

NOMINATIONS TO THE DEPARTMENT OF
TRANSPORTATION AND THE DEPARTMENT OF
COMMERCE

HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

—————
FEBRUARY 7, 2006
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Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PRINTING OFFICE

28-476 PDF

WASHINGTON : 2006

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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NOMINATIONS TO THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF COMMERCE

TUESDAY, FEBRUARY 7, 2006

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

The Committee met, pursuant to notice, at 2:30 p.m. in room SD-562, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

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

The CHAIRMAN. Good afternoon. The Committee will hear from five of the President's nominees for the Department of Transportation and one nominee for the Department of Commerce.

Robert Cresanti has been nominated to be Under Secretary of Commerce for Technology; and Senator Bennett, for whom Mr. Cresanti formerly worked, will introduce him.

And Thomas Barrett has been nominated to be Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation. Admiral Barrett has had a distinguished career in the U.S. Coast Guard, including significant time served in our home State of Alaska. And we thank him for his service to the country. Senator Murkowski will introduce the admiral this afternoon.

Tyler Duvall has been nominated to be Assistant Secretary of Transportation Policy for the Department of Transportation.

Nicole Nason has been nominated to be Administrator for the National Highway Traffic Safety Administration within the Department of Transportation.

David Sanborn has been nominated to be the Administrator for the Maritime Administration within the Department of Transportation. I understand that Senator Allen will introduce Mr. Duvall, Ms. Nason, and Mr. Sanborn.

And, finally, Shane Karr has been nominated to be Assistant Secretary for Governmental Affairs for the Department of Transportation.

Each of the nominees has family in attendance today, and it's our request that the nominees will take a moment before they come to the table to introduce their respective family members to the Committee.

And, before proceeding, I would note that Public Citizen's Joan Claybrook requested to testify today concerning Ms. Nason's nomination. We've asked Ms. Claybrook to submit her written testimony, which we will review and consider. We have not held hearings from outside witnesses on nominations of this type.

The CHAIRMAN. In addition, Senator Inouye has submitted pre-hearing questions to Ms. Nason, Mr. Duvall, and Mr. Karr, the answers to which the Committee will also review.

I do thank Senators Murkowski and Bennett and Allen for their support for these nominees. And I will say that we'll have a committee markup of these nominations at a later time. There are several members of the Committee who are out of town for a funeral ceremony, and we will not hold that today, but it will be sometime—we'll announce it in the future.

Senator Inouye, do you have comments?

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. First, thank you very much, Mr. Chairman, for setting the markup for these nominees.

I would like to commend Secretary Mineta for sending over such a fine crew. I think you'll make a good team for him. And I would like to welcome all of you, the nominees, and thank you for your commitment to service for our country.

Thank you very much.

May I submit my statement?

The CHAIRMAN. Yes. The Senator's further comments will be submitted for the record.

[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

I would like to welcome each of the nominees and thank them for their commitment to Federal service.

Five of the nominees have been tapped to serve in various functions at the Department of Transportation. I have great respect for my friend Secretary Norman Mineta and his prerogative to build his team as he sees fit. This is an opportunity for each of you to tell us why you believe you are best-suited to serve in these critical roles.

With last year's passage of the Highway Bill and the adoption of the Maritime Administration authorization, the nominees have been given very clear directives from Congress. I know that the Administration, and some of the nominees, did not agree with our positions in their previous capacities. But now that those directives are the law, I want to know what the nominees will do to ensure that these laws are actively implemented and enforced.

Turning to the Commerce Department nominee, Mr. Cresanti, I note that we are considering his nomination to the Technology Administration just one week after the President made comprehensive technology policy a key topic in his State of the Union address.

I have a great interest in this area and the issue of competitiveness. As we look at innovative ways to remain competitive and advance new research and development, I urge the nominee and the Department to take advantage of existing policies and programs that have a proven track record.

The CHAIRMAN. Senator Bennett, would you like to make your comments concerning Robert Cresanti, please?

**STATEMENT OF HON. ROBERT F. BENNETT,
U.S. SENATOR FROM UTAH**

Senator BENNETT. Thank you very much, Mr. Chairman.

I'm honored and delighted to introduce Robert Cresanti to the Committee. I'll let him introduce his wife and his two daughters.

Robert came to work for me when I was first elected. He had no connection whatsoever with Utah, which was a little unusual in the people that we interviewed, because we tried to get people who had some tie to Utah. But he had a background that fit the responsibilities that I was assuming as a member of the Banking Committee. And he focused on those issues with great expertise and great energy. I would point out how time passes. He was single at the time. And so, we worked him pretty hard, and late hours, but somehow he managed to slip in a courtship into his activity, and now he's here with a wife and two children.

While we were on the Banking Committee, after the Republicans took control and—I was made chairman of the Subcommittee on Financial Services and Technology, and we began to hold a hearing—series of hearings on technology. Technology was a new area for Robert. And, as a staff man, he had to bring himself up to speed on those particular activities. I said to him, "I hear something about the millennium challenge, the change of computers when we go from 1999 to 2000. Maybe we ought to hold a hearing on that subject to see if there's anything to it." He organized the hearing. Senator Dodd, as the Ranking Member of the Subcommittee, was there, and, at the end of the subcommittee hearing, he said to me, "Mr. Chairman, we need another hearing. This is scary stuff." And out of the series of hearings that we held in the Banking Committee, which Robert managed, came the creation of the Senate Special Committee on the Year 2000 Technology Problem, with myself as chairman and Senator Dodd as the vice chairman. And we started looking around for a high-powered staff director to run that committee, and it pretty soon became pretty clear we already had one. Robert Cresanti was there and available, and he became the staff director of that committee.

Senator Dodd said to me, "We're in a non-win situation. If everything goes well, they'll say there was no problem and we wasted everybody's money; and if it doesn't go well, they'll say it was all our fault." But the series of hearings that were set up for the Year-2000 technology problem were, I think, the Senate at its very best. They were nonpartisan, they were in-depth. Robert reached out for the best possible talent. And we had a series of hearings that I think contributed significantly to the fact that the country did come through the 2000 computer time change without any difficulties.

He then did, as many of our staffers do when they've established a reputation for themselves, he was in great demand downtown, and he left Congressional service to go with trade associations downtown. But he had made the transition, if you will, from a young, inexperienced, but anxious, staff aide focusing on financial problems to a very experienced, carefully trained expert on technology. And he has established his reputation in that regard in Washington.

And when he told me that he had been approached to become an Under Secretary for Commerce, focusing on technology, I said, "I'm

glad for the American people that you'd be willing to do this, but are you willing to take the pay cut?" And he said, "Yes. It's a pretty significant pay cut, but I want to get back in the action."

So, I can recommend him from more than a dozen years of very direct personal experience, and assure the Committee that he comes very well prepared, very well trained, and, just as important, if not more so, anxious to return to public service and make available to the American people the skills that he has accumulated over the past dozen years.

I recommend him to the Committee without hesitation.

The CHAIRMAN. Thank you very much.

Senator Murkowski, do you wish to make comments concerning Admiral Barrett?

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

I am pleased to be before the Committee this afternoon to introduce a fellow Alaskan and a friend, Vice Admiral Thomas Barrett, the President's nominee to serve as the Administrator for Pipeline and Hazardous Materials Safety Administration at the Department of Transportation.

I've had the privilege of knowing the admiral and his wife since my service in the Alaska State Legislature. He is one of those rare individuals that comes to us through the military—and I shouldn't say "rare," because I think we have an opportunity up north, as you know, Mr. Chairman, to get some of our—of the military's finest serving us up north, but when the admiral was in Juneau serving the Coast Guard in that region, I think it is fair to say that we knew we were served by one of the finest—and not just from the perspective of the Coast Guard, but an individual who became involved in the community. His wife was a teacher, working with the children. We had an opportunity for the social events and having a Sunday morning brunch talking about education concerns in the State of Alaska. This gentleman is one who not only has his focus on the job before him, but in providing a true quality of life for people, wherever his assignment.

The admiral graduated from Coast Guard Officer Candidate School. He was commissioned in 1969. He deployed to Vietnam, earned a law degree from George Washington University, a graduate of the Army War College. He was in the—he was chief counsel and project staff for the Outer Continental Shelf Safety Staff, Office of Marine Safety and Environmental Protection. He had several tours in Alaska before moving up to the post of commanding officer of the Coast Guard Support Center, home to nine commands on Kodiak Island, the—which, as you know, is the largest operational Coast Guard base in the world.

When we look at the position that Admiral Barrett has been nominated for, when it comes to the area of safety, when it comes to the area of leadership, I don't think that the President could have selected a finer individual.

I'm pleased to recommend him to the Committee, and know that he will continue to serve this country well.

Thank you.

The CHAIRMAN. Thank you very much.

Let me then call Mr. Cresanti to come forward, please.

And the Senators may stay, if you wish, but we'd be happy to excuse you.

Senator BENNETT. Thank you very much. I do have some other pressing issues.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Cresanti, would you hold off for just a minute?

Mr. Sanborn, Ms. Nason, and Mr. Duvall, before they're called to the table—

Senator Allen.

**STATEMENT OF HON. GEORGE ALLEN,
U.S. SENATOR FROM VIRGINIA**

Senator ALLEN. Thank you, Mr. Chairman. It's good to see so many people who are residents of Virginia here, Mr. Cresanti and Mr. Barrett, but I'm going to specifically introduce three nominees, who are residents of Virginia, to the Committee. The three fellow Virginians are all being nominated for posts within the Department of Transportation: Nicole Nason, Tyler Duvall, and David Sanborn.

Let me, first, start with Nicole. She was born in New York. If you could raise your hands, oh, well, here you are. I was wondering what happened to you.

[Laughter.]

Senator ALLEN. Nicole was born in New York, but, wisely, now calls Virginia home. She was raised in a safety household. As a young girl, she watched as her father ran the traffic division in Suffolk County, New York. She was taught, early and often, the value of safety through the strong example set by her father. I know she'll carry these values with her as she prepares to assume a new position within the Department of Transportation in the National Highway Traffic Safety Administration.

During her time with the Department of Transportation, she has worked tirelessly to promote a close working relationship between the Administration and Congress. I think that will be invaluable for the National Highway Traffic Safety Administration, as they're slated to work with this committee, Mr. Chairman, on a number of important issues, like reform of vehicle fuel efficiency standards and combating impaired driving.

Mr. Chairman, I'm also pleased to introduce a constituent and fellow Virginian, Tyler Duvall. Tyler is nominated by the President to serve as Assistant Secretary of Transportation for Policy at the Department of Transportation. I know Tyler comes from a strong family. His uncle was captain of the University of Virginia basketball team and was a roommate of mine for a few years when we were in law school together. His stepmother, Donna, is a longtime friend. In the days that we were doing typing, she typed up my term papers and so forth.

[Laughter.]

Senator ALLEN. But I know that Tyler, in his own right, is a product of outstanding Virginia schools, Washington and Lee University and the University of Virginia School of Law. Tyler has ex-

tensive experience advising the Secretary of Transportation on a broad range of transportation policy and legal issues related to surface and maritime transportation. I am confident, Mr. Chairman and Senator Inouye, that Tyler will be a top-quality Assistant Secretary for Transportation Policy.

Finally, I would like to introduce another fine Virginian, David Sanborn of Smithfield, Virginia, who the President nominated to serve as Administrator of the Maritime Administration. He is a graduate of the Merchant Marine Academy. David has impressive credentials and a wealth of experience, both domestically and internationally, but, most importantly, has a sincere desire and vision to promote our Nation's ports and shipping industry. If you look through his record—most recently, director of ship operations for Dubai Ports International, or DP World, he was responsible for port infrastructure, expansion, and efficiency while developing new lines of business. He has worked for CMA-CGM America, which is a company based out of Norfolk, Virginia, where he controlled cargo logistics and demonstrated his ability to seamlessly coordinate shipping with rail and truck operations. This is a multi-million-dollar budget that he has to oversee there, staff of hundreds, redesigning organizations. All of these are matters that he is familiar with. And David Sanborn will undoubtedly ensure his success as Administrator.

I look forward to this committee working with him and all three of these nominees for swift confirmation so they can get to work with full portfolio for the American people.

I thank you, Mr. Chairman. And they'll introduce all their family members when they testify.

Thank you.

The CHAIRMAN. Thank you very much, Senator.

Well, then we will proceed with Mr. Cresanti, the nominee to be Under Secretary of Commerce for Technology.

Will you please introduce your family members, Mr. Cresanti? If you'd come forward so we can hear a little bit, it would be nice.

STATEMENT OF ROBERT CRESANTI, NOMINEE TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY, DEPARTMENT OF COMMERCE

Mr. CRESANTI. Thank you, Mr. Chairman, Mr. Co-Chairman, and Members of the Committee. Today joining me, behind me, are my wife, Colleen, and my daughter Kristin, in my wife's lap, my daughter Katja, and my parents, Sam and Christa Cresanti, who are seated immediately behind.

The CHAIRMAN. Well, thank you very much. And we welcome the family members. So, if you'll just stay there, Mr. Cresanti, we're going to try to proceed as rapidly as possible. You're the only one for Commerce, so we're—

Mr. CRESANTI. Yes.

The CHAIRMAN.—going to take care of you first. All right?

Mr. CRESANTI. Wonderful. Thank you, sir.

The CHAIRMAN. Do you have a statement you wish to make?

Mr. CRESANTI. I do.

Chairman Stevens, Co-Chairman Inouye, and Members of the Committee, thank you very much for the opportunity to appear be-

fore you here today regarding my nomination for the position of Under Secretary of Commerce for Technology. I am honored to have been nominated by the President, and I wish to thank him, Commerce Secretary Gutierrez, Deputy Secretary Sampson, for their support.

I would also like to recognize my wife, whom you've just met, and my family. In my family, members of the Committee, public service has always been a high calling. My father served as a member of the United States Air Force, and later as a longtime dedicated civil servant in the Department of Defense. He instilled in me the importance of serving our country, and I'm, subject to your vote and to being confirmed by the Committee and the Senate, am excited to get an opportunity to join the Department of Commerce.

My focus on technology issues matured here in the Senate when I worked with many of the members of the Committee and your staff on the Y2K problem. From my experience, I have learned that government can, and often must, play an influential role in setting the stage for the development of new technologies, as well as the use of existing technologies, to address the challenges that confront our Nation. As President Bush has acknowledged in his State of the Union Address, America's economic strength and global leadership depend on sustained technological progress.

Advances in technology continue to fundamentally change virtually every aspect of our lives, including advances in the environment, public safety, national defense, education, healthcare, communication, transportation, financial services, and entertainment, among many. These innovations have also enhanced our economic growth, resulting in higher rates of investment, high-wage job growth, and the increase in productivity.

The United States is second to none in the creation, and in the use, of technology. Our technological leadership is the result of lasting public and private investments in research and development. Sowing the seeds for innovation and unleashing the private sector, and, thereby, keeping the United States competitive in the world marketplace, is the central job of the Technology Administration.

If confirmed, I would outline and help to effectuate the strategy to continue TA's work in paving the way for appropriate government support of industries' rapid advances in technology and technological development. I would also help foster an environment conducive to private-sector investment and innovation.

The TA has a key role in helping to ensure a high rate of return on the investment for the billions of dollars invested by the Federal Government, taxpayer money, and in R&D. In this environment of constrained resources and competing priorities, there is a premium placed on leveraging programs and funding to maximize their impact on the leadership and growth of the American economy. If confirmed, I will use my experience in the technology industry to guide me in finding efficient ways to promote the mechanisms and to capture the data necessary to ensure and to measure our return on investment.

The proposition is simple: innovation and competitiveness are the principal drivers for our future economic success. If confirmed by the Committee and the Senate, I will work to ensure that America

remains the best place in the world for technology companies to do business, to innovate, to prosper, and to invest. I will energize the voice of the technology industry from the perspective of the Department of Commerce within the Administration. TA would serve as a one-stop shop for U.S. industry representatives to discuss and resolve critical issues that challenge their ability to thrive within the Administration. I know you've done a significant number of hearings, Mr. Chairman and Mr. Co-Chairman, on The National Academies' report.

I have had the opportunity to meet with several of the Members of the Committee and with your staff since my nomination, and I deeply respect the process and will continue to seek opportunities to work closely with the Committee and its staff to plot a course for meeting the challenges to America's technological leadership.

Again, I want to thank you for your consideration of my nomination and for giving me an opportunity to appear before you today. I would be happy to answer any of your questions.

[The prepared statement and biographical information of Mr. Cresanti follow:]

PREPARED STATEMENT OF ROBERT CRESANTI, NOMINEE TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY, DEPARTMENT OF COMMERCE

Chairman Stevens, Co-Chairman Inouye, and Members of the Committee, thank you for the opportunity to appear before you today regarding my nomination for the position of Under Secretary of Commerce for Technology, at the Department of Commerce's Technology Administration (TA). I am honored to have been nominated by President Bush and I wish to thank him, Commerce Secretary Gutierrez, and Deputy Secretary Sampson for their support.

I would also like to recognize my wife, Colleen; my daughters, Katja and Kristin, of whom I am very proud; along with my parents, Sam and Christa Cresanti, who are seated behind me this afternoon. Without their love and support, I would not be here before you today.

In my family, public service has always been a high calling. My father served as a member of the United States Air Force and later as a longtime, dedicated civil servant for the Department of Defense. He instilled in me the importance of serving our country. As my role model, he is the foundation of my deep commitment to and belief in public service. I spent nine years as a Congressional staffer and the last five years as an advocate for technology industry organizations.

My focus on technology issues matured right here in the Senate, when I worked with many Members of this Committee and their staff to address the Year 2000 Technology Problem. From that experience, I learned that government can, and often must, play an influential role in setting the stage for the development of new technologies as well as the use of existing technologies to address the challenges that confront our Nation. In a global economy where borders continue to blur, it is essential for the government to have an appreciation for and understanding of the important role that new innovations, along with traditional hardware and software, play in ensuring our Nation's technological leadership.

As President Bush acknowledged in his State of the Union Address, America's economic strength and global leadership depend on sustained technological progress. Advances in technology continue to fundamentally change virtually every aspect of our daily lives, including advances in public safety, national defense, education, health care, communication, transportation, financial services, and entertainment—just to name a few. These innovations have also enhanced our economic growth, resulting in higher rates of investment, high-wage job growth, and increases in productivity.

The United States is second to none in the creation and use of technology. Our technological leadership is the result of lasting public and private investments in research and development. Sowing the seeds of innovation, unleashing the private sector and thereby keeping the United States competitive in the world marketplace is the central job of a Technology Administration. From information technology to biotechnology, to technology on the nanoscale, and all of the fields in between, new technologies and applications are being developed at a fast and furious pace. With

further investment, they will lead to the introduction of commercial innovations in the form of new products and processes. If confirmed, I would outline and help effectuate the strategy to continue TA's work in paving the way for appropriate government support of industry's rapid advances in technological development. I would also help foster an environment conducive to private sector investment in innovation, which will boost our country's economic performance.

For the billions of taxpayer dollars invested in research and development, TA has a key role in helping to ensure a high rate of return on investment. In this environment of constrained resources and competing priorities, there is a premium placed on leveraging programs and funding to maximize their impact on the leadership and growth of the American economy. If confirmed, I will use my results-oriented experience in the technology industry to guide me in finding efficient ways to promote the mechanisms and capture the data necessary to ensure and measure our return on investment.

The proposition is simple: innovation and competitiveness are the principal drivers for our future economic success. Innovation springs up in all sorts of places, from the backyard garage to government labs. It is essential for TA to play a strong role in nurturing entrepreneurial startups and promoting innovative activity in high-tech businesses to sustain and build on our competitive capabilities in the global marketplace.

If confirmed by this Committee and the Senate, I will work to ensure that America remains the best place in the world for technology companies to do business, to innovate, to prosper and to invest. I will energize the voice of the technology industry from the perspective of the Department of Commerce within the Administration. TA would serve as a one-stop-shop for U.S. industry representatives to discuss and resolve critical issues that challenge their ability to thrive, many of which you have already discussed in your hearings about the latest National Academies report titled, "Rising Above the Gathering Storm."

The President has rightly stated "the role of the government is not to create wealth; the role of our government is to create an environment in which the entrepreneur can flourish, in which minds can expand, [and] in which technologies can reach new frontiers." If confirmed, I pledge my support for that proposition.

I have had the opportunity to meet several Members of the Committee and your staff since my nomination. I deeply respect this process and will continue to seek opportunities to work closely with the Committee to plot a course to meeting any challenges to America's technological leadership.

Again, I want to thank you for your consideration of my nomination, and for giving me the opportunity to appear before you today. I will be happy to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name: Robert Charles Cresanti.
2. Position to which nominated: Under Secretary for the Technology Administration, Department of Commerce.
3. Date of Nomination: November 10, 2005.
4. Address: Residence: Information not released to the public. Office: BSA, 1150 18th Street, Suite 700, Washington DC.
5. Date and Place of Birth: December 6, 1964, Wiesbaden, West Germany.
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: Colleen Patricia Cresanti, Loan Processor, the Kirney Group.
 Children (daughters): Katja Maria Cresanti, age 7; Kristin Marie Cresanti, age 3.

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

General HH Arnold High School, Graduate, Wiesbaden, Germany, 1979–1983.
 Austin College, Sherman Texas, BA, 1983–1987.
 Baylor School of Law, Waco Texas, JD, 1988–1991.

