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NOMINATIONS TO THE DEPARTMENT OF TRANSPORTATION, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND THE DEPARTMENT OF COMMERCE

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

MAY 19, 2009

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ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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NOMINATIONS TO THE DEPARTMENT OF TRANSPORTATION, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND THE DEPARTMENT OF COMMERCE

TUESDAY, MAY 19, 2009

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

The Committee met, pursuant to notice, at 11:05 a.m. in room SR–253, Russell Senate Office Building, Hon. Mark Warner, presiding.

OPENING STATEMENT OF HON. MARK WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. We will come to order.

Let me say to Senator Isakson and Senator Begich, this is the most rapid rise of a freshman member to committee chairmanship in, I think, in recent Senate history.

[Laughter.]

Senator WARNER. Please don't tell Senator Rockefeller that I got comfortable in this chair for any moment in time.

[Laughter.]

Senator WARNER. I know Senator Rockefeller sends his apologies to the nominees. I'm going to do a brief opening statement, and then we will start with Senator Mikulski and Senator Cardin, who will make the introductions of one of our nominees.

So, we'll start with that. I'm happy to welcome and congratulate all of the nominees before us today. It's a great honor for you to be before the Committee, and I look forward to hearing from these distinguished individuals.

If confirmed, these leaders will be responsible for improving our networks, advancing our policies, and promoting our transportation systems.

As I mentioned, Chairman Rockefeller sends his sincere regret for not being able to welcome you in person, but looks forward to reading your remarks, and hopes to work with you in the coming months and years.

I'd also like to recognize Senator Isakson and Senator Begich, and if Ranking Member Hutchison comes, she'll obviously have a chance to make her comments, as well.

Because we've got a number of nominees this morning, I would ask each of them to make their remarks fairly brief, so we can make sure we get in plenty of questions.

Obviously, President Obama was elected to bring change to our Nation, and advancing the shared goals we all have of progress and prosperity will require everyone's best efforts. Nominees for positions in the National Telecommunications and Information Administration, NTIA, the Office of Science and Technology Policy, OSTP, and the United States Department of Transportation will be before us in a few moments.

Obviously, as somebody who spent a career in communications before taking the plunge into government, I am particularly interested to hear from Mr. Strickling. His challenges will be not only to manage digital television transition, but to make sure we appropriately distribute broadband Stimulus Funds, and navigate the Internet governance. These are all issues that have remarkable consequences well beyond the bounds of telecommunications policy, extending into the overall health of our economy.

We're going to be hearing from Mr. Chopra, who I have a long record and association with. He has been nominated to serve two roles—Assistant Associate Director of White House Office of Science and Technology, and Chief Technology Officer—a new position the President has recently created, and I'll be making some more formal comments about Mr. Chopra when I have a chance to introduce him.

Mr. Porcari, if confirmed, you will be responsible for giving our Nation's transportation system a new vision, and you'll have to balance the needs of all of the transportation agencies to ensure that our transportation systems are safe, efficient and sustainable.

I would also add that I hope today is not the high point, considering the glowing articles you received recently of bipartisan support in the *Washington Post* today. I've been around a long time in the region, and rarely do you see such a strong story of endorsement of your background and credentials, and I know we're going to hear from Senator Mikulski and Senator Cardin on that subject in a moment.

Mr. Babbitt is appointed to be Administrator of the FAA, an enormously challenging position, both in terms of NextGen safety issues, and a host of other issues around aviation. We look forward to your testimony.

And finally, Ms. Blank will be conducting the 2010 Census, one of the largest undertakings of our government, and is appointed to be Undersecretary for Economic Affairs at the Department of Commerce.

You will also serve as head of Economics and Statistics Administration, providing analysis for Commerce and interacting with industry and other community leaders. I know you've got a great background, and look forward to your position.

With such great and highly qualified individuals, I look forward to hearing from each of you, but we will start with Mr. Porcari, and I would like to call upon our colleagues, Senator Mikulski and Senator Cardin, to introduce John Porcari.

Senator Mikulski?

STATEMENT OF HON. BARBARA MIKULSKI, U.S. SENATOR FROM MARYLAND

Senator MIKULSKI. Thank you very much, Mr. Chairman, and it's good to see you in the chair.

I come today to join with my colleague, Senator Ben Cardin, to strongly recommend John Porcari to be Deputy Secretary of the U.S. Department of Transportation. John has the experience, knowledge, and a can-do attitude to successfully serve in this capacity.

For those of us from Maryland who come before you today, it is a bittersweet situation. If confirmed, John Porcari will do a great job, and therefore the choice will be a great one for the United States of America. But it is a sad day for Maryland if we—as we lose him to be our Secretary of Transportation.

Secretary Porcari—and I'm calling him that because of his position in Maryland—comes with outstanding personal characteristics and a wonderful family. They're here today, you'll meet Heidi and the five children, and all of the Porcaris. You'll find that he is a man who—from his personal characteristics—a man who believes in honor, and integrity, and really getting the job done.

When one deals with large contracts, you not only have to master the budget process, particularly if you're working in a public agency, but you also have to be sure that it's done with honesty and integrity. So, we're starting with that threshold, which I know is so important as a characteristic for the Obama Administration.

He has my full support, because John will bring vision, new ideas, and actually juice to the excellent Transportation team President Obama is assembling.

He has had a great deal of experience in fixing crumbling transportation infrastructure, and knowing how to do it under very difficult financial constraints.

John has served our great State twice as Transportation Secretary, once for Governor Glendening, from 1999 to 2002, and then returned to serve in the O'Malley Administration.

Mr. Chairman, our Secretary of Transportation is unique. For him, it's not only about highways, byways, beltways and subways, but it also includes airports and seaports, and he has had an enormous set of challenges in terms of everything from large transit systems, to the airport, to the Port of Baltimore, as well as highways and bridges.

President Obama has made an excellent choice, because he will carry out the Obama agenda for rebuilding our infrastructure. But in rebuilding that infrastructure, he knows he will use it to build a bridge to somewhere—to use our highways and our physical infrastructure as a way to generate jobs, solve transportation problems that will promote economic growth and vitality, and doing it with very difficult funding sources.

As he worked with Governor O'Malley in probably one of the worst economic crises Maryland has ever seen, John was able to give advice to the Governor about how we could meet compelling transportation needs, and at the same time meet our budget challenges.

I'm going to conclude and turn to my colleague, Senator Cardin, but I want people in this room to know he's worked on issues like

D.C. Metro, the Woodrow Wilson Bridge, and building the Appalachian Highway. In that way, he's worked with the District of Columbia and with Governors from Virginia. And you know, that's almost like treaty negotiations——

[Laughter.]

Senator MIKULSKI. When we finished working on the Woodrow Wilson Bridge, we felt that he was going to be tapped by Bill Clinton to be Secretary of State.

But, wearing your Governor's hat, you know how difficult it is. So, he knows how to bring together politics, deal with coalitions, prickly issues from design, to consumer, to environment, to budget.

I think President Obama has made a great choice, and we enthusiastically support him, and hope you do, as well.

Senator WARNER. Thank you, Senator Mikulski.

Senator Cardin?

STATEMENT OF HON. BENJAMIN CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Well, Senator Warner, thank you very much. It's a pleasure to be here with Senator Mikulski to endorse John Porcari's nomination to be Deputy Secretary for the United States Department of Transportation.

I want to compliment the President on all three of the nominees that he has sent forward that are being considered today by this Committee. I think all three are dedicated people, and I want to thank them and their families for their sacrifices they make to serve our Nation.

Now, I'm going to confess to you that I'm not objective when it comes to John Porcari—he's a friend. He's a person I've known for many years, a person of unquestioned integrity, a real professional who gets the job done, a person who has the experience to do this job for our country. His experience under two Administrations—both the Glendening Administration, and O'Malley Administration—and as Senator Mikulski pointed out, the responsibility that our Secretary of Transportation has in Maryland is far broader than just dealing with one mode of transportation; he has to deal with every mode of transportation.

Senator Mikulski mentioned some of the projects that he had to manage, or to see completed. The Woodrow Wilson Bridge which, Senator, you—as Governor—was very familiar about the difficulties. That's a $2 billion-plus project that was delivered on-time and on-budget, which showed some extraordinary leadership from Secretary Porcari.

He had to deal with a lot of tough political battles. Let me just mention some of the transit issues in our State—the Purple Line and the Inter-County Connector. These are issues that require the best in professionalism and political skills, and John Porcari exercised the right judgment that made our State proud of the manner in which he conducted his service as Secretary of Transportation.

I think he has the package needed, at this time, for our country. We know that we have just passed the American Recovery and Reinvestment Act, a significant increase in funding for our transportation infrastructure. We now need to make sure that there's accountability. John Porcari will be an excellent person, if confirmed,

to carry out the oversight necessary to make sure that the taxpayers of this country get the value for the investments that have been made.

We know that we have tremendous needs in this country for infrastructure investment for transportation. We also know we have challenges on revenue. I think John Porcari will be an excellent person to try to help us map out the strategies necessary to achieve our goals of modernizing our infrastructure system, and do it in a fiscally responsible manner.

I concur with Senator Mikulski—this is a contribution being made by the people of Maryland. We're going to miss him as Secretary of Transportation, but we think it's an excellent choice for the Obama Administration, and we wholeheartedly endorse his candidacy.

Senator WARNER. Thank you, Senator Cardin, and Senator Mikulski.

Let me just add—echoing the comment that Senator Mikulski made—that all of us in the greater Washington region realize that for many decades, the Potomac River was the great divide between Virginia and Maryland, and we too often did not view our transportation system as a regional network. And I had the opportunity—and my Secretary of Transportation, Pierce Homer, had an opportunity to work, at great length, with John Porcari.

And I will echo your comments that he has been able to negotiate those waters and move us forward as a region.

So, I echo both of your comments that I think he will be a great addition to the Administration. I thank you both for your testimony, and if you don't have anything else to add?

Senator MIKULSKI. Mr. Chairman, I just would like to put my appropriations hat on for a moment. As you know, I chair the subcommittee that funds the Commerce Department, on Appropriations. There are those at the table that are part of my Subcommittee.

And, Mr. Chairman, you have outstanding nominees here that will be working in the Commerce Department and I, too, would like to congratulate them, and in each and every one of their areas, whether it's Census, the digital TV conversion issues, and so on. We look forward to working with them and implementing, also, the President's rural broadband.

And I would really hope, then, with this talent that will be coming before you, and working with the authorizers, we can really revitalize and recapitalize the Commerce Department.

I look forward to working with you, and the people who will be confirmed.

Thank you very much.

Senator WARNER. Thank you, Senator.

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. Mr. Chairman, you notice the endorsement—the outstanding endorsement—that Mr. Porcari got, and Senator Mikulski reminded us that she's on the Appropriations Committee.

[Laughter.]

Senator WARNER. It wasn't very subtle, was it?

[Laughter.]

Senator LAUTENBERG. Not for me, I'm on her Subcommittee.

Senator WARNER. Thank you, Senator Mikulski.

Thank you, Senator Cardin.

Senator Hutchison, I already, in my interim step, here, as Chair, gave an opening statement. I wondered if you would like to offer an opening statement, as well.

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

Senator HUTCHISON. Thank you, Mr. Chairman.

I do have an opening statement, but I will not read it because everyone is here, we're going to have a vote soon, and I would like to proceed with the hearing, so I will submit mine for the record.

[The prepared statement of Senator Hutchison follows:]

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

Thank you, Senator, for filling in today. We wish Chairman Rockefeller a speedy recovery and look forward to his return soon. We have several important nominations to consider today, and I thank the nominees for accepting these positions and the challenges that come with them.

Addressing NTIA first, I want to emphasize that the DTV transition must remain the highest priority for NTIA. I am encouraged that since February we have been able to cut the number of unprepared households in half, but there remain concerns, particularly in Texas where we have many vulnerable communities. Recently, the FCC and NTIA have ramped up their efforts to target assistance to the Spanish-speaking population. I want to ask Mr. Strickling about his plans to continue focusing on NTIA's resources, through the transition, on Spanish-speaking communities, including print and video advertising, walk-in centers, and Spanish-speaking call center agents.

I also would like Mr. Strickling to address how NTIA intends to focus the broadband grant program on unserved communities. This program must be, from the outset, a model for efficiency and effective oversight. NTIA was provided $4.7 billion for the broadband grant program with a short time-frame with which to spend the money. I want to know how NTIA will aggressively enforce its program to ensure against waste, fraud, and abuse. Mr. Strickling has a commendable background in government, particularly at the FCC during the development of the Universal Service Fund's various programs. The Universal Service Fund, however, has a questionable track record of management and oversight. I would like the nominee to address what lessons he takes from his experiences at the FCC that will ensure the broadband grant program is run efficiently and taxpayer dollars are spent wisely and carefully.

Another significant program that is pending before the Department of Commerce is the 2010 Census. It is important that the process remain transparent and that we receive an accurate count. Since the Under Secretary of Commerce for Economic Affairs is involved in that process, I look forward to hearing Ms. Blank's views on how the 2010 Census should be handled.

Today's hearing is also a unique one because we have a nominee to be Associate Director of Technology within the Office of Science and Technology Policy, who will also have additional responsibilities as the Chief Technology Officer, a new position created by this Administration. I look forward to learning about Mr. Chopra's vision for these positions.

Moving to our transportation nominees, I welcome the opportunity to move forward on Mr. Babbitt's nomination. It is extremely important we get a strong and stable leadership team in place at the FAA. In the wake of recent accidents and the questions raised by those tragic incidents regarding pilot training and competence, along with labor strife and Congressional debate on FAA Reauthorization, it is imperative that we have a qualified and able Administrator in place.

As I emphasized in our private meeting earlier this month, I am increasingly concerned with FAA's air traffic control modernization efforts and the fiscal implications of a potentially re-negotiated air traffic controller contract. We will need your help, Mr. Babbitt, to pass an FAA Reauthorization bill this year. There are several

poison pills looming, especially in the current version of the House bill that could lead to a deadlock. We will need some assistance and practical decisionmaking at the FAA in order to get a bill through this year.

I would also like to welcome Mr. Porcari, who is nominated to be Deputy Secretary at the Department of Transportation. If confirmed, Mr. Porcari will serve as Chief Operating Officer at DOT and oversee the day-to-day operations of the Department. This is an important position, as DOT is currently facing many important legislative and policy challenges.

Again, I thank the nominees for their willingness to serve in these important roles and look forward to having a constructive dialogue.

Senator WARNER. Thank you, and I know that I will also ask the Committee's unanimous consent to insert some statements for the record from Chairman Rockefeller, Senators Kennedy, Durbin, and from Representative Dingell.

[The information referred to is contained in the Appendix.]

Senator WARNER. So, I'd like to ask the nominees to come to the table now.

Again, I'd like to welcome you all here, and I look forward to your testimony and your service. I want to—following Senator Mikulski and Senator Cardin's glowing endorsement of their fellow Marylander, John Porcari, I want to take the same opportunity as a Virginia Senator to introduce Aneesh Chopra.

I'll do this quite briefly, but Aneesh Chopra has been nominated by President Obama to be both Chief Technology Officer—a new position, a position that I've been a strong advocate for and believe is, combined with the CIO and the CPO, can bring really new focus to making sure that we're more effective, efficient, and technologically adept at our national level.

In addition to that position, he has also been nominated to be Associate Director of the Office of Science and Technology. And I'll come back to Mr. Babbitt in a moment.

Now, Mr. Chopra and I have gone back decades since he first got involved in public policy, and I was proud to appoint him to a series of boards when I had the opportunity to be Governor. My successor, Governor Kaine, appointed him as Secretary of Technology, where he has performed admirably.

Last year, *Government Technology Magazine* named him one of the Top 25 Doers, Dreamers, and Drivers, and as someone who has spent a great deal of time with Aneesh, he's a bit of a whirlwind and it is difficult to keep up with his ideas. I know that he'll bring that same energy to this position.

He's got a great background serving in senior private experience on the Advisory Board with Morgan Stanley. He brings the right mix of technology and governmental backgrounds. I know he's going to do a remarkable job as CTO, and look forward to his service.

I also want to take a moment to introduce Randy Babbitt, who the President has nominated to be Administrator of the FAA. Mr. Babbitt has spent more than 40 years focusing on aviation industry and labor relations issues, and I believe he is the right person to lead the FAA at this moment.

He began his career as a commercial pilot for Eastern Airlines, I think we all remember when it was the Eastern Shuttle. Many years ago, he served as President of the Airline Pilots Association, and most recently has served as an aviation consultant.

He has a great background, has deep knowledge of safety issues, and understands the challenges at the FAA. We had a chance to visit on matters related to issues with the air traffic controllers. We want to make sure that the NextGen project moves from discussion into implementation. I think he will bring the appropriate skills and background to this very, very important position, and I commend the President for his nomination.

We'll now ask each of the nominees to introduce anyone you've brought, and put forward your statements, again, recognizing that we may have some votes. We've got five of you, but we all want to make sure we will get to questions.

So, we'll start with Mr. Strickling.

STATEMENT OF LAWRENCE E. STRICKLING, ASSISTANT SECRETARY-DESIGNATE OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, U.S. DEPARTMENT OF COMMERCE

Mr. STRICKLING. Thank you, Mr. Chairman.

Senator Hutchison, and distinguished Members of the Committee, my name is Larry Strickling, and I want to thank you for considering my nomination, and for giving me the opportunity to appear before you today to introduce myself, and answer any questions you may have for me.

I want to thank President Obama for nominating me for this position, and also to thank Secretary Locke for his support of my nomination. I'd also like to take this opportunity to acknowledge and thank Anna Gomez, the Assistant Secretary of NTIA, and Senior Policy Advisor, Mark Seifert, who have led the Agency's efforts since February. From all reports, they have done a magnificent job with respect to the digital television transition, and the implementation of the broadband grants program established by the American Recovery and Reinvestment Act, they both deserve our thanks.

Well, if I may, Mr. Chairman, I'd like to introduce the members of my family in the audience. My wife, Sydney Hans, is a Professor at the University of Chicago School of Social Service Administration. As the one member of our family with a steady job——

[Laughter.]

Mr. STRICKLING. She will remain in Chicago. But I do want to thank her, and I ask the members to acknowledge her, and thank her for her sacrifice in allowing me to be considered for this position in the Administration.

My oldest son, Taylor, is completing a year of study of Arabic, in Morocco, and could not be here today, but my other two sons are here. Alec Strickling, who worked as a Field Organizer, and Deputy Field Director in the Obama campaign for 2 years, and my youngest son, Rob, is also here today, who just finished his successful freshman campaign at Macalester College.

Senator WARNER. Can they raise their hands, so we can at least see them?

Nice to see you guys.

Mr. STRICKLING. And finally, my sister, Ann Strickling is also in attendance.

Given the size of today's panel, I ask that my longer, prepared remarks be included in the record of today's hearing.

Senator WARNER. Without objection.

Mr. STRICKLING. And instead, I would like to summarize my testimony by making the following three points. First, I have spent more than 25 years in the communications sector of the economy. I have worked for what was one of the largest, and most heavily regulated companies in this industry, Ameritech, as well as a fledgling, unregulated startup, CoreExpress. I've also had a chance to see this industry through the eyes of a regulator, given my post at the FCC 10 years ago.

I have seen companies succeed in this industry, and I have shared in the heartbreak of employees who have lost their jobs when their company failed.

But even as companies come and go, there is no doubt that the communications sector of our economy is a huge potential source of growth and innovation, and impacts every other part of our economy.

Advances in communication technology and products can improve the competitiveness of all American businesses, whether they are in healthcare, energy, or any other line of business, and these advances create jobs.

Moreover, we must do everything we can to ensure that all Americans have access to these modern communications services. The Internet plays such an important day-to-day role in the lives of so many of us, that those of our citizens who are not connected risk being left behind, in terms of getting a modern education, in terms of competing for high-value jobs, receiving healthcare, and in so many other ways.

Second, Congress has entrusted NTIA with many important responsibilities, ranging from managing the government's use of spectrum, to Internet governance, to implementing the broadband grant program established by the Recovery Act.

While each of these tasks is important in its own right, NTIA should ensure that everything it does supports the priorities of Secretary Locke and the Administration to help the economy recover as quickly as possible, and then to support the larger mission of the Department to promote commerce, particularly through encouraging growth, innovation, and job creation in this sector.

If I am confirmed, NTIA will perform its responsibilities with clarity, common sense, and creativity, and always with the goal of promoting our overall economy through the growth and innovation that the communications sector can deliver.

Third, and in closing, I want to assure you that you have my commitment that if I am confirmed, I will work with each one of you, and members of your staff, to address the challenges facing our technology and telecommunications sector.

Thank you, again, for the opportunity to be here today, and I would be happy to answer any questions that you may have for me.

Thank you very much.

[The prepared statement and biographical information of Mr. Strickling follows:]

PREPARED STATEMENT OF LAWRENCE E. STRICKLING, ASSISTANT SECRETARY-DESIGNATE OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, U.S. DEPARTMENT OF COMMERCE

Mr. Chairman, Senator Hutchison, and distinguished Members of the Committee, my name is Lawrence Strickling and I am appearing before you today as the nominee for Assistant Secretary of Commerce for Communications and Information. Thank you for considering my nomination and for giving me the opportunity to appear before you today to introduce myself and answer any questions that you have for me.

I want to thank President Obama for nominating me for this position and to thank Secretary Locke for his support of my nomination. I would also like to take this opportunity to acknowledge and thank Anna Gomez, Deputy Administrator at NTIA, and Senior Advisor, Mark Seifert, who have led the agency's efforts since February. From all reports, they have done a magnificent job with respect to the digital television transition and the implementation of the broadband grants program established by the American Recovery and Reinvestment Act and they both deserve our thanks.

I have spent more than twenty-five years in the communications sector of our economy. My first involvement was in 1983 when I was a member of a team of lawyers assembled to advise the yet-to-be-named Midwest Baby Bell that would be created by the break-up of AT&T in 1984. I later joined that company, by then known as Ameritech, and served as a senior executive in the company in the law and public policy departments, living through the industry transformation that followed the Bell break-up and the debate and passage of the Telecommunications Act of 1996.

In 1997, at the invitation of Chairman Reed Hundt and soon-to-be Chairman Bill Kennard, I joined the staff of the Federal Communications Commission to work on the Nation's transition to a more competitive telecommunications marketplace and to develop new tools, primarily in enforcement, to deal with the rapidly changing market conditions. During my tenure at the Commission, where I served as Chief of the Common Carrier Bureau, among other positions, the FCC granted the first long distance licenses to the Bell companies—Verizon in New York and SBC in Texas—and we made much progress in protecting consumers from the twin scourges of "slamming" and "cramming" that became widespread at that time.

Since 2000, I have worked for a handful of telecommunications companies of varying sizes, each with their own product offerings and business strategies. None survives as a stand-alone company today. I believe these experiences with an assortment of communications companies and my previous government service at the FCC provide me a unique background for the position of Assistant Secretary. I have worked for what was one of the largest and most heavily-regulated companies in the industry, Ameritech, as well as for a fledgling unregulated start-up, CoreExpress. I have seen companies succeed in this industry and I have shared the heartbreak of employees who have lost their jobs when their company failed.

The lessons I have learned from these 25 years of experience will not surprise anyone. First, the communications sector of our economy, as a potential source of growth and innovation, impacts every other part of the economy. Advances in communications can improve the competitiveness of all American businesses whether they are in health care, energy or any other line of business. Second, this growth and innovation is possible only if there is capital available for both incumbents and entrepreneurs to commercialize their ideas. Obviously, this is a particular challenge today, but government can help encourage investment by providing a stable and predictable regulatory landscape. Third, we must do everything we can to ensure that all Americans have access to modern communications services. The Internet plays such an important day-to-day role in the lives of so many of us that those of our citizens who are not connected risk being left behind—in terms of getting a modern education, competing for high-value jobs, receiving health care—and in so many other ways.

Congress has entrusted NTIA with many important responsibilities, ranging from managing the government's use of spectrum to Internet governance to implementing the broadband grant program established by the Recovery Act. While each of these tasks is important in its own right, NTIA should ensure that everything it does supports the priorities of Secretary Locke and the Administration to help the economy recover as quickly as possible and then to support the larger mission of the Department to promote commerce, particularly through encouraging growth and innovation in this sector.

If I am confirmed, NTIA will perform its responsibilities with clarity, common sense and creativity and always with the goal of promoting our overall economy through the growth and innovation that the communications sector can deliver.

In closing, let me once again thank you and the Committee for the opportunity to be here today. You have my commitment that I will work with each one of you as well as members of your staff to address the challenges facing our technology and telecommunications sectors.

I will be happy to answer any questions you may have for me. Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Lawrence Edward Strickling.

2. Position to which nominated: Assistant Secretary of Commerce for Communications and Information.

3. Date of Nomination: March 31, 2009.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: None.

5. Date and Place of Birth: November 23, 1951; Takoma Park, Maryland.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Sydney Lynn Hans, Professor, University of Chicago; children: Taylor William Strickling, age 27; John Alexander Strickling, age 24; Robert Bennett Strickling, age 19.

7. List all college and graduate degrees. Provide year and school attended.

University of Maryland, B.A. in Economics, 1973.

Harvard Law School, J.D., 1976.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Public Liaison for Policy Groups, Office of the President-Elect, 2008–2009.

Policy Coordinator, Obama for America, 2007–2008.

Chief Regulatory and Chief Compliance Officer, Broadwing Communications, 2004–2007 (acquired by Level 3 Communications in January 2007).

Senior Vice President, Industry Development, Allegiance Telecom, 2002–2004.

Member, Board of Directors, Network Plus, Inc., 2001–2002.

Executive Vice President, General Counsel and Secretary, CoreExpress, Inc., 2000–2001.

Federal Communications Commission, 1997–2000.

Chief, Common Carrier Bureau, 1998–2000.

Deputy Chief, Common Carrier Bureau, 1998.

Associate General Counsel and Chief, Competition Division, 1997–98.

Ameritech, 1987–1997.

Vice President—Public Policy, 1993–1997.

Vice President and Associate General Counsel, 1991–93; Counsel, 1987–91.

Kirkland & Ellis, 1976–87.

Partner, 1983–87.

Associate, 1976–83.

All of the positions I held from 1987 through 2007 were management positions, except for the Network Plus board seat, and all of them, as positions within the telecommunications sector, relate to the position to which I have been nominated. In addition, I believe my work at Kirkland & Ellis and on the Obama campaign and transition has provided me additional skills and experience that will be useful to me at the Department of Commerce if I am confirmed.

9. Attach a copy of your resume. See Attachment A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Board of Visitors, University of Maryland School of Public Policy, 2006–present.

Board of Directors, Telecommunications Policy Research Conference, 2001–2004.

Board of Trustees, Court Theatre, 1995–present (Chairman since 2006).

Board of Directors, Music of the Baroque, 2003–present (Treasurer since 2006).

Board of Directors, Chicago Area Council, Boy Scouts of America, 1992–2006 (Vice President from 1992–2006).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

See board positions listed in response to Question 11. The Boy Scouts of America does restrict membership on the basis of sex (for certain elements of its program) and sexual orientation.

In addition, I belong to but am not particularly active in the following organizations:

University of Maryland Terrapin Club.

Maryland Gridiron Network.

Chicago Civil War Roundtable.

The Mencken Society.

Chicago Symphony Orchestra Governing Members (1996–2009).

I am also a member of the Illinois Bar.

13. Have you ever been a candidate for and/or held a public office (elected, nonelected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

2008:	Obama Victory Fund, $2,300
	Lessig 08, $500
2007:	Obama Exploratory Committee, $2,300
	Friends of Leslie Hairston (Chicago alderman), $500
	Al Franken for Senate, $500
2006:	Friends of Leslie Hairston, $500
2005:	Obama for Illinois, $1,000
	Friends of Leslie Hairston, $500
2004:	Obama for Illinois, $2,000
	John Kerry for President, $2,000
	John Kerry GELAC, $2,000
	Ohio Democratic Party, $4,000
	Armendariz-Klein Campaign, $1,000
	Friends of John McCain, $1,000
	Friends of Leslie Hairston, $500
2003–04:	Allegiance Telecom PAC, $2,700
2003:	Obama for Illinois, $1,000
	Markey for Congress Committee, $1,000
	Friends of Leslie Hairston, $1,000
	Citizens for Welch (Illinois Senate), $500
2002:	Schmidt 2002 (Illinois Attorney General), $2,000
2001:	Richard M. Daley Campaign Committee, $500
2000:	Campbell for U.S. Senate, $1,000
1999:	Obama for Congress 2000, $500
1998:	Tom Campbell for Congress, $1,000

As noted in response to question 8 above, I served as Policy Coordinator for Obama for America from May 2007 through the general election in November 2008. Additionally, in January and February 2002, I worked on policy issues for the primary campaign of John Schmidt who was a candidate for Illinois Attorney General.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

University of Maryland: Phi Beta Kappa, Phi Kappa Phi, Omicron Delta Epsilon.

Chicago Area Council, Boy Scouts of America: Silver Beaver, District Award of Merit.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

See list of representative presentations, appended hereto as Attachment B.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

House Telecommunications Subcommittee, June 1998: Slamming (the practice of long distance companies switching consumers to their service without the customers' consent).

Senate Permanent Subcommittee on Investigations, July 1998: Cramming (the practice of companies billing consumers for services they have not ordered or requested, usually through the phone bill of the incumbent phone company).

House Telecommunications Subcommittee, September 1998: Cramming/ Slamming.

House Telecommunications Subcommittee, June 2000: Reciprocal Compensation (the mechanism by which an incumbent and a competitive local exchange carrier compensate each other for a call that traverses both's networks).

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I believe my more than 25 years of experience in the telecommunications industry uniquely qualifies me to serve as Assistant Secretary of Commerce for Communications and Information. I have worked for a variety of companies in the industry ranging from an incumbent Bell telephone company to a fledgling start-up. I have previously served in the Federal Government as Chief of the Common Carrier Bureau at the Federal Communications Commission from 1998–2000 at a time when the industry and the FCC were trying to navigate the significant market changes resulting from the passage of the Telecommunications Act of 1996. With this experience, I have an in-depth understanding of how companies are able to succeed in this industry and how they fail. This experience will be particularly valuable as NTIA is called upon to provide $4.7 billion in grants to expand broadband service in unserved and underserved areas in this country and also provides me a strong foundation from which to deal with all the communications and information issues within the ambit of NTIA.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

Particularly in light of the task Congress has entrusted to NTIA to manage the Broadband Telecommunications Opportunities Program, ensuring proper management and accounting controls will be a top priority for me if I am confirmed as Assistant Secretary. I will work with the Department's Chief Financial Officer and Inspector General to ensure that we have crafted the appropriate reporting and monitoring requirements for NTIA and the BTOP grant recipients and then I will devote whatever staff and outside resources are necessary to ensure that the requirements are followed.

As both Vice President, Public Policy at Ameritech and Chief of the Common Carrier Bureau at the FCC, I managed large organizations and multi-million dollar budgets. In both of these positions, I devoted substantial time in these organizations to improving the morale, efficiency, and creativity of the work groups, largely by engaging and empowering staff members. I plan to dedicate a significant percentage of my time if confirmed to engage the NTIA staff using similar team-building tools that were successfully employed in my previous positions.

20. What do you believe to be the top three challenges facing the department/ agency, and why?

As Secretary Locke has previously stated, economic recovery is the number one priority for the Department of Commerce. At NTIA, I believe that we can best support that mission in the following ways:

First, NTIA must implement the broadband provisions of the ARRA as responsibly and promptly as possible.

Second, NTIA plays a central role with respect to this Nation's spectrum and Internet policies. We must make every effort to ensure that spectrum is available to fuel economic growth in the United States. We must also ensure that our policies with respect to the Internet protect and maintain the openness and innovation that has so well-served our citizens and businesses up to now.

Third, NTIA should revitalize its role as the advisor to the President on communications policy.

And, in all of these activities, NTIA should perform its assigned responsibilities with clarity, common sense and creativity.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts: None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I currently hold a number of investments in various companies in the telecommunications industry. In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have executed and which is appended to this questionnaire as Attachment C. I am not aware of any other potential conflict of interest.

4. 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have executed and which is appended to this questionnaire as Attachment C. I am not aware of any other potential conflict of interest.

5. Describe any activity during the past 10 years in which you have been 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 have not engaged in any activity to directly influence the passage, defeat or modification of any legislation except as follows: As a member of the President-Elect's transition team, I met with Senate staffers from several offices in January and February 2009 regarding the broadband provisions of the recovery legislation.

Indirectly, in my role as policy coordinator on the Obama campaign, I oversaw the work of more than twenty domestic policy committees whose charge was to develop ideas that might eventually be adopted by the campaign and which could form the basis of legislative proposals. In addition, since leaving the FCC in 2000, I have returned to the Commission a handful of times on *ex parte* appearances with respect to pending regulatory matters. In each case, an appropriate notice of *ex parte* contact was filed at the Commission.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have executed and which is appended to this questionnaire as Attachment C.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

Yes. In September 2005, I joined with ten other Scout leaders in Chicago in an action against the Chicago Area Council, Boy Scouts of America and its president, pleading that the Council and president had committed numerous violations of Illinois law and had breached fiduciary duties owed to voting members of the Council in refusing to allow members to vote on a properly-nominated slate of officers and directors of the Council. In January 2006, the judge of the Circuit Court of Cook County ruled that the Council and its president had violated Illinois law and had breached their fiduciary duties to the members. The Council appealed the decision to the Illinois Appellate Court and a settlement was reached during the appeal that resulted in the dismissal of the complaint.

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

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

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.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

ATTACHMENT A

RESUME OF LAWRENCE E. STRICKLING

Professional Experience

Public Liaison for Policy Groups, Office of the President-Elect, 2008–09.
Policy Coordinator, Obama for America, 2007–2008.

Responsible for directing the activities of 24 domestic policy committees, made up of volunteer policy experts from across the country. Managed the growth of the committees from a few hundred in 2007 to around 4,500 people in the Fall of 2008. Developed and executed strategy for the use of the groups, starting with developing policy ideas in 2007, engaging in policy outreach focused primarily on the battleground states starting in Summer 2008, and participating in get-out-the-vote activities in October and November.

In the campaign policy department, I was responsible for technology and telecommunications issues. In that role, I assembled and edited the campaign's policy statement on technology policy in November 2007.

In the field, I helped organize the voter protection efforts for the campaign for the Ohio primary, worked in the voter protection boiler rooms in Wisconsin and Indiana, and did GOTV in Iowa, New Hampshire and Massachusetts. On Election Day, I worked in the Chicago boiler room monitoring Michigan.

Chief Regulatory and Chief Compliance Officer, Broadwing Communications, 2004–2007.

Responsible for ensuring company's compliance with Federal and state regulatory requirements and for developing and executing its regulatory strategies. Broadwing was acquired by Level 3 in January, 2007.

Senior Vice President, Industry Development, Allegiance Telecom, 2002–2004.

Responsible for negotiating and administering Allegiance's interconnection relationships with other carriers in the telecommunications industry, particularly the incumbent local exchange carriers. Also responsible for the development and execution of Allegiance's state regulatory strategies. Allegiance was sold to X0 Communications out of bankruptcy in the Summer, 2004.

Member, Board of Directors, Network Plus, Inc., 2001–2002.

Executive Vice President, General Counsel and Secretary, CoreExpress, Inc., 2000–2001.

Responsible for the legal and regulatory affairs of the corporation. The company was sold by its secured creditors to Williams Communications at the end of 2001.

Federal Communications Commission, 1997–2000.

Chief, Common Carrier Bureau, 1998–2000.

Deputy Chief, Common Carrier Bureau, 1998.

Associate General Counsel and Chief, Competition Division, 1997–98.

Principal accomplishments included the following:

Competition:

Unbundling. Developed and implemented the Commission's network element unbundling standard after the 1999 Supreme Court decision. Developed new rules for collocation and line sharing.

Long Distance Entry. Led the review of the market-opening activities of Verizon in New York and SBC in Texas leading to the FCC's approval of companies' applications to provide long distance service.

Access Reform and Deregulation. Facilitated industry negotiations to reform and reduce interstate access charges, adopted by the Commission as the CALLS proposal in 2000, and led the development of the framework for streamlining the deregulation of access charges as competition develops.

Data Collection. Directed development of the FCC local competition report which gathers and collects authoritative information from all carriers.

Enforcement:

Rocket Docket Complaint Process. Created and implemented a new complaint process by which the Commission could resolve formal complaints between carriers within 60 days.

Slamming Enforcement. Led the Bureau's efforts to step up enforcement actions against slamming by revoking licenses and levying the first million-dollar fines against long distance companies that engage in this illegal practice and to develop new rules to absolve consumers of any obligation to pay slamming carriers for calls they wrongfully handle.

Cramming Guidelines. In response to growing consumer and Congressional concerns about cramming, organized a workshop of the large local exchange carriers to develop a set of voluntary best practices to combat this new form of consumer fraud. The guidelines were completed in 2 months, thus providing consumers much faster action and protection than the traditional rulemaking process would have allowed.

Congressional Testimony:

House Telecommunications Subcommittee, June 1998: Slamming.

Senate Permanent Subcommittee on Investigations, July 1998: Cramming.

House Telecommunications Subcommittee, September 1998: Cramming/Slamming.

House Telecommunications Subcommittee, June 2000: Reciprocal Compensation.

Ameritech, 1987–1997.

Vice President—Public Policy, 1993–1997.

Vice President and Associate General Counsel, 1991–93; Counsel, 1987–91.

As Vice President—Public Policy, I was responsible for developing and implementing the state and Federal regulatory and legislative agenda for Ameritech. I supervised more than 250 employees in regulatory and public policy, managing a budget of more than $25 million, and participating in all proceedings before the FCC and state utility commissions. I also served on Ameritech's *Asset Management Committee,* which oversaw management of the company's multi-billion dollar pension funds, and on the *Benefits Committee,* which was the final arbiter of employee claims for pension and other benefits.

Kirkland & Ellis, 1976–87.

Partner, 1983–87.

Associate, 1976–83.

At Kirkland & Ellis, I practiced in the area of general business litigation, including environmental, antitrust, contract and tort matters. Principal professional matters included the following:

Amoco Cadiz Oil Spill Litigation. One of Amoco's principal trial counsel in this $700 million litigation arising from a tanker casualty off Brittany, France. Presented Amoco's case during a one-year trial in defense of claims of damage to the overall marine ecosystem, examining technical experts on marine ecology, coastal geology, oyster biology, fish population dynamics, and oil spill cleanup.

Dow Chemical Company v. *Consumers Power Company*. One of Dow's trial counsel in a $500 million fraud and breach of contract action involving the Midland nuclear plant. Developed Dow's case relating to misrepresentations of the project's completion schedule.

Education

Harvard Law School, J.D., 1976.

University of Maryland, B.A. with High Honors in Economics, 1973. Phi Beta Kappa.

Professional and Civic Activities

Board of Visitors, University of Maryland School of Public Policy, 2006–present.

Board of Directors, Telecommunications Policy Research Conference, 2001–04.

Board of Directors, U.S. Telephone Association, 1994–96.

Co-Founder, Consortium for Research in Telecommunication Policy, 1994–97.

Admitted to Illinois Bar, 1976.

Board of Trustees, Court Theatre, 1995–present (current Board Chairman).

Board of Directors, Music of the Baroque, 2003–present (current Treasurer).

Vice President, Chicago Area Council, Boy Scouts of America, 1992–2006.

Governing Member, Chicago Symphony Orchestra, 1996–2009.

Board of Directors, Chicago Children's Choir, 1993–98.

ATTACHMENT B

REPRESENTATIVE PRESENTATIONS

Panelist, Impact of Presidential Election on Telecom Sector, Stifel Nicolaus Telecom, Media and Tech D.C. Policy Day, Washington, D.C., June 4, 2008.

Speaker, "Technology, Campaigning and Governing," 41st KMB Invitational Conference, St. Petersburg, Florida, May 12, 2008.

Panelist, The Changing Role of Technology in the Election Process, FCBA Annual Seminar, Cambridge, Maryland, May 2, 2008.

Panelist, Regulatory Forum: Analysing the Impact of the Latest U.S. Regulatory Developments on Next-Gen Networks and Services: Net Neutrality, Capacity Magazine Next-Gen USA 2006, Denver, Colorado, November 30, 2006.

Moderator and Panelist, 38th KMB Invitational Conference: Telecom Customers—Their Needs, Wants and Expectations, St. Petersburg, Florida, October 2006.

Speaker, "Net Neutrality and Interoperability," Quello Center Communication Law and Policy Symposium, Washington, D.C., April 6, 2006.

Speaker, "How Will VoIP Be Regulated? FCC Rulings and Proceedings," 2006 Telecom, Cable and Wireless Conference, University of Texas at Austin School of Law, Austin, Texas, March 10, 2006.

Moderator, 37th KMB Invitational Conference: Making Sure that America Maintains a World-Class Telecom Infrastructure, St. Petersburg, Florida, March 2006.

Panelist, State and Federal Regulatory Developments, MetroConnect USA, Miami, Florida, February 8, 2006.

Panelist, Implementing the Telecom Act: Major Common Carrier Issues, Columbia Institute for Tele-Information and George Washington University School of Public Policy, Washington, D.C., February 6, 2006.

Moderator and Panelist, 36th KMB Invitational Conference: The 2006 Outlook for the New Telecom Infrastructures, St. Petersburg, Florida, September 2005.

Moderator, 35th KMB Invitational Conference: Telecom 2005, St. Petersburg, Florida, May 2005.

Moderator and Panelist, 34th KMB Invitational Conference: Considerations for a New Telecom Act, St. Petersburg, Florida, September 2004.

Moderator, 33d KMB Invitational Conference: The Impact of Today's Telecom Realities on Regulatory Policies and an Evolving Industry, St. Petersburg, Florida, May 2004.

Participant, Quello Center Workshop on Making U.S. Telecommunications Policy, Michigan State University, East Lansing, Michigan, October 27–28, 2003.

Moderator and Panelist, 32d KMB Invitational Conference: Telecom Complexities, St. Petersburg, Florida, September 2003.

Panelist, FCC Triennial Review, Mid-America Regulatory Conference, Omaha, Nebraska, June 10, 2003.

Moderator and Panelist, 31st KMB Invitational Conference: Managing and Advancing Telecommunications Services, St. Petersburg, Florida, May 6, 2003.

Panelist, ALTS 2003 Annual Meeting and Strategy Conference, Arlington, Virginia, April 30, 2003.

Panelist, Current State of Incumbent-CLEC Relations, NARUC Annual Convention, Chicago, Illinois, November 2002.

Moderator and Panelist, 30th KMB Invitational Conference: What Comes After the Telecom Turmoil, St. Petersburg, Florida, October 8, 2002.

Panelist, 29th KMB Invitational Conference: The Role of Telecommunications in a New Environment: The Economy, National Security and Competition, St. Petersburg, Florida, April 23, 2002.

Keynote Speaker, Kaufman Brothers Emerging Telecom Conference, New York, New York, October 15, 2001.

Moderator, Debate on Regulation of Advanced Services, 28th KMB Invitational Conference: Competition, Regulation, Enforcement and Survival, St. Petersburg, Florida, October 2001.

Panelist, 27th KMB Invitational Conference: Managing the Telecom Transition, St. Petersburg, Florida, April 2001.

Speaker, Illinois Telecommunications Symposium, Kellogg Graduate School of Management, Evanston, Illinois, December 13, 2000.

Panelist, Columbia Institute for Tele-Information Conference: Setting the Telecommunications Agenda, New York, New York, November 3, 2000.

Speaker, "Strategic Implications of Upcoming FCC Actions," ALTS Executive Summit, Chicago, Illinois, October 27, 2000.

Panelist, 26th KMB Invitational Conference, 2001 Technological Advances, Telecom Structures and Regulatory Policies, St. Petersburg, Florida, October 2000.

Speaker, "The Changing Role of Federal Regulation of Telecommunications," Indiana Bar Association, Merrillville, Indiana, September 22, 2000.

Panelist, The Federal Role in a Changing Regulatory Environment, Mid-America Regulatory Commissioners Annual Meeting, St. Louis, Missouri, June 13, 2000.

Speaker, "The Regulatory View from Washington," Illinois Telecommunications Association Annual Convention, Osage Beach, Missouri, June 12, 2000.

Speaker, Hoexter's Broadband Retreat, Merrill Lynch Emerging Broadband Group, Scottsdale, Arizona, June 5, 2000.

Panelist, "Building the Bridges Bureau by Bureau," FCBA Annual Seminar, Nemacolin, Pennsylvania, May 13, 2000.

Panelist, National Cable Television Association Annual Convention, New Orleans, Louisiana, May 9, 2000.

Panelist, 25th KMB Invitational Conference, Managing the Telecom Transition, St. Petersburg, Florida, April 2000.

Speaker, Practising Law Institute Conference, Telecommunications Convergence: Implications for the Industry and for the Practicing Lawyer, New York, New York, March 17, 2000.

Speaker, "Common Carrier Tutorial," 17th Annual PLI/FCBA Conference, Washington, D.C., December 9, 1999.

Panelist, "Toward a National Broadband Policy in Telecommunications," 31st Annual Williamsburg Conference, Institute of Public Utilities and Network Industries, Michigan State University, Williamsburg, Virginia, December 8, 1999.

Keynote Speaker, Regulatory Sunday, United States Telephone Association 102d Annual Convention, San Francisco, California, October 17, 1999.

Panelist, "FCC Bureau Chief Perspectives," FCBA and Georgetown Law Center Conference: The FCC in 2000: Hot Topics for the New Millennium, Washington, D.C., October 5, 1999.

Panelist, 24th KMB Invitational Conference: Telecom Policies for the New Century, Can Massive Changes Be Harmonized?, St. Petersburg, Florida, October 1999.

Keynote Speaker, London Business School Regulation Initiative Conference, Local Loop Unbundling: For Whom and At What Price? London, England, June 14, 1999.

Panelist, FCC Bureau Chiefs Discussion, FCBA Annual Seminar, Hershey, Pennsylvania, May 7, 1999.

Panelist, 23d KMB Invitational Conference: Telecommunication Policy Requisite for the 21st Century, St. Petersburg, Florida, April 1999.

Speaker, Center for the New West Conference, America's Growing Digital Divide, Washington, D.C., February 17, 1999.

Panelist, Economic Strategy Institute Conference: America's Broadband Future, Washington, D.C., February 3, 1999.

Panelist, George Mason University Workshop on Trust and the Internet, Washington, D.C., January 14, 1999.

Panelist, "A Conversation with the FCC Bureau Chiefs," 16th Annual PLI/FCBA Conference, Washington, D.C., December 10, 1998.

Panelist, "The Impacts of Next Generation Internet on Competition and Regulation in the Information Industry," 30th Annual Williamsburg Conference, Institute of Public Utilities and Network Industries, Michigan State University, Williamsburg, Virginia, December 9, 1998.

Speaker, "Integration of Business and Political Strategies," University of California, Berkeley, Conference on the Positive Political Theory of Business Strategy, Marconi Conference Center, Marshall, California, October 16, 1998.

Panelist, Section 706 of the Telecommunications Act, Regulatory Sunday, United States Telephone Association 101st Annual Convention, Philadelphia, Pennsylvania, October 11, 1998.

Panelist, 22d KMB Invitational Conference: The Outlook for Universal Service, Local Competition and E-Rates, St. Petersburg, Florida, September 1998.

Panelist, Competition Enforcement and Future Challenges to Regulation, 40th NARUC Annual Regulatory Studies Program, Michigan State University, East Lansing, Michigan, August 1998.

Speaker, "A New Model for Deregulation," National Economic Research Associates Antitrust and Trade Regulation Seminar, Santa Fe, New Mexico, July 10, 1998.

Panelist and Commentator, Fourth Annual Conference of the Consortium for Research on Telecommunications Policy and Strategy, University of Michigan Business School, Ann Arbor, Michigan, June 1998.

Panelist, 21st KMB Invitational Conference: Competition and Regulation in the Era of Telecom Mergers and Acquisitions, St. Petersburg, Florida, April 1998.

Speaker, Alliance for Public Technology Conference on Advanced Telecom Services, Washington, D.C., February 27, 1998.

Speaker, "Evaluating and Enforcing Telecommunications Competition," 29th Annual Williamsburg Conference, Institute of Public Utilities and Network Industries, Michigan State University, Williamsburg, Virginia, December 4, 1997.

Plenary Speaker, "Competition and Access Networks—What's Really Happening," 1998 Broadband Access ComForum, Orlando, Florida, March 30, 1998.

Speaker, "A View from the FCC," Bell Atlantic Industry Services Fall Conference, Williamsburg, Virginia, October 30, 1997.

October 28, 1997, Speaker, "Local Competition Enforcement," 20th KMB Invitational Conference, St. Petersburg, Florida.

