

**NOMINATIONS TO THE  
DEPARTMENT OF COMMERCE  
AND THE FEDERAL MARITIME COMMISSION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED ELEVENTH CONGRESS**

SECOND SESSION

NOVEMBER 30, 2010

Printed for the use of the Committee on Commerce, Science, and Transportation



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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**TUESDAY, NOVEMBER 30, 2010**

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

The Committee met, pursuant to notice, at 3:33 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV,  
U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. If everybody could just calm down for a moment. [Laughter.]

The CHAIRMAN. Let me say, here at the beginning, I want to welcome our House colleague, Congresswoman Laura Richardson, who represents Long Beach, about which we will be talking. We appreciate your being with us and your statement will be a part of the record. I thank you.

So, we're going to do three nominations today.

And, Madam Vice Chairman, when we've done that, and with your permission, if we can have the vote on it, after one of the votes on the floor, we will have done all nominations pertaining to the Commerce Committee, with the exception of one which didn't submit the paperwork until much too late. So, that's a good record.

Senator HUTCHISON. It is.

The CHAIRMAN. We got our job done. Right?

Senator HUTCHISON. Of course. We have a good Chairman.

The CHAIRMAN. That's right. And a good Vice Chairman.

Senator HUTCHISON. Not to mention the staff that leads us in the right direction.

The CHAIRMAN. Dr. Scott Doney is being considered for the Office of Chief Scientist of the National Oceanic and Atmospheric Association. Mr. Mario Cordero and Rebecca Dye, to be commissioners of Federal Maritime Commission. It's an honor for us to have you before us, because you're serving your country. People do it in many ways, and it's hard. I wish I were a scientist. I'm not. You surely are. The Maritime Commission isn't known by everybody, but it really does important work and hopefully you're going to be there, or continue to be there.

NOAA's Administrator, Dr. Jane Lubchenco, has dedicated herself to advancing research, science, innovation and technology at

NOAA. Dr. Doney's nomination as chief scientist is an important step in maintaining NOAA's status as a top science agency, which is very important in any government, in any Executive Branch, but particularly in this one, where there's a lot of pride in the science aspect of what they do.

We'll consider two nominations today to the Federal Maritime Commission, a little known, but very important independent regulatory agency. People love regulatory agencies, don't they?

[Laughter.]

The CHAIRMAN. I am pleased that two very qualified, in my judgment, individuals have been selected to serve on it. Mr. Cordero and Ms. Dye will have the balance and the wisdom to do something which nobody has ever figured out how to do, which is to figure out: What is a proper balance between the needs of the shippers and the needs of consumers and businesses importing and exporting products? It won't be easy, but I trust that you will be up for the challenge.

Mr. Cordero comes from Long Beach, California, where he served as President of the Board of Long Beach Harbor Commissioners. But, we go on from there: He played an important role in implementing the port's pioneering and much-recognized Clean Trucks program and Green Port policy, which I will be interested to hear about.

Mrs. Dye has served on the Federal Maritime Commission for 8 years. Before that, she served as Counsel for the Coast Guard. I'm impressed. I like the Coast Guard. It is underfunded and, like many agencies in government, not treated properly. But, they are by us, are they not?

Senator HUTCHISON. Absolutely. Absolutely.

The CHAIRMAN. And—so, you've done that. You've also served the Maritime Administration, in the Department of Transportation, and worked in the House of Representatives. I look forward to hearing the results of Mrs. Dye's recent investigation into vessel capacity shortages. I commend her for leading such a comprehensive effort and for her service at the Federal Maritime Commission.

And so, ending up my long speech, I thank the nominees for testifying today, and I urge a speedy confirmation for them.

And I now turn to my distinguished colleague, Senator Kay Bailey Hutchison, of Texas. Just let it be said, in an era of apparent conflict and malfunction in the Congress, here are two people who do not have conflict and malfunction. We're an operating team. We get stuff done. I want to hear from her, and I also want to hear from our Subcommittee Chairman, Mr. Frank Lautenberg. And then we'll proceed to your statements.

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

Senator HUTCHISON. Well, thank you, Mr. Chairman. I appreciate what you said, and agree with it completely. It has been a joy to work with you as Chairman.

And I welcome all of you here.

These are very important positions: the Maritime Commissioners and the NOAA Chief Scientist.

And, of course, being from a Gulf State, I know that NOAA and weather prediction are very important. And I will tell you that the technology of the last 10 to 15 years has been immensely helpful in the predictions of when a hurricane is going to hit, how forceful it's going to be, and what the route is. And it's amazingly accurate. And I know that our most recent terrible hurricane, Ike, which hit in 2008, NOAA's advanced hurricane warnings did definitely minimize the loss of life. And I will say the property damage was huge, but we were able to open our ports to commerce quickly because we did know what was going to happen, from the predictions.

Dr. Doney, we haven't had a Chief Scientist at NOAA for about 10 years. I'm looking forward to knowing what you plan to bring to the table there, as the Chief Scientist, because there are some important issues that you will face. Striking the balance of social, economic, and environmental goals, and maintaining our transparent process for carrying out the mandates and policies at NOAA are very important. The oil in the Gulf of Mexico accounts for 27 percent of our Nation's domestic oil production and 15 percent of the natural gas production. And it's very important for our economy and for the fuel that we need for our economy. So, we need to make sure that our science is sound in the predictions and also the effects of this enterprise in our waters.

NOAA has a good record of outreach to our students to encourage them to go into STEM education, which, of course, is an area where we feel America is lacking. And this committee has been very proactive in encouraging America's competitiveness through the America COMPETES Act. And I hope that NOAA will continue that record, because we need to encourage our young people to go into science, technology, and math for careers, in order to stay competitive, internationally.

The Port of Houston is very important in my state, and the Maritime Commission has a lot to say and do about our maritime activities. The task of regulating and ensuring the stability of our transportation system on the waters is a big job, and an important one. So, I certainly look forward to looking at your credentials and your ideas, which look very good, from everything that I have seen.

So, with that, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hutchison.  
Senator Lautenberg.

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

Senator LAUTENBERG. Thanks very much, Mr. Chairman.

This committee has the important responsibility of overseeing both the Federal Maritime Commission and NOAA. And I want to thank these nominees for agreeing to provide their services to the American people.

With international commerce growing as it has, the Federal Maritime Commission makes sure that our Nation's ports remain competitive and can meet the demand—the growing demand placed on them. This is especially vital in my State, New Jersey, which is the home of Port Newark, the largest port on the East Coast, generating \$20 billion a year in economic activity. The Port of Newark is the lifeblood of, not just our region's economy, but also our Na-

tion's economy. The importance of ports like these cannot be overstated.

In 2001, when the Port of Long Beach, in California, was shut down because of a labor dispute, it cost the economy \$1 billion a day. And it's essential that we make sure that our ports remain safe, secure, and strong.

And, Mrs. Dye and Mr. Cordero, I know you understand and appreciate this mission.

Ms. Dye, I look forward to hearing your views on FMC's work during your services there, since 2002, and how you plan to further its mission in the future.

And, Mr. Cordero, you bring a valuable new perspective to the Commission, and we're anxious to hear from you. I look forward to hearing your views on how ports can both be environmentally conscious and economically competitive.

NOAA also plays a critical part in our Nation's success, alerting us to the dangerous weathers that—weather, charting the seas and the skies, and guiding the use of our ocean and coastal resource. It's also a key player in environmental protection, conducting research that strengthens our understanding and stewardship of the world in which we live. As Chief Scientist, Dr. Doney, you'll play a vital role in ensuring the scientific integrity of the information gathered by NOAA.

Dr. Doney has decades of experience as a researcher and as an expert on ocean acidification, a serious threat to the life and the well-being of our oceans altogether. And I wrote a law last year that establishes NOAA as the lead Federal agency in coordinating research on ocean acidification. Our oceans are now 30 percent more acidic than they were before industrial emissions began. More acidic oceans threaten the creatures at the base of the marine food chain, because their shells cannot form with sufficient strength to protect them. But, we need more—much more information on this looming threat, and the Chief Scientist's role at NOAA plays a critical part in generating that information.

I'm eager to hear from all our nominees about how they'll tackle these and other challenges that will come before them. And I thank you for being here.

Thank you.

The CHAIRMAN. Thank you, Senator, very much.

Mr. Doney, I'm going to ask you to be the first. But, I want to ask you, Does MIT own the Oceanographic Institute? What's the relationship?

Dr. DONEY. We're actually two independent institutions, but we share—

The CHAIRMAN. You collaborate.

Dr. DONEY.—an education program together.

The CHAIRMAN. OK.

Dr. DONEY. So, we teach students together.

The CHAIRMAN. OK. So, you got your Ph.D. from MIT.

Dr. DONEY. Yes.

The CHAIRMAN. OK.

Dr. DONEY. Well, yes, Woods Hole also can grant Ph.D.'s, but it's actually a joint degree between the two institutions.

The CHAIRMAN. Well, then you have two Ph.D.'s.



Dr. DONEY. And——

[Laughter.]

Dr. DONEY. They charge——

The CHAIRMAN. Please proceed.

Dr. DONEY. —they'd charge me twice for tuition if I said that.

The CHAIRMAN. Did they? OK.

[Laughter.]

**STATEMENT OF SCOTT DONEY, PH.D.,  
CHIEF SCIENTIST-DESIGNATE, NOAA,  
U.S. DEPARTMENT OF COMMERCE**

Dr. DONEY. So, Chairman Rockefeller, Ranking Member Hutchison, and honorable members of the Committee, thank you for the opportunity today to speak with you.

I'm honored and humbled to be here as President Obama's nominee for Chief Scientist of the National Oceanic and Atmospheric Administration.

I also would like to acknowledge Secretary Locke and Under Secretary Lubchenco for their gracious support of my nomination.

I'd also like to thank my family, and particularly my wife, Andrea, who runs her own small engineering firm; and son Grant; my older brother Brett, who has worked for many years as a regional economic developer, in Massachusetts, Maine, Montana; and my mother, who's at home, in Brunswick, Maine.

I especially want to thank—sorry—my late great-aunt Lilly, who supported my college education and encouraged me to follow my dream of becoming an oceanographer. With her help, I was able to take a term off of college to participate in my first oceanographic research expedition aboard a sail training vessel, the *R/V Westward*. This experience crystallized, for me, a life-long excitement in the sea and its important roles in society.

I'm also very grateful to the numerous scientific colleagues who've assisted me over my career, and particularly those at the National Center for Atmospheric Research, in Boulder, Colorado, where I spent about a decade working, and in my present faculty position at the Woods Hole Oceanographic Institution.

The central focus of my research is on the cycling of carbon, in its many forms, within the ocean and between the ocean, the atmosphere, and the land-biosphere. Along the way, I've also been involved in studies of marine and terrestrial ecology, ocean and atmospheric physics, climate, and, most recently, environmental economics.

I take great pride in teaching and mentoring students and young scientists. I also strive to make my science more accessible for the public and decisionmakers through my writing, lecturing, and engagement with stakeholder groups.

My background touches on many aspects of the research being done today at NOAA, and on how science feed into NOAA's roles in stewardship and service. I also worked directly with many of the tools that are central to NOAA science: oceanographic field research, numerical models, Earth-observing systems, satellite remote sensing, and data assimilation.

I'm fortunate to work closely with a number of scientific groups within NOAA. This includes having served as the joint leader of

two oceanographic research expeditions on NOAA ships; and, two summers ago, I was part of an external review committee for NOAA's premier science laboratory in Seattle, Washington.

I also lead a grassroots effort to coordinate ocean chemical and ecological research across the National Science Foundation, NASA, and NOAA.

Filling the Chief Scientist position at NOAA would enhance the visibility of research across the agency and highlight the critical role science plays in all aspects of NOAA's mission. The success of NOAA's research enterprise depends critically on recruiting and retaining the best scientists and technicians. An important element is maintaining NOAA's reputation as a place where topnotch scientists can pursue world-class research while solving problems that are directly relevant to our society. Another element is cultivating future scientists through improved science education, which also has many wider benefits for communities and businesses.

There are a number of opportunities to better integrate research across NOAA and with its external partners, and to more effectively translate science into useful products for decisionmakers, research managers, and the public. Timely information about the ocean, the atmosphere, and marine ecosystems is increasingly important for both individuals and companies, whether it's in the form of better weather forecasts or assessments of the health of coastal ecosystems and fisheries.

Mr. Chairman, members of the Committee, if confirmed, I look forward to working with you on ensuring that NOAA is generating and using the highest quality science and in a timely fashion.

Thank you for your attention, and I welcome any questions.

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

PREPARED STATEMENT OF SCOTT DONEY, PH.D., CHIEF SCIENTIST-DESIGNATE,  
NOAA, U.S. DEPARTMENT OF COMMERCE

Chairman Rockefeller, Ranking Member Hutchinson, and honorable members of the Committee, thank you for the opportunity today to speak with you. I am honored and humbled to be here as President Obama's nominee for Chief Scientist of the National Oceanic and Atmospheric Administration. I also would like to acknowledge Secretary Locke and Under Secretary Lubchenco for their gracious support of my nomination.

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There are also opportunities to better integrate research across NOAA and with its external partners and to more effectively translate science into useful products for decisionmakers, resource managers, and the public. Timely information about the ocean, atmosphere and marine ecosystems is increasingly important for both individuals and companies, whether it is in the form of improved weather forecasts or assessments of the health of coastal ecosystems and fisheries.

Mr. Chairman and members of the Committee, if confirmed, I look forward to working with you on ensuring that NOAA is generating and using the highest quality science in a timely fashion.

Thank you for your attention, and I welcome any questions.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Scott Christopher Doney.  
2. Position to which nominated: Chief Scientist, National Oceanic and Atmospheric Administration.

3. Date of Nomination: August 5, 2010.

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

Residence: Information not released to the public.

Office: Woods Hole Oceanographic Institution, 266 Woods Hole Road, Woods Hole, MA 02543.

5. Date and Place of Birth: September 8, 1964; Redondo Beach, CA.

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—Andrea Diane Gosselin, President, Cape Structural Consultants; son—Grant Arthur Doney, 12.

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

University of California, San Diego, BA, Chemistry, June 1986.

Massachusetts Institute of Technology/Woods Hole Oceanographic Institution Joint Program, PhD, Chemical Oceanography, September 1991.

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

Woods Hole Oceanographic Institution, Department of Marine Chemistry and Geochemistry, Woods Hole, MA: Associate Scientist with tenure (2002–2005); Senior Scientist (2005 to present).

National Center for Atmospheric Research, Climate and Global Dynamics Division, Boulder, CO: Advanced Study Program Postdoctoral Fellow (1991–1993); Scientist I (1993–1997); Scientist II (1997–1999); Scientist III (tenured) (1999–2002);.

Massachusetts Institute of Technology/Woods Hole Oceanographic Institution Joint Program, Cambridge and Woods Hole, MA: NSF Graduate Fellow (1987–1990); Graduate Research Assistant WHOI and MIT (1986–1987; 1990–1991).