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

Vice President of Public Policy, Business Software Alliance, 2001–Present; Senior Vice President and General Counsel, Information Technology Association of America, 2000–2001; Staff Director, Senate Special Committee on the Year 2000 Technology Problem, 1998–2000; Staff Director, Subcommittee on Financial Services and

Technology, Senate Banking Committee, 1997–1998; Counsel (1995–1997), Legislative Assistant (1993–1995), Senator Robert F. Bennett; Legislative Assistant—Banking, Securities and Tax, 1992, Congressman Paul Gillmor; Staff Assistant (analyst) Banking, International Finance, 1991–1992, Joint Economic Committee, Congressman Arney and Senator Roth; Manager of Special Projects, National Association of Realtors, Realtor Computer Services, 1987–1988. All jobs were located in Washington, D.C..

9. 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 five years.

Other than my government experience outlined in the question above, I have served as a U.S. delegate to the World Bank meetings on two occasions and as a delegate to a meeting of the European Bank of Reconstruction and Development meeting.

10. 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 five years.

In addition to my work history provided above, during my tenure as General Counsel with ITAA, I served as an officer of the corporation as Secretary of the Board of Directors.

11. Please list each membership you have had during the past ten 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.

Memberships: Texas Bar Association, 1991–present; D.C. Bar, 1992–present; Our Lady of Lourdes Parish, 1996–present; Ex-SOBs (social organization of former SOB, Senate Office Building Staffers), 2002–present. I have held no positions other than as a member with the other organizations listed.

12. Have you ever been a candidate for public office? No.

13. 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.

10/21/2004, \$1,000, Senator Mike Crapo; 5/14/2003, \$1,000, Congressman Lamar Smith; 7/16/2003, \$500, Senator George Allen; 10/11/2004, \$250, Congressman Richard Burr; 2/4/2002, \$500, Senator Arlen Specter; and 4/13/2004, \$500, Congressman Butch Otter.

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

Hatton W. Sumners Scholarship (merit based) for College. National Honor Society Member (1984–87) and President (1986–87).

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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: None.

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

I have testified before Congress on two occasions. Once before the Senate Small Business Committee on the opportunities provided to U.S. small businesses by China's accession into the World Trade Organization (playing by the rules and safeguarding the IP rights for small U.S. companies) and once before the House Judiciary Committee on the impact of Piracy to the U.S. economy.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

I have only the standard rights and benefits from my employment with the Business Software Alliance. These include health insurance, 401K and annual bonus provisions. If confirmed, I will comply with all requirements in my ethics agreement regarding my finances.

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? 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.

All of my investments, obligations, liabilities and other relationships were disclosed to the ethics counsel at the Department of Commerce. The attached ethics agreement, should I be confirmed by the Committee, will guide my actions to avoid any potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 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.

At the BSA and the ITAA, I worked to influence a wide variety of legislative and executive actions related to technology, trade and corporate governance matters. I also worked on the staff of two House members and two Senators as well as three Senate Committees as outlined in the question on employment listed above.

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

After consultation with the Department of Commerce Ethics Counsel, please find attached to this questionnaire a copy of the Ethics Agreement which I signed after working with that office. In the event that any questions arise I will seek counsel from that office on how to avoid any potential conflicts of interest. I intend to follow the guidance of the Department's counsels.

C. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged, or held by a Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? 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 personally been involved as a party. However, the trade associations for which I worked were involved in various standard civil cases. I was not directly involved in any of them, other than in my legal capacity as the General Counsel for ITAA.

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

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? No.

D. RELATIONSHIP WITH THE 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. If confirmed by the Senate, I will make it a priority to ensure that the Department protects Congressional witnesses and whistle blowers from reprisal.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matter 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.

The CHAIRMAN. Well, thank you very much.

We do recall, I recall, your being with us on the problems of the year 2000. And we appreciate your comment about the Augustine

Report. Have you had occasion to talk to many of the people involved in that study?

Mr. CRESANTI. I have not, yet, sir. I have, on—I have spoken to folks within the Administration, but I have not—I have not—I have heard some of the testimony you've had at the Committee, but not to exchange with the folks that have written the report.

The CHAIRMAN. It's my understanding that the Department of Commerce will be at the forefront of the President's Competitiveness Initiative, which is really based on the Augustine Report, as I gather. Have you had any occasion to discuss what role that will be with the White House?

Mr. CRESANTI. I have not. I have read, in the press, the reports, and I have also seen, from the—some memos that have floated around within the technology industry, some of the granular details that people are hoping to come from the President's Initiative. But I have not had direct instruction from the White House, as of this point, or communication from them, on what role, exactly, TA will play.

The CHAIRMAN. Well, there are three significant pieces of legislation that have already been introduced, or at least I think they've been introduced, dealing with that report and the initiative, so we look forward to working with you on that matter, among others, in terms of your role at Commerce.

Senator Inouye?

Mr. CRESANTI. Thank you, Mr. Chairman.

Senator INOUE. Oh, thank you very much.

Mr. Cresanti, I know that the funding for the Under Secretary for Technology for FY 2006 is about \$6 million—\$5.9 million, to be exact. And I notice that the budget request for FY 2007, next fiscal year, is \$1.5 million. Why this vast reduction?

Mr. CRESANTI. Senator, I saw the numbers yesterday, as I think you probably did, as well, that the budget has been reduced. I've been told that the Administration is having to make difficult decisions with where dollars are allocated, and that it was in their best judgment that there needed to be a reduction in the amount of funding at the headquarters office of the policy shop at the Technology Administration. I understand these will be difficult cuts, both on the personnel that are there, as well as in our ability to do all of the things that we would like to do. So, I see that budget, and I know that it's going to be a very difficult challenge for me to do all of the things that we are mandated by statute to do under that funding.

Senator INOUE. I ask that question because just a week ago, the President, as you noted, made a statement citing the importance of competitiveness in technology, and we must have investment. And so, obviously, we are surprised to see this terrible cut. You're not wiping out the office, are you?

Mr. CRESANTI. No, I surely hope not. It's one of the three areas that are essential, I think, under the Technology Administration, and the Office of Policy will be able to continue to function and meet its legislative mandates.

The CHAIRMAN. Senator, I'm informed \$136 million in the budget has been moved over to the Competitiveness Initiative, which will be centered in this Commerce area that Mr. Cresanti will head.

Senator INOUE. That makes me feel better.

Mr. CRESANTI. Yes. I think that one of the key—Senators, one of the key initiatives that's being launched is a 24 percent increase in basic research and science funding within the Department of—within NIST to some of the priorities that the Administration sees there.

Senator INOUE. After the glowing introduction by Senator Bennett, you've got my vote.

Mr. CRESANTI. Thank you, sir.

The CHAIRMAN. Senator Pryor?

**STATEMENT OF HON. MARK PRYOR,
U.S. SENATOR FROM ARKANSAS**

Senator PRYOR. Thank you, Mr. Chairman. And thank you, again, for this hearing. I think it's important.

Mr. Cresanti, I have a couple of questions, just very briefly, on nanotechnology.

Mr. CRESANTI. Yes, sir.

Senator PRYOR. I think nanotechnology could potentially be a huge development in history and in America's economy, and we could put ourselves in a position of really becoming the dominant player in the world in nanotechnology. But also, at the same time, I think we're at a crossroads with nanotechnology. It may be—it may develop into something that may be a little bit more like the—say, the genetically modified organisms, where, in many parts of the world, in many markets, that's very controversial, and there's very low consumer confidence in those things, et cetera. So—and a lot of suspicion about those things—but in the nanotechnology world, one thing I've noticed is that, really, it is a world that is being developed right now by small businesses.

And I guess I'd just ask you, do you have any plans to bolster the public trust in nanotechnology and also help these small businesses develop these amazing technologies and try to implement those and get those into the marketplace?

Mr. CRESANTI. Thank you, Senator. I—it is essential, and I know that your State has been among the leaders and—in nanotechnology areas—and we—it's my opinion that we cannot lose the leadership position in nanotechnology. There is significant funding by foreign governments to subsidize their universities, their research on nanotechnology, and I think that we have to address, both from a consumer confidence perspective, as well as from just an outright funding and interest level, the nanotechnology issue. And it's one of—it's one of the—when TA had its last Under Secretary, Phil Bond, it was a primary focus for him, and it will continue to be that for me.

Senator PRYOR. Yes, I'd like to work with you on that, as we progress.

Thank you, Mr. Chairman. That's all I have.

Mr. CRESANTI. Thank you.

The CHAIRMAN. Senator Lott?

Senator LOTT. No questions, Mr. Chairman. Good luck to you.

The CHAIRMAN. Good luck to you, Mr. Cresanti. As soon as possible, we'll have a markup, and we hope to soon be able to call you "Under Secretary."

Mr. CRESANTI. Thank you, sir.

The CHAIRMAN. Thank you very much.

We're now going to call up the nominees from the Department of Transportation, one at a time, so that you may join us at the table, but, first, just one at a time, introducing your families.

The first would be Admiral Barrett. We'd be pleased to have you introduce your family that's here. And we'll put all four of you at the table together after you've introduced your family.

Admiral BARRETT. Thank you, Mr. Chairman. I have with me today my wife, Sheila. She's the mother of our four children: Tom, Matt, Rebecca, and Paul. They're not able to be here. But I want to thank her for support to me, to the communities we've served in, and also to our Nation, most recently, as the mother of two of our sons who are Iraq combat veterans. And I'm very thankful for her support and her presence here with me today.

Thank you, sir.

The CHAIRMAN. Thank you. Happy to have you here, Mrs. Barrett. Thank you very much.

The next person is David Sanborn, nominated to be Administrator of the Maritime Administration.

Mr. Sanborn, do you have any family with you today, sir?

Mr. SANBORN. Yes, sir.

Thank you, sir, very much for having me here today. And—

The CHAIRMAN. Would you introduce your family, please, sir?

Mr. SANBORN. Yes, sir. I'm joined by my wife, Terry, who is my wife of 33 years. And she's sitting right back behind me. We have three children, who, unfortunately, couldn't be here today. And I'd just like to give tribute to my wife. I've been yanking her around the world pretty much for most of the time we've been married, and she's been able to keep us grounded and focused and kept a really nice home front for me. And so, I'm particularly proud to have her here today.

The CHAIRMAN. Thank you very much. Thank you for joining us, Ms. Sanborn. We're happy to have you here.

The next nominee is Tyler—no, Nicole Nason, the nominee to be Administrator of the National Highway Traffic Safety Administration at Department of Transportation.

Do you have family with you, Ms.—

Ms. NASON. I do, Mr. Chairman. Thank you, Mr. Chairman.

I am very proud to have with me today my husband, David, and our two beautiful daughters, Alexandra, who's almost 5, and Abigail, who's about 18 months, in the back, and my parents, Janice and Philip Robilotto, and my wonderful in-laws, George and Ann Nason.

The CHAIRMAN. That's a nice family.

Ms. NASON. Thank you.

The CHAIRMAN. We welcome all of you to this hearing, and happy to have you with us. If you can spare any of those children, we don't have any at home right now. So, we—

[Laughter.]

The CHAIRMAN. The next nominee is Roger Shane Karr, to be Assistant Secretary of Transportation for Governmental Affairs at the Department of Transportation.

Do you have family with you, Mr. Karr?

Mr. KARR. I do.

Mr. Chairman, I'd like to introduce my wife, Barrett Karr, and my family, who is scattered around the country and couldn't make it, but is listening on the Webcast.

The CHAIRMAN. Well, that's good. Thank you very much.

We thank you very much for being here, and we'll first call on Admiral Barrett.

Pardon me. Do I have one more? Ahhh. All right.

[Laughter.]

The CHAIRMAN. Who have I forgotten?

Tyler Duvall, Assistant Secretary of Transportation for Transportation Policy. We won't leave without you, Mr. Duvall.

[Laughter.]

Mr. DUVALL. You could have.

[Laughter.]

Mr. DUVALL. Thank you, Mr. Chairman. I'm joined today by my wife, Andrea, and my unhappy 8-month-old, Julia—

[Laughter.]

Mr. DUVALL.—and my two-and-a-half-year-old daughter, Olivia, and my father, Richard Duvall, and my stepmother, Donna Duvall. So, thank you for having us. If she's a disruption risk, we'll remove her.

[Laughter.]

The CHAIRMAN. Well, thank you very much.

The five of you have brought more people to a nomination hearing than I've seen in years, so I thank you very much for coming.

Now we'll turn to Admiral Barrett for any comments you may wish to make.

STATEMENT OF ADMIRAL THOMAS J. BARRETT, NOMINEE TO BE ADMINISTRATOR, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Admiral BARRETT. With your permission, Mr. Chairman, Mr. Co-Chairman, Senator Lott, Senator—

The CHAIRMAN. Let me interrupt you. We will put all the statements in the record in full, and hope you'll summarize them, to the extent possible.

Thank you, Admiral.

Admiral BARRETT. Yes, sir.

I welcome the opportunity to appear before you today with these other nominees as you consider my nomination to serve as the first Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation. I'm honored to have been nominated by President Bush for this important position, and, if confirmed, look forward to joining Secretary Mineta and his leadership team at the Department. I commit to you I will fully dedicate myself to helping ensure PHMSA meets its vital safety obligations and also working close with you and your staffs.

PHMSA was established as a separate administration to improve the Department's oversight and regulation of pipeline safety and hazardous materials transportation. It is directly focused on elimination of transportation-related deaths and injuries in hazardous-

material and pipeline transportation and toward transportation solutions that protect and enhance communities and protect the natural environment.

I believe my experience in the Coast Guard, in a broad range of assignments, has provided me the management, leadership, and teamwork skills to succeed in the position for which I've been nominated. It has given me an excellent perspective on how organizations and their personnel work, how to ensure mission focus and achieve the performance results that the Administration, the Congress, and the public expect.

Throughout my career, I have worked across Coast Guard mission, including safety, security, environmental, and resource protection and training. I oversaw vessel and industrial systems associated with petroleum and hazardous materials transportation, and partnered with State and Federal agencies repeatedly. I have worked with other agencies, the industry, and the public to reduce the hazards inherent in fisheries activities and reduced harmful discharges by leveraging technology, using innovative regulatory approaches, and taking, where warranted, appropriate enforcement actions. Not the least of my risk-management responsibilities included safely conducting Coast Guard operations in one of the most dangerous environments on the planet.

I have also, unfortunately, witnessed firsthand the tragic consequences of safety failures for individuals, for their families, their communities, and the environment. Frankly, I have attended too many funerals that need not have occurred. These left indelible impressions on me and forged a resolve to do all in my power to prevent recurrences.

Mr. Chairman, I reiterate my commitment to you that, if confirmed, I will work as hard as I possibly can to carry out the responsibilities entrusted to me.

Thank you very much, sir.

[The prepared statement and biographical information of Admiral Barrett follow:]

PREPARED STATEMENT OF ADMIRAL THOMAS J. BARRETT, NOMINEE TO BE ADMINISTRATOR, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. Chairman, Mr. Co-Chairman, and other distinguished Members of the Committee,

I welcome the opportunity to appear before you today with these other distinguished nominees as you consider my nomination to serve as the first Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation. I am honored to have been nominated by President Bush for this important position and, if confirmed, look forward to joining Secretary Mineta and his superb leadership team at the Department. I commit to you that I will fully dedicate myself to helping ensure that PHMSA meets its vital safety obligations, working closely with you and your staff.

(With your permission, I would like to acknowledge my wife Sheila who is here with me today, and thank her for her support to me and to our Nation, including as the mother of two sons who are Iraq combat veterans.)

PHMSA was established as a separate operating administration to improve the Department's oversight and regulation of pipeline safety and hazardous materials transportation. PHMSA administers comprehensive, nationwide programs designed to protect our communities from risks to life, health, property and the environment inherent in the commercial transportation of hazardous materials and the operation of America's natural gas and hazardous liquid transportation pipelines. PHMSA is directly focused on the elimination of transportation related deaths and injuries in

hazardous materials and pipeline transportation, and toward developing transportation solutions that protect and enhance communities and safeguard the natural environment.

I believe my over 35 years of experience in the Coast Guard in a broad range of assignments has provided me the management, leadership and teamwork skills to succeed in the position for which I have been nominated. I believe my experience has given me an excellent perspective on how organizations and their personnel work, how to ensure focus on mission objectives and achieve the performance results that the Administration, the Congress and the public expects.

Throughout my career I have delivered excellence across Coast Guard mission areas that included safety, security, environmental and resource protection, and training. During my tenure as Coast Guard Commander in Alaska, I oversaw vessels and industrial systems associated with petroleum and hazardous materials transportation and partnered with State and Federal agencies, tanker and terminal operators and citizen groups to improve systems quality assurance, safety and response capabilities for petroleum shipments in the Port of Valdez and elsewhere in Alaska. I partnered with other agencies, the industry and the public to reduce the hazards inherent in fisheries activities, and reduce harmful discharges in Alaskan waters by leveraging technology, applying innovative regulatory approaches, and taking appropriate enforcement actions. Not the least of my risk management responsibilities included safely conducting Coast Guard operations in one of the most dangerous environments on the planet. I always promoted active communications and transparency with respect to agency actions. I have also unfortunately witnessed firsthand the tragic consequences of safety failure on individuals, families, communities and the environment. I have attended too many funerals that need not have occurred. These experiences left indelible impressions on me and forged a resolve to do all in my power to prevent recurrences.

Mr. Chairman, I reiterate my commitment to you that, if confirmed, I will work as hard as I possibly can to carry out the very important responsibilities entrusted to me. Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Barrett, Thomas J. Vice Admiral, U.S. Coast Guard, (Retired).

2. Position to which nominated: Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

3. Date of Nomination: January 25, 2006.

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

Residence: Information not released to the public.

Office: 901 N. Stuart Street, Suite 200, Arlington, VA.

5. Date and Place of Birth: January 15, 1947, New York, NY.

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: Sheila M. Barrett, Docent/Executive Assistant, Women in Military Service to America Memorial, Memorial Avenue, Arlington, VA.

Children: (Major) Thomas J. Barrett (32); Matthew D. Barrett (31); Rebecca S. Barrett (26); Paul P. Barrett (22).

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

B.S., LeMoyne College, Syracuse, NY, 1968.

JD, George Washington University, 1976.

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

Management Level Jobs Held:

Vice Commandant, United States Coast Guard.

Commander, Seventeenth Coast Guard District and Naval Forces Alaska.

Director, Reserve and Training, United States Coast Guard.

Commanding Officer, Support Center Kodiak Alaska, United States Coast Guard.

Chief, Legal Programs and Policy, United States Coast Guard.

Deputy Commander, Maintenance and Logistics Command, Atlantic, United States Coast Guard.

Deputy Chief, Personnel and Training, United States Coast Guard.

Executive Officer, USCG Base/Support Center, Kodiak Alaska.

District Legal Officer, Seventeenth Coast Guard District, United States Coast Guard.

Vice President and Chief Operating Officer, Potomac Institute for Policy Studies.

Other Related Jobs:

Outer Continental Shelf Safety Staff, Office of Marine Safety and Environmental Protection, United States Coast Guard.

9. 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 five years: None.

10. 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 five years.

Vice President and Chief Operating Officer, Potomac Institute for Policy Studies and Director, National Capital Chapter, Navy League of the United States.

11. Please list each membership you have had during the past ten 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.

District of Columbia Bar, 1976–Present.

Reserve Officers Association, 1997–Present.

Navy League of the United States, 2004–Present.

Veterans of Foreign Wars of the United States, 1999–Present.

U.S. Naval Institute, 1976–Present.

Army War College Alumni Association, 1989–Present.

Juneau Alaska Downtown Rotary Association, 1999–2002

Alaska State Chamber of Commerce–Coast Guard Liaison, 2001–2002.

North Pacific Fisheries Management Council (non-voting member), 1999–2002.

Navy Enlisted Reserve Association, 1997–1999.

U.S. Coast Guard Academy Board of Trustees, 1997–1999.

None of these organizations restricts membership on the basis of sex, race, religion, national origin, age or handicap.

12. Have you ever been a candidate for public office? I have never been a candidate for public office.

13. 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: None.

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

Military Awards

Coast Guard Distinguished Service Medal.

Legion of Merit (5 awards).

Coast Guard Meritorious Service Medal.

Coast Guard Commendation Medal (2 awards).

Coast Guard Achievement medal.

National Defense Service Medal (with 2 bronze stars).

Humanitarian Service Medal.

Vietnam Service Medal (with 2 bronze stars).

Republic of Vietnam Campaign Medal.

Secretary of Transportation 9/11 Medal.

Secretary of Defense Service Badge.

Commandant of the Coast Guard Staff Service Badge Command Ashore Badge.

Foreign Awards from the Republic of Georgia, Argentina and Malta.

Civic Awards

Citations for Service—18th Alaska Legislature: 22nd Alaska Legislature.
 Commendation—Kodiak Island Borough.
 Commendation—Kodiak Island Borough School District.
 Veterans of Foreign Wars of the United States Exceptional Service Award.
 Special Olympics—Special Friend Award.

Scholarships

New York State Regents College Scholarship.
 Teamsters College Scholarship.

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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.

Deepwater Methods to Reduce Systems of Systems Risks (Paper Presented at IEEE SMC 2005 Conference).

Coast Guard Reservist Magazine—From the Bridge Columns Tri-Monthly 1997–1999.

Federal Maritime Commission Jurisdiction—George Washington University Law Review Notes—1976.

Speeches: I spoke regularly on priorities while Coast Guard Commander in Alaska in multiple local forums including Coast Guard audiences, industry, civic organizations, citizen and public events. My priorities always identified safety and environmental focus areas including Valdez Marine Terminal operations. I did not maintain records of the presentations.