In addition, over the years, I have appeared on a number of videotapes produced by the KMB Video Journal. Most of those appearances have been on programs summarizing the various KMB conferences. I have also appeared on separate programs addressing specific telecommunications issues, such as "The FCC Anti-Slamming Rules" (1999), "Line Sharing: Problems and Opportunities" (2000), "The U.S. Supreme Court, Participation in Telecom Policies" (2001), and "The Regulatory Issues by the Triennial Order" (2003), to name a few.

ATTACHMENT C

Ms. BARBARA S. FREDERICKS,
Assistant General Counsel for Administration,
U.S. Department of Commerce,
Washington, DC.

Dear Ms. Fredericks:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for and appointed to the position of Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, U.S. Department of Commerce.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C, § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Within 90 days of my confirmation, my spouse and I, our dependent children, and the Lawrence E. Strickling Trust will divest our interests in the following entities: AT&T, Inc.; Clearwire Corporation; Comcast; Cisco Systems, Inc.; France Telecom; General Electric Co.; Hewlett Packard Co.; IBM Corp.; Intel Corp.; Level 3 Communications; Verizon Communications, Inc.; McGraw Hill Companies, Inc.; Microsoft Corporation; and Walt Disney Co. With regard to each of these entities, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will divest my interests in the Campbell Strategic Allocation Fund; Mesirow Large Cap Value Fund; and Mesirow Small Cap Value Fund, within 90 days of my confirmation. Until I have completed these divestitures, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of any holding of these funds, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I have been advised that the duties of the position of Assistant Secretary are not likely to involve particular matters affecting the financial interests of the following entities: Abbott Laboratories; American Express Company; Bank of America Corporation; BP P.L.C.; Bristol-Myers Squibb Co.; Chubb Corporation; Citigroup, Inc.; EI DuPont de Nemours & Co.; Eli Lilly & Co.; Exxon Mobil Corp.; Johnson & Johnson; JP Morgan Chase & Co.; Kimberly Clark Corp.; Kraft Foods, Inc.; Merck & Co., Inc.; Oracle Corp.; Pepsico, Inc.; Procter & Gamble, Co.; Schlumberger Limited; Under Armour, Inc.; and Yum Brands, Inc. The Department of Commerce determined that it is not necessary at this time for me to divest my interests in these entities in order to appropriately perform the duties of my position because the likelihood that my duties will involve any such matter is remote. Accordingly, I will retain these holdings and will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of any of these entities, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

With respect to my other assets in which I have a financial interest, including stock holdings and mutual fund holdings, disqualification is not presently required

because of the applicability of a regulatory exemption under 18 U.S.C. § 208(b)(2). I will monitor the value of those interests and if the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate in the particular matter, unless I first obtain a written waiver under 18 U.S.C. § 208(b)(1).

My spouse is a professor at the University of Chicago, a position for which she receives a fixed annual salary. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my spouse's compensation or employment with the University, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). In addition, for as long as my spouse continues to be employed with the University of Chicago, I will not participate personally and substantially in any particular matter involving specific parties in which the University is a party or represents a party, unless I am first authorized to participate under 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from positions I currently hold with the following organizations:

Court Theatre
Music of the Baroque
University of Maryland, School of Public Policy

For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which any of the following organizations is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d):

Court Theatre
Music of the Baroque

I will retain my position as a trustee of the Lawrence E. Strickling Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Assistant Secretary. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Sincerely,

LAWRENCE E. STRICKLING

Senator WARNER. Thank you, Mr. Strickling.

As somebody who has spent 20 years in the telecom sector before I also made the transition to government, I can't think of a more critical position than yours. It's an area where we've got to make sure we get things right.

Mr. Porcari?

STATEMENT OF JOHN PORCARI, DEPUTY SECRETARY-DESIGNATE, U.S. DEPARTMENT OF TRANSPORTATION

Mr. PORCARI. Mr. Chairman, Ranking Member Hutchison, and Members of the Committee, it's both a personal and professional honor to have been nominated by the President for the position of Deputy Secretary of the United States Department of Transportation, and to appear before you today. If confirmed, I pledge to you that I will work enthusiastically and diligently every day, to support Secretary LaHood, and the talented professionals at the Department of Transportation.

With your permission, I'd like to introduce my wife, Heidi, my children, Emily, James, Anna, John and Julia—they are back there——

Senator WARNER. Hands, guys. Raise your hands, guys, let's see you.

Senator LAUTENBERG. Let us see you.

Senator WARNER. All right.

Mr. PORCARI. My dad, Jim, and his wife, Nancy; my sister, Lieutenant Commander Jenny Keough; my brother Jim and his wife, Vicky; my brother, Charles and his wife, Jennifer; and my cousin, Lieutenant Colonel Van Opdorp.

The Department's mission of ensuring the safe and efficient movement of people and goods has never been more important than it is today. Safety has been—and must continue to be, the top priority of the Department. In addition, virtually every element of our transportation system faces daunting capacity constraints. Our transportation system is essential to the long-term prosperity of the United States, and must also play a key role in advancing important policy goals, such as livable communities, energy conservation, and climate change.

We also face unprecedented challenges in maintaining our existing infrastructure, while simultaneously building a true, multimodal transportation system that will serve the varied needs of our communities. I'm confident that, together, we have the abilities to successfully address these challenges. If confirmed, I look forward to working with Secretary LaHood, and the excellent team that he has assembled.

Having served two tours at a state level in Maryland DOT from 1999 to 2003 and 2007 to today, I've had the opportunity to manage an agency that uniquely incorporates all of the transportation modes under one roof—highways, transit, aviation, maritime commerce, passenger and freight rail, as well as a toll authority and motor vehicle administration. I have a keen sense of why we must have a balanced transportation system that meets the Nation's diverse needs.

The large, complex public organizations that I've had the honor to serve in have provided me with the management, teamwork, and leadership skills necessary to support the Administration, Secretary LaHood, and the Department.

Having completed significant projects like the Woodrow Wilson Bridge, major terminal improvements at BWI Thurgood Marshall Airport, light rail, subway, and commuter rail projects, and new facilities for the Port of Baltimore, I understand the imperative of delivering projects, on-time, and on-budget.

Likewise, the financial, human resources, procurement, and administrative challenges of the Department are ones that I bring a hands-on perspective to.

We must relentlessly focus on safety, accountability, and transparency, while at the same time encouraging innovation and collaboration. We must also coordinate with other Federal agencies and departments.

Mr. Chairman, you, the members of the Committee, and staff have my commitment that I will work closely with you on our mutual goal of preserving and enhancing America's transportation system, one of the keystones to our quality of life.

I will be pleased to answer any questions, and thank you for your consideration of my nomination.

[The prepared statement and biographical information of Mr. Porcari follows:]

PREPARED STATEMENT OF JOHN PORCARI, DEPUTY SECRETARY-DESIGNATE, U.S. DEPARTMENT OF TRANSPORTATION

Mr. Chairman, Ranking Member Hutchison, and members of the Committee: It is both a personal and professional honor to have been nominated by the President for the position of Deputy Secretary of the United States Department of Transportation and to appear before you today.

If confirmed, I pledge to you that I will work enthusiastically and diligently every day to support Secretary LaHood and the talented professionals of the Department of Transportation.

I would like to introduce my wife, Heidi; my children, Emily, James, Anna, John, and Julia; my Dad, Jim and his wife, Nancy; my sister, Lieutenant Commander Jinny Keough; my brother, Jim and his wife, Vicky; my brother, Charles and his wife, Jennifer; and my cousin, Lieutenant Colonel Van Opdorp.

The Department's mission of ensuring the safe and efficient movement of people and goods has never been more important than it is today. Safety has been, and must continue to be, the top priority of the Department. In addition, virtually every element of our transportation system faces daunting capacity constraints. Our transportation system is essential to the long-term prosperity of the United States and must also play a key role in advancing important policy goals such as livable communities, energy conservation and climate change. We also face unprecedented challenges in maintaining our existing infrastructure while simultaneously building a true multi-modal transportation system that will serve the varied needs of our communities. I am confident that, together, we have the ability to successfully address these challenges. If confirmed, I look forward to working with Secretary LaHood and the excellent team that he has assembled.

Having served two tours at a state-level in Maryland DOT from 1999–2003 and 2007 until today, I have had the opportunity to manage an agency that uniquely incorporates all of the transportation modes under one roof—highways, transit, aviation, maritime commerce, passenger and freight rail, as well as a toll authority and motor vehicle administration. I have a keen sense of why we must have a balanced transportation system that meets the Nation's diverse needs. The large, complex public organizations that I have had the honor to serve in have provided me with the management, teamwork and leadership skills necessary to support the Administration, Secretary LaHood and the Department. Having completed significant highway projects like the Woodrow Wilson bridge replacement, major terminal improvements to BWI Thurgood Marshall airport, light rail, subway and commuter rail projects for the Maryland Transit Administration and new facilities for the Port of Baltimore, I understand the imperative of delivering projects on-time, on-budget. Likewise, the financial, human resources, procurement and administrative challenges of the department are ones that I bring a hands-on perspective to.

We must relentlessly focus on safety, accountability and transparency, while at the same time encourage innovation and collaboration. We must also coordinate with other Federal agencies and departments.

Mr. Chairman, you, the members of the Committee and staff have my commitment that I will work closely with you on our mutual goal of preserving and enhancing America's transportation system, one of the keystones of our quality of life.

I would be pleased to answer any questions. Thank you for your consideration of my nomination.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): John Davis Porcari.

2. Position to which nominated: Deputy Secretary, United States Department of Transportation.

3. Date of Nomination: 4/27/09.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 7201 Corporate Center Drive, P.O. Box 548, Hanover, MD 21076.

5. Date and Place of Birth: 12/14/58; Rochester, New York.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Heidi Uhlenhake Porcari, teacher, St. Ambrose School, Cheverly, Maryland; children: Emily Ada Porcari, 20; James David Porcari, 15; Anna Katherine Porcari, 13; John Abijah Porcari, 10; Julia Kocher Porcari, 8.

7. List all college and graduate degrees. Provide year and school attended.

Bachelor of Arts, University of Dayton, Dayton, Ohio, 1981.

Masters of Public Administration, Rockefeller College of Public Affairs and Policy, State University of New York at Albany, 1985.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Secretary, Maryland Department of Transportation, 2007–present.

Direct activities of 9,300-employee department, encompassing transit, highway, aviation, port, bridge and tunnel authority and motor vehicle administration modes. $3.2 billion annual budget. Implemented transportation provisions of American Recovery and Reinvestment Act; Maryland had first ARRA project in U.S. under construction.

Formulated and implemented comprehensive program for Transit-Oriented Development and Smart Growth policies related to transportation. Chair newly-formed Climate Change Steering Committee for American Association of State Highway and Transportation Officials.

Vice President for Administrative Affairs, University of Maryland, 2003–2007.

Served as Chief Administrative and Financial Officer. Campus included over 35,000 students, daytime population of 53,000, 12 million square feet of space, annual research budget of over $400 million. Duties included formulation and execution of $1.3 billion annual operating budget; responsibility for procurement, human resources, construction, public safety, public/private real estate ventures.

Secretary, Maryland Department of Transportation, 1999–2003.

Duties included overall responsibility for conception and execution of multimodal transportation strategy for state, including highways, transit, Port of Baltimore, Baltimore/Washington International Thurgood Marshall Airport, bridge and tunnel authority and motor vehicle administration. Transformed capital program by requiring consistency with Smart Growth principles; directed state transportation response to events of September 11; led formulation of strategic plan for doubling transit ridership.

Deputy Secretary, Maryland Department of Transportation, 1997–1998.

Served as Chief Operating Officer for department. Supervised capital and operating budgets, planning, Federal and state relations, fair practices, legal, human resources, internal audit functions.

Vice President, Loiederman Associates, Inc., Rockville, MD, 1996–1997.

Managed multi-disciplinary team for civil engineering and land use planning firm. Served as Principal-in-Charge of firm's environmental services section.

Governor's Ombudsman, Assistant Secretary for Economic Development Policy, Maryland Department of Business and Economic Development, 1995–1996.

Coordinated specific economic development projects at direction of Governor, including negotiator and state project manager for Redskins NFL stadium, establishment of Institute of Human Virology, established Cabinet-level working group to accelerate road, school, higher education and other infrastructure projects needed as a result of Base Realignment and Closure (BRAC) process.

Development Manager, Office of the County Executive, Prince George's County, MD, 1987–1995.

Served as County's project manager on selected public and private economic development projects.

Environmental Planner, Prince George's County, MD, 1986–1987.

Responsible for County's 10-year Water and Sewerage Plan. Assisted with development of Chesapeake Bay Critical Area Program.

Manager, WaldenBooks, San Francisco, CA, 1982–1983.

Field Canvasser, California Public Interest Research Group (CALPIRG), Berkeley, CA, 1982.

Laborer, Mark IV Construction Company, Rochester, NY, 1981–1982.

9. Attach a copy of your resume. See Attachment A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Honorary Squadron Commander, 89th Logistics Group, Andrews Air Force Base, 1999–present.

Chair of Maryland Port and Aviation Commissions, and Maryland Transportation Authority as noted in #11 below, 1999–2003, 2007–present.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Board of Directors, World Trade Center Institute, 1999–2003, 2007–present.

Board of Directors, American Association of State Highway and Transportation Officials (AASHTO), 1999–2003, 2007–present; Chair, Standing Committee on Aviation, 2007–present, Chair, Climate Change Steering Committee, 2008–present.

Board of Directors, American Public Transportation Association, 2007–present.

Board of Visitors, Maryland Institute of Emergency Medical Services (Shock Trauma), 2007–present.

Board of Directors, National Aquarium in Baltimore, 1998–2006.

Secretary/Treasurer, National Aquarium Society, Washington, D.C., 2005–2007.

Board of Advisors, Maryland Transportation Institute, University of Maryland, 2008–present.

Chairman, Maryland Aviation Commission, (statutory role as Secretary), 1999–2003, 2007–present.

Chairman, Maryland Port Commission, (statutory role as Secretary), 1999–2003, 2007–present.

Chairman, Maryland Transportation Authority, (statutory role as Secretary), 1999–2003, 2007–present.

Ex-officio Board Member, Maryland Highway Safety Foundation, 2008–present.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

American Council of Young Political Leaders, 1997–2006.

Leadership Maryland, Maryland Chamber of Commerce, 1995–present.

None of these organizations restrict membership based on sex, race, color, religion, national origin, age or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Kathleen Kennedy Townsend for Governor: $1,000, 2002.

Friends of Mike Busch $500, 2003.

Student Citizens Action Network $600, 2003.

Delegate (elected), Democratic National Convention, 2004.

Volunteer, O'Malley for Governor campaign, 2006.

Volunteer, Obama for President campaign, 2008.

Volunteer, Obama Transportation Policy Group, 2008.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Graduate Fellowship, New York Sea Grant Institute, 1984–85.

New York State Regents Scholarship, 1977.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Participant in National Journal's weekly "Transportation Expert" blog, 2008–present.

"Secretary's Message," Motor Vehicle Administration newsletter, monthly 1999–2003, 2007–present.

"Secretary's Message," State Highway Administration "Maryland Roads" newsletter (monthly), 1999–2003, 2007–present.

"Secretary's Message," The MBE Times Newsletter (MDOT Office of Minority Business Enterprise publication), March, 2008.

"Secretary's Message," Port of Baltimore magazine (quarterly), 1999–2003, 2007–present.

"Secretary's Message," Maryland Transit Administration newsletter (monthly), 1999–2003, 2007–present.

"Supporting America's Economic Recovery: Maryland's Strategy to Stimulate the Economy and Protect Jobs Through Transportation Investment" (MDOT home page web message), March, 2009.

"Cost Recovery Efforts Proposed for Maryland's Toll Facilities," January 2009.

Letter to the Editor, *Washington Post* (southern Maryland edition), regarding safety of Thomas Johnson bridge, May, 22, 2008.

Letter to the Editor, *Washington Post*, response to Secretary Mary Peters' op-ed, August 21, 2007.

Outlook Section, *Washington Post*, op-ed on Maryland's commitment to dedicated funding for WMATA, April 16, 2007.

"Voluntary Interstate Shellfish Sanitation Agreements: Their Effectiveness in Protecting Public Health" by Edith Baumel and John Porcari, Rockefeller Institute, 1985.

I have given hundreds of speeches in my capacity as MDOT Secretary. Typically, this numbers approximately 2–5 per week. Many have been impromptu, unscripted remarks on various topics. Others, usually given before larger business groups, community groups, industry associations and professional gatherings, would include prepared remarks. The most common topics for these speeches were various transportation issues, policy initiatives, project-specific information, planning, land use, public administration and other topics.

Some of the more significant speeches included: transportation revenue needs and options at the state level; opportunities for increased maritime goods movement coupled with rail freight improvements; building an integrated aviation system that includes scheduled regional air service; comprehensively addressing aging infrastructure issues; and the role of transit in a balanced transportation system. I have copies of only the most recent of these speeches and would be happy to provide the Committee with them if requested.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

House Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit (on behalf of American Association of State Highway and Transportation Officials): "Energy Reduction and Environmental Sustainability in Surface Transportation", January 27, 2009.

House Committee on Transportation and Infrastructure (on behalf of American Association of State Highway and Transportation Officials): "Investing in Infrastructure: The Road to Recovery," October 29, 2008.

Senate Commerce, Science and Transportation Committee (on behalf of American Association of State Highway and Transportation Officials): "Climate Change Impacts on the Transportation Sector," June 24, 2008.

House Subcommittee on Coast Guard and Maritime Transportation, Hearing on Transportation Workers Identification Credential (TWIC), January 23, 2008.

Senate Committee on Banking, Housing and Urban Affairs, Subcommittee on Housing and Transportation: "TEA–21: A Lifeline for America's Citizens," July 17, 2002.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have been involved in many of the major policy issues, operational objectives and programs of the USDOT. I am confident that the technical and programmatic knowledge that I have accumulated, the problem-solving skills that I have honed in large, complex public organizations and my commitment to teamwork and mission have all prepared me to assume a leadership role in this organization.

I believe deeply in public service, as evidenced by the bulk of my professional career. The opportunity to serve and, working as part of a team of professionals, to leave the Department better off than I found it is what motivates me. The United States of America has given my family extraordinary opportunities over four generations, and I relish the opportunity to give back a little of what it has provided us.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

The Deputy Secretary has primary responsibility for ensuring that the Department has the proper management and accounting controls throughout the organization. I have extensive experience in managing large, complex public organizations such as the Maryland Department of Transportation and the University of Maryland. Both institutions have common characteristics of a large organization such as multiple, simultaneous, complex objectives; decentralized functions; large span of control; and the need for a shared sense of mission.

20. What do you believe to be the top three challenges facing the department/agency, and why?

1. The most immediate challenge is to ensure that transportation funding provided to the States by the American Recovery and Reinvestment Act is spent carefully, transparently and responsibly.

2. Large, complex programmatic priorities such as the NextGen air traffic control system must be delivered on time and on budget.

3. The Department needs to align its priorities and its structure to meet new challenges by working across modal lines for the most efficient and effective movement of people and goods. In addition, a higher level of collaboration and partnership with other Federal agencies and departments will advance environmental and economic development goals.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

T. Rowe Price 401(k) Retirement account; Maryland State Retirement Plan 401(k); Maryland State Retirement Plan 401(a); Maryland State Retirement Plan 457(b); Maryland State Retirement Plan (defined benefit plan); eligibility begins at age 62.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in

accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been 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.

In my capacities as Maryland DOT Secretary and Vice President of the University of Maryland, I have advocated for policies and legislation at the Federal, state and local levels. All activities were on behalf of these public institutions.

As MDOT Secretary, I have advocated for increased transit funding, highway funding equity for donor states, adequate Amtrak funding and specific transportation projects for the State of Maryland. I have also testified before Congress on specific topics such as: energy reduction and environmental sustainability in surface transportation; investing in infrastructure during an economic recession; climate change impacts on the transportation sector; implementation issues associated with the Transportation Worker Identification Credential (TWIC); and the importance of the Jobs Access/Reverse Commute (JARC) program.

At the University of Maryland, I advocated for increased funding for basic research in America and for specific programs and research projects for the university.

I also volunteered on the Obama Transportation Policy Group in 2008, which developed policy positions on the status of the Highway Trust Fund, high speed rail, freight and goods movement, and other topics.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

As the Maryland Secretary of Transportation, I have been named in a number of lawsuits. These are listed in Attachment B. In addition, there are two cases against MDOT in which I am not named but that include claims about my actions as Secretary. The case of *Jacqueline Jones* v. *MDOT* concerned the termination of Ms. Jones from her at-will position, which she claimed was in retaliation for her work in the Office of Fair Practices under the prior MDOT Secretary. MDOT prevailed at the administrative hearing level, as well as in Baltimore City Circuit court, and the case is now pending on appeal. (Maryland Court of Special Appeals, Sept. 2007 Term, No. 2847).

In *Greg Maddalone* v. *MDOT*, Mr. Maddalone alleged that I fired him in January 2007 from his at-will position as an Office of Engineering, Procurement and Emergency Services (OEPES) Administrator because of his political affiliation. I have maintained that I terminated him after I became Secretary because he was not the most qualified person for his job in emergency management. The Administrative Law Judge (AU) found in Maddalone's favor, and the Anne Arundel Circuit Court affirmed the All's decision. Currently, the MDOT appeal to the Maryland Court of Special Appeals is pending. (Maryland Court of Special Appeals, Sept. Term 2008, No. 328). In October 2007, Maddalone was reinstated at OEPES, but he was terminated shortly thereafter. Maddalone filed a second case with the Office of Administrative Hearings alleging that this termination violated his First Amendment rights. MDOT prevailed. The Al found that I had used my authority legitimately and that there was no evidence that Maddalone was qualified for the position. Maddalone did not appeal this decision (Office of Administrative Hearings, THRS–MDOT–09–07–41664).

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

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

Please see the relevant cases in my response to question #3 above and in Attachment B. I am not aware of any other accusations on these bases.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

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.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

ATTACHMENT A

RESUME OF JOHN DAVIS PORCARI

Secretary, Maryland Department of Transportation (January 2007–present).

MDOT includes integrated highway, transit, aviation, port, bridge and tunnel authority and motor vehicle administration components; 9,300 employees, $3.2 billion annual budget. MDOT is responsible for 16,000 lane miles of highways, 2,500 bridges; 112 transit stations, 500,000 bus trips and 290,000 heavy rail trips per day; largest Ro/Ro port in Nation, 127,000 cruise passengers per year; 21 million air passengers per year; 12.5 million motor vehicle administration transactions per year; 120 million toll transactions/year.

Emphasis areas include formulation and implementation of a comprehensive program for Transit-Oriented Development and Smart Growth policies related to transportation. Support integration of land use planning and transportation through Governor's Smart Growth subcabinet, Climate Change committee and livable communities initiatives throughout the department.

Vice President for Administrative Affairs, University of Maryland (January 2003–January 2007).

Served as Chief Administrative Officer and Chief Financial Officer for University of Maryland, flagship campus of University System of Maryland. Campus includes over 35,000 students, 260 major buildings, 12 million square feet of space, a daytime population of 53,000 and an annual sponsored research budget exceeding $400 million. Duties include formulation and execution of $1.3 billion annual operating budget; responsibility for procurement; human resources; public safety; planning, design and construction of facilities; operation and maintenance of campus buildings; environmental safety and public/private real estate ventures.

Secretary, Maryland Department of Transportation (January 1999–January 2003).

Duties included overall responsibility for conception and execution of multimodal transportation strategy for the State of Maryland, including highways, transit, Port of Baltimore, Baltimore/Washington International Thurgood Marshall airport, bridge and tunnel authority and motor vehicle administration. Department included over 9,700 employees and annual departmental budget of approximately $2.2 billion. As Secretary, also served as Chairman of Maryland Aviation Administration, Maryland Port Commission and Maryland Transportation Authority.

Deputy Secretary, Maryland Department of Transportation (March 1997–December 1998).

Served as Chief Operating Officer for department encompassing five transportation modes (highways, transit, aviation, port, motor vehicles) and one inde-

pendent bridge and tunnel authority. Responsible for internal activities of department, including capital and operating budgets, planning, Federal and state relations, audits, fair practices, legal, human resources. Instituted department-wide reorganizations to streamline service delivery. Supervised specific capital projects to ensure delivery on time and budget.

Vice President, Loiederman Associates, Inc., Rockville, MD (May 1996–March 1997).

Managed multi-disciplinary team for civil engineering, land use and consulting firm. Clients included private sector developers, Washington Metropolitan Area Transit Authority, Montgomery and Prince George's County governments, PEPCO, Washington Suburban Sanitary Commission, State of Maryland. Served as Principal in Charge of firm's environmental services section, providing wetlands, forest delineation, storm water management and environmental monitoring.

Governor's Ombudsman, Assistant Secretary for Economic Development Policy, Maryland Department of Business and Economic Development (January 1995–May 1996).

Coordinated specific economic development projects at the direction of the Governor. Examples included: negotiator and State's Project Manager for Redskins NFL stadium; establishment of Institute of Human Virology at University of Maryland at Baltimore; establishment and management of cabinet-level working group to accelerate road, school, airport and other infrastructure improvements in southern Maryland to accommodate rapid growth of Patuxent River Naval Air Station.

Development Manager, Office of the County Executive, Prince George's County, MD (December 1987–January 1995).

Advised County Executive on business and economic development matters. Served as County's Ombudsman/Project Manager on selected large-scale public and private development projects.

Environmental Planner, Department of Environmental Resources, Prince George's County, MD (March 1986–December 1987).

Responsible for County 10-year Water and Sewerage Plan. Assisted with Chesapeake Bay Critical Area program implementation and assumption by DER of stormwater management responsibilities.

Graduate Fellowship (1984–85).

New York Sea Grant Institute. Conducted public policy research related to oceans and Great Lakes. Co-authored paper "Voluntary Interstate Shellfish Sanitation Agreements: Their Effectiveness in Protecting Public Health", published by Rockefeller Institute, 1985.

Manager, Waldenbooks (1982–83), San Francisco, California.

Field Canvasser (1982), California Public Interest Research Group (CALPIRG), Berkeley, California.

Education

(December 1985), *Nelson A. Rockefeller College of Public Affairs and Policy,* State University of New York at Albany, Masters of Public Administration.

(1981), *University of Dayton,* Dayton, Ohio, Bachelor of Arts, Political Science.

Personal

Married to Heidi Uhlenhake Porcari; five children (Emily, 20; James, 15; Anna, 13; Johnny, 9; Julia, 8).

Other

Chair, Standing Committee on Aviation, American Association of State Highway and Transportation Officials (AASHTO), 2007–present.

Chair, Climate Change Steering Committee, AASHTO.

Board of Directors, AASHTO, 2007–present.

Board of Directors, American Public Transportation Association (APTA), 2007–present.

Delegate (elected), Democratic National Convention, 2004.

American Council of Young Political Leaders. Participated as delegate in exchanges with People's Republic of China, 1997, 2004; Japan, 2006.

Joint Civilian Orientation Conference, 1998. Selected by Office of Secretary of Defense for week-long intensive program to learn goals, capabilities and organization of America's armed forces. Included travel to and interaction with DoD facilities throughout United States, 1998.

Leadership Maryland, Maryland Chamber of Commerce, Class of 1995.

Board of Directors, National Aquarium in Baltimore, 1998–2006.

Secretary/Treasurer, National Aquarium Society, Washington, D.C., 2005–2007.

Honorary Squadron Commander, 89th Logistics Group, Andrews Air Force Base, 1999–present.

Board of Visitors, Maryland Institute of Emergency Medical Services (Shock Trauma), 2007–present.

Board of Directors, World Trade Center Institute, 1999–2003, 2007–present.

ATTACHMENT B

Case	Date	Resolution/Status
Haynes, et al., v. *Porcari, et al.,* U.S. District Court, Maryland, No. 99–cv–2263	11/99 to 11/08	Consent decree entered 10/31/03 in case regarding audio stop and route announcements and case dismissed 11/21/08.
Project Life, Inc. v. *Glendening et al.,* CA–98–2163–WMN	7/98–5/02	Maryland Port Administration was required to provide plaintiffs a lease for a vessel for use by persons with disabilities.
American Infrastructure MD, Inc. v. *State of Maryland et al.,* U.S. District Court, 1:08–cv–01153–CCB and 1:08–cv–01154–MJG	5/08–1/09	Claims relating to Minority Business Enterprise Program (MBE) were dismissed by the Court for failure to state a claim.
American Infrastructure MD Inc. v. *State of Maryland et al.,* 12C07003309 Harford Co. Circuit Court	11/07–present	Disposition is pending on a mandamus action to overturn MDTA decision to reject all bids due to errors in solicitation's MBE goals.
Daisy Concrete, Inc. of Maryland v. *Maryland Transportation Authority, et al.* 12C07002240 Harford Co. Circuit Court	7/07–6/08	The court found for plaintiff in this challenge to a bid denial in a State procurement.
Love v. *Smith, et al.,* U.S. District Court. Maryland, Case No. 04–cv–3070	9/04 to 10/05	In addition to other claims, plaintiff asserted that I and other defendants discriminated against her on the basis of sex after we removed her from her position as Acting Manager of Bus Operations at the MTA. I, and the other defendants, maintained that this was based on her failure to properly address bus safety issues. The case was ultimately dismissed by settlement order in October 2005.
MdTA Police Lodge v. *State of Maryland, et al.,* Circuit Court for Baltimore County	6/07–present	Motion for Summary Judgment granted in favor of all defendants in July 2008. Plaintiff's appeal is pending in the Court of Special Appeals.
Diana Campitelli, et al v. *Glendenning, Porcari, et al.,* 1:01–cv–00035–BEL U.S. District Court, Maryland	1/01–2/02	Suit by former MTA employee which made a series of claims (mail fraud, obstruction of justice, accessory after the fact, and conspiracy to deny her equal protection), all of which were dismissed by the Court.

Case	Date	Resolution/Status
Richard F. Kline, Inc. v. *Porcari et al.* 1:08–cv–03197–RDB	11/08–present	Civil Rights case challenging the Maryland Disadvantaged Business Enterprise Program on its face and as applied in a specific procurement. Case pending.
Shady Grove Woods Homeowners Association, Inc. v. *MDOT, et al.,* 281500–V	4/07–3/08	Stipulation of dismissal in case concerning InterCounty Connector.
Berliner v. *Ehrlich, Jr., et al.,* Circuit Ct for Montgomery County 275452V	10/06–6/07	Suit dismissed for lack of subject matter jurisdiction, and failure to state a claim on which relief could be granted due to failure to exhaust administrative remedies.

ATTACHMENT C

ROSALIND A. KNAPP,
Designated Agency Ethics Official,
U.S. Department of Transportation,
Washington, DC.

Dear Ms. Knapp:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Secretary at the Department of Transportation.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I will divest my interest in the following entities within 90 days of my confirmation: General Electric Co., General Electric Capital Corp., Exxon Mobil Corp., Raytheon Co., and Boeing Co. With regard to each of these entities, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption pursuant to 18 U.S.C. § 208(b)(2).

If I rely on any *de minimis* exemption under 5 C.F.R. § 2642.202 with regard to any of my financial interests, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate in the particular matter, unless I first obtain a written waiver under 18 U.S.C. § 208(b)(1).

Upon confirmation, I will resign from the following positions: Secretary of Transportation, State of Maryland, Hanover, MD; Board Member, National Aquarium, Washington, D.C.; Advisory Board Member, University of Maryland Transportation Institute; Board Member, American Association of State Highway and Transportation Officials, Washington, D.C.; Board Member, American Public Transportation Association, Washington, D.C.; Board Member, World Trade Center Institute, Baltimore, MD; Chairman, Maryland Aviation Commission, BWI Airport, MD; Chairman, Maryland Port Commission, Hanover, MD; Chairman, Maryland Transportation Authority, Baltimore, MD; Ex-Officio Board Member, Maryland Highway Safety Foundation, Sparks, MD; and Advisory Board Member, Maryland Institute of Emergency Medical Services, Baltimore, MD. Furthermore, for 1 year from my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restric-

tions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,

JOHN D. PORCARI

Senator WARNER. Thank you, Mr. Porcari, thank you for your comments, and for bringing so many members of your family. Again, someone who, I think, is going to bring a great set of skills to a new position, someone that has enormous potential, my friend, Aneesh Chopra.

STATEMENT OF ANEESH CHOPRA, ASSOCIATE DIRECTOR-DESIGNATE FOR TECHNOLOGY, OFFICE OF SCIENCE AND TECHNOLOGY POLICY, EXECUTIVE OFFICE OF THE PRESIDENT

Mr. CHOPRA. Thank you. Chairman Rockefeller, if you're joining us via web cast, Ranking Member Hutchison, and distinguished Members of the Committee, it is indeed a great honor to appear before you today. Compounding this honor is the opportunity to appear before my mentor, Senator Mark Warner, who has led the way in harnessing the power of technology in advancing our public priorities.

I am, indeed, grateful for President Obama's confidence to fulfill this important role, and for OSTP Director, Dr. John Holdren, for his leadership in support of my nomination.

If confirmed, I look forward to working with all of you to ensure that every American has the opportunity to participate in our vibrant, technology-based economy, and that we thoughtfully apply emerging technologies to address our Nation's most pressing challenges.

With your permission, I'd like to introduce members of the Committee to my family. First, my wife, Rohini, and our young daughters, Naya and Devan. That's right, you heard her scream in the back.

[Laughter.]

Mr. CHOPRA. In addition, I have an extended member of—my parents are here, my cousins, my aunts, my uncles, if I could have them just raise their hands, they're all standing in the room behind us.

[Laughter.]

Mr. CHOPRA. I want to bring specific attention to my father, Ram Chopra, who—like so many immigrants—came to this country to live the American Dream. Following his graduate engineering work, my father contributed to our culture of innovation by filing three patents in the area of cooling refrigeration systems. Products carrying those technologies, built in my hometown of Trenton, New Jersey, Senator Lautenberg, are still in operations today. Senator, that sign on Route 1, "Trenton Makes, The World Takes," is etched in my mind.

[Laughter.]

Mr. CHOPRA. I draw inspiration from my father, who instilled in me the values of intellectual rigor, personal excellence and public service. His decision to bring me to Congressman Chris Smith's town hall meeting in Plainsboro, New Jersey at the age of 11, sparked my passion for public service. If confirmed by the Senate,

I intend to channel that passion to execute on the President's vision for a 21st Century economy, one where jobs are more plentiful, American firms more competitive, communications more affordable, broadband more abundant, families more connected, and Americans more safe and secure.

And we must also apply that vision to government itself. Built on the President's core principles of transparency, participation, and collaboration, we will apply the most innovative technologies to bend the healthcare cost curve, as Peter Orszag refers to it, optimize the energy grid, deliver an educational system focused on student excellence, with special emphasis on science, technology, engineering, and mathematics; protect our Nation's critical infrastructure, and build the high-wage, high-growth jobs in all corners of our country.

I have seen the benefits of this approach, as Virginia's Secretary of Technology under Governor Tim Kaine, ranked by *Governing* magazine—two surveys in a row—as the Nation's top-performing State, tied with Utah and Washington.

We championed broadband and telework policies that brought good jobs to our more rural communities, hard-hit by an increasingly competitive global market. We work to build a culture of innovation in the public sector that saw State employees translate simple ideas into funded prototypes, expected to deliver a four-to-one return on taxpayer investment, and directly aligned with both legislative, and executive priorities.

Two years ago, I joined in the celebration of the 400th anniversary of the Jamestown Settlement, and was reminded of the spirit of Commonwealth that continues to call on us to work together for the advancement of our common good. For many, the government we elect is the embodiment of that spirit. For others, it is a sense of neighborhood when we chip in to improve our communities, or mentor a child striving for excellence in school.

Modern technologies are closing the distance between these views, and unleashing a new wave of entrepreneurship, involvement, and service.

If confirmed by the Senate, I look forward to working with this world-class team assembled before us today, in collaboration with our Congress, and particularly members of the Committee, to harness the power and potential of technology and innovation, to advance our Nation's goals.

I would welcome any questions the Committee may have.

[The prepared statement and biographical information of Mr. Chopra follows:]

PREPARED STATEMENT OF ANEESH CHOPRA, ASSOCIATE DIRECTOR-DESIGNATE FOR TECHNOLOGY, OFFICE OF SCIENCE AND TECHNOLOGY POLICY, EXECUTIVE OFFICE OF THE PRESIDENT

Chairman Rockefeller, Ranking Member Hutchison, and distinguished Members of the Committee, it is indeed a great honor to appear before you today. Compounding this honor is the opportunity to appear before my mentor, Senator Mark Warner, who has led the way in harnessing the power of technology to advance our public priorities.

I am grateful for President Obama's confidence in me to fulfill an important role and to Office of Science and Technology Policy (OSTP) Director Dr. John Holdren for his leadership in support of my nomination for Associate Director for Technology in OSTP within the Executive Office of the President. If confirmed, I look forward

to working with all of you to ensure every American can participate in our vibrant technology-based economy and that we thoughtfully apply emerging technologies to address our Nation's most pressing challenges.

With your permission, I would like to introduce the Members of this Committee to my wife Rohini and our daughters Naya and Devan. Next to them are my parents, Ram and Neelam Chopra, who, like so many immigrants, came to this country to live the American Dream. Following his graduate work in engineering at Villanova University and within his first decade of employment, my father contributed to our culture of innovation by filing three patents in the area of cooling refrigeration systems. Products carrying those technologies, built in my hometown of Trenton, NJ, are still in operations today.

I draw inspiration from my father who instilled in me the values of intellectual rigor, personal excellence and public service. His decision to bring me to Congressman Chris Smith's town hall meeting in Plainsboro, NJ, where I asked my first policy question at the age of 11, sparked my passion for service.

If confirmed by the Senate, I intend to channel that passion to execute on the President's vision for a 21st Century economy—harnessing the power and potential of new technologies to extend new opportunity to more Americans. Technology and innovation are hallmarks of the American story. They can often offer us powerful new opportunities of doing things never before possible or even imagined. By stewarding pragmatic policy choices, I believe we can make jobs more plentiful, America more competitive, communications more affordable, broadband more abundant, families more connected, and Americans more safe and secure. To do this we need to build on the President's vision for a 21st Century government, one that builds on his core principles of transparency, participation and collaboration. We will apply the most innovative technologies to our most important challenges——bending the healthcare cost curve, optimizing the energy grid to reduce our dependence on foreign oil, delivering an educational system focused on student excellence with special emphasis on science, technology, engineering and mathematics, protecting our Nation's critical infrastructure, and building the high-wage, high-growth jobs in all corners of our country.

I have seen the benefits of this approach in my most recent capacity serving as Virginia's Secretary of Technology under Governor Tim Kaine, ranked for the 2nd survey in a row by *Governing* magazine as the Nation's top performing state, tied with Utah and Washington. We championed broadband and telework policies that brought good jobs to our more rural communities hard hit by an increasingly competitive global market. We invested in our universities to commercialize high value R&D and sought new collaborations across state boundaries to deliver a more productive regional approach.

But far more impactful, we worked to build a culture of innovation in the public sector that saw employees translating simple ideas into funded prototypes that aligned directly with legislative and executive priorities. Our Productivity Investment Fund channeled modest resources into 30+ projects that will deliver 4–1 returns on taxpayer investment over 3 years.

In Virginia, I was particularly struck by a bold proposition from our adult education community called *PlugGED In.* Nearly a million Virginians lack a high school diploma with a higher percentage in some of our more rural communities. Job prospects for dropouts are modest in today's skills-based economy but our spirit of innovation compelled one team to conceive of a new training program that would connect high school dropouts to technology jobs within 6 months. Typically, such a career path might take two or even 3 years at great cost and with modest probability of securing any job interviews. I knew we could do better.

With the Governor's support, our team reached out to a broader set of stakeholders—high schools, community colleges, 4-year institutions, and even technology companies interested in the results of such a model. Within 6 months of conceiving the idea and through a modest amount of seed funding, our innovative team built an entirely new curriculum combining the GED, a Microsoft certification, and a project assignment, recruited our first class of students in Southwest Virginia, and secured a commitment from one of our Nation's premier technology companies to guarantee entry-level job interviews for every graduate. I eagerly await that ceremony later this summer but the experience reminds us that every American, regardless of background, deserves the chance to compete and win in our technology-based economy.

Two years ago, I joined in a celebration of the 400th Anniversary of the Jamestown settlement and was reminded of the spirit of Commonwealth that continues to call on us to work together for the advancement of our common good. For many, the government we elect is the embodiment of that spirit. For others, it is a sense of neighborhood when we chip in to improve our communities or mentor a child

striving to excel in school. Our modern technologies are collapsing the distance between idea and action. They are unleashing a new wave of entrepreneurship, involvement and service. It's this ability to connect and empower people by putting more power into people's hands that holds some of the greatest promise for solving America's challenges.

Shortly after the President's weekly address announcing his intention to nominate me, my third grade teacher, Ms. Linda Bruschi, "friended" me on Facebook, sharing her excitement for an old student she helped nurture through school. When I was still a child, she empowered me by taking a chance when it appeared I could push harder on more advanced mathematics. Because of her efforts, she helped me see the future and opened up a door for an exciting new world of opportunity. In the way she opened a door for me, I want to open a door for others. It's this wondrous idea of extending personal opportunity, fueled by new technologies, which especially excites me because it can help unlock the next chapter in America's grand story.

If confirmed by the Senate, I look forward to working with the world-class team assembled by President Obama, with the Congress, and particularly with the Members of this Committee to harness the power and potential of technology and innovation to advance our Nation's goals.

I welcome any questions that the Committee may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):

Aneesh Chopra.

Nickname: Aneesh Paul Chopra.

2. Position to which nominated: Associate Director for Technology, Office of Science and Technology Policy (Chief Technology Officer).

3. Date of Nomination: May 14, 2009.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 1111 East Broad Street #4076, Richmond, VA 23219.

5. Date and Place of Birth: July 13, 1972; Trenton, NJ.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Rohini Dhir Chopra, Stay-at-Home Mom.
Children: daughter, Naya Leigh Chopra (2 years); daughter, Devan Rose Chopra (4 months).

7. List all college and graduate degrees. Provide year and school attended.

Johns Hopkins University, Bachelor of Arts, 1994.

John F. Kennedy School, Harvard University, Masters in Public Policy, 1997.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

1994–1995—Morgan Stanley Investment Banking Analyst (New York, NY).

1996—JP Morgan Investment Banking Summer Associate (New York, NY).

1997–2006—The Advisory Board Company (Washington, D.C.), Managing Director; in this capacity, I assisted in the launch of our firm's first software service as well as the launch of the firm's healthcare CIO membership program; I held a managerial position leading the firm's Financial Leadership Council (research membership of 300+ hospital Chief Financial Officers).

2006–April 2009—Secretary of Technology, Commonwealth of Virginia; in this capacity, I advised the Governor on policies that promote growth in the technology industry, increased the performance of public services, and leveraged technology in healthcare, education, energy and transportation.

9. Attach a copy of your resume. Attached as Appendix A.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

2002–2004—Governor Warner appointed me to serve as Co-Chair of the Southern Technology Council, a committee of the Southern Growth Policies Board.

2004–2006—Governor Warner appointed me to serve on the Board of Medical Assistance Services, which oversees Medicaid for Virginia 2005–2006—Governor Warner appointed me to serve as a member of Virginia's first Electronic Health Records Task Force.

In my previous capacity as Virginia's Secretary of Technology, I also served on the Boards and Commissions listed in Appendix B, for which my service ended on April 28, 2009.

11/2008–1/09—Member of Technology, Innovation and Government Reform Committee of President-elect Obama Transition Team.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, film, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Policy Committee Member, the Advisory Board Company (NASD: ABCO), 2003–2005.

Northern Virginia Conservation Trust Board Member (2005–present).

Board of Directors Member, Health Axis (NASD: HAXS), 2005–2006.

Partner, Avatar Capital-Navic Systems, LLC (Angel Investment); 1999–present.

Partner, Avatar-eLaunchpad, LLC (Angel Investment); 1999–present.

Partner, Avatar-Appfluent/Infocruiser, LLC (Angel Investment); 1999–present.

Co-President, The Indus Entrepreneurs—Washington, DC Chapter, (2004–2005).

Co-Chair, Johns Hopkins Class of 1994 Reunion Committee, (2009).

Board of Directors, Northern Virginia Conservation Trust, (12/11/04–present).

Indian American Policy Institute (Co-Founder, 2003–2004).

Blue Dominion Majority PAC (Co-Founder, 2005–present).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Network of South Asian Professionals—Washington, DC Chapter (President, 1999; Member 1997–2005).

Northern Virginia Conservation Trust Board Member (2005–present).

The Indus Entrepreneurs—Washington, DC Chapter/Indian CEO Council (Co-President, 2004–2005; Charter Member, 2002–present).

Democratic Party of Virginia Member (1998–present).

Leadership Arlington, Member (2004–present).

Indian American Policy Institute (Co-Founder, 2003–2004).

Blue Dominion Majority PAC (Co-Founder, 2005–present).

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes, though I have never been a candidate for office. I was appointed by Governor Kaine to serve as Secretary of Technology in Virginia in January 2006.

Please see answers in question #10 for additional political appointments.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

$2,750	Obama for America (2007–8)
$1,000	Jones for Mayor of Richmond—Dwight (D–VA) (2008)
$501	Moran for Governor—Brian (D–VA) (2008)
$1,000	Gerry Connolly (D–VA) (2008)
$1,450	Mark Warner (D–VA) (2008)
$2,500	Democratic Party of Virginia (2008)
$1,000	Mark Warner (D–VA) (2007)

$2,500	A Strong Majority PAC (VA) (2007)
$1,000	Leadership for Virginia's Future (VA) (2007)
$2,500	Democratic Party of Virginia (2007)
$1,000	Jamie Eldridge (D–MA) (2007)
$1,000	Arlington Democratic Joint Federal Campaign (VA) (2006)
$1,000	Moving Virginia Forward (VA) (2006)
$500	Forward Together PAC (VA) (2006)
$1,000	Forward Together PAC (VA) (2005)
$1,600	Supriya Christopher for Delegate (D–VA) (2005)
$2,850	Kaine for Governor (D–VA) (2005)
$1,000	Hillary Clinton for Senate (D–NY) (2005)
$500	Independent Action (2005)
$500	Joe Crowley (D–NY) (2005)
$500	Bob Brink for Delegate (D–VA) (2005)
$3,500	Blue Dominion Majority PAC (2005–6)—I co-founded this organization in 2005 focused on electing moderate Democrats in Northern Virginia
$1,500	Kaine for Governor (D–VA) (2004)
$1,000	John Kerry (D–MA) (2004)
$1,000	Bobby Jindal (R–LA) (2004)
$1,000	Howard Dean for President (2003)
$1,000	US–INPAC (2003)
$1,000	One Virginia PAC (VA) (2002)
$1,000	Kaine for Governor (D–VA) (2002)
$1,095	Warner for Governor (D–VA) (2001)
$500	Diamonstein for Lt. Governor (D–VA) (2001)
$1,000	Kumar Barve (D–MD) (2001)
$533	reimbursement for my lodging at the Democratic Party Retreat—Commonwealth Victory Fund (2007)
	Volunteered to serve as a Precinct Captain for Arlington Democratic Party (2004–2004)

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

National Merit Special Scholarship (High School).

Healthcare Information Management Systems Society's State Advocacy Award (2007).

Government Technology Magazine's "Top 25 Doers, Dreamers and Drivers" (2008).

Center for Multicultural Human Services (CMHS) Civic Leader Award (2007).

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

"U.S.-Based Global Intellectual Property Creation: An Analysis," Wadhwa, Rissing, Chopra, Balasubramanian, Freilich (Kauffman Foundation, 2007).

"Survey on the Public Policy Concerns of the Indian-American Community," Chopra, Kuntamukkula (Asian American Policy Review, Harvard, 1997).

In my capacity as Governor Kaine's cabinet member responsible for technology policy, I am often delivering public extemporaneous presentations, typically with the aid of PowerPoint slides but without written speech text. Please see Appendix C for an itemized list of all public speeches.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony: Not Applicable.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I previously served as Virginia's Secretary of Technology, a first-in-the-nation position created in 1999 (I was the 4th) to both advocate public policy in support of the technology economy, and to promote the role of technology in transforming the delivery of public services. President Obama has called for a similar role at the Federal level and it would be an honor to serve.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

It is critical that the Office of Science at Technology Policy implements all proper management and accounting controls. In my capacity as Chief Technology Officer, I will encourage the effective and efficient provision of government services.

