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NOMINATIONS OF MICHAEL P. JACKSON, TO BE DEPUTY SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, AND BRENDA L. BECKER, TO BE ASSISTANT SECRETARY OF THE DEPARTMENT OF COMMERCE FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

APRIL 25, 2001

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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WEDNESDAY, APRIL 25, 2001

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:26 a.m. in room SR–253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

The CHAIRMAN. I want to welcome two of the Administration's nominees today. First, we have Michael Jackson, who has been nominated to serve as the Deputy Secretary of Transportation. We will also hear from Brenda Becker, who has been nominated to be the Commerce Department Assistant Secretary for Legislative and Intergovernmental Affairs. Both Mr. Jackson and Ms. Becker have distinguished careers, and I congratulate them on their appointments to these prestigious posts.

Prior to this appointment, Mr. Jackson was the Vice President and General Manager for Business Development at Lockheed Martin IMS, Transportation Systems and Services. He was previously Senior Vice President and Counselor to the President at the American Trucking association.

Mr. Jackson has devoted many years to public service. Mr. Jackson served in several positions within the Executive Branch, serving as Chief of Staff at the Department of Transportation from 1992 to 1993, and as Special Assistant to the President and Executive Secretary for Cabinet Liaison during the presidency of George—President Bush. Mr. Jackson's experience will serve him well at the Department of Transportation, with the many management challenges the Department faces.

Ms. Becker's career in the private sector is similarly distinguished. Most recently, she was the Vice President of Congressional Communications for the Blue Cross Blue Shield Associates.

Ms. Becker has held a variety of positions with Blue Cross Blue Shield over several years.

As Assistant Secretary for Legislative and Intergovernmental Affairs, Ms. Becker will be responsible for advising Secretary Evans on legislative issues and congressional relations. She has perhaps the hardest job of all, having to be responsive to 535 Members of Congress. As Assistant Secretary, Ms. Becker would also be responsible for coordinating the Department's efforts with state, county and municipal governments and their associations.

Again, I welcome you both to the Committee, and appreciate your willingness to serve. If you have any family members here, please feel free to introduce them before you begin your remarks. We will begin with you, Ms. Becker. Would you like to introduce any members of your family?

Ms. BECKER. I really wanted to thank my family for being here and being so supportive. I couldn't be doing this job or taking it on without my husband Jeff who has been really supportive. He is behind me with my daughter Megan, who's nine and Max who's six and also another really special person in my life is my father, Mel Larsen, and he came in from Michigan to this hearing today and he has really been the inspiration and role model for me to pursue public service and I really appreciate them being here today.

The CHAIRMAN. Well we welcome your family. I know this is a very special day and, of course, Michigan is one of my favorite states.

[Laughter.]

The CHAIRMAN. So I want to thank you and Megan and Max, we are proud that you are here, to remember this day, this very proud day for your mother.

Mr. Jackson.

Mr. JACKSON. Thank you, Mr. Chairman. I have two special people to introduce today. With your permission, my wife, Caron Jackson and my mother who is visiting from Houston, Texas today, Ann Jackson, and so I am grateful for their support and pleased to be able to have them with me today.

The CHAIRMAN. Welcome to the Jackson family. Caron, congratulations. It's a proud day, as you can see by the overwhelming attendance. This will be a very tough grilling your husband will receive today.

[Laughter.]

The CHAIRMAN. So welcome, Senator Hollings. Do you have any opening——

Senator HOLLINGS. You've reminded me that South Carolina is not one of your favorite states.

[Laughter.]

The CHAIRMAN. It's about 45 percent my favorite state.

[Laughter.]

Senator HOLLINGS. For which I apologize again.

[Laughter.]

STATEMENT OF HON. ERNEST HOLLINGS, U.S. SENATOR FROM SOUTH CAROLINA

Senator HOLLINGS. Mr. Jackson, I have had the pleasure of meeting with you. Let me reemphasize the importance of the Airline

Competition Act. I want the Department of Commerce's comments on it, and I want you to make sure that you look into the Seaport Security Act also that Senator Graham of Florida and myself have sponsored. Other than that, I will withhold questions for now.

The CHAIRMAN. Thank you Senator Hollings.

Senator Stevens.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Senator STEVENS. Mr. Chairman, I am delighted that two people we know so well will be in these two departments, ones that we can work with very closely. I am pleased to be here. Thank you very much.

The CHAIRMAN. Thank you. I would like to recognize Majority Leader, Senator Lott.

STATEMENT OF HON. TRENT LOTT, U.S. SENATOR FROM MISSISSIPPI

Senator LOTT. Thank you, Mr. Chairman and members of the Committee. It is my pleasure to serve on this Committee and to be here in support of these nominees today. Of course, Michael Jackson at Transportation is going to be in a very critical position. A lot of the issues that he'll be dealing with obviously come before this Committee and we will have some views on a number of things including railroads, Title 11 shipbuilding loan guarantees, and other issues. But I think Mr. Jackson is an excellent choice, I wish him the very best and I certainly will support his nomination.

I also wanted to be here on behalf of Brenda Becker. It is great to see the families of both of these nominees here today. Megan and Max, I hope will be understanding when mom is sometimes a little late in coming home.

But we have all known Brenda Becker for at least 10 years and can vouch for her diligence. She has proven time and time again she's very capable and persuasive, even when you disagree with her. I have found her to be reasonable and persistent, to say the least. I have quite often referred to her as the flower of the insurance industry. I am not quite sure what that means, but it is a very good title and I hope it will transfer with her and she will become known as the flower of the Commerce Department. That department certainly needs a few more flowers over there to deal with some of their issues.

I am always glad to meet with the Secretary and I enjoy corresponding with him. I might say, Senator Hollings, but now, when he writes back, he draws an image of a little fish at the bottom of his letters, so he understands that fisheries are under Commerce. So we're getting him acclimated a little bit.

And I know that Brenda Becker will do an excellent job working with him on his behalf and on behalf of the Department and working with the Congress. The kind of knowledge she has of the Executive Branch, the Legislative Branch is truly unique. She is just tremendously qualified and I appreciate the opportunity to appear here on her behalf and I certainly will support her nomination.

The CHAIRMAN. Thank you, Senator Lott. Thank you for being here in behalf of these nominees and we know you have a very

heavy schedule on the floor and we thank you for taking the time. We know you may have to leave.

Senator Burns.

STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Senator BURNS. Thank you very much, Mr. Chairman. It gives me a great deal of pleasure to introduce Brenda Becker to this Committee to consider her nomination to be Assistant Secretary for Intergovernmental Affairs and Department of Commerce.

You know, we have got a long way to go in order to establish the policy shop at the Department of Commerce with regard to telecommunications and all three of the Senators that are here today understand that. Brenda brings a tremendous amount of talent to the Department of Commerce because of her ability to communicate with just about every Member of Congress. Because we have known her for a long time, we have known her to be very, very upfront and very honest with us, in fact sometimes brutally honest with us and she always does what she says, and in this time when we're trying to form new telecommunications policies to deal with those issues and not only for our country but in the hemisphere, she brings a great deal of talent to it, so I heartily recommend we confirm her and introduce her to this Committee today and our friendship and I think that the Congress is very, very, lucky to have such a person who knows how to communicate and to articulate what the President wants done in the areas many areas that this Committee covers. And so I welcome her appointment and heartily recommend her confirmation.

The CHAIRMAN. Thank you very much Senator Burns, thank you and Senator Lott for being here. Mr. Jackson we will begin with you for your opening statement.

STATEMENT OF MICHAEL P. JACKSON, NOMINEE, SENIOR ADVISOR TO THE SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION

Mr. JACKSON. I am grateful for your kindness, Mr. Chairman, in having me here today and it is an honor and daunting to be asked to be part of the President Bush and Secretary Mineta's team and to be here before you today.

America's transportation network is an indispensable foundation for the economy and there is much to be done to preserve it and to improve it and I would look forward if confirmed by the Senate to working with you.

In deference to the time of the Committee today, I would ask that my prepared remarks be included in the record and I am happy to answer any questions, Mr. Chairman.

'The prepared statement and biographical information of Michael P. Jackson follow:]

PREPARED STATEMENT OF MICHAEL P. JACKSON, DEPUTY SECRETARY OF TRANSPORTATION-DESIGNATE

Thank you, Mr. Chairman and Members of the Committee. It is an honor both to have been nominated by President Bush and to appear before you this morning. If confirmed, I would very much look forward to working closely with the Members of this Committee.

America's transportation network provides the indispensable foundation upon which our economy rests. There is, however, much work to be done to preserve and improve transportation safety and efficiency.