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None (All appearances were in an official capacity for the Coast Guard).

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

I am paid a salary by my current employer, Potomac Institute for Policy Studies and routinely deal with Potomac Institute customers and business clients. I have a 403(b) retirement plan with Potomac Institute under which the employer matches my contributions to a maximum of 5 percent of my salary. If confirmed by the Senate for this position I will sever my employment and business association with Potomac Institute. I have no other financial or deferred compensation arrangements.

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?

I have no such commitments or agreements.

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: None.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None, other than my current employment with Potomac Institute.

5. Describe any activity during the past 5 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: None other than official Coast Guard duties related to the execution of U.S. laws and policies.

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

Please refer to the Deputy General Counsel's Opinion Letter.

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? 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? 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? No.

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

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

6. 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.

While serving as the Commanding Officer of the Coast Guard Support Center at Kodiak, Alaska, I was accused (informally) by a petty officer of harassment because I ordered her to see Coast Guard physician to evaluate whether she was suicidal. At the time, I had reason to believe she might be. The complaint was informally investigated and dismissed.

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.

The CHAIRMAN. Thank you very much.

Let me now turn to the statement of Mr. Sanborn, Administrator of the Maritime Administration.

STATEMENT OF DAVID C. SANBORN, NOMINEE TO BE ADMINISTRATOR, THE MARITIME ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. SANBORN. Sir, I would like to thank Senator Allen for his most gracious comments at the introduction.

Mr. Chairman, Members of the Committee, it is my great honor to be here today as President Bush's nominee for the Maritime Administrator. As a graduate of the United States Merchant Marine Academy, just being here at this table with these fine transportation professionals represents a point in my career that most of my peers can only dream about.

I have spent my entire professional life working in the maritime industry, domestically and internationally. This experience gives me the firm belief that our cargo transportation system and intermodal network in the United States are at a critical crossroads for the future.

We have the labor force, the knowledge, the technical capability, and the natural harbor resources to ensure that the cargo, which our Nation needs for its survival and security, can be transported efficiently and economically. However, we need the vision and leadership to bring together all of the stakeholders and experts in the cargo supply chain and to establish solutions for how we are going to seamlessly handle these huge volumes of cargo through our transportation infrastructure.

I sit here in front of you today because I am passionate about our maritime future. I have had the good fortune of working in numerous operating environments in the United States and overseas. This has enabled me to observe firsthand some of the most efficient and inefficient cargo handling systems in use today.

If I am allowed to bring this experience to the Maritime Administration, I believe we can accomplish some very dynamic and advanced changes in current thought on how to most efficiently handle cargo flow. If I am confirmed, I will take this opportunity to play a leadership role in bringing our U.S. flag fleet back to the preeminence that it once enjoyed.

I welcome the chance to work to advance our cargo infrastructure so that the United States is the envy of our trading partners. I believe that the United States can be the proving ground for technology that advances cargo security systems, cargo handling capability, cargo tracking, and cargo logistics systems. In this effort, it is critical that we ensure that the security of our ports and infrastructure is part of our planning and strategies.

The time has also come to focus on our shipyards so that they can return to being the facilities of choice for constructing the most technologically advanced vessels in the world. I believe the Maritime Administration is the agency that can provide the leadership, together with the technological expertise and knowledge, to deliver this ambitious vision. I am convinced that the Maritime Administration can be the go-to agency for transportation solutions that will support the needs of both our governmental cargo-carrying requirements, as well as our commercial customers.

If you will give me this opportunity by confirming my role in this organization, I will commit energy and knowledge to leading the Maritime Administration and working with the many fine people who are equally dedicated as I am to a legacy of maritime excellence.

Thank you for having me here today.

[The prepared statement and biographical information of Mr. Sanborn follow:]

PREPARED STATEMENT OF DAVID C. SANBORN, NOMINEE TO BE ADMINISTRATOR, THE MARITIME ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Thank you, Senator Allen, for your most gracious comments.

Mr. Chairman, Members of the Committee.

It is my great honor to be here today as President Bush's nominee for the Maritime Administrator. As a graduate of the United States Merchant Marine Academy just being here at this table with these fine transportation professionals represents a point in my career that most of my peers can only dream about.

I have spent my entire professional life working in the maritime industry, domestically and internationally. This experience gives me the firm belief that our cargo transportation system and intermodal network in the United States are at a critical crossroad for the future.

We have the labor force, the knowledge, the technical capability, and the natural harbor resources to ensure that the cargo, which our Nation needs for its survival and security, can be transported efficiently and economically. However, we need the vision and leadership to bring together all of the stakeholders and experts in the cargo supply chain, and to establish solutions for how we are going to seamlessly handle these huge volumes of cargo through our transportation infrastructure.

I sit here in front of you today because I am passionate about our maritime future. I have had the good fortune of working in numerous operating environments in the United States and overseas. This has enabled me to observe firsthand some of the most efficient and inefficient cargo handling processes in use today. If I am

allowed to bring this experience to the Maritime Administration, I believe we can accomplish some very dynamic and advanced changes in current thought on how to most efficiently handle cargo flow.

If I am confirmed, I will take this opportunity to play a leadership role in bringing our U.S Flag fleet back to the preeminence it once enjoyed, and to expand upon our domestic cargo carrying capability. I welcome the chance to work to advance our cargo infrastructure so that the United States is the envy of our trading partners. I believe that the United States can be the proving ground for technology that advances cargo security systems, cargo handling capability, cargo tracking, and cargo logistics systems. In this effort it is critical that we ensure that the security of our ports and infrastructure is part of our planning and strategies. The time has also come to focus on our shipyards, so that they can return to being facilities of choice for constructing the most technologically advanced vessels in the world.

I believe the Maritime Administration is the agency that can provide the leadership, together with the technological expertise and knowledge, to deliver this ambitious vision. I am convinced that the Maritime Administration can be the "go to" agency for transportation solutions that will support the needs of both our governmental cargo carrying requirements as well as our commercial customers.

If you will give me the opportunity by confirming my role in this organization I will commit my energy and knowledge to leading the Maritime Administration and working with the many fine people who are equally dedicated, as I am, to a legacy of maritime excellence.

I would be happy, now, to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

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

2. Position to which nominated: Maritime Administrator, U.S. Department of Transportation.

3. Date of Nomination: January 18, 2006.

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

Residence: Information not released to the public.

Office: DP World Caucedo Zona Franca Multimodal Caucedo, MOB Bldg., Suite 300, Punta Caucedo, Boca Chica, Dominican Republic.

5. Date and Place of Birth: May 12, 1951, Richmond, Virginia.

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).

Wife—Theresa Marie Sanborn—Housewife

Son—Christopher David Sanborn—30 Years

Daughter—Erica Marie Sanborn—27 Years

Daughter—Tracy Marie Sanborn—23 Years

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

United States Merchant Marine Academy, 1969–1973, Bachelor of Science, Marine Transportation.

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

DP World: Director of Operations for Europe and Latin America.

CMA—CGM (America) LLC: Senior Vice President for North America Service Delivery.

American President Lines, Pet. Ltd: Vice President for Network—Operations for North America, Vice President for Network—Operations for Asia/Middle East, Vice President for Operations for Asia/Middle East.

Sea-Land Service, Inc: Director—Operations, America's Division; Director—Operations, Brazil; General Manager, Middle East and India Sub-Continent, General Manager, Sales—AME Division, Director, Operations—Europe; Port Manager, Tacoma; Director, Operations—Asia; Port Manager, Hong Kong; Marine Manager, Algeciras.

9. 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 five years: None.

10. 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 five years.

DP World: Director of Operations for Europe and Latin America.

CMA–CGM (America) LLC: Senior Vice President for North America Service Delivery.

American President Lines, Pte. Ltd: Vice President for Network—Operations for North America; Vice President for Network—Operations for Asia/Middle East, Vice President for Operations for Asia/Middle East.

Sea-Land Service, Inc: Director—Operations, America’s Division; Director—Operations, Brazil.

11. Please list each membership you have had during the past ten 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.

SOLE (Society of Logistics Engineers).

East Bay Agency for Children, Board of Directors, 11/2003–05/2004.

OCEMA (Ocean Carrier Equipment Management Association), 2002–2004.

12. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

13. 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: None.

14. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements: None.

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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.

- Transportation Logistics Seminar as an invitee of the Georgia Ports Authority (speech).
- Terminal Operations, as an invitee of the Brookings Institute (speech).
- Moderated a transportation systems course for GMATS at the United States Merchant Marine Academy.
- Presentation to a Junior/Senior class on Transportation Logistics at the United States Merchant Marine Academy.
- Presentation to a class of government security personnel on ocean liner and container terminal security for GMATS at the United States Merchant Marine Academy.
- Presented two courses to CSI Customs Agents for GMATS at the United States Merchant Marine Academy

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: 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? 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.

Please refer to the Department of Transportation Deputy General Counsel’s Opinion Letter.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or act-

ing 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.

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

5. Describe any activity during the past 5 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: None.

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

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

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? 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? 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? No.

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

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

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.

The CHAIRMAN. Yes, sir. Thank you very much for your comments.

Our next comment is from Ms. Nason. Would you please make your statement?

STATEMENT OF NICOLE R. NASON, NOMINEE TO BE ADMINISTRATOR, THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Ms. NASON. Thank you, Chairman Stevens.

Chairman Stevens, Co-Chairman Inouye, Members of the Committee, thank you for the opportunity to appear before you today to be considered for the position of Administrator of the National Highway Traffic Safety Administration. I thank Senator Allen for his kind remarks, and I am humbled and honored that President Bush and Secretary Mineta would offer me this opportunity to continue to serve in this administration.

As the mother of two small children, daughter of a police chief, and a car-crash victim, highway safety is not an abstract issue to me, but, rather, a matter I take intensely seriously. As this com-

mittee is well aware, in 2004 there were 42,636 American lives lost on our roads, 2.8 million people were injured, and the cost to society was a staggering \$230 billion. Car crashes are the leading cause of death for people ages 3 to 33. And I accepted the President's nomination for this important position to reduce the toll of motor vehicle crashes on American families.

After I was confirmed as the Assistant Secretary for Government Affairs, Secretary Mineta gave me one charge, to help pass the strongest possible highway safety legislation as part of the Surface Transportation Reauthorization bill. The result was SAFETEA-LU, a statute containing significant safety provisions, largely written by members of this committee. As the Secretary's main liaison to Capitol Hill, I was pleased and proud to play a role in helping shape this landmark highway safety law. The challenge for the agency now is to effectively implement what Congress has enacted.

I also plan, if confirmed, to go beyond the SAFETEA-LU roadmap and address other areas in highway safety where greater gains can be realized.

Mr. Chairman, if you open the metro section of any major newspaper on any given day, you will invariably find a story about a teenage highway fatality, and alcohol will often be involved. In fact, nearly a quarter of drivers age 15 to 20 who were killed in crashes had a blood alcohol level above the legal limit of .08. While teen driving is primarily, and properly, a State issue, the Federal Government can offer guidance, resources, and leadership to the States to address this problem.

Mr. Chairman, there is hardly a family in America that has not been impacted by a car crash. And I introduced my family earlier. I am especially proud to have my father, retired Police Chief Philip Robilotto, with me. As a lieutenant in command of the Highway Patrol Bureau, my father ran one of the earliest STOP-DWI initiatives in New York, and he was one of the first-ever Motorcycle Safety Foundation certified instructors. He taught me my first lessons regarding the importance of road and vehicle safety.

Mr. Chairman, I'm eager to use my legal training, my DOT experience, and my leadership and management skills so the tools that Congress provided in SAFETEA-LU can translate into lives saved and injuries prevented.

Thank you for your consideration. I would be happy to answer any questions.

[The prepared statement and biographical information of Ms. Nason follow:]

PREPARED STATEMENT OF NICOLE R. NASON, NOMINEE TO BE ADMINISTRATOR, THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Chairman Stevens, Co-Chairman Inouye, Members of the Committee, thank you for the opportunity to appear before you today to be considered for the position of Administrator of the National Highway Traffic Safety Administration at the Department of Transportation. I am humbled and honored that President Bush and Secretary Mineta would offer me this opportunity to continue to serve in this Administration.

As the mother of two small children, daughter of a police chief, and car crash victim, highway safety is not an abstract issue to me, but rather a matter I take intensely seriously. As this Committee is well-aware, in 2004, 42,636 people died on our Nation's roads; 2.8 million people were injured, and the cost to society was a

staggering \$230 billion. Car crashes are the leading cause of death for people ages 3 to 33 and I accepted the President's nomination for this important position to reduce the toll of motor vehicles crashes on American families.

After I was confirmed as the Assistant Secretary for Government Affairs, Secretary Mineta gave me one charge: to help pass the strongest possible highway safety legislation as part of the surface transportation reauthorization bill. The result was SAFETEA-LU, a statute containing significant safety provisions largely written by Members of this Committee. As the Secretary's main liaison to Capitol Hill, I was pleased and proud to play a role in helping shape this landmark highway safety law. The challenge for the agency now is to effectively implement what Congress has enacted.

I also plan, if confirmed, to go beyond the SAFETEA-LU roadmap and address other areas in highway safety where greater gains can be realized. Mr. Chairman, if you open the metro section of any major newspaper on any given day, you will invariably find a teenage highway fatality story, and alcohol will often be involved. In fact, nearly a quarter of drivers age 15 to 20 who were killed in crashes had a blood alcohol level above the legal limit of .08. While teen driving is primarily and properly a state issue, the Federal Government can offer guidance, resources and leadership to the states to address this problem. If confirmed, I intend to encourage this debate so state policymakers can make informed decisions on how best to protect their youth. In addition, I believe we also need to tackle the issue of elderly drivers. As the baby boomer generation evolves into retirement, the elderly driver issue will become more important for the agency. If confirmed, I plan to expand on the programs already underway at NHTSA to minimize any potential loss of life.

Mr. Chairman, there is hardly a family in America that hasn't been impacted by a car crash. I am grateful to have my family with me today, but I am especially proud to have my father, retired police Chief Philip Robilotto. As the lieutenant in command of the highway patrol bureau, my father ran one of the earliest Stop DWI initiatives in New York and he was one of the first-ever Motorcycle Safety Foundation certified instructors. He taught me my first lessons regarding the importance of road and vehicle safety.

Congress has given NHTSA significant resources and authority to attack this problem. I am eager to use my legal training, my DOT experience, and my leadership and management skills so the tools Congress provided in SAFETEA-LU translate into lives saved and injuries prevented. Thank you for your consideration and I would be happy to answer any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Nicole Robilotto Nason, formerly Nicole Francine Robilotto.

2. Position to which nominated: Administrator, National Highway Traffic Safety Administration.

3. Date of Nomination: January 18, 2006.

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

Residence: Information not released to the public.

Office: Department of Transportation, 400 7th Street, SW, Washington, DC.

5. Date and Place of Birth: August 12, 1970, Bayshore, NY.

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).

David G. Nason, Deputy Assistant Secretary, U.S. Department of the Treasury.

Alexandra Hope Nason, Age 4 (March 29, 2001).

Abigail Faith Nason, Age 1 (September 17, 2004).

7. List all college and graduate degrees. Provide year and school attended: The American University, Bachelor of Arts in Political Science, 1992; Case Western Reserve University, Juris Doctorate, 1995.

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

Assistant Secretary for Governmental Affairs, U.S. Department of Transportation, 2003–Present.

9. 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 five years.

Assistant Commissioner, U.S. Customs Service, U.S. Department of the Treasury (now Department of Homeland Security), January 2002–March 2003.

Office of U.S. Representative Porter J. Goss, September 2000–January 2002.

10. 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 five years: None

11. Please list each membership you have had during the past ten 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.

Student Advisor, The American University, 1995–2001; American Bar Association, 1992–1996 (approx.); Maryland State Bar Association, 1995–1997 (approx.); Cornerstone School of Washington, DC, 2000–present (sponsor of one child); Washington Golf and Country Club, 2005–present; St. Agnes Catholic Church Parish, 2000–present.

12. Have you ever been a candidate for public office? I have never been a candidate for public office.

13. 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: Bush-Cheney 2004—\$1,000.

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

Suffolk County Police Memorial Scholarship winner, 1988–1992.

U.S. Customs Service, Customs Service Ensign (for “significant contribution to the mission” of the agency), 2003.

U.S. Department of Transportation, Secretary’s Team Award, 2005.

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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: None.

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 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.

While serving as the Assistant Commissioner of the U.S. Customs Service, I represented the Administration’s position regarding bills affecting the Customs Service and/or the Department of Treasury. As the Assistant Secretary of the Department of Transportation, every piece of legislation, including all appropriations and authorizing legislation impacting the Department was monitored by the Office of Governmental Affairs.

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

Please see the Deputy General Counsel’s opinion letter.

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? 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? 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? None.

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

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

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.

The CHAIRMAN. Thank you very much.

The next comment will be from Mr. Duvall. We'll not forget you this time, Mr. Duvall.

[Laughter.]

STATEMENT OF TYLER D. DUVAL, NOMINEE TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION FOR POLICY, DEPARTMENT OF TRANSPORTATION

Mr. DUVAL. Thank you, Mr. Chairman and Mr. Co-Chairman and Members of the Committee. And thank you, Senator Allen, obviously, for those very kind remarks.

I greatly appreciate the Committee's willingness to consider my nomination, given your busy legislative schedule. It is a privilege to appear before you.

I am honored to be President Bush's nominee to be Assistant Secretary for Transportation Policy at the U.S. Department of Transportation. And I am extremely excited to have an opportunity to assist Secretary Mineta and Deputy Secretary Cino in the development of national transportation policies, if I am confirmed.

I would not be here today without the love and support I have received from my wife, Andrea, and my parents and stepparents. And I would not know the joy, the overwhelming joy, of being a parent without my daughters, Olivia and Julia, and I'm grateful that they could be here today.

In my opinion, there are few areas of policy more fascinating than those currently within the scope of our Department's mission. No other networks impact the lives of Americans or the U.S. economy more fundamentally and more frequently than our transportation networks. In recent decades, the strength of these networks has facilitated a global economic transformation that has dramati-

cally increased the well-being of billions of—of millions of Americans and billions of people around the world. It has allowed U.S. consumers and producers to access international markets in ways previously thought impossible. The completion of the interstate highway system, the single largest public investment in the history of the world, a revolution in supply chain and inventory management, and the rapid growth in the number of Americans traveling by air following deregulation are all historic achievements. But historic achievements, alone, do not lay the foundation for a prosperous future.

The strains on our transportation systems are becoming clear. To be sure, these strains are the product of a vibrant economy, but they also represent an underlying threat to that economy. It is precisely the size and importance of the challenges before us that have inspired me to public service and to work for one of the great public servants of my generation, Secretary Mineta.

The country has a moment of unprecedented opportunity in the next several years. On multiple fronts, from system capacity to urban and suburban congestion, to the safety of all those using the transportation system, the possibility of great achievement exists. I believe my background and experience in the policy office for the past 4 years, including as Acting Assistant Secretary and Deputy Assistant Secretary for two and a half of those years, qualifies me well to serve both the President and Secretary Mineta as we collectively pursue these achievements. Having worked closely with each of the Department's operating administrations in the development of the recently enacted Surface Transportation Reauthorization bill, I have gained a deep understanding of both the internal and external challenges confronting our Department. And, if I am confirmed, I would work closely with Secretary Mineta to establish an ambitious agenda for his policy office.

This Committee has a critical role to play in our Nation's transportation future, and, if the Senate provides its advice and consent, I would welcome the opportunity to help establish that future together.

I would be pleased to respond to any questions you may have. Thank you.

[The prepared statement and biographical information of Mr. Duvall follow:]

PREPARED STATEMENT OF TYLER D. DUVAL, NOMINEE TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION FOR POLICY, DEPARTMENT OF TRANSPORTATION

Thank you, Mr. Chairman and Members of the Committee.

I greatly appreciate the Committee's willingness to consider my nomination given the busy legislative schedule. It is a privilege to appear before you.

I am honored to be President Bush's nominee for Assistant Secretary for Transportation Policy of the Department of Transportation, and I am extremely excited to have an opportunity to assist Secretary Mineta and Deputy Secretary Cino in the development of national transportation policies if I am confirmed.

I would not be here today without the love and support I have received from my wife Andrea and my parents and step-parents. And I would not know the overwhelming joy of being a parent without my daughters Olivia and Julia.

In my opinion, there are few areas of policy more fascinating than those currently within the scope of our Department's mission. No other networks impact the lives of Americans and the U.S. economy more fundamentally and more frequently than our transportation networks. Efficient and safe mobility of people and goods pro-

vides a necessary foundation for our country's continued economic growth and plays a large role in shaping the quality of life of all of our citizens.

In recent decades, the strength of these networks has facilitated a global economic transformation that has dramatically increased the well-being of billions of people around the world. It has allowed U.S. consumers and producers to access international markets in ways previously thought impossible.

The completion of the interstate highway system, the single largest public investment in the history of the world; a revolution in supply chain and inventory management; and the rapid growth in the number of Americans traveling by air following deregulation are all historic achievements. But historic achievements alone do not lay the foundation for a prosperous future.

The strains on our transportation systems are becoming clear. To be sure, these strains are the product of a vibrant economy, but they also represent an underlying threat to that economy. It is precisely the size and importance of the challenges before us that have inspired me to public service and to work for one of the great public servants of my generation, Secretary Mineta.