9. Attach a copy of your resume. A copy is attached.

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

*National Science Program Leadership*

Ocean Carbon and Biogeochemistry (OCB) Program (NSF, NASA & NOAA):

- Scientific Steering Committee, Chair (inaugural), 2006 to present
- PIOC Project Office, 2006 to present

Community Climate System Model (CCSM) (NSF and DOE):

- Co-Chair Biogeochemistry Working Group, 1998–2007
- Scientific Steering Committee, 2002 to present

U.S. Carbon Cycle Science Program (U.S. Global Change Research Program and Interagency Working Group):

- Scientific Steering Group, 2002 to present
- Chair of Ocean Carbon and Climate Change (OCCC) Scientific Steering Group, 2005 to present

CLIVAR/CO<sub>2</sub> Repeat Hydrography Scientific Steering Committee (NOAA and NSF), 2002 to present

Ocean Acidification Task Force (OATF) formed by the Ocean Research and Resources Advisory Panel (ORRAP) (a United States Federal Advisory Committee), taskforce member, 2010 to present

*National Science Foundation*

Geosciences Directorate, GEO Vision working group, 2006–2008

Geosciences Directorate Assistant Director, Search Committee, 2007

*National Oceanic and Atmospheric Administration*

Pacific Marine Environmental Laboratory (PMEL), external reviewer 2008

Office of Global Programs, Global Carbon Cycle program science panel, 2006–2008

*National Aeronautics and Space Administration*

Aerosol-Cloud-Ocean Mission Concept Study Science Working Group, 2007

*National Research Council*

Committee Member, “Development of an Integrated Science Strategy for Ocean Acidification Monitoring, Research, and Impacts Assessment,” National Research Council Ocean Studies Board, 2009–2010

Committee Member, “Stabilization Targets for Atmospheric Greenhouse Gas Concentrations” National Research Council Board of Atmospheric Sciences and Climate, 2009 to present

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

The Oceanography Society, Council Member (at-large representative), 2009 to present

Communication Partnership for Science and the Sea (COMPASS):

- Science Advisor, 2009 to present
- COMPASS Climate Initiative, Co-Chair, 2009 to present

Sea Education Association (SEA), Corporation overseer, 2006 to present; Distinguished Lecturer, 2006–2007; Trustee, 2009 to present

American Geophysical Union

- Search Committee, James B. Macelwane Medal, 2007 and 2008
- Search Committee, Editor for *Global Biogeochemical Cycles*, 2004

- *Journal of Geophysical Research, Biogeosciences*, Associate Editor, 2004 to present  
Ecosystems Center, External Review Committee Member, the Marine Biological Laboratory, Woods Hole, 2009  
American Institute of Physics *Physics Today*, Advisory Committee Member, 2009–2012  
European Geophysical Union *Ocean Science*, Editorial Advisory Board, 2009 to present  
Faculty of 1000, Member Ecology Section, *www.facultyof1000.com*, 2004 to present  
AAAS *Science* magazine, Board of Reviewing Editors, 2007 to present  
Princeton University Press, external reviewer of a textbook, 2009  
Gordon and Betty Moore Foundation, organized science meeting on ocean acidification, 2009  
Agouron Institute, external reviewer for science program, 2006

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

- American Geophysical Union, 1988 to present (member; also see above)
- The Oceanography Society, 1990 to present (member; also see above)
- American Meteorological Society, 1992 to present
- American Society of Limnology and Oceanography, 2008 to present
- American Association for the Advancement of Science, 2007 to present, (member; also see above)
- Sigma Xi, 2010 to present
- USA Swimming, meet official, 2007 to present
- U.S. Masters Swimming, 2005 to present
- CPR Trainer (volunteer), Falmouth Fire Department, Falmouth MA, 2002 to present
- Louisville Volunteer Fire Department, Louisville CO, 1993–2002 (firefighter, training officer, medical coordinator, treasurer, membership committee)
- U.S. Coast Guard Auxiliary (Woods Hole Station flotilla), 2002–2004

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

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

- Barack Obama—\$1,000, 6/8/2007 (spouse)
- John Kerry—\$500, 8/6/2004 (spouse)
- John Kerry—\$250, 1/20/2004 (self)

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

- W. Van Alan Clark Sr. Chair, Woods Hole Oceanographic Institution, 2007
- American Geophysical Union, Editor's Citation for Excellence in Refereeing, *Global Biogeochemical Cycles*, 2005
- Aldo Leopold Leadership Program, Fellow, 2004
- Ocean and Climate Change Institute (OCCI) Fellow, Woods Hole Oceanographic Institution, 2003–2006
- James B. Macelwane Medal, American Geophysical Union, 2000
- Fellow, American Geophysical Union, 2000
- Outstanding Student Poster Award, American Geophysical Union, 1990
- National Science Foundation Graduate Fellowship, 1987–1990

Urey Award, Department of Chemistry, University of California at San Diego, 1986

Phi Beta Kappa, 1986

University of California at San Diego Alumni Scholarship, 1983–1984

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

See attached lists of publications and speeches.

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

U.S. House of Representatives Testimony, Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on “The Federal Ocean Acidification Research and Monitoring Act: H.R. 4174” (June 2008).

U.S. Senate Testimony, Committee on Commerce, Science, and Transportation, Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, hearing on “*Effects of Climate Change and Ocean Acidification on Living Marine Resources*” (May 2007).

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

My experience as a working research scientist, educator, and leader in the ocean science community position me well for the Chief Scientist job at NOAA. I have a strong interdisciplinary background that will allow me to guide and help integrate ocean, atmosphere and ecosystem science across the agency. My scientific career began as a graduate student at the Woods Hole Oceanographic Institution (WHOI) where I studied ocean chemistry and oceanographic field research. I benefited greatly from a decade spent at the National Center for Atmospheric Research (NCAR), where I was trained and worked on ocean and atmospheric modeling and Earth observing systems. Today I lead a vigorous research group at WHOI that combines laboratory and field studies, numerical models, and satellite remote sensing to address relevant societal problems. The central focus of my research is the cycling of carbon in its many forms within the ocean and between the ocean, atmosphere and land biosphere. Along the way, I have also been involved in studies on marine and terrestrial ecosystems, ocean and atmosphere physics, climate, and most recently environmental economics.

Over the last two decades, I explored the physical, chemical and biological controls on ocean carbon, with the overall goal of building improved predictive models. The chemistry of the sea can strongly influence marine life and ecosystems, which led me to my present research on drawing the linkages from ocean chemistry to fisheries to human communities and social and economic impacts. These research skills are directly relevant to a range of topical issues confronting NOAA and the nation, such as the Gulf of Mexico oil spill where key questions surround understanding the transport and fate of organic contaminants and identifying acute and chronic ecosystem degradation. My research on ocean acidification also illustrates my emphasis on making science accessible for the public and decisionmakers through articles and lectures for popular audiences. For example, ocean acidification has received increased public visibility due to recent dramatic production declines for U.S. West Coast oyster hatcheries, and I have been actively involved in outreach with shellfish growers on identifying causes and building solutions.

I have a good perspective on the challenges and opportunities for NOAA research scientists both from my external view as an academic scientist and from an internal view from my interactions with NOAA staff. I have worked closely with a number of science groups within NOAA, including as joint leader of two oceanographic research expeditions on NOAA ships. Recently I was part of an external review committee for one of the premier NOAA science laboratories. I have held leadership positions in national science professional organizations (e.g., Councilor of The Oceanography Society) and national and international science programs. In particular, I led the effort to build a grass-roots ocean science program, the Ocean Carbon and Biogeochemistry (OCB) program, that now coordinates and facilitates marine research by investigators working with NASA, NSF and NOAA. I also have long-term experience on the science steering group that works with the Federal inter-agency working group on carbon cycle science. At the international level, I have extensive experience

coordinating U.S. ocean carbon research with colleagues from Europe and other countries through different international science organizations.

The NOAA Chief Scientist helps guide NOAA's education and workforce training initiatives. A significant part of my current responsibilities include teaching and mentoring students and young scientists at WHOI and other institutions. As an example, over the last several years I have been part of an NSF Science and Technology Center based out of the University of Hawaii. The Center for Microbial Oceanography Research and Education (C-MORE) is developing innovative curriculum for primary and secondary education as well as programs to increase participation in ocean science by under-represented minorities, in particular Hawaiians and Pacific Islanders.

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

Effective management of the NOAA research enterprise is an important responsibility of the NOAA Chief Scientist and the rest of the NOAA senior management team. If confirmed, I will work through existing structures like the NOAA Research Council, I will work to see that the highest quality research is conducted at NOAA, that the best science is used for stewardship decisions and in creating products for the public, and that research plans match the needs across the agency.

Over my career, I have led numerous research studies and have served as the lead scientist on several large, multi-institutional research grants. These projects have required me to manage personnel both at my home institution and at other academic institutions across the country. Typical projects range in size from a half dozen to two dozen participants, and typical grant sizes are \$500,000 to \$2,000,000. While at NCAR, I led the NCAR-wide Biogeosciences Initiative that allocated research resources and coordinated activities linking biology, climate and the carbon and water cycles. Currently I chair the scientific steering committee and lead the project office for the Ocean Carbon and Biogeochemistry (OCB) program. The OCB program helps coordinate and facilitate the research of several hundred U.S. ocean scientists by holding topical science workshops and developing outreach products.

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

There are a number of opportunities for improving aspects of NOAA's mission that are currently working well while at the same time expanding NOAA's capabilities in other areas to reflect changing demands for science, service and stewardship related to the ocean and atmosphere. A first challenge is sustaining the quality of the NOAA research effort and maintaining a strong science work force. The long-term health of science at NOAA depends on recruiting and retaining world-class scientists and technicians. This requires innovative approaches for providing scientists with appropriate career-long training, mentoring, and research and management opportunities. It also means working through NOAA and other science education programs to develop a pipeline of prepared young scientists and tapping into a more diverse work force.

A second challenge is integrating NOAA's research efforts across the agency and with external partners. Research is spread over several NOAA line offices, and science is central to the activities in all of the line offices. A key task is to ensure that the mechanisms already in place like the NOAA Research Council are working well and to explore other cross-agency approaches for integrating science to stewardship and service. Further, NOAA's pivotal role in environmental science requires strong linkages with other Federal science agencies (*e.g.*, NSF, NASA, USGS, DOE, ONR, etc.) and international partners. An ongoing issue that involves both internal and external relationships is how best to transition Earth observations that are often started as exploratory research projects into the operational observing systems that are critical for environmental predictions and services.

A third challenge is effectively translating the knowledge gained from NOAA's research, observations and predictions into useful products for decisionmakers, environmental resource managers, and the public. This involves a two-way dialogue between scientists and stakeholder groups to determine what research information is available versus what is needed by stakeholders, effective approaches for communicating this information, and new research directions to address unresolved needs.

#### B. POTENTIAL CONFLICTS OF INTEREST

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

TIAA/CREF Retirement Account

Defined benefit retirement plan from Woods Hole Oceanographic Institution  
 Vanguard retirement account (spouse)  
 Morgan Stanley retirement account (spouse)

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

If confirmed, I have arranged for a leave of absence from Woods Hole Oceanographic Institution while I am employed at the National Oceanic and Atmospheric Administration.

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 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

While at NCAR, I participated in a Science, Engineering and Technology Congressional Visits Day (either spring 2000 or spring 2001), where I met with staff from the House Science committee for a discussion on ocean numerical models and high-performance science computing.

As a scientist at the Woods Hole Oceanographic Institution, I have been asked on two occasions to testify before congressional committees to discuss ocean acidification and other topics related to my research (see Question A.17). I have also on occasion met with Members of Congress and staff at their request to discuss my research.

In April, 2009, I presented separate briefings for staff of the Congressional Research Service, House Appropriations Committee, and White House Office of Management and Budget on the topic of ocean acidification.

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

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

#### C. LEGAL MATTERS

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

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

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

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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



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

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

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RESUME OF SCOTT C. DONEY

*Senior Scientist*

Department of Marine Chemistry and Geochemistry MS 25  
Woods Hole Oceanographic Institution  
266 Woods Hole Road  
Woods Hole, MA 02543

**Education**

Ph.D. Chemical Oceanography, September 1991, Massachusetts Institute of Technology—Woods Hole Oceanographic Institution Joint Program, Woods Hole, MA 02543

Thesis titled: “A Study of North Atlantic Ventilation Using Transient Tracers” (Dr. William J. Jenkins, advisor)

B.A. Chemistry (*magna cum laude*), Japanese Studies Minor, 1986, Revelle College, University of California at San Diego, La Jolla, CA 92093

**Professional Experience**

Woods Hole Oceanographic Institution, Dept. of Marine Chemistry and Geochemistry, Woods Hole, MA: Associate Scientist with tenure (2002–2005); Senior Scientist (2005–present).

National Center for Atmospheric Research, Climate and Global Dynamics Division, Boulder, CO: Scientist I (1993–1997); Scientist II (1997–1999); Scientist III (tenured) (1999–2002); Advanced Study Program Postdoctoral Fellow (1991–1993).

Massachusetts Institute of Technology/Woods Hole Oceanographic Institution Joint Program, Cambridge and Woods Hole, MA: NSF Graduate Fellow (1987–1990); Graduate Research Assistant WHOI and MIT (1986–1987; 1990–1991).

Friday Harbor Laboratories, Student Participant in Ocean Circulation and Biogeochemical Cycles, summer short-course, instructors J. Sarmiento and P. Rhines, (1990).

University of California at San Diego, Chemistry Department, La Jolla, CA: Grader (1984–1985); Teaching Assistant, Organic Chemistry (1985–1986).

Goddard Institute for Space Studies, NASA, New York, NY: Summer Intern (1985).

Sea Education Association, Woods Hole, MA: Student Class W–76, (1984).