The Department's top priority has been, and will remain this: promoting transportation safety to reduce injuries and fatalities. Whether it is a Coast Guard sailor who selflessly leaps into the water to save a life, an air traffic controller calmly steering a flight around unexpected bad weather, or a NHTSA safety engineer intently studying crash data—safety is the touchstone that animates the work of virtually every single professional at the Department. I, too, will make it my first and foremost objective to work with Secretary Mineta and my colleagues to improve transportation safety in all modes, every day.

This, of course, is only the starting point. The United States faces an urgent imperative to ease congestion and to improve transportation efficiency. In surface, aviation and marine transportation, we face a serious capacity shortfall. Finding ways to reduce transportation congestion and gridlock is an essential quality of life issue in cities and towns nationwide. This also would have my intense focus.

The spirit of innovation is America's genius, and the Department—in partnership with the private sector—must unleash that genius to accelerate the adoption of technologies that increase mobility, without compromising our environment. Transportation is increasingly global, interconnected and consolidated. If confirmed, I would aggressively support technological and managerial innovation to squeeze additional value from our precious transportation dollars. I would support intermodal freight and passenger transportation systems that preserve healthy competition.

The opportunity to serve as Deputy Secretary would mark a second tour of duty for me at the Department of Transportation. To support President Bush and Secretary Mineta, to join transportation colleagues in meeting the Department's vital mission, these are tasks to which I will gratefully dedicate my energy, experience, commitment and passion.

Finally, let me pledge to the members of this Committee that I will always be candid with you and receptive to your input. I am eager to work together with you to improve transportation in America. This concludes my testimony, and I would be pleased to answer any questions you may have for me this morning.

Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name: Michael Peter Jackson.

2. Position to which nominated: Deputy Secretary, U.S. Department of Transportation.

3. Date of nomination: March 8, 2001.

4. Address: Information not released to the public.

5. Date and place of birth: April 28, 1954 in Houston, Texas (Harris County).

6. Marital status: Married. Wife is Caron Suzanne Jackson (maiden name: Caron Suzanne Ross)

7. Names and ages of children: Catherine Anne Jackson (born: 4–13–95).

8. Education: Georgetown University (Washington, DC), Ph.D. in Government, awarded December 1985. Attended 9/77 to 8/85; University of Houston (Houston, Texas), B.A. in Political Science, awarded August 1977, attended 9/72 to 8/77; Strake Jesuit (Houston, Texas), high school graduation in May 1972, attended 9/68 to 5/72.

9. Employment record: U.S. Department of Transportation, (2/21/01 to present): senior advisor to the Secretary of Transportation; Lockheed Martin IMS, Transportation Systems and Services, Washington, DC (8/97 to 2/01): Vice President and General Manager, Business Development (8/00 to 2/01), Chief Operating Officer (5/98 to 7/00), Vice President, Marketing and Business Development (8/97 to 4/98); American Trucking Associations, Alexandria, VA (12/93 to 7/97): Senior Vice President and Counselor to the President, Vice President, ATA Foundation, Inc.; American Trucking Associations, Alexandria, VA (2/93 to 11/93): Management consultant. *Note: was hired to support the chairman of the National Commission on Intermodal Transportation to formulate plans for the. Commission's agenda and assist with staff recruitment. ATA's CEO was one of the Commission members;* U.S. Department of Transportation, Washington, DC (2/92 to 1/93): Chief of Staff to the Secretary of Transportation; U.S. Department of Education, Office of the Secretary of Education, Washington, DC (6/91 to 2/92): Director, Office of America 2000; The White House, Washington, DC (1/89 to 5/91): Special Assistant to the President and Executive Secretary for Cabinet Liaison (7/90 to 6/91), Executive Secretary for Cabinet Liaison (1/90 to 6/90), Associate Director of Cabinet Affairs and Director of Cabinet Liaison

(1/89 to 12/89); The Madison Center, Washington DC (9/88 to 1/89): Associate Director; U.S. Department of Education, Office of the Secretary of Education (10/86 to 9/88): Deputy Chief of Staff, Special Assistant for Public Affairs; White House Conference on Small Business, Washington, DC (7/86 to 10/86): Assistant to the Conference Director; University of Georgia, Department, of Political Science, Athens, GA (9/85 to 6/86): Visiting Assistant Professor; American Enterprise Institute, Washington, DC (6/84 to 8/85): Research Assistant to Michael Novak; Georgetown University, Department of Government, Washington, DC (8/77 to 6/84). *Note: as a doctoral student, I held various teaching and research fellowships at Georgetown. During this period, was also a visiting instructor of political science at the University of Houston, Department of Political Science (Summer, 1979).*

10. Government experience. None.

11. Business relationships: No such positions currently held.

12. Memberships: Member, Bush Presidential Library Advisory Council, College Station, TX. *Note: The Advisory Council was formed to provide informal advice to former President George H. W. Bush regarding the program and operations of the Presidential library foundation and center. Formed in 1996 and consisting of approximately 20 persons, the Council typically has met twice annually. None of its members has any fiduciary responsibilities for the Presidential Library, the Presidential Library Foundation or the George Bush School of Government by virtue of membership on the Council.*

13. Political affiliations and activities: (a) None. (b) None. (c) 08/00—Victory 2000, Republican Parry of Florida, $1,500; 10/99—Lockheed Martin IMS Good Government Committee (PAC), $750; 05/99—Gil Garcetti, Los Angeles, CA, $1,000; 10/98—Alabama Victory 1998, Republican Party of Alabama, $500; 09/98—Anthony Williams for Mayor, Washington, DC, $800; 09/97—Sandra Bushue for Delegate, Arlington, VA, $250; 09/95—Bob Dole for President, Washington, DC, $250; 03/94—John Schall for Congress, $500; 03/93—Rob J. Portman for Congress, Cincinnati, OH, $200; 10/92—Victory 1992, Republican National Committee; $500; 09/91 to 09/92—Friends of Barry Williamson, Austin, TX, $300; 1997—ATA Truck PAC, American Trucking Associations, $640; 1996—ATA Truck PAC, American Trucking Associations, $1,240; 1995—ATA Truck PAC, American Trucking Associations, $1,040; 1994—ATA Truck PAC, American Trucking Associations, $1,040; 1993—ATA Truck PAC, American Trucking Associations, $80.

14. Honors and awards: University of Georgia, Political Science Department, "Teacher of the Year," 1985–1986; As a graduate student at Georgetown University, I received several tuition scholarships and teaching assistantship grants, including a Georgetown University Fellowship and an H.B. Earhart Fellowship. During that time, I was a member of Pi Sigma Alpha, a political science honorary society, and served a 1-year term as its president.

15. Published writings: "Intermodalism: Hauling in a Deal," *Journal of Commerce* 10/4/96 (in support of the Intermodal Safe Container Transportation Amendments Act of 1996); Michael Novak and Michael P. Jackson, eds., *Latin America: Dependency or Interdependence.* Washington, DC: American Enterprise Institute, 1985; Michael P. Jackson, "Leo Strauss's Teaching: A Study of Thoughts on Machiavelli." Ph.D. dissertation, Georgetown University, 1985; Prior to 1986, I published one academic journal article related to my doctoral dissertation (in *Vera Lex*) and reviews of several academic books—copies of which I have been unable to locate.

16. Speeches: None available. In the last 5 years, I have participated on panels or given speeches to meetings of ITS America, the Transportation Research Board, metropolitan planning organizations, and various freight transportation and toll industry professional associations and trade groups. Such presentations have focussed on a range of topics, from transportation technology trends to freight policy issues. It has been my practice not to speak from a formal, typed text.

17. Selection: (a) Do you know why you were chosen for this nomination by the President? I assume that my nomination is chiefly related to: (1) my previous government service; (2) private sector jobs in which I have worked closely with a broad range of passenger and freight transportation stakeholders; and (3) management experience. In particular, as chief of staff to the Secretary of Transportation, I was exposed to the full range of issues then facing the Department. I have a deep respect for the mission of the Department of Transportation, and an abiding commitment to public service. (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? I have been exposed to a broad range of passenger and freight transportation issues, drawing upon service at the Department of Transportation, as a university professor, and in the private sector. Immediately prior to my nomination, I had worked closely with State and local transportation officials to provide state-of-the-art intelligent transportation systems. Serving well over half of the states, these systems included elec-

tronic toll collection operations, Internet-based regulatory compliance services for motor carriers, and financial reconciliation networks.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? Yes. I recently resigned my position with Lockheed Martin IMS.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. I have no such plans, commitments or agreements.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe *all* financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. If confirmed, I will have no such ongoing financial arrangements or agreements. The only financial connections that I presently retain with my previous employer are as follow: (a) investments in Lockheed Martin IMS 401(k) retirement funds, as described in detail on my financial disclosure forms; (b) 2,300 shares of Lockheed Martin common stock options (fully vested); and (c) supplemental retirement plan investments and deferred management incentive plan investments held by Lockheed Martin as part of the IMS retirement program.