The country has a moment of unprecedented opportunity in the next several years. On multiple fronts, from system capacity, to urban and suburban congestion, to the safety of all those using the transportation system, the possibility of great achievement exists.

I believe my background and experience in the policy office for the past four years, including as Acting Assistant Secretary and Deputy Assistant Secretary for two and a half of those years, qualifies me well to serve both the President and Secretary Mineta as we collectively pursue these achievements.

Having worked closely with each of the Department's operating administrations in the development of the recently enacted surface transportation reauthorization legislation, I have gained a deep understanding of the internal and external challenges confronting the Department, and if I am confirmed, I would work closely with Secretary Mineta to establish an ambitious agenda for his policy office.

This Committee has a critical role to play in our Nation's transportation future, and if the Senate provides its advice and consent, I would welcome the opportunity to help establish that future together.

I would be pleased to respond to any questions you might have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Tyler Davis Duvall.
2. Position to which nominated: Assistant Secretary for Transportation Policy.
3. Date of Nomination: 1/18/2006.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: U.S. Dept. of Transportation, 400 Seventh Street, S.W., Washington, D.C.
5. Date and Place of Birth: January 5, 1973, Washington, D.C.
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: Andrea Cummings Duvall, currently a stay-at-home mother.
 Children: Olivia Tate Duvall, age 2 years; Julia Ryan Duvall, age 7 months.
7. List all college and graduate degrees. Provide year and school attended.
 B.A., Washington and Lee University, 1995, major—economics.
 J.D., University of Virginia School of Law, 1998.
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
 Acting Assistant Secretary for Transportation Policy, Feb. 2005–Sep. 2005.
 Deputy Assistant Secretary for Transportation Policy, Oct. 2003–present.
 Prior to becoming Deputy Assistant Secretary in 2003, worked as Special Assistant to the Assistant Secretary for Transportation Policy.
 Prior to joining USDOT, worked from October 1998 to February 2002 as an associate in the Business and Finance Group at Hogan & Hartson LLP.
9. 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 five years: None.

10. 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 five years: None.

11. Please list each membership you have had during the past ten 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.

I am currently a junior member at Congressional Country Club in Potomac, Maryland. The Club does not restrict membership on the basis of sex, race, color, religion, national origin, age or handicap. I have been a junior member from 1/91 to present.

Associate Member of Virginia Bar from 7/02–present.

Active Member of Virginia Bar from 10/98–7/02.

12. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

13. 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.

\$2,000 contributed to Bush-Cheney 2004 (Primary) Inc.

\$750 contributed to Republican National Committee in 2000.

\$500 contributed to Bush for President Inc.

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

Omicron Delta Epsilon (International Honor Society for Economics); Scholar Athlete Award at Washington and Lee University.

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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.

In my current role, I have given a variety of transportation policy speeches in support of the Administration's positions to various transportation stakeholders including the American Road and Transportation Builders Association and Construction Industry Roundtable; Florida Transportation Commission; TEX-21 (forum held by the Texas Department of Transportation); National Academy of Sciences; New York Business Council; Baltimore Metropolitan Planning Organization; MIT Center for Transportation and Logistics; Rudin Center; Oberstar Forum on Transportation; National Association of Counties; the U.S. Chamber of Commerce; the Pew Institute; the American Recreation Coalition; and the Rudin Center.

Prior to joining the Administration, I wrote a letter to the editor in support of President Bush in 2000 that was printed in the Washington Post.

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: 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? 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.

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modifica-

tion of any legislation or affecting the administration and execution of law or public policy.

Since joining the Administration in February 2002, I have assisted in the development and advancement of the Administration's transportation policy priorities, including surface transportation and all appropriations legislation.

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

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

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? 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.

I received a \$100 citation for theft of a street sign during my freshman year in college.

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? 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.

I received a \$100 citation for theft of a street sign during my freshman year in college.

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

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.

The CHAIRMAN. Thank you very much.

And now, Mr. Roger Shane Karr, to be Assistant Secretary of Transportation for Governmental Affairs.

STATEMENT OF ROGER SHANE KARR, NOMINEE TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION FOR GOVERNMENTAL AFFAIRS, DEPARTMENT OF TRANSPORTATION

Mr. KARR. Thank you, Mr. Chairman, Mr. Co-Chairman, Senator Lott, Senator Pryor. It's a privilege to appear before you today to be considered for the position of Assistant Secretary for Governmental Affairs at the Department of Transportation. I am profoundly grateful to President Bush for offering me this opportunity to continue to serve in his administration, and I am deeply honored that Secretary Mineta would recommend me for this position.

Secretary Mineta frequently reminds his team to remember who our customers are. For the Assistant Secretary of Governmental Affairs, the customers are clear: the Congress. So, I'll keep it short.

If I'm confirmed, my pledge to you is to provide the best possible customer service to you and your staffs.

As I said before, I'm grateful to my wife, Barrett, to my parents, Dennis and Ellen, who are listening somewhere in Phoenix, and to the rest of my family and friends for all of their support. And I look forward to the opportunity, if confirmed, to work closely with you and your staff to address our Nation's critical transportation priorities and to ensure the Department's programs are delivering real benefits to your constituents.

Thank you for considering my nomination.

[The prepared statement and biographical information of Mr. Karr follow:]

PREPARED STATEMENT OF ROGER SHANE KARR, NOMINEE TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION FOR GOVERNMENTAL AFFAIRS, DEPARTMENT OF TRANSPORTATION

Chairman Stevens, Co-Chairman Inouye, Members of the Committee, it is a privilege to appear before you today to be considered for the position of Assistant Secretary for Governmental Affairs at the Department of Transportation. I am profoundly grateful to President Bush for offering me this opportunity to continue to serve in his Administration. And I am deeply honored that Secretary Mineta would recommend me for this position.

Secretary Mineta frequently reminds his team to "remember who our customers are." Congress and State and local governments are the Office of Governmental Affairs' customers. So, if I am confirmed, my goal will be to provide the best possible customer service to you and your staff.

I will always be available to answer questions, solve problems, or carry a message back to Secretary Mineta. I will insist that all governmental affairs staff at the Department do the same. We will be proactive to keep you and your staff well informed of the Department's activities, and we will be responsive to your requests. We will work to ensure that the Department adheres to both the letter and the spirit of the law. And we will work closely with you to pass critical transportation legislation and to ensure that the Department's programs are operating effectively and delivering real benefits to your constituents.

The opportunity to serve as Assistant Secretary for President Bush and Secretary Mineta is a rare honor. I am grateful to my wife Barrett and to my family and friends for all of their support. And I look forward to the opportunity, if I am confirmed, to work closely with you and your staff to address our Nation's critical transportation priorities.

Thank you for considering my nomination, and I would be pleased to answer your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Roger Shane Karr.
2. Position to which nominated: Assistant Secretary for Governmental Affairs.
3. Date of Nomination: January 18, 2006.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: U.S. Department of Transportation, 400 Seventh Street, S.W., Rm. 10200, Washington, DC 20590.
5. Date and Place of Birth: May 7, 1970, Sumter, SC.
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).
Elizabeth Barrett Karr, Special Assistant to the President for Legislative Affairs The White House.
7. List all college and graduate degrees. Provide year and school attended.
Texas Christian University, B.A., Religion Studies (1992).
Temple University, M.A., Religion (1996).
Georgetown University Law Center, J.D. (2002).

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

U.S. Department of Transportation: Deputy Chief of Staff (March 2005–Present); Deputy Assistant Secretary, Governmental Affairs (March 2003–February 2005); Special Assistant, Governmental Affairs (July 2001–February 2003).

American Association of Airport Executives, Manager, Regulatory Affairs (September 2000–July 2001).

American Airlines, Legislative Assistant (April 1997–August 2000).

9. 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 five years: None.

10. 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 five years: None.

11. Please list each membership you have had during the past ten 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.

Texas Christian University, Washington, D.C., Metropolitan Alumni Association (Member 1997–Present; Board Member 1997).

12. Have you ever been a candidate for public office? No.

13. 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.

03/23/2004—Bush-Cheney 2004 (Primary)—\$500.

10/20/2004—Republican National Committee—\$525.

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

Transportation Secretary's 9/11 Medal.

15. Please list each book, article, column, or publication you have authored, individually or with others, and 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: None.

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: 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? 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.

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 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 served in DOT's Office of Governmental Affairs in different capacities from July 2001 through March 2005. During that time, I advocated for a variety of Administration priorities, including but not limited to annual appropriations, aviation and surface transportation program reauthorizations, transportation security legislation,

NAFTA/cross-border trucking implementation and corporate average fuel economy standards.

Prior to joining DOT, I worked for the American Association of Airline Executives in its regulatory affairs office, where I regularly interfaced with DOT and FAA officials on issues related to airport finance/economics, such as passenger facility charges, and matters relating to airport rates, charges and bonds.

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

Please refer to the Department of Transportation Deputy General Counsel's Opinion Letter.

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? 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? 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? No.

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

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

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.

The CHAIRMAN. Thank you very much.

Admiral Barrett, we have jurisdiction over both the Pipeline Administration to which you have been nominated and the Transportation Security Administration. And we have to make policy decisions from time to time between the safety and security concepts that are involved in these two organizations. Have you been able to determine the difference between the two in your briefings before you've come before us?

Admiral BARRETT. Senator, I'm generally aware of the differences. I—Mr. Chairman, I'm generally aware of the differences. I have worked closely with TSA in the past, and, if confirmed, I would expect to work closely with them to clarify the respective responsibilities as those safety responsibilities and security responsibilities obviously intersect and have to be closely coordinated.

The CHAIRMAN. I don't know of any memorandum of agreement or any concept of—you know, written policy concerning the two agencies. Have you been informed of any?

Admiral BARRETT. I'm not aware of any, Mr. Chairman.

The CHAIRMAN. Well, would you do us the kindness of, once you get confirmed—and I believe you will be—will you determine whether legislation might be necessary to delineate the areas of

those two agencies we're organized to serve and sort of give us an opportunity to decide whether legislation should be in order, or determine whether an MOU would do the job. We would like to have some line between the two, if you could help us on that.

Admiral BARRETT. Mr. Chairman, I understand your concern, and I would be, if confirmed, pleased to give it my prompt attention.

The CHAIRMAN. Now, we've got one pipeline. We, hopefully, will have another one soon, an enormous gas pipeline, we hope. I've been told there are sort of—"redundancies" would be the word to use, in terms of the inspections and the reports and whatnot that are required for both safety and security. That's one of the reasons for my request. I would hope that you would take a look at that. We want absolute safety, and we want absolute security, but the redundancy matter ought to be examined to see whether they ought to be either separated or combined. They're neither right now; there's just an overlap between them. Appreciate it if you indicate that.

Mr. Sanborn, we understand your background in the shipping area, and commitment to the agency that you will be an administrator of. Have you looked at any changes you'd like to bring about once you become confirmed to this new position?

Mr. SANBORN. Senator, I thank you for the question. I have had a chance to spend some time in my briefings discussing several of the programs, and I look forward to—if you confirm me, I look forward to getting some ideas from you on what to—on what you think some of those changes might look like. I do have some ideas, and I intend to work on them very quickly after I am confirmed.

The CHAIRMAN. Senator Inouye and I had occasion to go out and take a look at the Port of Los Angeles. When I was a kid growing up out there, there was a port for Long Beach, and one for San Pedro, and a little one called the Los Angeles—they're all one great big port now, probably the fourth largest port on the world. About 40 percent of all the produce coming in by water—not produce, but materials coming by water, come through that port. Now, you have some overlapping jurisdiction with those areas, too, do you not?

Mr. SANBORN. Yes, I do, sir. If I'm confirmed, I will be spending a lot of time on issues with respect to intermodalism on the West Coast.

The CHAIRMAN. Well, that's very necessary. We saw there's only a single-line railroad going into that port and coming out of it, and probably warehouses all the way out to San Bernardino waiting for delivery on one rail. I can't conceive that that can go on much longer, so they need some leadership there. We would urge you to take a look at it.

Ms. Nason, I was pleased with your statement, and would ask just one question. What is your priority for reducing the unacceptable number of deaths and accidents on our highways? What do you think you're going to look at first?

Ms. NASON. Well, Senator, as Secretary Mineta made clear to me, it was my responsibility—

The CHAIRMAN. Can you push the button? Yes.

Ms. NASON. How's that?—to keep the "safe" in SAFETEA, as he used to put it. So, I think one of the great advantages to the next

NHTSA Administrator is that we've been provided all of these significant tools by the Congress in SAFETEA-LU, especially the incentive grants for the States. Alaska and Mississippi have moved out and passed primary incentive—primary belt laws, and I think that is largely due to the leadership of this committee. So, that is something that we will get out and pound the drum on if I am confirmed.

The CHAIRMAN. That's good.

Senator LOTT. If I might interject, Mr. Chairman, our Governor signed that legislation, I believe, in the last day or two, so—I mean, just very recently.

Ms. NASON. Congratulations to you, Senator Lott. That was your effort, I believe.

Senator LOTT. Nine million dollars is all it took.

[Laughter.]

Ms. NASON. There's more. We need to spread the word.

[Laughter.]

The CHAIRMAN. No, there's nothing like a little enticement with, "Money will come if you behave yourself."

But let me say, Mr. Duvall, I really don't have any questions for you.

Mr. Karr, I understand what you say, that you're there to assist the Congress. I will say that your pledge really is one that we ought to respond by saying that we would like to have responses in a timely and unbiased manner. We have many requests that seem to go unanswered as they go down to the Department. We'd be pleased to have your assistance in seeing to it that the Department—the agencies, the Transportation Department respond to our committee's requests in a timely fashion. Can you help us on that?

Mr. KARR. Mr. Chairman, if I am confirmed, not only will that be a high priority in my immediate office, but I will ensure that that's also a priority in the operating administrations.

The CHAIRMAN. The best way I can put it is to say, in the last century, I was the Assistant to the Secretary of Interior for Legislative Affairs, so I know that you've got a tough job. And we look forward to working with you on the basis of mutual cooperation, believe me.

Mr. KARR. Thank you, Senator.

The CHAIRMAN. Senator Inouye, I don't have any further questions. Do you have any questions?

Senator INOUE. Mr. Chairman, I thank you very much. I'm prepared to cast my vote in favor of all of the nominees. I'm convinced that Secretary Mineta did a good job. But I would like to submit, if I may, a few questions for your consideration, somewhat technical. It may take more than 2 minutes to respond to.

Senator INOUE. But I just want to tell Mr. Sanborn, when I arrived in the Washington, in the U.S. Senate, if my recollection is correct, American bottoms carried 85 percent of all the cargo containers in the seven seas. How are we doing now?

Mr. SANBORN. Senator, it's a question that concerns me greatly, because we're not doing very well. And I don't propose to have all of the answers. But, if I'm confirmed, I think the experience and the time that I've spent in the industry, and, most importantly, the people that I have worked with the industry, I think we can find

some ways to make it better. I don't know if we're going to get back to 85 percent, but we need to make it better than it is today, sir.

Senator INOUE. I'll be with you.

Mr. SANBORN. Thank you.

Senator INOUE. Thank you very much, Mr. Chairman.

The CHAIRMAN. Do you have any questions, Senator Lott?

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

Senator LOTT. Mr. Chairman, no questions, just a few brief comments.

First, congratulations to each of you. And we're delighted to have your families here. I even got a little wave from your daughter.

[Laughter.]

Senator LOTT. And, you know, that—I'd be for you just because of her.

[Laughter.]

Senator LOTT. But I think this is a good group of nominees. And I'm pleased to offer my support to all of you. And we'll look forward to working with you.

All of you are in the transportation area. That's an area I spent a good portion of my career, particularly since I've been in the Senate, working on aviation issues, surface transportation, safety. My staff and I enjoyed working with Ms. Nason on the SAFETEA-LU legislation. And we—I think we surprised some people just how much we did get in the safety area. They didn't expect it of me, in particular. Maybe of you, but some people were surprised at my interest. My own State had not passed a primary seatbelt law, because, as I said on the floor of the Senate, if you tell us what we must do or we'll be punished, we will not do it; but if you tell us that we'll get a reward if we act responsibly, we probably will do it. And so it is. That's what happened.

But also, of course, worked on the—as I said, the highway bill and aviation, for Amtrak, freight. I really care a lot about transportation. And I think it's a critical part of our society in America. It's a lot about who we are. We're a very mobile society, and we want modern means of technology, modern means of transportation. And I want us to continue to emphasize that. And so, I'm glad to see good people selected for these positions.

I must say this. I don't think the Administration has paid enough attention to transportation issues. So, I'm saying it to all of you. You need to be advocates not just for the position that you're in and to us, you need to be advocates within the Administration, too. And take a look at the budget that just came out. I think, overall, it's a pretty good budget, but I think transportation, you know, is barely holding its own; and, only that, because of highway bill, I guess, marginally up a little bit, and yet we're finding other places to spend money that don't mean nearly as much, in terms of the economy and jobs, creation of jobs.

So, I hope you'll be a very proactive group. The three of us, even the gentleman from—the Senator from Arkansas, are particularly interested in maritime. You want more bottoms, we'll built 'em in my hometown.

[Laughter.]

Senator LOTT. You want more bottoms, they'll make use of 'em in Hawaii or all the way up to Alaska. I think we need to pay more attention in the Maritime Administration. And I would predict, right now, the day will come where we're going to regret our neglect over the last 50 years in our—of our maritime industry, across the board. And, with your background, you've got the potential, I think, to be—become a spokesman and a thinker. You know, where are we, and where do we want to be? Has anybody asked that lately? In Washington, all we've done lately is to complain about the past and try to blame somebody. What are we going to do in the future to make sure that the crisis looming before us in maritime does not occur? We're counting on you, Mr. Sanborn, to lead on that. And if you have to wind up in the Oval Office convincing the President, we will escort you.

[Laughter.]

Senator LOTT. So, don't be shy. Please.

Ms. Nason, thank you very much for agreeing to do this. I think you're going to be good. I'm a little nervous. You're just so capable and attractive and so fine, got a great family, I just hate to throw you to the wolves, but you're willing to do it, so good luck. It's an—

Ms. NASON. Thank you, Senator Lott.

Senator LOTT.—important position.

[Laughter.]

Senator LOTT. Added to Government Affairs, like Mr.—like our chairman, you know, I hope you will—you know, you work a two-way street, and don't just occasionally give us a call to—so we can announce some dippy little grant.

[Laughter.]

Senator LOTT. Work with us to make sure that our concerns are heard and considered by the Secretary. And, of course, we know him, and we've worked with him, we've served with him, we like him. But, you know, sometimes our message needs to get through to him, and, more importantly, from him to the White House.

I've learned that quite often these Government Affairs people and positions don't work for their Department. They work for the White House. So, if you're going to be in that position, if that is, in fact, a place you'll have an impact, I hope you'll be aggressive for the transportation point of view.

Well, that's my lecture for the day.

[Laughter.]

Senator LOTT. I'm just—I think we've got a good group here. I do take a particular interest in who goes into these positions, and I'm counting on really good, strong leadership from all of you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Pryor?

Senator PRYOR. Thank you, Mr. Chairman.

Ms. Nason, let me start with you. In the—I guess in the last year or so, the Administration and the Department of Transportation have actually fairly actively opposed motor-vehicle safety provisions that would require regulatory actions to address rollovers. And I was curious about how involved you were with that. Were you involved in that opposition?

Ms. NASON. Thank you, Senator.

NHTSA has proposed several significant rulemakings in the last year, as you noted. And, as the Assistant Secretary of Government Affairs, certainly it would be foolish for me not to be somewhat involved, because these issues are so important to Congress and your constituents. And so, I have read many of the comments filed in the docket. The docket is still open with several of these rulemakings. But I have not tried to influence the agency's work.

Senator PRYOR. I'm—what I want to know, more specifically, is your personal view of that. Should we strengthen our requirements for things like rollover, ejection mitigation, roof crush, impact projection? Should we strengthen those standards, or should we let them stay as they are?

Ms. NASON. Thank you, Senator.

Personally, I'm an enormous fan of electronic stability control. But if you look at the provisions of SAFETEA-LU, you'll see there's a very clear, comprehensive plan for the agency to move forward in its rulemaking. Electronic stability, I believe, keeps a car on the road, but, if the car does go off the road, you need strong door locks, you need ejection mitigation, you need a strong roof. These are all things that the agency will move out on in its rulemakings, as directed by Congress, to help protect American citizens.

Senator PRYOR. And will you be an advocate for that within the Administration?

Ms. NASON. I will, Senator.

Senator PRYOR. Thank you.

And, also, I notice that NHTSA has some authority over CAFE standards. And the other—a week ago, tonight, President Bush said—I believe the phrase he used is, "America is addicted to oil," or petroleum. I can't remember the exact phrase. But do you have any plans to address this at all? I know that there have been some innovations with engine design to make them more energy efficient, et cetera, which is great. Totally supportive of that. But what about things like lighter and stronger materials? Are you for higher standards or keeping the status quo?

Ms. NASON. Senator, as you know, there is an open rulemaking on CAFE for light trucks that the agency proposed last summer. I know, again, as the Assistant Secretary of Government Affairs, that this is an interest—a strong interest for several members. And I think this is an area where Congress has a significant role to play. I can commit to you that my goal in issuing a final rule will be to make sure that, within NHTSA's legal framework, we have the most efficient, and the safest, rule possible.

Senator PRYOR. That's great, thank you.