In my previous capacity as Virginia's Secretary of Technology, I served as policy champion for a 10-year, $2BN public-private partnership to modernize the Commonwealth's IT infrastructure. I served on the Governor's Performance Management Team responsible for achieving Virginia's "Top Performing State" ranking in 2008. We focused on a three-component methodology to ensure proper management: a publicly-available management scorecard focused on accounting controls, outcomes measures focused on results and productivity measures to promote a culture of continuous improvement.

20. What do you believe to be the top three challenges facing the department/agency, and why?

My response will focus on the Technology Division within OSTP.

Technology and Innovation play an ever increasing role in our civic life and serve as an important foundation for the Nation's economic growth. Harnessing the full power and potential of emerging technologies can improve the lives of all Americans and ensure a more effective, efficient government. Nurturing a policy environment that fosters technological innovation can help create new jobs, improve the environment, address our energy crisis, reduce health care costs, extend opportunities to a new generation of Americans, and help make the United States safer and more secure.

Our first challenge in the Office of Science and Technology Policy's Technology Division is to embed the President's Open Government principles of greater transparency, public participation and collaboration throughout government with limited resources. We will begin to address this challenge by attracting the right personnel and establishing collaborative partnerships using a strong interagency mechanism to deliver results.

Our second challenge is to effectively collaborate among the White House, the Congress, private industry and the general public, to address a broader set of policy priorities informed by technology and innovation, including proper protections for privacy and security.

Our third challenge is to establish an effective governance model to ensure a strong return on taxpayer innovation investment. The most pressing problems we face—in healthcare, energy, the economy, education and public safety—require investments in emerging technologies and R&D. Our priority will be to ensure those investments are targeted and will yield measurable results.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

In my capacity as Virginia's Secretary of Technology, I have an account with the Virginia Retirement System which I intend to rollover to an existing IRA when eligible.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: None.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and OSTP's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with OSTP's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and OSTP's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with OSTP's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been 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.

In my capacity as Virginia's Secretary of Technology, I participated in the Governor's annual Congressional Delegation briefing. At that meeting the Governor presents his annual legislative/appropriations/budgetary priorities to the Virginia Congressional Delegation on behalf of the Commonwealth. In addition, I worked closely with Virginia's Federal Liaison office to ensure Virginia's Congressional Delegation is properly briefed on technology policy issues. Most recently, I served as a member of the Obama Transition Team working on technology, innovation and government reform policy memoranda.

In 2008, I served as a Co-Chair for National Health IT Week Honorary Steering Committee to promote the advancement of health IT. From June 9–13, a collaboration of public, private and non-profit stakeholders urged policymakers to support the widespread adoption of Health IT to improve patient safety, quality and lower costs.

In 2003, I helped found a bi-partisan think tank to address issues of concern on behalf of the Indian American community—"Indian American Policy Institute." While we did not advocate any specific legislation, we convened meetings with Congressional leaders to encourage a stronger relationship with the Indian American community.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and OSTP's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with OSTP's designated agency ethics official and that has been provided to this Committee.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain: No.

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

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

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.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

APPENDIX A

RESUME OF ANEESH P. CHOPRA

Experience

Jan. 2006–April 2009—Commonwealth of Virginia—Richmond, VA

Secretary of Technology. Report directly to Governor Tim Kaine (D–VA) on the efficient and effective use of information technology to simplify government operations, innovative applications to improve public services, and the performance of Virginia's thriving technology economy.

Board Member, Council on Virginia's Future. One of 2 cabinet members to serve on public-private board to advance the Nation's top-ranked performance management system (tied with 3 states in *Governing* Magazine).

Chair, Productivity Investment Fund Oversight Board. Launched first-of-its-kind $3M "venture government" vehicle to stimulate "proof-of-concept" innovative services to lower costs, improve customer service and advance key outcomes goals; initial $2.3M investment expected to deliver 4–1 returns and decrease transaction time 40–50 percent.

Co-Chair, Office of Health IT. 2008 National Health IT Honorary Co-Chair; responsible for advancing two Executive Orders to stimulate investments to lower costs, improve quality and increase patient satisfaction.

Co-Founder, Virginia Health Exchange Network ("VHEN"). Led the formation of a voluntary payer-provider collaborative to address rising transaction costs; active solicitation underway to enable multi-payer transaction tools.

Vice Chairman, IT Investment Board. Governor's lead representative to independent IT authority governing 10-year, $1.9BN IT infrastructure services partnership and $850+M application investment portfolio.

Chair, Solutions Committee. Govern nation's first Chief Applications Officer to establish data standards, launch enterprise applications, and increase portfolio return on investment.

Steering Committee, Chesapeake Crescent. Governor's lead cabinet member to multi-state (MD, DC, VA) public-private collaborative to promote regional economic development.

Co-Founder, Innovation Alliance. In June, 2008, the Universities of MD, VA, VT, GWU, GMU formed a regional alliance commited to achieve top 5 commercialization performance in the country.

April 1997–Jan. 2006—The Advisory Board Company—Washington, D.C.

Managing Director. Led two research membership programs as an elected Policy Committee member of a publicly-traded healthcare consultancy serving 2,500 hospital and health systems; helped launch firm's first software service in "business intelligence" attracting 100+ members in the first year; in 2000, reported directly to Chairman on exploring potential early-stage equity investments to accelerate Internet strategy.

Financial Leadership Council. Managed best practice research studies for 300+ CFO members focused on instilling fiscal discipline, maximizing health system revenues, and prioritizing capital investments; served as national speaker.

1994–1995—Morgan Stanley & Company, Inc.—New York, NY.

Financial Analyst, Health Care/Public Finance. Provided valuation analysis to non-profit hospitals considering a sale to for-profit national chains; assisted in financings including over $50 million in derivative products (swaps).

Leadership

1999–present—Avatar Capital, LLC—Washington, D.C.

Co-Founder. Led the formation of $11+ million angel investor network with investments in 16 early-stage technology companies; Microsoft's investment in Navic Networks (Boston, MA) for an undisclosed sum generated a 10–1 return on investment (July, 2008).

2004–5—The Indus Entrepreneurs—Washington, D.C.

Co-President, DC-Chapter. Managed 2,000+ technology executive membership organization committed to growing entrepreneurship in the region; helped launch the TiE-Smith Fellows program at the University of Maryland Smith School of Business to inspire 12 highly selective startup CEOs through a 14-week management intensive.

Education

1995–1997—Harvard University, Kennedy School of Government—Cambridge, MA.

Master in Public Policy with a concentration in Health Care Policy awarded 1997; master's thesis on strategic implications of intranet technology for academic medical centers; selected as Course Assistant to Information Technology, Business Strategy, and Public Policy course jointly offered by Business, Law and KSG (1996, 1997).

1990–1994—The Johns Hopkins University—Baltimore, MD.

B.A. in Public Health with a concentration in Health Care Policy awarded 1994; elected President, Class of 1994 (1991–92); raised $55,000 as Co-Chair for the Milton S. Eisenhower Symposium (1992–93).

Awards

2008—*Government Technology Magazine's* Top 25 "Doers, Dreamers and Drivers."

2007—Healthcare Information and Management Systems Society's State Leadership Advocacy Award.

Appendix B—Board and Council Positions

Ex officio positions held through service as Secretary of Technology, Commonwealth of Virginia

Organization	Type	Position Held	From	To
Information Technology Investment Board	State Government	Board Member (Unpaid)	1/06	4/09
Innovative Technology Authority/ Center for Innovative Technology Board of Directors	State Government	Board Member (Unpaid)	1/06	4/09
Virginia Health Information Technology Council	State Government	Co-Chair (unpaid)	7/06	4/09
Secure Commonwealth Panel	State Government	Panel Member (Unpaid)	1/06	4/09
Virginia Geographic Information Network Advisory Board	State Government	Board Member (Unpaid)	1/06	4/09
Virginia Wireless E–911 Services Board	State Government	Board Member (Unpaid)	1/06	4/09
Virginia Research and Technology Advisory Commission	State Government	Commission Member (Unpaid)	1/06	4/09
Modeling and Simulation Advisory Council	State Government	Council Member (Unpaid)	7/07	4/09
Council on Technology Services	State Government	Council Member (Unpaid)	1/06	7/08
State Interoperability Executive Committee	State Government	Committee Member (Unpaid)	1/06	4/09
Virginia Philpott Manufacturing Extension Partnership	State Government	Board Member (Unpaid)	1/06	4/09
Public-Private Partnership Advisory Commission	State Government	Commission Member (Unpaid)	1/06	4/09
Advisory Council on Career and Technical Education	State Government	Council Member (Unpaid)	1/06	4/09
Productivity Investment Fund Oversight Board	State Government	Chair (Unpaid)	10/06	4/09
Governor's Energy Policy Advisory Council	State Government	Council Member (unpaid)	12/07	4/09
Chesapeake Crescent Initiative Steering Committee	Non-Profit Economic Development	Committee Member (Unpaid)	2/08	4/09
Council on Virginia's Future	State Government	Board Member (Unpaid)	1/06	4/09
Carespark	Non-profit Health Information	Ex-Officio Board Member	7/06	4/09
Aerospace Advisory Council	State Government	Council Member (Unpaid)	7/07	4/09

Appendix C—List of Speeches

Date	Organization	Event Title	Audience	Speech Topic
1/26/06	Hampton Roads Technology Council	Technology Networking Luncheon	HRTC members	Modeling and simulation
2/1/2006	Northern VA Technology Council	Titans of Technology Breakfast	NVTC members	VA technology agenda
2/16/2006	Virginia High Tech Partnership	Ninth Annual VHTP Internship and Job Fair	students, tech companies	opportunities for minorities in the tech economy
3/16/2006	Roanoke Technology Council	Roanoke Tech Council breakfast meeting	Tech Council members; tech community	VA technology agenda
3/24/2006	City of Alexandria	Alexandria Technology Achievement Week Luncheon	Alexandria tech leaders; award winners	innovation and technology
3/29/2006	American Association of Physicians of Indian Origin	AAPI Chapter meeting	AAPI members	brief remarks
3/30/2006	American Institute of Aeronautics and Astronautics	AIAA Hampton Roads section luncheon	AIAA, Aerospace community in Hampton Roads	Technology outlook for VA
4/4/2006	Mount Vernon-Lee Chamber of Commerce	Mt. Vernon-Lee Chamber business lunch	Chamber members	Intro to technology priorities for Kaine Admin
4/21/2006	Center for Digital Education and Intel	The Classroom of Distinction Interactive Forum	K–12 education leaders	welcoming remarks
4/21/2006	Northern VA Conservation Trust	NVCT dinner and silent auction	NVCT members; Northern VA community	Richmond experience; importance of preserving land in Northern VA
4/25/2006	ExecutiveBiz	ExecutiveBiz breakfast	ExecutiveBiz members; Potomac Officers Club	SecTech role; IT spending in VA; tech industry future
4/26/2006	Shenandoah Valley Technology Council	SVTC annual banquet	SVTC members; tech community in Shenandoah	technology in education, healthcare, transportation
5/4/2006	U.S. Department of Agriculture	Asian Pacific Heritage Month Celebration	Asian American and Pacific Islanders	SecTech role; VA experience
5/4/2006	Southwest VA Technology Council	SWVTC annual awards banquet	SWVTC members; technology community in Southwest VA	technology in education, healthcare, transportation
5/11/2006	Harvard Business School/Accenture	Harvard Business School Publishing/Accenture Government Health Series	Health IT community/leaders	panel discussing RHIOs, other regional, state, local efforts relating to NHIN
5/11/2006	Virginia Piedmont Technology Council	VPTC annual awards banquet	VPTC members; tech community in Piedmont region	VA technology agenda
5/17/2006	Greater Richmond Technology Council	GRTC Awards Gala	GRTC members; Richmond tech community	VA technology agenda
5/19/2006	Virginia Commonwealth University	VCU School of Engineering Diploma Ceremony	graduates of VCU School of Engineering and guests	graduation/motivational speech
5/25/2006	Region 2000 Technology Council	Region 2000 Tech Council Annual Awards banquets	Region 2000 members	VA technology agenda
6/8/2006	Greater Norfolk Corporation	Greater Norfolk Corporation event	Greater Norfolk Corp members; Norfolk community leaders	technology and economic development
6/10/2006	ECPI College of Technology	ECPI Graduation	ECPI graduates and guests	graduation/motivational speech
6/12/2006	Southwest Virginia Community College	Southwest VA Regional Governor's School for Science and Tech Opening Day	Gov's school attendees and guests	Competing in a "Flat" World: Lessons for Tomorrow's Leaders

6/12/2006	Southern Piedmont Technology Council	SPTC annual dinner	SPTC members; tech community in Southside VA	VA technology agenda
6/22/2006	New VA Corridor Technology Council	NCTC Board meeting	NCTC board members	opening remarks
6/23/2006	Thomas Jefferson Institute	TJ Institute Innovations in Government Conference '06	government and private sector leaders	technology initiatives in VA
6/27/2006	Northern VA Technology Council	NVTC Business to Government event on SWAM	NVTC members; tech community in Northern VA	procurement and involving small businesses
6/29/2006	Arlington Economic Development	Arlington Economic Development Executive Luncheon	Arlington-based execs	technology economy
8/2/2006	VA Technology Education Association	VTEA annual conference	VTEA members; education leaders	technology in education, VA's technology future
8/16/2006	VA Public Broadcasting	VA Public Broadcasting Board meeting	VA Public broadcasting board	technology initiatives in VA, specifically education related initiatives
9/14/2006	INPUT	INPUT Executive Breakfast	Northern VA execs	technology opportunities, changes, and current challenges in the Commonwealth
9/20/2006	Executive Biz	Web 2.0 conference	Tech conference	Web 2.0 in the Commonwealth
9/21/2006	HIMSS (Healthcare Information and Management Systems Society)	Health IT: A View from the Hill and Beyond	health IT community	VA Health IT initiatives
9/26/2006	Hampton Roads Technology Council	From Laboratory to Marketplace: Bridging the University, Industry Gap	Hampton Roads tech, university community	university R&D
10/6/2006	VA Manufacturers Association	2006 Governor's Manufacturing Summit	manufacturing leaders	How Technology Transforms the Business Climate in VA
10/16/2006	Center for Rural VA	2006 Rural Summit	rural leaders	VA technology initiatives, rural initiatives/goals
10/20/2006	Northern VA Technology Council	NVTC Sprint R&D event	NVTC members; tech community in Northern VA	welcoming remarks
10/25/2006	George Washington University	University Start-ups conference	university community	university R&D; importance of commercialization
11/10/2006	Greater Richmond Technology Council	GRTC breakfast series	GRTC members; Richmond tech community	VA technology initiatives
11/13/2006	Virginia Business Council	VA Business Council meeting	VA Business Council	Economic development surrounding tech community
11/15/2006	Virginia International University	VIU Scholarship Fundraising Dinner	VIU community; donors	Innovation Imperative
12/14/2006	VA Economic Developers Association	VA Economic Developers Assoc Annual meeting	VA Econ Developers	Technology and Economic Development
2/27/2007	HIMSS (Healthcare Information and Management Systems Society)	HIMSS 5th Annual Advocacy and Public Policy breakfast	health IT community	VA Health IT initiatives
3/2/2007	Northern VA Democratic Business Council	Northern VA Democratic Business Council meeting	NVDBC members	building the innovation agenda
3/6/2007	Northern VA Technology Council	NVTC Healthcare event	NVTC	Health IT in VA
3/14/2007	Business Software Alliance	Business Software Alliance Dinner	northern VA technology leaders/ BSA members	Health IT and VA's innovation agenda
3/19/2007	Government Technology; Center for Digital Govt	Beyond the Beltway	IT community	VA's technology priorities

Appendix C—List of Speeches—Continued

Date	Organization	Event Title	Audience	Speech Topic
3/28/2007	TiE Carolinas	TiE Carolinas meeting	TiE membership in NC	Lessons from Virginia
4/9/2007	Hampton University	Hampton Univ Information Assurance Symposium	Hampton students; faculty	Building Info Assurance capacity and improving infrastructure at minority serving institutions
4/17/2007	VA Healthcare Foundation	VA Consortium for Health Philanthropy meeting	Consortium members	Health IT in the Commonwealth
4/19/2007	VA Modeling and Simulation Center	VMASC 2007 Modeling, Simulation, and Gaming Student Capstone Conf	VMASC/ODU students, faculty	M&S importance
5/19/2007	VA Lions Club	Lions Club State Convention	VA Lions Club members	VA technology initiatives; innovation
5/24/2007	Southwest VA Technology Council	SWVTC annual awards banquet	SWVTC members; technology community in Southwest VA	keynote—technology in the Commonwealth
5/31/2007	Governing Magazine	Managing Technology: Policy, Politics and Leadership	executives, legislators, agency heads	Outsourcing Update
6/6/2007	VA Piedmont Technology Council	VPTC annual awards banquet	VPTC members; tech community in Piedmont region	keynote—technology in Commonwealth
6/25/2007	VA Workforce Council	VA Workforce Council annual retreat	workforce council members	VA technology initiatives; economic development
8/1/2007	U.S. Joint Forces Command	USJFCOM Industry Symposium	Joint Forces Command	technology, innovation
8/3/2007	Indian American Leadership Initiative	Indian-American Democratic Dialogue	Indian-American democrats	opportunities in state government
8/7/2007	State Board of Elections	State Board of Elections Registrars conference	VA General Registrars	The Innovation Imperative
8/22/2007	Old Dominion University	ODU State of the University	ODU faculty, staff, community	The Innovation Imperative
8/30/2007	Cape Henry Collegiate School	Cape Henry donor and student event	donors and students	technology in education; innovation
9/10/2007	Center for Rural VA	Rural Summit	VA rural community leaders	Status of the Rural South: Where Does VA Fit
9/24/2007	VA Tech	Outreach NOW	VT community	The University Role in Univ-Community Partnerships in Economic and Community Development
9/27/2007	Congressional Black Caucus Foundation	Health IT and Reducing Health Disparities session	Congressional Black Caucus members; health IT interested parties	Health IT
10/2/2007	Intel Digital Health	Intel Health IT event	health IT leaders	Health IT in the Commonwealth
10/11/2007	Governing	NYC: Governing LIVE	The Innovation Imperative	
10/12/2007	VA Assoc for Adult and Continuing Education	VAACE conference	adult ed leaders	GED on Demand announcement
10/25/2007	VA HIMSS (Healthcare Information and Management Systems Society)	VA HIMSS annual conference	VA HIMSS community	Health IT in the Commonwealth
10/25/2007	VA Hospital and Healthcare Association	VHHA annual conference	health IT community; VHHA members	Leveraging IT for Quality and Value Panel
10/27/2007	Medical Society of VA	MSV conference	MSV members	Health Care IT: The Commonwealth's Perspective
11/2/2007	George Mason University Business Alliance	VA Innovation Showcase	university community; entrepreneurs	university R&D; commercialization, innovation
11/7/2007	HRSA	HRSA grantee meeting	HRSA grantees	Innovation through Collaboration

11/7/2007	Germanna Center for Advanced Technology	VA IT Workforce Summit	IT leaders; IT workforce members	Importance of technology in econ development
11/12/2007	VA Association of Counties	VACo Broadband Deployment conference	local leaders	VACo Broadband session
11/14/2007	VA P–16 Council	Flat World/Round Students P–16 Forum	education leaders	The Innovation Imperative: Education's Role in VA's 21st century economy
11/26/2007	Virginia Commonwealth University Literacy Board	VCU Literacy Institute Advisory Board meeting	Literacy Institute Advisory Board	Technology Literacy in the 21st century
12/6/2007	Fredericksburg Technology Council	FredTech Awards Banquet	Fredericksburg Tech Council members	technology initiatives in VA
1/25/2008	State Board of Health	State Board of Health Lunch	State Board of Health	current status of Health IT in Commonwealth
1/29/2008	VA Association of Planning Districts	VAPD annual meeting	Planning district commission members	technology initiatives in VA; innovation
2/20/2008	Community Care Network of VA	CCNV 12th annual shareholder meeting	CCNV shareholders	health IT in Commonwealth
2/29/2008	VA Technology Education Association	Children's Engineering Convention	VA technology teachers; leaders	technology in education
3/7/2008	Northern VA Democratic Business Council	NVDBC meeting	NVDBC members	VA technology initiatives
3/14/2008	VA Economic Developers Association	VEDA Spring Conference	VEDA members	keynote—technology and econ development
4/8/2008	National Capital Healthcare Executives	NCHE event	NCHE	health IT
4/9/2008	American Museum of Natural History	AMNH STEM event	STEM community/leaders	panel
4/16/2008	VA Career Education Foundation	VA Career Education Foundation dinner	education leaders	Partnerships to Fuel VA's Innovative Economy
4/22/2008	ICGGov	Govt Business Executive Focus Forum	govt/technology leaders	Richmond as a Catalyst: Making the Federal-state relationship work—identity mgmt case study
4/24/2008	WCA	WCA Public Safety Govt Roundtable	govt/public safety leaders	public safety interoperability
5/1/2008	Hampton Roads Technology Council	HRTC Tech Night	HRTC members	The Innovation Imperative
5/5/2008	VA Assoc of School Superintendents	VASS annual conference	VA superintendents	Technology in Education; importance of STEM; VA initiatives
5/15/2008	Prince William County	PWC Technology Achievement Awards luncheon	Prince William gov't award winners	technology and innovation, importance in govt
5/20/2008	Old Dominion University	ODU Summer Institute	ODU faculty, staff, community	The Innovation Imperative
5/22/2008	Charlottesville Tech Council	Charlottesville Innovation Awards	Charlottesville technology community	technology initiatives in VA; innovation
5/28/2008	Southwest VA Technology Council	SWVTC annual awards banquet	SWVTC members; technology community in Southwest VA	technology initiatives in VA; innovation
5/29/2008	Leadership Arlington	Leadership Arlington 10th anniversary celebration	Leadership Arlington alumni	keynote—The Innovation Imperative
6/11/2008	Monroe Technology Center	Monroe Technology Center Graduation	Monroe Technology Center graduates, guests	graduation/motivational speech
6/26/2008	California Little Hoover Commission	CA Little Hoover Commission hearing	Little Hoover Commission members, guests	Leveraging Technology to Measure and Report Performance
6/30/2008	VA Assoc of Secondary School Principals	VASSP annual conference	school principals	The Innovation Imperative
7/8/2008	University of VA	Tapestry 2008 Workshop	computing and IT teachers	Technology in Education; importance of STEM

Appendix C—List of Speeches—Continued

Date	Organization	Event Title	Audience	Speech Topic
7/18/2008	VA Association of Planning District Commissions	VAPDC summer conference	planning districts	Importance of technology in econ development
7/24/2008	Northern VA Regional Commission	NVRC meeting	NVRC	Innovation Imperative: Organizing the Region for Global Competitiveness
8/6/2008	MathScience Innovation Center	Building for the Future: 3–5 Math & Science Conference	Educators	Technology in Education; importance of STEM
8/19/2008	Richmond City Public Schools	Opening Convocation for Richmond City CTE teachers	Richmond City Career and Tech Ed teachers	Technology in Education; importance of STEM
9/20/2008	VA Health Quality Center Board of Directors	VA Health Quality Center BOD retreat	VHQC BOD	Health IT—Vision for the Future
9/30/2008	Virginia Geographic Information Network	GIS annual conference	GIS leaders, companies	Role of GIS in Technology Agenda
10/1/2008	Center for Innovative Technology	Energy Technology Forum	energy, business leaders	VA Energy initiatives; Chesapeake Crescent
10/3/2008	VA School Boards Association	VA School Boards Assoc Leadership Conf	School Board members, leaders from across VA	Building Intellectual Capital in VA
10/6/2008	The Renaissance Group	The Renaissance Group Fall Conference "Addressing Societal Challenges through Education"	education leaders	Building Intellectual Capital in VA
10/13/2008	RHIOhio/Ohio University	RHIOhio Conference	Health IT leaders/community in Ohio	The Future of Rural Healthcare
10/15/2008	Telework Exchange	Telework Exchange Town Hall meeting	Telework Exchange members/leaders in Northern VA/DC area	telework in VA
10/15/2008	Da Vinci Group of VA Superintendents	Da Vinci Group meeting	small group of VA superintendents	Transforming K–12
10/17/2008	VA HIMSS	VA HIMSS annual conference	members of VA HIMSS; Health IT community	Health IT
10/20/2008	National Governor's Association	NGA Experts Roundtable on State Investment Decision for Science and Innovation	government leaders	panel member
10/22/2008	Open Source Lab/Oregon State University	Government Open Source Conference (GOSCON)	gov't leaders; open source leaders	Building a Culture of Innovation and Productivity through Collaboration
10/25/2008	CHIME (College of Healthcare Information Management Executives)	CHIME Fall CIO Forum	nation's top healthcare CIOs and Health IT execs	Leading the Way: Health IT Strategy for the Modern State
11/5/2008	James Madison University	Rocco Forum on the Future	JMU leaders; Board; educators	technology in education
11/14/2008	George Mason University Business Alliance	Innovation Showcase	University faculty, researchers from VA; entrepreneurs	Spotlighting Regional Innovation
12/1/2008	HIMSS	HIMSS Government Relations Roundtable	HIMSS members	Health IT Initiatives in VA
12/12/2008	Medical Automation	Medical Automation Conference '08	healthcare professionals, leaders	Telehealth in VA
4/7/2009	HIMSS	HIMSS National Conference	health IT leaders/community	The Effect of Economic Stimulus on State HIT projects

Senator WARNER. Thank you, Mr. Chopra.

Now, I'd like to call upon Rebecca M. Blank, who is up for Under Secretary of Economic Affairs, and has enormous challenges, as well, including the Census.

So, Ms. Blank, thank you for being here.

STATEMENT OF DR. REBECCA M. BLANK, UNDER SECRETARY-DESIGNATE FOR ECONOMIC AFFAIRS, U.S. DEPARTMENT OF COMMERCE

Dr. BLANK. Thank you, Senator Warner, Ranking Member Hutchison, and distinguished Members of the Committee. I appreciate the opportunity to be here today as nominee for Under Secretary for Economic Affairs at the Department of Commerce. It's an honor to be nominated for this job by President Obama, and I look forward to working with Secretary Locke and others at the Department.

With your permission, if I could introduce my family? My husband, Hanns Kuttner, is back there in the third row. Sitting next to him is my brother, Grant Blank, and in the front row, in the red skirt, is my daughter, Emily, who is a seventh grader at Westland Middle School in Bethesda. And I know I've got a number of other friends and colleagues around the audience, as well.

There are two parts to the Under Secretary's job. The first is the management and oversight of the two top statistical agencies in the United States—the Census Bureau, and the Bureau of Economic Analysis.

This management role is particularly important in this year, as the Census Bureau undertakes its 2010 Decennial Census. I realize that one of the most important and immediate responsibilities of this position is focused oversight and guidance to ensure that the 2010 Census is complete and accurate.

Of course, the Census Bureau and the BEA collect and disseminate a wide range of data, and my role as Under Secretary would be to work with these agencies to develop a long-term strategic plan for improving America's statistics, and to make sure that those agencies have the expertise and the resources they need to implement that plan.

The second part of the Under Secretary's job is to serve as head of the Economic and Statistics Administration, providing high-quality economic analysis inside the Department of Commerce. If confirmed, I would work with the excellent group of economists at ESA, to make sure the Secretary had the best possible economic information to track important trends in the economy, and to work with economists elsewhere around the Administration, to develop and analyze the policies that will define President Obama's Administration.

I've worked in a number of different jobs in the past—I'm an economic researcher, deeply interested in the ways in which the U.S. economy interacts with government policy. As a researcher, I've used Census and BEA data for years, and have consulted regularly with those agencies about measurement issues. I know these organizations, and I deeply appreciate what they do, and how well they do it.

Second, I've been a higher education administrator and manager. I spent 8 years as Dean of the Gerald R. Ford School of Public Policy at the University of Michigan, and in that job, I managed a growing educational and research enterprise inside a very large university that provided the hands-on management experience that I suspect will be important to the job of Under Secretary.

Third, I've been a public servant, and a government employee. I worked for one year as Senior Staff Economist at the Council of Economic Advisors during the first President George Bush Administration, and returned as one of three members of the CEA during the second term of President Clinton's Administration.

I know how to write one-page policy memos, and I know how to provide the wide-ranging economic analysis that's constantly in demand inside government.

While it is an honor and a privilege to work in the White House, when I left the CEA job I decided, "If I ever go back into an Administration, I want to be in one of the agencies that actually run programs." This nomination gives me the opportunity to do that. The Under Secretary for Economic Affairs is one of the best agency jobs available to an economist, and I'm grateful for the privilege of being considered for this position.

I appreciate the opportunity to come before you today. If approved by this Committee and confirmed by the full Senate, I would look forward to working with you and with your staff on all items of shared interest and concern.

Thank you.

[The prepared statement and biographical information of Dr. Blank follows:]

PREPARED STATEMENT OF DR. REBECCA M. BLANK, UNDER SECRETARY-DESIGNATE FOR ECONOMIC AFFAIRS, U.S. DEPARTMENT OF COMMERCE

Chairman Rockefeller, Ranking Member Hutchison, and distinguished Members of the Committee, I appreciate the opportunity to appear before you today as the nominee for the position of Under Secretary for Economic Affairs at the Department of Commerce. It is an honor to be nominated for this job by President Obama, and I look forward to the possibility of working with Secretary Locke, and with the others in leadership at the Department of Commerce. I'm also pleased that my husband, Hanns Kuttner could be here today, as well as my daughter Emily.

There are really two parts to the Under Secretary job. The first is management and oversight of two of the top statistical agencies in the United States—the Census Bureau and the Bureau of Economic Analysis (BEA). This management role is particularly important in the next year, as the Census Bureau undertakes its 2010 decennial census. I realize that one of the most important and immediate responsibilities of this position is to become completely conversant with the Decennial Census plans in order to provide focused oversight and guidance to ensure the 2010 Census is complete and accurate. But the Census Bureau does much more than conduct the Decennial Census. It and the BEA collect and disseminate a wide range of data, and my role as Under Secretary would be to work with both of these agencies to develop a long-term strategic plan for improving America's statistics, and to make sure that these agencies have the expertise and the resources needed to implement that plan.

The second part of the Under Secretary's job is to serve as head of the Economics and Statistics Administration (ESA), providing high quality economic analysis inside the Department of Commerce. I understand there is an excellent group of career economists at ESA. If confirmed as Under Secretary, we would make sure the Secretary had the best possible economic information as he interacts with industry and community leaders. ESA also track important trends and changes in the economy, and works with economists elsewhere around the Administration to develop and analyze the policies that will define President Obama's Administration.

Particularly in the current economic environment, as we deal with the worst recession in the past 60 years, good economic analysis is in high demand. I look for-

ward to taking on some questions that are particularly relevant to the Department of Commerce and its interests; questions such as "How is the current recession leading to restructuring in manufacturing industries in the U.S. and abroad and what are the implications for jobs, productivity, and profits among U.S. manufacturers?" "Is the U.S. as competitive as it should be? Which industries are leading in productivity, innovation, and competitiveness in the U.S., as we come out of the current recession?" or "What would rapid growth in environmentally-focused products mean in terms of industry and job expansion?"

In the past, I have had the pleasure of working in the public, private, and not-for-profit sectors. Many years ago, I worked with a variety of heavy manufacturing industries as a consultant with an economic forecasting company, a job which taught me a great deal about the real world of business. I went on to acquire a Ph.D. in economics and in the years since I've held three types of positions.

First, I am an economic researcher and am deeply interested in the ways in which the U.S. economy interacts with government policy. My work has focused on labor markets, on the well-being of American families, on effective measurement of key economic concepts, and on the impact and evaluation of government policy efforts. I have worked on a variety of measurement issues and interacted with the staff at Census and BEA on a regular basis for years. I have used their data and have consulted with them about measurement issues. As a result, I know those organizations and deeply appreciate what they do and how well they do it.

Second, I have been an administrator and manager in the field of Higher Education. I have run two major research centers and spent 8 years as Dean of the Gerald R. Ford School of Public Policy at the University of Michigan. That job gave me the opportunity to oversee and manage a growing educational and research enterprise, inside a very large University, and provided me with the hands-on management experience that I know will be very important background experience for my job as Under Secretary.

Third, I have been a public servant and government employee. I worked for a year as a Senior Staff Economist at the Council of Economic Advisers (CEA) during the President George H.W. Bush Administration, and I returned as one of the three members of the CEA during the second term of President Clinton. In these jobs I learned how to write one-page policy memos and how to produce the wide-ranging economic analysis that is constantly in demand inside government. While it is an honor and a privilege to work in the White House, when I left that job I thought to myself, "If I ever come back into an Administration job, I want to be in one of the agencies actually running programs." This nomination gives me the opportunity to do that. I believe the Under Secretary for Economic Affairs to be one of the best agency jobs available, and I am grateful for the privilege of being considered for this position.

In this economy, we need good data—collected in a timely and reliable way by the Census Bureau and the Bureau of Economic Analysis—so we can understand how businesses and families are faring. We also need high quality economic analysis, analyzing the trends and patterns that indicate both where there is economic pain and where there are signs of recovery. We particularly need to keep track of industry shifts and how they affect American competitiveness in a global economy. Finally, we need high quality policy analysis, looking at the impacts of existing and proposed policies on American businesses, American families and on the competitiveness and health of the U.S. economy. The Under Secretary position would give me the opportunity to work on all of these issues.

I appreciate the opportunity to come before you today. If my nomination is approved by this Committee and confirmed by the full Senate, I look forward to working with you and your staff members on all items of shared interest and concern. Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Rebecca Margaret Blank; Rebecca M. Blank; Becky Blank.
2. Position to which nominated: Under Secretary for Economic Affairs, Department of Commerce.
3. Date of Nomination: April 28, 2009.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: The Brookings Institution, 1775 Massachusetts Ave., NW, Washington DC 20036.

5. Date and Place of Birth: September 19, 1955; Columbia, Missouri.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Johannes (Hanns) C. Kuttner, Visiting Fellow, The Hudson Institute; daughter: Emily C. Kuttner, age 13.

7. List all college and graduate degrees. Provide year and school attended.

B.S. in Economics, 1976, University of Minnesota.

Ph.D. in Economics, 1983, Massachusetts Institute of Technology.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

All of my previous positions are relevant, since all of them have helped me acquire the substantive knowledge, policy experience and management skills that are necessary for the Under Secretary job.

Brookings Institution, July 2008–present.

Robert S. Kerr Senior Fellow, Economic Studies.

Robert S. Kerr Visiting Fellow, Economic Studies (2007–08).

University of Michigan, August 1999 to June 2008.

Joan and Sanford Weill Dean of Public Policy, Gerald R. Ford School of Public Policy, 1999–2007.

Henry Carter Adams Collegiate Professor of Public Policy, Gerald R. Ford School of Public Policy.

Professor of Economics, Department of Economics.

Co-Director, National Poverty Center, 2002–2008.

Council of Economic Advisers, Washington, D.C., October 1997 to July 1999.

Member-nominee, October 1997–October 1998; Member, October 1998 to July 1999.

Northwestern University, September 1989 to July 1999.

Professor of Economics, 1994–1999; Associate Professor of Economics, 1989–94.

Director, Joint Center for Poverty Research, 1996–97.

Research Faculty, Center for Urban Affairs and Policy Research, 1989–99.

Associate Professor, School of Education and Social Policy, 1989–93.

Co-Director, Northwestern/University of Chicago Interdisciplinary Training Program in Poverty, Race, and Underclass Issues, 1991–96.

Council of Economic Advisers, Washington, D.C., August 1989 to July 1990.

Senior Staff Economist.

Princeton University, September 1983 to August 1989.

Assistant Professor of Economics and Public Affairs.

Department of Economics and Woodrow Wilson School of Public and International Affairs.

Massachusetts Institute of Technology, September 1988 to May 1989.

Visiting Assistant Professor of Economics.

University of Wisconsin-Madison, Fall 1985.

Visiting Fellow, Department of Economics and Institute for Research on Poverty.

Data Resources, Inc., June 1976 to August 1979.

Consultant and Educational Coordinator, Chicago Office.

9. Attach a copy of your resume. Attached as appendix.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Consultant for the State of Connecticut, Commission on Children, Nov–Dec 2007.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Board of Directors, *MDRC* (formerly Manpower Demonstration Research Corporation), 2001–present.

Board of Trustees, *Urban Institute*, 2007–present.

Board of Directors, *Economic Policy Institute*, 2008–present.

Board of Directors, *Citizens' Research Council of Michigan*, 2000–2008.

Visiting Committee, *Kennedy School of Government*, Harvard University, 2004–present.

Advisory Council, *Spotlight on Poverty and Opportunity*, 2007–present.

National Academy of Sciences

Division Committee for the Behavioral and Social Sciences and Education (DBASSE), National Research Council, 2003–08.

DBASSE Executive Committee member, 2005–08.

Committee on the Fiscal Future of the United States, 2008–present.

Chair, Workshop to Reconsider the Federal Poverty Measure, Committee on National Statistics, 2004–05.

Chair, Panel on Methods for Assessing Discrimination, Committee on National Statistics, 2001–2004.

DIW (a research/policy think tank), Berlin, Germany.

Scientific Advisory Committee, 2001–2004.

Honorary Advisory Council, *DIW–DC,* 2008–present.

Association for Public Policy Analysis and Management

President, 2007.

Executive Committee member, 2006–08.

Policy Council member, 2001–04.

Board Chair, *Public Policy and International Affairs Program*, 2003–06.

Vice President, *American Economic Association*, 2007.

Board of Editors, *American Economic Journal: Economic Policy*, 2007–present.

Co-Editor, *Labour Economics*, 2004–2007; Associate Editor, 2007–present.

Advisory Board, *Journal of Economic Education*, 2002–present.

National Advisory Board and Senior Research Affiliate, *National Poverty Center*, University of Michigan, 2008–present.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Social Club/Organization	Dates	Position (Member/Officer)	Restrictive Membership Policies (Yes/No)
Bread for the World, Washington, D.C.	1976–present	Member	No
Amnesty International, New York, NY	Around 2001–present	Member	No
Westmoreland Congregational Church, UCC, Bethesda, MD	2008–present	Member	Expects members to generally accept the religious precepts of the United Church of Christ.
First Presbyterian Church, Ann Arbor, MI	2000–2008	Member and Elder (2004–2008)	Expects members to generally accept the religious precepts of the Presbyterian Church.
St. Pauls United Church of Christ, Chicago, IL	1990–2000	Member and Church Council member (1994–97)	Expects members to generally accept the religious precepts of the United Church of Christ.

Social Club/Organization	Dates	Position (Member/Officer)	Restrictive Membership Policies (Yes/No)
First Church Congregational, UCC, Washington, D.C.	1989–90 and 1997–99	Associate member	Expect members to generally accept the religious precepts of the United Church of Christ.
Economic Dinner Club, Ann Arbor, MI	1999–2008	Member	None
American Economic Association	1981–present	Member, Exec. Committee member (1995–97) and Vice-President (2007)	None
Labor and Employment Relations Association	1983–present	Member	None
Midwest Economics Association	1990–2005	Member, President (2001–02)	None
Committee on the Status of Women in the Economics Profession	1981–present	Member, Exec Comm member (1990–94), Chair (1994–96)	None
National Poverty Center, University of Michigan	2008–present	Senior research affiliate and member, National Advisory Board	None
Angell School PTO, Ann Arbor, MI	2001–2007	Member	None
Westland Middle School PTA, Bethesda, MD	2007–present	Member	None
Oxbridge Neighborhood Association, Ann Arbor, MI	1999–2008	Member	None
Association for Public Policy Analysis and Management (APPAM)	1985–present	Member, President (2007), Executive Committee (2006–08), Policy Council (2001–04)	None
Ann Arbor Art Center	2001–present	Member	None
Friends of the National Zoo	1997–99; 2007–present	Member	None
Economists for Peace and Security (earlier Economists Against the Arms Race)	About 1990–present	Member	None

13. Have you ever been a candidate for and/or held a public office (elected, nonelected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period: None.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Phi Beta Kappa, 1975.

National Science Foundation Graduate Fellowship, 1989–92.

Sloan Foundation Graduate Fellowship, 1992–93.

National Fellowship for Women in the Sciences, National Science Foundation, 1988–89.

David Kershaw Award, 1993, Association for Public Policy Analysis and Management (awarded to the young scholars whose research has had the most impact on the public policy process).

Faculty research associate, National Bureau of Economic Research, 1990–present.

Faculty Affiliate, Institute for Research on Poverty, 1994–present.

Member (an elected honorary position), National Academy of Social Insurance, 1996–present.

Richard A. Lester Prize for the Outstanding Book in labor Economics and Industrial Relations, 1997 (for the book *It Takes A Nation: A New Agenda for Fighting Poverty*).

Senior Research Affiliate, National Poverty Center, 2002–present.

Lifetime National Associate, National Academy of Sciences, 2004–present.

Fellow, Society of Labor Economics, 2006–present.

Fellow, American Academy of Arts and Sciences, 2005–present.

Research Fellow, IZA (Institute for the Study of Labor), 2007–present.

Outstanding Alumni Achievement Award, University of Minnesota, 2008.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Because of the number of publications, rather than listing them all here I list only my books. The remainder of publications (journal articles, book chapters, book reviews, articles for a broader public, and unpublished working papers) are all listed in full in the Appendix as part of my CV.

Publications—Books

Insufficient Funds: Savings, Assets, Credit and Banking Among Low-Income Households (with Michael S. Barr). New York: Russell Sage Foundation, 2009. (Co-editor and co-author on one article in the volume.)

Working and Poor: How Economic and Policy Changes are Affecting Low Wage Workers (with Sheldon Danziger and Robert Schoeni). New York: Russell Sage Foundation, 2006. (Co-editor and co-author on two articles in the volume.)

Measuring Racial Discrimination (with Marilyn Dabady and Connie Citro). Washington, D.C.: National Research Council, National Academy Press, 2004.

Is the Market Moral? A Dialogue on Religion, Economics, and Justice (with William McGurn). Washington, D.C.: Brookings Institution, 2004.

The New World of Welfare. Washington, D.C.: Brookings Institution, 2001. (Co-editor with Ron Haskins and co-author of two articles in the volume.)

Finding Jobs: Work and Welfare Reform. New York: Russell Sage Foundation, 2000. (Co-editor with David Card and co-author of two articles in the volume.)

It Takes A Nation: A New Agenda for Fighting Poverty. Princeton: Princeton University Press, 1997.

Social Protection vs. Economic Flexibility: Is There a Tradeoff? Chicago: University of Chicago Press, 1994. (Editor and author of two articles in the volume.)

Do Justice: Linking Christian Faith and Modern Economic Life. Cleveland, OH: Pilgrim Press, 1992.

Speeches

I typically have given seminars, speeches, served as a panelist, or was in a public discussion multiple times each week over the past year and half. Prior to this, I gave public speeches and made other public comments at least twice each month, and this has been true for many years. Many of these talks (particularly in the last year) specifically address the current economic situation, which is something that I will be addressing regularly in my new job. I occasionally talk about the need for good data as part of this.

Among the most visible talks that I have given are a series of named lectures, which I list here:

Distinguished Public Policy Lecture, Institute for Policy Research, Northwestern University, April 2009.

Aaron Wildaysky Lecture, Goldman School of Public Policy, UC-Berkeley, March 2009.

Sulzberger Lecture, Sanford Institute of Public Policy, Duke University, September 2008.

McMylar Lecture, Department of Economics, Case Western Reserve University, April 2007.

American Enterprise Lecture, Furman University, March 2007.

Alice Cook Lecture, School of Industrial and Labor Relations, Cornell University, October 2006.

Kurt W. Rothschild Lecture. Department of Economics, Johannes Kepler University, Linz, Austria, November 2005.

Bazzani Lecture, Institute for Government and Public Affairs, University of Illinois, October 2004.

Monroe-Paine Lecture, Truman School, University of Missouri, March 2003.

Wellington-Burnham Lecture. Department of Economics, Tufts University, October 2002.

Merrick Lecture. Department of Economics, University of Virginia, April 2002.

Adam Smith Lecture. European Association of Labour Economists, September 2001.

J. Douglas Gibson Lecture. School of Policy Studies, Queen's University, Canada, March 2000.

Distinguished Lecture on Economics in Government, Society of Government Economists, January 2000.

Frank Paish Lecture, Royal Economic Society, April 1999.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

"What Do the Recently-Released U.S. Poverty Numbers Tell Us?" Testimony to the Joint Economic Committee, U.S. Congress, September 25, 2008.

"Why the United States Needs an Improved Measure of Poverty." Testimony to the Subcommittee on Income Security and Family Support, House Ways and Means Committee, U.S. Congress, July 17, 2008.

"What Does the Unemployment Rate Indicate about the Weak Labor Market?" Testimony to the Subcommittee on Income Security and Family Support, House Ways and Means Committee, U.S. Congress, April 10, 2008.

"If the Economy's So Bad, Why is the Unemployment Rate So Low?" Testimony to the Joint Economic Committee, U.S. Congress. Hearings on the Release of the February 2008 Unemployment Numbers, March 7, 2008.

"Employment, Job Opportunities, and Inequality among Workers in the U.S. Economy," Testimony to the House Financial Services Committee. U.S. House of Representatives, Hearings on the State of the Economy, the State of the Labor Market and Monetary Policy, February 16, 2007.

"The Causes and Consequences of Rising Out-of-Wedlock Birthrates." Testimony to the Subcommittee on Human Resources, Ways and Means Committee, U.S. House of Representatives, Hearings on Welfare Reform, January 13, 1995.

"Current Trends in the Poverty and Income Statistics." Testimony to the Subcommittee on Human Resources, Ways and Means Committee, U.S. House of Representatives, September 10, 1992.

Growth is Not Enough: Why The Recovery of the 1980s Did So Little to Reduce Poverty. Report to the Joint Economic Committee, Congress of the United States. Washington, D.C.: Joint Economic Committee Reports, September 26, 1991.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

This position has two important aspects to it: Overseeing the operations of the Bureau of Economic Analysis and the Census Bureau, and serving as a source of economic information and statistics within the Department of Commerce. I am interested in this position because both of these duties are closely related to my long-term interests and expertise. Let me address each of them in turn.

Serving as a source of economic information and statistics within the Department of Commerce: I am an economist by training, and have spent much of my professional life evaluating the effects of U.S. policy and the macroeconomy on the well-being and behavior of families. I have worked on these issues within University settings, as a researcher and a teacher. I served in two previous administrations within the White House as an economist dealing with current economic issues. I was a Senior Staff economist for a year at the Council of Economic Advisers (CEA) in the George H.W. Bush Administration. In the Clinton Administration I returned as a member of the CEA and worked for 2 years as a senior advisor and participant in the discussions about domestic economic issues and related policies within the White House.

Overseeing the operations of the BEA and Census: I am deeply familiar with the functions of both of these agencies, having worked closely with their data throughout my career. I have served in various capacities with the National Research Council of the National Academy of Sciences, which is regularly asked to write reports

about the data issues that these agencies deal with, and I have served on or written papers for several of these research panels. I have participated in panels at professional associations that discussed data issues within these agencies. I know many of the senior career employees at these agencies.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

I have served in senior management positions and understand the necessity for management and accounting controls and the value that they can provide by reducing risk and improving the overall functioning of an organization when effectively utilized.

From 1999–2007, I served as Dean of the Gerald R. Ford School of Public Policy within the University of Michigan. At the Ford School I was responsible for overseeing all faculty and staff hiring, student and curricular issues, communication and outreach functions, budgets, and building issues. My entire time there was spent implementing a long-term strategic plan for the Ford School, a unit that had been created from a much smaller program several years before I arrived. During my time at the Ford School, the organization quadrupled in size, initiated two major new educational degree programs, established three new research centers, built a new building, and established a significant endowment. Much of my management work was spent dealing with the sort of organizational change that rapid growth can induce.

While serving as Dean of the Ford School, I was also part of the leadership team at the University of Michigan, a very large educational and research organization with 32,000 faculty and staff and over 40,000 students. I worked within the budget, human resource, and planning systems of that University, making sure that they were effectively implemented within my unit and occasionally working to improve these systems when needed.

In addition, I have worked on the Boards of Directors of a number of non-profit organizations, with responsibility for overseeing the financial and management decision-making within these organizations. I have run two major research centers, effectively overseeing their staffing, finances, and program. And I have worked previously in a senior position inside government, as a Member of the Council of Economic Advisers, which provided me with some familiarity with Federal personnel and oversight systems.

20. What do you believe to be the top three challenges facing the department/agency, and why?

My answer focuses on the top three challenges facing the person who will serve as Under Secretary for Economic Affairs and head of the Economics and Statistics Administration within the Department of Commerce:

1. Ensuring as accurate a count in the 2010 Census as possible. Given how close we are to the 2010 Census, it must be a top priority to assist the Census Bureau in executing the strategic and logistic plans that will make the 2010 Census as complete as possible. This includes effective outreach to historically undercounted populations, well-run logistics to hire and train more than a million enumerators, and the management of effective systems to gather and process this data as it arrives.