**Professional Affiliations**

American Geophysical Union  
The Oceanography Society  
American Meteorological Society  
American Society of Limnology and Oceanography

**Research Interests**

Marine biogeochemistry and ecosystem dynamics  
Ocean acidification  
Global carbon cycle  
Climate change

**Academic Honors**

W. Van Alan Clark Sr. Chair, Woods Hole Oceanographic Institution, 2007  
American Geophysical Union, Editor’s Citation for Excellence in Refereeing, *Global Biogeochemical Cycles*, 2005

Aldo Leopold Leadership Program, Fellow, 2004  
Ocean and Climate Change Institute (OCCI) Fellow, Woods Hole Oceanographic Institution 2003–2006

James B. Macelwane Medal, American Geophysical Union, 2000

Fellow, American Geophysical Union, 2000

Outstanding Student Poster Award, American Geophysical Union, 1990

National Science Foundation Graduate Fellowship, 1987–1990

Urey Award, Dept. of Chemistry, University of California at San Diego, 1986

Phi Beta Kappa, 1986

University of California at San Diego Alumni Scholarship, 1983–1984

### **External Professional Activities**

#### *National and International Science Program Leadership*

Ocean Carbon and Biogeochemistry (OCB) Program (NSF, NASA and NOAA):

Scientific Steering Committee, Chair (inaugural), 2006–present  
PI OCB Project Office, 2006–present

Community Climate System Model (CCSM):

Co-Chair Biogeochemistry Working Group, 1998–2007  
Scientific Steering Committee, 2002–present

U.S. Carbon Cycle Science Program:

Scientific Steering Group, 2002–present  
Chair of Ocean Carbon and Climate Change (OCCC) Scientific Steering Group, 2005–present  
Chair of Ocean Implementation Group, 2002–2004

C–MORE, Center for Microbial Oceanography, Research, and Education (NSF Science and Technology Center):

Science Team Member, 2006–present  
Theme IV (Modeling) Team Leader, 2006–present  
Executive Committee, 2006–present

CLIVAR/CO 2 Repeat Hydrography Scientific Steering Committee, 2002–present  
World Ocean Circulation Experiment (WOCE), U.S. Scientific Steering Committee, 1997–2002

Joint Global Ocean Flux Study (JGOFS):

U.S. Synthesis and Modeling Project, Co-coordinator, 1997–2005  
U.S. Scientific Steering Committee, 1993–2003  
U.S. and International North Atlantic Planning Groups, 1994–1996  
U.S. Time-Series Oversight Committee, 1996

#### *Editorial Service*

American Institute of Physics *Physics Today*, Advisory Committee Member, 2009–2012

EGU *Ocean Science*, Editorial Advisory Board, 2009–present

Faculty of 1000, Member Ecology Section, *www.facultyof1000.com*, 2004–present

AAAS *Science* magazine, Board of Reviewing Editors, 2007–present

Journal Editor:

*Journal of Geophysical Research, Biogeosciences*, Associate Editor, 2004–present

*Global Biogeochemical Cycles*, Associate Editor, 2002–2004

*Reviews of Geophysics*, Associate Editor, 1997–2001

Guest Editor for Special Issues:

Surface Ocean CO<sub>2</sub> Variability and Vulnerabilities, *Deep-Sea Res. II*, 56 (8–10), 2009

U.S. JGOFS Synthesis and Modeling III, *Deep-Sea Res. II*, 53 (5–7), 2006

U.S. JGOFS Synthesis and Modeling II, *Deep-Sea Res. II*, 50 (22–26), 2003

U.S. JGOFS Synthesis and Modeling, *Deep-Sea Res. II*, 49 (1–3), 2002

#### *National Science Foundation*

Geosciences Directorate, GEO Vision working group, 2006–2008

Geosciences Directorate Assistant Director Search Committee, 2007

Ocean Information Technology Initiative working group, 2003–2004

Ocean Carbon Cycle Research (OCCR) planning group, 2001–2003

Ocean Carbon Transport, Exchanges and Transformations planning group, 1999–2000

#### *National Oceanic and Atmospheric Administration*

Pacific Marine Environmental Laboratory (PMEL), external reviewer 2008

Office of Global Programs, Global Carbon Cycle program advisory panel, 1999–2002 and 2006–present

Carbon Observations Planning Group, 1999–2001

CIMAS Visiting Scholar, University of Miami and NOAA/AOML, 1996

*National Aeronautics and Space Administration*

Orbiting Carbon Observatory (OCO) Mission Science Team, 2002–2009 and Atmospheric CO<sub>2</sub> from Space (ACOS) team, 2009–present  
SeaWiFS and Ocean Color Science Teams, 1997–present  
Aerosol-Cloud-Ocean Mission Concept Study Science Working Group, 2007

*National Research Council*

Committee Member, “Development of an Integrated Science Strategy for Ocean Acidification Monitoring, Research, and Impacts Assessment,” National Research Council Ocean Studies Board, 2009–2010

Committee Member, “Stabilization Targets for Atmospheric Greenhouse Gas Concentrations” National Research Council Board of Atmospheric Sciences and Climate, 2009–2011

*Congressional Testimony*

U.S. House of Representatives Testimony, Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on “*The Federal Ocean Acidification Research and Monitoring Act: H.R. 4174*” (June, 2008)

U.S. Senate Testimony, Committee on Commerce, Science and Transportation, Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, hearing on “*Effects of Climate Change and Ocean Acidification on Living Marine Resources*” (May, 2007)

*American Geophysical Union*

Search Committee, James B. Macelwane Medal, 2007 and 2008  
Search Committee, Editor for Global Biogeochemical Cycles, 2004

*The Oceanography Society*

Council Member (at-large representative), 2009–2012

*Non-profit Organizations*

Communication Partnership for Science and the Sea (COMPASS), Science Advisor, <http://www.compassonline.org/>, 2009–present

Sea Education Association (SEA), Corporation overseer, 2006–present; Trustee, 2009–present

*Other*

H. Burr Steinbach Visiting Scholar, Woods Hole Oceanographic Institution, 2000  
NCAR Biogeosciences Initiative, Project Lead, 2001–2002

Ecosystems Center, External Review Committee Member, the Marine Biological Laboratory, Woods Hole, 2009

**WHOI Institutional Activities**

MIT/WHOI Joint Committee on Chemical Oceanography (JCCO), 2003–2007

WHOI Director and President Search Committee, 2006–2007

WHOI Information Technology Advisory Committee (ITAC), 2002–2006

WHOI Marine Chemistry and Geochemistry Dept. Faculty Hiring Committee, Chair, 2003

WHOI Ocean and Climate Change Institute (OCCI), Institute Advisory Committee, 2003–2006

WHOI Marine Chemistry and Geochemistry Dept., Faculty Mentorship Committees: Mak Saito, Chair; Dierdre Toole; Karen Casciotti; Rachel Stanley

**Field Experience**

Undergraduate student on Sea Education Association research cruise on SSV *Westward* (W-76), Sargasso Sea and western North Atlantic, Chief Scientist Mary Farmer; May and June, 1984.

At sea analysis of perfluorodecaline and SF<sub>6</sub> on Santa Monica Basin Purposeful Tracer Release Experiment, R/V *New Horizon* and R/V *Robert Gordon Sproul*, Chief Scientist Jim Ledwell; Sept. 1985.

Deployment and retrieval of *in-situ* particle pumping system and sediment trap array from R/V *Weatherbird*, Bermuda, Chief Scientist Robert Sherrell; Sept. 1987.

Collection and analysis of chlorofluorocarbon, tritium, and <sup>3</sup>He samples on Oceanus Cruise 202, a hydrographic section from Iceland to equator along 20°W, R/V *Oceanus*, Chief Scientist Mike McCartney; July and August, 1988.

Collection of tritium and <sup>3</sup>He samples for Leg 6 of South Atlantic Ventilation Experiment, R/V *Melville*, Chief Scientist Lynne Talley; March and April, 1989.

Co-Chief Scientist, NOAA 1993 North Atlantic CO<sub>2</sub> Cruise, R/V *Malcolm Baldrige*, Chief Scientist Rik Wanninkhof; July, 1993.

Co-Chief Scientist, World Ocean Circulation Experiment leg I7N in western Indian Ocean, R/V *Knorr*, Chief Scientist Don Olson; July and August, 1995.

Collection of *Trichodesmium* samples for physiological and genomic analysis, NSF N<sub>2</sub> Fixation Biocomplexity Cruise (MANTRA), North Pacific, R/V *Revelle*, Chief Scientist Doug Capone, August, 2003.

Chief Scientist, A16S, CLIVAR/CO<sub>2</sub> Repeat Hydrography Program, R/V *Ronald H. Brown*, South Atlantic, (joint Chief Scientist w/Rik Wanninkhof), Jan. and Feb. 2005.

### Teaching and Mentoring

Graduate Student Advisor, MIT/WHOI Joint Program:

*Pre-generals advisor*: Andrew McDonnell (Chemistry, 2005–2007), Holly Moeller (Biology, 2008–2009)

*Thesis advisor*: Annette Hynes (Biology, Ph.D., 2009); Naomi Levine (Chemistry, Ph.D., 2009)

Postdoctoral Advisor/Co-Advisor:

*NCAR*: Julia Lee (1996–1997), Montse Fuentes (1998), J. Keith Moore (1999–2002), Ivan Lima (1999–2002), Roger Dargaville (2000–2002), David Baker (2000–2002)

*WHOI*: Dierdre Toole (2003–2005), Irina Marinov (2007–2008), Nathalie Goodkin (2007–2008), Sarah Cooley (2007–present), Paulo Calil (2009–present), Yawei (Wayne) Luo (2009–present), Annette Hynes (2009–present)

Thesis Committee Member (other than as advisor/co-advisor):

*MIT/WHOI Joint Program*: Rachel Stanley (Ph.D., 2007), Nathalie Goodkin (Ph.D., 2007), Louie Wurch

*Other*: Nan Rosenbloom (Ph.D., U Colorado, Boulder, 1997), Sarah Zedler (M.S., UC Santa Barbara, 1999)

Visiting Graduate Student Advisor:

*NCAR*: Camilla Geels (U. Copenhagen, Denmark, 2000–2001)

*WHOI*: David Nicholson (U. Washington, 2009)

Overseas External Examiner, Carolyn Walker (Ph.D., 2009), U. Otago, Dunedin, New Zealand

External Thesis Supervisor, Claudine Hauri, ETH Zurich, Zurich Switzerland

MIT/WHOI Joint Program Thesis Defense Chair: Phoebe Dreux Chappell (Ph.D., 2009)

Undergraduate Summer Student Advisor:

*UCAR-SOARS program*: Kiesha Stevens (1996) and Sharon Perez (1998)

*WHOI Summer Student Fellows*: Allis Wallis (2004), Nora Xu (2009)

*Other*: Nicole Benoit (Co-op student, U. Pittsburgh, 3 semesters, 2007–2008), Hannah Lee (NOAA Hollings Scholar, 2008)

Graduate teaching, U. Colorado, Boulder:

ATOC 5225 Thermodynamics of Atmospheres and Oceans, Fall, 1998

GEOL/EPOB 5700–2 Carbon, Climate and Society: Spring, 2001; Fall, 2001; Spring, 2002

Graduate teaching, MIT/WHOI Joint Program:

12.747 Modeling, Data Analysis, and Numerical Techniques for Geochemistry, Fall 2002, Fall 2004; Fall 2006; Fall 2008

12.759 Special Topics in Marine Chemistry Seminar: Spring 2004

12.742 Marine Chemistry: annually Fall 2004–2008

(published Open Course Ware notes for Marine Chemistry: [http://ocw2.mit.edu/OcwWeb/Earth\\_Atmospheric\\_and-Planetary-Sciences/12-742Fall2006/CourseHome/index.htm](http://ocw2.mit.edu/OcwWeb/Earth_Atmospheric_and-Planetary-Sciences/12-742Fall2006/CourseHome/index.htm)).

7.430 Topics in Quantitative Marine Science: Ocean Biological-Physical Interaction, Spring 2006.

Graduate Student Workshops: MSRI-NCAR Summer Workshop on Carbon Data Assimilation, Organizer with I. Fung and D. Schimel, Berkeley CA, July 2006.

Undergraduate Teaching, Sea Education Association (SEA), Woods Hole MA:

Distinguished Lecturer, SEA Oceans and Climate Program: Fall 2006, Fall 2007, Fall 2009.

Lecturer on carbon cycle, ocean modeling and ocean acidification, Spring 2008, Fall 2008, Spring 2009.

Adjunct faculty, University of Colorado, Boulder: Geology (1997–2002), Aerospace Engineering (1998–2002), Environmental Sciences (2000–2002).

#### **Publications for General Public (Total of 8)**

(papers denoted by \* first authored by supervised graduate student or postdoctoral researcher)

Doney, S.C., 2006: The dangers of ocean acidification. *Scientific American*, 294(3), March 2006, 58–65. (republished in German as “Das Meer wird sauer” in *Spektrum der Wissenschaft*, June 2006).

Doney, S.C. and N.M. Levine, 2006: How long can the ocean slow global warming? *Oceanus*, Woods Hole Oceanographic Institution, (<http://www.whoi.edu/oceanus/index.do>).

\*Goodkin, N. and S. Doney, 2007: Global calcification after ocean acidification, *Meridian*, Bermuda Institute of Ocean Sciences, 2(2), 12–13.

Buesseler, K., S. Doney, and H. Kite-Powell, 2008: To fertilize, or not to fertilize, *Oceanus*, 46(1), Jan. 2008, 3.

Buesseler, K., S. Doney, and H. Kite-Powell (ed.), 2008: Should we fertilize the ocean to reduce greenhouse gases? *Oceanus*, 46(1), Jan. 2008, 27pp.

Pidgeon, E. and S.C. Doney, 2008: The role of the oceans, Chapter 8 (pp 246–276), in *A Climate for Life, Meeting the Global Challenge*, R.A. Mittermeier *et al.*, CEMEX Conservation Book Series, with Conservation International and the International League of Conservation Photographers, ISBN 978–0–9818321.

Doney, S.C., 2008: Ocean acidification, essay in *Ocean: An Illustrated Atlas (National Geographic Atlas)* by S.A. Earle and L.K. Glover, National Geographic, Washington, D.C., p. 39, ISBN 978–1426203190.

Doney, S.C., 2009: Ocean acidification, *Flotsam & Jetsam*, Massachusetts Marine Educators, 38, Issue 1 (Summer 2009), 1–15, [www.massmarineeducators.org](http://www.massmarineeducators.org).

#### **Publications in Refereed Journals (Total of 152)**

(papers denoted by \* first authored by supervised graduate student or postdoctoral researcher)

Doney, S.C. and W.J. Jenkins, 1988. The effect of boundary conditions on tracer estimates of thermocline ventilation rates. *J. Mar. Res.*, 46, 947–965.

Doney, S.C., D.M. Glover, and W.J. Jenkins, 1992. A model function of the global bomb-tritium distribution in precipitation, 1960–1986. *J. Geophys. Res., Oceans*, 97, 5481–5492.

Doney, S.C. and J.L. Bullister, 1992. A chlorofluorocarbon section in the eastern North Atlantic. *Deep-Sea Res.*, 39, 1857–1883.

Doney, S.C., 1992. Bomb tritium in the deep North Atlantic. *Oceanography*, 5, 169–170.

Doney, S.C., W.J. Jenkins, and H.G. Östlund, 1993. A tritium budget for the North Atlantic, observations and model results. *J. Geophys. Res., Oceans*, 98, 18,069–18,081.

Doney, S.C. and W.J. Jenkins, 1994. Ventilation of the deep western boundary current and the abyssal western North Atlantic: estimates from tritium and <sup>3</sup>He distributions. *J. Phys. Oceanogr.*, 24, 638–659.

Doney, S.C., 1994. Irreversible thermodynamic coupling between heat and mass fluxes across a gas/liquid interface. *J. Chem. Society, Faraday Trans.*, 90, 1865–1874.

Large, W.G., J.C. McWilliams, and S.C. Doney, 1994. Oceanic vertical mixing: A review and a model with a nonlocal boundary layer parameterization. *Rev. Geophys.*, 32, 363–403.

Doney, S.C., R.G. Najjar, and S. Stewart, 1995. Photochemistry, mixing, and diurnal cycles in the upper ocean. *J. Mar. Res.*, 53, 341–369.