And, Mr. Duvall, let me ask you, if I can turn my attention to you, I was reviewing the President's FY07 budget, the one that Senator Lott likes so much—

[Laughter.]

Senator PRYOR.—the FY07 budget, and I have a concern there. I'm sure he has the same concern, but he just missed it when he looked. But I do have a concern there, that is, essential air service. I am concerned about essential air service. For example, we have one town in Arkansas that has about 12,000 people in the town. Their largest industry has pretty much said that one of the reasons

they are there is because they can fly their salespeople out, and they can fly customers in. It's very important to them. And they've pretty much said, if they lose that essential air service status, they may move. And so, essential air service is not just a convenience for casual flyers, it's very important to business, very important to our economy. I'd like to get your thoughts on the fact that this budget cuts funding for essential air service about in half.

Senator LOTT. We plan to put it back, don't we?

[Laughter.]

Senator PRYOR. That's what I'm getting to. That's what I'm getting to.

[Laughter.]

Mr. DUVALL. Senator Pryor, thank you for the question. The EAS program is actually not directly within the purview of the policy office. I'm mainly responsible for sort of non-aviation policies. It's the other Assistant Secretary for Aviation. That said, one of my focuses, if I do get confirmed, is going to be to focus on rural transportation, broadly. There's no question that the connectivity of rural cities to some of the job growth areas of the United States is a critical issue for the U.S. economy, in all modes of transportation. So, one of the things I'd like to do would be to get with the Assistant Secretary for Aviation and International Affairs and come up with a more comprehensive rural transportation policy for the Department.

Senator PRYOR. And one last question for you. And thank you for that answer. One last question on that is—or on a slightly different subject—is, there's a—there have been two significant rulemakings that deal with truck driver hours of service—I don't know if you've followed that at all—and driver training requirements that have been, actually, thrown out of Federal court. And, as I understand it, I think it's a fair statement to say that one of the reasons they are—they have been thrown out of court, I should say—is because the agency did not follow Congressional intent. And that concerns me. And I was curious, have you had any involvement in those rulemakings at all? And what are you going to make—do to make sure that the trend does not continue?

Mr. DUVALL. Thank you, Senator.

I did not have personal involvement in the development of the hours-of-service rule, both the 2003 and 2005. I know, in talking to the Administrator at the Federal Motor Carrier Safety Administration, that they spent enormous time and research on the latest science in the area of sleep deprivation. Obviously, it's a major safety issue, one that I know the Secretary has paid a lot of attention to. Our objective is clearly to meet the intent of Congress. We think that the rule that was put out at the end of last year is a good rule, an improvement on the 2003 one, and we want to keep working with Congress to make sure that rules in the—it's a complicated area, obviously, but I think it's one that we have put out a very good rule on, and I hope it has major safety improvements.

Senator PRYOR. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Well, Mr. Duvall, it so happens that essential air service started in Alaska at the time we brought about deregulation of the CAB,

Civil Aeronautics Board. And it was necessary because there are some villages that can only be reached by air. There's no road, there's no water access. Only by air.

Essential air service expanded to what we call the South 48. And now the majority of the money goes to the South 48. Last week, I heard there's one village that has been canceled out of essential air service, which means it's absolutely stranded up there on the tundra. Now, I hope you mean what you said, that you're going to look at it and put some priority behind the rural aspects of essential air service. It was designed for that. It was not designed to go further than that. I'm sure it has acceptance elsewhere in the country, but, very clearly, a State like mine, where air transportation is the only means of transportation, it ought not to be abandoned.

Let me state—it's obvious to all of you—you're going to serve with a gentleman that we all consider to be, you know, sort of a gift of God to the Government, that's Secretary Mineta. You have a wonderful person to work with. We've worked with him in the Congress, we've worked with him in the Department and other jobs. So, I commend to you one thing. And that is, don't ever cross him.

[Laughter.]

The CHAIRMAN. He's a good boss, but he's a very strong man. And he has to be, down there where you're all going to be.

So, we congratulate you, and we'll have a markup as soon as possible. Thank you all very much.

[Whereupon, at 3:40 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF JOAN CLAYBROOK, PRESIDENT, PUBLIC CITIZEN

Thank you, Chairman Stevens, Ranking Member Inouye, Chairman Lott, and the Members of the Senate Commerce, Science, and Transportation Committee, for giving me the opportunity to submit this written testimony to the record. I am the President of Public Citizen, a national nonprofit public interest organization with 110,000 members nationwide. We represent consumer interests through lobbying, litigation, regulatory oversight, research and public education. Public Citizen has a long history of working to improve consumer health and safety, particularly in the area of automobile safety.

As a former Administrator of the National Highway Traffic Safety Administration (NHTSA), I feel obliged to submit this testimony to raise important questions regarding the background and qualifications of Nicole Nason, who is nominated to serve as the next NHTSA Administrator.

As the Assistant Secretary for Governmental Affairs in the U.S. Department of Transportation (DOT) in 2005, Ms. Nason served as the point person for DOT and the Administration on H.R. 3, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU). Both DOT and the Administration opposed a number of critically important motor vehicle safety provisions in that bill, such as requirements for new roof strength, rollover propensity, side impact, and ejection mitigation standards. These provisions were adopted with bipartisan and bicameral support as a result of the leadership of Senators Stevens, Lott, and Inouye, with specific statutory timelines for implementation.

One of the most pressing and primary responsibilities of the next NHTSA Administrator will be implementing the law and issuing motor vehicle safety standards to save lives and prevent disabling injuries. As NHTSA Administrator, Ms. Nason will have significant discretion to implement the legislation in either a robust or *de minimus* manner. I have serious concerns that one of the chief Administration liaisons to the Congress, which opposed the legislation, would now be charged with leading the effort implementing these rules, which have the potential to save thousands of lives.

Ms. Nason's stated priorities for NHTSA reflect a very narrow view of the agency's responsibilities under the law to ensure the safety of Americans on our roadways. In her written response to the Committee's questions concerning her anticipated areas of focus, she acknowledged that Congress provided some "noteworthy" tools to improve safety in SAFETEA-LU, but specifically mentioned only the safety belt performance and the alcohol-impaired driving countermeasures grants. Other of her answers also emphasized increasing safety belt use and improving the safety of teen driving as key areas.

While Public Citizen strongly supports provisions concerning Federal incentives to increase seat belt use, reduce impaired driving and promote child booster seat laws, I am deeply concerned that there is no mention in her responses regarding her primary goals of SAFETEA-LU's vehicle safety mandates to improve roof strength, rollover prevention, ejection, side-impact protection and power window safety. Rollovers kill more than 10,000 people every year and side-impact crashes kill 9,000. These two categories of crashes alone comprise a shocking two-thirds of all occupant deaths, begging the question of why she chose only to mention belt use and alcohol.

Her responses in this regard bear out our grave concerns. The possible safety advances that NHTSA could make will fall far short of their potential if Ms. Nason prioritizes and promotes only behavioral change efforts at NHTSA, as she appears poised to attempt to do.

I also have serious concerns about Ms. Nason's lack of any experience related to NHTSA's mission, which is to "save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity." Ms. Nason appears to have no professional experience in traffic, traffic safety, or injury prevention. While she has stated her personal commitment to highway safety, that does not make her qualified to lead and manage a Fed-

eral agency with a budget of \$800 million and more than 500 employees devoted to researching, innovating, issuing rules and enforcing laws to prevent tens of thousands of deaths and millions of injuries on the Nation's highways. While past NHTSA administrators have had a wide variety of qualifications for the job, most had a significant number of years of professional experience. Most also had substantial managerial experience.

I raise these issues to encourage the Committee to exercise close oversight of the agency's forthcoming work and implementation of SAFETEA-LU. Too many lives are at stake to take the nomination any less seriously.

I also commit to working cooperatively with Ms. Nason and this Committee to encourage attention to these sorely needed improvements in vehicle safety. I deeply appreciate the opportunity to submit this written testimony.

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, February 6, 2006

Hon. TED STEVENS,
Chairman,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Mr. Chairman:

I write to wholeheartedly support the President's nomination of Nicole Nason to be the Administrator of the National Highway Traffic Safety Administration.

Ms. Nason worked on the staff of the House Committee on the Judiciary when I was the Chairman of that Committee. She began her tenure with the Committee as a legal intern. The excellence of her work and people skills was so extraordinary that she was offered a full time position as Counsel to the Crime Subcommittee after she completed law school. At the time Ms. Nason began her position, the Subcommittee found itself extremely busy with major anti-crime legislation. Ms. Nason's contribution to the work of the Subcommittee was substantial. She quickly learned the nuances of the legal issues, as well as the practical aspects of all that needs to be done to ensure important legislation is effective and properly crafted.

I was so impressed with her work as counsel to the Subcommittee that I asked her to become Counsel to the Full Committee. In that capacity, she continued to grow both as an attorney and as an exceptional member of the Committee staff. Any organization would be well served to have her.

During her tenure as Assistant Secretary of Transportation, a position for which I also supported her, Ms. Nason has had to deal with a number of incredibly complex and difficult issues. She has demonstrated once again her exemplary ability to work with Members of Congress and the full range of people involved in the myriad of issues before the Department in order to accomplish what needs to be done.

I have no doubt whatsoever that the President and the American people will be well served should your Committee confirm Ms. Nason's nomination as Administrator of the National Highway Traffic Safety Administration.

Thank you for this opportunity to share my thoughts with you on this outstanding candidate.

Sincerely,

HENRY J. HYDE,
Chairman.

CONGRESSIONAL AND PUBLIC AFFAIRS, CHAMBER OF COMMERCE
Washington, DC, January 25, 2006

Hon. DANIEL K. INOUE,
Co-Chairman,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Co-Chairman Inouye:

On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I am writing to express our strong support for President Bush's nomination of Robert C. Cresanti for the position of Undersecretary of Commerce for Technology.

This nomination recognizes the unique aspects of this important position within the Federal Government. The Undersecretary must be a capable person with a clear

perception and understanding of both the government's operations and the technology industry, which is a key engine of growth for the U.S. economy.

Mr. Cresanti has been a ground-breaking leader in the technology industry for many years, in both the public and private sectors. He currently serves as Vice President of Public Policy at the Business Software Alliance. Prior to that, he was the Senior Vice President and General Counsel for the Information Technology Association of America. Earlier in his career, Mr. Cresanti spent nearly 10 years as a public servant. Among his many public sector experiences, he served as the Staff Director for the Subcommittees on Financial Institutions and Financial Services and Technology for the Senate Banking Committee and later as Staff Director for the Senate Special Committee on the Year 2000 Technology Problem.

Mr. Cresanti possesses the necessary strengths to effectively lead the Department of Commerce's Technology Administration and work with the private sector on important issues including technology standards and security development. The U.S. Chamber strongly urges your support of Mr. Cresanti as Undersecretary of Commerce for Technology.

Sincerely,

ROLF TH. LUNDBERG, JR.,
Senior Vice President.

RSA SECURITY
February 7, 2006

Hon. TED STEVENS,
Chairman,
Senate Committee on Commerce, Science, and Transportation
Washington, DC.

Hon. Daniel K. Inouye,
Ranking Member,
Senate Committee on Commerce, Science, and Transportation
Washington, DC.

Dear Chairman Stevens and Ranking Member Inouye:

I am writing you to express my strong support for the nomination of Robert Cresanti to the post of Under Secretary for Technology, Technology Administration at the U.S. Department of Commerce. Mr. Cresanti is the perfect nominee for this important position and I urge the Senate to confirm him as soon as possible.

I have had the pleasure of working with Mr. Cresanti during his years working in the technology industry and I find him a good leader, a man of unimpeachable integrity, and someone who is dedicated to preserving and expanding the United States' position as the leader in technology innovation. Mr. Cresanti will be a tireless advocate for U.S. technology leadership in his new role and he understands the critical role of technology standards and research and development in continuing America's position as the world's hub of technology innovation.

I am very pleased today to lend my support and encouragement for the Committee to confirm Mr. Cresanti as Under Secretary for Technology.

Sincerely,

ARTHUR W. COVIELLO, JR.,
President and CEO.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
ROBERT CRESANTI

Question 1. Technology and the Ocean. NOAA and its scientific and technical partners are in the forefront of dealing with challenges we face this century from climate change and invasive species to exploring extreme environments and discovering marine pharmaceuticals and other beneficial compounds. Yet in all of the discussion of competitiveness and innovation, we rarely hear about this vital agency.

As the Secretary's chief advisor on technology, how will you bring NOAA and its research into the larger discussion about staying competitive and fostering innovation?

Answer. The Competitiveness Initiative, and the new investments in physical sciences and engineering, will ensure our continued economic and technological leadership around the world. NOAA, with a strong operational and applied science mission, will benefit directly from the advances in the fundamental physical science anticipated under the President's American Competitiveness Initiative. That is im-

portant to NOAA, and is a key element in the cross-cutting way NOAA conducts and leverages the Federal research and development enterprise. The President's Ocean Action Plan includes funding for the ocean observing system, among other programs, and is evidence of strong government-wide support for ocean science research. If confirmed as Under Secretary, I will work with the Department and appropriate agencies to ensure that NOAA research continues to address these challenging issues.

Question 2. Hollings Manufacturing Extension Partnership Program. Knowing that you were not working within the Technology Administration when the FY 2007 budget was developed, I understand that you may not have knowledge of the logic that was used to develop the request to cut the Hollings Manufacturing Extension Partnership program by nearly 56 percent. However, if confirmed, you will be charged to carry out the priorities of the Administration. In the State of the Union, the President identified competitiveness as a priority in the coming year.

How will you work with your superiors and the White House to help convince them to provide full funding at a minimum of \$106 million for the MEP program in future years?

Answer. One of the roles of the Under Secretary for Technology is to serve as one of the principal officials responsible for the Administration's technology policy, developing and promoting national policies and initiatives that takes into account technology's role in building America's economic strength. If confirmed as Under Secretary, I will be fully engaged in policy and budget deliberations involving technology issues within the Department of Commerce.

Question 3. MEP and FACA. I assume that as Vice President of Public Policy at the Business Software Alliance, your organization valued the input received from its members and customers. Like you, I agree that advice and counsel of an organization's stakeholders can improve its performance and strategy into the future.

With this understanding, can you acknowledge and agree that former programmatic customers make the best, most informed advisors? Can you then ensure me that when you become Undersecretary for the Technology Administration you will uphold FACA regulations with regard to the MEP National Advisory Board which has not held a meeting since May 2004?

Answer. I agree that any organization should listen to its customers to ensure that its strategic and programmatic direction is delivering the most appropriate goods or services. If confirmed as Under Secretary, I will uphold FACA regulations as they apply to the MEP National Advisory Board.

Question 4. Outsourcing Report. In September 2005, the Technology Administration released a twelve page report entitled "Six-Month Assessment of Workforce Globalization In Certain Knowledge-Based Industries." The report was requested by Congress in December 2003, and bore a date of July 2004 but was not released until September 2005. According to media reports, political appointees and the White House delayed the release of the report and substantially edited the content of the report.

- Do you believe that this is an acceptable way to operate the Technology Administration?
- How will you ensure that the reports of your technology analysts can be released without being altered due to political pressure?
- This report and other Administration officials have argued that, on the whole, outsourcing has a positive impact on the United States economy. What is your assessment? Is outsourcing a problem or an opportunity?

Answer. I am not in a position to conclude or confirm the allegations made in media reports surrounding the release of the report. While I have no reason to believe that the assessment was "altered due to political pressure," you can be assured that as Under Secretary for Technology, I will maintain the integrity of the Technology Administration in all work products. My personal view is that the integrity of all reports and conduct must be an integral part of the overall mission of TA or any other organization with which I am connected. With all of its reports, TA should strive for accurate data, reliable sources, and written in a thorough and objective manner. All reports will be properly vetted and reviewed through the Department's normal clearance process to ensure the high quality that is expected. The objective must be to produce a quality report and to identify the steps necessary to ensure a comprehensive and exhaustive analysis.

The globalization of the U.S. workforce is an issue that is important for policy-makers, and industry to better understand—though the complexity of the issue and lack of definitive data does not lend itself to simple assessments. The trends and collection of data inherent in this issue are ripe for review. There are also a number

of non-governmental organizations, including the National Academy of Public Administration, currently reviewing the issue as well. It is hoped that their analyses will add to the substance of the debate and allow for greater clarity in this issue.

Question 5. Technology Administration. According to the Department of Commerce budget documents, the Office of the Under Secretary for Technology will consist of 5 full time equivalent employees in FY 2007, down from 20 in FY 2006. I presume that you will be one of those and that the current deputy assistant secretary, Dan Caprio, will be another of those. As I understand it, there are two open political appointments, the deputy Under Secretary and the Assistant Secretary.

- How many of the five positions will be filled by political appointees?
- What do you expect the office to look like? Who will conduct the analyses and write the reports that the Under Secretary's office is responsible for?

Answer. As I have not been involved with the day-to-day operation of TA at this point, if confirmed, I will review the required work that is currently assigned to TA and make sure that the appropriate personnel is identified to fulfill TA's mission.

Question 6. Relationship with NIST. As you know, NIST has largely operated independently, exercising its scientific judgment and supporting world-class science. On the other hand, the Technology Administration has been more susceptible to political pressures. The Under Secretary for Technology has largely kept out of NIST affairs, allowing the Director to operate NIST and its labs.

Do you expect this tradition to continue? What do you believe your role is with respect to NIST? How do proposed reductions within your office affect that?

Answer. Yes, if confirmed, I plan to work closely with NIST. I have learned that NIST has a strong history of scientific independence and high productivity. The current NIST Director, who has been confirmed by the Senate, has the responsibility for running NIST on a day-to-day basis and ensuring that it remains in a position in which it exercises independent and sound scientific judgment. I intend to serve as a strong supporter of the NIST Director in that regard. My responsibility will be one of oversight, since the agency is one of three business units that report through the Office of the Under Secretary. The proposed budget reductions within TA's Office of the Under Secretary will not impact my enthusiasm for NIST nor my ability to tirelessly promote its mission and importance.

Question 7. Areas of Technology. You are nominated to be the Secretary of Commerce's chief advisor on technology. Technology and scientific research are said to underlie our economic competitiveness.

- Looking out about five or ten years, what do you see as the most important technologies on the horizon? What challenges or opportunities will they pose for the Nation?
- As Under Secretary for Technology, what role will you play in helping the Nation address these challenges and opportunities?

Answer. In my estimation, four primary areas of development will affect America's technological leadership in the next 5 to 10 years. First, standards issues will significantly affect our companies' ability to compete internationally and NIST is the expert in navigating these types of standards issues. For example, nations may attempt to require mandated technology standards to sell products in their markets. These standards may well serve as non-tariff trade barriers. We need to ensure that the United States vigorously advocates for globally relevant standards that are developed in an open, consensus-driven process, and are performance-based.

Second, looking forward, nanotechnology has to be a priority for our attention. There is a worldwide race underway to seize the leadership in nanotechnology development; the United States must win this competition. Working with industry leaders to produce a climate that encourages these companies to locate and create their products in the United States is essential.

Third, biotechnology is a centerpiece of U.S. competitiveness and it will nurture many related industries with productivity through applied innovation. For example, some experts estimate that over 100 million people have already been helped directly by biotechnology, through developments like so-called super crops that feed the world's hungry. Others predict the development of innovations like edible vaccines and cancer-fighting foods. One consulting firm specializing in biotechnology estimates that by 2011 there will be 400,000 people employed by biotech companies and another 350,000 in related businesses; we need as many of those jobs located in the United States as possible.

Finally, the issue of data breach and privacy is beginning to become acute. Educating American corporations and consumers about good security practices and affording customers appropriate privacy protections is essential and TA can have a

salutary effect on raising and addressing these issues in our market. These issues directly affect the conduct of Internet commerce. Electronic Commerce accounts for a substantial part of our annual business transactions every year, both on a business to business and a business to consumer basis. A potential lack of faith by consumers in electronic commerce would damage the cost structure and savings enjoyed by many companies today.

The challenges we have to overcome will be many. We must remain vigilant to make sure that we are armed with the tools to be competitive, as a nation, in order to secure a leadership position in the development and deployment of these new technologies. That means providing a strong infrastructure, including deep stable capital markets, with a strong venture capital market; a well educated and well trained workforce; strong investment by our private sector companies, coupled with a commitment by the Federal Government to support basic research and development to feed into the innovation pipeline for companies to capitalize upon; and an active engagement in removing barriers to government and university technology transfer into our economy.

Question 8. Cybersecurity. In your last position, you served as Vice President of Public Policy at the Business Software Alliance, which deals primarily with software piracy and protecting intellectual property.

- What more can the United States Government do to protect intellectual property and eliminate software piracy?
- More broadly, cybersecurity is a problem that does not get much attention from this Administration. Given that software affects more and more of our daily life, can you offer any insight into why computer security doesn't receive greater attention? [Follow up: if yes, "What do you propose to do about promoting cybersecurity in this Administration?"]
- When the Department of Homeland Security was created, industry lobbied successfully for one agency not to join the new Department, the Computer Security Division at NIST. In your estimation, does the Computer Security Division have the resources and leverage to do its job?

Answer. The Federal Government has done more in the last few years than it has ever done before, and the number of seizures in the United States of fraudulent goods has increased. The Department of Commerce, in particular, has elevated this issue within the country and globally. The Secretary of Commerce has placed an individual in charge of ensuring the enforcement of U.S. intellectual property rights around the world and the U.S. Patent and Trademark Office is embarking on a campaign to increase the awareness of America's youth to the importance of protecting intellectual property. In addition, the Secretary and other senior officials are holding our trading partners around the world responsible for protecting intellectual property and ending piracy.