2. Serving as an effective resource and voice from the Department of Commerce to those interagency task groups that are working inside the Administration on issues of economic import where the Department of Commerce has clear interests. This includes the range of issues that will affect U.S. businesses and consumers, from the automobile bailout to health care reform to climate change. There are a number of major policy challenges that this Administration is working to address. The Department of Commerce should be involved in these discussions to make sure that the impact of any new policy proposals on the competitiveness and productivity of the U.S. economy is thoroughly understood.

3. In a deepening economic recession, providing timely information and advice to the Secretary and to others inside and outside the Department of Commerce who look to data produced within the Department of Commerce for current economic news. In the current uncertain economic climate, the leadership within Commerce has to be able to speak effectively about the risks and possibilities facing the Nation and U.S. businesses and consumers. The Economics and Statistics Administration is in a particularly important position since it oversees two of the agencies that produce many of the most closely-followed economic statistics. ESA must work with the Census Bureau and the Bureau of Economic Analysis to make sure these data are of as high quality as possible and are pro-

duced in as timely a manner as possible, and should seek ways to present this data in the clearest and most usable forms.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

When hired at Brookings (7/1/08), I was given a bonus as prepayment for expected bonuses in the first 2 years of employment, income which is included in my reported 2008 income. My offer letter explicitly indicated that I was to repay this bonus (on a pro-rated basis) if I left Brookings prior to 6/30/2010. If I am confirmed, I will make the appropriate repayment prior to joining the Department of Commerce. Depending on how Brookings chooses to deal with this repayment, it will affect the income that is reported in section E below (not available to the public).

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I have no commitments or agreements about maintaining an affiliation with any organization. I expect to maintain my membership with a set of professional organizations that reinforce my credibility as an economist and policy analyst. This includes the following organizations:

American Economic Association

Labor and Employment Relations Association

Association for Public Policy Analysis and Management

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been 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 have signed several petitions that gathered signatures from economists to support specific legislative initiatives. To the best of my recollection, this includes a petition in favor of increasing the minimum wage, a petition supporting revisions to the official poverty measure, and a petition in favor of the Employee Free Choice Act. I also recently signed a statement by a group of economists urging states to do everything possible to limit their cuts to human services in the current budget crisis.

I have regularly engaged in written and verbal discussions of the current economy, analyzed policy options and stated my support for a variety of economic policy approaches. Over the past year, I have been particularly active in a series of conversations with interested parties about improved ways to measure U.S. poverty (the poverty statistics are produced within the Census Bureau.) I have written about this and spoken about it. There was legislation introduced last year in the House and Senate to implement an improved poverty measure, which I verbally endorsed on a number of public occasions.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics of-

ficial to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

I have never been personally involved in any litigation or administrative agency proceeding. In their long history, the Universities for which I have worked have been regularly involved in various litigation and administrative proceedings.

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

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

I. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

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.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

APPENDIX

CURRICULUM VITAE—APRIL 2009

RESUME OF REBECCA M. BLANK

Education

Ph.D. in Economics, Massachusetts Institute of Technology, June 1983.

B.S. in Economics, Summa Cum Laude, University of Minnesota, June 1976.

Employment and Academic Appointments

Brookings Institution, July 2008–present.

Robert S. Kerr Senior Fellow, Economic Studies.

Robert S. Kerr Visiting Fellow, Economic Studies (2007–08).

University of Michigan, August 1999–2008.

Henry Carter Adams Collegiate Professor of Public Policy, Gerald R. Ford School of Public Policy Professor of Economics, Department of Economics.

Co-Director, National Poverty Center, 2002–2008.

Joan and Sanford Weill Dean of Public Policy, Gerald R. Ford School of Public Policy, 1999–2007.

Council of Economic Advisers, Washington, D.C., October 1997–July 1999.

Member-nominee, October 1997–October 1998; Member, October 1998–July 1999.

Northwestern University, September 1989–July 1999.

Director, Joint Center for Poverty Research, 1996–97.

Professor of Economics, 1994–1999; Associate Professor of Economics, 1989–94.

Research Faculty, Center for Urban Affairs and Policy Research, 1989–99.

Associate Professor, School of Education and Social Policy, 1989–93.

Co-Director, Northwestern/University of Chicago Interdisciplinary Training Program in Poverty, Race, and Underclass Issues, 1991–96.

Council of Economic Advisers, Washington, D.C., August 1989–July 1990.

Senior Staff Economist.

Princeton University, September 1983–August 1989.

Assistant Professor of Economics and Public Affairs.

Department of Economics and Woodrow Wilson School of Public and International Affairs.

Massachusetts Institute of Technology, September 1988–May 1989.

Visiting Assistant Professor of Economics.

University of Wisconsin-Madison, Fall 1985.

Visiting Fellow, Department of Economics and Institute for Research on Poverty.

Data Resources, Inc., June 1976–August 1979.

Consultant and Educational Coordinator, Chicago Office.

Honors

Outstanding Alumni Achievement Award, University of Minnesota, 2008.

Winter Commencement speaker, College of Liberal Arts, University of Minnesota, December 2008.

Fellow, American Academy of Arts of Sciences, 2005.

Fellow, Society of Labor Economists, 2006.

Lifetime National Associate, National Academies of Sciences, 2004.

Elected member, National Academy of Social Insurance.

Selected Named Lectures:

Distinguished Public Policy Lecture, Institute for Policy Research, Northwestern University, April 2009.

Aaron Wildaysky Lecture, Goldman School of Public Policy, UC-Berkeley, March 2009.

Sulzberger Lecture, Sanford Institute of Public Policy, Duke University, September 2008.

McMylar Lecture, Department of Economics, Case Western Reserve University, April 2007.

American Enterprise Lecture, Furman University, March 2007.

Alice Cook Lecture, School of Industrial and Labor Relations, Cornell University, October 2006.

Kurt W. Rothschild Lecture, Department of Economics, Johannes Kepler University, Linz, Austria, November 2005.

Bazzani Lecture, Institute for Government and Public Affairs, University of Illinois, October 2004.

Monroe-Paine Lecture, Truman School, University of Missouri, March 2003.

Wellington-Burnham Lecture, Department of Economics, Tufts University, October 2002.

Merrick Lecture, Department of Economics, University of Virginia, April 2002.

Adam Smith Lecture, European Association of Labour Economists, September 2001.

J. Douglas Gibson Lecture, School of Policy Studies, Queen's University, Canada, March 2000.

Distinguished Lecture on Economics in Government, Society of Government Economists, January 2000.

Frank Paish Lecture, Royal Economic Society, April 1999.

1997 Richard A. Lester Prize for the Outstanding Book in Labor Economics and Industrial Relations.

1993 David Kershaw prize winner. Awarded bi-annually by the Association of Public Policy Analysis and Management to the young scholar (under age 40) whose research has had the most impact on the public policy process.

1985 Junior Faculty Teaching Award, Department of Economics, Princeton University.

President, M.I.T. Graduate Economics Association, 1980–1982.

Summa Cum Laude degree in Economics, B.S., University of Minnesota, 1976.

Phi Beta Kappa, 1975.

Publications—Books

Insufficient Funds: Savings, Assets, Credit and Banking Among Low-Income Households (with Michael S. Barr). New York: Russell Sage Foundation. 2009, forthcoming. (Co-editor and co-author on one article in the volume.)

Working and Poor: How Economic and Policy Changes are Affecting Low Wage Workers (with Sheldon Danziger and Robert Schoeni). New York: Russell Sage Foundation. 2006. (Co-editor and co-author on two articles in the volume.)

Measuring Racial Discrimination (with Marilyn Dabady and Connie Citro). Washington, D.C.: National Research Council, National Academy Press. 2004.

Is the Market Moral? A Dialogue on Religion, Economics, and Justice (with William McGurn). Washington, D.C.: Brookings Institution. 2004.

The New World of Welfare. Washington, D.C.: Brookings Institution. 2001. (Co-editor with Ron Haskins and co-author of two articles in the volume.)

Finding Jobs: Work and Welfare Reform. New York: Russell Sage Foundation. 2000. (Co-editor with David Card and co-author of two articles in the volume.)

It Takes A Nation: A New Agenda for Fighting Poverty. Princeton: Princeton University Press. 1997.

Social Protection vs. Economic Flexibility: Is There a Tradeoff? Chicago: University of Chicago Press. 1994. (Editor and author of two articles in the volume.)

Do Justice: Linking Christian Faith and Modern Economic Life. Cleveland, OH: Pilgrim Press. 1992.

Publications—Journal Articles and Book Chapters

"Economic Change and the Structure of Opportunity for Less-Skilled Workers." In *Changing Poverty*, Maria Cancian and Sheldon H. Danziger, eds. New York: Russell Sage Press. Forthcoming.

"A Cautionary Tale About the Use of Administrative Data: Evidence from Age of Marriage Laws." (with Kerwin Charles and James M. Sallee). *American Economic Journal: Applied Economics*. 2009, forthcoming.

"The Growing Problem of Disconnected Single Mothers" (with Brian K. Kovak). In *Making the Work-Based Safety Net Work Better*, Carolyn J. Heinrich and John Karl Scholz, eds. New York: Russell Sage Press. 2009, forthcoming.

"What We Know, What We Don't Know, and What We Need to Know About Welfare Reform." In *Welfare Reform and Its Long-term Consequences for America's Poor*. James Ziliak, ed. Cambridge, UK: Cambridge University Press. Forthcoming.

"The New American Model of Work-Conditioned Public Support." In *United in Diversity? European and American Social Models,* Jens Alber and Neil Gilbert, eds. Oxford, UK: Oxford University Press. Forthcoming.

Improving the Measurement of Poverty (with Mark H. Greenberg). The Hamilton Project Discussion Paper 2008–17. December 2008.

"A Christian Perspective on the Role of Government in a Market Economy." In *Global Neighbors: Christian Faith and Moral Obligation in Today's Economy*, Douglas A. Hicks And Mark Valeri, eds. Grand Rapids, MI: Eerdmans. 2008.

"The Changing Incidence and Severity of Poverty Spells Among Single Mothers" (with David Card). *American Economic Review*. Vol 98(2): 387–91. May 2008.

"How to Improve Poverty Measurement in the United States." *Journal of Public Analysis and Management.* Vol 27(2): 233–54. Spring 2008.

"Improving the Safety Net for Single Mothers Who Face Serious Barriers to Work." *Future of Children,* Vol 17(2): 183–97. Fall 2007.

"Assessing Racial Discrimination: Methods and Measures" (with Douglas S. Massey). In *Fragile Rights Within Cities: Government, Housing, and Fairness*. John Goering, ed. Lanham, MD: Rowman and Littlefield. 2007.

"Introduction" and editor of the special issue, "Evaluating Social Policy Changes in EU Countries." *Journal of Labour Economics*. Vol 13(6):665–6. December 2006.

"Was Welfare Reform Successful?" *The Economists' Voice*. Vol 3(4):Article 2. (*http://www/bepress.com/ev/vol3/iss4/art2*). March 2006. Reprinted in *The Economists' Voice: Top Economists Take on Today's Problems*, Joseph E. Stiglitz, Aaron S. Edlin, and J. Bradford DeLong, eds. New York: Columbia University Press. 2008.

"Are Less-Educated Women Crowding Less-Educated Men Out of the Labor Market?" (with Jonah Gelbach). In *Black Males Left Behind*, Ronald B. Mincy, ed. Washington, D.C., Urban Institute Press. 2006.

"What Did the 1990s Welfare Reforms Accomplish?" In *Public Policy and the Income Distribution*, Alan J. Auerbach, David Card, and John M. Quigley, eds. New York: Russell Sage Foundation. 2006.

"Market Behavior and Christian Behavior." In *Faithful Economics: The Moral Worlds of a Neutral Science,* James W. Henderson and John Pisciotta, eds. Waco, TX: Baylor University Press. 2005.

"Poverty, Policy and Place: How Poverty and Policies to Alleviate Poverty are Shaped by Local Characteristics." *International Regional Science Review*. Vol 28(4):441–64. October 2005.

"An Overview of Welfare-to-Work Efforts." *CESifo DICE Report, Journal of Institutional Comparisons*. Vol 3(2): 3–7. Summer 2005.

"Tracing the Economic Impact of Cumulative Discrimination." *American Economic Review*. Vol 95(2):99–103. May 2005.

Comment on "Assessing the Impact of Welfare Reform on Single Mothers." *Brookings Papers on Economic Activity*. 2004(1):.96–102. 2004.

"Selecting Among Anti-Poverty Policies: Can an Economist be Both Critical and Caring?" *Review of Social Economy*. Vol 61(4):447–69. December 2003.

"Economics, Policy Analysis, and Feminism" (with Cordelia W. Reimers). In *Feminist Economics Today: Beyond Economic Man*, Marianne Ferber and Julie Nelson, eds. Chicago: University of Chicago Press. 2003.

"The Less Skilled Labor Market in Michigan." In *Michigan at the Millennium*, Chapter 18, Charles L. Ballard, Paul N. Courant, Douglas C. Drake, Ronald C. Fisher, and Elisabeth R. Gerber, editors. East Lansing, MI: Michigan State University Press. 2003.

"Changes in the Distribution of Children's Family Income Over the 1990s" (with Robert Schoeni). *American Economic Review*. Vol 93(2):304–8. May 2003.

"U.S. Welfare Reform: What's Relevant for Europe?" *CESifo Economic Studies*. Vol 49(1):48–74. 2003. Reprinted in *Hacienda Pública Española*, Monografia 2003, pp. 15–36.

"What Do Economists Have to Contribute to Policy Decision-Making?" *Quarterly Review of Economics and Finance*. Vol 42(5):817–26. Winter 2002.

"Evaluating Welfare Reform in the U.S." *Journal of Economic Literature*. Vol 40(4): 1105–66. December 2002.

"Can Equity and Efficiency Complement Each Other?" *Labour Economics*. Vol 9(4): 451–68. September 2002.

"Comments on *Promoting Economic Literacy*." *American Economic Review*. Vol 92(2): 476–77. May 2002.

"The Clinton Legacy for America's Poor" (with David T. Ellwood). In *American Economic Policy in the 1990s*. Jeffrey A. Frankel and Peter R. Orszag, eds. Cambridge, MA: MIT Press. 2002.

"The Economics of Welfare Programs." In *International Encyclopedia of the Social and Behavioral Sciences*, Neil J. Smelser and Paul B. Baltes, eds. Oxford: Pergamon. 2001.

"Labor and the Sustainability of Output and Productivity Growth" (with Matthew Shapiro). In *The Roaring Nineties: Can Full Employment be Sustained?* Alan B. Krueger and Robert Solow, eds. New York: Russell Sage. 2001.

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"Strong Employment, Low Inflation: How Has the U.S. Economy Done So Well?" *Canadian Public Policy*. Vol 26(Supplement):S175–86, July 2000.

"Enhancing Opportunities, Skills, and Security of American Workers." In *A Working Nation: Workers, Work and Government in the New Economy,* with David T. Ellwood, Rebecca M. Blank, Joseph Blasi, Douglas Kruse, William A. Niskanen, and Karen Lynn-Dyson. New York: Russell Sage Foundation. 2000.

"Comment: The State of British Economics." *Economic Journal.* Vol 110(464):350–54. June 2000.

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"When Can Public Policy Makers Rely on Private Markets? The Effective Provision of Social Services." *Economic Journal*. Vol 110(462):C34–C49. March 2000.

"Gender and Race in the Labor Market" (with Joseph Altonji). In *Handbook of Labor Economics, Volume 3C*. Orley C. Ashenfelter and David Card, eds. New York, NY: Elsevier Science Press. 1999.

"What Goes Up Must Come Down? Explaining Recent Changes in Public Assistance Caseloads" (with Geoffrey Wallace). In *Economic Conditions and Welfare Reform*. Sheldon Danziger, ed. Kalamazoo, MI: Upjohn Institute. 1999.

"Labor Market Dynamics and Part-time Work." In *Research in Labor Economics. Vol 17.* Solomon W. Polachek, ed. Greenwich, CN: JAI Press. 1998.

"Trends in the Welfare System." In *Welfare, the Family, and Reproductive Behavior: Research Perspectives.* National Research Council, Robert Moffitt, ed. Washington, D.C.: National Academy Press. 1998.

"Contingent Work in a Changing Labor Market." In *Generating Jobs: How to Increase Demand for Less-Skilled Workers.* Richard B. Freeman and Peter Gottschalk, eds. New York: Russell Sage Foundation. 1998.

"Why Has Economic Growth Been Such an Ineffective Tool Against Poverty in Recent Years?" In *Poverty and Inequality: The Political Economics of Redistribution*, Jon Neill, ed. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research. 1997.

"Research and Policy Reflections on the Structural Changes Occurring in North American Labour Markets." In *Transition and Structural Change in the North American Labour Market*, Michael G. Abbott, Charles M Beach and Richard P. Chaykowski, eds. Kingston, Ontario: IRC Press at Queen's University. 1997.

"Policy Watch: The 1996 Welfare Reform." *Journal of Economic Perspectives*. Vol 11(1): 169–77. Winter 1997.

"The Misdiagnosis of Eurosclerosis." *The American Prospect*. No. 30:81–85. January–February 1997.

"State Abortion Rates: The Impact of Policies, Providers, Politics, Demographics, and Economic Environment" (with Christine C. George and Rebecca A. London). *Journal of Health Economics*. Vol 15:513–53. Fall 1996.

"Trends in the Working Poor: The Impact of Economy, Family, and Policy" (with Rebecca London). In *America's Working Poor*. Thomas R. Swartz and Kathleen Maas Weigert, eds. Notre Dame, IN: University of Notre Dame Press. 1996.

"When Do Women Use AFDC and Food Stamps? The Dynamics of Eligibility vs. Participation" (with Patricia Ruggles). *Journal of Human Resources*. Vol 31(1):57–89. Winter 1996.

"Trends in Poverty in the United States." In *The State of Humanity*, Julian L. Simon, editor. Cambridge, MA: Blackwell. 1995.

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"Outlook for the U.S. Labor Market and Prospects for Low-Wage Entry Jobs." In *The Work Alternative: Welfare Reform and the Realities in the Job Market.* Demetra

S. Nightingale and Robert H. Haveman, eds. Washington, D.C.: Urban Institute Press. 1995.

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"The Employment Strategy: Public Policies to Increase Work and Earnings." In *Confronting Poverty: Prescriptions for Change.* Sheldon H. Danziger, Gary D. Sandefur, and Daniel H, Weinberg, eds. Cambridge, MA: Harvard University Press. 1994.

"Does a Larger Social Safety Net Mean Less Economic Flexibility?" In *Working Under Different Rules*, Richard B. Freeman, ed. New York: Russell Sage Foundation. 1994.

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"The Widening Wage Distribution and its Policy Implications." In *Aspects of Distribution of Wealth and Income*. Dimitri B. Papadimitriou, ed. New York: St. Martin's Press. 1994.

"Poverty, Income Distribution, and Growth: Are They Still Connected?" (with David Card). *Brookings Papers on Economic Activity*. Vol 1993(2):285–325. 1993.

"Why Were Poverty Rates So High in the 1980s?" In *Poverty and Prosperity in the Late Twentieth Century*, Dimitri B. Papadimitriou and Edward N. Wolff, eds. London: Macmillan Press. 1993.

"Responding to Need: A Comparison of Social Safety Nets in the U.S. and Canada" (with Maria Hanratty). In *Small Differences that Matter*, David Card and Richard Freeman, eds. Chicago: University of Chicago Press. 1993.

"What Should Mainstream Economists Learn from Feminist Theory?" In *Beyond Economic Man: Feminist Theory and Economics*, Marianne A. Ferber and Julie A. Nelson, eds. Chicago: University of Chicago Press. 1993.

Multiple Program Use in a Dynamic Context: Data From the SIPP (with Patricia Ruggles). Report to the U.S. Bureau of the Census, No 9301. December 1992.

"Using the Survey of Income and Program Participation to Understand Poverty and Economic Need," (with Patricia Ruggles). *Journal of Economic and Social Measurement*. Vol 18:155–76. 1992.

"Down and Out in North America: Recent Trends in Poverty in the U.S. and Canada" (with Maria Hanratty). *Quarterly Journal of Economics*. Vol 107(1):233–54. February 1992.

"A Feminist Perspective on Economic Man?" In *Revolutions in Knowledge: Feminism in the Social Sciences,* Susan R. Zalk and Janice Gordon-Kelter, eds. Boulder, CO: Westview Press. 1992.

"The Effects of Double-Blind versus Single-blind Reviewing: Experimental Evidence from the American Economic Review." *American Economic Review*. Vol 81(5):1041–67. December 1991. Reprinted in *Publishing Economics: Analyses of the Academic Journal Market in Economics*, Joshua Gans, ed. Cheltenham, UK: Edward Elgar. 2000.

"Recent Trends in Insured and Uninsured Unemployment: Is There an Explanation?" (with David Card). *Quarterly Journal of Economics*. Vol 106(4):1157–89. November 1991.

"Understanding Part-time Work." In *Research in Labor Economics, Volume 11*, Lauri J. Bassi and David L. Crawford, eds. Greenwich, CN: JAI Press. 1990.

"Are Part-time Jobs Bad Jobs?" In *A Future of Lousy Jobs? The Changing Structure of U.S. Wages*, Gary Burtless, editor. Washington, D.C.: The Brookings Institution. 1990.

"Recent Trends in Housing Conditions Among the Urban Poor" (with Harvey S. Rosen). In *Research in Urban Economics, Volume 8,* Mark A. Hughes and Therese J. McGuire, eds. Greenwich, CN: JAI Press. 1990.

"Linking Faith and Economics: The UCC Experience" (with Audrey R. Chapman). *PRISM: A Theological Forum for the United Church of Christ*. Vol 5(1):5–14. Spring 1990.

"Why Are Wages Cyclical in the 1970s?" *Journal of Labor Economics*. Vol 8(1):16–57. January 1990.

"Analyzing the Duration of Welfare Spells." *Journal of Public Economics*. Vol 39(3):245–73. August 1989.

"Women and the Economics of Military Spending" (with Lourdes Beneria). In *Rocking the Ship of State: Toward A Feminist Peace Politics*, Adrienne Harris and Ynestra King, eds. Boulder, CO: Westview Press. 1989.

"Disaggregating the Effect of the Business Cycle on the Distribution of Income." *Economica*. Vol 56(2):141–63. May 1989.

"The Role of Part-Time Work in Women's Labor Market Choices Over Time." *American Economic Review*. Vol 79(1):295–99. May 1989.

"The Effect of Medical Need and Medicaid on AFDC Participation." *Journal of Human Resources*. Vol 24(1):54–87. Winter 1989.

"Poverty and Policy: The Many Faces of the Poor." In *Prophetic Visions and Economic Realities: Protestants, Jews, and Catholics Confront the Bishops' Letter on the Economy*, Charles R. Strain, editor. Grand Rapids, MI: William B. Eerdmans Publishing Co, 1989.

"Women's Paid Work, Household Income, and Household Well-Being." In *The American Woman 1988–89: A Status Report*, Sara E. Rix, editor. New York, NY: W.W. Norton & Co, 1988. p123–61.

"The Effect of Welfare and Wage Levels on the Location Decisions of Female-Headed Households." *Journal of Urban Economics*. Vol 24(2):186–211. September 1988.

"Simultaneously Modeling the Supply of Weeks and Hours of Work Among Female Household Heads." *Journal of Labor Economics*. Vol 6(2):177–204. April 1988.

"Welfare Payment Levels and the Migration of Female-Headed Families." In *Readings, Issues, and Questions in Public Finance,* Eleanor Brown, editor. Homewood, IL: Richard D. Irwin, Inc, 1988.

"Part-Time Work and Wages Among Adult Women." *Industrial Relations Research Association Series, Proceedings of the 39th Annual Meeting*. Madison, WI: Industrial Relations Research Association, May 1987. p479–86.

"Macroeconomics, Income Distribution and Poverty" (with Alan S. Blinder). In *Fighting Poverty: What Works and What Doesn't*, Sheldon H. Danziger and Daniel H. Weinberg, eds. Cambridge, MA: Harvard University Press, 1986.

"The Effect of U.S. Defense Spending on Employment and Output" (with Emma Rothschild). *International Labour Review*. Vol 124(6):677–97. December 1985.

"The Impact of State Economic Differentials on Household Welfare and Labor Force Behavior." *Journal of Public Economics*. Vol 28(1):25–58. October 1985.

"An Analysis of Worker Sectoral Choice: Public vs. Private Employment." *Industrial and Labor Relations Review*. Vol 38(2):211–24. January 1985.

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"A Review of *America Works*." *Industrial and Labor Relations Review*. Vol 62(2):252–253. January 2009.

"A Review of the Labor Market Discussion in the 2006 *Economic Report of the President*." *Journal of Economic Literature*. Vol 44(3):669–73. September 2006.

"A Review of *The Moral Ecology of Markets*." *International Journal of Social Economics* Vol 33(11–12): 862–63. Fall 2006.

"Worker Needs and Government Response: A Comment on *Working in America: A Blueprint for the New Labor Market*." *Industrial and Labor Relations Review*. Vol 55(4): 733–36. July 2002.

"A Review of *The Color of Opportunity: Pathways to Family, Welfare, and Work*." *Journal of Economic Literature.* Vol 40(2):550–51. June 2002.

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"A Review of *The Evaluation of the Washington State Family Independence Program*." *Industrial and Labor Relations Review*. Vol 48(4):860–1. July 1995.

"A Review of *Impostors in the Temple*," *Journal of Economic Education*. Vol 24(3): 283–6. Summer 1993.

"A Review of *Evaluating Employment and Training Programs*," *Journal of Policy Analysis and Management*. Vol 12(3):596–8. Summer 1993.

"A Review of *Understanding the Gender Gap*," *Economica*. Vol 59(233):123–4. February 1992.

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"Promoting Banking Services among Low-Income Customers." *New England Community Developments*. Federal Reserve Bank of Boston. 2008, Issue 3.

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"Living Faithful Lives in a Market Economy," *Church and Society*, Presbyterian Church (U.S.A.) Vol 96(4): 12–17, March/April 2006.

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"The Causes and Consequences of Rising Out-of-Wedlock Birthrates." Testimony to the Subcommittee on Human Resources, Ways and Means Committee, U.S. House of Representatives, Hearings on Welfare Reform. January 13, 1995.

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"The New Model Democrat: Can We Look to Clinton for a New Model of Economic Activism?" *New Economy*. Autumn 1993. p32–5.

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"The Impact of Earnings Disregards on the Behavior of Low Income Families" (with Jordan Matsudaira). National Bureau of Economic Research Working Paper #14038. May 2008.

"Public Policies to Alter the Use of Alternative Financial Services Among Low-Income Households." Paper prepared for the Federal Reserve Board of Governors. April 2008.

"Labor Markets and Human Capital Investment in Michigan: Challenges and Strategies" (with James M. Sallee). Paper prepared for the conference Where Do We Go From Here? An Agenda-Setting Conference for the Economic Issues Facing Michigan. March 2006.

"What Has Welfare Reform Accomplished? Impacts on Welfare Participation, Employment, Income, Poverty, and Family Structure," (with Robert Schoeni). National Bureau of Economic Research Working Paper No. 7627. Cambridge, MA: NBER. March 2000.

Grants Received *(excludes institutional grants solicited while Dean)*

Charles Stewart Mott Foundation. "Poverty Reduction Strategies for the Next Decade." June 2008–December 2008.

Joint funding from the Russell Sage Foundation and Spencer Foundation. "Social Inequality and Educational Disadvantage." July 2008–December 2010.

U.S. Department of Health, Education and Welfare, Office of the Assistant Secretary for Planning and Evaluation. "Funding to renew the National Poverty Center." September 2007–August 2010. (Sheldon Danziger, co-PI).

Ford Foundation, "Access, Assets and Poverty: The Role of Financial Services Among Low And Moderate-Income Households." January 2007–December 2008.

Charles Stewart Mott Foundation. "Shifting Resources: Research Project and Conference." January 2004–December 2005.

Joyce Foundation. "Michigan Conference to Prepare for Welfare Reform Reauthorization." September 2001–January 2002.

U.S. Department of Health, Education and Welfare, Office of the Assistant Secretary for Planning and Evaluation. "Funding to establish the National Poverty Center." September 2002–August 2007.

Joint funding from the Annie E. Casey Foundation and Charles Stewart Mott Foundation. "The New World of Welfare." September 1999–December 2001.

Russell Sage Foundation. "Race and Gender in the Labor Market." Joint with Joseph Altonji. March 1997–December 1997.

U.S. Department of Health, Education and Welfare, Office of the Assistant Secretary for Planning and Evaluation. "Funding to establish the Joint Center for Pov-

erty Research at Northwestern University and the University of Chicago." July 1995–June 2000 (Robert Michael, co-PI).

National Science Foundation Research Grant #SBR95–11090. "An Analysis of Changing Patterns in Public Assistance Use." August 1995–July 1997.

Joint funding from the Rockefeller Foundation and the Russell Sage Foundation. "Changing Poverty/Changing Jobs." September 1994–August 1995.

National Science Foundation Research Grant #SES–9209245, "Labor Market Dynamics and the Use of Part-time Work." November 1992–October 1994.

Joint Statistical Agreement, U.S. Bureau of The Census, "Multiple Program Use in a Dynamic Context in the Survey of Income and Program Participation." September 1991–August 1992.

Jerome Levy Economics Institute, Research Project on the Distribution of Income and Wealth, "Why Are Poverty Rates So High in the 1980s?" September 1990–July 1991.

National Science Foundation, Visiting Professorships for Women Award, "Exploring Income Opportunities for Low-Income Households," September 1988–July 1989.

National Science Foundation Research Grant #SES–8606456, "Analyzing the Nature and Extent of Welfare Income Dependency," August 1986–July 1988.

Small Grants Program Award, Institute for Research on Poverty, University of Wisconsin, 1984.

Sloan Foundation Graduate Fellowship, 1982–1983.

National Science Foundation Graduate Fellowship, 1979–1982.

Selected Professional Activities

Within Professional Organizations in the Social Sciences or Policy

National Academy of Sciences

Member, Division Committee for the Behavioral and Social Sciences and Education (DBASSE), National Research Council, 2003–08.

DBASSE Executive Committee member, 2005–08.

Member, Committee on the Fiscal Future of the United States, 2008–present.

Chair, Workshop to Reconsider the Federal Poverty Measure, Committee on National Statistics, 2004–05.

Chair, Panel on Methods for Assessing Discrimination, Committee on National Statistics, 2001–2004.

Member, Panel on Poverty Measurement and Family Assistance, Committee on National Statistics, 1992–95.

Association for Public Policy Analysis and Management

President, 2007.

Executive Committee member, 2006–08.

Policy Council member, 2001–04.

Public Policy and International Affairs Program

Board Chair, 2003–06.

Vice Chair, 2001–03.

American Economic Association

Vice President, 2007.

Executive Committee member, 1995–97.

Committee on the Status of Women in the Economics Profession (a subcommittee of the American Economic Association). Chair, 1993–96. Executive Board Member, 1990–96.

Midwest Economic Association

President, 2001–02.

Vice-President, 1994–95.

Within Research Organizations

Faculty Research Associate, *National Bureau of Economic Research*, 1990–present. Faculty Research Fellow, 1985–1990.

Faculty Associate, *National Academy of Sciences*, 2004–present.

Research Fellow, *IZA,* Bonn. 2007–present.

Faculty Affiliate, *Institute for Research on Poverty,* 1994–present.

Journal Affiliations

Board of Editors, *American Economic Journal: Economic Policy*, 2007–present.

Co-Editor, *Labour Economics*, 2004–2007. Associate Editor, 2007–present.

Co-editor, *Journal of Human Resources*, 1995–97.

Board of Editors, *American Economic Review*, 1993–97.

Advisory Board, *Journal of Public Economics*, 1993–97.

Advisory Board, *Journal of Economic Education*, 1992–97, 2002–present.

Advisory Board, *Feminist Economics*, 1994–97.

Selected Advisory Committees and Board involvement

Board of Directors, *MRDC* (formerly Manpower Demonstration Research Corporation.) 1993–97, 2000–present.

Board of Trustees, *Urban Institute*, 2007–present.

Board of Directors, *Economic Policy Institute*, 2008–present.

Visiting Committee, *Kennedy School of Government*, Harvard University, 2004–present.

Advisory Council, *Spotlight on Poverty and Opportunity*, 2007–present.

Scientific Advisory Committee, *DIW* (a research/policy think tank), Berlin, Germany, 2001–2004.

Honorary Advisory Council, *DIW–DC*, 2008–present.

Board of Directors, *Center for Budget and Policy Priorities*, 1994–97.

Advisory Committee, *New Hope Project* (a job training and employment program), Milwaukee, WI, 1992–97.

Advisory Committee, *Job Corps Evaluation* being run by Mathematica Policy Research, under contract for the Department of Labor, 1993–97.

Advisory Committee on Poverty Research, *Russell Sage Foundation*, 1994–97.

Research Advisory Committee, *W.E. Upjohn Institute for Employment Research*, 1995–96, 2000.

Senator WARNER. Thank you, Ms. Blank, thank you for your testimony. And I think we all love those one-page analysis papers.

[Laughter.]

Senator WARNER. Mr. Babbitt?

STATEMENT OF J. RANDOLPH BABBITT, ADMINISTRATOR-DESIGNATE, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. BABBITT. Thank you, Mr. Chairman, Ranking Member Hutchison, and Members of the Committee for the privilege of being able to address you today. It's an honor for me to appear before you today as President Obama's nominee for the Administrator of the Federal Aviation Administration. And I must admit that I'm flattered, and quite honestly, humbled by this nomination, and the opportunity to serve our Nation, Secretary LaHood, and the President.

Senator Warner, thank you, sir, for your kind introduction as we got underway.

I, too, would ask for your indulgence to allow me to take a moment to introduce my family. I have a couple of family members here with me today. My wife, Kathy Babbitt, along with my daughter and son-in-law, Heather and Mike Warstler. I have a contingency in Illinois watching, too, I believe.

By way of background, I have been involved in flying since I was 16 years old, when I soloed. I began flight instructing while I was

in college, and I left college early to pursue my goal of becoming an airline pilot back in 1966. And while flying professionally, I became active in the Air Line Pilots' Association, involved in both representation and labor relations.

In 1990, my work in the Air Line Pilots' Association, led to my election as its president, and I remained in office there until 1998. Afterwards, I continued to pursue my passion in aviation as a private consultant.

In 1999, I had the honor of being nominated by President Clinton, to serve as a member of the FAA's Management Advisory Council, and last summer I had the privilege of serving on the Department of Transportation's Internal Review Team at the request of the former Secretary, Mary Peters.

This team consisted of 5 members that had aviation, safety and risk management backgrounds. Our task was to review and report, on the background and the situation surrounding the groundings of two major carriers' aircraft at great expense to carriers, and at great inconvenience to their passengers.

During my aviation career of more than 40 years, I have had the opportunity to work closely with the FAA, with industry leaders, and with Members of Congress on major aviation safety issues, including one of which I'm personally most proud, "One Level of Safety."

I led this project in 1993 while I was President of ALPA. This program required regional carriers to begin to operate under the same rules, and at the same level of safety as their major carrier counterparts. If confirmed, I intend to build on my extensive experience in this industry to meet the Agency's current and future challenges. And our challenges are not small. We need to ensure that the world's safest skies become even safer, and that we continue to be recognized as the world leader of aviation safety. We need to move quickly and efficiently to implement our Next Generation Air Transportation (NextGen) to maximize our aviation systems' efficiency.

We can move our aircraft more quickly, and we can move them more efficiently with less carbon impact and smaller footprints and less noise with our new technology. But we need to move aggressively with implementation jointly by all of our stakeholders.

And within the FAA, we need to regain internal labor stability, neutral trust, and build on the can-do spirit of the entire FAA workforce, and we need to ensure the FAA's accountability and credibility in the delivery of its goals, its budgetary compliance, and its safety standards.

Mr. Chairman, I am honored by the trust that the President has placed in me as his nominee, and if confirmed, I pledge to do my utmost to guide the FAA through the many challenges that lie ahead, and I hope to use my experience to take our aviation system to a new peak of safety and efficiency with the same skill and judgment as shown by my colleagues in aviation.

I'd also like to thank this Committee, again, for its consideration of my nomination, and I look forward to working with you closely should the Senate act favorably.

I also would be happy to take any questions that you might have.

[The prepared statement and biographical information of Mr. Babbitt follows:]

PREPARED STATEMENT OF J. RANDOLPH BABBITT, ADMINISTRATOR-DESIGNATE, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Thank you Mr. Chairman, Ranking Member Hutchison, and Members of the Committee for the privilege of addressing you today. It is an honor to appear before you as President Obama's nominee for the Administrator of the Federal Aviation Administration, and I must admit that I am flattered and, quite honestly, humbled by this nomination and the opportunity to serve our Nation, Secretary LaHood and the President.

Before I begin, if I may, I would like to take a moment to introduce some of my family that have joined me today, my wife, Kathy Babbitt and my daughter and son-in-law, Heather and Mike Warstler. I am grateful that they could be here with me today. The understanding and support of my family have reinforced me in some challenging times over the years.

By way of background, I have been involved in flying since I was 16 years old when I first soloed. I continued flying and began flight instructing while in college. I left college early to pursue my goal of becoming an airline pilot in 1966. While flying professionally I became active in the Air Line Pilots Association, both in representation and labor relations. In 1990, my years of work with ALPA led to my election as President. I remained in office until 1998. AL PA itself is a large organization and represented at the time, over 40,000 professional pilots with a staff of almost 500 employees, a majority of whom were represented by unions.

After I left ALPA, due to the bankruptcy of my carrier, Eastern Airlines, I continued to pursue my passion in aviation as a private consultant.

In 1999, I had the honor of being nominated by President Clinton to serve as a member of FAA's Management Advisory Council and in 2006 I was elected Chairman of the Council. Last summer I had the privilege of serving on DOT's Internal Review Team at the request of former Secretary Mary Peters. This team consisted of five members with aviation safety and risk management backgrounds who were asked to review and report on the events surrounding the grounding of two major airlines' aircraft that resulted in enormous expense to those carriers and major disruptions to their passengers.

During my more than 40 years in aviation, I have had the opportunity to work closely with the FAA, industry leaders, and airport officials. I have worked in labor relations with airline management and their labor unions. I have worked with Members of Congress on major aviation safety issues, including one of which I am most proud, "One Level of Safety." I led this project in 1993 while I was President of ALPA. This program resulted in a major reworking of Federal regulations that required Regional Carriers to operate under the same rules and at the same level of safety as their Major Carrier counterparts.

I have seen first-hand the importance of cooperation and partnership between the stakeholders in advancing safety. I am quite proud of signing the first Flight Operations Quality Assurance (FOQA) letter with FAA Administrator, David Hinson, in 1995.

If confirmed, I intend to build on my extensive experience to meet the agency's current and future challenges by working to foster better communication within the aviation community including the flying-public, the manufacturers, the airlines, labor, the general aviation community and transportation leaders.

But our challenges are not small:

- We need to ensure that world's safest skies become even safer and that we are recognized as the world leader of aviation safety.
- We need to move quickly and efficiently to implement our NextGen Air Traffic Modernization program to maximize the aviation system's efficiency and to accommodate anticipated increases in traffic.
- We can move our aircraft more quickly, more efficiently with less carbon impact with our new technology, but we need to move aggressively with implementation jointly with all of our stakeholders.
- Within the FAA, we need to regain internal labor stability, mutual trust and build on the "can do" spirit of the entire FAA workforce.
- We need to work to ensure the FAA's accountability and credibility in delivery of its goals, budgetary compliance and safety standards.

I appreciate that later this year this Committee will consider the reauthorization of the FAA's programs. It will be a time to assess the agency's performance, set priorities, and support its missions with the necessary funding. If confirmed as Administrator, I will work closely with the Committee to help ensure that FAA's reauthorization process provides a platform to take our system to a new peak of safety and efficiency and provides wise use of the monies paid by our taxpayers and traveling public.

Mr. Chairman, I am honored by the trust the President has placed in me as his nominee. If confirmed, I pledge to do my utmost to guide the FAA through the many challenges that lie ahead and I hope to use my experience with the same level of skill and judgment shown by my colleagues in aviation. I would like to thank this Committee again for its consideration of my nomination, and I look forward to a close working relationship should the Senate confirm me. I would be pleased to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):

Jerome Randolph Babbitt, J. Randolph Babbitt, Randy Babbitt.

2. Position to which nominated: Administrator of the Federal Aviation Administration.

3. Date of Nomination: May 11, 2009.

4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 10780 Parkridge Blvd, Suite 75, Reston, VA 20191.

5. Date and Place of Birth: June 9, 1946; Miami, FL.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Katherine Hepfner Babbitt, Self employed Fitness Instructor; children: Tiffany Lane (Babbitt) Shuster, age 40 and Heather Leigh (Babbitt) Warstler, age 37.

7. List all college and graduate degrees. Provide year and school attended.

No College degrees.

Attended University of Georgia—1964–65.

University of Miami (FL)—1965–66.

George Mason University—1983–84.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Pilot, Eastern Airlines (1966–1991).

Executive Administrator, Air Line Pilots Association (1985–1990).

President, Air Line Pilots Association (1991–1998).

Principal of Babbitt & Associates (1999–2001).

Founder, Chairman and CEO of Eclat Consulting (2001–2007).

Partner, Oliver Wyman (2007 to present).

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years:

Member and past Chairman of the FAA Management Advisory Council Member since September of 2000 and was Chairman in 2006.

Member of the 2008 DOT Internal Review Team appointed by Secretary Peters, May through August of 2008.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years.

Eclat Consulting, Chairman and CEO (Mar. 2001 to Sep. 2007).

Oliver Wyman, Partner, (Sep. 2007 to present).

Access National Holding Company, Director, (Dec. 1999 to present).

National Capital Area Council, BSA, Executive Board Member, (2000 to present).

Edge City Holdings & eCitie Restaurant, Limited Partner, (2000 to present).

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

Saint Marks Church, Oakton, VA (1995 to present)—While this is a Catholic Church, people of all religious beliefs are welcome and membership is not based on religion.

National Capital Area Council (NCAC), Executive Board Member—Boy Scouts of America (2000 to present)—The Boy Scouts restrict membership based on sex and sexual orientation. (If confirmed, in accordance with my ethics agreement, I will resign from the NCAC Executive Board).

Lake Anna Civic Association (1992 to present)—There are no restrictions on membership.

13. Have you ever been a candidate for and/or held a public office (elected, nonelected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Friends of Senator Rockefeller—May 2004—$500.

Nikki Tinker for Congress—Feb. 2006—$500.

Nikki Tinker for Congress—July 2006—$500.

Dean Scontras for Congress—Sept. 2007—$500.

Nikki Tinker for Congress—June 2007—$500.

Nikki Tinker for Congress—Sept. 2007—$500.

Nikki Tinker for Congress—June 2008—$1,000.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Recognized in 1998 by *Aviation Week & Space Technology* with the Laurels Award for outstanding achievement in the field of Commercial Air Transport.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Panelist at 4th Annual FAA International Aviation Safety Forum—DCA (November 2007).

Speaker and Presenter at the FAA Forecast Conference—DCA (April 2006).

Speaker and Presenter at the NBTA Business Travel Financial Forum—NYC (March 2008).

Speaker and Presenter at the Environmental Business Coalition—Wind Energy Conference—BOS (May 2008).

Report of the DOT Independent Review Team—Charged by Secretary of Transportation Mary Peters to "Examine the FAA's Safety Culture and Approach to Safety Management"—(Sep 2008).

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

I have testified before Congress numerous occasions during my tenure as President of ALPA from 1991 through 1998. The testimony in this time-frame generally was focused on aviation safety and regulatory oversight issues. I also testified in my nomination to the Federal Aviation Management Advisory Council.

Title: Nominations to the Federal Aviation Management Advisory Council
Date: May 4, 2000
Committee on Commerce, Science, and Transportation. Senate

Title: Reauthorization of the FAA and Airport Improvement Program in Light of the Recommendations of the National Civil Aviation Review Commission
Date: Mar. 12, 18, 19, 25, 1998
Committee on Transportation and Infrastructure. House

Title: Aviation Competition Enhancement Act of 1997
Date: Oct. 28, 1997
Committee on Commerce, Science, and Transportation. Senate

Title: H.R. 991, To Apply the Railway Labor Act to Pilots Engaged in Flight Operations Outside the U.S.
Date: Sept. 9, 1997
Committee on Transportation and Infrastructure. House

Title: Proposal To Require Traffic Alert and Collision Avoidance Systems on Cargo Aircraft
Date: Feb. 26, 1997
Committee on Transportation and Infrastructure. House

Title: Aviation Safety: Should Airlines Be Required To Share Pilot Performance Records
Date: Dec. 13, 14, 1995
Committee on Transportation and Infrastructure. House

Title: Restructuring Air Traffic Control As a Private or Government Corporation
Date: Feb. 14, 15, 23, 1995
Committee on Transportation and Infrastructure. House

Title: Oversight Hearing on Aviation Safety
Date: Jan. 12, 1995
Committee on Commerce, Science, and Transportation. Senate

Title: H.R. 4957, To Amend the Railway Labor Act Concerning the Applicability of Requirements of That Act to U.S. Air Carriers and Flight Crews Engaged in Flight Operations Outside the U.S.
Date: Oct. 5, 1994
Committee on Public Works and Transportation. House

Title: Adequacy of Commuter Airline Safety Regulations
Date: Feb. 9, 1994
Committee on Public Works and Transportation. House

Title: To Amend the National Labor Relations Act and Railway Labor Act To Prevent Discrimination Based on Participation in Labor Disputes
Date: May 5, 1993
Committee on Public Works and Transportation. House

Title: Financial Condition of the Airline Industry
Date: Feb. 17, 18, 24, 1993
Financial Condition of the Airline Industry

Title: Government and Industry Programs Related to Aircraft Deicing and Other Safety Matters
Date: Aug. 4, 1992
Committee on Public Works and Transportation. House

Title: Commuter Airline Safety
Date: Mar. 17, 1992
Committee on Public Works and Transportation. House

Title: Airline Competition and Consumer Protection Legislation
Date: May 15, 22, 1991
Committee on Public Works and Transportation. House

Title: Prohibiting Permanent Replacement of Striking Workers
Date: Apr. 10, 1991
Committee on Public Works and Transportation. House

Title: Review of U.S. International Aviation Policy and Bilateral Agreements
Date: Mar. 19, 21, May 9, 1991
Committee on Public Works and Transportation. House

Title: Our Nation's Transportation and Core Infrastructure
Date: Feb. 20, Mar. 5, 20, Apr. 17, May 16, 1991
Committee on Public Works and Transportation. House

Title: Foreign Investment and International Route Sales
Date: Feb. 19, 1991
Committee on Commerce, Science, and Transportation. Senate

Title: Financial Condition of the Airline Industry and the Adequacy of Competition
Date: Feb. 5, 6, 1991
Committee on Public Works and Transportation. House

Title: Pension Benefit Guaranty Corporation: Does the Federal Government Protect Retirement Income
Date: Mar. 26, 1990
Committee on Government Operations. House

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I believe my background and previous employment have prepared me well to lead the FAA. This includes 14 years at the Air Line Pilots Association, with 6 years as its Executive Administrator and 8 years as its President and CEO. ALPA's total revenue was approximately $80 million annually. Additionally ALPA had over 40,000 members and a staff of almost 500 employees during my tenure. Employees were represented by two different professional unions.

I also was a founding partner of Eclat Consulting where I served as Chairman and CEO. Eclat grew to employ 15 full time professionals and generated approximately $5 million in annual revenues. In September of 2007, Eclat Consulting was purchased by Oliver Wyman, a subsidiary of March McLennan.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

It is critical that the FAA have proper management and accounting controls. If confirmed, I would like to review all ongoing and future projects to ensure that they all have clear lines of responsibility, authority, and accountability. Additionally, clear parameters should be established and budgetary expectations set forth for each project's manager.

My background includes managing ALPA, which had an $80 million dollar budget and close to 500 employees. I also founded and was the majority partner of Eclat Consulting. My tenure in the consulting world has provided me substantial experience in analyzing and evaluating the cost and operational structures of major U.S. and foreign corporations. "Process Improvement" and "Lean" evaluations are major components of the professional team at Oliver Wyman where I have been employed as a Partner.