Doney, S.C., 1995. Irreversible thermodynamics and air-sea exchange. *J. Geophys. Res., Oceans*, 100, 8541–8553.

Doney, S.C., 1995. Comment on “Experimental demonstration of coupling of heat and matter fluxes at a gas-water interface” by Leon F. Phillips. *J. Geophys. Res., Atmospheres*, 100, 14,347–14,350.

Doney, S.C., D.M. Glover, and R.G. Najjar, 1996. A new coupled, one-dimensional biological—physical model for the upper ocean: applications to the JGOFS Bermuda Atlantic Time Series (BATS) site. *Deep-Sea Res. II*, 43, 591–624.

Ayotte, K.W., P.P. Sullivan, A. Andren, S.C. Doney, A.A.M. Holtslag, W.G. Large, J.C. McWilliams, C.-H. Moeng, M.J. Otte, J.J. Tribbia, and J.C. Wyngaard, 1996. An evaluation of neutral and convective planetary boundary-layer parameterizations relative to large eddy simulations. *Bound. Layer Meteorol.*, 79, 131–175.

Doney, S.C., 1996. A synoptic atmospheric surface forcing data set and physical upper ocean model for the U.S. JGOFS Bermuda Atlantic Time-Series Study (BATS) site. *J. Geophys. Res., Oceans*, 101, 25,615–25,634.

Doney, S.C., 1997. The ocean's productive deserts. *Nature*, 389, 905–906.

Doney, S.C., W.J. Jenkins, and J.L. Bullister, 1997. A comparison of ocean tracer dating techniques on a meridional section in the eastern North Atlantic. *Deep-Sea Res. I*, 44, 603–626.

Large, W.G., G. Danabasoglu, S.C. Doney, and J.C. McWilliams, 1997. Sensitivity to surface forcing and boundary layer mixing in a global ocean model: annual-mean climatology. *J. Phys. Oceanogr.*, 27, 2418–2447.

\*Howell, E.A., S.C. Doney, R.A. Fine, D.B. Olson, 1997. Geochemical estimates of denitrification rates for the Arabian Sea and Bay of Bengal during WOCE. *Geophys. Res. Lett.*, 24, 2549–2552.

Keeling, R.F., B.B. Stephens, R.G. Najjar, S.C. Doney, D. Archer, M. Heimann, 1998. Seasonal variations in the atmospheric O<sub>2</sub>/N<sub>2</sub> ratio in relation to the kinetics of air-sea gas exchange. *Global Biogeochem. Cycles*, 12, 141–163.

Doney, S.C., J.L. Bullister, and R. Wanninkhof, 1998. Climatic variability in upper ocean ventilation diagnosed using chlorofluorocarbons. *Geophys. Res. Lett.*, 25, 1399–1402.

Gent, P.R., F.O. Bryan, G. Danabasoglu, S.C. Doney, W.R. Holland, W.G. Large, J.C. McWilliams, 1998. The NCAR Climate System Model global ocean component. *J. Climate*, 11, 1287–1306.

Doney, S.C., W.G. Large, and F.O. Bryan, 1998. Surface ocean fluxes and water-mass transformation rates in the coupled NCAR Climate System Model. *J. Climate*, 11, 1420–1441.

\*Lee-Taylor, J.M., S.C. Doney, G. Brasseur, and J.-F. Muller, 1998. A global three-dimensional atmosphere-ocean model of methyl bromide distributions. *J. Geophys. Res.*, 103, 16,039–16,059.

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The CHAIRMAN. Thank you very much.

And now we will go to you, Mr. Cordero.

All of your statements are automatically a part of the record.

**STATEMENT OF MARIO CORDERO, FEDERAL MARITIME COMMISSIONER-DESIGNATE**

Mr. CORDERO. Good afternoon, Mr. Chairman, Ranking Member Hutchison, and members of the Committee.

I'm honored to have the opportunity to appear before you this afternoon as President Obama's nominee to serve as Commissioner on the Federal Maritime Commission. And I thank Chairman Lidinsky for his support.

If confirmed by the Senate, I look forward to supporting the mission of the Federal Maritime Commission, to promote a fair and efficient and reliable international ocean transportation system, and to protect the public from unfair and deceptive practices.

Before I proceed, I would like to introduce my wife, Gloria Cordero. We have been married 36 years, and Gloria has been a large factor in my personal success and achievements. We are blessed to have two wonderful children, now of adult age, as well, and well into their respective professions. Our daughter, who's also here, Celine Cordero, is a lawyer. And our son, Mario, is an educator. And we're also proud to have two grandchildren, Cruz and Santos, and a third is on its way.

I graduated from the University of Santa Clara Law School, and I'm in my 30th year of the practice of law. For the past 7 years, I have served on the Board of Harbor Commissioners for the Port of Long Beach, having served one term as President and two terms as Vice President.

The Port of Long Beach is one of America's premier seaports and a leader in promoting international trade and environmental stew-

ardship. This port is also the second-largest container port in the Nation and, together with the Port of Los Angeles, is the Nation's largest port complex.

The port's gross operating revenues, for Fiscal Year 2009, which was a down year, was \$311.4 million. The value of trade that moves through the Port of Long Beach on an annual basis is estimated at \$120 billion. For year 2009, the port handled in excess of 132 million tons of cargo. The port supports 30,000 jobs in the City of Long Beach and, it's estimated, 300,000 jobs in the southern California region.

In 2009, the readers of *Cargoneews Asia* named the Port of Long Beach as the best seaport in North America for the 5th consecutive year and the 13th time in the past 14 years.

My service at the Port of Long Beach has provided me with first-hand experience in the areas of international trade, goods movements, intermodal transportation, and marine terminal operations. The port is a focal point of the Nation's largest liner trade lane, the Transpacific.

In the global economy of today, it is paramount to have strong and open dialogue with international carriers, shippers, and parties of interest in relation to foreign commerce. In the scope of my duties as a Harbor Commissioner, I've engaged in numerous trade missions to Asia, Europe, and Latin America. These missions involved meetings with the major international vessel operating carriers in order to learn more about their issues related to logistics and cost.

In that capacity, I've also helped to pioneer the Green Port policy, at the Port of Long Beach. The policy, which was formally adopted in January 2005 by the Board of Harbor Commissioners, was a bold step at that time, but, today, represents a mainstream approach in both the domestic and international maritime communities. In order for the United States to compete in the global market, it is essential to further efficient maritime operations and the corresponding goods movement transportation chain.

If confirmed by the Senate, I am eager to put my experience to work on behalf of the Federal Maritime Commission. The Commission's work is vital in assisting the economic recovery by facilitating international trade through the Nation's ports, as well as supporting increases in the efficiency and sustainability of shipping and port operations.

On a closing note, I again thank President Obama for his nomination to serve on the Federal Maritime Commission, and the Committee, for allowing me, this afternoon, to appear before you.

I will welcome any questions you may have.

Thank you very much, Mr. Chairman.

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

PREPARED STATEMENT OF MARIO CORDERO,  
FEDERAL MARITIME COMMISSIONER-DESIGNATE

Good morning Mr. Chairman, Ranking Member Hutchison, and members of the Committee.

I am honored to have the opportunity to appear before you this morning as President Obama's nominee to serve as Commissioner on the Federal Maritime Commission, and I thank Chairman Lidinsky for his support. If confirmed by the Senate,



I look forward to supporting the mission of the Federal Maritime Commission to promote a fair, efficient, and reliable international ocean transportation system, and to protect the public from unfair and deceptive practices. I further support the intent of the Shipping Act, as amended by the Ocean Shipping Reform Act.

Before I proceed, I would like to introduce my wife, Gloria Cordero. We have been married thirty-six years and Gloria has been a large factor in my personal success and achievements. We are blessed with two wonderful children, now of adult age and well into their respective professions. Our daughter, Celine, is a lawyer and our son Mario is an educator. We are also proud to have two grandchildren, Cruz and Santos, and a third is on the way.

I graduated from Santa Clara University School of Law and I am in my 30th year practicing law. For the past 7 years I have served on the Board of Harbor Commissioners for the Port of Long Beach, having served one term as Board President and two terms as Vice President. The Port of Long Beach is one of America's premier seaports and a leader in promoting international trade and environmental stewardship. The Port is also the second largest container port in the Nation, and together with the Port of Los Angeles, the Nation's largest port complex. The Port's gross operating revenue for Fiscal Year 2009 (a down year) was \$311.4 million. The value of trade that moves through the Port on an annual basis is estimated at \$120 billion. For year 2009, the Port handled in excess of 132 million tons of cargo. The Port supports 30,000 jobs in the City of Long Beach and an estimated 300,000 jobs in Southern California. In 2009, readers of *Cargonews Asia* named the Port of Long Beach as the best seaport in North America for the fifth consecutive year and the 13th time in the past 14 years.

My service at the Port of Long Beach has provided me with first-hand experience in the areas of international trade, goods movement, intermodal transportation, and marine terminal operations. The Port is a focal point of the Nation's largest liner trade lane, the Trans-Pacific. In the global economy of today, it is paramount to have a strong and open dialogue with international carriers, shippers, and parties of interest in relation to foreign commerce. In the scope of my duties as a Harbor Commissioner, I have engaged in numerous trade missions in Asia, Europe, and Latin America. These missions involved meetings with the major international vessel operating carriers in order to learn about issues related to logistics and cost.

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If confirmed by the Senate, I am eager to put my experience to work on behalf of the Federal Maritime Commission. The Commission's work is vital in assisting the economic recovery by facilitating international trade through the Nation's ports, as well as supporting increases in the efficiency and sustainability of shipping and port operations.

On a closing note, I again thank President Obama for this nomination to serve on the Federal Maritime Commission and the Committee for allowing me to appear before you this afternoon. I welcome any questions you may have.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Mario Cordero.
2. Position to which nominated: Federal Maritime Commission.
3. Date of Nomination: September 20, 2010.
4. Address (List current place of residence and office addresses):  
Residence: Information not released to the public.  
Office: 6700 East Pacific Coast Highway, Long Beach, CA 90803.
5. Date and Place of Birth: August 31, 1952; Los Angeles, CA.
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).  
Gloria Cordero, spouse, Principal, ABC Advocacy Group; Celine Cordero, daughter, 34; Mario Andres Cordero, son, 31.
7. List all college and graduate degrees. Provide year and school attended.  
Santa Clara University, School of Law J.D. 1975–1978.

California State University Long Beach, B.A. 1970–1974.

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

Commissioner, Board of Harbor Commissioners, Port of Long Beach, California. 2003 to present.

Board President, June 2007–June 2008; Board Vice President, June 2006–June 2007, June 2009–June 2010.

As a Commissioner, I am responsible for the management of executive staff, as well as for setting policy and approving leases and contracts for the Port of Long Beach, a 7,600-acre complex of land and water that is one of the world's busiest seaports and a leading gateway for more than \$120 billion a year in trade. The Port's gross operating revenues exceed \$300 million per year, and it has approximately 400 employees.

Senior Attorney, Law Office of Wayne Singer, Long Beach, California, November 2009 to present.

In my professional career as an attorney specializing in workers compensation defense, I manage support staff, secretarial and paralegal, as well as case management and client relations. I also use my analytical skills to solve complex issues.

Professor (part time) in Political Science, Long Beach City College, California, 1996 to present.

As an instructor of political science at Long Beach City College, I manage students, curriculum, and a variety issues.

Counsel, Safeco Insurance, Long Beach, California, 2007–2008.

Attorney, Adelson, Testan & Brundo, Long Beach, California, 2001–2006.

Attorney, Altman & Shoemaker, Encino, California, 1998–2001.

Attorney, Ochoa & Sillas, Los Angeles, California, 1996–1998.

Attorney, Robin, Carmack & Gonia, Tustin, California, 1993–1996.

Attorney, Nezin, Maher & Johnson, Tustin, California, 1988–1993.

Counsel, Industrial Indemnity Insurance, Los Angeles, California, 1987–1988.

Attorney, State Compensation Insurance Fund, Los Angeles, California, 1986–1987.

Sole Practitioner Attorney, Long Beach, California, 1982–1986.

Counsel, California Department of Insurance, Los Angeles, California, 1980–1982.

9. Attach a copy of your resume. A copy is attached.

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

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

President, Association of Pacific Ports, August 2010 to present.

Vice President, Association of Pacific Ports, August 2009–August 2010.

Member, Board of Directors, Museum of Latin American Art, 2004 to present.

Member, Board of Directors, California League of Conservation Voters, 2008 to present.

Member, Board of Directors, St. John Bosco High School, 2005–2009.

In addition, I have represented clients as a private attorney.

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

None of the following organizations restrict membership in any way:

Museum of Latin American Art, Board of Directors, 2004 to present.

Miller Children's Hospital, Advisory Council, 2007 to present.  
 California League of Conservation Voters, Board of Directors, 2008 to present.  
 St. John Bosco High School, Board of Directors, 2005–2009.  
 Mexican American Bar Association, Committee Chair, 2001–2003.  
 Long Beach Bar Association, Committee Chair, 2003–2004.  
 State Bar of California, 1980 to present.  
 Bar of the U.S. District of Court Central District of California, 1980 to present.

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

I was appointed to the Long Beach Harbor Commission in 2003, and reappointed in 2009. There was no campaign, and therefore no debt incurred.

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

I have not held any office or provided any service to a State or National political party and/or election committee.

Mayor Bob Foster, Long Beach, CA—\$500, 2006; \$250, 2010.

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

Alternative Fuel Vehicle Institute, 20/20 Vision Award, Public Servant Award, 2009.

Community Hispanic Association, Community Award, 2008.

League of California Cities/Latino Caucus, Public Servant Environmental Leadership Award, 2007.

Mexican American Bar Association, Attorney of the Year Award, 2007.

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

I have authored one article, "Port & Counter-Port: Lawsuit Will Slow Cleanup," that appeared in the *Long Beach Press Telegram* on February 17, 2008.

As a Harbor Commissioner, I have given a number of speeches relevant to the position to which I have been nominated.

I have presented to the Latin American Delegation of Ports at their annual conference in 2005, 2007, and 2008. The topics have focused on environmental policy at port authorities.

I delivered speeches before the Hemispheric Latin American Conference on best practices and environmental policies in regard to port operations. The presentations were at conferences held in Panama and Brazil. In addition, at the invitation of the Brazilian and Mexican governments, I have delivered speeches on sustainable environmental port operations.

In 2007, Port of Long Beach and Port of Los Angeles hosted the first ever conference with the Mexican Pacific ports. This conference was one in which I played a major role in developing. The topics included environmental practices and cooperative agreements on security and environmental technology. In addition, we discussed the status of developing ports in Mexico. I delivered speeches both at the 2007 conference in Los Angeles and 2009 conference held in Manzanillo, Mexico.

In 2006, I delivered a speech in Buenos Aires, Argentina on the subject on International trade with an emphasis on western hemispheric relations.

On two occasions, 2005 and 2007, I have participated in panel presentations before the American Association of Port Authorities. The subject matter related to environmental initiatives and policy at the Port of Long Beach.

I spoke at the Texas Corridor Transportation Coalition Conference in 2005 and 2006 on efficient goods movement transportation.