In consultation with the Office of the General Counsel at the Department of Transportation, I will rollover all IMS 401(k) retirement accounts into widely diversified mutual funds. Upon confirmation, I would immediately either exercise or voluntarily surrender all stock options. Following termination of my employment at IMS, the supplemental retirement account and deferred management incentive compensation account balances are—according to corporation policy—being liquidated and will shortly be paid as ordinary income. Together, these three steps would totally sever all financial relationship to my previous employer.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. None.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could, in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? After carefully reviewing my employment history with the Department's Acting General Counsel and her staff, I anticipate no conflicts of interest that would significantly affect my ability to discharge the. position for which I have been nominated. At present, I am fully recused from matters dealing with Lockheed Martin IMS, Baker Botts, LLP, and—pending rollover of retirement accounts and exercise or surrender of stock options—Lockheed Martin Corporation.

The recusal agreement that would apply to me as Deputy Secretary has been conveyed to the Committee by the Department's Acting General Counsel. First, and consistent with Department of Transportation policy and regulations of the Office of Government Ethics, there would be a 1-year period during which I would be recused from any matter before the Department related to my former employer, Lockheed Martin IMS. As a matter of practice, during my employment at IMS there have been few matters where IMS has dealt directly with the Department. Second, I would be recused from matters involving the law firm at which my wife is employed, Baker Botts, LLP. As a practical matter, her firm too has very little business before the Department. My wife, who is not an attorney, has not been personally involved in work regarding transportation issues before the Department.

Until such time as I execute the actions outlined above, I would continue also to be recused from any issues regarding Lockheed Martin Corporation. If confirmed, throughout my tenure at DOT I will regularly consult with the Department's Office of General Counsel not only to avoid any actual conflict of interest, but also the appearance of any such conflict.

4. Describe any activity during the past.10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification

of any legislation or affecting the administration and execution of law or public policy. I will divide my answer into two parts: first, dealing with the final 2 years of my previous Federal service; and second, with the immediate past 8 years, during which I have been employed in the private sector.

First, while chief of staff at DOT, I was involved in several particular issues that included direct negotiations with the Congress. Working for Transportation Secretary Andrew Card, I was the Department's senior Hill negotiator with the Congress for crafting legislation that resolved a national railroad strike in 1992. In addition, I had ongoing oversight of Senate confirmation preparations for Department appointees and management of various other budgetary and policy issues for which Department officials provided testimony or other feedback to Members of Congress.

Second, while at Lockheed Martin IMS, I can recall no issue regarding which I have lobbied, testified or otherwise directly sought to affect Federal legislation. Once, on behalf of IMS, I filed written comments with the Department of Transportation on a Request for Information released by the Federal Highway Administration regarding transponder standards for commercial vehicles. Also at IMS, I periodically provided briefings, counseled with or answered questions for various Department officials regarding IMS businesses in service to State governments and other public agencies. For example, IMS has a long-term contract to support HELP, Inc., a non-profit public-private partnership under which some 21 State governments provide electronic weigh station clearance services to the motor carrier industry. I have worked directly with HELP's Board of Directors and with numerous states to encourage adoption of this service—called PrePass—and to maximize interoperability among systems that provide for electronic clearance services. In addition, I have worked with numerous State governments to' market or support IMS's ongoing electronic toll collection services and electronic clearinghouse services.

While at the American Trucking Associations, I assisted ATA's management team in formulating and advocating a wide range of public policy positions that represented the interests of its members. My particular areas of policy focus at ATA were international and intermodal policy. While at ATA, I was only rarely involved in direct discussions with public policymakers. During the initial year of my employment at ATA, I was expressly prohibited from representing any interests before the Department of Transportation.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. See answer to Questions C(1) and C(3), above, and refer to Acting General Counsel's opinion letter.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a compliant to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details. No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details? I have not been personally involved in any such circumstances, nor have any such actions been triggered by my actions. Several years ago, Lockheed Martin IMS's Children and Family Services—a line of business within IMS for which I had no direct responsibility—was involved in litigation with California regarding a software development contract. The case was tried and the court held fully in support of IMS. IMS is part of a large corporation with numerous subsidiary businesses. I did not materially participate in business matters outside IMS, and therefore have no specific knowledge as to whether any of the many Lockheed Martin firms or their predecessor organizations may have been involved in an administrative agency proceeding or civil litigation.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. None of which I am aware.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by Congressional committees for information? Yes, to the best of my ability.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes, to the best of my ability.

3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes, to the best of my ability.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. I will work with every mode to ensure that regulations meet the statutory intent of legislation. Although the Administrative Procedure Act limits Departmental communication during the rulemaking process, I will do my best to keep Congress informed about the timetable and substance of proposed regulations. At the same time, Members of Congress have stated their interest in streamlining the rulemaking process so that regulations are expeditiously promulgated. This is a top goal for Secretary Mineta, and I expect to take a central role in making the rulemaking process more accountable and efficient.

5. Describe your department/agency's current mission, major programs, and major operational objectives. The Department of Transportation's central mission is to support safe and efficient transportation. The Department's core activities include direct assistance as provided by law, regulatory oversight and enforcement, operational safety services, public education and research.

The existing Strategic Plan establishes five operational objectives for the Department of Transportation for 2000–2005. First, the Department will promote health and safety by reducing the number,of transportation-related injuries and deaths. Second, the Department will improve mobility by delivering an accessible, affordable and reliable transportation system for people and goods. Third, the Department will support economic growth. Fourth, the Department will work to enhance the human and natural environment. Fifth, the Department will ensure the security of the national transportation system. While I agree and certainly support these strategic objectives, if confirmed, I would work with the Secretary to review the plan, enhance or refine it as necessary, and manage the Department in support of these objectives.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated? As discussed above, my professional work experience has focused on a wide range of transportation policy issues. This includes positions in the executive branch in two Administrations, and senior management roles with a transportation trade association and a high-tech transportation business. Early in my professional career, I was a college professor doing teaching and research regarding American political institutions. Collectively, these professional responsibilities have given me a breadth of experience that I think is useful to a candidate for the DOT Deputy Secretary position.

2. Why do you wish to serve in the position for which you have been nominated? For a transportation professional, the opportunity to do this particular job at this Department is an extraordinary honor and a professional challenge that is without parallel. Moreover, working for people you respect makes one's career a delight, and I very much admire President Bush and Secretary Mineta. Finally, because the decisions facing Federal transportation policymakers are so momentous, I'd relish waking up each day to face this challenge.

3. What goals have you established for your first 2 years in this position, if confirmed? The Department's mission is, above all, to promote safety. My first objective would be to work to improve transportation safety in all its facets, in all modes, every day.

Second, the U.S. faces an urgent imperative to ease congestion and improve transportation efficiency. We face a serious capacity shortfall that is choking our vital aviation system, and too many clogged roadways or inadequate transit systems that rob American families and businesses of time and money. From equipping our Coast Guard to save lives at sea, to empowering the handicapped with access to robust transportation systems, the challenges facing this Department are intensely important.

The spirit of innovation is America's genius—and the Department can do more to harness that genius to ease congestion, to streamline and accelerate transportation

improvements. If confirmed, I would aggressively support Secretary Mineta, who is passionately committed to meeting these twin goals of transportation safety and efficiency.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? I would expect to refine and expand my existing management and policy skills. It would certainly be necessary to obtain a more up-to-date and detailed knowledge of the specific policy and management challenges facing the Department. I would work with the Department's staff, Administration officials, the Congress and other relevant transportation stakehblders to enhance my understanding of issues facing the Department.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. The President spoke in his campaign of compassionate conservatism, and this expression—however laden with the emotions of a close campaign—does balance two touchstones that I fully embrace.

It is evident that much of America's economic prosperity is owed to the significant investment that has been made by our government to create an extraordinary transportation infrastructure. We cannot continue to prosper without such investment. At the same time, the Federal Government is itself often slow to innovate, and too reluctant to act as an incubator for technology or services that can more effectively be discharged with public-private partnerships.

Congress has wisely embraced an imperative periodically to reexamine and reauthorize our fundamental transportation programs. In the coming 4 years, the nation's core transportation programs will receive such scrutiny. I believe that a systematic commitment to continuous innovation within the Department will be essential to forging an effective partnership between the Congress and the Administration to meet our current transportation challenges.

It is difficult to define a single rule that could be used to determine the manner and extent to which private sector investment and management should take precedence over solutions that are funded and/or managed exclusively by the public sector. Such decisions should flow from a case-by-case examination of options. I do think that effective public-private partnerships are an essential tool for addressing transportation infrastructure investments. I am convinced that public transportation policy decisions should, where consistent with the public interest, encourage private sector solutions to transportation problems. Much of the Department's Intelligent Transportation Systems program has used Federal funding to test technology solutions that will subsequently be deployed sometimes with private funding only, and on other occasions with a combination of state, private and Federal funding. The Federal Contract Tower Cost Share Program is a good example of an ongoing, effective public-private partnership.