20. What do you believe to be the top three challenges facing the department/agency, and why?

a. Maintaining and improving the public's and stakeholder's confidence in FAA's ability to provide oversight of aviation including oversight of air carrier operations, external repair facilities and runway safety initiatives.

b. Establishing priorities for NextGen, benchmarking commitments with stakeholders, and proceeding to align them in budget requests and final plans. The final plans should be implemented transparently and responsibility, with accountability clearly defined.

c. Ensure the proper staffing of the safety work forces including Air Traffic Controllers, Safety Inspectors and assuring that human factor issues are addressed for all safety related personnel.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

If confirmed, I plan to sever my employment with Oliver Wyman. Effective with my resignation, I will receive a prorated portion of my 2009 guaranteed bonus. However, as set out in my ethics agreement referenced below, I will forfeit rights to any other payments from Oliver Wyman.

I currently receive pension plan payments from two previous employers:

Eastern Airlines (Obligation assumed and paid by the PBGC).

Air Line Pilots Association (Obligation was satisfied by a purchased by MetLife) Annuity now in my name and thus paid directly.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been 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.

In my capacities as the President of the Air Line Pilots Association (ALPA), I advocated for regulatory changes as well as policies and legislation at the Federal level. All activities were on behalf of ALPA and the pilots represented by ALPA. I advocated for increased aviation infrastructure funding, as well as program funding and research to improve safety of both airline employees and the traveling public. I have also testified before Congress on specific topics such as: regulatory changes to ensure "one level of safely" for commercial airline transportation; funding of the Airport and Airways Trust Fund; pension reform; Extraterritorial application of the Railway Labor Act; support for airborne Traffic Alert and Collision Avoidance Systems; Commuter Airline Safety and Reauthorization of the FAA and Airport Improvement Program.

Earlier this year I volunteered time and thoughts for the Obama Labor Policy Transition Team on the subject of the Railway Labor Act and where and how the Act itself or the implementation of the policies set by the National Mediation Board might be modified to ensure the goals of the Act are achieved.

In my current role as a Partner for Oliver Wyman I have assisted clients to help analyze data to represent their own interests in Legislative or administrative proceedings. For example, my former firm (Eclat Consulting) was retained by American Airlines in 2006 to evaluate and model the traffic and financial effect of proposed modifications to the Wright Amendment and the potential impact on hub flow and small city connections if passengers diverted from Dallas-Fort Worth Airport to Love Field. Any potential conflicts of interest stemming from my work with these clients will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

I was a party in the divorce settlement, a civil proceeding, in 1978 from Paulette Peyton Babbitt, Mrs. Paulette Craft today.

As President of the Air Line Pilots Association (ALPA) I was involved in numerous civil proceedings both as a Defendant and as a Plaintiff in cases that would be considered routine in pilot representation. I have also been called upon to testify in arbitration cases of collective bargaining disputes and also as a witness in both civil and labor disputes in Federal courts.

My former company, Eclat Consulting was party to civil litigation (*Eclat* vs. *PA Consulting*) where my company and my partners and I were Defendants in a dispute during 2002. PA Consulting alleged that we were aware that one of their employees was going to breach his contract with the firm. This case was settled by the parties out of court.

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

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.

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.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. 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.

RESUME OF J. RANDOLPH BABBITT

Oliver Wyman, Partner (2007 to present)

I lead a highly qualified and experienced team in serving Oliver Wyman's global client base, providing a broad spectrum of practical expertise and consulting.

Eclat Consulting, Founder, Chairman and CEO (2001–2007)

I was the founding partner of Eclat Consulting, a highly successful aviation consultancy, in 2001 and was the President and CEO until Eclat was acquired by Oliver Wyman in 2007.

Babbitt & Associates, Principal (1999–2001)

I was the founder and principal of Babbitt & Associates in 1999, a small but successful boutique consultancy specializing in labor relations and labor cost evaluation and financial modeling. Clients included both domestic and international with substantial work done in both Argentina and Belgium.

Air Line Pilots Association, Executive Administrator (1985–1990), President (1991–1998)

I served as President and CEO for U.S. ALPA, the world's largest professional organization of airline pilots. I developed strategies to address the impact of competition, consolidation and globalization on the airline industry and its workforce.

Pilot, Eastern Airlines (1966–1991)

FAA Management Advisory Council, Past Chairman and Current Member (2000–Present)

I helped direct and achieve improvements in aviation safety and regulatory policy.

Appointments and Awards

The Laurels Award for outstanding achievement in the field of Commercial Air Transport from *Aviation Week & Space Technology*

Appointed to the special Internal Review Team in 2008 by DOT Secretary Mary Peters to assess safety oversight within the airline industry and the FAA.

Senator WARNER. Thank you, Mr. Babbitt.

And let me, again, thank all of the nominees—one, for their willingness to serve; two, you all have extraordinarily important challenges in front of you. I hope this Committee will act quickly on your nominations.

I have to apologize and head off to another session, so I believe I'm supposed to be turning over the gavel to Senator Udall. As somebody who has only been here for 127 days, to get the gavel for 45 minutes and have to turn it over after 45 minutes, it's a little challenging.

[Laughter.]

Senator WARNER. I will submit my questions for the record, and I look forward to working with all of you.

And Senator Udall, I'd ask you to step into the chair, thank you. Begin the first round of questions.

STATEMENT OF HON. TOM UDALL, U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Senator Warner, I'm going to defer and allow Senator Begich to take over here, if that's all right with you.

[Laughter.]

Senator WARNER. Well, it might be all right with me, we'd better make sure it's all right with Senator Lautenberg, too, though.

[Laughter.]

Senator LAUTENBERG. With this group of excellent candidates, Mr. Chairman, handling the gavel would be a pleasure. I assume that I speak for both sides, but each one can make their choices individually.

So, I thank you, I decline the honor if I might, and suggest that that person who would know something about aviation and distance and so forth.

Senator WARNER. Thank you. Senator Begich?

STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA

Senator BEGICH [presiding]. You know, I don't know if it's because I'm the last one on the row here, but I'll be happy to chair. I think we all have other meetings we're rushing back and forth to.

I'm not sure where the list is, I'm looking to staff to see who the first is, but I'm going to go to Senator Lautenberg because he graciously allowed me to be Chair for a second—then I'll flip it over. I'm waiting for the list, here, in a second. Just to be fair, I have a feeling I might have been first here. I was, but I'm going to first give it to Ranking Member Hutchison. And, I'll turn to you first, if that's OK, Senator Lautenberg, and then I'll come back.

Senator Hutchison, or—?

Senator LAUTENBERG. Senator Hutchison?

Senator HUTCHISON. I'd be happy to for you to go first.

Senator BEGICH. There we go.

Senator Lautenberg, you're on. Rock and roll.

[Laughter.]

Senator LAUTENBERG. You know, you've brought us all together. You didn't just bring the largest number of people I have ever seen at a hearing in this room, and we've been through war and peace, and economic disruption, but the popularity that each of you brings to this is really astounding.

And, with that, I want to say that this handoff is not one that has anything to do with your interest here, or ability, it has to do with overcrowded schedules.

Mr. Babbitt, the FAA has taken a major Airspace Redesign Project in New Jersey, New York, and the Philadelphia region, and it's going to result in a major overhaul of flight patterns there.

Unfortunately, the FAA has not adequately included the frontline air traffic controllers in the FAA's plan, in my view. Would you hold the implementation of the Airspace Redesign Project until you see that the interested parties, who have value to contribute, will be included?

Mr. BABBITT. Senator, I'm not exactly certain where that process stands at this point in time. I do understand there is some litigation surrounding it, so I'm not sure legally just what I could agree to do and not do.

But I would suggest to you that—on a personal basis—I would really like to solicit the input from all of the stakeholders in that area. The Secretary has announced a program to resolve some outstanding issues with the air traffic controllers. At this point in time, they haven't been active participants in this Redesign. I think it's very important—that they do play a role in this.

So, I can assure you that I would certainly pursue, and try and get the input of everybody, to the extent the law allows me, at this point.

Senator LAUTENBERG. I'm happy to hear you say it, and we're not being presumptive—there is an automatic that says, "If you are confirmed," everybody understands it. If you're not, it'll be a miracle.

Mr. Porcari, you had your advocates here really in tune. It was among the most glowing endorsements that I've heard for a nominee. And so when you hear what Senator Mikulski and Senator Cardin had to say, you come with excellent credentials supported by the momentary Chairman.

Now, last week Senator Rockefeller and I introduced legislation that would establish a long-overdue National Surface Transpor-

tation Policy, as well as set performance goals for the Nation's surface transportation system.

Do you believe that we need a national transportation plan that puts performance-based measures on our Federal transportation programs? I mean, to me, it's quite obvious that we have neglected to make the same investments in rail, for instance, that we have in highways and aviation. None of those three legs has had sufficient investment, and it's something that we're going to have to look forward to fixing in the years ahead.

But is there a performance-based test that you see, that will help us measure how much of an investment, how much of an effort that we put into each of these legs?

Mr. PORCARI. Senator, first, Secretary LaHood and his team have been very strong advocates of a balanced transportation system that includes all modes, and that balance, obviously, means different things in different places—urban, rural and suburban areas. Also, performance measures fit very closely into that paradigm, as well.

If confirmed, I look forward to working closely with Secretary LaHood and his team, to help build that balance, and maintain that balanced system, including a fresh look at all of the modes, and the increasing capacity constraints that we have in some of them, and again, the different solutions that are needed in different places.

Senator LAUTENBERG. I would, again, ask you a question, Mr. Babbitt. In 2006, the former FAA Administrator informed me that Newark Liberty air traffic control tower needed at least 35 full-performance controllers to move the traffic safely. Now, there are only 26 certified controllers and 7 trainees.

This airport is a very busy and very cumbersome airport in terms of delays. I think we have the crown, unfortunately, for being the most belated airport.

If confirmed, can you assure us that the Newark tower will be staffed to the volume of performance that we require there?

Mr. BABBITT. Senator, it's my hope that every tower in this country will be staffed and manned to the highest possible degree.

As you recall there were a number of controllers—a substantial number of controllers—hired in bulk at a certain period in time, and that has led to a bubble of a lot of the controllers being of a similar age, or in a band of age, which has resulted in a substantial number of retirements, and that's not going to go away in the next 2 or 3 years.

So, I will give you my assurance that we're going to look at training facilities and mechanisms, centers of excellence, and the like, to get controllers, and, people in the TRACON, the en route centers—everyone—at a fully-qualified level, and not have to depend on trainees to supplement the staffing.

Senator LAUTENBERG. Thank you.

Thank you, Madame.

Senator BEGICH. Senator Hutchison is next.

Senator HUTCHISON. Thank you.

I want to ask all of you to answer a question—this is my Ranking Member question: the Committee, and our members, have long-enjoyed a close and productive working relationship with agencies

under our jurisdiction. We rely on the legal and technical expertise of the agency staff when we are drafting legislation. I would ask each of you to answer if you and your staff will respond to every member of the Committee on both sides of the aisle for this kind of help, as we are doing our job of oversight and drafting?

Mr. Babbitt?

Mr. BABBITT. Absolutely, Senator.

Dr. BLANK. Absolutely.

Mr. CHOPRA. Yes.

Mr. PORCARI. Yes.

Mr. STRICKLING. Yes, Senator, I think it's a critical part of each of our jobs.

Senator HUTCHISON. Thank you, thank you. I appreciate that.

Mr. Porcari, Secretary LaHood recently announced that he was moving forward with the antitrust immunity of two airline applications to the Department for alliances—the Continental-Star alliance and the American Airlines-British Airways alliance, which are very important for the competitive landscape in America. I would ask you if you will commit to moving expeditiously in this process for those applications to be considered? I'm not asking you for the final conclusion, but just that the Department know that time is very important in these decisions. And I fear another merger mania if we don't have these kinds of opportunities for competitive alliances that would put off the need for mergers.

So, my question is, really, will you move forward expeditiously in the process, so that a final decision can be made in a timely manner?

Mr. PORCARI. Yes, Senator. I understand that moving expeditiously—considering the antitrust immunity request—is important.

I would point out, on a personal note, at BWI Thurgood Marshall Airport, the One World Alliance antitrust immunity antitrust application is an important part of that strategy, and I should note for the Committee that I am a party of record, in that case.

Senator HUTCHISON. Thank you. That's very good. I really believe that our airlines are trying to stay independent, and that these alliances foster that goal. I think it's in the traveling public's best interests that they remain so. So, I thank you for that.

Mr. Babbitt, NextGen implementation is, I hope, your highest priority. We have been working on this issue for a long time and I would ask you how you are going to proceed on that. All of the people in aviation—both the consumers, as well as the airline and aviation community want to see how this will benefit them; what do you consider to be your responsibility as you proceed?

Mr. BABBITT. Well, first, of course I know we all accept that safety will be my number one priority. But, in terms of implementing NextGen, that is one of the highest priorities before us—the FAA, and myself, personally.

Currently, there is an industry-wide task force under the umbrella of the RTCA that is looking at, what the users actually want. What technology do they have on-board their aircraft? What technology exists at airports that will allow us to begin to implement a lot of the key functions of the next generation of air navigation and aircraft separation?

There is no need for new technology. We don't need a Manhattan Project to move forward. We have a carrier, right now, in Louisville, that has a wonderful program going, where they guide over 100 aircraft every night using the NextGen technology we have today. And they have continuous descent approaches, meaning they're saving 400 to 500 pounds of fuel, every arrival; that the noise footprint that they lay down over the City of Louisville is much smaller than it existed before. We have this technology, so we need to find where we can deploy it, and deploy it efficiently. Obviously, I'm going to be able to turn to some very helpful people, here, with the team that the President has assembled, and we can do this strategically.

And what I mean by strategic implementation—there are places where we will gain the biggest advantage in terms of reducing delays, rather than doing things on a linear basis.

Senator HUTCHISON. Mr. Strickling, I want to hear from you that DTV transition is your highest priority. As you know, this Committee agreed after much discussion and much dissention among all of the interest groups to delay the DTV transition, but a lot of people have had to make added investments and it has been a hardship in many ways. But we felt that there were not enough people aware of the transition, who would, all of a sudden, lose any kind of television reception.

So, my question is, is it your highest priority, and what are your plans to move forward?

Mr. STRICKLING. Yes, Senator. If confirmed, it absolutely will be our highest priority.

As you know, the transition will take place in a little more than 3 weeks. The good news is that since the extension from February, over 3 million households have now become ready for the transition, that would not have been ready back in February. So, I think the Committee, the Senate and the Congress should take comfort in the fact that the extension has well served the American public.

Between now and June 12, the NTIA is very closely monitoring the situation. As you know, with the coupon program, there were concerns in February about a backlog, and about the availability of funds to provide, to pay for the coupons that needed to be issued at that time.

Today, as I understand it, there is no backlog. NTIA believes there are adequate funds available to provide coupons to the estimated number of un-ready households. And while it would not be surprising to see some upsurge in requests for coupons as we approach June 12, everything would indicate that, at most, it will mean a few days' delay in people getting coupons if, in fact, the daily processing capabilities of the system are taxed.

And today, they are not. Today the system is processing fewer coupons than it has capacity to process.

So, all signs look to be promising for a smooth transition on the 12th, in terms of the coupon program, but we—in NTIA and I, if I am confirmed, will certainly pay very close attention to that over the next several weeks.

Senator HUTCHISON. Thank you.

Mr. Chairman, it is my understanding that the Chairman of the Committee would like to consider these nominations tomorrow at

our Executive Session. We have notified all of the Republicans and no one objects.

But, I have questions for the record and I would like to ask that, for you to go forward, any written questions that you will get today need to be back in by 6 p.m. today for us to be able to have the full information for that consideration.

So, we will notify all of the members of that, but I will agree to that expeditious voting on each of you, if you will agree to spend the rest of your day answering questions.

[Laughter.]

Senator BEGICH. Is there any objection from the five?

Mr. STRICKLING. I will——

Senator BEGICH. No objection.

Mr. STRICKLING. We'll go sharpen our pencil, but——

Senator BEGICH. They will be available. They will be available, Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman.

Senator BEGICH. Thank you.

I know I'm next in line, but I'm going to move over to Senator Isakson, and also, then, Senator Brownback, and then I'll be last.

Senator Isakson?

STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Thank you very much, Mr. Chairman. And congratulations to all of you on your appointment.

Mr. Babbitt, as you know, in our discussion in my office, I have some concern with the slowness of the deployment of next-generation as far as FAA is concerned. And I know you worked some with the previous Administrator in advising and consulting. What are you going to do to expedite next-generation in the FAA, technology-wise?

Mr. BABBITT. Well, I think the most important thing we can do is to work with the stakeholders to come up with a plan that makes sense to them. Currently, Senator, would a stakeholder, meaning an airline—is often being asked to put aboard equipage that in some cases is $700,000, $800,000 per aircraft. So, if you have a fleet of 700 airplanes, that's a very expensive undertaking. They need to understand that they're going to get a capital return off of that.

And I have to say that they have some skepticism. However, one of the things that I have tried to set forth, is that I intend, as one of my highest priorities for the FAA to be as accountable and credible as we can be, so that when we ask someone to make that type of a capital commitment, that they are going to see a benefit that they are going to enjoy, in fact. If you make a million dollars over a period of years, you're going to save $2 million in fuel, and 5 minutes per leg, or some calculable amount of money.

And in order to do that, in order to deploy that, we need to go to the places where the delays are the worst, and sort of work backward.

Now, I'm not suggesting that we take the most delayed region in the Nation and start there. I'd suggest we probably should open, you know, Off-Broadway, if you would, where we understand the

technology, deploy it, and once we're convinced it's up and running, I think it comes naturally that people will then want to provide the equipage on their aircraft, and we'll be able to provide the metering, the spacing and the reduced separation, and higher levels of safety that bring us the benefit that we hope we'll get from NextGen.

Senator ISAKSON. You were very kind, about 2 weeks ago, to meet with the families that lost loved ones in the most recent crash. And I had asked you about the most wanted improvements that the NTSB has recommendations they've made with respect to air safety. What would be your plans, with regard to those recommendations?

Mr. BABBITT. The Senator is talking about recommendations based on the Flight 3407 investigation. We don't have those recommendations yet, but we do have a number of recommendations, and I know that the NTSB keeps a list of their top 10. I'd like to undertake a review as quickly as possible, if confirmed, to understand those.

I had the opportunity last summer, to be a member of a committee, that worked for the DOT, looking at oversight and risk management, with the former Chairman of the NTSB. And he acknowledged to me that often the NTSB puts forth a broad array of suggestions, because they don't want any stone unturned.

However, I think we have an obligation to either adopt, modify and adopt or explain why we didn't adopt any particular recommendation from the NTSB.

Senator ISAKSON. Well, I appreciate the answer. I think those families deserve, particularly on the qualification questions, with regard to that aircraft and the pilots, a response so that something like that does never happen again——

Mr. BABBITT. Yes, sir.

Senator ISAKSON.—if at all possible.

Dr. Blank is a University of Georgia graduate. I'm very intimidated by doctors from MIT. Every time I turn around, there's another MIT Ph.D. like Christine Romer, that I'm talking to, and I am a little intimidated, but I do have two—I don't know whether these are questions or statements.

Number one, on the economic advice that you will be giving statistically to the Secretary, one of the concerns I had in the waning months of the Bush Administration, when we went into the economic difficulties, beginning September 18, and quite frankly still experience now, I'm not sure how much government is reaching out to people who are actually out there running companies and doing business, to get some background before they make recommendations to try to address economic concerns. I know the Federal Reserve regions do that, they actually bring in businesses, homebuilders, and bankers, and manufacturers, and exporters, and importers. Do you—are you going to seek that kind of advice from people actually out there really doing the work, as you develop policy recommendations?

Ms. BLANK. Senator, thank you for the question. I think one of the roles of the Department of Commerce is to be in touch with some of its constituencies, which are private sector businesses and consumers, and I know that Secretary Locke is, on a regular basis,

out talking to those groups. I certainly hope that in my role, I would have the opportunity to interact regularly with groups from the private sector, from various consumer groups, to talk about what their concerns are, particularly with regard to the current economy, and to bring that back into the analysis and advice that I do.

Senator ISAKSON. Well, it's just my view that all the classical education in the world is no replacement for actually being out there and actually doing it. I really encourage that type of input to be brought in.

My only other—I'll make it a comment since my time is up. The census is so important. I was, for 20 years, in State Government, everything ends up divided up based on what the census comes out looking like, from State Legislators to economic assistance, and I hope you'll work to make sure it's statistically accurate, fair, and it's a real count and not a model count.

Ms. BLANK. Yes. Thank you, Senator. I certainly take that as the most important part of my job.

Senator ISAKSON. Thank you, ma'am.

Senator BEGICH. Thank you very much.

Senator Brownback is next. I'm going to hold my position and go to Senator Dorgan after that.

STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM KANSAS

Senator BROWNBACK. My, you're nice and accommodating. Thank you very much.

Senator BEGICH. Patience is a virtue.

Senator BROWNBACK. It certainly is. Soon we'll replace you with Rockefeller, Rockefeller with you.

Senator BEGICH. I'm not here to cause any trouble.

Senator BROWNBACK. All right, all right, all right.

Mr. Babbitt, general aviation is a huge industry for the country and certainly for my State, a $150 billion industry in the United States. We're having a lot of difficulty today, it's a big export industry, with 40 percent going overseas. But, with the global economy having trouble, we're having trouble with that industry, and certainly we are in my State.

I'd also point out to you, and perhaps you know this, but many people don't, that only 10 percent of the airports in the United States are served by commercial air flights, 90 percent are not. And if you're going to access the places where the 90 percent are—many across my State and others across the country—you need to do that through general aviation. So it's a key part of linking businesses, linking people across the country, and I just want to urge you to work with the general aviation industry, if you will, and I'm certain you would.

I want to invite you, as well, to come to Wichita to see the hub of the manufacturing at General Aviation. We just—we've got great people working there, building a wonderful product. We'd appreciate it if people wouldn't make fun of those using business aircraft for travel, because it hurts our business, and we think it's a good use of and a good resource for time savings and for linking these 90 percent of the airports in the country that don't get commercial

service. So, I want to invite you to Wichita, we'll feed you a great steak, and we'll show you a nice aircraft if you're willing.

Mr. BABBITT. I'll take you up on the visit and the steak.

Senator BROWNBACK. It will be—both will be—excellent, I can guarantee you.

Mr. BABBITT. One thing I would just note is that of one of the byproducts of NextGen is the ability to have approaches into those other 90 percent of the airports that aren't served commercially, because we don't need to put in any ground facilities. These are approaches designed with satellite navigation to guide you in and provide guidance to hundreds, literally thousands of airports who currently don't have any navigational facilities. You'll have precision guidance to runways and airports, if nothing else, just to provide better surveillance and approach alignment for people just who would normally be flying visually.

Senator BROWNBACK. That's good, and I think it's very helpful and as you work on new air traffic control systems—although there was one runway some years ago by Atlanta, that was a grass strip, my guess is you won't get NextGen into that one.

I hope you will work with General Aviation on the air traffic controller system and on NextGen, and also on the how you pay for it. That's been the big issue that we've wrestled with a lot of times around here, is the cost-sharing. I know General Aviation is willing to pay its share, but not be penalized nor—and want it such that it's not on a transaction basis, so that every time you call the tower there's a—there's a charge, because I think that really could effect safety, if you do it that way. So, I'll hope you'll work with us, as well, on how you pay for NextGen and its implementation.

Mr. BABBITT. Well, I certainly will, and I had a very good discussion with Senator Rockefeller on that issue. I obviously am not in any position to speak on how you all operate at the Committee level, but he seemed to think that the resolution was in sight—a compromise that everyone would be reasonably comfortable with.

Senator BROWNBACK. I think so. It's just—it's one that we're concerned about because if it's funded inappropriately, you're going to reduce the use of general aviation in the process, or you're going to hurt safety in the process, either of which I think are harmful to the United States and the United States economy, or to air traffic safety.

Essential air service is another major issue for rural states, many of the rural areas like my state, and I hope in the Department of Transportation that you, as an Administrator, will lead the FAA to help and work with the rural communities on the EAS, which is a key program for us.

Mr. BABBITT. That probably fall as much——

Senator BROWNBACK. Mr. Porcari?

Mr. PORCARI. Thank you, Senator. I'm very familiar with the essential air service program. I would point out that at the State level in Maryland, we have jurisdictions that avail themselves of the EAS Program, and I recognize that it is an economic lifeline to many communities. It is in a difficult period, in part because of the economy, but I look forward, if confirmed, to working with you and the Committee on that issue.

Senator BROWNBACK. Thank you.

Thank you, Mr. Chairman.

Senator BEGICH. Thank you very much.

Senator Dorgan?

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

Senator DORGAN. Senator Begich, thank you very much.

Let me say to the—the four nominees, Mr. Strickling, Mr. Porcari, Mr. Chopra, and Ms. Blank, I intend to support all of you. I think you are well suited for the nominations that the President has given you and I know you're here with families and so on, and everyone's enormously proud of your service. So let me just say thank you, and to tell you I'm going to support you.

I do want to ask some questions of Mr. Babbitt, with respect to the FAA, because I was chairing an Appropriations Subcommittee hearing all morning and wasn't able to be here at the start, and I have announced that as the Chairman of the Aviation Subcommittee, we're going to hold some hearings. We hope the first one will be June 10, but we'll be making notice of when the hearings will be, on the issue of aviation safety.

And, I want to ask Mr. Babbitt a few questions if I might. And I especially want to refer you back to the stunning disclosures last week. This weekend I read the cockpit recordings that were released by the Transportation Safety Board.

And, let me go through a couple of the facts that were stunning to me: Someone sitting in a cockpit of a commercial carrier making $16,500 a year in salary, and a second job at a coffee shop. Someone in the crew, in the cockpit, flying in icy conditions, and saying in the cockpit recorder, "I've had no experience flying in icing conditions." Someone in the cockpit saying that she flew all night across the country—all night across the country—from Washington State to New York, just to get to the duty station to begin flying as a co-pilot on the commuter. A member of the cockpit crew failing five exams over a career.

As I listen to this, I realize the passengers that got on that airplane, got on an airplane that was painted the same way as a trunk carrier—in this case it was Continental. And the question for all of us who fly commuter airlines versus trunk airlines and so on, is are there the same standards in the cockpit, and are the same standards enforced? And if so, what's the role of the FAA in that?

Now, I was just—I was really staggered by trying to understand last week what was coming out of the National Transportation Safety Board hearings. And I think—these facts just make me furious—there's something wrong here. Is it just this airplane, just this crew, or is it a system that has developed and evolved over a lengthy period of time, in which we have different standards, dramatically different standards, in various cockpits on commercial planes?

And, Mr. Babbitt, you have a breadth of experience in aviation. Give me your assessment of last week's disclosures.

Mr. BABBITT. All right sir, I will do my best.

In my opening remarks, Senator, I did go back and review a period of time when we introduced one level of safety when I was president of the Air Line Pilot's Association. And at that point in

time, in 1993–94, there were literally two different sets of regulatory requirements, the aircraft were certified under rules, less stringent. The pilots were trained under less stringent rules. All of the flight time limitations were different and less favorable to the regional pilots, and we didn't think that was right. So, we came before this Committee and others and said when I buy a ticket on a given airline, and I walk out on the ramp, and it's a much smaller airplane, I would at least expect that it would, in fact, have the same level of safety, it would have the same well-trained crew.

We made some changes in that period of time, and got those considerably better aligned, to develop one level of safety. Perhaps we need to go back and look and see if we've gone far enough.

However, we have seen a dramatic shift, not that this is an excuse or anything of the like, but I'm simply observing the fact that the regional part of our industry has grown dramatically. We have new technology, we have small jets going into a lot of small cities, and the pilots are exposed to a lot more take-offs and landings, at airports that don't necessarily have the same equipment as a John F. Kennedy or some of the other airports. So all of this adds together to make an environment that exposes them to a lot higher risk level. And I think we're probably going to have to go back and look at some of this.

Senator DORGAN. I understand your point, but I guess my question is, do you think equivalent standards now exist or does the disclosure last week suggest to you that something different has happened?

Mr. BABBITT. The same level—the requirements are there, however——

Senator DORGAN. I understand that, I'm asking about whether the standards exist and are enforced.

Mr. BABBITT. The standards are there and they are enforced, but the difference is, the reality is, when you're hiring a pilot at a major carrier, you're probably going to get somebody who walks in the door with 5,000 hours. When you hire someone at a regional carrier, you're probably going to get someone with considerably less time.

Senator DORGAN. But, Mr. Babbitt, how could they be enforced if you put a co-pilot on a plane flying into Buffalo, New York in the winter with icing, who says on the cockpit recorder, "I've never flown in icing and I'm very nervous about this?" That cannot possibly be a standard that is enforced by the FAA.

Mr. BABBITT. And you're absolutely correct, Senator, that's not even a requirement. The idea is that you would have received training in it. I think we need to look at the training. We have, today, the ability to simulate in high definition, in high-fidelity simulators, anything that can happen in an airplane, and why we're not doing that, I think we need to all look at.

Senator DORGAN. And, Mr. Babbitt, I raised about five questions, and we're going to get into them in the hearings of the Subcommittee. I assume the crew rest issue is not just something with commuters. I've sat with pilots on airplanes all over the country who are dead-heading across the country in order to reach their duty station, not unusual at all.

In this case, someone goes from the State of Washington to the State of New York to get on an airplane to begin work, flying all night long. Clearly, that is not in anybody's interest, in terms of crew rest standards.

I'm going to strongly support your nomination. I told you when we met in my office, I am very pleased you have decided to accept this opportunity, but we have not had consistent leadership. We've had an Acting Administrator now for some while, and so on. This is an agency that requires a lot of attention, a lot of good people, but requires a lot of attention. My own view—my own view is that I think these standards have waned and waxed, and I think what has happened is we have very different standards for commuter carriers than we do for the majors. At least—perhaps not with respect to what the rules require, but certainly with respect to enforcement. I can't believe anybody would say, "Yes, go ahead and put people on an airplane that haven't flown in icing, or have flown all night to get to the duty station, or paid $16,000 and have to live with their parents in order to make ends meet." That's not a standard that I think anybody wants in the cockpit of an airplane they board to take a commercial flight. So, we're going to ask tough questions.

We've been blessed that we have not had very many accidents in recent years. We have an unbelievable safety record, but the preponderance of the accidents have been commuters. I think we've gone a ways now without asking the really hard questions. Has our attention to detail here in enforcement of standards waned some and do we have some real work to do to bring these standards back up to par? I think a lot of this is about money, I would say to you, because you can put some very inexpensive pilots in some of those seats and save money, but I'm not sure that that's what the passengers and traveling public in this country would expect, boarding those airplanes.

Mr. BABBITT. Yes, sir.

Senator DORGAN. Thank you.

Senator BEGICH. Senator Klobuchar, we have a vote that has been called now, and I'm going to turn to Senator Klobuchar, and then I'm going to close up.

STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM MINNESOTA

Senator KLOBUCHAR. OK, thank you very much.

Senator HUTCHISON. Mr. Chairman, if we have time for one more round, after the two of you, I'd like to ask it if we have time.

Senator KLOBUCHAR. I'll be quick here, Mr. Porcari. I have talked before to Secretary LaHood about legislation. There's a lot of interest to incorporate road construction projects with the deployment of broadband technology, with the idea that we can save taxpayer money and reduce disruptions to American's lives, if we dig once. And obviously, this is going to have be done with care and coordination with the State. People get sick and tired of just one ditch after another getting dug up on the roads, when there should be some kind of coordination. Do you have any comments on that?

Mr. PORCARI. Yes, Senator. It's an excellent point. There's a lot of opportunity, both with new construction and rehabilitation of the

highway system, to incorporate fiber and other utility and telecommunication elements.

I can tell you that at the State level in Maryland, it is one way that we've been able to bring broadband to every corner of the State, including some of the most rural parts of the State, by doing it as a package deal, and also getting a portion of the capacity as part of that overall agreement, as well. There are places where it is more difficult to do, but I think, by and large, there are many opportunities.

Senator KLOBUCHAR. OK, very good.

Mr. Babbitt, I enjoyed our visit yesterday, and one of the things we talked about was legislation that Senator Snowe and I introduced last year, about FAA inspectors, particularly the supervisory inspectors. We talked about doing a cooling period when inspectors are assigned to a certain company, and then they go and they eventually go to that company. There's a revolving door situation, and there have been major concerns about it in the last few years.

At the same time, we understand the importance of having a familiarity with an airline. Could you comment on that?

Mr. BABBITT. Yes, Senator, I sure could, and likewise enjoyed the visit yesterday and found that enlightening.

The issue was actually one that we covered pretty well in the internal review team. That was one of the subjects that we were to look at, and that is this relationship. It is a very difficult balance. On the one hand, to understand an airline and understand all of its operations, an inspector has to spend a fair amount of time there, but at what point in time does that time spent working with that carrier getting to know its people, its management, its line employees, when does that become a liability? When they become too friendly, too accepting—OK, you'll get it next time. And the answer is, that the second that safety of flight becomes an issue.

And so we've got a position now that is in development. The FAA is in the process of adopting some of the recommendations, and in those recommendations are some ways to deal with that. Remember that you have turnover in the airlines too, so we probably want to look at both sides of that room. If the entire airline management is turned over, there's no sense to change the inspector, but conversely, if everybody's in a static environment, it probably makes some sense.

There's a human aspect to it as well. You have someone who has made a home in Minnesota or some place——

Senator KLOBUCHAR. I understand—and to make the move.

Mr. BABBITT. —and you say, well, you've been here 5 years.

Senator KLOBUCHAR. Because no one ever wants to leave Minnesota, Mr. Babbitt.

Mr. BABBITT. That's right.

Senator KLOBUCHAR. OK, thank you.

Mr. Chopra, one—just last, if you could just answer in about a minute, so I can pass this on to my colleagues. We had also had a good meeting, and one of the things I'm very focused on, as we look at the issue of long-term care, so many people, especially in rural areas, in their homes where we'd like them to stay, but needing to use more technology to do everything from monitor their

healthcare, to make sure that technology is available to them. Could you talk about the potential role for your job with that?

Mr. CHOPRA. Thank you, Senator, and I appreciated the chance to visit with you.

This is an example of an opportunity to essentially address two of our challenges. One, to promote an innovation strategy that creates new jobs. We see a growth market in a lot of devices you're describing, which is a win for the economy. In addition, we see an opportunity to actually bend the curve on healthcare costs, improving quality of care for folks who want to be—living at home, but also to lower our cost structure in addressing their needs. So, it has the benefit of both, addressing cost concerns, as well as a potential platform for economic growth.

As advisor to the President, Senator, it will be my challenge and responsibility to work to harness the power of this capacity on the President's priorities for healthcare reform and for economic growth.

And I thank you for the question.

Senator KLOBUCHAR. Thank you so much, I appreciate it.

Good luck to all of you.

Senator BEGICH. Thank you very much, Senator Klobuchar.

I'm going to ask a couple quick ones and then close out. We have 6 minutes before our vote closes out, so, Senator Hutchison, we won't have time for another question, based on what staff just told me.

So, let me be real quick. I'll submit mine to you. If I can, Mr. Porcari, in regards to transportation, here's a simple question that I struggle with. As a former mayor, having to deal with the Federal Government and their inability to get projects done within a reasonable time is difficult, especially when they use Federal Highways Administration dollars.

A simple idea, that if you have a State or a local community that can allocate their dollars or that they have a road project in mind that's federally funded, but they have not had any issues with the Federal Highways Administration, in other words, any environmental issues or anything over a period of time, three, five years. Why can't we just let them use their local regulation then, to implement it and cut the time in half?

In Alaska, this is exactly how we can do it.

Mr. PORCARI. Senator, it's a good question. The National Environmental Policy Act and the National Historic Preservation Act are the guiding documents and requirements here. In some cases it is possible to get a categorical exclusion. In practice, many of the larger, more complicated projects do not permit that, it puts a premium——

Senator BEGICH. It doesn't permit it by law, but we write the laws. So, the question is a very simple one, and that is, if you have a jurisdiction that has not had any issue with environmental violation around road projects or other types of, maybe NIPA, EIS, whatever the process might be from the Federal Government, for a period of time, let's just say 5 years, why can't you then substitute, let them use the Federal dollars and substitute with local regulation or State regulation?

Mr. PORCARI. Senator, Secretary LaHood and his team have made it clear that they're very much interested in streamlining processes. If confirmed, I would look forward to working with you on any idea.

Senator BEGICH. That's all you need to say at this point.

Mr. PORCARI. Thank you.

Senator BEGICH. Only because time is allowed only for me to ask very quickly.

Let me just say, and for members and staff that are here, all the questions have to be submitted in by 6 p.m. today. For all of you that will get questions from the minority side that wants your answers by 6 p.m. today, I wish you best in that accomplishment. But, we will have all the questions submitted by 6 p.m.

I want to say thank you all for being here. Thank you for your willingness to serve this country. Thank you.

The meeting is adjourned.

[Whereupon, at 12:27 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. EDWARD M. KENNEDY,
U.S. SENATOR FROM MASSACHUSETTS

Chairman Rockefeller and Members of the Committee, I appreciate this opportunity to offer my strong support for President Obama's nomination of J. Randolph Babbitt to be Administrator of the Federal Aviation Administration.

Randy is an outstanding choice for this important position. His strong background in aviation and labor relations makes him a particularly inspired choice for this Agency. As the airline industry continues to restructure to meet a changing market, Randy will provide a steady hand to guide the transition in a manner that ensures passenger safety, worker's rights, and global competitiveness. Randy's history in the cockpit and as the head of the world's largest pilot association makes him eminently well-qualified to be the FAA Administrator.

As you know, this is an especially critical time as this Committee and others look to improve the air traffic system through the reauthorization of the FAA bill. Critical issues in this debate, such as the financing of the aviation trust fund, runway safety, and the NextGen air transport system, will require an experienced partner at the Agency. Furthermore, a first-class air traffic system is essential to ensuring that the United States remains at the forefront of international trade and tourism, and aeronautics research. Randy provides exactly the kind of experience and leadership the Agency and the Nation needs right now.

I urge the Committee to approve Randy's nomination, and I look forward to working with him and the Committee on these fundamental issues in the coming weeks.

PREPARED STATEMENT OF HON. RICHARD DURBIN, U.S. SENATOR FROM ILLINOIS

I am pleased to support the nomination of Mr. Lawrence E. Strickling to serve as the next Assistant Secretary for Telecommunications and Information at the U.S. Department of Commerce.

Mr. Strickling, who calls Chicago home, is ideally suited for this role. Over the last thirty years, he has developed a distinguished record in the telecommunications field in both the public and private sectors.

He has helped a variety of private companies meet Federal and state telecommunication regulatory requirements. Early in his career he represented Ameritech in proceedings before the Federal Communication Commission (FCC) and state utility commissions. Not long into his career, he joined the Clinton Administration, working to improve consumer protections and increase competition and service in the telecommunications industry as Chief of the Common Carrier Bureau at the FCC. It was in his role at the FCC that he testified before Congress, which is where I first met Larry Strickling.

Since then, I have learned more about his education, his career path and his dedication to the public good. I have full confidence in Mr. Strickling to lead the National Telecommunications and Information Administration (NTIA) during a period of great opportunity, but also great challenges.

NTIA is the principal agency responsible for advising the President and implementing the President's telecommunications and information technology policy. NTIA is front and center in highly relevant and important changes in the country's telecommunications infrastructure, including the digital television transition and directing billions of dollars in broadband funding made available through the American Recovery and Reinvestment Act to help lay the foundation for our broadband policy for the future and to close the digital divide.

I am confident that President Obama's nominee, Larry Strickling, is the right person to lead the NTIA as it addresses these and other emerging issues in telecommunications and information. I thank the Committee for the opportunity to offer these remarks and am pleased to publically support Mr. Strickling's nomination.

PREPARED STATEMENT OF HON. JOHN D. DINGELL,
U.S. REPRESENTATIVE FROM MICHIGAN (15TH CONGRESSIONAL DISTRICT)

Thank you, Chairman Rockefeller, for allowing me the courtesy of submitting a statement in support of the nomination of my good friend, Dr. Rebecca Blank, to the position of Under Secretary for Economic Affairs at the Department of Commerce. I can think of few other, more qualified candidates for this important office and would strongly urge you and your colleagues to vote in support of her nomination.

Dr. Blank's distinguished career and accomplishment are reason alone to confirm her. She has been Dean of the Gerald R. Ford School of Public Policy at the University of Michigan, acted as Co-Director of the National Poverty Center, and served as a member of the President's Council of Economic Advisers from 1997–1999. Dr. Blank is currently the Robert S. Kerr Senior Fellow at the Brookings Institution, where she has continued in her laudable research on the interactions between the macro-economy, government policy, and the behavior and well-being of American families.

As I have mentioned, these *bona fides* are eminently sufficient as to merit Dr. Blank's expeditious approval as Under Secretary for Economic Affairs. All the same, I implore the Committee to consider Dr. Blank's comments at a 2007 hearing before the Committee on Financial Services in the U.S. House of Representatives. She said, "Lower-wage workers in today's economy find it hard to achieve those things that are part of the American dream: own a house, have a job with pension and health benefits, or the opportunity to send their children to college." Clearly, Dr. Blank understands the lamentably conspicuous rise in economic inequality and concurrent growth of social inequality that have plagued our Nation of late. If confirmed in this position, she will bring a wealth of knowledge and experience to a Federal agency well-positioned to combat these disquieting trends.

Again, Mr. Chairman, thank you for your courtesy. Please vote in support of Dr. Blank's nomination, and do so with confidence in her remarkable talent and achievements.

I yield back the balance of my time.

AIR CARRIER ASSOCIATION OF AMERICA
Washington, DC, May 14, 2009

Hon. BYRON DORGAN,
Chairman,
Subcommittee on Aviation Operations, Safety and Security,
U.S. Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chairman Dorgan:

On May 19, the Senate Commerce Committee will hold a "Nominations Hearing" for several nominees including Randy Babbitt who is the Designate to be the Administrator of the Federal Aviation Administration. We fully support Randy's nomination and hope that we will soon see him lead the FAA.

As you know, the continued growth and modernization of the Nation's aviation system is essential if the Administration is going to stimulate the Nation's economy and support travel and tourism. While these issues are addressed, it is also essential that steps be taken to continue to enhance the safety of the system. Our low-fare carriers and the communities they serve believe that Randy is the right person to take on these enormous challenges.

We look forward to working with you, the Committee and Administrator Babbitt to put in place short and long-term enhancements that will continue to ensure that all communities and passengers can enjoy the world's most efficient and safest air carrier/air traffic system.

Sincerely,

EDWARD P. FABERMAN,
Executive Director.

HEALTHCARE INFORMATION AND MANAGEMENT SYSTEMS SOCIETY
Chicago, IL, May 18, 2009

HON. BILL NELSON,
Chairman,
Subcommittee on Science and Space,
U.S. Senate Commerce Committee,
Washington, DC.

Hon. DAVID VITTER,
Ranking Member,
Subcommittee on Science and Space,
U.S. Senate Commerce Committee,
Washington, DC.

Dear Chairman Nelson and Ranking Member Vitter:

On behalf of the Board of Directors and 20,000 individual and 350+ corporate members of the Healthcare Information and Management Systems Society (HIMSS), we are honored to offer HIMSS support for Mr. Aneesh Chopra's, nomination to be Chief Technology Officer and Associate Director for Technology at the White House Office of Science and Technology Policy in the Obama-Biden Administration.

Given the convergence of healthcare reform and the acceleration of steps toward a Nationwide Health Information Network, Mr. Chopra is an exceptional choice to help lead the efforts in achieving the quality and cost-effective care delivery in the U.S. healthcare system.

On July 20, 2006, Tim Kaine, Governor of the Commonwealth of Virginia, issued Executive Order 29 creating the Governor's Health Information Technology Council. Since then, serving as Secretary of Science and Technology for the Commonwealth of Virginia, Mr. Chopra has initiated a very aggressive approach to implement health IT projects across the state. Through his work, each geographical region of the Commonwealth is home to competitively selected health IT innovators to promote the widespread adoption of electronic health records (EHRs). Mr. Chopra was also awarded the prestigious HIMSS 2007 State Leadership Advocacy Award for his leadership in health IT activities in the Commonwealth.

HIMSS is confident that Mr. Chopra will be able to translate the state-level effort into activities required to make the health IT components of the American Recovery and Reinvestment Act (ARRA) a reality. We are confident that Mr. Chopra's initiatives in Virginia are consistent with our December 2008 report, Enabling Healthcare Reform Using Information Technology, with particular emphasis on the importance of a properly defined objective for meaningful use of health IT solutions, as well as a continued role for the Healthcare Information Technology Standards Panel (HITSP) and Certification Commission for Healthcare Information Technology (CCHIT).

As you move forward on Mr. Chopra's nomination, HIMSS is confident that he is best-suited to be the first Chief Technology Officer and Associate Director for Technology at the White House Office of Science and Technology Policy in the Obama-Biden Administration. We look forward to his confirmation and to working with the Senate and Mr. Chopra to ensure we deliver on health IT components of healthcare reform.

Sincerely,

H. STEPHEN LIEBER, CAE,
HIMSS President/CEO.

CHARLES E. CHRISTIAN, FCHIME, FHIMSS,
HIMSS Chairman of the Board,
CIO and Director, IS,
Good Samaritan Hospital.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO LAWRENCE E. STRICKLING

Question 1. While consumer readiness has improved greatly since the digital television transition (DTV) was delayed earlier this year, 3.3 million U.S. households remain unprepared according to the most recent data collected by the Nielsen Company. In the few weeks until June 12, what does the National Telecommunications and Information Administration (NTIA) plan to reach these remaining households and make certain that no consumers are left behind by the DTV transition?

Answer. In the remaining weeks of the transition, educating consumers about the digital television transition and the TV Converter Box Coupon Program will be a top priority for NTIA if I am confirmed. My understanding is that NTIA is taking several steps to reach remaining unprepared households with the goal of minimizing the number of consumers left behind by the DTV transition. For example, NTIA continues to conduct media outreach, distribute DTV transition materials through its partners, place public transit public service announcements, support mobile assist-

ance centers, fund partner-based advertising, and conduct a social media texting campaign.

Question 2. The Charleston-Huntington market in West Virginia has been designated an "at-risk" area due to the large number of households that are currently unprepared for the DTV transition. Thousands of Charleston residents have ordered a DTV converter box coupon but it concerns me that less than half of these coupons have been redeemed. West Virginians must be provided the assistance they deserve to successfully prepare for the transition. Can you outline the NTIA's efforts in Charleston-Huntington as well as the rest of West Virginia?

Answer. It is critically important that we reach the unprepared populations, including those within the Charleston-Huntington market, as well as the rest of West Virginia. If confirmed, I pledge that I will work with you and your staff to ensure that NTIA and its many partners will work to provide outreach and assistance in West Virginia to help unprepared households get ready for the June 12th DTV transition. In addition, I will make sure that NTIA continues its extensive awareness campaign working with the media and its partners as well as through trusted community institutions.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV AND HON. BYRON DORGAN TO LAWRENCE E. STRICKLING

Question 1. Mr. Strickling, the National Telecommunications and Information Administration (NTIA) is currently writing the contractual conditions for the broadband grants it will issue under the American Recovery and Reinvestment Act (ARRA) including mandatory conditions regarding nondiscrimination and interconnection. Similar nondiscrimination conditions to protect consumers on the Internet have been proposed in other contexts and often it has been stated outright that nondiscrimination protections on the Internet are to be applied exclusively to lawful content. Unfortunately, unlawful activity does occur over the Internet and efforts to prevent unlawful activities should be encouraged. If confirmed as Assistant Secretary of Commerce for the NTIA, would you commit to interpreting and enforcing the conditions to ensure that nondiscrimination protections apply exclusively to lawful content and do not apply to unlawful activity?

Answer. The Recovery Act requires grant recipients to comply with all applicable Federal, state and local laws. Federal law prohibits copyright piracy. If confirmed, I look forward to working with you and members of the Committee to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

Question 2. Mr. Strickling, the National Telecommunications and Information Administration (NTIA) is currently writing the contractual conditions for the broadband grants it will issue under the American Recovery and Reinvestment Act (ARRA) including mandatory conditions regarding nondiscrimination and interconnection. Similar nondiscrimination conditions to protect consumers on the Internet have been proposed in other contexts and often it has been stated outright that nondiscrimination protections on the Internet are to be applied exclusively to lawful content. Unfortunately, unlawful activity does occur over the Internet and efforts to prevent unlawful activities should be encouraged. If confirmed as Assistant Secretary of Commerce for the NTIA, would you commit to interpreting and enforcing the conditions to ensure that nondiscrimination protections apply exclusively to lawful content and do not apply to unlawful activity?

