

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

February 6, 2019

The Honorable Elaine L. Chao
U.S. Secretary of Transportation
Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Chao:

The Committee on Science, Space & Technology is conducting oversight of the operations of the Department of Transportation during the government shutdown that began on December 22, 2018, and concluded on January 25, 2019. It is clear from multiple media reports that the government shutdown had a significant impact on federal research agencies, their contractors, grant recipients and others who depend on federal funds to engage in research, development and related activities. Last year the federal budget for these activities was more than \$175 billion.¹ In addition, agencies with regulatory authorities were unable to support industry activities during the shutdown. Media reports have noted, for example, the shutdown's effect on the growing commercial space industry, including the U.S. commercial space transportation industry, which in 2017 conducted a record number of commercial space launches.²

Because of the federal shutdown, PhD students were not able to communicate with their advisors, hampering their education; postdoctoral students on fellowships were not being paid; non-government scientists were unable to obtain federal permits to complete various studies; and access to federal data, scientific collections and other resources ceased.³ Federal scientists were forced to cancel long-planned research trips and attendance at scientific meetings, academic and industry scientists were not able to communicate with their federal collaborators on projects or scientific papers, and research projects simply stopped as funding channels for federal grants and other scientific research efforts halted.⁴

¹ FY 2018 R&D Appropriations Dashboard, American Association for the Advancement of Science (AAAS), accessed here: <https://www.aaas.org/programs/r-d-budget-and-policy/fy-2018-rd-appropriations-dashboard>

² Federal Aviation Administration, *Annual Compendium of Commercial Space Transportation: 2018*, p. 2.

³ Lauren Morello, "US science agencies hit by government shutdown," *Nature*, December 22, 2018, accessed here: <https://www.nature.com/articles/d41586-018-07836-6>

⁴ See: Gisele Grayson, Joe Palca and Geoff Brumfiel, "With Key Government Agencies Shut Down, Science Sputters," *National Public Radio (NPR)*, January 10, 2019, accessed here:

The federal scientific grant process, the work of federal scientists and engineers, and federal commercial space regulatory authorities help to empower American innovation and energize our economy. Since many of these activities were halted during the shutdown, this will undoubtedly delay scientific research, technology development, and the examination of issues critical to the health, safety, and security of all Americans across the nation and our competitive advantage around the world.⁵ Suspension of vehicle safety research at a time when pedestrian fatalities have increased 35% in 10 years puts American lives at risk.⁶ With respect to the commercial space industry, the FAA's Office of Commercial Space Transportation issues commercial space transportation licenses and oversees U.S. commercial space launches. However, new licensing activities and license modifications were shut down during the lapse in government funding. According to a letter issued by several aerospace industry associations, "Many of the activities currently scheduled to support upcoming commercial launches will in fact be delayed until after the Office of Commercial Space Transportation reopens, costing both established and entrepreneurial spacecraft builders money and critical time. And it may take several months for the government and industry to simply catch up with a shutdown-caused backlog of licensing, flights and payloads."⁷ What worries me most is that it may take us months or even years to fully comprehend the long-term damage caused by these disruptions and delays.

In addition, the shutdown had a negative and consequential impact on the livelihoods, families and health of federal workers.⁸ It is also unclear how individual agencies determined which staff were deemed "essential" and which staff were not.⁹ Tens of thousands of workers who were not deemed "essential" at the beginning of the shutdown were later called back to work without pay.¹⁰ Furthermore, some federal contractors may not receive back pay, and others paid their workers out of their own pockets without any assurance they will be paid back by the federal government.¹¹

<https://www.npr.org/2019/01/10/683716451/with-key-government-agencies-shut-down-science-sputters> and Carolyn Wilke, "Government Shutdown Hits Funding, Resources, and Morale in Science," *The Scientist*, January 11, 2019, accessed here: <https://www.the-scientist.com/news-opinion/government-shutdown-hits-funding--resources--and-morale-in-science--65314>

⁵ Lauren Morello, "US science agencies hit by government shutdown," *Nature*, December 22, 2018, accessed here: <https://www.nature.com/articles/d41586-018-07836-6>

⁶ Laura Bliss, "America's Most Dangerous Roads for Pedestrians," *City Lab*, January 23, 2019, accessed here: <https://www.citylab.com/transportation/2019/01/pedestrian-fatalities-dangerous-roads-traffic-deaths-data/580927/>

⁷ Letter to the Honorable Donald J. Trump, the Honorable Nancy Pelosi, and the Honorable Mitch McConnell, issued by several aviation and aerospace industry associations on January 10, 2019, accessed here: http://www.aia-aerospace.org/wp-content/uploads/2019/01/Aviation-Shutdown-Impacts-Letter_01.16.19.pdf