6. *In your own words*, please describe the agency's current missions, major programs, and major operational objectives. The Department of Transportation has a large and varied mandate with a core commonality of purpose to: protect the safety of the traveling public; manage complex nationwide transportation infrastructure investments; increase the efficient movement of goods and people; encourage transportation innovation as a tool to increase transportation capacity; and regulate transportation industries in ways that guarantee public safety while encouraging continued private sector investment in transportation.

The Department's agencies and organizations, of course, have specific programs and performance objectives that grow out of each organization's unique history and statutory mission: The Federal Aviation Administration has an important two-part focus: to provide certification for civilian aircraft designs, and regulate ongoing maintenance and flight operations to protect air safety; and to build, maintain and operate the nation's air traffic control system. The agency faces important challenges in modernizing the ATC system in order to meet growing demand on the air traffic system. The Federal Highway Administration has responsibility for our nation's core highway and bridge program. Since passage of the landmark ISTEA and subsequent TEA–21 legislation, FHWA's mission has grown to include an important focus on promotion of intermodal transportation connections and "Intelligent Transportation Systems." The newly-created Federal Motor Carrier Safety Administration oversees not only vehicle safety but operational safety and performance through regulations such as those for commercial drivers licenses. The Federal Railroad Administration regulates safety of equipment and operations of our nation's vital rail transportation infrastructure. The Federal Transit Administration assists states and communities by: providing transit services that reduce urban congestion; supporting

essential access to rural areas; and providing mobility for Americans from all walks of life—including those with disabilities. The Maritime Administration promotes the vitality of a U.S. flag merchant marine in support of the nation's defense capabilities. The National Highway Traffic Safety Administration oversees safety standards for automobiles and other vehicles in order to reduce fatalities and injuries resulting from highway crashes. It supports research and public education activity on a broad range of safety measures, and it sets fuel economy standards for automobiles and light trucks. The Research and Special Programs Administration oversees pipeline safety and the transportation of hazardous materials. It also has especially important responsibilities in managing the Department's response to hurricanes, earthquakes and other emergency situations. The Saint Lawrence Seaway Development Corporation operates and promotes its unique national waterway asset. The United States Coast Guard oversees regulation of vessels and seamen, and provides air and sea rescue services that, on average, save ten lives daily. Recent years have given the Coast Guard enhanced responsibilities in discharging its national defense obligations—including routine deployments with the U.S. Navy—and with other missions including drug interdiction and enforcement of fishing, immigration and pollution statutes. The Bureau of Transportation Statistics collects data and conducts research that makes the Department operate more intelligently. It supports public policy formation and business investment in the transportation sector. The Office of the Secretary provides policy leadership, and management oversight for the abovementioned Department components. It also administers aviation economic regulatory fimctions, civil rights functions and contracting appeals.

7. In reference to question No. 6, what forces are likely to result in changes to the mission of this agency over the coming 5 years. Increasing pressure on existing transportation networks will require continuous improvement and refinement of the Department's mission and focus. Global trade and interdependency will affect all modes of transportation. The Department has unique responsibilities for transportation security and protection of vital national transportation interests—for example, in meeting the Coast Guard's national defense mission, guaranteeing essential sealift and airlift capacity and thwarting terrorist threats.

Congestion and consolidation in the surface freight transportation and aviation industries will require thoughtful evaluation of how the Department can best support intermodal freight and passenger movements. Implementation of specific mandates such as the NAFTA truck access provisions and ongoing open skies negotiations will contribute to the ability of the United States to compete effectively in international markets. It is essential that the Department aggressively support and encourage technological innovation to increase mobility and transportation efficiency. In doing so, we should be supportive of public-private partnerships that can deliver transportation services.

In much of the Department's work, it will be necessary to balance twin goals of environmental sensitivity with the requirements for expanded transportation infrastructure investments. Doing this and more at the Department of Transportation means we must attract and retain a highly professional staff at the Department—a challenge that will require focused management attention. Finally, I think we should be willing continually to evaluate the Department's regulatory approach—to throw out or refine what is no longer necessary and look anew at technology and public policies that can help reduce transportation fatalities and injuries.

8. In further reference to question No. 6, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why? With support of the Congress, the Department can successfully meet its mission. I agree with and here paraphrase Secretary Mineta's formulation of the top three challenges facing the Department: (1) maintaining focus and effectiveness in a world that is increasingly globalized, interconnected, and, I would add, consolidated in the delivery of transportation services; (2) managing the Department to meet its historical mission of protecting safety while innovating in our service delivery; and (3) working with Congress to ensure that the Department has adequate resources.

9. In further reference to question No. 6, what factors in your opinion have kept the department/agency from achieving its missions over the past several years. Although there are cases where the Department has clearly failed to meet its mission objectives, I'd prefer not to throw too many stones in this regard prior to having a firsthand look. That being said, in several of the large-scale Department procurements there has for years been an unacceptable measure of resistance to change, a failure to think and manage innovatively and insufficient financial and contracting discipline. If confirmed, I'd welcome future discussions of "lessons learned" in working with the Committee.

10. Who are the stakeholders in the work of this agency? Agency stakeholders are the Congress, State and local elected officials, the traveling public, transportation businesses, and the workers who build, maintain and operate our nation's transportation systems. More broadly, virtually all Americans are transportation stakeholders, as we all rely on our nation's transportation network for delivery of essential goods and services, delivered in a cost-effective and environmentally sensitive manner.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten. Secretary Mineta has stressed the importance of accessibility and accountability as essential obligations of the Department. In consultation with transportation stakeholders, I would listen, learn, and work routinely with transportation stakeholders in discharging my official duties.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? The Department has a centralized budgetary office led by the Assistant Secretary for Budget and Programs. That individual also serves as the Chief Financial Officer of the Department. The Department's Deputy Secretary has historically had significant duties in managing day-to-day operations of the Department, and, if confirmed, I would work closely both with the Assistant Secretary and the Inspector General to implement Departmental programs effectively.

Sound financial controls are utterly essential. Lack of such controls means that, inevitably, the Department will squander precious financial resources needed to support our mission. Based on my work in private sector companies, I am convinced that the Department can profit from more robust financial controls and improved management tools to measure program performance and to track progress routinely. (b) What experience do you have in managing a large organization? I have had experience managing large organizations both in the public and private sectors. With my earlier tour of duty at the Department of Transportation, as chief of staff to the Secretary, I assisted with management oversight of the full range of departmental activity. At Lockheed Martin IMS, I was chief operating officer for a diverse, nationwide technology business with revenues in excess of $100 million annually.

13. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals. I strongly support the Government Performance and Results Act. This legislation requires the Department to establish measurable program targets, and it has helped the Department develop a coherent vision. I understand that over the past several years, the Department's Strategic Plan has been cited as one of the strongest in the Federal Government. Although I was not involved in the development of this document, I will work to implement and constantly improve the Strategic Plan. (b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? The Congress has a right to expect that the Department will meet its core performance objectives. If the Department or an agency fails to meet its goals, there should first be an evaluation of the failure and subsequent dissemination of lessons learned. It is important to empower managers to show energy and innovation in government. At the same time, poor performance must have consequences, individually and organizationally. Those certainly might include eliminating, privatizing, downsizing or consolidating programs. (c) What performance goals do you believe should be applicable to your personal performance, if confirmed? Performance involves both integrity and capability. First, simple honesty and the highest ethical standards are the unalterable obligations. Members of the Committee have my unequivocal assurance that they can expect nothing less from me. Moreover, if confirmed, I would join the Secretary in insisting on the same from all Department employees.

As Deputy Secretary, I would expect to be personally committed to the full range of the Department's strategic goals, and personally engaged in managing performance to those objectives. I would seek direction from the Secretary in prioritizing those areas of specific activity that would have my highest level of involvement.

14. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? I insist on high ethical standards, set manageable goals, treat everyone with respect, try to empower my colleagues to act with energy and professionalism, measure performance with facts, celebrate success, and hold people ac-

countable for failure. I try to get out from behind my desk and see what is actually happening with the enterprise. I value people who are passionate about their views, who will argue with grace. The words "because we've always done it this way" light my fuse.

I am not aware that any employee complaints have been brought against me in government or the private sector.

15. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. If confirmed, I would expect to work closely and regularly with Members of Congress on both sides of the aisle. In past Executive Branch jobs I have worked intensively with Congress on several matters, for example, on legislation needed to resolve a 1992 rail strike. If confirmed as Deputy Secretary, it would be a key priority to manage my time and that of other Department executives to work closely, supportively and in a bipartisan manner with Members of Congress and their staffs.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. The Inspector General and the Deputy Secretary must have a close and candid working relationship. The Deputy Secretary is responsible for management oversight of the Department's ongoing operations, which historically has gained much from the work of the Inspector General. The Inspector General brings an important, statutorily protected independence to evaluating Departmental performance, with reporting obligations to both the Secretary and the Congress. This is an asset I respect and value. I have already read and obtained valuable insights from the recent reports and testimony of the current DOT Inspector General.

17. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. Members of Congress are elected; Department of Transportation employees are not. The Department must act with utmost diligence to ensure that duly enacted laws are enforced. Its regulations must comply fully with the letter and spirit of laws passed by Congress. In particular, I would, if confirmed, work to achieve timely implementation of the Department's regulatory agenda.

It is an essential obligation of the Department to consult consistently and carefully on contemplated regulations with transportation stakeholders, but most certainly with Congress. In its administrative processes—and its core orientation to serve and learn from the public—the Department must continually solicit broad participation in rulemaking activity.

18. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views. Generally speaking: (1) actions that improve transportation safety; and (2) implementing transportation policies and infrastructure improvements to ease congestion and increase efficiency.

Although I have not yet fully studied all major policy and management issues involving the Department, the following specific areas evidently require the joint work and attention of the Administration, including the Department, and Congress: The Federal Aviation Administration's ATC modernization is a critical element in meeting demand for our nation's air system. The congestion problem will, I think, require commitments not only of the Federal Government, but of the aviation industry and airport operators alike; Reauthorization of AIR–21 and TEA–21, although not imminent, will offer important opportunities to ease congestion and improve air, highway and transit programs. I would welcome an opportunity to work with President Bush, Secretary Mineta and the Congress to assess what is working and what improvements need to be incorporated into these vital reauthorization efforts; In the near-term, completion of reauthorizing legislation at NHTSA, RSPA, FRA, MARAD and the U.S. Coast Guard, are also essential legislative priorities to provide ongoing support to the Department's mission; To maintain the Coast Guard's ability to discharge its growing and vital mission, support for the deepwater asset replacement program and support for ongoing operations is essential; A full assessment of what is needed and possible for maintaining a viable national passenger rail service will be needed; Finally, I would hope to work with the Secretary and Congress to strengthen the Department's ability to manage important economic and regulatory decisionmaking related to issues such as airline mergers and route decisions, NAFTA implementation, and intelligent transportation systems technology.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a timeframe for their implementation. I strongly believe that discretionary funds must be allocated on a fair, fixed

and published set of criteria. Funding musi, of course, reflect the statutory intent of authorized programs. I will familiarize myself with the 1998 Inspector General's report on discretionary programs and the Committee's hearings on this issue. I also wish to evaluate personally the effect of Congressional earmarking on FHWA, FTA and FAA discretionary programs as rapidly as possible.

The CHAIRMAN. Thank you very much.

Ms. Becker, welcome.

STATEMENT OF BRENDA L. BECKER, ASSISTANT SECRETARY-DESIGNATE FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF COMMERCE

Ms. BECKER. Thank you, Senator Burns and Senator Lott for the kind remarks, and thank you Mr. Chairman, Mr. Hollings and members of the Committee. I do want to thank, I really appreciate all your staff work and courtesies that all of the people here have afforded me and the other staff.

I also, I have already obviously introduced my family but there are some people over at the Department of Commerce that have been invaluable to me as I've started over there in the last several weeks and they are Karen Swanson-Woolf, Mike Levitt, Vicki Horton and Jim Schufreider, and I know many of you have worked with them. They are the stability at the Department of Commerce and I find them to be extremely dedicated and committed and I just really want to thank them. I am truly honored and humbled to be here today in front of and you I will work very hard and diligently to respond to all of your requests, both sides of the aisles, Governors in the states, and State legislators to advance not only the Administration's agenda, but also the Department of Commerce's agenda, and I really look forward to working with you.

I do have a prepared statement for the record and I am prepared to answer any questions you have for me today and thank you.

[The prepared statement and biographical informational of Ms. Becker follow:]

PREPARED STATEMENT OF BRENDA JANE LARSEN BECKER, NOMINATED TO BE ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, DEPARTMENT OF COMMERCE

Mr. Chairman, Members of the Committee, it is a pleasure for me to appear before you today as the nominee for Assistant Secretary for Legislative and Intergovernmental Affairs for the Department of Commerce. I sincerely appreciate the courtesies that the Committee and the Staff have afforded me during this process.

In addition, I want to thank my family and friends—especially my husband Jeff, who has made it possible for me to pursue this position in the Administration. My daughter—Megan and son—Max. Also I want to recognize and thank another very influential and special person in my life—my father. My Dad has served as my role model and has inspired me to seek public service.

I am honored and humbled to have been nominated to serve President Bush and the American people. I am also very grateful to Secretary Evans for the confidence he has shown in me by recommending me for this job. I am dedicated and look forward to serving in the public interest through the many programs and services provided by the Department of Commerce. The reward for me is the opportunity to work on issues that touch the lives of every American. The impact of the Department's programs on the day-to-day lives of Americans from the weather and ocean services to trade and economic development are extraordinary, and I hope to have the opportunity to tell that story.

Throughout my professional career at Blue Cross and Blue Shield, I have worked in the public policy arena to further the goals of a large organization in a way that included stakeholders, respected a diversity of views, developed consensus, effectively communicated an agenda, and achieved results for the organization. If con-

firmed, I believe these experiences have prepared me well for the challenges I will face at the Department of Commerce.

In my view, the Department of Commerce supports and promotes American business abroad to expand the trade and exports of those companies, which will hopefully result in a better economy for the American people. The Department of Commerce, as the voice of business within the Administration, has long been a leader in advocating and using market-oriented regulatory approaches in lieu of traditional command-and-control regulations when such approaches offer a better alternative.

The diverse mission of the Department of Commerce, as noted by Secretary Evans in his confirmation hearing, is "to foster a marketplace where ideas and energy can thrive; where the entrepreneurial spirit indeed will flourish." In this new millennium, the changing world driven by a global marketplace and technological innovations make for a very interesting and exciting time at the Commerce Department. I believe that the Department can serve a critical role in enabling people to achieve a greater level of freedom and independence for themselves and their families. While there may be changes to particular programs through the authorizations and appropriations processes, I believe that the fundamental mission of the Department will continue to be rooted in the principle of improving the climate of economic opportunity for all Americans.

There are a number of major programs within the Department of Commerce (DOC), ranging from export enforcement and trade in the Bureau of Export Administration and International Trade Administration, to weather, water, climate, oceans, and fisheries programs of the National Oceanic and Atmospheric Administration. In addition, the Department has major economic development programs through the Economic Development Administration and the Minority Business Development Agency. Other major programs of the Department deal with technical standards, statistics and critical economic data. The Patent and Trademark programs are of vital interest to American business, inventors and entrepreneurs. No other Department is arguably more involved with technology and enabling American business to develop, manufacture and export technology for peaceful purposes. The Technology Administration, the National Institute of Standards and Technology and the National Telecommunications and Information Administration all play key roles in that effort.

As Secretary Evans stated, the major operational objectives of the Department are to "direct the Department's great and diverse resources to the common cause of fostering economic strength at home and abroad." He intends for the Department to work well for all Americans, and I am committed to helping him and the President achieve that goal.

More specifically, with regard to the operations of the Office of Legislative and Intergovernmental Affairs, my goal is to work with the Secretary of Commerce and the DOC Bureaus to advance the President's agenda as it relates to the programs and activities of the Department of Commerce.

Second, in order to accomplish that goal, I will work with the Department to assemble a dedicated team of professionals, new hires and career civil servants, to educate and inform Members of Congress, Governors, and their staffs, as to the needs, challenges and strengths within the Department's diverse programs.

Third, if confirmed, my team will work in a coordinated fashion with the other key elements of the Department in order to respond to every Member of Congress and every Governor in all 50 states including the U.S. territories as rapidly as possible and with the best information available. Informing and responding to Members of Congress, Governors, and their staffs, I believe is the major overwhelming mission of the Office. I will work to develop a relationship with our stakeholders and to treat all stakeholders fairly, without regard to position or party.

While I have much to learn, I believe I bring a useful new perspective to this position based on years of experience in the private sector. Working with the talented, experienced and dedicated employees of the Commerce Department, we must find new and better ways of doing the business of the Commerce Department.

Over the last several months, I have learned that the American people are ultimately the stakeholder in the work at the Department of Commerce. The Department's diverse programs and activities touch all Americans. From weather forecasts to economic development assistance, the Department's breadth and scope of programs help make all Americans more productive every day. There are more specific stakeholders, first and foremost among those in Congress. There are numerous others, such as scientists, trade experts, economists, inventors, statisticians, broadcasters, and business leaders. The Department's many programs touch those constituencies and many more.