Answer (Supplement to Answer submitted May 19). As you note, the Recovery Act requires NTIA—in its implementation of the Broadband Technology Opportunities Program (BTOP)—to publish non-discrimination obligations that are to be contractual conditions of any broadband grants it awards pursuant to the Act. These obligations must, at a minimum, adhere to the principles contained in the 2005 broadband policy statement adopted by the Federal Communications Commission. The first principle states that consumers are entitled to access the "lawful" Internet content of their choice. Implicit in this statement is the common-sense notion that non-discrimination obligations should not apply to unlawful activity. If confirmed, I will ensure that purveyors of unlawful content find no legal immunity for their conduct under the non-discrimination obligations that the Recovery Act directs NTIA to impose.

I am extremely troubled by the impact of copyright piracy on the American economy. I understand that the overall harm is measured in the billions of dollars. These figures would represent lost wages and lost jobs for American workers, as well as a threat to the creativity that our copyright laws are designed to protect and encourage.

In March, NTIA and the Department of Agriculture's Rural Utilities Service released a Request for Information (RFI) that sought public comment on a number of important issues relevant to the broadband grant program, including the extent of non-discrimination obligations it should require of grant recipients. NTIA is in the process of reviewing the more than 1,000 responses it received to the RFI, and will incorporate these comments as appropriate into the Notice of Funds Availability (NOFA) it plans to release this summer. I am confident that through the public comment process and in conformance with the Recovery Act, NTIA will establish non-discrimination conditions that fully protect the rights of consumers to enjoy all of the lawful economic, creative, and social benefits that broadband services can help create, while providing no basis to justify the use of broadband services for illegal activity.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUYE TO LAWRENCE E. STRICKLING

Question 1. Unless action is taken before September, the Commerce Department will lose the authority to protect and advise the body that manages the Internet's global addressing system. Are you concerned about the implications of that historic separation?

Answer. If confirmed, my goal will be to continue to preserve the security and stability of the Internet's domain name and addressing system (DNS) and my decision with respect to the future of the Joint Project Agreement (JPA) will be consistent with that goal. I understand that NTIA released on April 24th a Notice of Inquiry (NOI) seeking comments on these issues. The public record developed through this process will inform any decision made about the JPA's future and I look forward to working with you and the Committee on this important issue.

Question 2. In 2005, the Commerce Department released a set of principles, which stated that the U.S. Government would do nothing to harm the stability and security of the Internet's addressing system. Do you think releasing ICANN from all relevant oversight is consistent with those principles?

Answer. Regardless of whether the JPA is terminated, modified or extended, NTIA will continue to be an active participant in ICANN by representing the U.S. Government in ICANN's Governmental Advisory Committee (GAC) as well as filing comments, as needed, in ICANN's various public consultation processes. In addition, the Department's relationship with ICANN will continue as ICANN currently performs the Internet Assigned Names Authority (IANA) functions under contract to the Department. If confirmed, I can assure you that the views NTIA advocates will be based on the need to preserve the security and stability of the Internet's Domain Name and Addressing System (DNS).

Question 3. In a 2008 review of ICANN's progress toward meeting the goals established under its Joint Project Agreement (JPA) with Commerce, a broad cross-section of the ICANN community, including business and public interest advocates, took the position that ICANN had not completed enough of its charter to safely end its relationship with the U.S. Government. If ICANN is indeed a bottom-up, consensus driven body, directed by its stakeholders, why are concerns expressed by a broad cross-section of the community routinely ignored?

Answer. NTIA recently released a Notice of Inquiry soliciting comment on the JPA and ICANN's performance thereunder. The public record developed in response to the NOI will inform NTIA's decisions regarding ICANN. If confirmed, I will ensure that issues such as meaningful stakeholder participation are adequately addressed.

Question 4. Members of the ICANN community have repeatedly demanded that ICANN create new accountability mechanisms to protect stakeholders against adverse decisions by the ICANN board. Under the current structure, ICANN is accountable only to itself and the Commerce Department. After September 2009, it will be accountable only to itself. Where does business turn for redress and representation regarding domain name issues after September 2009?

Answer. NTIA recently released a Notice of Inquiry soliciting comment on these issues, specifically on whether there are sufficient safeguards in place to ensure that all stakeholder interests are adequately taken into account in ICANN's decision-making processes. If confirmed, I will work with you and the Committee to ensure that these important issues are satisfactorily addressed.

Question 5. ICANN has emerged as the de facto regulator of the domain name industry. ICANN's decisions impact not only the hundreds of companies in that industry, but the thousands of companies worldwide that rely on the Internet for core

business functions. Is it reasonable for a body with such a broad regulatory mandate to be answerable to no higher authority?

Answer. ICANN is a U.S. not for profit organization that coordinates the Internet's unique system of identifiers. It is not a government agency and has no delegated government regulatory authority. The governance structure for ICANN must be one that preserves a robust, stable and secure underlying Internet infrastructure for the benefit of U.S. and global businesses and consumers. If confirmed, I will work with you and the Committee to ensure that these critical objectives continue to be met.

Question 6. What serious organization would want to be free of any oversight if major parts of the community it serves are opposed to the uncertainty and total lack of accountability/redress imposed upon them? Would a sustainable, credible and responsible entity be comfortable with such a 'transition'?

Answer. NTIA, as the President's principal advisor on telecommunications and information policy, should committed to preserving the Internet as a global medium that supports economic growth and innovation, a tool to improve the human condition, and an enabler of the free flow of information. If confirmed, I will work to ensure that the Internet DNS is managed to meet these goals.

Question 7. Under the terms of the JPA, ICANN has the right to walk away in 2009. But the JPA is only one of two agreements between the Commerce Department and ICANN. ICANN draws its authority from the procurement contract to operate the Internet Assigned Numbers Authority (IANA) function. If ICANN walks away from the JPA against the wishes of a broad cross-section of the ICANN community, should Commerce reconsider the terms of the IANA contract? What improvements or adjustments do you feel ICANN needs to make in order to reach a point where stakeholders would be comfortable in a scenario where this is no JPA?

Answer. It is my understanding that the IANA functions contract is separate and distinct from the JPA and the Department's rights there under are not affected by any change in the status of the JPA. If confirmed, I will continue to evaluate ICANN's performance and consider the advisability of changes in the terms of the IANA functions contract.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN KERRY TO LAWRENCE E. STRICKLING

Question 1. The American Recovery and Reinvestment Act of 2009 ("ARRA") expressly requires the Assistant Secretary of Commerce for Communications and Information, when allocating funding under the Broadband Technology Opportunities Program ("BTOP") to "consider whether an applicant is a socially and economically disadvantaged small business ["SDB"] as defined under section 8(a) of the Small Business Act." ARRA Sec. 6001(h)(3). How do you intend to implement this congressional directive?

Answer. If confirmed, ensuring the participation of small and disadvantaged businesses in the BTOP program will be a top priority. It is my understanding that NTIA staff has already begun working with relevant departments and agencies, including the Minority Telecommunications Development Program within NTIA, as well as the Minority Business Development Agency and Office of Small and Disadvantaged Business Utilization within the Department of Commerce, to fully include small businesses in our program. In the workshops planned for potential grant applicants later this year, I would expect NTIA to accommodate the needs of small businesses, such as by creating opportunities to network and partner with other potential applicants.

Question 2. With respect to the Broadband Technology Opportunities Program, can you tell me whether NTIA will be providing technical assistance to states during the application process? If so, will NTIA travel to states upon request? Are states going to be allowed or required to coordinate and vet all proposals for funding?

Answer. It is my intention that, if confirmed, NTIA provide all prospective applicants with appropriate technical assistance after the release of the Notice of Funds Availability (NOFA) this summer. NTIA plans to hold workshops in public locations throughout the Nation that will also be made accessible over the Internet. I believe that the public and potential applicants should have as much information as possible in order that NTIA can receive the most innovative and cost-effective proposals to expand broadband service throughout America. States are important partners of NTIA, as they have knowledge of local conditions that will be important to NTIA. If confirmed, I will work to define the precise role of the States in such a way that

provides NTIA the greatest input consistent with its statutory obligations and responsibilities for the program.

Question 3. Again, with respect to the Broadband Technology Opportunities Program, I believe that it is entirely possible to have two competitive broadband providers serving a geographic region and still have an underserved population living within that area because of the high price of service, or the limited speed of service. I do not believe that grant recipients should be limited purely as a function of geography, or based on what carrier provides service for an area. Will such factors as cost and speed of service be considered when assessing proposals from potential grant recipients?

Answer. Yes, these factors should be considered in the evaluation of applications for BTOP funds, along with other criteria set forth in the Recovery Act.

Question 4. The American Recovery and Reinvestment Act states that "not less than $250,000,000 shall be available for competitive grants for innovative programs to encourage sustainable adoption of broadband service". I believe strongly that the amount cited within the Act should be viewed as a floor, and that strong consideration should be given to proposals that aim to increase demand for broadband even if the $250 million threshold has been surpassed. Do you agree that demand side initiatives should receive significant priority and should not be limited to a $250 million threshold?

Answer. Demand-side projects will be a very important component of the BTOP program and its efforts to fulfill the President's goals of providing broadband service to every American. The Recovery Act makes clear that the funding amount for sustainable adoption of broadband service is a floor, and should NTIA receive qualifying proposals that surpass this amount, I am quite open to increasing the funding amounts provided for such demand-side efforts.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO LAWRENCE E. STRICKLING

Question 1. As you know, hundreds of entities have already expressed an interest in applying for a portion of the funds available under the Broadband Technology Opportunities Program (BTOP)—and it's pretty obvious that demand will far exceed the amount of available funds. This leaves NTIA with some tough decisions about where to best invest this grant money. In making those tough decisions, how do you think NTIA should weigh the question of access to broadband versus affordability of the service? Is one more important that the other in terms of considering grants—or are they co-equal factors?

Answer. Congress tasked NTIA with addressing a number of very important goals and objectives to jump start the President's goal of bringing the benefits of broadband to all Americans. In establishing the Broadband Technology Opportunities Program (BTOP), NTIA must address the needs of unserved and underserved areas, strategic institutions such as schools, libraries and hospitals, public safety agencies, and stimulate demand. In awarding grants, Congress requires NTIA to consider such factors as whether the application will increase affordability of, and subscribership to, service to the greatest population of users in the area; and whether it will provide the greatest possible speed to the greatest population of users. Meeting these aggressive goals will require NTIA to encourage applications that represent the most innovative, cost-effective, and sustainable ideas that America has to offer. NTIA recognizes that both access and affordability will impact the number of Americans that choose to subscribe, and we intend to award grants that pursue both of these goals, along with each of the objectives outlined in the Recovery Act, in the most efficient and effective way possible.

Question 2. One other area that I've been interested in for some time is Internet governance and cybersecurity.

The Internet Corporation for Assigned Names and Numbers (ICANN) currently has the responsibility for managing and coordinating the Internet's Domain Name System (DNS)—which functions like the Internet's "phone book," and translates common website names into the complex numbers required to locate a site on the Internet.

Currently, the Department of Commerce and NTIA maintain an oversight role with ICANN through a Joint Project Agreement (JPA) that requires ICANN to provide periodic reports about its activities to the Department.

The agreement, however, is scheduled to expire September 30 this year—and there is currently no oversight mechanism to replace it.

Do you think the JPA should be extended, or allowed to expire? In the alternative, should we look toward some other type of oversight mechanism?

Answer. If confirmed, my goal will be to continue to preserve the security and stability of the Internet's domain name and addressing system (DNS) and my decision with respect to the future of the Joint Project Agreement (JPA) will be consistent with that goal. I understand that NTIA released on April 24th, a Notice of Inquiry (NOI) seeking comments on these issues. The public record developed through this process will also inform any decision made about the JPA's future and I look forward to working with you and the Committee on this important issue.

Question 3. The protection of intellectual property is a major issue for many content providers who distribute their materials over broadband networks. Do you see a role for NTIA in this area?

Answer. Yes. I am very concerned with the protection of intellectual property distributed over the Internet. While NTIA is not the only Federal agency with an interest in this issue, if confirmed, I look forward to working with the other appropriate Federal agencies, as well as with you and members of the Committee, to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARK PRYOR TO LAWRENCE E. STRICKLING

Question. The Public Telecommunications Facilities Program (PTFP) which for over 40 years has helped to create and maintain the essential infrastructure needed to deliver the highest quality, reliable public broadcasting to all corners of this country has been proposed for elimination in the President's budget. In Arkansas alone over the past 5 years, this program has provided our public broadcasters with nearly $1.5 million which leveraged locally raised funds to help with station's infrastructure investments that totaled nearly $5.5 million. This program has been essential in helping our Nation's public broadcasters meet all of their infrastructure needs including much needed upgrades and it is the primary source of emergency assistance for stations struck by natural or man-made disasters. As part of helping stations with infrastructure funding, this program has funded some very important digital equipment needed by public television stations to meet the federally mandated transition to digital. However, this program is not solely a digital transition program and the elimination of this program would mean the elimination of station's only source of assistance for ongoing maintenance needs such as help replace digital equipment when it has ages or fails. At a time when many of our Nation's public broadcasters are facing the greatest financial crisis in the history of the public broadcasting industry, and many are struggling to stay on the air, I'm concerned about a cut of funds that would maintain their infrastructure.

I would like a commitment from you to further review the status of the PTFP, including input from public broadcasters that depend on this program, and to work with me on viable options to support the critical work of public broadcasters.

Answer. I support the Administration's commitment to public broadcasting. The President's 2010 Budget proposed to consolidate funding through the Corporation for Public Broadcasting (CPB), and the 2010 Budget provides an increase in funds for CPB. Projects previously funded by PTFP can be undertaken through CPB's main station grant program, and the 2010 funding will provide additional assistance to public broadcasters. CPB's grant programs are flexible and can serve most station needs, and the proposed $20 million increase in 2010 (total resources of $481 million, including advance appropriations) will sustain the Federal investment in public broadcasting, including projects that previously would have been eligible for PTFP funding. If confirmed, I look forward to working with you and the public broadcasting community to ensure they continue to have adequate resources to provide important public programming and services.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO LAWRENCE E. STRICKLING

Question 1. Mr. Strickling, many public libraries now provide public computing centers in addition to books for library patrons. Yet public libraries and other nonprofit institutions may be discouraged from applying for Broadband Technology Opportunity Program (BTOP) funding since they cannot afford the 20 percent matching funds under that program. NTIA, however, has the flexibility under the American Recovery and Reinvestment Act statute to waive the 20 percent matching re-

quirement and to draft rules to implement the program. Will you, as NTIA Administrator, consider waiving the 20 percent match requirement so that public libraries can apply for funding?

Answer. The Recovery Act states that the Assistant Secretary may increase the Federal share of a project if the applicant petitions NTIA for a waiver and the Assistant Secretary determines that the petition demonstrates financial need. If I am confirmed, I will work to ensure that important strategic institutions such as libraries are able to fully participate in the grant program.

Question 2. Alternatively, will you allow libraries to satisfy the 20 percent match by providing "in-kind" contributions, such as computers or broadband equipment? Or, would you consider waiving the requirement that the match come from "non-Federal" sources, so that libraries could use "E-rate" funds or LSTA funds for the match?"

Answer. It is my understanding that in-kind contributions, which the Federal Government defines as non-cash donations to a project, may count toward satisfying the non-Federal matching requirement of a project's total budget. In the Notice of Funds Availability (NOFA), I expect NTIA will set forth the types of in-kind contributions that may be acceptable. To the extent that the libraries choose to file a waiver of the matching requirement instead, I am confident that it will be carefully evaluated to determine whether it demonstrates financial need as required by the statute.

Question 3. What other ways will NTIA under your leadership support public computing centers at libraries and other places that allow low income and other users access the Internet?

Answer. Support for public computing centers is a critical component of the BTOP Program as outlined in the Recovery Act. NTIA is required to provide at least $200 million for grants aimed and expanding broadband services for libraries, community colleges, and other public computing centers. This amount is a floor, not a ceiling. For many consumers that do not have access, or cannot afford access to broadband services in the home, public computing can provide the vital link to job search and training opportunities, access to government services, and education for their children. I am committed to ensuring that such institutions are strengthened by the BTOP program.

Question 4. New Mexico is a rural state which faces difficult "digital divide" issues. However, my state is developing an exciting broadband initiative and intends to apply for NTIA broadband funds with a coordinated, multi-partner proposal that includes state government, private telecom companies, rural and tribal communities, and nonprofit organizations.

As New Mexico attempts to foster wholesale 'open network' solutions for publicly-funded fiber infrastructure throughout the state, how should state broadband planners consider the limitations on public/private shared networks which are imposed by E-Rate and the FCC Telehealth Program?

Answer. I understand that there may be some requirements under the FCC's E-rate and Telehealth programs that could impair robust participation by these recipients in a larger BTOP application. If confirmed, I intend to work closely with Congress and the Federal Communications Commission on these important issues so that public funds are used to their full potential and that the goals of the Recovery Act are reached.

Question 5. In rural states like New Mexico, obtaining permits and permission for building infrastructure essential to expanding broadband access, such as fiber networks, can pose particular challenges since multiple jurisdictions for Federal, state, and local lands often must approve projects. How should NTIA encourage Federal agencies to support broadband expansion efforts?

Answer. It is my understanding that NTIA has already begun working with a number of relevant agencies to ensure that taxpayer funds are spent quickly, wisely, and efficiently. The Agency has already begun working with States and Federal agencies such as Housing and Urban Development, Transportation, and Health and Human Services to ensure that public investments are leveraging existing programs to maximize their benefit to the American public. If confirmed, I intend to continue this important work with our partners at the Federal, State and local level as NTIA implements the BTOP program.

Question 6. Although NTIA is the National Telecommunications and Information Administration, it tends to focus on telecommunications issues. Yet, NTIA needs to grapple with some difficult issues such as online copyright. Do you think Internet Service Providers should be required to take more steps to prevent piracy of software, music, and movies?

Answer. The Recovery Act requires grant recipients to comply with all applicable Federal, state and local laws. Federal law prohibits copyright piracy. If confirmed, I look forward to working with you and members of the Committee to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

Question 7. Over the last 10 years, the U.S. has gone from being a world leader in Internet penetration to being 16th or 20th or worse, depending upon what statistics you read. Why did that happen? What can be done to reverse the trend?

Answer. As the Nation that nurtured the creation of the Internet, the United States leadership position on Internet access penetration is extremely important to our economy, our society, and our culture. Recognizing its potential to enhance economic growth and address other key challenges facing our nation, such as improving health care delivery and deploying smart grid technology, increased deployment and adoption of broadband services is a top technology goal for the Obama Administration. Expanding access to broadband services is indeed critical to our Nation's economic competitiveness.

The most recent ranking of broadband penetration per 100 inhabitants compiled by the Organization for Economic Cooperation and Development (OECD) placed the United States 15th among the 30 OECD member countries. There are some methodological concerns with the OECD study and other studies do not show as great a decline. Nonetheless, the President has indicated this and similar rankings are unacceptable and he has called for our Nation to restore its position as the world's broadband leader. An important first step to address the lack of access to broadband services in unserved and underserved areas in the U.S. is the Broadband Technology Opportunities Program, established by the American Recovery and Reinvestment Act (P.L. 111–5). In addition to the $4.7 billion in grant support made available through this program and the companion program administered by the U.S. Department of Agriculture's Rural Utilities Service, the Recovery Act's provisions directing the Federal Communications Commission to develop a national broadband plan, and NTIA to develop and maintain a broadband map, will serve as critical sources of information to enable our Nation to reverse this trend.

Question 8. During the campaign, President Obama said that reforming our universal service system will be a priority. I think that this essential if we are going to ensure affordable Internet access in the rural parts of my state. What principles should guide any effort to reform universal service? Which other countries might provide models?

Answer. This country has a long tradition of ensuring that Rural America has access to connectivity on an affordable basis. Decades ago policymakers developed a "Universal Service" program to promote investment in rural areas and reasonably comparable telephone services at reasonably comparable rates to urban areas. This system has served us well in the past but as new technologies with new capabilities have emerged, it has become evident that a modernized program must be developed to serve the needs of all Americans in the Information Age. In the new global economy, our legacy support system must be replaced with one that fosters widespread availability and affordability of a broadband infrastructure of connectivity appropriate for the times. Key principles to reforming universal service include competitive neutrality, technological neutrality, affordability, and sustainability, balancing the goals of efficiency and equity. Any such program must be prudently combined and coordinated with other policy actions, such as pro-competition policies and—where markets fail and government intervention becomes necessary—an appropriate targeting of other types of support such as infrastructure grants or loans. NTIA will seek to work with the FCC and RUS, with the advice of major stakeholders, to develop an updated mix of policies to foster affordable connectivity in all areas. This examination should properly be wide-ranging, including a consideration of creative solutions and best practices wherever they may be found, regardless of country of origin. Other countries are just beginning to grapple with the issue of transforming their universal access/service programs to support broadband services and we will endeavor to learn from them just as they will be reviewing our actions in this area.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO LAWRENCE E. STRICKLING

Question 1. Alaska has extreme rural conditions, which make broadband access extremely difficult. Currently many rural villages depend on satellite services for Internet connection. This service is slow and expensive. In addition, it is taking up large amounts of spectrum needed for public safety and expanding demands on sat-

ellites for national security. Alaska lacks connection to the terrestrial Internet backbone and has to receive Internet access through satellite. Will the NTIA's definition of unserved areas include those areas, such as Alaska, with spotty service at best?

Answer. I recognize that Alaska has unique challenges when it comes to the deployment and adoption of broadband service, and, if confirmed, I will work with you and your staff to ensure that the eligibility criteria and definitions take into account Alaska's unique situation and do not unintentionally preclude those in Alaska from participating in the program.

Question 2. The short construction season in Alaska necessitates special consideration in grant funding. Will there be special provisions allowing for extended grant funding for those projects facing tight construction seasons?

Answer. The Recovery Act requires that recipients of broadband grants substantially complete their projects within 2 years on an award. Where there are unique circumstances, such as shortened construction seasons due to climate, that could prevent a project from being completed, I look forward to working with you and your staff, as well as grant recipients, so that such anomalies do not unfairly hinder the opportunity of Alaskans to share in the benefits of the Recovery Act.

Question 3. Another significant issue facing broadband deployment is the high cost of construction for the "middle" mile in Alaska. Currently most of rural Alaska depends on satellite for the long haul transport. A few providers in Alaska are working on fiber optics or microwave systems in order to provide service to the outlying areas. The only way these projects can come to fruition is with joint ventures and public private partnerships. Will the NTIA give priority to these types of partnerships to move these communities off satellite and onto broadband service?

Answer. Joint ventures and public/private partnerships may well offer an efficient and effective way to deliver broadband service to rural Alaska. If confirmed, I look forward to receiving applications from such applicants in rural Alaska.

Question 4. Will the NTIA require projects maintain their sustainability after the government funding ceases?

Answer. In order to maximize the benefits of public dollars invested through the BTOP program, if confirmed, I intend to ensure that NTIA abides by the Recovery Act's provisions concerning sustainability. As Congress determined, sustainability is one of the critical factors in choosing which applications qualify for BTOP funds and, if confirmed, I will ensure that each project selected for funding has developed an appropriate and sustainable business case for the services to be offered.

Question 5. Will there be any open access requirements for funded projects, allowing multiple providers to lease capacity on the grant-funded system at reasonable rates?

Answer. The Recovery Act requires that NTIA establish interconnection and nondiscrimination obligations as contractual terms of any broadband infrastructure grants. If confirmed, I will work with NTIA to implement these obligations for potential grant applicants in a clear and straight-forward manner so as to ensure that the goals of the Recovery Act are fully implemented.

Question 6. The Rural Utility Service statutory language stresses the importance of bringing competition into a service area. In Alaska, with sparse population in rural areas this policy is unrealistic. As the NTIA Administrator, will you recognize the needs of small communities and the importance of having at least one broadband provider?

Answer. It is the President's goal that every community shall have access to broadband services at the highest speeds possible. As you know, NTIA is obligated to define such terms as "unserved" and "underserved" so that broadband grant funds can be deployed in the most efficient and effective manner possible. If confirmed, it is my intention that the grant program be designed to further these statutory objectives.

Question 7. Alaska Native and Village Corporations play an important role in providing infrastructure for their communities. Will tribal entities receive priority funding or incentives for providing service to tribal lands, or in the case of Alaska, villages?

Answer. The Recovery Act states that tribes are among those public entities that are eligible to apply for broadband grants through the BTOP program. If confirmed, I will ensure that NTIA implements the statute to ensure that entities such as tribes and other political subdivisions have the fullest opportunity to apply for funding.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO LAWRENCE E. STRICKLING

Question 1. With regard to the broadband grant program, NTIA's primary focus must be on unserved communities. I understand that the program's rules are currently being formulated, but please describe how you ultimately intend to show that unserved communities benefit from this grant program.

Answer. NTIA should develop metrics to accurately and demonstrably show whether taxpayer funds are being used well, and whether the BTOP program is achieving the goals established by Congress in the Recovery Act. There are a number of outcomes that could be used to show that unserved communities benefit from this program, including households passed with broadband service, speed of Internet service, jobs created, affordability of broadband offerings, and adoption of broadband service. As Congress wisely instructed, NTIA will require recipients of broadband grant funds to regularly report on progress and outcomes of their project. If confirmed, I will ensure that the appropriate measures are developed to accurately evaluate whether broadband investments are meeting these shared objectives.

Question 2. Please describe your plans for effective oversight over the broadband program to avoid waste, fraud and abuse.

Answer. The prevention of waste, fraud, and abuse is a key priority for me and the entire BTOP program. As you are aware, one of the program's first steps was to transfer $10 million to the Inspector General (IG), as required by the Recovery Act, to ensure that taxpayer dollars are wisely and ethically spent. If confirmed, I will work closely with the IG to meet these goals. Already NTIA has pursued transparency and openness to the greatest extent possible. It has hosted public meetings here in Washington and around the nation, and solicited public comment on questions related to the program implementation, all of which are posted on its website. I also intend, if confirmed, to ensure that we implement a robust program of inspection and audits in accordance with accepted government practices. As the program expands, I intend to provide as much information as possible—including information about grant applicants and recipients, quarterly reports, and more—to the public. President Obama believes, and I believe, that giving as much information to the public as possible can help ensure the effective and efficient expenditure of taxpayer dollars.

Question 3. Concerning the broadband grant program, the statute requires the funded networks to adhere to, yet-to-be-determined, "openness" requirements. Although the Internet has, of course, fundamentally altered our lives for the better, as you know, every year billions of dollars in stolen copyrighted works are exchanged over the Internet. How will you help ensure that any openness requirements do not have the unintended effect of facilitating copyright piracy, or curtailing enforcement against?

Answer. The Recovery Act requires grant recipients to comply with all applicable Federal, state and local laws. Federal law prohibits copyright piracy. If confirmed, I look forward to working with you and members of the Committee to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

Question 4. I cosponsored Senator Kerry's bill, the Radio Spectrum Inventory Act, because the time is overdue to reclaim unused spectrum and put it to more productive uses. Please describe how you plan to approach NTIA's spectrum program.

Answer. I recognize the importance of wireless technologies to our economy, business productivity, and personal efficiency. Accordingly, if confirmed, I will devote a substantial amount of my time to spectrum policy and will support a spectrum inventory that accounts for the spectrum use of the Federal and non-Federal radio communities. At the same time, I am sensitive to the fact that Federal agencies have Congressional mandated missions and many of those missions require mobile communications and unhindered response. These pertain to defense, homeland security, transportation safety, and others. Many of the technologies used by the government require access to specific bands due to technical reasons.

It is understandable that Federal agencies, in performing their defense, homeland security and law enforcement, and safety activities will be concerned regarding any requirement to make public the location and frequency of many of their operations. Recognizing these concerns, I will work to ensure that responsive information is provided while also protecting sensitive information.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO LAWRENCE E. STRICKLING

Question 1. NTIA has the primary responsibility of managing the U.S. Government's relationship with the ICANN. In early 2008, NTIA conducted a mid-term review of the Joint Project Agreement between the two entities and that agreement is set to conclude on September 30.

Various concerns the domestic Internet community and businesses have raised during the mid-term review regarding the need for ICANN to make greater progress in the areas of accountability; responsiveness; stakeholder participation; increased contract compliance; and enhanced competition. Many also stressed the risks that might develop if the JPA and U.S. oversight of ICANN diminished prematurely—mainly in light of all the significant change that will be occurring such as expansion of generic top level domains, the introduction of internationalized domain names, the installation of a new CEO, and the ultimate migration from IPv4 to IPv6.

When the JPA concludes in September, how can our government work with ICANN, our businesses, and the international community, post-JPA, to assist the organization in continuing its mission of ensuring the security and stability of the Internet and advancing the communal goals that were prescribed in the JPA by both parties?

Answer. Regardless of whether the JPA is terminated, modified or extended, it is my belief that NTIA will continue to be an active participant in ICANN by representing the U.S. Government in ICANN's Governmental Advisory Committee (GAC) as well as filing comments, as needed, in ICANN's various public consultation processes. If confirmed, I can assure you that the views NTIA advocates will be based on robust and meaningful consultation with U.S. industry as well as our international partners and will be guided by the need to preserve the security and stability of the Internet's Domain Name and Addressing System (DNS).

Question 2. Do you believe the Department of Commerce should stay involved with ICANN through a temporary extension of the JPA or a third iteration of an agreement, as some have suggested, until these key issues have been reviewed and settled? The JPA is in essence the fourth extension of the Memorandum of Understanding so it doesn't seems inappropriate to have those discuss about some type of extension or a new iteration of the agreement between the parties, does it? Or do we need to replace the JPA and U.S. government oversight with some other mechanism that ensures the appropriate level of accountability to the stakeholders of ICANN that is outside the traditional relationship between U.S. Government and ICANN?

Answer. It is my understanding that irrespective of the Joint Project Agreement (JPA), the Department's relationship with ICANN will continue as ICANN currently performs the Internet Assigned Names Authority (IANA) functions under contract to the Department. With respect to the JPA, I am aware that NTIA released on April 24th, a Notice of Inquiry (NOI) seeking input on these issues. I do not wish to pre-judge the outcome of this public comment process, but I can assure you that if I am confirmed the comments received will inform any decision made about the JPA's future.

Question 3. One of the most significant challenges we are facing with the respect to the Internet is with cyber threats and cyber security. Our government networks and even private computers systems are constantly being bombarded by cyber attacks on daily basis. These cyber attacks are much aggressive and sophisticated in nature and pose an increasingly serious and costly threat to U.S. government and commercial networks and infrastructure.

Typically these organizations are leveraging botnets—networks of hundreds of thousands and sometimes millions of high-jacked personal computers. One botnet, known as the Conficker botnet, has grown so immense and extensive that it is estimated to consist of possibly more than 10 million compromised computers. Each conficker botnet computer can send approximately 10,000 to 20,000 illegal spam messages a day. ICANN should certainly be applauded in their efforts of working with parties such as the ccTLD managers to disrupt and eliminate the conficker botnet.

But the severity of the situation and threats are why I joined Chairman Rockefeller in introducing comprehensive cyber security legislation so we can harden on networks and infrastructure and better protect ourselves from the growing threats.

The legislation calls for NTIA to implement a secure domain name system (DNS) since the DNS is absolutely critical to communications over the Internet. However, such voluntarily efforts have moved a glacial pace unfortunately and is somewhat at a standstill in securing the root (global) level of the DNS. Will NTIA work with ICANN to resolve some of the political issues that have delayed securing the DNS?

Answer. Let me assure you that preserving the security and stability of the Internet's domain name and addressing system (DNS) will continue to guide NTIA activities in this area if I am confirmed. I understand that the deployment of a security technology called Domain Name Security Extensions (DNSSEC) will help in this regard and that NTIA is in a unique position to help facilitate broader DNSSEC deployment. If confirmed, I will see that NTIA works with ICANN and technical experts to protect the DNS from existing and future threats.

Question 4. Some countries are concerned about U.S. control over the Internet, and may reject any centralized keying for this reason. What are your preliminary thoughts about the controversy of signing the root zone? Last fall, NTIA issued a Notice of Inquiry about DNS security with comments due last November. Can you provide an update as to any decisions derived from that NOI?

Answer. It is my understanding that signing of the root zone does not mandate the use or deployment of DNSSEC as it is an opt-in technology. My review of the NOI public record suggests that there is almost unanimous consensus for DNSSEC to be implemented at the root zone level as soon as possible, in a manner that maintains the security and stability of the DNS. If confirmed, I will ensure that NTIA works collaboratively with the international technical community to obtain the widest possible support for DNSSEC deployment at the root zone level.

Question 5. There are over 1.5 billion Internet users globally, which is absolutely amazing. However, what is even more amazing is that there are more than 4 billion cell phone users worldwide. Mobile phones are the single most widespread information and communication technology today and for good reason. The Increased mobility, access, and productivity are all tangible results of wireless technology so a once nascent service has emerged as an indispensible tool that millions of consumers and countless businesses use on a daily basis.

But with all this growth, we are seeing constraints—spectrum is already a scarce resource in many areas—there is no new spectrum to allocate, only redistribute. That is why we must be proactive in advancing supportive spectrum policy and spectrum availability. Even President Obama and senior officials of the Administration have called for better use of the Nation's wireless spectrum.

To assist in this effort, Senator Kerry and I have introduced legislation that calls for a comprehensive and accurate inventory of how the spectrum managed by both NTIA and the FCC are currently being used and how. This is the first step in tackling comprehensive spectrum policy reform. Do you support such a spectrum inventory effort, given that there is at the very least a perceived scarcity of spectrum for advanced communications and broadband services?

Answer. Yes. I recognize the importance of wireless technologies to our economy, business productivity, and personal efficiency. Accordingly, I support a spectrum inventory that accounts for the spectrum assigned both to Federal and to commercial interests. This includes the spectrum already auctioned or allocated, though not yet auctioned, for advanced wireless. At the same time, I am sensitive to the fact that Federal agencies have Congressional mandated missions and many of those missions require mobile communications and unhindered response. These pertain to defense, homeland security, transportation safety, and others. Many of the technologies used by the government require access to specific bands due to technical reasons. I believe that an inventory will provide a sound basis for evaluating the availability of spectrum and efficient use of this scarce resource.

Question 6. What additional resources would NTIA require to complete an accurate inventory?

Answer. I understand that the only information not currently available in NTIA's database relates to the time component of systems' use and the numbers of end users. To obtain this information, NTIA would need to query the Federal agencies and seek their support to put the information together. If confirmed, I will work to facilitate this process.

Question 7. In 2006, the Spectrum Management Advisory Committee, was established to advise NTIA on spectrum policy and reform. The advisory committee has issued several reports with recommendations to improve spectrum efficiency, transparency, and accountability. Can you agree to provide this Committee an update of as to the status of those recommendations whether they have been implemented or not?

Answer. It is my understanding that the Administration is currently reviewing the CSMAC's recommendations as it begins to reactivate the CSMAC for a new term. The CSMAC's final transition report should serve as the focal point of NTIA's review since it concisely identifies the actionable recommendations. If confirmed, I will be happy to update the Committee with regard to the CSMAC's recommendations and NTIA actions taken to implement those recommendations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN ENSIGN TO LAWRENCE E. STRICKLING

Question 1. The American Recovery and Reinvestment Act provides NTIA the authority to allow broadband service providers (BSPs) to be eligible to receive funding under the NTIA Broadband Technology Opportunities Program (BTOP). Given that these companies are in the business of deploying broadband and connecting users to the Internet, they may be some of the entities best positioned to hit the ground running. Do you think NTIA should allow BSPs to apply for and to receive BTOP funding?

Answer. The Recovery Act states that for-profit entities such as broadband and infrastructure providers, shall be eligible to apply for grants if the Assistant Secretary finds it to be in the public interest. As a general matter, I believe encouraging the widest possible array of applications will best achieve the goals established by the Recovery Act. However, until I am confirmed and can review the public record on this question, it would not be appropriate for me to indicate whether the public interest standard has been met.

Question 2. The American Recovery and Reinvestment Act requires that NTIA, in coordination with the FCC, shall publish "non-discrimination and network interconnection obligations that shall be contractual conditions [for] grants" issued under the Broadband Technology Opportunities Program (BTOP). I am concerned that if these conditions are too burdensome that some of the broadband providers that are most able to quickly and efficiently deploy broadband infrastructure will choose not to apply for BTOP grants. Do you share this concern? What steps do you plan to take in order to ensure maximum participation by broadband providers in BTOP?

Answer. The Recovery Act requires NTIA to publish network interconnection and non-discrimination obligations that are to be contractual conditions of any broadband grants it awards pursuant to the Act. These obligations must, at a minimum, adhere to the principles contained in the 2005 broadband policy statement adopted by the Federal Communications Commission. I understand that in March, NTIA released a Request for Information (RFI) that sought public comment on a number of important issues, including the extent of non-discrimination and network interconnection obligations it should require of grant recipients. If confirmed, I will ensure that the public comments help inform the definitions of non-discrimination and interconnection, and will adequately protect consumers while promoting the shared goals of widespread investment in broadband networks and widespread participation in the grants program.

Question 3. The NTIA Broadband Technology Opportunities Program is designed to encourage and advance the deployment of broadband to unserved and underserved communities. Next-generation wireless broadband technologies such as LTE and WiMAX may be well suited to reach these populations. What steps will you take to ensure that wireless broadband technologies will be included in NTIA's broadband efforts?

Answer. The Recovery Act states that NTIA should ensure that projects reach the greatest number of people at the highest speed to the greatest extent possible. The statute also requires that NTIA implement the program in a technology-neutral fashion. As Congress has recognized, different technologies bring different advantages depending on the demographics of the area to be served. If confirmed, I intend for NTIA to welcome the participation of all technologies that will best achieve the goals of increased broadband deployment, and higher speeds, to the greatest population of users.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JIM DEMINT TO LAWRENCE E. STRICKLING

Question 1. The United States broadband market is among the most competitive in the world. The FCC reports that more than 90 percent of the Nation's population is served by multiple broadband competitors. A highly competitive market ensures rapid innovation, deployment, and investment. Private investment is why, in a nation as geographically and demographically diverse as ours, broadband has gone from essentially non-existent to nearly ubiquitous in less than one decade. With its focus on greater taxpayer funding of broadband deployment, how will this Administration's policies help sustain and encourage the high levels of private investment we are accustomed to in the United States? What steps will you take to ensure that public investments do not substitute, or diminish the incentives, for continued private investment?

Answer. The Broadband Technology Opportunities Program of the American Recovery and Reinvestment Act of 2009 has many important goals. For example, one of these is to ensure that improved access to broadband service to consumers living in "unserved" areas of the United States. Another purpose of the program is to provide improved access to broadband service to consumers residing in "underserved" areas. Although private investment has been instrumental in getting broadband to many segments of the population, the fact remains that millions of Americans still do not have access to broadband. And, where access is available, adoption of broadband is often lagging due to a variety of factors, including cost, service problems, or an under-appreciation of the economic, educational, and civic benefits that broadband can produce. The $7.2 billion allocated by the Recovery Act is meant to provide a jump start for viable, sustainable, and scalable broadband projects. BTOP funding should serve to promote and enhance private-sector investment, and will not supplant the efforts of existing providers to serve Americans with broadband. In fact, the Act requires that applicants demonstrate that projects would not have moved forward on their own. What the BTOP program can do is to support innovative, test-bed concepts for broadband expansion that can serve as a catalyst and guide for private-sector investment.

Question 2. Under the Broadband Technology Opportunity Program (BTOP), the NTIA will make up to $4.7 billion in grants with taxpayer money. Among the conditions imposed on receipts of these grants are "nondiscrimination obligations", to be defined by the NTIA. While I believe such vague obligations are a solution in search of a problem, I understand the desire to require or limit certain behavior by recipients of taxpayer funding. But, even if nondiscrimination obligations were necessary, there should be a distinction between how such obligations are applied to legal versus illegal activity. For example, this requirement potentially will force a grant recipient to treat an electronic copy of the Constitution the same as child pornography, or a legally downloaded movie the same as a pirated and illegally-downloaded copy of the same movie. How will you address the distinction between legal and illegal activities when defining nondiscrimination obligations? Should recipients of BTOP grants be prohibited from treating illegal activities and content on their networks differently than legal activities and content?

Answer. The Recovery Act requires grant recipients to comply with all applicable Federal, state and local laws. Federal law prohibits copyright piracy. If confirmed, I look forward to working with you and members of the Committee to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

Question 3. In 2006, Congress passed the Warning Alert and Response Network Act. The purpose of that law was to provide Americans with emergency alerts direct to their now ubiquitous wireless devices. The Commercial Mobile Service Alert Advisory Committee has handed off a road map to the Department of Homeland Security to conduct research, development, testing, and evaluation, including Alert Origination, the Federal Aggregator, and Gateway, to enable the capabilities necessary to deliver emergency alerts from emergency managers to wireless mobile devices. If confirmed you would have the responsibility under the WARN Act to transfer funds as needed to the Department of Homeland Security to conduct these crucial activities as their experts deem most appropriate. Can you assure me that you will provide the Department of Homeland Security with all the funds they need as requested by them to execute this essential program and will not divert funds to other projects that could undermine the ability of DHS to conduct the research and development necessary to ensure that wireless devices can optimally receive emergency alerts generated by America's first responders as soon as possible?

Answer. The creation of a unified national system capable of alerting the public, on a national, regional, and local basis to emergency situations using a variety of communications technologies is an important goal in which NTIA has a key role to play under the Deficit Reduction Act and the WARN Act. The WARN Act charged the Commercial Mobile Service Alert Advisory Committee with the development of the architecture for a national alerting system and the Federal Communications Commission (FCC) with the adoption of the process through which commercial mobile service providers can voluntarily elect to transmit emergency alerts and the requirements for public television broadcasters to install the necessary equipment to enable such providers to distribute geographically targeted messages. The Deficit Reduction Act provided NTIA with $156 million to support a national alerting system and the WARN Act charged NTIA with funding certain of these activities. To meet its obligations, I understand that NTIA has already made available $50 million to the National Oceanic and Atmospheric Administration (NOAA) to support a tsunami warning and coastal vulnerability program and $10 million for grants to

support outdoor alerting in remote communities. NTIA has also made over $4.7 million available to the Department of Homeland Security's Science and Technology Directorate to permit the Directorate to plan and design a research, development, testing and evaluation program to facilitate the transmission of emergency alerts by commercial mobile service providers. The WARN Act requires NTIA to use the remaining funds made available under the Deficit Reduction Act to compensate public television broadcasters for the reasonable costs they incur in complying with the FCC's requirements and to make adequate funds available to the Directorate for its research program. If confirmed, I intend to fully meet both obligations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO LAWRENCE E. STRICKLING

Question 1. The stimulus legislation provides for the creation of a national broadband strategy. What do you believe should be the fundamental components of that strategy? Do you anticipate filing public comments on the FCC's national broadband policy proceeding?

Answer. Since the passage of the Recovery Act, NTIA has been working closely with its partners at the Federal Communications Commission and the Department of Agriculture's Rural Utilities Service (RUS). I would expect NTIA to be active in coordinating with the FCC on its plan. Whether that coordination would benefit from NTIA's filing public comments would be determined in the course of those discussions.

Question 2. Can you discuss what you see as the timing of broadband funding? Recent reports indicate grants for the first round of funding will not be awarded by NTIA until September. Given the primary thrust of the stimulus was job creation, can anything be done to speed the timing of the awards?

Answer. The NTIA has been working as expeditiously as possible to implement the Broadband Technology Opportunities Program (BTOP). As you can imagine, implementing this new program requires significant planning, the development of rules, and developing the programmatic infrastructure necessary to effectively and efficiently award grants. NTIA is committed to ensuring that the public's investment is spent wisely. However, while these significant preparations likely mean that this fall is the earliest that NTIA will be able to make awards, I will take all appropriate steps to ensure that grant funds are distributed as quickly as possible, such as rolling awards, to maximize the stimulative effect of the program on job creation.

Question 3. In terms of what constitutes "unserved" and "underserved" areas, those terms were largely left to NTIA to interpret and define. In your mind, what constitutes an "unserved" and an "underserved" area?

Answer. Settling on the definition of "unserved" and "underserved" must take place before grants can be awarded to qualified and eligible applicants. NTIA has received a remarkable level of public input in response to its March 2009 Request for Information on the definition of these terms as well as a number of other critical issues that impact the effective implementation of this program. In its upcoming Notice of Funds Availability (NOFA), NTIA will further define these terms. And while I am not in a position to make those decisions at this time, I do believe there are a number of factors that should affect how we determine unserved and underserved areas. For example, unserved areas are likely to be those places where households and businesses lack access to Internet service at appropriate speed levels. As the public comments reflect, the definition of underserved is more likely to incorporate a variety of factors—gaps in service, speed, cost, to name a few—that impact the public's ability to take full advantage of the benefits of broadband service.

Question 4. The stimulus legislation references non-discrimination within the Broadband Technology Opportunity Program. How do you plan to comply with this directive while still allowing network providers to protect against the illegal transmission of copyrighted material, and protect children from dangerous online activity?

Answer. The Recovery Act requires grant recipients to comply with all applicable Federal, state and local laws. Federal law prohibits copyright piracy. If confirmed, I look forward to working with you and members of the Committee to find the most appropriate way to prevent copyright piracy and other illegal activities over the Internet.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO LAWRENCE E. STRICKLING

Question 1. I have heard concerns in my state regarding middle mile projects in underserved areas. The concern is that NTIA may only fund last mile applications without considering middle mile projects. Given the limited amount of resources would you consider, in "underserved areas", limiting funding to only projects that seek to build high capacity "middle mile" infrastructure?

Answer. In the American Recovery and Reinvestment Act of 2009 (Recovery Act), Congress required NTIA to award competitive grants based upon factors such as whether a grant will increase the affordability of, and subscribership to, broadband service to the greatest population of users in an area, and provide the fastest broadband speeds possible. The Recovery Act also directs NTIA to consider the extent to which a grant will increase broadband access to public safety agencies, educational institutions, health care providers, vulnerable communities, and other stakeholders. In its Conference Agreement, Congress specifically expressed its intent that middle-mile projects be eligible for funding if they meet the broadband needs of the area served. The Recovery Act also provides funding for non-infrastructure projects, such as public computing centers and programs that will promote broadband adoption. I expect the Notice of Funds Availability (NOFA) that NTIA plans to publish this summer will describe in much greater detail the criteria by which applications will be reviewed and evaluated. I fully expect middle-mile projects to be among the innovative and cost-effective proposals that will meet the goals established by Congress in the Recovery Act. However, in light of statutory requirements, I do not believe it would be appropriate to say that all grants to underserved areas can or should be limited to middle-mile projects, particularly in light of the directive to fund other categories of projects.

Question 2. It seems limiting these areas to receiving money for "middle mile" projects would ensure significant broad-based improvements in high-speed broadband availability is possible without creating a competitive disadvantage for existing reliable "last mile" providers, such as existing cable and phone providers who have already made private investments, and who already have a proven track record of operating networks successfully. Do you agree?

Answer. For the reasons stated in my previous response, I cannot say that all grants to underserved areas will be limited to middle-mile projects, particularly in light of the statutory directive to fund other categories of projects. However, I would expect NTIA, in making grants, to take account of the presence and status of existing providers, as those factors will help inform where and how broadband grants can best promote improved broadband service and adoption in that community.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DAVID VITTER TO LAWRENCE E. STRICKLING

Question. Are there security concerns around the running of the core infrastructure of the Internet that should be addressed before the U.S. Government gives up oversight of ICANN? For example, should NTIA agree to ICANN's plan to take over all security management for the Internet root zone?

If the Department of Commerce allows the ICANN Joint Partnership Agreement to expire, what oversight mechanisms will there be to ensure accountability absent the Department of Commerce? How will the input of private sector stakeholders be incorporated into such oversight mechanisms? The proposed plan suggests that doing away with the ICANN Board is the answer, but there are concerns that such a change would not be a viable option. Also, we have heard a clear message from the United Nations, which thinks it should manage Critical Internet Resources instead of the private sector. Do you agree with this assessment?

Answer. If confirmed, my goal will be to continue to preserve the security and stability of the Internet's domain name and addressing system (DNS) and my decision with respect to the future of the Joint Project Agreement (JPA) will be consistent with that goal. I understand that NTIA released on April 24th, a Notice of Inquiry (NOI) seeking comments on these issues. The public record developed through this process will also inform any decision made about the JPA's future and I look forward to working with you and the Committee on this important issue.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. SAM BROWNBACK TO LAWRENCE E. STRICKLING

Question. The U.S. benefits from more private broadband investment than any other country. In 2008, it is my understanding that U.S. broadband providers invested more than companies in Japan, France, UK and Germany combined. Can you discuss how the Administration can help sustain this level of private investment, especially in today's challenging economic environment?