⁸ Michael Burke, "Federal worker with diabetes says she can't afford to pay for insulin during shutdown," *The Hill*, January 13, 2019, accessed here: <https://thehill.com/blogs/blog-briefing-room/news/425113-federal-worker-with-diabetes-says-she-cant-afford-to-pay-for>

⁹ Kimberly Adams, "Definition of an essential worker does a shutdown shift," *Marketplace*, American Public Media, January 17, 2019, accessed here: <https://www.marketplace.org/2019/01/17/economy/definition-essential-worker-does-shutdown-shift>

¹⁰ Erica Werner, "Trump administration calling nearly 50,000 back to work, unpaid, as shutdown drags on," *The Washington Post*, January 15, 2019, accessed here: https://www.washingtonpost.com/business/economy/rank-and-file-democrats-reject-trumps-invitation-to-shutdown-talks-backing-leaders-in-united-opposition-to-border-wall/2019/01/15/2539482e-18d2-11e9-9ebf-c5fed1b7a081_story.html?utm_term=.59db4d3835ca

¹¹ See: Jennifer Crompton, "Federal contractor pays workers despite shutdown," *WMUR/Channel 9*, Manchester, New Hampshire, January 23, 2019, accessed here: <https://www.wmur.com/article/federal-contractor-pays-workers->

In order to assist the Science, Space, and Technology Committee in its oversight, please provide copies of the records requested below and answers to the following questions as they relate to the research, development, and commercial space activities, programs, and offices identified previously:

- Please indicate the total number of federal employees in your agency and how many were furloughed as a result of the government shutdown.
 - How many contractors are employed by your agency, and how many were furloughed as a result of the government shutdown?
 - Please provide all Agency records, including memoranda, guidance documents, legal opinions, summaries, or other documents provided to federal contractors about continuing their work for the Agency during the shutdown, including all records provided to federal contractors regarding Agency guidance on using their own funds during the government shutdown.
- How many of your agency's employees were deemed "essential?"
 - Indicate how many of your staff, if any, not deemed "essential" were brought back to work without pay during the government shutdown.
 - Please provide all records, including memoranda, guidance documents, legal opinions, summaries, or other documents that indicate how your Agency has defined an "essential" employee. This should include any specific tasks or functions that your Agency has deemed "essential."
- Please provide copies of all records, including memoranda, summaries, after action reports, or other documents that indicate the potential or actual impact, delay or damage to research efforts within your agency that were adversely affected by the government shutdown.
- Government shutdowns incur costs greater than those of an open, fully functioning federal government.¹² Please provide all agency assessments, impact analyses, memoranda, or other records that address the potential, actual or anticipated cost and consequences from the government shutdown on your agency.
- Please provide an itemized list of travel plans by agency employees, contractors and grantee recipients that were postponed, rescheduled, or cancelled as a result of the government shutdown.

[despite-shutdown/26016877](#) and Sarah Ruiz-Grossman, "Shutdown Leaves Government Contractors Without Work And Likely No Back Pay," (*updated*) January 2, 2019, accessed here: www.huffingtonpost.com/entry/government-contractors-shutdown-wages-lost_us_5c255621e4b08aaf7a8ed79a

¹² Jim Tankersley, "A Shut Down Government Actually Costs More Than an Open One," *New York Times*, January 9, 2019, accessed here: <https://www.nytimes.com/2019/01/09/us/politics/shutdown-government-costs.html>

Under the “special oversight” clause of Rule X of the U.S. House of Representatives, the “Committee on Science, Space, and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.”¹³

Please produce two sets of the requested records in a searchable electronic format. One set should be delivered to the Majority Staff of the Science, Space, and Technology Committee in Room 2321 of the Rayburn House Office Building and one set should be delivered to the Minority Staff in Room 394 of the Ford House Office Building. Please ensure these documents are produced and delivered by Thursday, February 14, 2019.

If you have any questions regarding this request please have your staff contact Pam Whitney or Dahlia Sokolov on the Majority Staff of the Science Committee at (202) 225-6375.

Sincerely,


Eddie Bernice Johnson
Chairwoman
Committee on Science, Space & Technology

cc: Rep. Frank Lucas, Ranking Member, Committee on Science, Space & Technology

¹³ Rule X, Organization of Committees, U.S. House of Representatives, accessed here:
<https://www.govinfo.gov/content/pkg/HMAN-115/xml/HMAN-115-pg441.xml>