I have presented at the Fast Freight Clean Air Conference in 2007 and 2008, both on the west coast (Los Angeles) and east coast (New York). The subject matter addressed was sustainable environmental port operations.

I have also addressed sustainable environmental policies as a keynote speaker at the Footwear Logistics Distribution Conference and Recycle Exporter Association.

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

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

I have served for almost 7 years on the Board of Harbor Commissioners for the Port of Long Beach (POLB), the second largest port in the Nation. During this time, I served for a term (2007–2008) as Board President and for two terms (2006–2007, 2009–2010) as Board Vice President. The Board is charged with the exclusive control to manage and set policy in relation to the Harbor District. The duties include providing for the needs of commerce, navigation, and operations related to International Trade.

My experience as POLB Harbor Commissioner has provided me with first-hand experience on many aspects not only with regard to port operations, but in addition paramount issues faced by the maritime community, both in the domestic and international arenas.

The Federal Maritime Commission's (FMC's) mission is to foster a fair, efficient, and reliable international ocean transportation system. These have also been major goals for the POLB during my tenure. Under the Shipping Act, many of the FMC's principal responsibilities include reviewing and evaluating agreements, practices, rates, charges, and classifications involving ports, marine terminal operators, and ocean carriers to protect commerce and the shipping public. As Commissioner of a major port that entered into these agreements and interacted with all segments of the maritime industry, if confirmed, I would bring a perspective from the front-lines that could benefit the FMC's mission.

My desire to serve on the FMC clearly stems from the positive experience I have had at the Port of Long Beach. Specifically, I have enjoyed the opportunity to address challenging issues that have come before the Board in relation to international commerce and the movement of goods throughout the Nation. In this regard, the concepts of sustainability and efficiency, I believe, are paramount to being competitive in the global market. The Port of Long Beach is seen, and acknowledged, as a leader in sustainable practices and I would welcome the opportunity to serve on the FMC should I be confirmed.

As a part-time professor for many years at Long Beach City College, I have been a passionate advocate to my students of political science that they can make a difference; a concept that will benefit them both as citizens of a great democracy and in their respective careers. My service at the Port of Long Beach clearly supports the aforementioned view. If confirmed, I hope to bring the same passion to the Federal Maritime Commission.

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

First, the goals and objective of an organization are dependent on a keen partnership between the Commission and its management staff. If confirmed, my responsibility would involve not only ensuring the proper oversight, but being proactive on the issues before the Commission. Here, that would entail ensuring the staff is not only accountable to the policies expressed by the Commission, but responsive to the needs of the industry and consumers.

Second, my experience at the Port of Long Beach provides many parallels as to the management of a large organization. The gross operating revenue for the Port of Long Beach in Fiscal Year 2009 (a down year) was estimated at \$311.4 million. In 2008 the revenue sum exceeded \$360 million. Total employees at the POLB approximate 400. The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the POLB. The year ending September 30, 2008 was the 26th consecutive year the POLB has received this prestigious award. Serving on the Board of Harbor Commissioners has clearly provided not only relevant experience, but one that has characterized the POLB as a leader in the industry.

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

A paramount concern is furthering economic recovery. At the POLB we experienced a downward trend due to overall economic conditions. The shipping industry is a vital component not only to the success of international trade, but a component in intermodal goods movement in our domestic market. Accordingly, policies and ini-

tatives that further the flow of cargo are essential. As to the latter, greater involvement in the area of intermodal cargo movement is vital.

A second challenge is that of the trade imbalance in regard to export-import containerization. In this regard, the Administration has highlighted a National Export Initiative, which is key to the future of our domestic economy and serves to provide a positive impact on job production.

A third challenge is to ensure sustainable and efficient maritime operations. Here, adherence to strong environmental practices is essential to continued growth of commerce. On this issue, I believe I bring strong credentials in helping to pioneer the Green Port Policy at the Port of Long Beach, which has served as a model for sustainable practices at ports that allow for continued economic growth and competitiveness. An essential component to the aforementioned is the development of green technology with the objective of maximizing efficient operations. Furthering sustainable and efficient practices I believe is relevant to the parallel issue of diversion of cargo in the vital Trans-Pacific trade. It is well-known our Nation is facing credible competition from our neighbors both south and north of our borders.

#### B. POTENTIAL CONFLICTS OF INTEREST

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

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

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

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

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

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In my official capacity as a Harbor Commissioner, I have regularly worked with Federal, state, and local governments on legislation and policies relating to port operations and infrastructure.

In regard to port operations, reducing harmful emissions has been a center point at the Port of Long Beach. Accordingly, moving forward with both voluntary initiatives and advocating standards at both the State and Federal level have been key in influencing both execution of law and public policy.

Advocating for improved infrastructure and funding for same has been a major concern at the Port of Long Beach. As an example, seeking funding for the Gerald Desmond Bridge (The Bridge to Everywhere) from both the State and Federal levels has been a focal point. Infrastructure advocacy has included expanding on-dock rail. In addition, I have been an advocate for infrastructure relating to improved security at the ports.

In the course of these activities, I have had occasional meetings with Members of Congress to discuss infrastructure, maritime, security, and international trade-related issues. I have also received Members of Congress at the Port of Long Beach to provide briefings and tours of port operations.

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

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

#### C. LEGAL MATTERS

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

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

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

In the fall of 2007, I appealed an unemployment benefit reduction that I had received from the State of California Employment Development Department (Anaheim, CA). From December 2006 to February 2007, I had received unemployment from the State of California while I was between jobs. Months later, I received a notice of repayment because the benefit calculation did not account for a stipend of \$100 per meeting that I receive as a Commissioner for the Port of Long Beach. I appealed the notice on the issue of whether the stipend was considered income. The Department denied my appeal and I promptly repaid approximately \$500 in unemployment benefits.

In approximately 1989, a malpractice suit filed by one of my previous firms' clients named every attorney at the firm. I was quickly dismissed by the plaintiff because I had not had any significant involvement in the matter at issue.

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

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#### RESUME OF MARIO CORDERO

##### Experience

*Commissioner*, Port of Long Beach; Long Beach, California; Board of Harbor Commissioners, 2003 to present.

Harbor Commission President, July 2007–July 2008.

Harbor Commission Vice President, July 2006–July 2007; July 2009–July 2010.

Spearheaded the *Green Port Policy* at the Port of Long Beach. The *Green Port Policy* is today an international model for striking a balance among industry, labor, shippers and the health and safety of the people who live and work in and around ports. Promoted and expanded Port Community Outreach Initiative including the new *Pulse of the Port*, an award winning cable TV program.

##### *International Environmental and Trade Missions*

Served as Executive Board member on the American Association of Port Authorities' Latin American delegation. Instrumental in development of policy urging greater cooperation between North American and Latin American ports.

*Speaking Presentations* (partial list)

Application of new Environmental Port technologies, Brazil 2009.

First Environmental Latin American Hemisphere Conference, Panama 2008.

Port of Rotterdam symposium (Europe's largest port) to speak on POLB's *Green Port Program*, 2007.

Organized First Annual Conference between Mexican Ports of the Pacific and Ports of Long Beach and Los Angeles, 2007.

*Trade Missions*

As Port President, was a delegation member for a City of Long Beach trade mission with Mayor Bob Foster to Hamburg, Marseilles and Trieste, 2007.

Port of Long Beach speaker and representative on Los Angeles economic development trade mission to India, 2007.

Port of Long Beach representative on trade missions to Korea (2003), China (2006) and Japan (2007).

*Appointments*

Currently President of the Association of Pacific Ports, September 2010–2011; Vice President; 2009–2010.

First appointed to Board Commission in 2003 by then Mayor Beverly O'Neill. Reappointed in July 2009 by Mayor Bob Foster. Both times the City Council unanimously approved these 6 year term appointments.

*Law Office of Wayne Singer*, Long Beach, California; Senior Attorney specializing in workers' compensation defense; November 2009 to present.

*SAFECO Insurance*, Long Beach, California; House Counsel exclusive to workers' compensation defense; February 2007–December 2008.

*Adelson, Testan & Brundo*, Long Beach, California; Attorney specializing in workers' compensation defense and related employment law; August 2001–December 2006.

*Altman & Shoemaker*, Encino, California; Attorney specializing in workers' compensation defense and related employment law; 1998–2001.

*Ochoa & Sillas*, Los Angeles, California; Attorney tasked with workers' compensation defense, civil litigation and political advocacy; 1996–1998.

*Robin, Carmack & Gonja*, Tustin, California; Attorney specializing in workers' compensation defense and related employment law; 1993–1996.

*Nezin, Maher & Johnson*, Tustin, California; Attorney specializing in workers' compensation defense; 1988–1993.

*Industrial Indemnity Insurance*, Los Angeles, California; House Counsel, workers' compensation defense; 1987–1988.

*State Compensation Insurance Fund*, Los Angeles, California; Attorney specializing in workers' compensation defense; 1986–1987.

*Sole Practitioner*, Long Beach, California; Attorney in the general practice of law; 1982–1986.

*California Department of Insurance*, Los Angeles, California; Counsel to Insurance Commissioner on regulatory affairs; 1980–1982.

**Educator**

*Long Beach City College*, Long Beach, California; Professor (part-time) in Political Science and California Politics; 1996 to present.

**Education**

*Santa Clara University School of Law*, San Jose, California—*Juris Doctor*, 1978.

*California State University, Long Beach*, Long Beach, California—*B.A. Political Science*, 1974.

**Language**

Fluent in Spanish

**Licenses**

Admitted to The State Bar of California, 1980

Admitted to Bar of the U.S. District Court, Central District of California, 1980

**Affiliations**

Member, The State Bar of California

Member, Long Beach Bar Association, Long Beach, California Past Chair, Workers' Compensation Committee

Member, Mexican-American Bar Association, Los Angeles, California Past Chair, Workers' Compensation Committee

**Awards**

“National 20/20 Vision Award”—2009—The Alternative Fuel Vehicle Institute, Las Vegas, NV

“Attorney of the Year”—2007—Mexican American Bar Assoc. of Los Angeles County

“Environmental Award”—2007—League of California Cities, Sacramento, CA

**References**

Available upon request.

The CHAIRMAN. Thank you very much.

Ms. Dye, you have a sort of a North Carolina college and judicial—or, rather, legal training background.

Ms. DYE. I do, Mr. Chairman.

The CHAIRMAN. And I’m very happy that you’re here.

**STATEMENT OF HON. REBECCA F. DYE, COMMISSIONER,  
FEDERAL MARITIME COMMISSION**

Ms. DYE. Thank you very much. I appreciate it, and members of the Committee.

I’m honored to appear before you today, renominated by President Obama to be a Commissioner of the Federal Maritime Commission.

My daughter, Caroline, who is also a senior at the University of North Carolina, was unable to be here today, unfortunately. But, I deeply appreciate my fellow commissioners, Chairman Lidinsky and Commissioner Corey, being present, and also my other friends and supporters, and the Federal Maritime Commission staff who have accompanied us here today.

I began my career in Washington as a commissioned officer and attorney in the United States Coast Guard. I later served as a law instructor at the Coast Guard Academy. After 2 years as an attorney at the United States Maritime Administration, I joined the former Committee on Merchant Marine and Fisheries, in the House of Representatives, as Minority Counsel, and later became Counsel to the Coast Guard and Maritime Transportation Subcommittee of the Committee on Transportation and Infrastructure. I was originally confirmed as a Federal Maritime Commissioner in 2002.

Mr. Chairman, if I am confirmed to another term at the Federal Maritime Commission, I believe that my 30 years of experience in maritime law and policy will allow me to continue to contribute positively to the Commission’s vital mission. My experience with the Coast Guard and the Maritime Administration, as well as the Federal Maritime Commission, has allowed me to develop a broad understanding of maritime transportation. I’m also very familiar with the needs and general concerns of the various industry stakeholders affected by the Commission.

Mr. Chairman, the international container shipping industry experienced, from late 2008 through 2009, an unprecedented drop in international trade volumes. Ocean carriers laid up approximately 12 percent of the world’s container fleet.

By early 2010, increases in export and import volumes collided with the previous vessel capacity reductions. The resulting supply-and-demand mismatch created serious supply chain disruptions for American importers and exporters.



Due to the Commission's concerns about the causes of these problems and our concern that the situation could hinder our country's economic recovery, the Commission ordered an investigation into this matter and designated me as the investigating officer. Following extensive interviews around the country, Mr. Chairman, I'm pleased to report that the condition in U.S. ocean shipping has stabilized. Supply-and-demand in the U.S./Asia trades are more evenly matched today, and shipper complaints have diminished.

I was also pleased to deliver my final confidential report on my investigation to the Commission today. The Commission will consider the report's recommendations at our meeting scheduled for December 8.

If I am confirmed, Mr. Chairman, I will continue to work with shippers and ocean carriers on contractual service and supply chain reliability issues, to improve the long-term effectiveness and reliability of the U.S. ocean transportation system.

Mr. Chairman, during my term at the Commission, I also strongly supported providing relief from tariff publication requirements to ocean transportation intermediaries, which could save these businesses up to \$2,000 per year. This action would put cash back into their businesses and potentially generate additional American jobs. The Commission will consider a final rule in this matter in the near future.

Mr. Chairman, of course, if confirmed by the Senate, I'll be fair-minded and objective in executing all of the Commission's statutory directives. And, finally, Mr. Chairman, if I'm confirmed, I'll do all I can to assist in the effort to ensure economic and homeland security for our country.

Thank you very much for holding this hearing and considering my nomination. And I'll be delighted to answer any questions you or the members of the Committee may have.

Thank you.

[The prepared statement and biographical information of Ms. Dye follows:]

PREPARED STATEMENT OF HON. REBECCA F. DYE, COMMISSIONER,  
FEDERAL MARITIME COMMISSION

Mr. Chairman, Ranking Member Hutchinson, and members of the Committee, I am honored to appear before you today, renominated by President Obama to be a Commissioner of the Federal Maritime Commission. My daughter, Caroline, who is a senior at the University of North Carolina at Chapel Hill, was unable to be here with me today.

I began my career in Washington as a commissioned officer and attorney in the United States Coast Guard's Office of Chief Counsel. I later served as a law instructor at the Coast Guard Academy in New London, Connecticut. After 2 years as an attorney at the United States Maritime Administration, I joined the former Committee on Merchant Marine and Fisheries in the House of Representatives as Minority Counsel, and in 1995, I became Counsel for the Coast Guard and Maritime Transportation Subcommittee of the Committee on Transportation and Infrastructure.

I was originally confirmed as a Federal Maritime Commissioner in 2002 and again in 2005. Mr. Chairman, if I am confirmed to another term at the Federal Maritime Commission, I believe that my 30 years of experience in maritime law and policy will allow me to continue to contribute positively to the Commission's vital mission. My experience with the Coast Guard and the Maritime Administration, as well as the Federal Maritime Commission, has allowed me to develop a broad understanding of maritime transportation. I am also very familiar with the needs and general concerns of the various industry stakeholders regulated by the Commission.