Answer. The Broadband Technology Opportunities Program of the American Recovery and Reinvestment Act of 2009 has many important goals. For example, one of these is to ensure that improved access to broadband service to consumers living in "unserved" areas of the United States. Another purpose of the program is to provide improved access to broadband service to consumers residing in "underserved" areas. Although private investment has been instrumental in getting broadband to many segments of the population, the fact remains that millions of Americans still do not have access to broadband. And, where access is available, adoption of broadband is often lagging due to a variety of factors, including cost, service problems, or an under-appreciation of the economic, educational, and civic benefits that broadband can produce. The $7.2 billion allocated by the Recovery Act is meant to provide a jump start for viable, sustainable, and scalable broadband projects. BTOP funding should serve to promote and enhance private-sector investment, and will not supplant the efforts of existing providers to serve Americans with broadband. In fact, the Act requires that applicants demonstrate that projects would not have moved forward on their own. What the BTOP program can do is to support innovative, test-bed concepts for broadband expansion that can serve as a catalyst and guide for private-sector investment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO JOHN PORCARI

Question 1. The Essential Air Service (EAS) program funds subsidies that allow airlines to provide critical air service to small and rural communities. President Obama recently committed in his FY 2010 budget proposal to provide a significant increase to the EAS program. In addition to this funding increase, what steps do you believe should be taken to improve the effectiveness of this program?

Answer. The Essential Air Service program provides a vital link to the national air transportation system for many communities across the country. The EAS program, however, has remained fundamentally unchanged since its inception while the aviation landscape has changed dramatically with the spread of the hub-and-spoke system, regional jets, and low-fare carriers. If confirmed, I would like to actively review the challenges facing EAS and work closely with Congress to develop a more efficient and sustainable program that ensures the program remains responsive to the needs of rural America.

Question 2. What challenges, if any, do you see to implementing the national surface transportation policy, objectives and goals that are included in the Rockefeller-Lautenberg Federal Surface Transportation Policy and Planning Act of 2009 that was introduced last week. How do you believe the Federal Government can best work with states to ensure effective implementation of the policy, objectives, and goals?

Answer. Many experts in the transportation industry believe that the pending reauthorization of surface transportation programs is an opportunity to focus Federal policy and investment around the pursuit of important national goals. The Rockefeller-Lautenberg proposal would do just that. The mechanics of how these goals are translated into investment plans at the state and local level are complicated, but goal setting is the right place to start. If confirmed I look forward to working with this Committee and others to determine how best to achieve our national goals.

Question 3. The American Recovery and Reinvestment Act of 2009 provides significant funding to several programs within the Department, including unprecedented funding of intercity passenger rail grant programs. What mechanisms should be in place for effective oversight of selected projects?

Answer. I have been pleased to learn that extensive actions are underway to assure effective oversight of the American Recovery and Reinvestment Act of 2009 (ARRA) funds at DOT. In addition to the $20 million that Congress provided to the Inspector General, the active oversight by the Government Accountability Office, and the supervision within the entire Executive Branch by the new Recovery Accountability and Transparency Board, the Office of Management and Budget has specified comprehensive and systematic "Risk Assessment" procedures for the ex-

penditure of ARRA funds. Furthermore, these activities are being publicized by the Recovery.gov team for maximum transparency.

Question 4. Currently, the transportation sector is the largest contributor of greenhouse gas emissions in the United States. What efforts should the Department take to reduce overall transportation emissions in the short-term, while still making the movement of people and goods more sustainable in the long-term?

Answer. Under the President's leadership the Department is already taking steps to lower greenhouse gas emissions from transportation. Just yesterday the President announced a plan under which NHSTA will issue fuel economy standards for new cars and light trucks starting in 2012 that will bring the mileage of the U.S. fleet to its highest level ever. In addition, the surface transportation reauthorization is an opportunity to build on this progress by choosing investments that will lead to a less carbon-intensive transportation system over the long term.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK PRYOR TO JOHN PORCARI

Question 1. The State Highway Departments in Arkansas and Missouri will soon jointly submit an application for a grant for the Bella Vista Bypass project to be part of the American Recovery and Reinvestment Act (ARRA) Discretionary Grant Program, which provided $1.5 billion for Secretary LaHood to use at his discretion.

This program was designed by Congress to be used by the Secretary to provide funding on a competitive basis to state and local governments or transit agencies for surface transportation projects that will have a significant impact on the Nation, a metropolitan area, or a region. The minimum dollar amount for the grant is $20 million and the maximum is $300 million.

The Bella Vista Bypass, which is an integral portion of the future I–49 Interstate Corridor, clearly fits the mold for projects that should be funded under this new account. What role will you have in helping the Secretary on Recovery Act funds including this discretionary grant program? Would you please ensure that DOT takes a close look at this important project as you review incoming applications?

Answer. I am told that Deputy Secretary Thomas Barrett has had a major role in the implementation of the American Recovery and Reinvestment Act of 2009 at the Department of Transportation (DOT) and, if asked to take a similar role by Secretary LaHood, I would make this a high priority as Deputy Secretary. The $48 billion appropriated the Department can and will play a critical role in reviving the National economy and addressing important transportation infrastructure needs of the Nation at the same time. The $1.5 billion Discretionary Grant Program you refer to offers a unique opportunity to target the most promising surface infrastructure projects we have.

The merit-based criteria for project selection were recently published, as I'm sure you know, and they lay out the methodology that will guide the Department in making awards. The project you describe would, if submitted, certainly receive a full review by the staff involved.

Question 2. I noticed that during your time as Secretary of Transportation for the State of Maryland that you oversaw multiple modes of transportation. Giving the funding needs to maintain and expand our transportation infrastructure, would you briefly share your thoughts on traditional funding mechanisms like fuel taxes and newer, innovative funding mechanisms such as tolling, congestion pricing, and freight fees?

Answer. I know that the Department is exploring a great number of issues in preparation for surface transportation reauthorization. Perhaps the most important and challenging is the question of future funding of the highway and transit programs and restoration of the health of the Highway Trust Fund. Many options have been widely discussed and promoted for funding these programs, including those presented in the recently published final reports of the two national commissions established in SAFETEA–LU: the National Surface Transportation Infrastructure Financing Commission and the National Surface Transportation Policy and Revenue Study Commission.

I agree with the two SAFETEA–LU commissions that we need to explore more sustainable revenue sources than the fuel tax to support the Highway Trust Fund.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO JOHN PORCARI

Question 1. Mr. Porcari, You oversaw the Maryland State Highway Administration's efforts to make U.S. Route 301 the Nation's first "green" highway, which incorporates new storm water management, recycled materials, and ecosystem conservation techniques. How will DOT under your leadership work to further advance "green highway" technologies and practices to make our Nation's road system more environmentally sustainable?

Answer. I know that DOT is committed to advancing environmentally sensitive transportation infrastructure. Minimizing damage from, and mitigating negative impacts of, transportation facilities on the human and natural environments is important for federally-assisted transportation projects, from the initial planning and design stages, through development and construction, to operation and maintenance. If confirmed, I expect to continue DOT's efforts to achieve a balance between environmental challenges and the need for a safe and efficient transportation network. DOT has fostered a shift in the transportation community from simply mitigating environmental impacts to actively contributing to environmental improvements, and has provided leadership and funding to advance transportation agencies along the continuum of environmental stewardship.

I would actively engage in DOT's efforts to advance initiatives that support broader community and societal issues such as: coordination between land use and transportation; supporting reduction in emissions to meet climate change goals and adapt transportation infrastructure. We need to provide leadership in achieving the goal of having a transportation system support sustainability objectives. Secretary LaHood's livability initiative establishes a framework for DOT to advance mobility choices and increase quality of life.

Our ability to deliver the Federal Aid program will be dependent on mainstreaming these livability and green highway initiatives into regulatory a framework with Federal and state resource agencies. We will also need to support continued research on environment and transportation issues. By building strong relationships with resource agencies and all our constituencies, the Department can deliver green transportation projects and ultimately a green transportation system.

Question 2. Mr. Porcari, The state of New Mexico is aggressively addressing the problem of drunk driving through a combination of enforcement and education efforts. Yet in 2007 alone, there were still 169 fatal alcohol-related crashes in my state. Although the last highway bill provided grant programs to help states tackle the problem of drunk driving, it is a still a problem of great concern. What would you do as Under Secretary for Transportation Policy to further efforts to reduce drunk driving?

Answer. The State of New Mexico is to be commended for its remarkable rate of progress over recent years in reducing drunk driving. I was very impressed by Governor Richardson's announcement earlier this year that the number of DWI-related deaths in New Mexico has decreased 35 percent since 2002. Yet I fully agree that even at this reduced level, there are still far too many drunk driving deaths—in New Mexico and across the Nation—and we need to continue looking for every possible remedy for this problem.

If confirmed as Deputy Secretary for Transportation, I will work with my colleagues in the Department to provide the leadership, guidance and resources that States need to address the drunk driving problem. I believe it is important that the Department assist States by highlighting effective strategies and providing technical assistance and available resources that allow States flexibility in implementing solutions that best address their specific circumstances. States need support in assessing and adopting a range of potential countermeasures, including effective public awareness campaigns, law enforcement operations, and improvements in adjudication and sanctioning systems, including the use of ignition interlocks.

Question 3. New Mexico further requires those convicted of drunk driving to use ignition interlock devices, an inexpensive technology endorsed by Mothers Against Drunk Driving and mandated by eleven states to help prevent repeat offenses.

Do you support requiring the use ignition interlock devices (or similar devices) for drunk driver offenders? How could the use of such technology be encouraged nationwide by the Dept. of Transportation?

Answer. I believe that technology plays an important role in addressing the Nation's drunk driving problem. Ignition interlocks have proven effective in preventing repeat drunk driving offenses and are increasingly being adopted by states as part of their legal system for addressing this problem.

The Department of Transportation can play an important role in furthering use of ignition interlocks by evaluating State approaches for administering interlock

programs, creating guidance to steer efforts to improve the deployment of interlocks and providing technical assistance to States which adopt or strengthen interlock laws.

Question 4. President Obama's vision for high speed rail identifies ten high-speed rail corridors as potential recipients of Federal funding. However, none of these corridors is in the southwest. Why is the southwest region of the U.S. left out of consideration for a high speed rail corridor? What work or planning would need to be done at the state, regional, and/or Federal level in order for the southwest to become part of DOT plans for high speed rail?

Answer. The Department's strategic plan, *Vision for High-Speed Rail in America*, includes a discussion of the ten designated high-speed corridors in the background section in identifying efforts that had been undertaken by the Federal Government over the past twenty years to lay the groundwork for an expansion of high speed rail and intercity passenger rail in America. The corridor designations were based on State applications for corridors expected to achieve 90 miles per hour for grade crossing safety purposes. The American Recovery and Reinvestment Act of 2009 provides $8 billion to the Secretary for expenditure on three different rail passenger programs with the allocation among the programs to be decided at the Secretary's discretion. The three programs are capital investment grants to support intercity passenger rail service (authorized by section 301 of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA)), congestion grants (authorized by section 302 of PRIIA), and high-speed rail corridor development (authorized by Section 501 of PRIIA). Only the high-speed rail corridor development program is limited to designated high-speed rail corridors (see 49 U.S.C. § 26106(b)(2)). This is not a significant limiting factor for Recovery Act funding because of the broad discretion provided to the Secretary under the Recovery Act. The strategic plan indicates that DOT will have three separate "tracks" for funding under the Recovery Act and available annual appropriations: (1) grants to complete individual projects eligible under the intercity passenger rail service program (§ 301) and the congestion program (§ 302) for the benefit of existing services; (2) cooperative agreements to develop entire segments or phases of corridor programs eligible under the intercity passenger rail service program (§ 301) and high-speed rail corridor development program (§ 501) benefiting new or existing services; and (3) cooperative agreements for planning activities (including development of corridor plans and State Rail Plans eligible for funding under Section 301 of PRIIA) using non-Recovery Act funds. This third track provides States an opportunity to prepare themselves for any funding remaining in subsequent application processes under the Recovery Act and/or future year appropriations. Applicants located in the southwest region of the United States are eligible to apply for grant funds under any of the three tracks to the same extent as applicants in other regions of the country. Application requirements building on the proposed strategy outlined in pages 13–18 of the strategic plan will be identified in the Department's application guidance that will be issued on or before June 17, 2009. The Federal Railroad Administration is holding a series of High-Speed and Intercity Passenger Rail Workshops to seek input from the rail community in seven regions across the country. One of those sessions will be held in Houston, Texas on May 29, 2009.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. KAY BAILEY HUTCHISON TO JOHN PORCARI

Question. Emergency Medical Helicopter Airline Deregulation Act "Carve-out" Issue: Being the Secretary of Transportation in Maryland, I'm sure you are aware of the outstanding issues regarding medical helicopter safety and regulation because of the high profile accident in your state last year. Some in the medical helicopter community have proposed 'carving out' the medical helicopter industry from the Airline Deregulation Act (ADA) of 1978. This Committee has always been reluctant to dilute, exempt or make special carve outs for industries as it pertains to the ADA. Do you believe the Department could simply issue letters of decision on disputed areas versus a change in the law?

Answer. While I am well aware of the underlying issue because of the tragic accident you refer to, the "preemption" issue in this context is new to me. If confirmed, I would focus on the area of emergency medical services because of its obvious significance. I am told that the Department welcomes requests for guidance on whether particular State regulations comply with the preemption provision of the Airline Deregulation Act. Case-by-case determinations permit the Department to carefully address each fact-specific situation appropriately. If Congress were to consider legislation in this area, I understand the Department believes a comprehensive study be-

forehand, to gather data on whether any systemic problem exists, would be a best first step.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO JOHN PORCARI

Question 1. As a member who represents a large rural state, I am very concerned about how the next highway reauthorization measure will impact our State's ability to adequately fund our roads, highways, and bridges. Given your first-hand knowledge and experience with the Federal Highway program, you have a unique understanding of its importance to a state's ability to meet its transportation needs.

The President's recent budget shows the Highway Trust Fund is perhaps even in a worse situation than we knew—that as of September 30, 2009, the Highway Account will only have $950 million cash on hand. The administration is proposing that $36 billion in general funds be appropriated to augment what is available from the Trust Fund for FY2010, for a total program of $41.8 billion—meaning almost the entire program would be paid for out of the Treasury next year. What are your views concerning the current shortfall in the Highway Trust Fund? How can we most responsibly provide for continued, adequate funding to ensure we truly continue a "national" transportation system?

Answer. Addressing the shortfall in the Highway Trust Fund will be a major challenge in enacting surface transportation legislation. The treatment of this shortfall in the budget is intended to be an indication of the nature of the budgetary problem that needs to be addressed, rather than a specific proposal for how the shortfall should be funded. The condition, performance and safety of our transportation infrastructure are important and we will need the best and most creative thinking from both the Executive Branch and the legislative branch and a willingness to work together to address these important issues. If confirmed, I pledge to work as part of that team.

Question 2. Our Nation's surface transportation policies need to be crafted in a manner that strikes a proper balance among the many competing needs and many diverse geographic areas throughout the country. Do you agree that our national surface transportation policy must provide investment in a manner that ensures continued connections to and through rural states, and access for rural states to the larger transportation system? What are your thoughts on how best to strike the proper balance among rural and urban transportation needs?

Answer. I believe we need to look at transportation from a national perspective and identify the best ways to link points of population and commerce, including the farms where our food is grown, the industrial areas, recreational opportunities, and the land borders and ports. It is not possible to have a healthy economy while ignoring a significant part of the Nation. If confirmed, I want to work with you to develop or improve our surface transportation programs to provide the surface transportation systems that our Nation needs and our people deserve.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO JOHN PORCARI

Question 1. As you know, the House version of the 2009 FAA Reauthorization Act would sunset the antitrust immunity (ATI) for existing airline alliances, resulting in the loss of 15,000 U.S. airline jobs and having a ripple effect across the travel and tourism industry. The proposal to sunset current antitrust immunity for airline alliances also comes with the risk that the DOT will lose the authority to grant it altogether in the future. Do you believe ATI has been beneficial for consumers? Do you believe it should be sunsetted? What impact on future air transport negotiations, particularly with critical markets such as Japan, China, Mexico, and Brazil do you believe sunsetting ATI will have? What impact on ongoing negotiations for a second stage air transport agreement, with the EU do you believe it will have?

Answer. It is my understanding that the Department thoroughly analyzes each application for antitrust immunity and only approves those that are pro-competitive and pro-consumer. With regard to the impact of antitrust immunity on aviation relations with foreign countries, it is my understanding that, historically, the ability of a foreign country's airlines to apply for antitrust immunity has proven to be a valuable incentive in negotiating and achieving open skies between the United States and the foreign country. I believe this was the case with the recent U.S.-Europe open-skies agreement.

Question 2. Before joining the Commerce Committee I served on the Environment and Public Works Committee, and was Ranking Member on the Subcommittee on Transportation and Infrastructure which, as you know, writes a large portion of the surface transportation authorization bill. One of the issues we were looking at in my Subcommittee was how we would fund our highways trust fund moving forward. As you know Oregon has just completed piloting a "vehicles miles traveled" (VMT) funding program. What are your thoughts on VMT's as a funding stream for the highway trust fund?

Answer. I know that the Department is exploring a great number of issues in preparation for surface transportation reauthorization. Perhaps the most important and challenging is the question of future funding of the highway and transit programs and restoration of the health of the Highway Trust Fund. Many options have been widely discussed and promoted for funding these programs, including those presented in the recently published final reports of the two national commissions established in SAFETEA–LU: the National Surface Transportation Infrastructure Financing Commission and the National Surface Transportation Policy and Revenue Study Commission. Both reports indicate that a mileage-based user fee may be a feasible long-term alternative to the fuel tax for funding surface transportation programs. Each Commission also recommended that identifying a long-term alternative to the fuel tax should be a high priority in the next authorization.

I agree with the two SAFETEA–LU commissions that we need to explore more sustainable revenue sources than the fuel tax to support the Highway Trust Fund. Before settling on a mileage-based user fee or any other option, however, I think we should examine all potential revenue sources.

The long-term option of replacing the existing fuel tax with a mileage-based user fee has many positive attributes, but it would require major, and some argue costly, administrative changes that might take many years to fully implement. Many other technical and institutional issues such as privacy concerns must also be resolved before a mileage-based user fee could be implemented. As the two national commissions recommend, I think further work to investigate long-term surface transportation funding options, including a mileage-based user charge, should be undertaken during the next authorization.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO ANEESH CHOPRA

Question 1. One of the main roadblocks to a comprehensive interoperable health IT system is the often prohibitive upfront costs of purchasing and licensing the technologies. Some have recommended the use of open source technologies to reduce cost, and speed the implementation, of health IT networks. However, you've spoken in favor of an 'open collaboration' approach to technology development. These two terms are not synonymous. Can you describe the difference between open source and open collaboration? Are there aspects of open source software that you find lacking or insufficient for government needs?

Answer. First, I thank you for these questions because speeding the advancement of affordable health IT solutions is among my highest priorities should I have the opportunity to serve in the Obama Administration. Open collaboration includes open source software solutions, but also more broadly covers shareable intellectual property built on proprietary software solutions. If helpful, I'll elaborate a bit more by defining each below:

Open Source: From my perspective, this refers to the method by which software is developed—typically through a collaborative approach. This means often unrelated individuals or organizations work together, often in an ad-hoc manner, to deliver software that is of common interest. Key to this model is that the entirety of the intellectual property encourages sharing and collaboration (for example, under the General Purpose License) and allows for the distribution of source code or other related artifacts.

Open Collaboration: From my perspective, this refers to the method by which software is implemented—typically through a synchronous (multiple implementations at the same time) or asynchronous (one implementation at a time) approach. This means often unrelated individuals or organizations collaborate in a manner to share in the implementation, configuration or customization of a chosen software product. It applies equally to open source and proprietary software applications.

When proprietary software is used, only the intellectual property assets that are explicitly allowed by the vendor, systems integrator, or sponsoring organization may be shared. In these open collaboration models, the collaboration often uses an open licensing scheme like Creative Commons to share the best practices, business proc-

ess documentation, implementation configurations, training materials or other software implementation artifacts.

As Virginia's Secretary of Technology, I appointed a Senior Advisor for Open Collaboration (see *http://www.Governor.virginia.gov/MediaRelations/NewsReleases/viewRelease.cfm?id=806*) who is an award-winning local government CIO who successfully implemented a number of traditional open source software solutions and promoted open collaboration solutions built on proprietary software.

With respect to my preference for open collaboration, the issue is largely one of where I see the most leverage for savings. I'm less interested in the software license cost as I am the implementation costs associated with meeting a physician practice's current and prospective health improvement needs. For example, does the practice wish to implement a patient registry with alerts notifying patients of needed prevention services? Open collaboration allows for the sharing of intellectual property in the development of healthcare improving technology functionality while allowing maximum flexibility for physicians in selecting the underlying platform.

If confirmed, I look forward to actively working with you and your staff on ensuring low-cost options are available for the adoption of HIT, especially in those communities where physician practice incomes would have difficulty sustaining the investment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO ANEESH CHOPRA

Question 1. Over the past year, we have seen a number of reports of cyber-intrusions into government networks. The Office of the Director of National Intelligence is currently in the process of completing a 60-day review of national cybersecurity policy, and the Pentagon is also reviewing its cybersecurity policies. In your "dual" role as Chief Technology Officer and Associate Director of OSTP, what do you see as your role in ensuring that we have an effective, national cybersecurity strategy?

Answer. If confirmed, it would be my responsibility to ensure that the Federal Government pursues a course of responsible adoption of technologies that can improve the efficiency, effectiveness and transparency of government and improved delivery of government services for the American citizen. In the case of information technologies, part of that responsibility would include working with the Federal CIO, the CIO Council, DHS, and other stakeholders in the Federal Government to ensure that adopted technologies are safe and reliable. Since most intrusions are the result both of vulnerabilities in the information technology systems and improper configuration or use, I would stress both improvements in the security of Federal IT systems and a robust training and awareness program for the Federal workforce on the importance of good security practices.

Addressing the immediate cybersecurity needs of the Federal Government is essential; however, as the Associate Director of OSTP for Technology, my responsibility would also include providing guidance for the prioritization and coordination of advanced technology research in the Federal Government, including research in cyber security.

If confirmed, I would emphasize a research program on "game-changing" ideas in cybersecurity, to find new ideas that might transform the Nation's information infrastructure to be more secure and simpler to understand and use. The goal is to make it 'easy to do the right thing, hard to do the wrong thing, and easy to recover when the wrong thing happens anyway.'

Question 2. In your role as the Chief Technology Officer for the Commonwealth of Virginia, you oversaw several programs that implemented geospatial technology to support the efficient delivery of government services. Under your leadership, the Commonwealth successfully coordinated with local governments in order to share resources, to provide better citizen service, and to implement cost avoidance procedures across state and local agencies.

Would you share with us your plans, in cooperation with the National CIO, for overseeing high level coordination that fosters innovation in geospatial technology, and supports a national spatial data infrastructure (NSDI) that can be leveraged at all levels of government and the private sector?

Answer. Virginia's Geospatial strategy has indeed been a successful example of state and local collaboration, fueled by thoughtful public policy codifying a statewide board to lower costs, spur innovation applications and creative public-private partnerships.

If confirmed, I would look forward with the Federal CIO on the key strategies that led to Virginia's success:

1. Shared Services: Virginia benefited from the deployment of shared geospatial technology products and services, including statewide imagery collection. By pooling our scarce public dollars, we were able to afford higher resolution imagery at lower cost. In addition to shared costs, another benefit of coming together is the development of a "meta-data" library to simplify the sharing of data sets across agency and between the public and private sectors.

2. Application Development Platform: Once a shared service is in place, it lowers the marginal cost to deploy innovative applications. A relevant example given the current priority placed on broadband is the no-cost deployment of a statewide broadband availability map (accessible at *http://gismaps.virginia.gov/BroadbandMappingFinal/*) that took advantage of the technical infrastructure made available through Virginia's CIO.

3. Public-Private Partnerships: Virginia is focused on innovative partnerships to leverage capabilities and further our goals with limited resources. Recent examples include partnership agreements with Microsoft and Google to deliver Virginia's more robust imagery into private sector mapping platforms for public use. In addition, Virginia's partnership with NAVTEQ demonstrated the benefits of data sharing with NAVTEQ benefiting from Virginia's higher resolution imagery and Virginia's state agencies benefiting from NAVTEQ's premium data services, including GIS routing capabilities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO ANEESH CHOPRA

Question 1. Eric Schmidt, the CEO of Google has written that, "We're moving into the era of 'cloud' computing, with information and applications hosted in the diffuse atmosphere of cyberspace rather than on specific processors and silicon racks. The network will truly be the computer." Some experts say Cloud computing could be as important and as disruptive as the World Wide Web. Do you agree? What should the Obama Administration do to realize the benefits of "Cloud computing"?

Answer. Cloud computing has a number of advantages, including reduced cost, increased storage, higher levels of automation, increased flexibility, and higher levels of employee mobility. The Federal Government should be exploring greater use of cloud computing where appropriate. The President's Chief Information Officer, Vivek Kundra, has already convened a committee of the CIO Council to engage on this topic and surface recommendations for agency adoption.

We also need to educate the next generation of computer scientists and programmers in developing software, algorithms, and applications that will take advantage of cloud computing. NSF, for example, has already developed partnerships with several of the leaders in cloud computing that will increase access to the latest technology at colleges and universities across the country. This will position the U.S. to lead in the future development of this critical technology.

Question 2. Today, there are about 1.5 billion computers and smartphones connected to the Internet. Yet in a few years, there could be hundreds of billions of devices, sensors, and appliances connected as well. Some people call this the "Internet of Things" or sensor nets. Networked sensors could help monitor the environment, provide early warning of natural disasters, reduce traffic congestion, and save companies (and government agencies) billions of dollars. What do you think the government's role should be in the development of the "Internet of Things"?

Answer. If confirmed, I look forward to working with you on at least two levers for government to assist in the development of the "Internet of Things":

1. Investments in R&D
2. Procurement/Grants Aligned to the President's Policy Priorities

Government agencies such as NSF and DARPA have already been actively involved in supporting R&D and testbeds related to pervasive computing and wireless sensor networks. For example, NSF has a research program called "Sensors and Sensing Systems." DARPA has been supporting research that combines novel approaches to sensing, sensor processing, sensor fusion, and information management to enable pervasive and persistent surveillance of the battlespace. Agencies participating in the Networking Information Technology Research and Development (NITRD) Program have identified "cyber-physical systems" as a top priority—which is directly relevant to an "Internet of Things."

If confirmed, I look forward to furthering the development of the "Internet of Things" by aligning opportunities to the President's key priorities in healthcare, energy, education and job creation. For example, devices capable of monitoring a pa-

tient's health condition in the home might contribute to the President's goal of bending the healthcare cost curve and might qualify for support among a number of Federal programs. Through grants and other procurement vehicles, the government might contribute to the growth of this industry by supporting early-stage product adoption and testing.

Question 3. The State of New Mexico has adopted EPEAT standards for the procurement of environmentally preferable electronic products. This decision ensures New Mexico contributes to the national reduction of 3,220 metric tons of toxic materials, 174 million metric tons of carbon/greenhouse gas emissions, and 42.2 billion kilowatt hours of electricity consumption. That electricity savings is equivalent to the annual electricity consumption of almost 4 million households. In your role as President Obama's "Chief Technology Officer," would you encourage Federal Government procurement requirements for electronic equipment that helps reduce "e-Waste," energy consumption, and greenhouse gas emissions?

Answer. First, I wish to applaud your home state for leadership on this important issue. It is my understanding that Federal agencies are following a similar path. On January 15, 2009, pursuant to the Energy Policy Act of 2005 and Executive Order 13423, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council adopted a Federal Acquisition Regulation rule that requires the use of the EPEAT when acquiring personal computer products.

If confirmed, I intend to work closely with the Federal CIO and the President's Chief Performance Officer on strategies to encourage agency management to consider the energy implications of technology procurements.

Question 4. A recent GAO report (08–1044) found that more than 300 million electronic devices entered the U.S. waste stream in 2006, and that North America was the primary exporter of potentially harmful electronic devices to developing countries where they are often recycled by crude and inefficient means that endanger human health and environmental protection. How do you propose reducing the Federal Government's electronic equipment waste stream? How would address you this issue in your role as Chief Technology Officer?

Answer. If confirmed, I look forward to working with you and your staff on developing a set of strategies to reduce the Federal Government's electronic equipment waste stream. In general, I would focus on three simple concepts:

1. Reduce Waste: In part, with the use of EPEAT in technology procurement, we should have greater confidence our acquisition strategies will minimize downstream waste.

2. Expand Reuse: In Virginia, I assisted in the launch of the Virginia STAR program (*http://www.Governor.virginia.gov/MediaRelations/NewsReleases/viewRelease.cfm?id=840*) which recycled older computers into high schools that refurbished them as part of a larger student training effort. We were particularly proud of this program because it aligned two of our priorities—the Governor's energy agenda and his commitment to workforce training for all Virginians (many kids working on the refurbished computers were not enrolled in technology classes before). Finally, our initial program involved donations from the Social Security Administration.

3. Component Recycling: For those components that are difficult to reuse, it is possible to find public/private/non-profit partnerships to pursue alternatives.

As Chief Technology Officer, I will have the opportunity to convene working groups interested in pursuing strategies that intersect the President's priorities with technology and innovation.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO ANEESH CHOPRA

Question 1. NASA is both an important user and a significant creator of Technology products, systems and architectures. It is also in the midst of several initiatives to consolidate the management it its information technology (IT) infrastructure, as well as enhancements to its data security practices. NASA also applies its technology development resources to carrying out programs unlike anything done by any other Federal agency, especially in the human spaceflight arena. It is important that government-wide coordination or initiatives in technology development, in general, and information technology in particular, takes into account the unique mission challenges facing an agency like NASA, and ensure that inter-agency coordination, cooperation and standardization serve to further enable or enhance the ability to address those specific missions and challenges.

What steps will you take to ensure that any new or existing government-wide coordination or initiatives in technology development, in general, and information technology in particular, take into account the unique mission challenges facing an agency like NASA, and ensure that inter-agency coordination, cooperation and standardization serve to further enable or enhance the ability to address those specific missions and challenges?

Answer. If confirmed, I intend to work closely with the Federal CIO on ensuring NASA's active participation in and contribution to information technology initiatives. That said, it is my understanding that NASA already actively participates in myriad government-wide working groups, committees, and subcommittees to ensure appropriate inter-agency coordination, cooperation and standardization. For example, NASA has reported that it is engaged and aligned with Federal initiatives to improve Information Technology (IT) security, such as implementation of the Federal Desktop Core Configurations (FDCC), Trusted Internet Connection (TIC), and all aspects of the Federal Information Security Management Act (including certification and accreditation of systems, contingency planning and testing). In addition, NASA is heavily engaged with the National Institute of Standards and Technology in the FDCC testing activities.

To streamline its operations, NASA participates in several E-Government initiatives to consolidate and standardize systems across the government, such as the IT Security Line of Business, E-Travel, E-Training, Business Gateway, and Integrated Acquisition Environments. In addition, the NASA CIO actively participates on the Federal CIO Council, monitoring and supporting, as appropriate, activities and initiatives being driven by the Federal CIO and OMB.

On the programmatic side, NASA maintains and plans to continue key partnerships with industry and other Federal agencies in the conduct of NASA business. NASA policy requires that technology development be carefully considered during the development and execution of programs—whether they are for human space flight or aeronautics research. For example, programs generally require the following plans including: Risk Management Plan, Technology Development Plan, Mission Operations Plan, Information and Configuration Management Plan, Security Plan, and an Export Control Plan.

As CTO, I will work to ensure that NASA is a full participant in these relevant interagency activities and that lessons learned at NASA and other agencies are shared to maximize the benefit across the Federal Government enterprise.

Question 2. Senators are frustrated with cost overruns and continued delays in the NPOESS (National Polar-orbiting Operational Environmental Satellite System), the new weather-monitoring satellites which is being built by NOAA, NASA and the Defense Department. Many are calling for the Administration to take a fresh look at this program and develop a plan forward to ensure the continuity of our weather services to the Nation.

Do you have any ideas of how the government can better manage this large systems acquisitions? Are there any lessons learned from your work as Virginia's Secretary of Technology?

Answer. The NPOESS program provides critical capabilities for our Nation's terrestrial, ocean and space weather forecasting, as well as sustained climate monitoring. In order to ensure the success of NPOESS, there must be discipline on the program's requirements, funding and workforce stability, and strong program management. Requirements must be articulated crisply and clearly and any changes must be based upon a solid justification with requisite funds available, if needed. Funding stability is crucial for complex programs on both the government and industrial base sides so that program milestones can be planned with high confidence and to ensure that a talented workforce is retained. Last, large complex programs require a strong program management office with clear lines of communications between decisionmakers and executors, as well as accountability to ensure that schedules are met with the resources available.

My experience as Virginia's Secretary of Technology has taught me that open, transparent communications across all the stakeholders in complex programs is vital and that clearly articulated goals, and roles and responsibilities are critical to ensure efficient, timely execution. In addition, it is crucial to have motivated, talented managers that are held accountable and are given the flexibility to deliver innovative solutions. Finally, the procurement process must balance a clear description of agency need with the ability to make agile adjustments to ensure the achievement of the well-stated goals or outcomes the program is intended to achieve.

If confirmed, I will certainly work with the Federal CIO, NASA, NOAA, DOD, and others within the Executive Office of the President in an effort to achieve success in this program.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO ANEESH CHOPRA

Question 1. As the State of Virginia's Secretary of Technology you oversee the Office of Telework Promotion And Broadband Assistance, which was established by Governor Kaine in 2006 to support public and private sector efforts that promote widespread adoption of telework initiatives as well to encourage the availability of affordable broadband throughout the state.

Telecommuting great opportunity to advance broadband and environmentally friendly issues. Telecommuting is seen as a solution to traffic congestion caused by single-car commuting, and the resulting urban air pollution and petroleum use. A Consumer Electronics Association 2007 study found 1 day of telecommuting saves the equivalent of up to 12 hours of an average household's electricity use. Furthermore, the report estimated that U.S. telecommuters save 840 million gallons of gas per year, which would also curb carbon dioxide emissions by nearly 14 million tons.

Telecommuting also has business benefits, increased productivity and costs savings. British Telecom found productivity rose 31 percent among its 9,000 teleworkers due to lack of disruptions, stress and commuting time. PC World magazine found that Teleworking can cut corporate real estate costs from 25 to 90 percent. However, telecommuting has come to be viewed by some as more a complement rather than a substitute for work in the workplace. With all the benefits that telecommuting/telework provides, how has Virginia, and specifically the Office of Telework Promotion And Broadband Assistance, promoted telework as a more of a permanent solution for businesses and companies operating in your state?

Answer. Virginia's strategy to promote telework began with Governor Kaine's goal to achieve 20 percent enrollment across each state agency by 2010. Leading by example, we inspired a voluntary coalition of businesses pledging to match the Governor. We celebrated the results of our most innovative agencies and worked closely with stakeholders to incorporate telework in our larger congestion management strategies, especially in traffic-clogged regions of the Commonwealth.

In general, we adopted a strategy focused on three levers applicable to the private sector:

1. Broadband: A critical ingredient in the adoption of private sector telework policies is sufficient bandwidth at the home or regional telework center to support basic staff productivity requirements

2. Rural Economic Development: While most attention in telework policy is paid to workers telecommuting one or 2 days a week, we focused on the possibilities of permanently sourcing private sector work in rural areas, spreading higher-wage, higher-growth jobs across more communities in Virginia. We led by example, with Virginia's TAX Department sourcing 25 jobs to Virginia's rural southside filled entirely by home-based workers with broadband.

3. Innovation: We fostered a culture of employee creativity through Governor Kaine's Productivity Investment Fund, a source of seed capital to catalyze innovative ideas that advanced his policy goals and delivered productivity gains. One of our projects called for a newly designed space for "learning and work" that took advantage of the fact that most distance learning courses were offered in the evening. The goal of this innovation project is to increase space utilization by allowing private sector employees to "rent" the learning space for telework during the morning and then transition smoothly into a distance learning course taught in the evening. The project is in a design phase but should increase the number of private sector teleworkers also interested in additional training when launched.

Question 2. How will you migrate those initiatives to the Federal level?

Answer. If confirmed, I intend to work closely with OPM Director John Berry on supporting his strategies to promote Federal employee telework with a goal to publish all training and implementation materials so private sector firms might rapidly adopt a similar program with minimal cost.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO ANEESH CHOPRA

Question 1. Drawing from your role as Secretary of Technology for Virginia, what approaches did you take to broadband deployment at the state level that could be applied at the Federal level? Did the state of Virginia use, for example, state universal service support mechanisms to foster broadband access?

Answer. Governor Kaine established a bold goal in his economic development plan issued, by statute, in his first year in office. He explicitly called for universal access to broadband services for business as a goal and directed me to lead an Office of Telework Promotion and Broadband Assistance with the support of several additional cabinet members.

The setting of a bold goal was critical in our subsequent strategy to engage a broad set of public and private sector leaders from around the state to develop a web-based "toolkit" capable of accelerating public-private partnerships for local service delivery.

We focused our attention on four principles, all of which apply to the Federal level:

1. Measurement: We published (at no cost) a statewide broadband availability map (accessible at *www.otpba.vi.virginia.gov*), with full voluntary cooperation by over 25 service providers; the map assembles service availability at the address-level with a minimum download speed of 768 Kbps based on the current FCC "basic broadband" threshold. In addition, we developed a set of specialty maps—on speed testing for homes and schools, and of all industrial parks marketed to attract new businesses to the Commonwealth.

2. Technology: We published a "matrix" of technologies (accessible at *http://www.otpba.vi.virginia.gov/technology_attributes.shtml*), with full voluntary cooperation by technology firms representing each technology category. The purpose of this effort was to assist local communities in determining the right technology for community-led initiatives.

3. Applications: We published an "applications inventory" (accessible at *http://www.otpba.vi.virginia.gov/broadband_applications.shtml*) focused on publicly-oriented benefits of various applications that might form the basis of a community business plan (specifically, generating cash-flows to support network deployment).

4. Business Case: We published a "buy-down" worksheet (accessible at *http://funding.otpba.vi.virginia.gov/*) in order to simplify the development of a business case that could lower upfront capital costs for community-led initiatives, and to maximize available cash-flow to support ongoing operations.

It is important to note that in almost every case we examined, the universal service support mechanisms have been key ingredients in the development of a sustainable business case.

Question 2. I understand you will be the first Chief Technology Officer within the White House. What expectations do you have for this new role? What are a few ways (3 ways) we can better use information technology to make government more open and transparent?

Answer. As the Nation's first CTO, I expect to provide meaningful advice to the President on how best to harness the power and potential of technology and innovation to further his agenda. To accomplish this goal, I expect to coordinate policy in a number of areas, including the use of information technology to make government more open and transparent. Based on my experience, the following three levers can achieve this goal:

1. Publish "Meaningful" Data: A threshold question on the ability to improve government is asking what it is we should expect out of our government. In Virginia, we developed a web-based performance management system, *Virginia Performs* (*www.vaperforms.virginia.gov*) to provide every Virginian a clear understanding of our long-term goals as a Commonwealth—on education, healthcare, public safety and so forth—and the ability to measure state agency performance against them. In addition to our long-term goals, we've published by agency a set of key outcome measures that can be tracked over time, as well as a new set of productivity measures to inform the public about the costs of running government operations. We've additionally published this information in a mapping format so Virginians can benchmark performance by zip code, region or across state lines.

2. Engage the Public in Decision-Making: Shortly after the President announced his intention to advocate for a stimulus program, Governor Kaine directed me to use information technology to engage the public on how best to direct that spending if it would include discretion at the state-level. Within days, we launched *http://stimulus.virginia.gov/projects/* and invited public input on project ideas worthy of the Governor's consideration. In less than a month, we solicited 9,000+ ideas totaling $465BN in project value. Currently, Virginia's

state agencies and Cabinet Secretaries are evaluating project ideas for future consideration.

3. Organize Government by Constituency: Forbes.com has rated Virginia the "best state for business" 3 years in a row and Governor Kaine directed me to use information technology to further improve our business climate. An immediate priority was to support entrepreneurs as they manage the complexity of interfacing with multiple state agencies before they can conduct business. We launched a "Business One Stop" (accessed at *http://www.virginia.gov/bos/index.html*) to assist with the completion of business forms. Within its first year in operation, over 7,000 new businesses registered with the system saving, on average, 3–5 business days to locate all of the myriad forms needed to get started.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO ANEESH CHOPRA

Question 1. The GAO recently testified that Federal agencies reported $72 billion in improper payments from a variety of Federal programs for FY2008—roughly 4 percent of all payments in these programs. Medicare and Medicaid accounted for roughly half of these improper payments. Several other Federal programs, while smaller than Medicare and Medicaid, have payment error rates of over 10 and 20 percent. At the same time, many Federal programs have yet to meet the requirements of the Improper Payments Information Act of 2002, so the full extent of this problem is not even known yet. What are your plans to use technology to address this issue?

Answer. It is my understanding that addressing payment errors and other forms of government waste is a top priority of this Administration. I plan to work closely with the Office of Management and Budget (OMB) and other Federal agencies to identify ways in which technology can be better leveraged to improve program integrity and other key financial management results. According to OMB, a significant portion of the $72 billion in improper payments can be attributed to two key problem areas: (i) inability of the Federal agency and recipients to produce supporting documentation to validate a payment when it is audited for accuracy; and (ii) inability of Federal agency to verify or authenticate the eligibility of a recipient. While I look forward to the opportunity to delve deeper into payment accuracy issues, my initial understanding of the matter gives me confidence that technology can play a key in improving results in these areas. Of particular note, technology can enable enhanced data matching and mining solutions that will facilitate Federal programs making smarter eligibility determinations. Again, if confirmed, I will quickly engage OMB in partnership on this issue and look forward to updating this Committee on our progress.

Question 2. A constituent of mine that owns a technology company has been working with Defense Finance and Accounting Services (DFAS) within the Department of Defense to use data mining and auditing software to prevent improper payments and identify waste, fraud and abuse. In its initial phase, this effort has already identified and prevented several hundred million dollars in improper payments. Are you aware of these efforts within DFAS, and do you plan to pursue these and other types of technological solutions more broadly throughout government agencies to address this problem? Do you know if OMB is aware of these approaches and if they will require other agencies to implement these kinds of approaches?

Answer. I am aware of the type of technology that DFAS is deploying, but I am not personally familiar with the specific software product being used in this instance. It is my understanding that OMB is aware of DFAS' Business Activity Monitoring program and the successes achieved to date. Of note, OMB notes that since this program was initiated, DFAS has prevented nearly 2000 potential improper payments totaling $220 million. These results are impressive and I believe warrant further review to see if the solutions being deployed as part of DFAS overall program can be replicated in other parts of government.

If confirmed, I believe that I can play an important role in identifying and disseminating best practices such as this. I look forward to working with OMB and the Federal agencies to identify and expand the use of technologies with proven effectiveness at error prevention.

Question 3. Do you see the need for the creation of a technology advisory task force or team that can come together in the early stages of your tenure assisting you with the myriad of technologies, applications, processes and approaches such as Buy or Build that you and your team will face?

Answer. In my capacity as Virginia's Secretary of Technology, I convened a Productivity Advisory Committee of leading private sector technology leaders to advise me on strategies to lower costs, improve customer service, and advance the Governor's objectives. If confirmed, I look forward to engaging the private sector in a manner consistent with Federal policy on the myriad issues we will face.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO DR. REBECCA M. BLANK

Question. The Economics and Statistics Administration is the government's statistics agency. ESA provides broad and targeted economic data, analyses and forecasts for use by Government agencies, businesses and others, as well as develops domestic and international economic policy. ESA consists of the Bureau of Economic Analysis (BEA) and the Bureau of the Census. BEA is responsible for many important economic measurements derived from the national income and product accounts, most notably the gross domestic product. The Census Bureau is responsible for the decadal census as well as other measures of U.S. population, economy, and governments. Some analysts have a total estimated cost for the 2010 Census rising upwards of $13 billion dollars. The Census is in the jurisdiction of the Homeland Security and Governmental Affairs Committee. The 2010 Census is a major interest of many Senators on this Committee. Can you promise to keep this Committee updated with the progress of the Census and any problems that may arise?

Answer. If I am confirmed, you have my commitment that your committee, and all other committees of the Senate and House with jurisdictional oversight for Census Bureau will be given regular progress reports on 2010 Census operational milestones, budget expenditures, challenges and successes.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BILL NELSON TO DR. REBECCA M. BLANK

Question. The Economics and Statistics Administration has been charged with tracking new residential construction and sales. However, the housing crisis has been attributed in part to a lack of data at the individual homeowner level that would have predicted some of the negative trends that we now see in the housing market. As you know, Florida is facing some of the highest foreclosure rates in the Nation. Do you believe that the Federal Government should use vehicles such as the Home Mortgage Disclosure Act and the First Time Homebuyer Tax Credit to track housing activity at the individual homeowner level, as was demonstrated in last Friday's *New York Times* Interactive Foreclosure Map which was designed based on census tract information?

Answer. There is a wealth of information available from the Census Bureau and the Bureau of Economic Analysis that can be used to track the health of the Nation's families and businesses. In particular, the American Community Survey, which by 2011 will have economic and demographic household information available at the block group level, will provide data on homeownership, how long a person has been living at a particular address, and monthly mortgage payments. I don't know enough about the information that will be collected to offer an informed opinion about whether the Home Mortgage Disclosure Act and the First Time Homebuyer Tax Credit should be used to track housing activity. If your committee and committee staff would find it useful to learn more about the data collection vehicles currently in place that provide information on the status of housing and homeownership among American households, if confirmed I would be happy facilitate such a briefing.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO DR. REBECCA M. BLANK

Question 1. Ms. Blank, Secretary Locke has stated that "a successful census is critical for ensuring that communities have proper representation and the resources needed for health care, law enforcement and education." You will oversee the Census Bureau in your role as Under Secretary of Economic Affairs. Will current efforts and resources for the 2010 Census be adequate to ensure an accurate and complete counting of Americans living in rural areas where census participation can be low and it is difficult for census workers to follow up with those who do not respond to census questionnaires?

Answer. I am not fully briefed on the finer details of the Census Bureau's efforts to address the challenges of enumerating rural populations. However, if confirmed, I commit to thoroughly investigating the strategies the Census Bureau has in place to address the special needs of enumerating rural communities. An accurate count in the 2010 Census is my highest priority. My review of news accounts of the President's 2010 budget for the Census Bureau has revealed that it has been very well received. In addition, $1 billion was provided to the Census Bureau in the American Recovery and Reinvestment Act. Of those funds, approximately $120 million will be used by the Census Bureau to conduct outreach, and create relationships with places of worship, local and tribal governments and organization that can help educate communities about the importance of participation in the census and the confidentiality of the information they provide. This outreach effort will touch every community—urban and rural. I look forward to working with you on these outreach efforts in your state.

Question 2. If problems do arise in rural areas, will the Census Bureau and Dept. of Commerce ensure that all necessary resources are provided to meet the task of counting rural Americans?

Answer. Secretary Locke has stated that a fair and accurate 2010 Census is one of his highest priorities. I will, if confirmed, extend every effort to assist the Secretary, the Census Bureau Director, and the employees of Census Bureau in meeting its goal of counting every resident—rural, urban and suburban—in the United States once, and in the right place.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV TO J. RANDOLPH BABBITT

Question 1. As more facts surrounding the crash of Colgan Air Flight 3407 become public, it has raised serious concerns about the adequacy of pilot training, crew rest, pilot commuting and fatigue, and the FAA's oversight of regional airlines. Much of the attention has been focused on the Captain's training and his inability to recover the aircraft after it stalled. As Administrator, what steps do you plan to take to make sure the FAA provides adequate oversight of airline pilot training and to address the issue of flight crew fatigue?

Answer. These are critical issues. Flight time, rest requirements and duty time limitations for all crewmembers, not just pilots, should be made as consistent as possible. If confirmed, I will review the current regulations with a focus on consistency and appropriate application of fatigue science, and I will also review current FAA regulations and practices to ensure that we have adequate oversight of air carriers.

Question 2. The Obama Administration recently proposed that the air traffic control system ought to be funded with direct charges levied on the users of the system beginning in October of 2011. As Administrator, in what ways do you plan to move this proposal forward?