The Administration has a strong history of supporting cybersecurity issues. The Administration wrote the *National Strategy to Secure Cyberspace* which is part of the overall effort to protect the country. It is an implementing component of the *National Strategy for Homeland Security* and is complemented by a *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets*. The purpose of the Cyberspace document is to engage and empower Americans to secure the portions of cyberspace that they own, operate, control, or with which they interact. As you know, securing cyberspace is a difficult strategic challenge that requires coordinated and focused effort from our entire society, the Federal Government, state and local governments, the private sector, and the American people. Since cybersecurity has always been a principal interest of mine, if confirmed, I plan to seek out opportunities to work with the Department of Homeland Security and others to engage in further policy activities on this issue, particularly as it relates to the topics of data breach and information privacy.

As I have only been briefed on the "big picture" aspects of the NIST budget, I cannot offer an opinion on the appropriateness of the Computer Security Division budget. If confirmed, I would rely on the Director of NIST and his team of managers to make recommendations on the appropriate level of resources required for NIST's programs.

Question 9. Advanced Technology Program. The authorizing legislation for the Advanced Technology Program (ATP) states that ATP should focus on "improving the competitive position of the United States and its businesses, give preference to discoveries and to technologies that have great economic potential, and avoid providing undue advantage to specific companies."

The Administration has once again called for the elimination of ATP.

On the same day, February 6, 2006, the National Aeronautics and Space Administration (NASA) announced a request for information for a new, NASA-supported venture capital fund ‘Red Planet Capital.’ According to NASA, the fund “will be an investment vehicle used to support innovative, dual-use technologies which will help NASA achieve its mission, but will also help better position these technologies for future commercial use.” The fund will have investment and operation funds of \$11 million in FY 2006, growing to \$20 million annually thereafter.

Since 1990, the Advanced Technology program has amassed an admirable record of achievement. It has been reviewed favorably by the National Academies of Sciences. Its latest annual report projected \$17 billion in benefits from just 41 of 236 completed projects; these benefits would pay for the program eight times over. NASA, on the other hand, has no proven track record in this area.

In the past, when we have asked representatives of the Administration, why not invest in ATP, the answer has been a lack of resources. Yet, the President, through his Competitiveness Initiative has said he believes in NIST and, clearly, the government believes in innovative programs to invest in high-risk technology.

- Why is this funding better spent for NASA to develop a program that NIST has been doing for 15 years?
- Will you encourage NIST to remind its sister agency that ATP can accept funds from other agencies and run competitions focused on areas of technology relevant to the investing agency?
- Will you find a way for NIST to work with industry to continue its successes in helping bridge the “valley of death” that keeps basic research from being commercialized?

Answer. I have no knowledge of the NASA program; therefore, I believe it would not be appropriate for me to speculate about the funding of the proposed NASA program as compared to the NIST program.

My understanding is the FY 2007 budget reflects the Administration’s policy and funding priorities to address the Nation’s most pressing needs. As such, the Administration has decided to place a higher priority on funding NIST’s laboratory core programs—which impact entire industries—over new funding for the Advanced Technology Program, which supports individual projects and companies. The FY 2007 request for NIST continues the orderly ATP phase-out that was initiated with the FY 2006 appropriation. Accepting other agency funding would be inconsistent with the proposed budget.

I believe that NIST plays a vital role in the basic research that supports American innovators. NIST’s mission is “to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve the quality of life.” The President also believes strongly in NIST’s mission and has made it part of his American Competitiveness Initiative. The President’s American Competitiveness Initiative represents a 24 percent increase over similar FY 2006 appropriated funding. Enactment of the President’s American Competitiveness Initiative will help companies take research from the labs to the marketplace.

Question 10. Technology Transfer. The Technology Administration has been the locus and intellectual engine for analyses of and improvements to our technology transfer policies and performance.

- What can the United States Government be doing to get its prize-winning basic science out of the lab and into commercial products?
- Will you have adequate resources in a 5-person Technology Administration office to continue work on this and other important technology policy questions?

Answer. As you may know, TA chairs the longstanding Interagency Working Group on Technology Transfer, which regularly brings together senior technology transfer personnel from most of the Federal agencies with science and technology programs, to discuss Federal technology transfer practices, issues, and policies. TA is the prime mover in preparing the annual performance reports on Federal laboratory technology transfer, under the Technology Transfer Commercialization Act of 2000, which are regularly submitted to the President, Congress, and OMB. TA has some responsibilities for administering the intellectual property and technology transfer laws that apply to inventions by Federal employees. And, TA has a strong interest in remaining abreast of new development and trends in the Federal technology transfer field and advising the Administration and Congress on associated issues that may need attention.

There are a number of operational areas where further attention may well yield significant benefits in the form of a faster, more effective national technology trans-

fer system. In fact, a recent President's Council of Advisors on Science and Technology (PCAST) report identified nine recommendations, including:

- Better dissemination of best practices across the technology transfer practitioner community;
- More attention to “process” improvements which could help reduce the complexity and time required to complete technology transfer transactions;
- Improved education and training opportunities for science and technology personnel;
- Development of better information tools for industry to more quickly and efficiently search for partnership and new technology opportunities across the federally-funded R&D domain; and
- Careful consideration of the implications for U.S. technology transfer policies from globalizing R&D chains and new emerging technologies.

Given its knowledge of the topic and connection to the community, TA can play a key leadership role in organizing this process, encouraging discussion of the important issues, and securing sound findings and action recommendations.

With the proposed reduction in the Technology Administration's resources, I will streamline the operations and focus on the most important technology policy issues. Technology transfer is an important issue, written into TA's statute, and will remain a high priority for TA.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JIM DEMINT TO
NICOLE R. NASON

Question 1. I understand that the motor vehicle supplier industry has developed a number of new technologies with the goal of making motor vehicles safer. Technologies such as lane departure warning systems, backover avoidance systems, active cruise control and vision warning systems are just a few of the technologies that are now commercially available which go beyond traditional passive safety devices and will help prevent accidents from happening in the first place. What research is NHTSA undertaking to determine the effectiveness of these technologies? What steps will you take as NHTSA works toward Secretary Mineta's goal of decreasing the total number of fatalities to 1.0 per one-hundred million miles driven by the end of 2008? What research has NHTSA already conducted to determine the effectiveness of the crash avoidance technologies that are now on the market?

Answer. I believe that there are numerous technologies available today, such as those listed above, that can greatly benefit American drivers. I am aware that NHTSA issued a Federal Register Notice in July 2005, seeking information on its new Advanced Crash Avoidance Technologies Program initiative. If I am confirmed as Administrator, this is an initiative that I will focus on carefully. I will work to ensure that this program is robust and useful for consumers because I believe that new safety technologies will play a significant role in reducing fatalities on our Nation's roads. The Secretary's goal of 1.0 is a challenging one, and if confirmed, I intend to focus on those areas where I believe we can achieve the greatest gains, such as reducing teen and alcohol-related driving fatalities and increasing safety belt use. In the long term, I believe several of the new rulemakings required by SAFETEA-LU can greatly benefit in the reduction of fatalities. One such rulemaking is the electronic stability control rule, which is a technology that the agency already has begun to study to determine its effectiveness.

Question 2. NHTSA's Advanced Crash Avoidance Technologies (ACAT) Initiative. In the summer of 2005, NHTSA announced the creation of a new government-industry program deemed the Advanced Crash Avoidance Technologies Initiative. This program is designed to allow NHTSA and the automotive industry to share valuable data and testing methodology information relative to these new advanced safety technologies. Can you please explain the intended participant makeup for this program? Do you intend to allocate an equal place at the table for automotive parts manufacturers (automotive suppliers)? I understand that some of the relevant submissions to the NHTSA docket have suggested that the program should be more tightly focused to include only NHTSA and the vehicle manufacturers. Do you agree that it would be a mistake to exclude auto parts companies from this important initiative, especially as they are the ones who carry out much of the R&D work within the industry and who actually design and manufacture these advanced crash avoidance systems such as Lane Departure Warning Systems, Collision Avoidance Systems, Night Vision, etc.?

Answer. If confirmed as Administrator, I would like to see every group who has an interest in the Advanced Crash Avoidance Technologies initiative be included. Since auto parts suppliers play a significant role in the development of the technology, I will ensure that their concerns are heard by the agency.

Question 3. Consumer Information on Tire Pressure Monitoring Systems (TPMS). As you are aware, Congress directed NHTSA to conduct a rulemaking to require the installation of Tire Pressure Monitoring Systems (TPMS) technology in all passenger cars and light duty trucks through the TREAD Act, enacted in 2000. TPMS technology continually monitors a vehicle's tire pressure and alerts drivers when a tire is notably under-inflated. These systems serve a significant safety role in that improper tire pressure can contribute to tire failure, tread separation or blowout, and flat tires. I understand that this government mandated safety regulation was released in April 2005 and commenced its multi-year phase in period in late 2005. As this is a new government-mandated technology and one which does not yet enjoy widespread consumer awareness and understanding, does NHTSA intend to conduct some type of Consumer Information or Education Campaign in support of its mandate?

Has NHTSA considered a campaign or effort that would assist drivers in understanding these new systems, their intent, and the valuable safety information that they provide? It seems clear that consumer awareness and understanding of the technology remain critical, especially as the systems are complex and will not be required to work with all replacement or aftermarket tires. In order to achieve the full safety benefits of TPMS, the driver must understand correct driving behavior and be able to interact properly with the system. Is it correct that NHTSA will only require that information on TPMS be placed in the driver's manual? What other avenues could be used to help consumers to better understand these new systems and the warning indicators that will be placed on the dashboard—a special brochure to be distributed at dealerships, a Public Service Announcement, a TPMS consumer notice or information page on the NHTSA website? Please elaborate on the agency's intent in this area.

Answer. It is my understanding that NHTSA currently requires manufacturers to provide information regarding Tire Pressure Monitoring Systems (TPMS) in the owner's manual. If confirmed, I would be open to considering other avenues of communication with consumers. My goal would be to ensure that consumers have several possible opportunities to learn about and better understand this new system, including, for example, the agency's website.

Question 4. Study on Backover Avoidance Systems. Through the SAFETEA-LU bill (Highway Bill—H.R. 3) enacted in 2005, NHTSA was directed to conduct a study on backover avoidance technologies and to provide an estimate of cost savings that would result from widespread use of backover prevention devices. KIDS AND CARS, a child safety advocacy group, maintains a national database tracking deaths and injuries to children left unattended in or around motor vehicles and they reported an estimated 213 child fatalities in 2005. What level of priority has NHTSA assigned to this project? What is the status of the study itself? Has NHTSA begun to collect nontraffic, noncrash incident data? If so, by what means are you finding and validating this information?

Answer. If confirmed as Administrator, my priority will be to try to meet all of the deadlines for rulemakings and reports in SAFETEA-LU. Under Section 10304 of that legislation, the agency is required to conduct a study of effective methods for reducing the incidence of injury and death outside of parked passenger motor vehicles. The agency is required to report to the Congress by November 2006. I am aware that NHTSA has begun working on this study and on the additional requirement for establishing a method for collecting non-traffic incident data. They are currently evaluating cost-effective ways to collect data on backover incidents, as well as other noncrash incident data. If confirmed, I will make sure that this report is a priority for the agency.

Question 5. The TREAD Act that was enacted in 2000 required NHTSA to promulgate a number of important safety regulations. One of these was the Early Warning Reporting System that mandates tire manufacturers and others to report information to the agency about fatalities, injuries and property damage claims involving those industry's products.

The regulation requires that all tire manufacturers who sell products in the U.S. to comply with this regulation. Over the past few years, tire imports to the U.S. have increased and a number of tire manufacturers of these imports have no U.S. manufacturing presence. NHTSA must do everything possible to ensure that the manufacturers and, in some cases, the importers of these tires are complying with the reporting requirements of the TREAD Act's Early Warning Reporting System.

Companies required to report that fail to do so could put consumers at risk by denying NHTSA important product performance and safety information. Furthermore, companies that fail to comply are at a competitive advantage versus those who have invested the resources necessary for compliance.

The U.S. Customs Service has access to confidential import data that can determine what country of origin and type of product enters our Nation. NHTSA receives confidential information from companies on fatalities, injuries and property damage claims. If a company fails to file under the early warning system, NHTSA may not know that company exists. Customs Service data may be able to fill any gaps missing from the NHTSA early warning information.

Do you believe there could be more coordination between NHTSA and Customs to ensure that all tire companies required to report data under the Early Warning Reporting System are doing so?

Answer. I believe that NHTSA should do everything possible to ensure that manufacturers and tire importers are in compliance with the provisions of the TREAD Act. As you may know, I was a former senior official at the U.S. Customs Service, serving as the Assistant Commissioner from January 2002 until March 2003. If confirmed as Administrator, I would be pleased to reach out to my former colleagues and explore what options may be available for sharing information related to tire importation.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
DAVID C. SANBORN

Question 1. As you know, the Jones Act requires vessels carrying cargo within the United States to be built in the United States, documented and regulated under United States law, and owned by U.S. citizens. In addition, the Jones Act requires that all officers and 75 percent of the crew must be U.S. citizens.

What are your views regarding the Jones Act and related cabotage laws?

Answer. Senator, I support the Jones Act completely, and the cabotage laws as they are legislated.

Question 2. The United States Maritime Administration (MARAD) is currently promoting short sea shipping as a means of transporting freight throughout the United States and North America. Defined as commercial waterborne transportation that does not transit an ocean, short sea shipping uses inland and coastal waterways to move freight. It has been the Bush Administration's longstanding policy that Short Sea Shipping should be implemented in a manner consistent with the Jones Act and other cabotage laws.

Do you support this policy?

Answer. Senator, I support development and expansion of a short sea shipping policy in the United States. I do agree that this should be developed under the umbrella of the Jones Act and cabotage laws as they exist today.

Question 3. Are there any reasons why those who support the Jones Act should be concerned about your appointment as U.S. Maritime Administrator?

Answer. Senator, I support the Jones Act. If I am confirmed as Maritime Administrator I will continue to support it and use it to try and grow our Merchant Marine. I see no reason that this position would run counter to other supporters of the Jones Act.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
TYLER D. DUVALL

Question 1. In the Motor Carrier Safety title of SAFETEA-LU, a provision (section 4142) was inserted by the Conferees providing the Secretary with an opportunity to review transportation broker registration requirements. It has been reported that DOT may use this authority to exempt all brokers, other than household goods brokers, from registering without a careful review of the impacts of a blanket exemption through a formal regulatory proceeding.

As Assistant Secretary, what would your position on this issue be? Are you aware that both shippers and carriers that use brokers believe that DOT registration is an important commercial safeguard? Does the Department continue to stand by the assertion made in the supporting documentation accompanying section 4007 of the DOT's original SAFETEA proposal stating that this is "an issue for the Secretary to consider through notice and comment rulemaking?"

Answer. I am aware that carriers that use brokers believe that DOT registration is an important requirement. I have not discussed the matter with any shippers.

I am not aware of the supporting documentation referred to in the question. Now that SAFETEA-LU is law, I would expect that the General Counsel will find that interpretation of the existing statutory language is the most important consideration.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
DAVID C. SANBORN

Question 1. U.S.-flag cargo preference laws for U.S. Government-impelled cargoes provide an essential base of cargo for the U.S. Merchant Marine. Cargo preference enables vessels to remain under the U.S. flag and thus available with vessels and crews for national defense sealift. In the past, the emergency contingency provision to our cargo preference laws have been used to justify shipping cargo via foreign flag, even when U.S. flag vessels are available and ready to transport at competitive rates. This has been particularly prevalent for U.S. food aid shipments. Furthermore, contractors and U.S. Government contracting officers are often not even aware that U.S. flag preference applies.

What will you do, as Maritime Administrator, to strengthen compliance with and oversight of cargo preference? Should MARAD's authority be strengthened in cargo preference compliance and oversight? Would you support legislation or interagency memorandum of understanding to clarify policies with respect to so-called "emergency shipments?"

Answer. Senator, firstly I want to say that I support mandated cargo preference laws, as currently legislated. I am not specifically familiar with instances where flag impelled cargo has shipped aboard foreign flag vessel when U.S. flag vessels were available. I would like to have the chance to investigate the details more fully. I do believe it is the accountability of the Maritime Administration to ensure that this does not happen. If I am confirmed as the Maritime Administrator I would work to ensure that MARAD is corresponding openly and proactively with the contractors and government contracting officers to ensure that when such cargo is available it is shipped on board U.S. Flag vessels, exclusively, if the vessels are available. I support all appropriate steps to strengthen the role of MARAD in compliance and oversight of cargo preference. I would also work to clarify policies both internally and with other agencies with respect to policing the process of decisions to allow for "emergency shipments", and ensure that they are granted only where appropriate.

Question 2. I see from your resume that you have considerable experience in shipping logistics and port operations. How will you utilize your expertise to administer programs for the Maritime Administration? What role do you see for the Maritime Administration in formulating the Department's freight policy?

Answer. Senator, this area is of particular concern to me, and one that needs immediate prioritization. If I am allowed to take on the role of Maritime Administrator I would, firstly, examine how we are organized within the agency to provide technical support and assistance to all entities within the cargo supply chain. My intention would be to make appropriate changes so that we can be a ready access for support to our customers—government and commercial. Secondly, I would use the contacts I have been able to establish as a leader within the industry to pull together the senior level personnel from terminal operating companies, liner shipping companies, railroads, organized labor, and other components of intermodal cargo operations to begin a thorough dialogue on what we can do, together, to determine specific steps on how we are going to make our intermodal cargo movement smoother and more capable of handling the increasing volumes of cargo we are going to be seeing starting almost immediately.

I see MARAD as one of the most critical agencies in ensuring that our capabilities for moving freight match up with our freight policies. If I am the future Maritime Administrator I will take a senior leadership role in working with all component government agencies and the Committee in carrying out our National Freight Policy.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO
NICOLE R. NASON

CAFE

The President said in his State of the Union Address, "Americans are addicted to oil." One way to end this addiction is to increase Corporate Average Fuel Economy (CAFE) standards.

Question 1. Do you personally support increasing fuel economy standards for cars?

Answer. NHTSA intends to issue a new rulemaking CAFE standard for light trucks by April, 2006. Although this rulemaking does not affect cars, if I am confirmed, I would be interested in working with you and the other Members of the Committee regarding possible reforms to the passenger vehicle requirements that would result in greater fuel savings for cars.

Question 3. NHTSA's proposal for increasing CAFE standards will have modest results. According to the Sierra Club, the proposal will only save six days worth of oil.

Do you think that NHTSA's proposed fuel economy for light trucks is strong enough?

Answer. The agency has been working diligently to have a new CAFE rulemaking for light trucks completed by April 2006. I have read several of the public comments regarding this open rulemaking, and I am aware of the concerns raised by environmental and safety advocacy groups. For example, some commenters stated that they believe the CAFE stringency levels are not high enough. If I am confirmed before this rulemaking is completed, I will direct the agency to explain to me how they addressed these comments in the proposed final rule to determine the strong benefits the rule will provide.

Question 4. NHTSA has not taken an active role in CAFE standards for passenger cars.

If you become NHTSA Administrator would you advocate for increasing CAFE standards for passenger cars?

Answer. As I noted above, the light truck CAFE rule is due April 2006. If I am confirmed as Administrator, I would be interested in working with you and the other Members of the Committee regarding possible reforms to the passenger vehicle requirements that would result in greater fuel economy.

Letter to DOT

Question 5. In December, I wrote a letter with ten other Senators to Secretary Mineta concerning NHTSA's effort to weaken state authority to improve air quality and curb climate change emissions. This is part of NHTSA's CAFE rule that states that Federal law preempts California's rules. I asked that the language be withdrawn.

Originally, I was told that my letter was being treated as part of a FOIA request that the State of California submitted. Then, after further discussions, I was told that the letter was not a FOIA request. I received a response from Secretary Mineta that my letter is being considered as part of the rulemaking and none of the issues in the letter were responded to. If you are confirmed as NHTSA Administrator, will you answer my letter and tell me and the other ten Senators whether the language will be withdrawn. And, if the answer is no, explain why.

Answer. If confirmed as Administrator, my goal will be to answer all Congressional inquiries in a timely manner. As the Assistant Secretary, I am aware of how important it is to respond to you and all Members. I have also read several of the public comments to the proposed light truck CAFE rule and am aware of the numerous concerns raised by several different groups. I know that some commenters opposed the preemption language, and that such language would impact your home State of California. If confirmed before the final rule is issued, I will review the decision to include the preemption language in the proposal and respond within my legal authority to you and the other ten Senators.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO NICOLE R. NASON

Question 1. I understand that studies have shown that regular inspection of automotive ride control systems every 12,000 miles, and replacement as necessary, greatly increases the operational safety of a vehicle. I also understand that most consumers are not aware of the dangers of operating a vehicle with worn shocks. Given that NHTSA operates an outstanding website, www.safercar.gov, providing safety information related to tires, air bags, and rollover, would you please share your thoughts on providing consumers with information on the need for regular undercar safety inspections that would include regular inspection and replacement of shocks as necessary.

Answer. Cars that are well-maintained are not only safer, but more fuel efficient. If confirmed, I will use all available tools, including the website, to encourage consumers to have their vehicles inspected regularly and keep them well-maintained.

Question 2. Can you please share your thoughts on the need for a “safety triangle” inspection that checks critical interconnected system components that control vehicle steering, stopping, and stability?