Mr. Chairman, the international container shipping industry experienced, from late 2008 through late 2009, an unprecedented drop in international trade volumes. Ocean carriers laid up roughly 575 vessels worldwide, idling approximately 12 percent of the world's container fleet.

By early 2010, increases in export and import volumes collided with previous vessel capacity reductions. The resulting supply and demand mismatch created serious supply chain disruptions for American importers and exporters. The Commission received reports from American shippers and intermediaries that they were experiencing extreme difficulty obtaining vessel space and shipping containers for ocean transportation, particularly in the U.S.-Asia trades.

Due to our concerns about the causes of these and other reported problems, as well as our concern that this situation could hinder our country's economic recovery, the Commission ordered Fact-Finding Investigation No. 26, Vessel Capacity and Equipment Availability in the United States Export and Import Liner Trades. The Commission designated me the Investigating Officer in this matter.

Following extensive interviews at the Commission and around the country, Mr. Chairman, I am pleased to report that the condition in U.S. ocean shipping has stabilized. Supply and demand in the U.S.-Asia trades are more evenly matched and complaints from American shippers have diminished.

I am also pleased to announce that I have delivered my final, confidential report on my investigation to the Commission today. I developed a number of recommendations to address the problems we discovered during this investigation, in addition to the recommendations the Commission adopted this summer. The Commission will consider the final recommendations at our meeting scheduled for December 8, 2010.

If I am confirmed, I will continue to work with shippers and ocean carriers on contractual service and supply chain reliability issues to improve the long-term effectiveness and reliability of the U.S. ocean transportation system.

Mr. Chairman, during my term at the Commission, I strongly supported providing relief from tariff publication requirements to ocean transportation intermediaries which, according to comments filed with the Commission, could save their business up to \$200,000 per year. This action would relieve unnecessary requirements, put cash back into their businesses, and potentially generate additional American jobs. The Commission will consider a final rule in this matter in the near future.

Mr. Chairman, if confirmed by the Senate, I will be fair-minded and objective in executing the Commission's statutory directives. I will do all I can to guarantee that all entities regulated by the Commission are provided with a fair market environment in which to operate. I will also work to eliminate unfair shipping practices by foreign governments, and protect cruise ship passengers against undue financial risk.

Finally, Mr. Chairman, if I am confirmed, I will do all I can to assist in the effort to ensure economic and homeland security for our country.

Mr. Chairman, thank you very much for holding this hearing today, and I will be delighted to answer any questions you may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Rebecca Feemster Dye; Maiden name: Rebecca Lynn Feemster; Nickname: "Becky".

2. Position to which nominated: Commissioner, Federal Maritime Commission.

3. Date of Nomination: September 20, 2010.

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

Residence: Information not released to the public.

Office: 800 North Capitol Street, NW, Washington, DC 20573.

5. Date and Place of Birth: May 8, 1952; Charlotte, North Carolina.

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).

I am divorced. My daughter's name is Caroline Lytton Dye, age 21.

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

University of North Carolina at Chapel Hill, Bachelor of Arts awarded May, 1974.

University of North Carolina School of Law, Juris Doctorate awarded May, 1977.

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

December 2002 to Present, Commissioner, Federal Maritime Commission.  
 January 1995–December 2002, Counsel, Committee on Transportation and Infrastructure, U.S. House of Representatives.  
 February 1987–January 1995, Minority Counsel, Committee on Merchant Marine and Fisheries, U.S. House of Representatives.  
 June 1985–February 1987, Attorney, Legislation Division, Office of the Chief Counsel, Maritime Administration of the Department of Transportation.  
 August 1983–June 1985, Law Instructor, U.S. Coast Guard Academy.  
 June–August 1983, Attorney, Office of the Assistant General Counsel for Legislation, Department of Transportation.  
 1980–1983, Attorney, Legislation Division, Office of the Chief Counsel, United States Coast Guard Headquarters.  
 1979–1980, Assistant Division Chief, Legal Administration Division, Office of the Chief Counsel, United States Coast Guard Headquarters.  
 1978–1979, Attorney Project Coordinator, Legal Services of North Carolina.  
 1977–1978, Special Counsel, Broughton Psychiatric Hospital.  
 1977, Instructor, Dyslexia School.  
 1976–1977 (Part-time) Sales Clerk, Belk-Leggett Co.  
 1975–1976 (Part-time) UNC Law School Library.  
 1975 (Part-time) Instructor, Reading Research Foundation.

9. Attach a copy of your resume. A copy is attached.

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

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years: None.

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

North Carolina State Bar, 1977 to present.  
 Saint Francis Episcopal Church, 1998–2005.  
 All Saints Episcopal Church, 2005–2010.  
 The Falls Church, 2010 to present.  
 White House Military Social Aides Association, 1983 to present.  
 Palisades Swim and Tennis Club, 2002–2006.  
 Montgomery County Republican Party Association 2004–2007.  
 Propeller Club of Washington 2005 to present.  
 (WISTA) Women in Surface Transportation Association, USA, 2008 to present.  
 WISTA is a women's professional organization.

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

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

\$500—Steele for Maryland  
 \$500—Republican National Committee  
 \$500—Friends of George Allen  
 \$2,000, \$2,000—Bush-Cheney 2004  
 \$2,000—Bush-Cheney 2004 Compliance Committee

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

Coast Guard Commendation Medal.  
 Coast Guard Achievement Medal.  
 Coast Guard Meritorious Public Service Award.

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

"Slick Work: An Analysis of the Oil Pollution Act of 1990"; Published in 1992 by the *Journal of Energy, Natural Resources and Environmental Law*; Coauthored with Cynthia M. Wilkinson and Lisa Pittman.

In the past, I have been asked infrequently to give remarks concerning current issues related to my employment. I speak often from brief notes for the appearances, and do not keep copies of my notes or dates of appearances. Following are the speeches for which I have retained prepared remarks: September 2007, Comments before the National Custom Brokers and Forwarders Association of America; April 2008, Comments before the National Industrial Transportation League; April 2009, Remarks at the Global Liner Shipping Conference; April 2009, Comments before the National Custom Brokers and Forwarders Association of America; October 2009, Comments before the National Association of Waterfront Employers; April 2010, Comments before the National Custom Brokers and Forwarders Association of America; October 2010, Comments before the 2010 Midwest Specialty Grains Conference and Trade Show.

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

Committee on Commerce, Science, and Transportation, U.S. Senate, Nomination Hearing, July 31, 2002; Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, U.S. House of Representatives, five appearances: April 15, 2008, Fiscal Year 2009 Federal Maritime Commission Budget Request; June 19, 2008, Management of the Federal Maritime Commission; May 13, 2009, Fiscal Year 2010 Federal Maritime Commission Budget Request; March 17, 2010, Capacity of Vessels to Meet U.S. Import and Export Requirements; and June 30, 2010, Update on Federal Maritime Commission's Examination of Vessel Capacity.

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

I believe my 30 years of experience in matters concerning maritime law and policy, including my experience as a Federal Maritime Commissioner, qualify me for this position. If confirmed, I believe that my experience and other qualifications will allow me to discharge successfully the responsibilities of the position for which I was nominated. I believe it is an honor to serve the people of the United States in the position for which I have been nominated.

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

If confirmed, I will continue to cooperate with the Chairman of the Federal Maritime Commission in ensuring that the Commission has proper management and accounting controls. In the absence of a Federal Maritime Commission Chairman from November 2006 to June 2009, I performed the management duties of Chairman for the agency in cooperation with my fellow commissioners.

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

As a small agency, the Federal Maritime Commission is challenged to enforce the law strategically, in order to use limited resources wisely. As an independent Commission, the Federal Maritime Commission is challenged to enforce the law independently after considering all relevant view points and exercising sound judgment, based on the law and other mandates of the Commission. Finally, the Commission is challenged today to enforce the law and other requirements of the agency in a way that promotes the homeland and economic security of the United States.

## B. POTENTIAL CONFLICTS OF INTEREST

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

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

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

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

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In my position as Counsel for the Committee on Transportation and Infrastructure, I was employed to develop legislation to carry out the legislative agenda of the Members of Congress for whom I worked.

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

I am unaware of any potential conflicts of interest at this time. If any potential conflicts arise at any time I will recuse myself from consideration of the matters involved.

## C. LEGAL MATTERS

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

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

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

I was the Plaintiff in a civil divorce proceeding, for which a Final Divorce Decree was issued on August 27, 2008.

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

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

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

## D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

## RESUME OF REBECCA F. DYE

**Professional Background**

Federal Maritime Commission, Washington, D.C.—December 2002 to present.

*Commissioner*

Enforce laws related to international liner ocean shipping, ocean carriers, ocean transportation intermediaries, passenger vessel operators, ports, and marine terminal operators, including the Shipping Act of 1984, the Foreign Shipping Practices Act of 1988, section 19 of the Merchant Marine Act, 1920, and Public Law No. 89-777. Instrumental in Commission decisions to increase competition in international maritime transportation. Authored the dissent that formed the basis of the U.S. Court of Appeals decision in *Landstar Express America v. Federal Maritime Commission*. Participated in negotiations that led to the bilateral Maritime Agreement between the Peoples Republic of China and the United States. Fostered and developed regulatory exemptions to allow nonvessel-operating common carriers to offer service to customers under NVOCC Service Arrangements, and to exempt NVOCCs from the requirement to publish tariff rates. Leading Commission investigation of vessel capacity and equipment availability in the U.S. export and import liner trades.

Transportation and Infrastructure Committee, U.S. House of Representatives—Washington, D.C.—January 1995 to December 2002

*Counsel*

Provided legal and political advice to Members of Congress on matters under the jurisdiction of the Transportation and Infrastructure Committee, including oil pollution, the Federal budget process and Federal financing, international ocean shipping, international maritime agreements, maritime safety and law enforcement, and all other matters related to maritime transportation. Developed bills and legislative amendments, briefing memoranda and materials, policy statements, and legislative histories. Coordinated action on legislative matters with the Senate, Executive Branch agencies, State offices, and industry, labor, public interest, and constituent groups. Supervised staff of Coast Guard and Maritime Transportation Subcommittee.

Merchant Marine and Fisheries Committee, U.S. House of Representatives—Washington, D.C.—February 1987 to January 1995

*Minority Counsel*

Provided legal and political advice to Members of Congress on matters under the jurisdiction of the Merchant Marine and Fisheries Committee, including marine environmental pollution, the Federal budget process and Federal financing, international maritime agreements, and maritime safety and law enforcement. Developed bills and legislative amendments, briefing memoranda and materials, policy statements, and legislative histories.

Legislation Division, Office of the Chief Counsel—Maritime Administration of the Department of Transportation—Washington, D.C.—June 1985 to February 1987

*Attorney*

Researched, drafted, and coordinated clearance of Maritime Administration legislative proposals for submission to Congress. Monitored and developed Maritime Administration policy positions on bills, executive orders, legislative reports, and Congressional testimony. Responsible for legislation in all areas of interest to the merchant marine industry, including Federal ship financing, cargo preference requirements, ship subsidy reform, and Federal budgetary and tax reform issues.

United States Coast Guard Academy—New London, Connecticut—August 1983 to June 1985

*Law Instructor*

Instructed Coast Guard cadets on a variety of legal topics, including the legislative process, criminal law and procedure, tort liability of the United States, and selected administrative and international law topics.

Office of the Assistant General Counsel for Legislation—Department of  
Transportation—Washington, D.C.—June–August 1983

*Attorney*

Researched, drafted, and coordinated clearance of Department of Transportation legislative proposals for submission to Congress. Monitored and developed Departmental policy positions on bills, executive orders, legislative reports, and Congressional testimony. Areas of responsibility included Surface Transportation Deregulation, Regulatory Reform, and Passenger Rail Transportation.

Legislation Division, Office of the Chief Counsel—United States Coast Guard  
Headquarters—Washington, D.C.—1980–1983

*Attorney*

Researched, drafted, and coordinated clearance of Coast Guard legislative proposals for submission to Congress. Monitored and developed Coast Guard policy positions on bills, executive orders, legislative reports, and Congressional testimony. Areas of responsibility included user fees for Coast Guard services, deep draft port and inland waterways user fees, Armed Forces pay and personnel matters, and military justice.

Legal Administration Division, Office of the Chief Counsel—United States Coast  
Guard Headquarters—Washington, D.C.—1979–1980

*Assistant Division Chief*

Commissioned as a Lieutenant in the United States Coast Guard Reserve in July 1979. Responsibilities included budgetary and personnel planning. Acted as trial and defense counsel in general and special courts martial.

Legal Services of North Carolina, *Attorney Project Coordinator*—1978–1979

Broughton Psychiatric Hospital, Morganton, NC, *Special Counsel*—1977–1978

**Educational Background**

University of North Carolina School of Law, Juris Doctorate Degree, 1977

University of North Carolina at Chapel Hill, Bachelor of Arts Degree, 1974

**Other Experience**

1977—Admitted to North Carolina State Bar

1980–1983—White House Military Aide

Authored “Slick Work: An Analysis of the Oil Pollution Act of 1990,” 12 *Journal of Energy, Natural Resources, and Environmental Law* 183 (1992) (with Cynthia Wilkinson and Lisa Pittman).

The CHAIRMAN. Thank you very much, Ms. Dye.

I have lots of questions, and I guess I better start with you, although some of my hardest ones are to the both of you.

[Laughter.]

The CHAIRMAN. It’s very interesting to me—I’m not a scientist. I regret that and I apologize for that. But, it is very interesting to me that—partly because of the whole issue of climate change, but also just the sort of forward push of scientists, such as yourself, who have been laboring for years and years and years—that the whole subject of oceans, the subject of weather, the subject of acidification, all of these things, which used to be very, very obscure, the concept that pressures at the bottom of the ocean might be able to do some of the things which can only happen now 250 miles in the sky, with NASA, or higher. In other words, the mystery of oceans, which obviously got to you and had an influence. But, it got to you. You stayed with it. You’ve stuck with it. So, it raises two questions in my mind: Is that sort of the climate-change-driven problem? Is that because we are endlessly curious? I don’t think it’s because of DVDs, because DVDs tend to just take tons of pictures of beautiful fish, and don’t get into the policy questions that are involved with oceans, which interests me very, very much.

West Virginia is not actually contiguous to any large ocean, that I'm aware of, but I am endlessly curious about oceans and about estuaries and about all kinds of things that we work on in this committee. Could you talk to me a little bit about, Why do you think it is that oceans have become so important? Some of the answers will be obvious. Second, we spend a lot of time, in Congress, worried about science, technology, engineering, and math—STEM. We're having a very hard time convincing people to get into the sciences.

Now, you, because of your own brains and because of this, I guess, your aunt, right?

Dr. DONEY. Yes.

The CHAIRMAN. That had to be a big influence on you. You got into it. You stayed with it. Are there lots of you?

Dr. DONEY. So, let me take that one on. We've been working—

The CHAIRMAN. You just run with that.

[Laughter.]