Mr. Chairman, if confirmed you have my commitment for an open and honest dialog to work together to build partnerships and work together with you and the Com-

mittee to find solutions that best serve the needs of the American public. My task will be to assist the Secretary and the Administration in sharing their views and objectives with this Committee and other Members of the House and Senate, as well as taking your concerns and views back to the Department and the administration. If I am confirmed, I want to work on enhancing a partnership with the Department on rekindling a spirt of hope and optimism in this country, and I look forward to playing a role in that effort with the help of you and this Committee.

Thank you Mr. Chairman for the opportunity to be here today. I am prepared to answer any questions.

A. BIOGRAPHICAL INFORMATION

1. Name: Brenda Jane Larsen Becker, Brenda Becker.
2. Position to which nominated: Assistant Secretary for Legislative and Intergovernmental Affairs—Department of Commerce.
3. Date of Nomination: March 29, 2001.
4. Address: Information not released to the public.
5. Date and place of birth: October 6, 1959; Mt. Clemens, Michigan.
6. Marital status: Married, Maiden name: Larsen.
7. Name and ages of children: Megan Elizabeth Becker, 9; Jeffrey Maxwell Becker, 6.
8. Education: Attended Michigan State University from 1977–1981, Bachelor's of Art in Political Science degree granted in June 1981; Attended Central Michigan University from 1982–1985—Master's of Art in Business degree granted in August 1985.
9. Employment Record: 1981–1985, Blue Cross and Blue Shield of Michigan: Policy analyst, Senior Projects Coordinator, 1985–2001, Blue Cross and Blue Shield Association: State Services Representative: Manager, State Services; Political Action Committee Director; Director, Congressional Communications; Executive Director, Congressional Communications; Vice President, Congressional Communications.
10. Government Experience: None.
11. Business Relationships: Officer: Blue Cross and Blue Shield Association—1998–2001.
12. Memberships: Member of Woodmore Country Club. See attached addendum for history of memberships.
13. Political Affiliations and activities: (a) None. (b) Chairman, Republican National Committee's Majority Fund program; Co-Chairperson of the Republican House-Senate Dinner; have participated in activities for the National Republican Congressional Committee and the National Republican Senatorial Committee (See attached addendum). (c) Contributions*: BluePac (I have given to the Pac for many years, but this is all the information I could obtain): 1997—$440, 1998—$650, 1999—$650, 2000—$650; Candidates: 9–29–98, Musser for Congress—$500, 3–31–99/6–30–99, Allen for Senate—$250/$500; 4–29–99/6–11–99, Elizabeth Dole for President—$250/$750; 11–26–99/5–30–00/7–20–00, Bush for President—$500/$1000/$500; 10–30-00, Republican National Committee—$500.
14. Honors and awards: None.
15. Published Writings: None.
16. Speeches: None.
17. Selection: (a) I was selected for this position because of my experience in the field of government relations. (b) My background in both State and Federal government relations and my leadership and management experience provides me with the qualifications for this position.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate. Yes.
2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? No.
3. Do you have any plans, commitmentsor agreements after completing government service to resume employments, affiliations or practice with your previous employer, business firm, association or organization? No.
4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

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*This is the best of my knowledge—do not have records except Federal Elections Commission.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes, that is my intention.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements and other continuing dealings with business associates, clients or customers? None.

2. Indicate any investments, obligations, liabilities, or other relationships, which could involve potential conflicts of interest in the position which you have been nominated? None.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or pubic policy. I have been with the Blue Cross and Blue Shield organization for 20 years and have lobbied Health Care and Insurance related issues on Capitol Hill during that time.

5 Describe your department/agency's current mission, major programs and major operational objectives. In my view, the Department of Commerce has the mission to support and promote American business abroad to expand the trade and exports of those companies, which will hopefully result in a better economy for the American people.

More specifically, with regard to the operations of the Office of Legislative and Intergovernmental Affairs, our objective is to serve as the best possible liaison between the Department of Commerce and the Congress, and between the DOC and State and local governments. I believe that by facilitating communications between the DOC and the Congress, I can help promote the Department's objective to support American business.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualify you for the position in which you have been nominated? Throughout my professional career at Blue Cross and Blue Shield, I have worked to further the goals of a large organization in a way that included stakeholders, respected a diversity of views, developed consensus, effectively communicated an agenda, and achieved results for the organization. If confirmed, I believe these experiences have prepared me well for the challenges I will face at the Department of Commerce.

2. Why do you wish to serve in the position for which you have been nominated? I am honored and humbled to be nominated to serve the President and the American people as the Assistant Secretary for Legislative and Intergovernmental Affairs. I have spent my career working in the public policy arena and if I am confirmed, this will be an opportunity for me to use my talents for public service.

3. What goals have you established for your first two years in this position, if confirmed? If confirmed, my foremost goal is to work with the Secretary of Commerce and the DOC Bureaus to advance the President's agenda as it relates to the programs and activities of the Department of Commerce.

Second, in order to accomplish that goal, I will work with the Department to assemble a dedicated team of professionals, new hires and career civil servants, to partner, educate and inform Members of Congress, Governors, and their staffs, as to the needs, challenges and strengths within the Department's diverse programs.

Third, if confirmed, my team will work in a coordinated fashion with the other key elements of the Department in order to respond to Member and Governor inquiries as rapidly as possible, with the best information available.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? The Department of Commerce and its nine bureaus is very diverse and I am certainly not an expert on all of the issues facing this agency, however, if confirmed, I will build a team with expertise and do what it takes to learn the issues.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. The primary role of the government is to protect our freedom. With respect

to the private sector, the government's role should be a facilitator providing incentives to promote market growth and to help people become independent. Government should not be a barrier to growth. As with any program or project that is evaluated, if it is not meeting the stated objective than it should be revised to meet a new need or eliminated.

6. In your own words, please describe the agency's current missions, major programs, and major operational objectives. I agree with the Secretary's statement at his confirmation hearing that the mission of the Department of Commerce is to "foster a marketplace where ideas and energy can thrive; where the entrepreneurial spirit indeed will flourish." I believe the Department can serve a critical role in enabling people to achieve a greater level of freedom and independence for themselves and their families.

There are a number of major programs within the DOC, ranging from export enforcement and promotion of trade in the Bureau of Export Administration and International Trade Administration, respectively, to weather, water, climate, oceans and fisheries programs at NOAA. In addition, the department has major economic development programs through the Economic Development Administration and the Minority Business Development Agency. Major programs of the Department deal with technical standards, statistics and critical economic data. The Patent and Trademark programs are of vital interest to American business, inventors and entrepreneurs. No other department is arguably more involved with technology and enabling American business to develop, manufacture and export technology for peaceful purposes. The Technology Administration, NIST, and NTIA all play key roles in that effort.

As Secretary Evans stated, the major operational objectives of the Department are to "direct the Department's great and diverse resources to the common cause of fostering economic strength at home and abroad." He intends for the Department to work well for all Americans, and if confirmed, I am committed to helping him and the President achieve this goal.

7. In reference to question number six, what forces are likely to result in chamyes to the mission of this agency over the coming years? I believe the mission of the Department will continue to be to foster a marketplace where ideas and energy can thrive and where entrepreneurial spirit will flourish. While there may be changes to particular programs through the authorization and appropriations processes, I believe that fundamental mission of the Department will continue to be rooted in the principle of improving the climate of economic opportunity for all Americans.

8. In further reference to question number six, what are the likely outside forces, which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why? It is difficult to foresee what outside forces will come into play, but I am confident that the DOC will confront all challenges and develop creative solutions to overcome obstacles that might threaten our success.

I am not certain I can place a ranking on the challenges facing the DOC and am advised that among the many difficult tasks before it are: (1) helping the President obtain trade promotion authority; (2) preparing for the best possible census for year 2010; (3) acting as a responsible steward of your Nation's ocean resources, without unduly encumbering America's business; and (4) revising our Nation's export control laws in a manner that in the first instance, protects our national security, but also allows our businesses to remain competitive in the international marketplace.

9. In further reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years? My prior work experience was related to health care. I cannot speak from personal knowledge about the past successes or failures at the Commerce Department.

10. Who are the stakeeholders in the work of this agency? The American people are ultimately the stakeholders in the work at the Department of Commerce. The Department's diverse programs and activities touch all Americans. From weather forecasts to economic development assistance, the Department's breadth and scope of programs help make all Americans more productive every day. There are more specific stakeholders, first and foremost among those in Congress. There are numerous others, such as scientists, trade experts, economists, inventors, staticians, broadcasters and business leaders. The Department's many programs touch those constituencies and many more.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number 10? The appropriate relationship is to build partnerships and work together to find solutions that best serve the needs of the American publlc.