Answer. As noted above, I believe cars should be regularly maintained and, if confirmed, I will encourage owners to check vehicle components regularly for safety.

Question 3. Assuming that a vehicle is only as strong as its weakest component and just one worn part could diminish control and compromise safety, would you agree that vehicle safety inspections should go beyond tires and brakes to include shocks, struts and springs, tie rod ends, ball joints and a host of other suspension and chassis points? If so, would you promote the inclusion of consumer information on the www.safercar.gov website promoting such inspection?

Answer. If confirmed, I would use www.safercar.gov to provide consumers with all necessary information. I would also encourage them to have their cars inspected regularly.

Question 4. With NHTSA promulgating a rule to require that newly-manufactured vehicles be equipped with Electronic Stability Control, would you agree that the rule should allow for competition among various technologies?

Answer. I believe NHTSA’s rules whenever possible should be performance-based rather than design-based.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO
NICOLE R. NASON

Question 1. Do you believe that the repeat offender program is effective (23 U.S.C. 164)? If not, what do you recommend in the way of legislative or administrative changes?

Answer. I believe that repeat offenders are some of the greatest threats to America’s roads. If confirmed, I intend to review the agency’s authority carefully to ensure that NHTSA is doing all it can to keep repeat offenders off the roads. I also believe there were significant additional tools provided by the Congress in SAFETEA-LU and I will work closely with the States to implement the new grant programs.

Question 2. If confirmed, what do you plan to do to stem the 17,000 alcohol-related fatalities that occur annually?

Answer. In 1979, my parents were hit by an alcohol-impaired driver. It was a bad crash, yet the driver was charged only with “failure to yield.” Although laws and societal attitudes have come a long way since then, there is much more work to be done. I believe that many tools included in SAFETEA-LU, such as the Alcohol-Impaired Driving Countermeasures grant program, can aid in the effort to reduce alcohol-related fatalities. I also believe that a stronger focus on teen driving can help reduce these fatalities, as teens are among the most likely age group to drink and drive.

Question 3. Do you feel it is NHTSA’s role to advocate “sanction”-type legislation, which would encourage states to enact life-saving legislation by withholding Federal transportation funding until these laws are enacted?

Answer. I believe that NHTSA should work in close partnership with the States and encourage legislatures to pass important life-saving legislation, such as primary belt laws. I believe that reducing highway fatalities requires a multi-step approach. I fully support all of the new programs and rulemakings created by SAFETEA-LU, but I also know that education plays an important role. If confirmed as Administrator, I will work closely with our State partners, to ensure that they are aware of the many new grant monies available to them to help reduce injuries and deaths on the roads.

Question 4. Do you feel it is NHTSA’s role to advocate “transfer”-type legislation, which would encourage states to enact life-saving legislation by mandating a transfer of Federal transportation construction funding to transportation safety programs in the absence of such enactments?

Answer. As I noted above, I believe that NHTSA should work in close partnership with the States to encourage legislatures to pass critical safety legislation. I also believe that States should be able to have greater flexibility, to allow funds to flow to data-determined safety needs. If confirmed as Administrator, I will work closely with my colleagues in the Federal Highway Administration to ensure that Federal safety grant programs are as integrated as possible.

Question 5. What do you feel NHTSA’s role is encouraging states to pass life-saving legislation, including tougher teen driving laws, drunk driving laws, and motorcycle helmet usage laws?

Answer. I believe that NHTSA has a critical role to play and should actively encourage, within all appropriate legal restrictions, the passage of significant life-saving legislation.

Question 6. Do you support a national standard for motorcycle helmet usage?

Answer. Many years ago, my father was the Lieutenant in command of the Motorcycle Highway Patrol and I grew up acutely aware of motorcycle safety issues. Every member of my family, including my father, believes that he is alive today because he was wearing his helmet when his motorcycle went down after a malfunction. He still has the helmet with the crack along the back where his head hit the road. I know that there are some who disagree, but I believe that motorcycle helmets save lives. I think that NHTSA should work closely with the States on this important issue and I fully support the Motorcycle Safety grants program contained in SAFETEA-LU.

Question 7. Do you support a national standard for high-BAC drivers?

Answer. Yes, I believe that high-BAC drivers are among the most dangerous.

Question 8. If confirmed, what attention will you give National Transportation Safety Board recommendations?

Answer. I have great respect for the National Transportation Safety Board and, if confirmed, I will give their recommendations serious consideration.

Question 9. If confirmed, what percentage of your time and effort will be spent pursuing initiatives designed to encourage states to pass tougher safety laws?

Answer. I believe one of the most important roles for the NHTSA Administrator is to make the States aware of the many new tools created by SAFETEA-LU. For example, the safety belt performance grants. While I cannot give a percentage, if I am confirmed, I will work diligently to encourage passage of important life-saving safety legislation.

Question 10. If confirmed, how will you help prevent motorcycle rider deaths in the U.S.?

Answer. As I noted above, I believe the Motorcycle Safety grants program passed by SAFETEA-LU can help save lives by encouraging such things as rider training courses, awareness programs, and reductions in alcohol or drug impaired driving. I will also work to continue to educate regarding the benefits of motorcycle helmets.

Question 11. If incentive grants and active advocacy approaches by NHTSA do not prove effective in influencing states to enact important safety laws, such as those in areas you identified as priorities (teen driving, drunk driving, motorcycle safety), do you believe NHTSA should push for sanction-type legislation? If so, at what point should this change be made?

Answer. I believe that the incentive grants and active education programs are already working, as evidenced by the several success stories just since the beginning of this year. States such as Mississippi and Alaska surprised many people and passed primary belt laws in the first few weeks of 2006. If confirmed, I will work to pass important safety-related laws, such as primary belt legislation, in all States.

Question 12. What specific behavioral changes will you pursue in order to make meaningful advances in the number of drunk driving deaths?

Answer. If confirmed, I will use the new grant monies provided by SAFETEA-LU to encourage states to have more frequent BAC testing, promote high visibility enforcement and increase the use of DWI courts.

Question 13. What specific behavioral changes will you pursue in order to make meaningful advances in the number of motorcycle deaths?

Answer. As I noted earlier, I believe a motorcycle helmet saved my father's life. If confirmed, NHTSA will pursue rider education and rider awareness programs. Also, I will work to encourage riders to wear protective clothing and use other devices to make themselves more visible to motorists.

Question 14. In your opinion, why do you think President Bush nominated you for this position, given your admitted lack of direct experience with administering highway traffic safety programs on any level of government?

Answer. The previous Administrators of National Highway Traffic Safety Administration have come from a variety of disciplines and had wide-ranging backgrounds and experiences. I believe the element that unites this disparate group of men and women is commitment and passion for the agency and its mission. I share that commitment, and believe it is the most important quality in any NHTSA Administrator.

In addition, I am an attorney with several years experience as counsel for the House Judiciary Committee and I also managed two separate offices within the Federal Government at two different departments. Moreover, I spent the last three years at the Department of Transportation working to ensure that Secretary Mi-

neta's safety priorities were contained in the final surface reauthorization legislative package.

Question 15. In your opinion, why do you think President Bush and Secretary Mineta recommend you for this position, given your immediately prior work to oppose many of the safety requirements in the SAFETEA-LU legislation?

Answer. As the Assistant Secretary for Governmental Affairs, I was the lead liaison for Secretary Mineta and the Department regarding the now passed SAFETEA-LU. I advocated on behalf of Secretary Mineta for all of his top safety priorities, especially the creation of the primary safety belt incentive grants program and the creation of a core safety program at the Federal Highway Administration.

Question 16. Under SAFETEA-LU, NHTSA is tasked with completing many rulemakings which will inevitable cost the auto manufacturing industry. U.S. auto manufacturers are already in poor financial condition and are having problems meeting pension obligations. What actions will you take to ensure that NHTSA's forthcoming rules do not put the U.S. automakers at a competitive disadvantage—costing them even more U.S. jobs—or even have lasting financial impacts on them?

Answer. While I am sensitive to the economic concerns of the industry, NHTSA's mission is to save lives and prevent injuries, notwithstanding the financial state of any individual automobile manufacturer. If confirmed, I will look for ways to improve safety without imposing unnecessary economic burdens.

Question 17. If confirmed, what goals do you have for reforming Federal CAFE standards?

Answer. As the Committee is aware, NHTSA administers the fuel economy standards and is currently working on a light truck CAFE rule. The agency intends to issue this new rule by April 2006. If confirmed, I look forward to working with you and other Members of the Committee regarding possible reforms to the vehicle standards that would result in greater fuel savings.

Question 18. Do you believe the Federal Government should fund mass media costs associated with nationwide highway traffic safety law enforcement campaigns?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV
TO NICOLE R. NASON

Question 1. NHTSA Budget: The NHTSA budget has not changed very much in the past few years. In fact, the budget has not even kept pace with inflation despite the fact that each year there are nearly 43,000 motor vehicle fatalities and almost 3 million injuries at an annual cost of \$230 billion. This is a public health epidemic by any measure. Motor vehicle deaths represent about 95 percent of all transportation fatalities, yet the NHTSA budget represents less than 1 percent of the entire DOT budget. As Administrator, what changes in agency priorities and budgeting will you make to ensure that the vehicle safety-related rulings enacted in the SAFETEA-LU legislation are completed on time?

Answer. I believe the Administrator needs to be a strong advocate for her agency, and, if confirmed, I intend to work aggressively to ensure NHTSA has a robust budget. In addition, my priority would be to meet all of the deadlines mandated in SAFETEA-LU. If confirmed, I will make such staff or budget changes as may be necessary to ensure that the vehicle safety rulings are issued in a timely manner.

Question 2. Fatality Reduction Goals: NHTSA has set a goal of achieving a 1.0 fatality rate per 100 million vehicle miles traveled (MVMT) by 2008, just 3 years from now. However, recent decreases in the fatality rate have only been incremental—it took five years to reduce the fatality rate by just one-tenth of one percent, from 1.58 in 1998 to 1.48 in 2003. At the same time however, the actual number of highway and traffic fatalities has increased almost every year since 1992, reaching a total of 43,005 in 2002, the highest number of fatalities in over a decade. Given this recent history, is the goal of attaining a fatality rate of 1.0 death for every 100 MVMT by 2008 realistic? How does the agency intend to achieve a rate of 1.0 by 2008? Which specific policies and programs will contribute to achieving the goal? Which specific policies and programs will have to significantly improve their performance in the next 3 years, beyond their current contribution to saving lives, in order to achieve the fatality rate goal?

Achieving a 1.0 fatality rate by 2008 is laudable but it will not be viewed as a great accomplishment if the total number of actual fatalities reaches or exceeds the recent high level of 43,000 deaths. Back in a 1999 major safety oversight report, the U.S. DOT Office of the Inspector General warned that safety goals based on rate reductions could result in lower rates of deaths per 100 MVMT, but allow more peo-

ple to be killed each year. What is NHTSA doing to ensure that not just the fatality rate, but the actual number of traffic deaths decrease in the next 3 years? Why doesn't the agency also have a goal for reducing the total number of persons killed each year in highway traffic deaths? Why can't the agency set a goal to try to match, if not exceed, the most recent low number of deaths that was last achieved back in 1992, of 39,250 deaths each year?

Answer. The Secretary has established a goal of achieving a 1.0 fatality rate per 100 million vehicle miles traveled by 2008. I believe that this is a laudable goal, even as it remains extremely difficult to attain. The Secretary believes in setting the bar high, and if confirmed as Administrator, I would work to encourage the team to continue to reach for the highest level of achievement possible. Given that this Administration has three years left in the term, it will be necessary to pursue behavioral changes to see demonstrated improvement in the fatality rate. (In the longer term, I believe that NHTSA can lower fatalities through advancement in technologies, such as electronic stability control systems.) However, in the short-term, the agency will need to pursue aggressive improvements in the worst performing areas, such as teen driving, alcohol-related fatalities and motorcycles.

I also believe it is critically important to pursue decreases in actual fatalities, not just in the rate of fatalities. (As the Committee is aware, actual fatalities have decreased from 2002.) As I noted in my opening statement, motor vehicle crashes are the leading cause of death for people in the United States ages 3–33 and I believe every life has value. If confirmed as Administrator, I will pursue strategies to focus especially on those areas with the greatest need. Increasing seatbelt use is the most effective way to save lives and I intend to continue the good work that NHTSA has been doing in this arena. The Secretary's goal in no way limits the agency; reductions in the fatality rate and in actual numbers of traffic deaths are both very important to me.

Question 3. Safety Background: If confirmed, in the 3 years of your tenure as NHTSA Administrator approximately 126,000 people will die and nearly 9 million more will be injured, at a cost of almost \$700 billion. What are your top priorities to reduce this toll and how will you achieve them?

Many previous NHTSA Administrators either had a substantive background in traffic safety or were public health professionals? What specific aspects in your professional background make you qualified to lead the Nation's traffic safety agency? Name three safety issues that you have promoted, or in which you have had a long-standing interest, and provide the dates (or time periods) when you took actions in pursuit of achieving those safety issues (goals).

In light of the fact that the Department of Transportation opposed including many of the Title X vehicle safety-related rulings in SAFETEA-LU, and that as Assistant Secretary for Government Affairs it was your job to convey to Congress that opposition, what assurance do we have that you will carry out the safety rulemaking requirements as Congress intended?

Answer. The previous Administrators of National Highway Traffic Safety Administration have come from a variety of disciplines and had wide-ranging backgrounds and experiences. Federal Aviation Administrator Marion Blakey came to NHTSA from the Office of Public Affairs and U.S. Department of Treasury Secretary John Snow was the Acting Assistant Secretary for Government Affairs prior to his role as Administrator. Among the others were doctors, a chemist, a coal industry regulator and an Army General. I believe the element that unites this disparate group of men and women is commitment and passion for the agency and its mission. I share that commitment, and believe it is the most important quality in any NHTSA Administrator.

In addition, I am an attorney with several years experience as counsel for the House Judiciary Committee and I also managed two separate offices within the Federal Government at two different departments. Also, as I noted in my hearing, I was raised in a family focused on safety. My father was the police department Lieutenant in charge of the motorcycle division when I was a young teen, and he always emphasized personal responsibility and safety as a driver. He supervised the very first STOP–DWI unit in the police department and he was one of the first Motorcycle Safety Foundation certified instructors. Thanks to him, I have been interested in and personally committed to vehicle safety my entire life.

Nearly twenty years after my father taught me how to drive, I am a parent myself. As the mother of two young girls, I am as concerned as any parent is about the crashworthiness of the vehicle that carries my children to and from their schools and playgroups. I believe that much more can be done in the areas of parent education, and I intend to focus on the use of car seats and booster seats if I am confirmed.

Finally, I have spent the last three years at the Department of Transportation working to ensure that Secretary Mineta's safety priorities were contained in the final surface reauthorization legislative package. The centerpiece of that legislation was the creation of a primary safety belt incentive grant program, and I believe this grant program will make a difference and save lives. I fully intend to follow both the letter and spirit of the law in carrying out the safety rulemaking requirements of SAFETEA-LU if I am confirmed as NHTSA Administrator.

Question 4. SAFETEA-LU Deadlines: It has been six months since SAFETEA-LU was enacted. What specific actions has the agency taken to implement and complete each of the vehicle safety-related rulings included in Title X, Part C of that legislation? At this juncture, can you assure the Committee that all the target dates in Title X, Part C will be met within the stated time limits without requesting any additional time?

Answer. The agency has begun to take action on all of the vehicle safety-related rulemakings included in Title X, Part C of SAFETEA-LU. The agency is currently on schedule to complete the rulemakings in a timely manner. If confirmed, it is certainly my intention to ensure that all deadlines are met and that no additional time will be requested.

Question 5. Roof Crush: Last August, just after the SAFETEA-LU legislation was enacted, NHTSA issued a proposed rule to amend the roof crush resistance safety standard. It has been argued that the proposal does not require very much improvement in vehicle roof strength for the overall light vehicle fleet since data shows that most vehicles on the road now—8 out of 10—would pass the proposed standard with no improvement in current levels of roof strength. In fact, although NHTSA identifies the at-risk population in roof crush crashes as 594 vehicle occupants the agency's proposed rule would only save between 13 and (at most) 44 lives. This proposal only prevents between 2 percent and 7 percent of the fatalities that the agency identifies as resulting from roof crush. Why hasn't NHTSA proposed a better roof strength rule that will save more lives?

In addition, the proposed rule does not meet the requirements of SAFETEA-LU in several respects: the rule does not require an upgrade on both the driver and passenger sides of each vehicle and it does not give any consideration to including available dynamic tests. Also, the rule does not cover rear seat passengers even though the agency recommends that parents put their children in the back seat. Given these shortcomings, does the existing proposed rule satisfy the legislative directive in all respects? Do you plan to issue another proposal that meets the requirements of SAFETEA-LU?

Answer. The NPRM for the roof crush rulemaking was issued in August, 2005 and the comment period closed in November 2005. The agency is currently considering all the comments. I am certainly aware of the numerous concerns raised regarding this NPRM. If confirmed, I intend to look carefully at this proposal and review the numerous comments—in support and opposition—to the NPRM. I will also be sure to carefully review the requirements of SAFETEA-LU to ensure that the agency is complying with the law. If confirmed as Administrator, I will review the rule carefully and consider all appropriate actions, including the possibility of issuing a new proposal.

Question 6. Rollover: In 2003, over 10,600 deaths occurred in rollover crashes. SAFETEA-LU requires rulemaking to establish performance criteria to reduce rollover consistent with stability enhancing technologies. Specifically, what performance criteria are under consideration and what countermeasures and technologies do you expect will be used to meet this safety standard? Will this rulemaking, like the agency's proposed rule on roof crush, result in only a marginal improvement in safety of between 2 percent and 7 percent? What is your goal for reducing the number of annual rollover crash deaths through the rulemaking required by SAFETEA-LU?

As you know, rollover crashes are a major problem in heavy truck operations, especially for combination tractor-trailer rigs. What is NHTSA planning to do to improve stability and control in large trucks to build on its mid-1990s adoption of antilock braking systems (ABS) for medium and heavy trucks? Will you consider adopting a stability standard that will promote the use of Electronic Stability Control (ESC) systems for large commercial motor vehicles?

Answer. NHTSA and the Department are working on the rollover prevention rule and, if confirmed, I intend to have that NPRM completed before the mandated October 1, 2006 date. Studies have indicated that electronic stability control systems have the potential to save thousands of lives a year. I am aware that NHTSA is working to develop a performance test that will ensure that all vehicles equipped with these systems deliver these safety benefits. While I don't have a specific nu-

meric goal for rollover, if I am confirmed, I would like this to be an area where the agency significantly reduces deaths and injuries during my tenure.

I am aware that NHTSA is currently conducting research into ESC systems for tractor-trailers. Once NHTSA completes its research, I will direct the agency to develop a follow-up plan.

Question 7. Electronic Stability Control: One of the most effective technologies, if not the most effective technology, for rollover prevention is electronic stability control (ESC). A study by the Insurance Institute for Highway Safety has shown that ESC reduces fatal single-vehicle crashes by 56 percent and all single-vehicle crashes (both fatal and nonfatal) by 41 percent.

Because of the lifesaving possibilities that this technology represents, Congress has mandated that NHTSA issue a rule to establish performance criteria to reduce rollovers consistent with this stability technology. While many automakers are already placing their own ESC systems in vehicles, there is no way to know if these systems are optimal for safety. As NHTSA Administrator, how will you ensure that the performance criteria will not simply accept or grandfather all ESC systems, regardless of effectiveness, that are now being installed in vehicles? How will you assure that the ESC system installed in vehicles produces the maximum amount of safety benefits for consumers and saves the most lives?

Answer. I am aware that NHTSA has been conducting extensive research regarding performance characteristics used for electronic stability control systems. If confirmed, I will carefully review the safety benefits of any systems currently operating in vehicles, and I will ensure that the final rule will require significant safety benefits.

Question 8. Ejection Mitigation: SAFETEA-LU also requires NHTSA to establish performance standards to reduce complete and partial ejection of vehicle occupants. Specifically, what performance criteria are under consideration and what countermeasures and technologies do you expect will be used to meet this safety standard?

Answer. I know that currently NHTSA is conducting research regarding the occupant ejection prevention rule, although I am not aware of the specific performance test criteria that the agency may choose to use. If confirmed, I intend to have the final rule completed on or before the mandated October 1, 2009 date.

Question 9. Door Locks: As part of the occupant ejection provision in SAFETEA-LU, NHTSA is required to complete rulemaking on a pending proposal relating to door locks. That proposed rule, however, appears to emphasize global harmonization more than it improves safety in the U.S. The rule only deals with only one very small part of the door latch problem, preventing failure of latches on the sliding side doors of vans. NHTSA began an effort to eliminate the early 1960s door latch design back in the early 1990s, but no action has been taken since then to propose an amended regulation. When do you plan to address door latch failures in a comprehensive way? Will you finally act to upgrade the lock and latch standard that has been shown for decades to lead to open vehicle doors resulting in hundreds of ejection fatalities?

Answer. If confirmed as Administrator, I will evaluate the current door lock activity and determine what additional efforts may be needed to address the door lock latch problem.