Answer. The Administration supports a stable source of funding for the aviation trust fund that ensures the ability to accelerate air traffic control modernization, improve aviation infrastructure and provide safe and efficient air operations. If confirmed as Administrator, I plan to work with Congress to develop a funding process that does this as part of the FAA Reauthorization.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUYE TO J. RANDOLPH BABBITT

Question 1. The record will reflect my ongoing interest over the years about the adequacy of safety regulations relating to aircraft emergencies resulting from dense, continuous smoke in the cockpit. If confirmed, will you commit to reviewing this matter, and providing me with your assessment as to whether existing Federal Aviation Administration safety regulations adequately address emergency situations resulting from continuous smoke in the cockpit?

Answer. Yes, I will review this issue, and will provide you with an assessment.

Question 2. It is my understanding that air traffic control service to Kona International Airport on the Big Island of Hawaii was initially contracted out because air traffic was slow and passenger count was low, but traffic and passenger counts at Kona International Airport have since considerably increased, and the contracting company is planning to end its operations soon. It is also my understanding that currently, there is no mechanism to return a contract tower back to a FAA tower, and I would like to inquire why there is no such mechanism if the traffic

and/or passenger count have reached a point where the tower is unable to provide the quality of service that a FAA controller is required to.

I am aware of several recent incidents at Kona International Airport, and I am concerned that though the FAA has not classified those incidents as "near collisions," the short staffing by the contracting company increases safety risks for our passengers and airport workers. The local media in Hawaii reported on May 29, 2009 that an air cargo plane took off in the wrong direction at Kona Airport, heading toward another plane that was coming in for a landing on the same runway. I wish to express my grave concern over this incident, and I would like to inquire after developing a mechanism to return the Kona Airport tower back to a FAA-operated tower.

Answer. I understand your interest in the incident on May 29, 2009 at Kona and am advised that it was due to pilot error and not a result of incorrect air traffic controller actions. In this incident, the pilot failed to follow instructions from the tower and departed from the wrong runway. I understand that the FAA took immediate action. The Air Traffic Manager in Honolulu ordered an immediate review to determine the causal factors and dispatched a team to Kona the following day. The team found no issues with the quality of services at Kona.

Data indicate that the Federal contract tower (FCT) program is highly successful and has a safety record that rivals Federal towers. Kona is one of 240 FCT facilities across the U.S. The FAA maintains operational and safety oversight of the FCT program—safety audits and reviews are an ongoing process for all towers. I understand that Kona was last audited in 2008, and all of the items found during the audit that required corrective action have been corrected.

In response to your questions on staffing and training, I am advised that FAA did a thorough review of each at Kona, and found that the tower is staffed appropriately for the number and type of operations, the complexity of the airport operations, and the number of operating hours.

In regards to training, FCT controllers are held to the same standards, and must also adhere to the same policies and procedures as FAA controllers. I understand that Kona has a wealth of experienced air traffic controllers who are capable of handling the traffic volume, including four controllers with 22 to 40 years experience as FAA controllers. The other three controllers have 8 years of military air traffic control experience.

The above data indicate that the FCT program, both in general and at Kona in particular, is an efficient way for the FAA to manage resources while maintaining regulatory and safety oversight of these air traffic control facilities. Therefore, the FAA plans to maintain Kona's tower as a contract facility. I am advised that the current contract for Kona's contract tower expires on September 30, 2009. The FAA is conducting a new competition and anticipates that a follow-on contract will be awarded for the Kona airport tower in August.

I pledge to continue to work with you on your concerns, and to maintain safe and efficient air traffic control operations at Kona and throughout the National Airspace System.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN KERRY TO J. RANDOLPH BABBITT

Question. Mr. Babbitt, you were a paid consultant recently for the Alliance to Protect Nantucket Sound in a proceeding before the Massachusetts Energy Facilities Siting Board involving an application by Cape Wind, the proposed wind farm in Nantucket Sound. Your testimony is on behalf of the principal group opposing Cape Wind. Cape Wind currently has an application pending before the FAA seeking a Determination of No Hazard. It received this determination in 2001, and an affirmation of this determination in 2005, but these orders have expired. Given your paid participation by an active opponent of Cape Wind, will you assure the Committee that you will recuse yourself from the current proceeding involving Cape Wind and not participate in or seek to influence this or any other proceeding involving Cape Wind at the FAA?

Answer. Yes. If confirmed, I will recuse myself.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON DORGAN TO J. RANDOLPH BABBITT

Question 1. As you know, Congress has been very supportive of FAA's plan to transform our antiquated, analog ground-based air traffic control system to a more efficient satellite-based system. Unfortunately, we are still moving slower than other

nations despite knowing that NextGen provides significant public benefits such as improved safety, congestion relief and reduced fuel consumption and emissions. I understand the stakeholders representing all segments of the aviation industry have presented a plan to the Administration on ideas that can accelerate NextGen benefits by as much as five to 7 years. A key component of the plan is for substantial Federal investment in key aircraft avionics equipage. Can you tell me what you think of the plan?

Answer. I agree that ensuring aircraft are equipped with the necessary avionics is a critical element for NextGen's success and for realizing benefits for both operators and the FAA. If confirmed, I look forward to working with the Congress and the Administration on the FAA's reauthorization, focusing on the importance of equipage and options for acceleration. I also understand the FAA is working with the industry to obtain recommendations on strategies for both accelerating NextGen benefits and facilitating the private sector business cases for investment. If confirmed, I look forward to studying in more detail the plan you mention and to doing what we can to accelerate benefits.

Question 2. The U.S. Air Force has told me it needs routine access to portions of the national airspace to conduct cooperative unmanned aircraft operations without temporary, specific authorization or special flight restrictions. As I understand it, the U.S. Air Force requires a permanent solution by the time UAVs arrive at Grand Forks Air Force Base in 2010. Furthermore, these needs will expand to other locations in the continental United States as more and more UAVs are assigned to other home bases.

At my urging, the FAA and the Air Force convened a task force in February of this year to begin to address these issues. The Red River Operations Group task force established a deadline to complete its work by the summer 2010. Are you confident the task force will meet its goals on schedule? If not, what do you see as major impediments, and what can Congress do to help you and the Air Force resolve them? In particular, are there specific authorities and resources you require to resolve any issues?

Answer. I am advised that FAA staff working on this issue have some concerns that FAA and the Air Force will not be able to meet the schedule outlined in the February meeting. I intend to look into this issue and am committed to breaking down any barriers to success. Once I have had an opportunity to examine this issue, I will communicate with you regarding any assistance Congress can provide. I look forward to working collaboratively with the Air Force and all stakeholders to jointly develop options for success at Grand Forks AFB.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO J. RANDOLPH BABBITT

Question 1. I re-introduced my Passenger Bill of Rights legislation along with my colleague, Senator Snowe, to prevent airline passengers from being stranded on the tarmac for hours without food, water, adequate restroom facilities or medical attention. Will you commit to working with us to pass and implement a strong passenger bill of rights this year?

Answer. The protection of airline consumers is primarily a responsibility of the Office of the Secretary of Transportation. That said, I know it is one of the Department's priorities. Accordingly, if confirmed, I would do everything within my power to support completion of the Department's pending consumer protection rulemaking that proposes to enhance passenger protections in the following ways: by requiring carriers to adopt contingency plans for lengthy tarmac delays; by requiring air carriers to respond to consumer problems; by deeming the continued operation of a flight that is chronically delayed to be an unfair and deceptive practice; by requiring carriers to publish information on flight delays on their websites; and by requiring carriers to adopt customer service plans, and to audit their own compliance with their plans.

I would also work to ensure that the Department takes into account the views of Congress and stakeholders on the appropriate definitions of tarmac delays and chronically delayed flights. It is important to recognize that we cannot rely solely on existing regulations, or on the sometimes lengthy process of enacting new regulations, to protect consumers in an industry as dynamic as the airline industry. The ultimate goal should be to eliminate lengthy ground delays and thereby the need for legislative action.

Question 2. The Department of Transportation's Inspector General issued a report in April 2009 on the staffing shortages at the Southern California TRACON (SCT), Northern California TRACON (NCT) and at the Los Angeles International Airport

Traffic Control Tower (LAX). The IG's report found significant reliance at all three facilities on new hires, noting that while SCT is the Nation's busiest TRACON, more than 40 percent of SCT's workforce is expected to be in training this year. Will you commit to reviewing the staffing at all three facilities and to take appropriate action as warranted?

Answer. Yes. If confirmed, I will commit to take the appropriate action to ensure that all FAA facilities are appropriately staffed and able to meet air traffic demands today and tomorrow.

Question 3. Like many of my colleagues, I was deeply saddened by the tragic crash of Flight 3407 outside of Buffalo last February. I am also troubled by the initial round of testimony during the National Transportation Safety Board (NTSB) hearing last week that indicated a lack of safety oversight by FAA. What more can FAA do now to ensure the safety of the flying public?

Answer. I was a member of the Independent Review Team that was charged with reviewing the current aviation safety system. That gave me direct insight into the particulars of the FAA's oversight program, and this will allow me to delve into these safety issues immediately upon taking office if I am confirmed. As to the particulars of the incident in Buffalo, I eagerly await the completion of the NTSB process and any recommendations that result from it.

Question 4. I have heard concerns that the FAA has not done its best to include its entire work force, particularly the air traffic controllers, in the discussion on the implementation of the NextGen Air Traffic Modernization. Will you work to include all interested parties in the discussion on the implementation of NextGen?

Answer. NextGen is a complex and broad reaching initiative that impacts almost the entire FAA workforce in one way or another. One of the challenges the FAA has faced in the past is communicating NextGen in real, clear terms that can be broadly understood. However, the only way to ensure successful implementation of NextGen capabilities is to have effective engagement of key FAA stakeholders in the process. If confirmed, one of my top priorities will be to facilitate the productive involvement of air traffic controllers, as well as all other key stakeholders and key members of the work force, in the implementation process.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO J. RANDOLPH BABBITT

Question 1. Captain Babbitt, we spoke last week about the facility realignments that have occurred in Florida, and the impact that NextGen will have on air traffic control staffing. Do we have your commitment that the FAA will consult with all stakeholders, improve communication, and consider the overall use of airspace and safety before decisions are made about future realignments?

Answer. If confirmed, I will be absolutely committed to opening the lines of communication and including stakeholder input as we move forward to address the critical issues before the FAA. The important decisions that will be made over the next few years with regard to NextGen and the FAA's facility infrastructure, including possible realignments, require thoughtful input from a wide range of stakeholders.

Question 2. We also spoke about the use of existing, proven, U.S. technology to prevent dangerous bird strikes, such as those that caused the USAir accident on the Hudson River in January. Will you take a fresh look at the FAA's approach to bird radars?

Answer. Yes, I believe bird radar research is important, and that the FAA should examine available technologies that can further reduce the risks to aviation posed by wildlife.

Question 3. Last, the FAA is working with a number of companies on developing jet fuel made entirely from sustainable biofuels such as algae and switchgrass. This will not only reduce harmful emissions but will lessen our dependence on foreign oil and spur U.S. production. Will you devote all possible resources to expediting careful review and certification of this technology?

Answer. Yes, I am supportive of the development of sustainable biofuels for the reasons you mention and will make it a priority for the FAA if confirmed. We must, of course, ensure the safety of the new biofuels. Sustainable biofuels are vital to our national security, protecting the environment, supporting the health of the aviation industry and creating American jobs and will have my complete commitment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO J. RANDOLPH BABBITT

Question 1. The airspace around Newark is one of the most complex and congested in the world. And once again, Newark airport leads the country as the most delayed airport, causing delays that ripple throughout the country. What actions will you take to reduce congestion and delays at Newark Airport?

Answer. If confirmed, I will be committed to accelerating NextGen to reduce delays and to getting technologies and procedures in place for Newark as quickly as feasible. I will also be focused on what are the best congestion policies to put in place in the near-term and I plan to extend the current orders that have capped the number of flights able to fly into Newark during this interim period.

Question 2. Airlines have promised to do more to avoid having passengers stranded on the tarmac, but nearly every month we hear of another horrific delay. In early April, a flight from Columbia, South Carolina, spent 5 hours on the tarmac without food or water. What more should airlines do to protect the health and safety of the flying public during these long ground delays?

Answer. The protection of airline consumers is primarily a responsibility of the Office of the Secretary of Transportation. That said, I know it is one of the Department's priorities. Accordingly, if confirmed, I would do everything within my power to support completion of the Department's pending consumer protection rulemaking that proposes to enhance passenger protections in the following ways: by requiring carriers to adopt contingency plans for lengthy tarmac delays; by requiring air carriers to respond to consumer problems; by deeming the continued operation of a flight that is chronically delayed to be an unfair and deceptive practice; by requiring carriers to publish information on flight delays on their websites; and by requiring carriers to adopt customer service plans, and to audit their own compliance with their plans.

I would also work to ensure that the Department takes into account the views of Congress and stakeholders on the appropriate definitions of tarmac delays and chronically delayed flights. It is important to recognize that we cannot rely solely on existing regulations, or on the sometimes lengthy process of enacting new regulations, to protect consumers in an industry as dynamic as the airline industry. The ultimate goal should be to eliminate lengthy ground delays and thereby the need for legislative action.

Question 3. Air traffic controllers have been without a collective-bargaining contract since 2005. How do you recommend DOT move forward with air traffic controllers and other FAA unions to negotiate a collective bargaining agreement on pay and working conditions? If confirmed, will you make this a priority?

Answer. I firmly believe that employee issues and working conditions are important matters that need to be addressed and, if confirmed, I am committed to working with all stakeholders to address the concerns you raise. Specifically, with regard to the controller contract, on April 30, 2009, Secretary LaHood announced that Jane Garvey would oversee two mediators who are responsible for solving the contract dispute between the air traffic controllers and the FAA. That process is currently underway and resolving this important issue is a priority for the Department.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK PRYOR TO J. RANDOLPH BABBITT

Question 1. In Sec. 308 of the FAA reauthorization bill that was reported out of the full Commerce Committee in the 110th Congress, the FAA is directed to publish criteria to be used in making facility and service realignment decisions. This is to be completed within 9 months after enactment. Furthermore, Sec. 308(e)(4) stipulates that no control facilities be consolidated into the Memphis TRACON until after the ATC Modernization Oversight Board's review of the Administrator's realignment recommendations is completed. In Arkansas, we're concerned about the Little Rock facility for a host of reasons, and want to be sure that there isn't a determination made in the interim. If confirmed, will you commit to working with Congress prior to consolidating, relocating, or realigning Air Traffic Control staff and facilities?

Answer. It is my understanding that Obama Administration is currently reviewing its policies on a variety of specific aviation issues and I look forward to working on them including consolidating, relocating and realigning air traffic control facilities. In general, I support a transparent, continuous and defined consolidation process, whereby affected stakeholders work together and collaboratively with the FAA and Congress to ensure safety and advancement of NextGen.

Question 2. Last year's extreme fuel price volatility followed by the severe economic downturn has been hard particularly hard on general aviation industries. At last week's Aviation Subcommittee stakeholders hearing, we heard that operations are down by as much as a third in many cases. Layoffs have been extensive throughout the industry. In Arkansas, we have a large aerospace footprint with aviation products being our state's number one export in dollar terms. We are especially proud of our role in general aviation. If confirmed, what role will you play in promoting general aviation?

Answer. Like you, I believe aviation is critical to our economy—it is the backbone for our domestic and international commerce. Just last year, our aerospace industry contributed $97 billion in export sales to America's economy. As a pilot, I understand the importance of general aviation and will work with our general aviation community on issues affecting them.

Question 3. In 2005, due to budget pressures, FAA reduced engineering and technical staff through attrition in the Aircraft Certification Service (AIR). As a result of resource constraints, FAA reduced the level of certification services which slows the pace of U.S. aerospace product development and design improvements by delaying when they can start. Many aviation manufacturers whose modernization related projects have already been delayed 9 months with no indication how much longer the FAA will continue to hold up their business. Increasingly, the survival and financial health of businesses are being impacted by FAA's inability to support the safety certification of new technologies and products which promote safety, efficiency, and modernization in a timely manner. This problem will become more acute as the need for FAA Aircraft Certification Service resources to support NextGen technologies and equipage increases. If confirmed, will you commit to reviewing staffing levels for FAA personnel in the Aircraft Certification Service and working to prevent unnecessary delays in the certification process?

Answer. As I was meeting with different Senators through my confirmation process, this concern was raised. I understand that as part of the FY09 Omnibus appropriations bill, additional funding was provided to the certification office to address some of the issues you mentioned. Further, I do plan on reviewing staffing levels to ensure we have the most efficient and effective system.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO J. RANDOLPH BABBITT

Question 1. Mr. Babbitt, The Essential Air Service program currently ensures that there is commercial air service for five small communities in my state. While I agree that the program could probably be more efficient, could you tell me more about what changes DOT proposes for Essential Air Service? What steps would you take to provide a better foundation for the Essential Air Service program and otherwise ensure that small communities depending on it—especially in the current economic climate—continue to benefit from airline transportation?

Answer. The Essential Air Service program is administered by the Office of the Secretary and does not fall under the FAA's purview. Having said that, I know that the Essential Air Service program provides a vital link to the national air transportation system for many communities across the country. In order to ensure that the program remains responsive to the needs of rural America, I expect the Department to actively review the challenges facing EAS and work with closely with Congress in an effort to develop a more efficient program.

Question 2. The in-cabin environment remains an evolving, high-threat setting within commercial air transport. In addition to dealing with disruptive passengers, what other security areas should flight attendant training address? What metrics should be used to validate the effectiveness of any training?

Answer. If confirmed, I will ensure that FAA continues to work with TSA to enhance security training for flight attendants. I will also make certain that we carefully evaluate how we measure the effectiveness of this—and any—training.

Question 3. Mr. Babbitt, I am concerned that FAA does not have the FAA engineering and technical resources to support certification projects. In my state, small aviation manufacturers face multiple delays with FAA even beginning the certification process for their new products. Such delays not only prevent the timely deployment of new aviation and avionics products that improve safety, but also hurt business opportunities and job growth.

I believe this problem could become even more acute given the need to certify projects to support "NextGen" technologies and equipage. Will you ensure that the FAA under your leadership has the engineering and technical resources to support

certification projects in a timely and efficient manner? Will you make this issue a priority as Administrator, especially given its importance to the successful implementation of "NextGen"?

Answer. I am sensitive to the impact that reduced staffing in aircraft certification offices has had on the U.S. aerospace industries ability to obtain FAA certification. I will commit to review the current situation and make more effective use of our resources to reduce delays in certification. I agree with you that this issue is a priority.

Question 4. In addition to regulating civil airspace, the FAA regulates the commercial space industry. This industry's emergence is apparent with firms such as Virgin Galactic, Space X, XCOR Aerospace, Armadillo Aerospace, and others. What role will FAA taking to encourage the development of the new commercial space industry?

Answer. As directed by Congress, the FAA, through its Office of Commercial Space Transportation (AST), regulates the industry to ensure public safety during commercial launch and reentry activities. Congress has also directed FAA to encourage, facilitate, and promote the industry. If confirmed, I will ensure that FAA develops and distributes information of interest to the industry and helps the industry understand and comply with regulations. It is also critical that FAA works with other government agencies, including NASA, the Department of Defense, the State Department, and the Commerce Department, to identify and attempt to minimize regulatory obstacles that are encountered by the industry.

Question 5. What is your view on regulation and safety for commercial space operations given this industry's maturity level?

Answer. The FAA has successfully regulated commercial space operations for more than two decades. FAA's regulations are focused on ensuring the safety of the uninvolved public. The regulations have evolved as the commercial space transportation industry has evolved, and as new vehicles and operational concepts have been developed. Although there is a regulatory framework already in place, the FAA must continue to be proactive by planning and anticipating what new regulations, or changes to existing regulations, may be needed in the future.

Question 6. Spaceports such as the one under development in New Mexico are key enablers for the commercial space industry. How will these facilities and the technologies they support be integrated into the airspace system?

Answer. It is critical that FAA integrates spaceport facilities safely into the airspace system. Since most of the launch vehicle operations that occur from these spaceport facilities are potentially hazardous, they typically occur within restricted airspace. However, all of the facilities are required to have agreements in place with the air traffic control center closest to where the spaceport is located that outline the proper procedures to be followed. This allows the air traffic control centers to establish temporary flight restrictions, or make other arrangements, to enable the launch and reentry operations to be safely accommodated within the national airspace system.

Question 7. How will the current and future airspace management systems accommodate commercial space vehicles?

Answer. The FAA must handle commercial space launches both strategically and tactically on a case-by-case basis. Airspace is blocked for each launch to ensure safe separation from other aircraft. Temporary flight restrictions and notices to airmen are issued. Outreach must be conducted to airlines, business flyers, and general aviation to ensure they are aware of the launch and possible recovery activity. In addition, I understand the FAA is working on a software tool to track launch/reentry trajectories of commercial space vehicles to determine possible debris fields. This will allow FAA to protect the airspace in the event of a breakup on reentry. If confirmed, I will work with our Office of Commercial Space Transportation to develop procedures to integrate and accommodate space flight vehicles as seamlessly as possible into the National Airspace System.

Question 8. Mr. Babbitt, in 2006, a man who was drinking before and during his flight to Albuquerque later killed a family of six while driving the wrong way down the highway.

Although current FAA regulations prohibit an intoxicated person from boarding a flight, or from being served more alcohol, it is not mandatory for airlines to provide training to ensure that these important safety regulations are obeyed.

I have introduced legislation (S. 743)—supported by flight attendants, Federal air marshals, pilots, airport law enforcement agencies, and Mothers Against Drunk Driving—that would require that all flight attendants and gate attendants receive training for identifying intoxicated passengers and managing drunk or belligerent passengers onboard. Do you agree that flight attendants and gate agents should re-

ceive such training to help ensure passenger safety in the air and protect public safety on the ground?

Answer. While I would need to study the details of this specific proposal, I agree that it is critical to protect the safety of passengers, crew members, and the general public. Additional training for airline employees may be a valuable tool in this effort.

Question 9. Alcohol fueled air rage continues to be an aviation security issue, which seems to require an integrated, system-wide response. What plans are there to integrate checkpoint screeners and other Federal security personnel with airline employees (gate agents, flight attendants) to work on managing the risk of drunken travelers? What about the roles of airport security and local law enforcement? How should they be incorporated into safety planning and management?

Answer. If confirmed as Administrator, I will collaboratively work with all agencies that are involved in the safety of the flying public. While I do not have any specific recommendations at this time, I will commit to reviewing this issue early in my tenure.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARK WARNER TO J. RANDOLPH BABBITT

Question. In November of last year, the FAA convened a working group consisting of representatives from the Department of Defense, Department of Homeland Security, the Washington Metropolitan Airports Authority and Arlington County. The purpose of the group is to assess the current surveillance coverage issues around Ronald Reagan Washington National Airport (DCA), conduct surveillance impact and mitigation studies incorporating the proposed redevelopment in Arlington County west of DCA, and recommend a mitigation and implementation plan that preserves air traffic, communications, navigations and surveillance systems integrity while providing a roadmap for these necessary redevelopment efforts in Arlington County. The Arlington County Board of Supervisors has indicated to my staff that this effort is not only critical to the redevelopment of the Crystal City area in Northern Virginia that is necessitated by the 2005 Base Realignment and Closure process, but will also provide the FAA with a model to apply to other airports throughout the country to mitigate surveillance and air traffic operations issues. Can you provide the Committee with an update as to the status of this important project, the timeline for the completion of the relevant studies, and the implementation schedule for the proposed mitigation measures?

Answer. I am advised that the FAA is currently engaged in three specific feasibility aeronautical studies regarding the Arlington County, VA BRAC redevelopment plan for Crystal City. This is the first project of its kind where the FAA works with all aviation stakeholders to assist a community with their long-term development plans to identify and mitigate potential conflicts in airspace use to derive at a mutually beneficial solution.

The main issue in Arlington County is the impact increased building heights and density will have on the Washington-Reagan National Airport's (DCA) surveillance Radar (DCA ASR–9). The FAA has identified and is investigating three options of potential mitigation: (1) increasing the antenna height of the current ASR–9 at DCA; (2) evaluation of optimizing an alternative site at Andrews Air Force Base (ADW), MD; (3) evaluation of an alternative site at St. Elizabeth's Hospital in Washington, DC.

I'm told that work on this important project is expected to continue throughout the summer. The FAA expects to report the findings by end of FY 2009. Implementation schedules for any proposed mitigations would be forthcoming at that time.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO J. RANDOLPH BABBITT

Question 1. The only FAA controllers still providing Flight Service Air Traffic duties are located in Alaska. Flight Service controllers are now retiring and there is no current plan or facility in place to train replacements. The University of Alaska Anchorage Air Traffic Control program has offered to provide this needed training for the FAA. (1) Will you work with the University of Alaska Anchorage to ensure this needed pipeline of new FSS controllers is implemented? (2) Do you support continued restoration efforts of retirement benefits for the Flight Service Controllers (outside of Alaska) who lost Federal employment as a result of the FAA's 2005 labor outsource?

Answer. (1) I have not had the opportunity to examine the University of Alaska Anchorage program but, if confirmed, I look forward to doing so. (2) Employee issues of this kind are of great importance and if confirmed I will look into this matter promptly. As you may know, a variety of labor-management issues are currently under discussion between FAA management and representatives of its work force, and I pledge to inform the Committee if and when these discussions produce results.

Question 2. The FAA has failed to properly maintain a number of the physical structures from which essential air traffic services are provided to Alaskans. This neglect has threatened the safety of workers and now threatens to close Flight Service operations in Dillingham, Ketchikan and Kotzebue for up to 2 years while replacement facilities are built or repairs are made. What will you do to ensure these ATC services are not eliminated or reduced, and that employees have a safe working environment?

Answer. I am not familiar with the particular conditions of these facilities but I will look into this matter promptly if confirmed. As you know, modernization of the facilities and systems of the air traffic control system is a priority of this Administration and it will be my goal to accomplish this as quickly as possible.

Question 3. Do you think FAA should include stakeholders, including FAA employees, in any efforts to realign facilities and services? If confirmed, will you agree to work with stakeholders to ensure the FAA reauthorization plan is enacted and a transparent, inclusive process is implemented?

Answer. If confirmed, I will be absolutely committed to opening the lines of communication and including stakeholder input as we move forward to address the critical issues before the FAA. The important decisions that will be made over the next few years with regard to NextGen and the FAA's facility infrastructure require thoughtful input from a wide range of stakeholders. I know as we move forward with FAA reauthorization, the Administration supports a transparent and inclusive stakeholder process to address FAA facility issues.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO J. RANDOLPH BABBITT

Question 1. One of the primary benefits of NextGen is the efficient use of our national air space system that will lead to reduced carbon emissions. Over the past couple years we have seen several climate change legislative proposals such as cap-and-trade schemes. Do you have concerns with how these climate proposals would affect the airline industry specifically and will you commit to being an advocate for practical approaches to climate policy within the Administration?

Answer. If confirmed, I am committed to being an advocate for practical approaches. Aviation safety is always the top priority for any proposals involving aircraft or aircraft fuels, and FAA must be involved. Aviation is global in nature, and it would be a concern if proposals would undermine international agreements. We need to keep an eye on costs because we cannot achieve the energy and climate benefits of NextGen without the aviation industry's ability to invest in new technologies. We also need to consider the interdependent nature of environmental impacts, such as improving fuel efficiency in a way that degrades noise or other emissions.

Question 2. There is a good argument that the global aviation system does not lend itself to country-by-country or region-by-region standard and regulation governing environmental performance. Because of the global nature of the airline business, one would think we should seek a more internationally agreed upon approach. As FAA Administrator, will you continue the U.S. Government's approach of working through the International Civil Aviation Organization (ICAO) mechanisms to establish global environmental standards, rather than the piecemeal approach being taken by the European Union?

Answer. It is my understanding that the Federal Aviation Administration has been and is continuing to work at ICAO through the high-level Group on International Aviation and Climate Change to develop a global plan of action. It is important for that process to succeed. Aviation must do its part as a sector to address international aviation greenhouse gas emissions and the FAA must continue to integrate its approach with the Administration's policies on addressing climate change on a global scale.

Question 3. Recently a Texas news story was reported with some potentially disturbing allegations regarding flaws in the way FAA licenses mechanics, including English proficiency. One employee is quoted saying "There are people [where I work] who do not know how to read a maintenance manual as they are spelled out,

because they don't have a clue," said one certified aircraft mechanic who works at a Texas aircraft repair station.

I have included a copy of the most recent story below. I would like you to report back to me on the allegations in the story and describe how you intend to deal with the problem if the story has merit?

News 8 Investigates: Airline mechanics who can't read English

10:03 AM CDT on Saturday, May 16, 2009
By BYRON HARRIS/WFAA-TV

News 8 Investigates
May 15th, 2009

News 8 has recently revealed serious flaws in the way the FAA licenses mechanics who fix planes.

There is evidence of years of problems in testing these mechanics. There is also evidence that hundreds of mechanics with questionable licenses are working on aircraft in Texas.

Now there is evidence of repair facilities hiring low-wage mechanics who can't read English.

Twenty-one people were killed when U.S. Airways Express Flight 5481 crashed in Charlotte, North Carolina in 2003. The plane went wildly out of control on takeoff.

One reason for the crash, investigators found, was that mechanics incorrectly connected the cables to some of the plane's control surfaces in the repair shop. The FAA was cited for improper oversight of the repair process.

Repairing airplanes is a complicated business. Airplanes have many manuals. Typically, when mechanics repair a part, they open the manual, consult the book, and make the repair step-by-step, as if it were a recipe book.

They make a list of every action they take, so the next person to fix the plane (as well as the people who fly it) will know exactly what has been done.

If mechanics don't speak English, the international language of aviation, they can't read the manual and they can't record their activities.

There are more than 236 FAA-certified aircraft repair stations in Texas, according to the FAA's Website. News 8 has learned that hundreds of the mechanics working in those shops do not speak English and are unable to read repair manuals for today's sophisticated aircraft.

Former FAA inspector Bill McNease told News 8 he regularly encountered applicants for pilots' licenses who tried to pretend they could speak English—but could not.

"When I was based in Dallas, I had that happen every week," McNease said. "It was not uncommon at all to have foreign flight students. We had mechanics, but I handled the pilot end of it . . . and I turned down people every week because they couldn't speak English."

"There are people [where I work] who do not know how to read a maintenance manual as they are spelled out, because they don't have a clue," said one certified aircraft mechanic who works at a Texas aircraft repair station. He wished to remain anonymous to protect his employment.

To certify a part for flight or repair an engine, a mechanic must be licensed by the FAA as an Airframe and Powerplant mechanic, known in the business as an "A&P."

News 8 discovered that mechanics at one licensing center in San Antonio were being tested in Spanish as late as last fall. The FAA ultimately shut the facility down.

Supervisors in Texas repair stations say they are supposed to oversee the repairs of dozens of untrained mechanics who can't read the manuals and can't write down the work they've done.

But the FAA does not require every person working at a repair station to be a certified A&P. One certified A&P can sign off on the work of dozens of uncertified mechanics.

That creates a huge problem, another certified mechanic told News 8. "I need an interpreter to talk to these people," he said. "They can't read the manuals, they can't write, and I have so many working for me I can't be sure of the work they've done."

To be sure of proper quality, the supervisor has to either re-do the work himself or take the chance that no mistakes have been made. There is a push to get work out the door and planes back in the air. But when he signs his name to certify the repair for flight, he is legally responsible for it.

The root of the problem is money, mechanics say. A certified mechanic can earn upwards of $25 an hour in Texas. Technicians who can't speak English are often hired for less than $10, according to mechanics interviewed by News 8.

"I've been wanting to leave this company since the day I got there," said one certified A&P. "But with the economy the way it is, I've got kids to feed and I have to stay there. I don't want to be anywhere near one of those planes when it kills somebody."

The FAA is supposed to police repair stations, but insiders say the agency is more focused on looking at paperwork than inspecting the facilities. Insiders also say inspectors warn repair stations when they're coming.

"In Dallas, most of them would map it out and tell them what day they were going to be there," said Gene Bland, a former FAA inspector.

Safety, mechanics say, is at risk. "In my opinion," said one, "company owners should all be locked up because someone's going to die eventually, if it hasn't already happened."

Texas' two biggest airlines, American and Southwest, both require mechanics and the technicians who work under them to speak, read and write English.

But mechanics who work elsewhere—whose repairs often end up on commercial airliners—say their shops are filled with non-English speakers.

The FAA declined to be interviewed for this report.

Answer. I assure the Committee that, if confirmed, I will thoroughly examine these allegations, and I will provide the Committee with a report of our findings.

Question 4. Are there any specific issues you intend to rescue yourself from if they are brought before the Agency?

Answer. I have agreed, if confirmed, to recuse myself in all particular matters affecting the financial interests of Citigroup, JP Morgan Chase, Bank of America, and my former employer (Oliver Wyman), the parent of my former employer (Marsh & McLennan Corporation), and Access National Corporation (a bank holding company in Reston, Virginia).

Also, I have agreed pursuant to Executive Order 13490, if confirmed, not to participate, for a two-year period, in particular matters involving former clients for whom I have personally provided services within the two-year period preceding my appointment. These clients include Airbus Inc., the City of Phoenix, Hawaiian Airlines, Frontier Airlines, Pinnacle Airlines, as well as Save Our Sound (APNS) and the other organizations for whom I have provided consulting services in connection with flight path obstacle evaluations.

In addition, if confirmed, I would be recused in particular matters affecting General Electric, Air Tran, Inc., Hawaiian Holdings, Inc., Continental B, Federal Express Corporation, Limco Piedmont, Inc., Aercap Holdings NV, Air Castle Ltd., and Macquarie Infrastructure Company LLC until I divest my stock interests in these organizations. I am required by my ethics agreement to sell my stock in these organizations within 90 days of confirmation.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN THUNE TO J. RANDOLPH BABBITT

Question. I am pleased to hear that the modernization of the air traffic control system will be one of your top priorities. Modernization will not just improve air travel at busy hubs, but there are also benefits for smaller and rural communities. This is especially true in the area of safety since we can have safer approaches in poor weather conditions. Currently the equipment needed to do so is too expensive to ever be deployed at smaller airports. What will you do to ensure the modernization will come to all airports, not just the large congested ones?

Answer. I believe there are a number of opportunities for improving small airports and the General Aviation community. For example, one area is the deployment of Wide Area Augmentation System (WAAS) approaches. There are currently 20,000 aircraft already equipped to take advantage of the procedures. If confirmed, I will ensure that the FAA will continue to pursue opportunities for improvement at smaller and rural communities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO J. RANDOLPH BABBITT

Question 1. Has the FAA has sufficiently involved industry stakeholders in the development of NextGen?

Answer. I believe the FAA has taken a number of steps to involve stakeholders in NextGen development. If confirmed, I am committed to continued outreach and involvement as we move forward with NextGen implementation. I know that FAA has taken recent steps to foster increased industry involvement in NextGen and encourage timely equipage of aircraft. For example, earlier this year the FAA, in partnership with RTCA, initiated broader collaboration with industry through the NextGen Implementation Task Force. If confirmed, I intend to work closely with the aviation community to ensure NextGen meets the needs both of the FAA and its stakeholders.

Question 2. Does the FAA have both the resources and the management capabilities to maintain the current system—with all its flaws—while simultaneously overseeing the implementation of NEXT GEN, particularly if Congress expedites the rollout of so-called 'off-the-shelf' technology already available? Or do you envision seeking additional revenues from other sources, such as the General Fund?

Answer. I believe this is a question that has been raised by a number of constituencies. If confirmed, I look forward to working closely with the Congress to ensure that FAA has the resources and capabilities to move forward with NextGen implementation while maintaining the current system. I am encouraged by the improvements FAA has made to improve its acquisition performance in recent years as evidenced by the fact that GAO removed the FAA from the high risk list for modernization in recognition of FAA's progress.

Recognizing the importance of attracting and retaining the proper skill sets for NextGen is critical and if confirmed, I am committed to addressing workforce concerns, particularly around staffing, hiring processes, and training and retention programs.

Question 3. The GAO has testified before this Committee that the efforts to fully implement the NEXT GEN system by 2025 may not be attainable, which seems directly in contrast with your perspective of an expedited roll out. What do you believe would be the single greatest obstacle to complete implementation? What would be the single-most effective measure Congress could include in this reauthorization that would help overcome that obstacle?

Answer. I believe that avionics equipage is a significant issue. I think the FAA needs to continue to work aggressively to develop and deploy real, mid-term capabilities that build the foundation toward NextGen. However, FAA's efforts alone will not be sufficient. Achieving the full capability of NextGen benefits will require investment by both the government and the private sector. Ensuring that a significant portion of the aircraft fleet is appropriately equipped to take advantage of NextGen improvements is one of the most critical issues in achieving success. If confirmed, I stand ready to work with Congress on any other proposals that may be considered.

Question 4. What kind of revenue infusion will the FAA require to develop and deploy NEXT GEN technologies, while expanding capacity at some of our largest airports and repairing the crumbling facilities we must have in place until NEXT GEN is fully implemented?

Answer. The FAA has requested approximately $6.9B in NextGen funding over the next 5 years (FY 10–14) with approximately $865M for FY10. The funding for FY09 is $695M.

Question 5. To handle the projected rise in traffic into the next decade, FAA will need not only to reconfigure the layout of various airports, but also augment capacity at several facilities—most of which are among the busiest airports in the country. This will require a substantial commitment of both time and money, especially if it resembles modernization problems at O'Hare. Will the scarcity of these additional resources further compromise the schedule for NEXT GEN, particularly in its later stages when it is nearing completion?

Answer. Airport capacity will continue to be a factor in the ability of the national aviation system to meet current and future demand. Solving the airport congestion problem must go hand in hand with NEXT GEN implementation. If confirmed, I will be committed to integrating airport capacity needs and NEXT GEN implementation.

Question 6. Due to the recent decline in passenger numbers and reduced ticket prices, we are seeing a precipitous drop in revenues flowing into the Airport Trust Fund. Are we facing a situation where Congress will be forced to choose between

traditional capacity and safety improvements such as new runways, or funding NEXT GEN development?

Answer. While there may be a drop in revenues, the cash balance remains adequate to fund NextGen at the levels suggested in the President's budget. However, the FAA must work with Congress during the reauthorization process to find ways to appropriately fund acceleration of NextGen.

Question 7. Airlines are projected to bring in as much as $3.5 billion in fees and surcharges in 2009. While I do not dispute the straits in which the commercial aviation companies find themselves in, do you feel that these fees are circumventing the needs of a dwindling Aviation Trust Fund, just when we may need it the most?

Answer. Most fees that the airlines have put in place are subject to the 7.5 percent passenger tax. The exception is the baggage fee, which by statute is exempt. If confirmed, I will look forward to working with Congress during FAA's reauthorization process to ensure the Aviation Trust Fund's ability to provide the funds necessary for aviation.

Question 8. The FAA's primary responsibility is to ensure safety in the skies. It is specifically delineated in their charter, despite recent changes that muddied the waters by simultaneously attempting to be advocates for the airlines and maintain safety. Yet Congress continues to grow frustrated with the agency as they typically refuse to act until a tragedy occurs—and in this particular instance, even AFTER multiple tragedies. Can we finally expect a more proactive FAA under your leadership? While I understand that you are under no legal obligation to reply, much less to enact, NTSB recommendations, will you commit to informing both the Board and Congress of the agency's decisions when and why they do not endorse NTSB recommendations?

Answer. The fatal commercial accident rate has dropped 65 percent in 10 years. You have my commitment that I will focus on the other 35 percent if confirmed. Historically, the NTSB has found 82 percent of FAA's actions to its recommendations acceptable. I commit that we will continue to treat all NTSB recommendations with high regard, and if we disagree with a recommendation, we will do so in a clear and unambiguous manner.

Question 9. As we discussed privately, there are a number of discrepancies between regional, or commuter, airlines and major legacy carriers. Do you believe the FAA must tailor their regulations and standards to meet the needs of these smaller, regional carriers? Or should the agency continue their one-size-fits-all approach?

Answer. All commercial air carriers conduct business using the same design, maintenance, and operational rules. I support this and will continue to focus on consistency across the spectrum of aircraft and operators if confirmed.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO J. RANDOLPH BABBITT

Question 1. My understanding is that FAA has decided to revoke its revised pilot and flight attendant rest rules for long-range flights (OpSpec A332), instead working with airlines to study the matter over the coming year. Do you believe this was the right course of action?

Answer. I understand the FAA's decision to withdraw a proposed amendment to three air carriers' operations specifications was a routine activity to amend operations specifications. If confirmed as Administrator, I will certainly become active in the issue of the management of ultra-long range operations, as well as the larger issue of fatigue in aviation operations.

Question 2. In your view, should all pilots (regional or mainline; domestic or international) be covered under one flight time and duty time rule?

Answer. Flight time, rest requirements and duty time limitations for all crewmembers, not just pilots, should be made as consistent as possible. If confirmed, I will review the current regulations with a focus on consistency and appropriate application of fatigue science.

Question 3. Under your leadership, what steps, if any, will FAA take to incorporate research findings on flight crewmember fatigue into a common set of regulations for all types of airline operations?

Answer. My emphasis will be on exerting FAA leadership in fatigue mitigation by first developing a solid set of Fatigue Risk Management System principles that operators could begin to use. Utilizing available data and research is critical in developing appropriate regulations in this area.

Question 4. What role do you think science should play in determining pilot crew rest requirements and the impacts of fatigue on aircraft operations?

Answer. Today we have a genuine advantage over the FAA of the 1960s, 70s, 80s, and even the 1990s because there is a solid base of fatigue science that permits effective modeling of fatigue and fatigue mitigation effectiveness. With this as a starting point, I believe that we can lead the industry toward genuinely effective fatigue mitigation practices in scheduling, rest requirements, and duty restrictions that would reflect accurate knowledge of human performance yet enable safe, reliable aviation operations.

Question 5. FAA, in the past, has been reluctant to define work rules for airline operations. Both FAR Part 121.471 and Part 135.265 are nearly identical and both do not include the term "duty time," instead making all references to duty under "flight time limitations and rest requirements." Do you believe the FAA should specifically regulate duty time?

Answer. If confirmed, I commit that the FAA will focus on all fatigue issues. One of my priorities will be working with industry to come up with a solution acceptable to both industry and the FAA.

Question 6. Should the FAA set working hour limits for flight crews, aviation mechanics, and air traffic controllers based on fatigue research, circadian rhythms, and sleep and rest requirements, and develop a fatigue awareness and countermeasures program for air traffic controllers?

Answer. As I've stated before, we have a very good base of fatigue science that we can apply to this challenging issue. All the fatigue aspects that you've mentioned, and more, need to be applied to a rational set of guidelines in aviation operations and air traffic control.

Question 7. Do you believe that the FAA should install crash-protected image recorders in cockpits to give investigators more information to solve complex accidents?

Answer. Accident investigators need all the tools science can provide them. However, I am aware of the controversy surrounding the use of image recorders and their effect on privacy, as well as how the images could be used. If confirmed, I commit to focus on this issue in my tenure.

Question 8. Do you believe that the FAA should require commuter and on-demand air taxi flight crews to receive crew resource management training?

Answer. It's my understanding the FAA recently proposed a rule that would require Crew Resource Management training for crewmembers in Part 135 operations. I support the extension of Crew Resource Management training to all appropriate segments of aviation.

Question 9. Do you believe that, with regards to Emergency Medical Service flights, the FAA should require EMS conduct all flights with medical personnel on board in accordance with commuter aircraft regulations, develop and implement flight risk evaluation programs, require formalized dispatch and flight-following procedures including up-to-date weather information, and install terrain awareness and warning systems on aircraft?

Answer. It's my understanding the FAA is in the process of issuing a proposed rule in this area which is very comprehensive and would require certain programs that are now voluntary. I fully support this effort.

Question 10. Do you believe that the FAA should use current research on freezing rain and large water droplets to revise the way aircraft are designed and approved for flight in icing conditions?

Answer. As a pilot, I know firsthand the issues of flying in freezing rain and ice. I know the FAA is proposing a rule that addresses requirements for safe operation in these conditions.

Question 11. Do you believe that the FAA should review and, where necessary, apply revised icing requirements to currently certificated aircraft?

Answer. The FAA and NTSB have a long and successful history of addressing the threat to aircraft in icing conditions. If confirmed as the Administrator, I will continue to review and improve our programs to reduce this threat even further.

Question 12. There have been 15 recorded accidents or incidents where a turboprop aircraft, being flown by the autopilot, departed controlled flight while operating in icing conditions. The NTSB has recommended turboprop aircraft be hand-flown in icing conditions. Do you agree with their recommendation?

Answer. Based on my experience as a pilot, hand flying the airplane for awareness of any effects of icing on the airplane must be balanced against the potential detrimental effects of increased crew workload.

With that in mind, I support continuing to assess the feasibility, benefits, and risks associated with hand-flying turboprop aircraft in icing conditions.

Question 13. Analysis performed by the Flight Safety Foundation has shown that runway excursions accounted for approximately 29 percent of all accidents involving turboprop and turbojet aircraft worldwide between 1995 and 2006, and that runway incursions are on the rise. What are your plans to address runway incursions?

Answer. I understand that the FAA has focused on this problem over the past year and that progress has been made to reduce runway incursions, particularly the most serious incursions. So far in FY 09 total runway incursions are down approximately 5 percent and significant RI's are down almost 70 percent. If confirmed, I will continue to focus on the initiatives that have proven beneficial in terms of reducing the risk of runway incursions. Technology, improved procedures and communications and awareness between pilots and controllers are all key to ensuring we continue to reduce risk in the system.

Question 14. The challenges you face with regards to NextGen/NowGen implementation are challenges that your predecessors have faced. In your view, what are the road blocks to implementing NextGen/NowGen technology? What specifically are you going to do that your predecessors did not do in this regard to implement these technologies?

Answer. NextGen is an incredibly complex undertaking, the likes of which has not been seen elsewhere in Government. Along with the complexity come a number of challenges that will face the FAA as NextGen is implemented. Some of the challenges I foresee include:

- Ensuring the effective engagement of the workforce in the implementation process.
- Ensuring alignment with industry and timely avionics equipage to enable benefits to be realized.
- Ability of FAA to grow its acquisition workforce.
- Potential impact of environmental barriers.
- Communicating NextGen in real, clear terms that can be understood by all stakeholders.

If confirmed, my focus will be on addressing these challenges.

Question 15. In order to address budget shortfalls, the FAA Aircraft Certification Office will downsize its organization through attrition of engineering staff and will reduce the level of services it provides. FAA has committed to support existing certification programs already in process. However, due to decreased FAA staffing, new certification projects are being evaluated and possibly delayed in order to determine which projects will be supported and which projects will be put on hold. According to the FAA, each new project will be held until the FAA determines what resources are necessary to support the program and whether the FAA will wait to begin the project. The problems become worse because the FAA will not provide manufacturers with the specific criteria for the evaluation leaving manufacturers without any guidance on when and how to start new product development. What is your vision for FAA certification processes given current budget issues, and what steps will you take to insure that more adequate staffing is available to the Certification Office?

Answer. I am sensitive to the impact that reduced staffing in aircraft certification offices has had on the U.S. aerospace industries' ability to obtain FAA certification.

I will commit, if confirmed, to review the current situation and make more effective use of our resources to reduce delays in certification.

Question 16. Recently on a visit to Columbus (CSG) I met with a woman whose house is next to a lot where the FAA is installing a wind shear detector. While I absolutely recognize the need for this technology, and do not want to be an impediment toward its implementation at CSG, I contacted FAA on her behalf to inquire as to possibility for locating the tower somewhere else. I and my staff have asked to be updated on the progress with this tower, but have not heard anything from the FAA legislative affairs office on what is happening with construction or the potential for locating this at an alternative site. Please provide me an update as to the status of this project.

Answer. It is my understanding that the Regional Administrator for the Southern Region recently sent you a letter outlining the efforts that FAA regional officials and local officials went through to determine if there was an acceptable alternative site for the alert system. Unfortunately, after considering several alternate sites, it was determined that FAA's technical requirements were best achieved by locating the alert system at the original location. I am told that FAA will finish construction at this site by the end of the month and place the alert system in service, which will improve aviation safety in this region.

Question 17. According to the latest DOT Air Travel Consumer Report, 17 of the 21 flights that had tarmac departure delays of 4 hours of more in March were departing from Atlanta, including one flight that took a staggering 5 hour 45 minute delay. To what do you attribute these statistics? What air traffic management plans do you have in place to ensure that this situation does not happen at Atlanta again?

Answer. With regard to your questions about the Atlanta operation in March, if confirmed, I will follow up to provide specific answers. On a broader level, the issue of delays points to the importance of moving forward with NextGen implementation as quickly as possible. NextGen means flying more passengers, more cargo, more types of aircraft, more safely and efficiently. NextGen is a top priority for the Obama Administration and will be for me as we seek to accelerate key components over the next few years. In parallel, I am committed to continued work with the airlines and airports to mitigate the impacts of the types of events outlined in your question.

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