The Office of Legislative and Intergovernmental Affairs is primarily focused on informing and responding to Members of Congress, Governors, and their staffs. I be-

lieve the mission of the Office is to be as responsive as possible to each and every Member of Congress and Governor with the best information possible. I will work to develop a relationship with our customer and treat all fairly regardless of their position or party.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are the responsibilities, confirmed, to ensure that your agency has proper management and accounting controls? If confirmed, my accountability will be to fully understand the laws that govern the DOC and to work with the appropriate officials to ensure that these requirements are implemented. (b) What experience do you have in managing a large organization? As an officer of the Blue Cross Blue Shield Association, I was responsible for managing a department and a budget.

13. The Government Performance and Results Act require all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving these goals. Every organization needs objectives to give them a common purpose for functioning. I believe that you need to know what you are trying to achieve so there is a clear set of expectations. Also, it is important to measure those goals so you know if you are successful. (b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? If an agency is not meeting its objectives, Congress will need to work with the Department to evaluate the program or initiative and take steps to put a performance improvement plan in place. If that does not work, then further action may need to be taken on a new direction. (c) What performance goals do you believe should be applicable to your personal performance, if confirmed? If confirmed, I expect to be held accountable for serving as an effective Congressional liaison and for assuring that the Commerce Department has the best possible relations with Members of Congress.

14. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? My management style is to hire talented individuals, give them clear objectives and expectations and then empower them to do their job. I have been in a management position for over 10 years and I have only had one complaint.

15. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. I have never held a position working for a Member of Congress or on a Committee; however, I have developed professional relationships with Members of Congress and their staffs as a lobbyist.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. The role of the IG is the same as an auditor in the private sector. I worked closely with the auditor at Blue Cross and Blue Shield to make sure that the proper processes and checks and balances were in place to assure compliance with all applicable rules and guidelines. This included bringing items of concern to the auditor to be reviewed If confirmed, I will continue this with the IG at the Department of Commerce.

I am committed to being responsive to any and all requests received by the Inspector General's office.

17. Please explain. how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. The DOC, as the voice of business within the Administration, has long been a leader in advocating and using market-oriented regulatory approaches in lieu of traditional command and control regulations when such approaches offer a better alternative. While not principally a regulatory agency, all regulations of the Department are designed and implemented to maximize societal benefits while placing the smallest possible burden on those being regulated.

The Office of Legislative and Intergovernmental Affairs does not itself issue regulations and is not typically involved in the review of regulations issued by agencies of the Department. However, to the extent that I do participate in the regulatory review process, I will ensure that regulations issued by the DOC comply not only with the letter, but also the spirit of the laws passed by Congress.

18. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? The Administration and the Department, through the budget process, will articulate the priorities for the Department as a whole. The Department's legislative priorities will be those that further the Ad-

ministration and DOC's goals of fostering a marketplace where ideas and energy can thrive and where the entrepreneurial spirit can flourish. Certainly the Department's appropriations are a priority, as will those Administration initiatives contained in the President's budget request. In addition, there will be specific legislative efforts having to do with the reauthorization of certain Department programs. If confirmed, I look forward to working with the committee on those issues.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a time frame for their implementation. If confirmed, I will work with the Department Bureaus, OMB and Congress to ensure that all spending is based on national priorities determined in an open fashion.

The CHAIRMAN. Thank you. Both of your prepared statements will be made part of the record. Your full statements will be made part of the record.

Mr. Jackson, as Secretary of Transportation, Secretary Mineta has agreed to be recused from personal and substantial participation in particular matters having a direct and predictable effect on the financial interest of Lockheed Martin Corporation.

Meanwhile, you have agreed if appointed to be Deputy Secretary to be recused for 1 year from participation in any particular matter involving specific parties in which, to your knowledge, Lockheed Martin IMS is a party or represents a party in the matter unless your participation is authorized pursuant to the regulations of the Office of Government Ethics.

In responses to pre-hearing questions you also stated you would regularly consult with the Department's Office of General Counsel to avoid even the appearance of a conflict of interest. In order to avoid the appearance, if not an actual conflict of interest, do you believe it would be necessary to recuse yourself from departmental matters affecting Lockheed Martin Corporation, not just Lockheed Martin IMS?

Mr. JACKSON. Senator, I have consulted with the career counsel at the Department on that issue and their recommendation was that it was not necessary to recuse myself from the corporation. My work for Lockheed Martin IMS was unrelated to the larger work of the corporation. I would say to you, however, that I am mindful that it is important to avoid not only a conflict, as you say, but any appearance of a conflict. So I am happy to consult with counsel and, consult with you, if you feel that a larger recusal is necessary. That is something I'd be most happy to talk through and do the right thing on.

The CHAIRMAN. Would your more narrow recusal have prevented you from being involved with a recently reported FAA decision to skip the competitive bidding process to award an air traffic control project to Lockheed Martin?

Mr. JACKSON. I am currently recused from everything related to Lockheed Martin Corporation based upon a need to remove retirement funds from the corporation's retirement fund. But if I were operating under the proposed guidance of the general counsel, it would not have been necessary to be recused in that matter. I understand that matter is something that has been underway for some period of time. What I know about it, honestly I've read in the newspaper.

The CHAIRMAN. Well, let me just say we would like to work with you to make sure that we avoid any appearance of a conflict and we can have some conversations between now and when your nomination moves to the floor, although that will be very shortly. We intend to move both your nominations as quickly as possible.

Just one more question. Mr. Jackson, I am concerned about comments made recently by Secretary Mineta regarding the Justice Department's review of pending airline mergers and acquisitions. Secretary Mineta reportedly remarked the Justice Department was not considering the views of the Transportation Department. He told them to "butt out," with regard to the mergers reviews.

Given that the Transportation Department is required to advise the Justice Department on airline mergers which are of the utmost importance to the traveling public, I find it disturbing to hear comments such as these.

Have there been any subsequent attempts to get the Justice Department to work more closely with the transportation department on airline merger reviews?

Mr. JACKSON. Mr. Chairman, I am happy to report that subsequent to those comments from the Secretary, there have been good and candid and professional exchanges on these topics and the Secretary, I believe, feels that we are making good progress in being able to work to provide a broader range of input to the Justice Department in their review of these antitrust matters.

The CHAIRMAN. I am glad to hear that because clearly the Justice Department cannot operate in a vacuum without the input and knowledge and information of the Department of Transportation and these mergers have been a subject of great concern to the American public as well as to members of this Committee.

Ms. Becker, just one question for you. A big issue in Congress this year is election reform. Senator Hollings, Senator Cleland and I have introduced legislation to help states update their voting machine technology.

Can you briefly discuss the Department's position on our legislation to direct the National Institute of Standards and Technology to establish voting system standards and test vote counting machines?

Ms. BECKER. My understanding at this point in time is we're reviewing that and looking at NIST's role and your legislation and I think we have been supportive in the past of looking at those standards and measures and will continue to do so.

The CHAIRMAN. Thank you. Senator Stevens.

Senator STEVENS. Thank you very much, Mr. Chairman. Mr. Jackson, the Committee I chair is often subject of some comments, including from some of my friends, about our pork. I have been looking into the subject of the excessive spending of Departments and I've found several projects that really need a lot of attention.

I think one of them is the Big Dig in Massachusetts originally scheduled to be about $2.4 billion. I am told it is over $10 billion now and it is going to require more money this year from our Committee.

I want to commend to you to talk to the Secretary about the excess spending on projects that far exceed the estimates given to our Committees, particularly the Appropriations Committee in connec-

tion with the authorization and appropriation of funds for projects such as the Big Dig.

I think it is time that we had some attention paid to wasteful excesses as well as to some of our add-ons that come from individual members. I am going to spend some time on that this year and I hope you will tell him we are going to spend a lot of time on the Big Dig.

Ms. Becker, I hope to get your Secretary to Alaska sometime this year. As you know, we have an enormous fishery problem up there, related to the Steller sea lion, so I commend to you the subject and hope you can give him some advice and help me get him up there soon.

Ms. BECKER. As long as I can come with him.

[Laughter.]

Senator STEVENS. It is very nice in the winter.

[Laughter.]

Ms. BECKER. I would rather come to Arizona in the winter.

[Laughter.]

Senator STEVENS. You ought to bring the family too. We ought to teach those two kids how to fish. Thank you very much.

The CHAIRMAN. Senator Stevens, before I turn to Senator Burns, we have had a lot of interest in the Big Dig. We have had a couple of hearings in the past and tried to put a cap on it. It is now up to $13.5 billion. There is a recent report by the Inspector General of the State of Massachusetts, not of the Inspector General at the Department of Transportation, talking about excessive overruns and problems. The allegations of the Inspector General of the State of Massachusetts were ignored by State officials.

