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U.S. House of Representatives

Washington, DC 20515-6035

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May 19, 2023

The Honorable Lloyd J. Austin III  
Secretary  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

The Honorable Frank Kendall  
Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

Dear Secretary Austin and Secretary Kendall:

To ensure Congress can conduct constitutionally mandated oversight, I request that the Department of Defense and the Department of the Air Force take immediate steps to preserve all records created, referenced, or modified concerning the selection of a location for U.S. Space Command (“SPACECOM”) Headquarters, since January 20, 2021, including:

1. Any assessment, memorandum, briefing, or other records related to the Air Force’s selection of a location for SPACECOM Headquarters;
2. All documents and communications related to any planned public announcement on the SPACECOM Headquarters; and,
3. All documents and communications with any officials in the Biden Administration concerning SPACECOM Headquarters.

The Air Force’s deleterious actions concerning the selection of a location for SPACECOM Headquarters require the Committee to now seek document preservation in this matter. Air Force officials have continued to delay finalizing the move of SPACECOM Headquarters to Redstone Arsenal in Huntsville, Alabama, in response to apparent politically motivated interference by political appointees in the Biden Administration.<sup>1</sup>

<sup>1</sup> Courtney Kube and Carol E. Lee, *Biden administration may halt plans to move Space Command to Alabama over state's abortion law, officials say*, NBC NEWS, May 15, 2023, available at

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The U.S. Space Force's overall mission and success requires a swift decision on finalizing the move. The move is severely delayed at this point, over two years beyond the point when Air Force made the right decision after scrutinizing multiple locations and considering multiple factors to locate SPACECOM Headquarters in Huntsville, and over a year since the GAO and the DOD Inspector General affirmed Air Force's decision. Moving expeditiously to locate SPACECOM Headquarters at Redstone Arsenal is in our country's best national security interests.

As you know, operative Federal statutes require the preservation of records related to a broad range of governmental and policy decisions. The Federal Records Act (44 U.S.C. § 3301 et seq.) requires the head of each federal agency to safeguard against the removal or loss of relevant agency records. Records and documentation regarding policies, decisions, procedures, and transactions related to Air Force records and actions involving placement of SPACECOM Headquarters are subject to these statutory preservation requirements.

Additionally, other records may be covered by The Presidential Records Act (44 U.S.C. § 2201 et seq.) as "documentary materials . . . created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President."

For purposes of this request, "preserve" means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, or negligent or reckless handling that could render the information incomplete or inaccessible.

Thank you for your prompt attention to this request. The Committee on Armed Services, under Rule X, clause 1 of the Rules of the House of Representatives (House Rules), maintains oversight jurisdiction over the Department of Defense generally. Moreover, under the House Rules, the Committee on Armed Services derives its authority to conduct oversight from, among other things, clause 2(b)(1) of Rule X (relating to general oversight responsibilities), clause 3(b) of Rule X (relating to special oversight functions), and clause 1(b) of rule XI (relating to investigations and studies).

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The Honorable Frank Kendall  
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Sincerely,



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Mike Rogers  
Chairman  
House Armed Services Committee

cc: Adam Smith  
Ranking Member  
House Armed Services Committee