Dr. DONEY. We've been working a lot with students and educators in Hawaii, through a program. We have a National Science Foundation grant, where we work with the University of Hawaii, MIT, Woods Hole. And we've actually been trying to engage students at a whole variety of levels. And I think—part of the answer is, I think there are lots of kids who can become engaged in science and the STEM education that you're talking about, but often science is presented as relatively dry, as a bunch of independent facts. And what we've been trying to do is, do a lot of hands-on projects.

The CHAIRMAN. It's not dry.

[Laughter.]

Dr. DONEY. It's not dry. Well, there's the ocean part, as well. But, it's getting the kids involved—

The CHAIRMAN. No, I don't mean that. I wasn't being humorous.

Dr. DONEY. Yes.

[Laughter.]

The CHAIRMAN. I mean, to me, it's a subject which just opens up like a flower in the spring.

Dr. DONEY. Right. But, it's getting—it's making the connection between the kids' experience and showing that science is actually relevant to their life. And it's relatively straightforward in Hawaii to do that, because the ocean is—

The CHAIRMAN. Right.

Dr. DONEY.—obviously, all around them. But, we've been trying to take the lessons of, you know, hands-on experiments. Some of the people who work for me, actually were just here a couple of weeks ago, on the Mall, for the—there was a Science and Technology Day. And they brought in kits that get kids to actually do stuff, not just listen to adults lecturing, but actually get them in doing the exploration. And that's, I think, one of the best ways to engage kids and show them what science is about.

The CHAIRMAN. All right. So, when you read about the United States being 14th or 19th in its production of scientists, where it used to be 1st or 2nd for years and years, you feel that there's a resurgence? And, if there is so, that can't just be based upon work-



shops that you hold; it has to be based on something generic in the DNA. Now, curiosity and, you know, intellectual drive or——

Dr. DONEY. I think——

The CHAIRMAN.—the mystery——

Dr. DONEY. I think the——

The CHAIRMAN.—of oceans, of weather, of all kinds of things, can attract, but that it would be hard to hold people on that. So, talk to me about that.

Dr. DONEY. I think there are a lot of opportunities. I think kids are naturally curious and—this isn't my specialty, but from what I've seen is, kids—all kids start off interested in science. And it's, How do we maintain that? And I think that's by trying to bring in, as you say, the curiosity, the exploration of the Earth, that there are lots of things we don't know about the ocean. And ocean and weather are, I think, great ways of engaging students, because weather is everywhere; everyone experiences weather. And so, by trying to teach science curriculum by things that people can understand and relate to—you know, Why does a storm appear? Why do hurricanes appear? You know, why does a hurricane go one way and not the other?—can get them thinking about why understanding science could actually be relevant to their life.

The CHAIRMAN. OK. All right, I'll settle for that for the moment.

Dr. DONEY. OK.

The CHAIRMAN. Mr. Cordero and Ms. Dye, one of the issues which I have focused on, the result being absolute futility for 26 years, is the whole problem of captive shippers, which you face.

For example, at the Port of Baltimore—and you would know about this—and, I think, at CSX and Norfolk Southern, both have rail traffic, but they will not share rails. They will not share business. They insist on having their own. Now, if they have their own, and it's just one track, they can set the price. If they have several tracks—*i.e.*, if they were competing with each other and were, therefore, sharing the opportunity to try and get the business in a very huge port—then the market would determine what the price would be that those who they serve would have to pay them. But, they, as in railroads generally, don't choose to do that. They want to minimize competition and maximize the profit that they get from being able to set the prices themselves, as opposed to going, in the cases of railroads generally, to the Surface Transportation Board—they don't like that—even though that is the law.

So, could you talk a little bit about that? Because that combines both of you to—actually, with the idea that—is it next year that the Panama Canal enlarged, doubled in size, is opening up? For the year 2014? 2014?

Ms. DYE. 2014. Yes, sir.

The CHAIRMAN. When that happens, that's going to be an explosion of activity, of traffic, because that's a long time bane of very virtuous thought, under Teddy Roosevelt and even previous to that. It wasn't big enough to let things go through. Now it will be.

So, what's going to happen, for example, at the Port of—I'll just use Baltimore—you can use Long Beach, you can use anything you want. Do we have the infrastructure in our ports to be able to handle what's going to descend on them? I think the answer is probably no. The other side is that I may be entirely wrong. In any

event, I'd like to hear you talk about that, where you think our weaknesses are in capacity, because I think it's an American characteristic not to pay attention to infrastructure.

I mean, that's why the stimulus bill was roundly criticized because it did a lot of work on infrastructure. And that's roads and bridges. I mean, that would seem to be fairly basic. But, ports become incredibly basic for the national economy and number of people they employ. So, could you talk about that? And you don't have to wax too enthusiastic one way or another on the Panama Canal, but I'm really interested in the new traffic. Are we ready to accept that traffic in our ports, generally?

And, second, if you can work it in, this question of railroads competing with each other so that the price of their service would decline. They would still make a very healthy profit, believe me, I know. But, it just interests me.

So, with that sort of big, fat softball, I'd welcome either of your comments—

Mr. CORDERO. Well—

The CHAIRMAN.—both of your comments.

Mr. CORDERO. Thank you, Mr. Chairman, that's an excellent question.

I think this all falls under the category of intermodal transportation. Whether you're from the East Coast or the West Coast, the question of infrastructure is paramount for the whole Nation. There are some ports who may not be prepared, and there are some ports who may be prepared, but, of course, need the funding to move forward with what's very important: infrastructure. Because, at the end of the day, it's the movement of those goods in an efficient and an expeditious manner that's going to determine the competitiveness of our Nation and our ports.

The CHAIRMAN. If you took the ten largest ports in this country—

Mr. CORDERO. Pardon me?

The CHAIRMAN. If you take the ten largest ports, in capacity, wouldn't they take in approximately 75 to 85 percent of all of the—

Mr. CORDERO. Well—

The CHAIRMAN.—all of what is shipped?

Mr. CORDERO. Well, it—certainly from the West Coast, Mr. Chairman—the Ports of Long Beach and Los Angeles take 70 percent of the containers that come in from the Asian Transpacific traffic. So, that's—the question of railroads is a paramount question. And I think, in answering that question or addressing those issues, it would seem to me that working with the various parties of interest, such as the Surface Transportation Board and the wishes of Congress, I think—the bottom line is—I think you're very correct—that, no matter you're on the East Coast or the West Coast, infrastructure is paramount. And I think, even though I would like to say that the Port of Long Beach and Los Angeles are—comparatively speaking, have been blessed, in terms of history, with the kind of railroad infrastructure that has made it successful, in years to come, that railroad infrastructure has to be amended and improved. And I'm sure, in the case of southern California, BNSF *and*

Union Pacific, these have been exactly the discussions that we have had with our shareholders.

The CHAIRMAN. You have the same captive-shipper conflict?

Mr. CORDERO. Well, you know, I think, in answer to the question, Mr. Chairman, from the West Coast, there are no conflicts. But, I just say that facetiously, so to speak. But, I think, in terms of the broader issue, Mr. Chairman, we do have an issue with regard to that aspect of the railroad infrastructure. And I think we've worked very hard to have the kind of dialogue and communication with railroads, not so much to address any present capacity issues, but, as the Chairman correctly referenced, future capacity issues, because if we don't dialogue and try to repair and amend those questions, I believe, and I think we believe, that it is going to have an impact on our ability to move, efficiently, those goods.

The CHAIRMAN. I was just thinking, Senator Hutchison and I were talking about the new Panama Canal, doubled in size, opening up by 2014, and what that's going to mean for ports. Are ports ready to handle what's going to be a much larger volume? And then we also talked about, what is a problem at the Port of Baltimore, about railroads, the Norfolk Southern and the CSX system, refusing to share a rail, refusing to compete with each other, and therefore keeping the prices that they charge at a very high rate, and getting away with it. Now, Mr. Cordero has made an amazing statement, which should appear all over the *Los Angeles Times* tomorrow, "In the West, we really don't have problems."

[Laughter.]

Mr. CORDERO. Well, that certainly wasn't my intent, Mr. Chairman.

The CHAIRMAN. Senator Hutchison has a little port called Houston. Maybe they'll have a different view.

Mr. CORDERO. But, I will say, like I said, on a serious note, there are competitive issues on the West Coast. But, again, I think it's clear, like I mentioned in my statement, we're the largest port complex. And I think we've done a lot of things that other port authorities are working with us to—

The CHAIRMAN. OK. So, what are some of the deficiencies in the ports' infrastructures?

Mr. CORDERO. Well, number one, I think the deficiencies, in terms of the port infrastructures, particularly the urban ports, is the ability to mobilize that container from the ship to the inland. And I think, with that, that's where railroad infrastructure is so important. And I think, in that regard, projects like the Alameda Corridor, that we did in southern California, that concluded in 2001–2002, and the building of that corridor, assisted us in addressing one of those deficiencies. And I think, from a Port Authority perspective, on-dock rail is something that—I think it's crucial and paramount for port authorities to mobilize that container in a time-of-an-essence-type manner.

The CHAIRMAN. On-dock rail means that the rail goes right out on the dock—

Mr. CORDERO. Absolutely. Right from the ship on the terminal on the dock—

The CHAIRMAN. Yes.

Mr. CORDERO.—and out.

The CHAIRMAN. But, that's not always the case now.

Mr. CORDERO. That is not always the case.

The CHAIRMAN. Yes.

Mr. CORDERO. And, in fact, in Long Beach, one of our major terminal projects, at this time, that we refer to as the Middle Harbor Project, is, in fact, primarily—or a major factor addressing that issue: on-dock rail.

The CHAIRMAN. OK.

I've exceeded my time to the extent they actually turned off the time measurement; I was so outrageous.

So, I now yield to Senator Hutchison.

Senator HUTCHISON. I'd like to ask Dr. Doney a question. I introduced legislation, years ago, just for NOAA. It has been battered around, actually. It went into the White House Office of Science and then back to NOAA. We haven't passed the bill yet, but it is to start studying weather modification. And it just seems, with the ferocity of hurricanes and tornados, and most certainly with the things that are done in one area, we don't even really have good records about how it affects another area. For instance, cloud seeding in Midwest, and how does it affect Colorado, or how does it affect another area downstream? And, my question to you is: Do you think that it would be worth getting more data collected, when there are weather modification programs in different areas, to see how it affects that area and then also other areas?

And, second, the possibility of studying modifying a hurricane when it is 20 miles out, rather than having it hit and have such a devastating impact on people and property. Do you think there's a future there that we could work on?

Dr. DONEY. I—

Senator HUTCHISON. Dr. Doney?

Dr. DONEY.—I haven't worked a lot in that particular area. I do know that there has been a lot of interest, particularly, as you mention, on the ocean side, of trying to change the temperature of the ocean, which might affect either the course or the intensity of the hurricane. I think one of the places that may be a place of intersection is trying to do—my background in the ocean is trying to actually do experiments where we manipulate the environment to see what the outcome is. You know, before you wanted to weather modification, you really need to understand how things are actually working. And so, some form of manipulative experiments, certainly that we do in the ocean, have been discussed as ways of understanding the processes that then would allow you to decide, "Well, is this a good idea?"

I think there are concerns, as you mentioned, both in the U.S. and abroad, about, you know, if somebody changes the weather here, what's the effect going to be downstream? And are you, you know, taking rainfall from one spot and therefore taking moisture that wouldn't fall someplace else? So, I think there are a lot of issues beyond the science.

But, you know, certainly trying to explore the mechanisms are—the underlying mechanisms are very important.

Senator HUTCHISON. Do you think it would be worthwhile for NOAA to do the beginning planning and what would be the first step? Because I think you're absolutely right, you don't want to do

any weather modification; you want to study what the effects might be before you would actually do something. But——

Dr. DONEY. I think one of the——

Senator HUTCHISON.—would there be a planning possibility for the first step that you might take?

Dr. DONEY. I think one of the things I would want to do, if I were confirmed, is really sit down both with the research arm of NOAA—OAR—and also the National Weather Service, and talk about what their priorities are, what their plans are. And I would really need to get a better sense for their future directions of research to, sort of, be able to answer that. But, that's certainly something that I could follow up on with you later.

Senator HUTCHISON. I would appreciate that.

Just to start looking at what the options are, maybe talk to other scientists that might have looked at this, as well.

Dr. DONEY. Right.

Senator HUTCHISON. It just seems like, with all that's happening, we ought to be proactive in studying it and keeping data, at a very minimum. And then, from that, perhaps seeing if there is a course that should be taken, because you don't, I agree, want to do something until you know what the effect would be at the end. But, I think it's worth looking at. And I just would like to know that you're interested, as well, in doing that.

Dr. DONEY. No, certainly it's something we could follow up on.

Senator HUTCHISON. Thank you.

I think you covered the maritime issues very well, so I'm not going to have other questions there.

Thank you.

The CHAIRMAN. Do I get one more?

Senator HUTCHISON. Mr. Chairman, you have my permission.

The CHAIRMAN. We do this all the time.

[Laughter.]

The CHAIRMAN. The——

Senator HUTCHISON. He always wins.

The CHAIRMAN. Thank you.

[Laughter.]

The CHAIRMAN. This is actually to both institutions—the Maritime Commission can know what deficiencies exist in ports and how they need to be included, or whatever other infrastructure is needed along the way. But, you probably have a hard time advocating for that. And what I'm interested in—and, Ms. Dye, you've been on it—do you advocate? I mean, do you only do it when you're called before a committee, or something? Or do you, on your own, make a fuss? You're putting out a report, coming out today, and that's going to have a lot of information in it. Will that be kind of an advocacy document?

Ms. DYE. What—that's an interesting question. I came from the Hill staff——

The CHAIRMAN. Right.

Ms. DYE.—of course, and have been coming to an independent agency, such as the Federal Maritime Commission——

The CHAIRMAN. Right.

Ms. DYE.—where we take our role, as being an independent objective voice, very seriously, to faithfully execute the law. As far

as—I wouldn't say so much "advocacy," but I can say that what I've done—we've tried to do in this investigation is a little bit outside the box, as far as the collaborating, using moral-suasion to draw people together, to help them solve their own problems and get something done.

The CHAIRMAN. The reason I mention that is, I think we're going to go through a period—and I'm sure that Senator Hutchison would agree with this—where we're going to be financially restricted, to the extent that we have not been accustomed to the level of restriction. The money isn't going to be there. It's not going to be there for healthcare, for science, for ports, for what you all do. I mean, it'll be there, but not to the extent that you're racing ahead to try and make improvements. I wanted to get back to that Green Ports issue. That's the reason I mention advocacy. I'm a little wandering here, afield, myself, because it may be that you're not meant to advocate; you're meant to report or keep knowledge, make it available for those who want it.

But, I think we're coming into a period—and I'd say it will last probably about 10 years—where money is going to be very hard to get a hold of. You, by definition, want to make things better. You're not on the Maritime Commission just to watch the day go by. You want the enlarged Panama Canal to be increasing the flow of traffic and creating a much closer world economy. You want us to be able to be effective with it. You're going to need money. And I actually don't know whether you can advocate for that.

Does your Commission sort of take a hands-off view and leave it up to others? Or could you advocate, if you wanted?