It is a terrible situation and I am very pleased to hear that you are committed to trying to see, to look at this. It is now the single most expensive public works project in the history of this Nation and a lot of books are going to be written about these cost overruns and the incredible waste of the taxpayers' dollars and I thank you for being involved.

Senator BURNS. Senator Stevens. Just one comment. I was amazed when I saw the record of the fees and charges that were paid out of Federal funds to State agencies for review of the plans of people who received the contracts to proceed with that—I think there is a lot that needs to be done with regard to the charges the states impose upon Federal projects indirectly by putting those charges and making the contractors pay for those charges. But it will be an interesting hearing, Mr. Chairman. Thank you.

The CHAIRMAN. Senator Burns.

Senator BURNS. Thank you very much, Mr. Chairman. I just have a statement more than anything else for Ms. Becker.

We are really running a little bit late here on this Committee with regard to some telecommunications policy decisions and a lot of that is just because we just have not had anybody down at Commerce that was in place with NTIA so far and that is a very, very important position there. And I would ask that the Department of Commerce move very expeditiously in getting a person there because that will formulate the policy of this Administration on which direction they want to go as far as telecommunication is concerned.

It is very, very important for the simple reason that coming out of Quebec City, as we talk to, of all people, the Department of Agriculture and the Secretary of Agriculture saying that in this hemispheric type situation of trade that telecommunications will be the cornerstone to make it work and to make it work for everybody involved in the hemisphere.

And so my message to the Commerce Department is that I would like to see them move in that direction and to get us a person up here and get them confirmed because that is a very, very important position down there as far as this Committee is concerned, and I congratulate you on wanting to do this and I know you will just do a great job and that is the only thing I have, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Hutchison.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman. I am very pleased to be here and say that I am going to support both of your nominations to your respective positions. I have several concerns.

First, as Chairman of the Aviation Subcommittee, I am very concerned with the clogged airports, the clogged air traffic control system and the inability of passengers to have a real feeling that they can rely on on-time service for airlines when they take an airline. So I am introducing legislation, hopefully it will be on the same markup with your nomination that will attempt to streamline the environmental reviews that will define on-time service as when an airplane takes off within 20 minutes of the time that it is supposed to take off, rather than how long it sits on the runway. And one of the parts of my bill also allows antitrust exemptions for airlines to be able to talk about scheduling.

Now, I have a question about whether we need to give that exemption and I want to give it if it is necessary but why cannot the representative of an airline walk out to the monitor in an airport and see that there are 20 flights all scheduled at 8:15 and knowing that that cannot possibly be possible, why cannot they adjust their schedules without the need to sit down and talk about it beforehand. It is very public, these schedules.

Mr. JACKSON. Senator, the congestion problem that you mentioned is a very, very high priority of Secretary Mineta and the Department and we look forward to working with you and the Committee to address that very difficult problem.

On the particular issue of the scheduling, the Secretary has said that he is looking at the question of whether some limited antitrust immunity might be helpful or not, but we have also been looking very carefully at some experience of techniques that did not require such a step and he is actively reviewing those. There have been some recent examples of individual airlines stepping up to the plate and trying to address the scheduling problems on their own accord at specifically congested airports.

Senator HUTCHISON. Do you think monetary incentives for airlines to delay a flight schedule would be helpful?

Mr. JACKSON. I would like to look at that question. The Administration hasn't taken a position on congestion pricing at this junc-

ture, but I think that the State of the conversation obliges us to look at every single option very carefully and I would look forward if confirmed to doing that with you.

Senator HUTCHISON. We certainly will want to hear from you. The other major concern that I have relates to my State in particular, but also to other States as well.

My State has really been discriminated against in gaining access to Heathrow Airport. I have three of the ten largest cities in America in Texas and not one of them can fly directly to Heathrow. We have been bypassed in the last bilaterals and I am furious about it, frankly. I think the Department of Transportation is to blame. I think they made a bad deal and I think it is absolutely ridiculous that the number of passengers that would like to fly directly to Heathrow but do not have that ability because the DOT made a bad decision.

There are other places where I think we ought to be gaining additional access. Hong Kong is another destination where you were supposed to be going into negotiations and now you've put those off until June. I want to know what the status is of direct access to Heathrow and the bilaterals with Great Britain and the situation with Hong Kong.

Mr. JACKSON. Senator, on the Hong Kong issue the Secretary hit the pause button on those negotiations temporarily in order to assure himself that the Administration's position supporting open skies and broadest possible liberalization for our aviation bilaterals would be possible and would be pursued with aggressiveness by the Department and by the Administration.

He has had a good conversation I understand recently last week with his counterpart there and it is our expectation that we would resume those negotiations with Hong Kong. And on the issue of the Heathrow, I understand your frustration. You and I had the opportunity to discuss this issue.

In my previous tour of duty at the Department, this was a bone of contention and a problem we had not resolved. I find myself back here 8 years later and it is still unresolved. What I would tell you is that it is very much on the Secretary's radar screen and it is very much on my radar screen and we will work on that issue.

Senator HUTCHISON. Well, I think at some point we have to renounce the bilaterals and start all over again because we are at a terrible disadvantage and there are other cities, I am sure, that should be eligible and are seeking that same kind of service but I think it is egregious that we do not have service from Dallas or Houston. Houston is now trying, and I am going to do something pretty drastic if we do not see some movement.

I am saying my patience is really run out on that issue and I will be looking at the Hong Kong issue and I hope we can just go forward in this Administration with open skies rather than narrow bilaterals. I thank you.

The CHAIRMAN. Senator Smith.

STATEMENT OF HON. GORDON SMITH,
U.S. SENATOR FROM OREGON

Senator SMITH. Thank you, Mr. Chairman. Brenda and Michael, I count you both as friends and look forward to supporting you. I

am very gratified by your appointments and know you will do a superb job.

Michael, I read your testimony and I appreciate your comment about just the whole issue of capacity. I believe our country is not investing in enhanced capacity and I want to encourage you to come up with planning for increased capacity in every area, rail, shipping, roads, airports, all of that. We really need your Department to turn on the lights for America as to how big a problem we have.

I recently became aware of just how vulnerable we are in terms of rail shipment of commerce and how easily we frankly can have interruptions that will put a lot more stress on our roads if we do not increase the capacity of our rails, and so I hope that will be a real focus for you.

If you have any comment about that, I would like to hear it.

Mr. JACKSON. The gap between demand and capacity is a very serious problem and all the modes, as you say, need the focus of the Department's energies. It is a No. 1 priority for us and it is not a silver bullet simple issue. It means investment and it means doing many other things to make this work right and the Department is committed to working these issues very, very hard.

Senator SMITH. Very good, thank you.

Brenda, I appreciate your recent help on the issue of the Klamath Falls farmers and the endangered species listings that has affected an entire region in my State and particularly the community of Klamath Falls.

I would just highlight to your watchful eye the whole agency known as the National Marine Fisheries Service. I do not know of an agency in government that has had a more harmful effect on the human species in my State than this agency and it falls under your care now and it is not on my part a comment that we should lower environmental laws, but frankly, there is a way to treat people and there is a way not to and NMFS has become the picture of how not to treat the human species. And so whatever you can do to assure that our laws are enforced with sensitivity, greater sensitivity to the fisheries, to farmers, to foresters, this is badly needed in my State and there is not an agency in the Federal Government that is more unpopular, I am being generous with that word, than the National Marine Fisheries Service.

So I appreciate your willingness to serve in this capacity. I think you'll just be a superlative in this job and I commend President Bush in your selection and I wish your family well.

The CHAIRMAN. Thank you.

Senator Dorgan.

STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. Mr. Chairman, thank you very much. I will be very brief. I want to say that I support both of these nominations. I think they are good choices and have had a chance to visit with both of them about a range of issues in both agencies and think the President has chosen well and I am happy to lend my support for the nomination.

The CHAIRMAN. Thank you.

Senator Cleland.

STATEMENT OF HON. MAX CLELAND,
U.S. SENATOR FROM GEORGIA

Senator CLELAND. Mr. Chairman, thank you very much. It is an honor to support these two distinguished nominees, especially the gentleman from Georgia, Mr. Jackson. We are glad to see you and Ms. Becker. Thank you for taking on this responsibility. Thank you Mr. Chairman.

The CHAIRMAN. Thank you very much. I wish you every success. We will move your nominations as quickly as possible.

Mr. Jackson, we will have a discussion on this issue of recusal. And Megan, you are required to stay for the rest of the hearing. Everyone else can leave.

[Laughter.]

Senator BURNS. Mr. Chairman, I have a couple of questions for Mr. Jackson. I will get those in writing to you and if you could respond to the Committee and to me I would certainly appreciate that, but I plan to support both of these nominees. Thank you very much.

The CHAIRMAN. Thank you.

[Whereupon, at 9:56, the hearing was adjourned]

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