United States Government nonproliferation policies, the United States will also not encourage new MTCR country space transportation programs. The United States will

¹ See DDTC web notice regarding India Launch (August 5th, 2009). Retrieved at https://www.pmdtcc.state.gov/licensing/documents/WebNotice_IndiaLaunch-updated.pdf (Last Accessed June 24th, 2016).

work to stem the flow of advanced space technology or expertise to unauthorized parties. Departments and agencies are responsible for protecting against adverse technology transfer in the conduct of their programs.

In the oversight letter dated July 6th, 2016, I asked you to please explain whether or not, and how, India's entry into the Missile Technology Control Regime impacts the legal and/or policy rationale of existing U.S. policy governing the export of U.S. commercial satellites for launch on Indian launch vehicles.

It is unclear to me how the White House can defer to the Department of State to answer the Committee's inquiry on the implications of India's entry into the Missile Technology Control Regime in light of the White House's National Space Transportation Policy.

Immediately upon receipt of this letter, please schedule a briefing to House Science, Space, and Technology Committee staff on these issues. As appropriate, House Committee on Science, Space, and Technology members and staff are available to receive a classified briefing on this issue. Additionally, please provide the previously requested records, as they are currently overdue by several months.

If you have any questions related to this inquiry, please contact Dr. Michael Mineiro, Counsel, Subcommittee on Space, at 202-226-0354.

Sincerely,



Lamar Smith
Chairman



Brian Babin
Chairman
Subcommittee on Space

cc: Eddie Bernice Johnson
Ranking Member

Donna Edwards
Ranking Member
Subcommittee on Space

Ambassador Michael Froman
United States Trade Representative
Office of the United States Trade Representative

The Honorable Penny Pritzker
Secretary
U.S. Department of Commerce

The Honorable John Kerry
Secretary
U.S. Department of State