Question 10. Older Drivers and Occupants: Studies have pointed to the “graying” of America and the aging of the Baby Boom generation that all experts agree will have a great impact on many aspects of society, particularly in the area of public health and safety. Unfortunately, I don’t see that NHTSA is preparing for this reality in terms of its vehicle safety standards. Nearly all occupant protection requirements, including safety belts and air bags were originally developed based on the “average” middle-age male prototype, and only recently has the agency included requirements for smaller females and children. There is still no crash test dummy that simulates what happens to older citizens, who may be frailer and at greater risk in a crash for injury and fractured bones than younger persons. In developing the Federal motor vehicle safety standards what is NHTSA doing to ensure that motor vehicles provide equal protection to our older citizens in the event of a crash?

Answer. The aging of the Baby Boomers will certainly have a significant impact on driver population. If confirmed as Administrator, I will ask the agency to provide some recommendations regarding what should be done with respect to older drivers in a crash test, including consideration of a crash test dummy that may better simulate older driver injuries.

Question 11. Pedestrian Safety: Research has found that when cars and light trucks strike pedestrians the severity of the pedestrian injuries is directly related

to the design and energy-absorbing features of vehicle front-ends including bumpers, fenders, and hoods. A number of vehicle lines are already more “impact-friendly” specifically to protect pedestrians, and the European Economic Community (EEC) is prepared to issue a standard to make front ends of cars softer and more forgiving to protect pedestrians in collisions. In the early 1990s, NHTSA was developing a proposal to improve vehicle front-end protection for pedestrians but that rulemaking effort was terminated 15 years ago. What actions or regulations has NHTSA pursued in the last 5 years to improve the safety of pedestrians in collisions with cars and light trucks? What actions will NHTSA take in the next 2–3 years to ensure that all vehicles sold in the U.S. have the same pedestrian-friendly safety design protections that are being used in some current production models?

Answer. I am aware that NHTSA has been working with the international community regarding pedestrian safety. Agency staff have been participating through the United Nations to develop a global technical regulation for pedestrian protection. Although statistically there are greater pedestrian fatalities in Europe than in the United States, it is still an area where NHTSA needs to demonstrate more leadership to our world partners. If confirmed, the agency will continue this important work.

Question 12. Passenger Vehicle and Bus Causation Studies: NHTSA is embarking on a Passenger Vehicle Crash Causation Study, as well as a Bus Crash Causation Study, modeled after the Large Truck Crash Causation Study (LTCCS). The LTCCS has been strongly criticized for its flawed study design by the Transportation Research Board (TRB), safety groups, and the Centers for Disease Control and Prevention (CDC) that reviewed the study design at the request of Congress. Among other issues, concerns raised about the LTCCS include criticisms that the study design collected and analyzed data without first formulating research hypotheses, has inadequate data sample size, does not use comparison or control groups to compare with the truck crashes that are investigated, concentrates on finding only a single cause or “critical reason” for each crash, and relies on subjective witness statements as its primary data source for why crashes occurred. How does NHTSA intend to accommodate the TRB and CDC findings and recommendations to avoid these mistakes in research design in the Bus and Passenger Vehicle Crash Causation studies? What specific changes are you making to the study design to avoid these problems?

Answer. It is my understanding that the Bus Crash Causation study is being carried out in conjunction with the Federal Motor Carrier Safety Administration. With respect to both the Passenger Vehicle Crash Causation study and the Bus Crash Causation study, I am told that the NHTSA staff has taken into account the comments by the TRB and the CDC on the Large Truck Crash Causation study. If confirmed, I will review the issues raised by these groups.

Question 13. NCAP: Last year, NHTSA considered how to change the frontal crash portion of the New Car Assessment Program (NCAP). Soon, the belted frontal crash test will be performed at 35 miles per hour, and be identical to the NCAP frontal crash test. In a recent report, the Government Accountability Office (GAO) found that NCAP is assigning 4 or 5 stars to the great majority of light vehicles in its rollover, side impact, and frontal crash ratings tests, making it difficult for buyers to determine whether one vehicle is substantially different in safety than another in these major types of crashes. “Vehicle Safety: Opportunities Exist to Enhance NHTSA’s New Car Assessment Program,” GAO-05-370 (April 2005). The GAO report emphasized that many vehicles receiving 4 or 5 star ratings under the NCAP test methods are often receiving lower ratings when a more demanding crash test is used by private safety organizations. The GAO also recommended that NHTSA explore adopting new types of crash tests and safety ratings in NCAP.

While NCAP has been an important consumer information program the agency has not improved the frontal program in order to maintain its relevance and stay ahead of events. As recently as December 2005, the agency decided not to make ANY changes to frontal NCAP. Increasing the test speed was considered—but not adopted. Adding an offset frontal crash test was considered—but not adopted. Changing the way in which star ratings are awarded was considered—but not adopted. And adding new injury results was, again, considered—but not adopted. It seems that NHTSA, once a leader in pursuit of its safety mission has become intransigent to advancing safety. Where are the safety advances and creative ideas for frontal occupant protection for the next generation that Americans expect this agency to produce? How do you intend to reverse this situation both in terms of frontal NCAP specifically and the agency in general? What changes in NCAP will you implement to address the GAO report?

Answer. I am concerned about the usefulness to consumers of NCAP information and believe that the GAO report should be reviewed carefully by the agency. I believe the program should allow NHTSA to make meaningful distinctions between the safety performances of vehicles, and I agree that NHTSA needs to consider possible changes to ensure the value of the program. If confirmed, I will direct NHTSA to do a complete review of the NCAP program and provide me with recommendations, including consideration of changes to the frontal test.

Question 14. Vehicle Incompatibility: For more than ten years NHTSA has been aware of the problem of crash incompatibility between passenger vehicles, especially when light trucks strike cars. As more and more vehicles on the road are highly aggressive pick-up trucks and SUVs, tenuous, voluntary automaker programs appear to be a sorely inadequate response to this serious and growing source of highway deaths and injuries. This area was identified as one of NHTSA's four key program areas in priority plans several years ago. While the new side impact standard will help to buttress a vehicle's self-protection, little has been done to reduce the violence inflicted by the striking vehicle in a crash. What action do you intend to take, and in what time frame, to alleviate the problem and improve safety for occupants? What research and funding would be necessary for the agency to develop a more concrete plan to address incompatibility in crashes?

Similarly, there is a chronic problem of the mismatch in size and mass between even the largest passenger vehicles and big trucks that usually results in the deaths or severe injury of many passenger vehicle occupants. As you know, although big trucks are only 3 to 4 percent of registered vehicles, they are involved in 13 percent of all motor vehicle fatalities. When a big truck collides with a small vehicle, 98 percent of the people who die in these crashes are in the small passenger vehicles. NHTSA had a program in the 1990s to innovate "forgiving" safety designs for big trucks, especially their front ends, so that the current rate of losses in passenger vehicles can be reduced. Why was that effort terminated? Are you planning to revive it? It seems that this is just as important a vehicle incompatibility safety problem as it is between small cars and big SUVs and pickup trucks.

Answer. Vehicle compatibility is a challenging technical issue and, if confirmed, I will make it a top priority. I will ask the agency for a complete review of the compatibility work to date, to better understand what has been done and see what more remains to be completed. Early in my tenure, I will ask the agency for a comprehensive plan for moving forward that builds on what the agency has learned and see what next research and funding steps are most appropriate. Regarding large trucks, I am unfamiliar with the NHTSA program from the early 1990s to modify front-end designs of trucks. If confirmed, I will learn more about these efforts and determine what next steps should be taken regarding the serious heavy truck safety issue.

Question 15. Crash Avoidance Technologies Research: A number of automakers are currently researching, developing and beginning to install the next generation of active safety devices in vehicles. Active safety systems include adaptive cruise control, lane departure warning systems, pre-crash warning systems and rear detection systems, as well as many other innovations.

NHTSA must take the lead in encouraging these safety developments and assuring the devices help vehicle occupants avoid crashes. NHTSA also must conduct research to determine which active safety devices work best. Significantly, there are currently no performance standards to guide consumers and automakers towards optimal performance of these systems.

As Administrator, how would you work to guarantee that NHTSA is ahead of the curve on these developing systems and what research and rulemaking priorities would you develop for the agency in these areas? How would you assure that new performance standards for these systems are introduced in a timely fashion? How do you plan to quantitatively measure the contribution to crash reduction, deaths, and injuries that can be made by increasingly automating part of the driving task or providing interactive information for the driver with highway features and traffic events?

Answer. I agree that NHTSA must take the lead in encouraging innovative safety developments and promoting new technologies. I am aware that, in July 2005, NHTSA issued a Federal Register Notice soliciting information on its new initiative, the Advanced Crash Avoidance Technologies Program. This program will develop test procedures to evaluate the performance of selected new safety systems and perform the testing necessary to determine effectiveness. If confirmed, I will closely monitor this project to ensure its value.

Question 16. Fuel Economy: In recent weeks, Ford announced a plan to cut up to 30,000 jobs and close 14 plants in North America by 2012. In November, General

Motors announced a similar plan to cut 30,000 jobs and close 12 plants in North America by 2008. Both automakers are in dire financial straits and are quickly losing their market share to foreign automakers.

A major reason for this loss of market share is that GM and Ford invested in SUVs and other fuel-guzzling vehicles, which turn around a fast and sizeable profit but do not sell well in these times of \$2-\$3 a gallon gas prices. Some foreign manufacturers invested in more fuel-efficient vehicles, and have paved the way for a future of improved fuel economy with hybrid vehicles.

As Administrator, what role do you plan to play in promoting fuel economy? What are your planned actions to encourage or require significantly light truck and passenger vehicle greater fuel economy?

Answer. As the Committee is aware, NHTSA administers the fuel economy standards. If confirmed, I will work with the other department and administration officials who have responsibilities in this area. Specifically, I will work with the Department of Energy regarding fuel alternatives that may have an impact on fuel economy and with the Environmental Protection Agency regarding tests and publication of information.

In addition, NHTSA is currently working on a light truck CAFE rule. The agency intends to issue a new rulemaking for CAFE standards for light trucks by April 2006. If confirmed, I look forward to working with the Committee to discuss possible reforms to the vehicle standards requirement.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK PRYOR TO
TYLER D. DUVALL

Question 1. Mr. Duvall, according to projections the amount of freight expected to travel on our highways, railways, waterways, and airways is expected to double over the next 25 years. Currently, our infrastructure needs are exceeding our capacity. We have a driver shortage in trucks that is only expected to get worse with time. Our highways are more congested than ever. Our railways are operating at capacity, and our air traffic control systems are outdated and overtaxed. Transportation costs for all industries are up across the board. Even the recently passed highway bill, while an improvement, will not be enough to address our short term transportation needs. What is the Department's plan to address this coming infrastructure dilemma?

Answer. The challenges confronting all U.S. transportation systems are substantial. Because the ownership, financial and institutional arrangements for each of the networks mentioned are unique, there is no single solution that can be applied broadly. The Department has focused substantial attention on the performance and capacity of the Nation's transportation infrastructure while recognizing that State and local governments own a vast majority of transportation assets. The recently enacted highway bill takes some positive steps in this regard. Over the next several years, there is an opportunity to more fully demonstrate successful approaches to reducing congestion and financing highway infrastructure. These demonstrations will help lay the groundwork and give context to an important policy discussion to take place in the next several years. Fundamental questions related to the future of Federal highway programs and the appropriate scope of Federal involvement in surface transportation need to be addressed.

I look forward to working with your office as we look at these pressing issues.

Question 2. What will your priorities be for the Department if you are confirmed?

Answer. In addition to providing sound and timely advice to the Secretary on policy matters, I would like to focus the policy office more clearly on the two most pressing transportation challenges: congestion and safety. Successfully combating congestion will require that we do a better job prioritizing solutions based on effectiveness. Successfully reducing the toll of transportation fatalities and accidents will require (a) that we continually improve safety data and (b) that we target resources more strategically in accordance with that data.

Question 3. My state is home to a very successful driver training school in Newport, Arkansas, that issues temporary Commercial Driver's Licenses. This program benefits many of the small and medium size trucking businesses in Arkansas. The question has arisen as to whether or not these temporary CDLs are valid in other states. What is FMCSA doing to clarify this situation? Does the Department have an overall policy to address the current driver shortage?

Answer. Temporary CDLs may be used to operate the appropriate class of commercial motor vehicle anywhere in the United States. FMCSA does not anticipate taking compliance actions at this time so long as there are no safety implications.

In the future, FMCSA plans to pursue a regulatory action to clarify the “domicile” issue.

The Department’s main policy focus to date with respect to the driver shortage has been to provide training grants and regulatory flexibility with respect to training (so long as no safety issues are implicated). This is a matter that merits broader attention within the Department.

Question 4. What is the current role of the Office of Policy and the Assistant Secretary for Transportation Policy? Do you believe the Office of Policy has been an effective leader of transportation policy Department wide? What proposals emanating from the Office of Policy have become regulation or law in the past two years?

Answer. The Office of Transportation Policy, under the Office of the Under Secretary for Policy, provides policy advice to the Secretary of Transportation and coordinates major Departmental policy initiatives. As the head of the Office of Transportation Policy, the Assistant Secretary for Transportation Policy oversees approximately 30 transportation policy professionals with expertise in policy areas ranging from infrastructure, mobility, safety, freight and logistics, environment, energy and technology.

In some areas, the Office of Policy has been quite effective at leading Departmental policy initiatives. The Office successfully coordinated development of the Administration’s proposals and various policy statements related to the reauthorization of surface transportation programs. The Office has been a leader in encouraging the formation of public-private infrastructure projects, one of the fastest and most significant trends in U.S. transportation. The Office headed up the Department’s participation in development of the President’s GPS policies.

The Office of Policy was integral in developing most of the Administration’s proposals and policies in connection with the surface transportation reauthorization bill. The Office of Policy has also played an important role in assisting NHTSA develop light truck fuel economy rule proposals.

Question 5. Searcy, Arkansas, is one of the fastest growing communities in Arkansas. In 1996, an Automated Service Observation System (ASOS) was installed to provide weather to the Searcy airport. This system is now outdated and in great need of repair, but from our conversations with the FAA, parts are no longer made for this type of system. In the meantime, Searcy struggles to keep the system operational.

If Searcy loses the ASOS, they will lose capabilities essential to the airport and city’s growing needs. We have been working with the FAA to address this problem, but can you give me your assurance, that if confirmed, you will continue to work with my office, the FAA, and the Searcy airport to address their problem?

Answer. Yes, if confirmed, I would be pleased to work with your office, other offices in the Office of the Secretary and the FAA to address Searcy’s problem. I understand that this is a very important issue to the community.

Question 6. I am interested in any plans the FAA may be working on to co-locate air traffic control towers and TRACON facilities. Can you briefly address that and will you keep me informed on any plans the FAA may be working on toward those ends?

Answer. Although this is not my area of expertise, I understand that it is the FAA’s policy to consider relocating the TRACON whenever the construction of a new air traffic control tower is considered. This policy is pursued in order to improve efficiency without compromising safety. I will work with our Congressional affairs representatives to keep you informed of any relevant plans the FAA may be working on this regard.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN F. KERRY TO
TYLER D. DUVALL

Question 1. As Assistant Secretary for Transportation Policy, you will have considerable influence over the Department’s Amtrak policy. In 2003, the President unveiled an Amtrak Reform Plan that called for states to cover fifty percent of Amtrak’s operation and infrastructure costs and contract with private companies to run the service. Last fall, the Amtrak Board of Directors passed a resolution stating its intention to separate the Northeast Corridor from Amtrak and create a subsidiary that would take title of the infrastructure and responsibility for its maintenance.

As the Acting Assistant Secretary for Transportation Policy, and before that the Deputy Assistant Secretary, to what degree were you involved in the development of the President’s Amtrak reform plan?

Answer. I did not have significant involvement in the development of the President's reform plan

Question 2. Do you view this plan as a viable option for Amtrak's long term solvency?

Answer. Many of the core principles articulated in the plan are sound. I believe the Federal Government should be looking aggressively for ways to increase the return (including social benefits and costs into the investment calculus) on its substantial passenger rail investment while also laying the groundwork for development of a system that better serves customers and expands travel choices in the future.

Question 3. Do you believe that the states should absorb more of the costs of running the service?

Answer. I believe that states must be important partners with the Federal Government in devising any Amtrak reforms. One of the long run objectives of any reform proposal should be to improve the financial self-sufficiency of the network by attracting more customers and targeting services more appropriately to the needs of those customers. If this objective is achieved, cost burdens for all levels of government should diminish over time, not increase.

Question 4. Do you agree or disagree with the Board's decision to move forward with separating the Northeast Corridor infrastructure from Amtrak? If you agree, could you explain in detail the supposed benefits of this plan?

Answer. I believe Amtrak's Board of Directors should be analyzing all business options that have the potential to improve performance. It remains to be seen if a decision to create a new Amtrak subsidiary will improve performance.

I agree with giving the Board of Directors the right to make such management decisions. Whether the decision proves to be the correct one remains to be seen. Establishing clear business lines, adding accounting transparency and creating more management accountability for specific business segments are all standard corporate management concepts that have worked well for various companies in the past.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO TYLER D. DUVALL

Question 1. You stated that the capacity constraints on the transportation system are due to the strain caused by our vibrant economy—what role does outsourcing of work by U.S. firms to international locales play in the added transportation sector activity? Other than the transportation sector activity, what overall economic indicators would support your assessment of a “vibrant economy”? Does the creation of U.S. jobs play a role in your transportation policymaking?

Answer. While there has indeed been rapid growth in outsourcing, the overall level of outsourcing is still small relative to broader U.S. economic activity. As a result, outsourcing likely produces a relatively minor impact on U.S. transportation systems. The largest strains derive from (1) growth in population, employment and vehicle miles traveled in urban and suburban areas that have not seen similar increases in physical capacity or operational improvements and (2) rapid growth in domestic and international trade in goods and services.

The U.S. economy completed its third year of strong expansion in 2005. Most macroeconomic indicators continued to move in a positive direction. Real GDP growth was 3.5 percent and faster than any other major industrialized countries; unemployment fell from 5.2 percent to a historically low 4.7 percent; almost 2 million jobs were created; and household net worth reached a record level. In the past three months alone, job growth has averaged 225,000 a month. Average hourly earnings are now growing at a 3 percent year-over-year pace. A recent survey of economists calls for first quarter GDP growth in excess of 4 percent.

I believe that an efficient and productive U.S. transportation system is a critical underpinning of continued U.S. job creation. The combined presence of the world's greatest transportation infrastructure and the world's most competitive private sector transportation service providers has created millions of jobs and provided enormous welfare benefits to our country.

Question 2. What was your role in the formulation of the Administration's policy on Federal funding for Amtrak in FY06?

Answer. I played little or no role in the formulation of the Administration's policy on Federal funding for Amtrak in FY06. The Assistant Secretary for Transportation Policy at the time was the office lead for intercity passenger rail policy matters.

Question 3. From your previous statements, I take it you do not believe that intercity rail is a vital component of a balanced U.S. passenger transportation system.

In your opinion, should any analysis for evaluating whether Federal support for intercity rail include an estimation of congestion, environmental, security/emergency preparedness, and other public benefits which are not readily nor easily quantifiable?

Answer. As I have stated previously, I do in fact believe that intercity passenger rail can be a vital component of a balanced U.S. passenger transportation system if the funding and service framework can be significantly improved. Moreover, I do believe that it would be appropriate to account for external benefits such as those mentioned.

Question 4. How will you provide better coordination between policy offices at individual agencies and the OST policy office?

Answer. Establishing more regular communications and creating a sustainable process for the development of policy priorities are the two most important pre-conditional elements to successful coordination. In setting up these elements, it is imperative that goals and priorities be established. Without such goals and priorities, process itself will become the objective (as opposed to sound policymaking).

Question 5. If confirmed, how will you address long-term freight capacity concerns? Will you include regular briefings for Congressional Committees of jurisdiction in any initiatives involving such efforts?

Answer. The Department is currently working on the development of freight policies that will address long-term freight capacity concerns. I believe that freight issues are central to the Department's mission, and we are also working across the modes to ensure that these issues remain central to all future DOT's policymakers. If confirmed, I look forward to working with you on this issue.

Question 6. I understand you came to work in the transportation sector four years ago. What experience do you have in public administration of the programs you will be responsible for proposing, which affect every state, district, territory and locality in our country?

Answer. I did not have any specific experience in either the industry or as a policymaker prior to joining DOT at the beginning of 2002. Growing up in the Washington, D.C. area, however, I have always been interested in the role that transportation plays in the economy and people's quality of life. I became even more intrigued with the economics of transportation in college. I came to recognize that the role of government policy makers is as critical in transportation as in any major field. As a corporate lawyer, although I did not specifically work on transportation industry transactions, I came to appreciate the manner in which major business decisions are executed in the U.S. I also obtained a better understanding of the centrality of financial markets and how those markets are used to allocate risk and opportunity. Because so much of the success of the U.S. transportation system depends both on these business decisions and these markets, my law firm experience has greatly enhanced my ability to work in the policy office. Finally, legal training in contracts law, property law, tort law, constitutional law and other core legal subject matters has proven invaluable.

Question 7. You've stated congestion and highway safety are the top two significant challenges you see for DOT. Do you feel DOT has a role in ensuring the mobility needs of seniors are met? If so, what is that role, and if confirmed, how will you carry out such role?

Answer. I believe DOT has a vital role to play with respect to senior mobility needs. There is no question that changing demographics in America will greatly impact our transportation system. I believe we need to assess many of our existing mobility regulations and programs to see whether they are presently designed to meet this challenge or whether reforms are necessary. A significant amount of work needs to be done to raise awareness both within the building and with outside stakeholders. I believe innovative approaches exist, but we must begin devising these approaches now.