Ms. DYE. We are a small \$25-million agency. And, with that, we have, I believe—from my time there, I've observed that we've been very frugal. And we've had to be. And I have great faith in my Chairman, who has the authority over our pocketbook, to continue to be judicious with our limited resources, to use them to prioritize and use them to get something done in the most strategic way we can.

The CHAIRMAN. I think it's going to be important; \$25 million or \$25 billion, either way it's going to be important.

Ms. DYE. Yes, sir.

The CHAIRMAN. I think infrastructure is woefully underestimated, in terms of the urgency of its need in this country, on all fronts. And Americans are somehow—except if they go through a one-lane bridge, then they get very mad and they write their Congressman or -woman or Senator—but, for the most part, they just don't seem to pay a lot of attention to infrastructure until they hit a really bad pothole or something of that sort. You understand what I'm saying. We've got to get beyond that. That's all I'm saying. We've got to get beyond that. That's going to take resources. There's going to be a lot of competition for those resources. And I think your voice—I'm just saying this, hopefully, helpfully—your voice will be important on the Commission. Let us know.

Ms. DYE. Thank you.

The CHAIRMAN. Question to you, Dr. Doney. Jane Lubchenco is absolutely marvelous. And I take it you are, too.

Dr. DONEY. Well, thank you, sir.

The CHAIRMAN. I think your son and wife would agree with that, and I would, too. So, you have all of this knowledge and desire and ambition. You're coming into something for the first time. There hasn't been somebody in your position since 1996. I might question that, but I won't, for the moment. Which means that, you know, Jane and the President—Jane Lubchenco and the President and others—are very serious about this. I agree with them; I think it's just excellent that you're going into that position. She's a wonderful person to work with. She has very high respect from the Congress, in a world which is kind of opening up to all of us, and I think a lot of it is coming from climate change. You talk about manipulating, or Senator Hutchison was talking about manipulating, hurricanes. Well, in West Virginia, we don't talk much about that, but, that's a very dramatic, interesting idea.

So, my question to you is: Often with those in the world of science—I could put it this way: NOAA is an extraordinary agency. What percentage of Americans actually know what NOAA does? I wouldn't want to know the answer to that question. The Maritime Commission, the same. NIST, an amazing agency. And I remember going out there, some 25 years ago, and they said, "We haven't seen a Senator out here for 10 years." That was sort of depressing. Lack of interest in something which, at that time, was less forceful than it is now.

But, you come into this job, now, wanting to accomplish things. And so, two parts to this. One is, "How do you view this era that we're now in?" which is unpleasant, certainly politically, and, in the discourse, the dialogue as people run for office and say the most horrible things about each other. You can't even talk about what you've done, because nobody's interested in what you've done. They just want to know if you have a really horrible ad about the person you're running against. Well, this is not a good place for America to be. So, you would say, "Well, science, truth, you know, objectivity can, in part, help get us out of that."

So, my question to you is, Does the scientific community, at a very high level—I'm thinking of the John Holdrens and Janes, and now yourself, and others, do they have difficulty when they go into the bureaucracy, taking their ideas and making them a part of a plan?

Now, it's my impression that the President listens to Jane Lubchenco very carefully. We certainly do, up here. But, there has been nobody there since 1996. One, I'd like to know why; then I'd like to know, did Jane approach you? Or did the President, himself, or one of his people, approach you? Did you know Jane?

Dr. DONEY. I've known Dr. Lubchenco for—

The CHAIRMAN. "Dr. Lubchenco," I should say, yes.

Dr. DONEY.—sorry—Dr. Lubchenco for a—

The CHAIRMAN. Yes.

Dr. DONEY.—number of years, and she actually approached me.

The CHAIRMAN. Good.

Dr. DONEY. I can't answer some of the questions about the past, because I wasn't there. I can say that, when I've talked to Dr. Lubchenco and others in NOAA, there's a—one of the reasons for filling this position is the clear need for strong guidance on the science side, that—you know, although Dr. Lubchenco is an excel-

lent scientist, she's involved in so many things that the science enterprise itself hasn't had a lot of leadership inside of NOAA. And so, the idea would be to bring someone in to really guide, not only the research that NOAA does, but how science gets used in NOAA's service products, things like the Weather Service, and also in the stewardship activities on our coastal ecosystems and our oceans.

So, I think that's—the role that I would fill is to really try to bring research to a high level within the agency, maintain the quality of it, and make sure that the best science is being used within the agency.

The CHAIRMAN. That's really good. That's really good.

Can I get a word from you about the green effort at Long Beach?

Mr. CORDERO. Yes, thank you, Mr. Chairman. With that open question—

The CHAIRMAN. Yes, it's an open question.

Mr. CORDERO.—I will answer, then. Mr. Chairman, I think the preceding question you had about advocacy was rather interesting, because, in effect, that was a result of a Green Port policy. And this whole question about advocacy, I guess, from my perspective, certainly when you sit on a policymaking body, at the very least, you have to listen to those who advocate—and whether it's community advocates or whether it's within the industry. And, in answer to your question, that was a result of those who advocated about certain issues that needed to be addressed in the Long Beach/Los Angeles area.

So, to put it very simply and succinctly, the Green Port policy came about because of the fact that, if we did not do anything, that port would not grow. And that—no matter how one feels about environmental initiatives, what we did at Long Beach was a matter of necessity and it was a matter of listening to advocates. And, once we listened and, as the Chairman referenced, applied that wisdom and that balance, we promulgated a policy. And the result of that is the Green Port policy, which basically, in essence, took a new look at port operations. And that new look was based on new technology, what we now refer to as “green technology,” or—I think, as a Nation, we're all aware of this verse, “green technology.”

And, I think, often in my public speaking, I refer to the Industrial Revolution. And many of us in our high school years and college years, we remember that the Industrial Revolution came forth before this country, and it changed this country tremendously, and we became a competitive economic power. I would suggest that, in recent years, we're going through the second revolution—Industrial Revolution. And that second Industrial Revolution involves green technology, involves sustainable systems. And what the Green Port policy, in essence, is about, it's about a system which is sustainable, which promulgates efficiency in an environmentally friendly way. And I guess that's the general and long-winded answer to your question, but I'm more than happy to be more specific with regard to any further questions.

The CHAIRMAN. No, it's very helpful. Weren't you also, at one point, Chairman of the West Coast Ports—

Mr. CORDERO. I am presently—

The CHAIRMAN.—Association?

Mr. CORDERO. That's—



The CHAIRMAN. Oh, you are.

Mr. CORDERO.—that's correct. My present position with the Association of Pacific Ports is its President.

The CHAIRMAN. That's kind of an opportunity, isn't it?

Mr. CORDERO. Well, it's a challenging opportunity, but, of course, I welcome the challenge, as I welcome this challenge, if confirmed by the Senate. And I—

The CHAIRMAN. It's so interesting, you all are very diligent about that, "if confirmed."

[Laughter.]

The CHAIRMAN. It's called "wise humility."

[Laughter.]

The CHAIRMAN. And I think, in your case, it is entirely unnecessary.

Mr. CORDERO. Well, thank you.

The CHAIRMAN. But, I mean, you are schooled to say that, and I understand that. I hate to hear you saying it: "if confirmed."

I interrupted you.

Mr. CORDERO. Well, at the risk of not abiding by that protocol, I will stand by the statement, "if confirmed."

[Laughter.]

Mr. CORDERO. But, I think, last, I will say about that experience with the American Pacific Association, it gives you an opportunity not to focus just on Long Beach; it's an opportunity to focus on other port issues through the West Coast: the small ports; the larger ports; the agricultural ports—that is, ports who focus more on agriculture and perishable goods; the Northwest, who are very concerned about lumber issues and exports; and, of course, the southern California ports. So, I think that opportunity has really given me a new perspective with regard to all issues that ports face around our Nation.

The CHAIRMAN. Good.

Any of you have any particular thoughts you want to say? You don't have to.

Ms. DYE. Oh. Thank you, Mr. Chairman. No, but I'd be pleased to answer any other questions. Thank you.

The CHAIRMAN. No, I was just going to give you a chance to say anything more that you wanted to say.

Ms. DYE. Oh. I'd be delighted to brief the members of the Committee, your staff, on the investigation we just wrapped up. We have our own set of captive-shipper issues with agricultural shippers, in remote parts of the country, who are unable to get shipping containers. It's a chronic problem, and we've devoted a lot of resources to this and other capacity problems, with exporters and importers. And I'm please to have the support of the Commission to draw it to a close and keep working on it, if confirmed.

The CHAIRMAN. Good.

[Laughter.]

The CHAIRMAN. Good. I've spent 26 years negotiating with railroads. I haven't made one-quarter of an inch of progress.

[Laughter.]

The CHAIRMAN. I'm convinced that surely it's not because they're stubborn, it must be because I'm just not very—

Ms. DYE. We have been working—

The CHAIRMAN.—skillful.

Ms. DYE. We have also been working with the railroads on this issue, and I have to say—

The CHAIRMAN. Yes.

Ms. DYE.—the Association of Railroads in Burlington Northern have been very, very cooperative with us, which we appreciate.

The CHAIRMAN. So, that's good.

Ms. DYE. It is.

The CHAIRMAN. That's good.

All right. Well, let me conclude just by saying that this is not a well-attended hearing, and there are two reasons for that: one, nominations hearings, unless they're controversial—with so much going on, we all belong to too many committees and all of that, and subcommittees constantly meeting. Also, on the floor right now, Christopher Dodd is making his farewell speech and his father had served in the Senate, you know, probably 50 or 60 years. So, there are a lot of people down there to hear him speak. So, I apologize for the lack of attendance.

On the other hand, I feel really good about the three of you, and for different reasons. Just the fact that you want to do this means a lot to me. Government is a hard challenge, and we're in a tough patch right now. I think we'll mature our way out of it, I hope. In the meantime, you're going to be in very important jobs. We will, as I indicated—the Chairman has agreed—when we have a vote on something, in the next several weeks, we'll have a little meeting afterwards and vote you out, which we will certainly do. And, since they're not here to say anything bad about you, I'll be in a position to repudiate them.

[Laughter.]

The CHAIRMAN. Anyway, I thank you for being willing to do this. You're interesting people doing a—sort of the work of the future and fulfilling strong needs in this country. So, I thank you.

And with that, this hearing is adjourned.

[Whereupon, at 4:36 p.m., the hearing was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF HON. JOHN F. KERRY,  
U.S. SENATOR FROM MASSACHUSETTS

Mr. Chairman, thank you for the opportunity to express my strong support for the nomination of Dr. Scott Doney to become Chief Scientist at the National Oceanic and Atmospheric Administration (NOAA).

NOAA Administrator Jane Lubchenco has repeatedly indicated the central role science must play in our decisionmaking. President Obama's nomination of Dr. Scott Doney to become Chief Scientist at NOAA will help translate that vision into reality.

Dr. Doney has proven to be a trailblazer on the science behind climate change, ocean acidification, marine ecosystems, and the global carbon cycle. He has demonstrated the depth of knowledge and experience necessary to promote policies and provide direction to strengthen NOAA's science programs and allow the agency's actions to be confidently guided by science.

Dr. Doney has been a leading, highly respected voice in the scientific community both in Massachusetts and nationwide. He is currently the Senior Scientist at the Woods Hole Oceanographic Institution (WHOI) in the Department of Marine Chemistry and Geochemistry—a world renowned institution dedicated to advancing and communicating science for the benefit of society. Over the last twenty years, he has studied ocean acidification and the global carbon cycle with the Massachusetts Institute of Technology/Woods Hole Oceanographic Institution Joint Program. He also spent over a decade in the Advanced Study Program and Climate and Global Dynamics Division at the National Center for Atmospheric Research in Boulder, Colorado.

Dr. Doney's areas of research and expertise are the ideal compliments to the challenges facing NOAA today. As we prepare to begin the next Congress, now is the time to make sure we have the best people in place to produce and promote the authoritative science we need to address these challenges. For this reason, I urge my colleagues to support the confirmation of Dr. Doney to be NOAA's Chief Scientist.

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PREPARED STATEMENT OF U.S. REPRESENTATIVE LAURA RICHARDSON OF CALIFORNIA  
(D-37TH CONGRESSIONAL DISTRICT)

Chairman Rockefeller and members of the Senate Commerce Committee, it is my honor and pleasure to submit for the record my testimony to you and the Committee my thoughts on the consideration of Mario Cordero's appointment to the Federal Maritime Commission. Having served on the elected local, state and Federal level which includes the Port of Long Beach (2000 to Present) my recommendation is based on an over 10 year direct observation of Mr. Cordero's expertise, knowledge and commitment.

In 1974, Mr. Cordero began his public service career as a practicing attorney, continuing even to this day to teach community college level political science courses and recently achieving major professional and personal goals by authoring and implementing a historic nationwide wide Clean Trucks Port Program. Whether in the courtroom, the classroom or the boardroom; Mario Cordero is the catalyst and pragmatist this country needs.

Finally, in light of the Federal Maritime Commission's objective to monitor and strengthen our Nation's shipping policies, Mr. Cordero's experience of serving as the Harbor Commissioner of the second largest port in the United States, moving \$140 billion goods each year, supporting 316,000 jobs and balancing economic growth and environment sustainability, President Obama and the Senate Commerce Committee is gaining an asset and not just a Commissioner.

I urge the Senate Commerce Committee in the strongest terms without reservation to confirm the nomination of Mario Cordero to the Federal Maritime Commission.

Thank you Chairman Rockefeller, I yield back the balance of my time.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO SCOTT DONEY, PH.D.

*Question 1.* Dr. Doney, NOAA has not had a Chief Scientist for 15 years. With one of the Nation's top scientists, Dr. Lubchenco, serving as NOAA's administrator, can you tell us a little about why NOAA needs a Chief Scientist and what you think your role will be in this position?

Answer. I understand that the Administrator of NOAA has a wide range of duties, which makes it difficult for that position to focus on setting the general scientific tone of the agency. Such a job is large enough to require the specific focus of a senior level official of the agency. Setting the agenda for the research council and ensuring that science is properly integrated throughout the agency are large tasks that require tremendous focus. Filling the Chief Scientist position will allow the agency to make progress in these important areas.

*Question 2.* Dr. Doney, you have dedicated much of your career to research on climate change and its impact on ocean health. Just this year, NOAA announced its intent to create a Climate Service. As the prospective Chief Scientist of NOAA, why do you think the agency has the expertise to best provide these services? How will NOAA's climate science work be coordinated with that of other Federal agencies, states, and stakeholders?

Answer. Americans are increasingly demanding information about the climate in order to make smart choices to keep their businesses competitive and communities safe and resilient. From electric utilities seeking information about future expected high and low temperatures to gauge power demands and make sound investments in power generation, to water managers in need of projections of the frequency and intensity of precipitation on which to design adequately-sized reservoirs, public and private sector decision-makers are at the forefront of recognizing that improved climate information is critical to efficient investments and public safety.

NOAA has a proven track record of providing these types of data and products nationwide. NOAA already responds to the millions of requests it receives each year for climate information by sharing data, observations, predictions, assessments, training and vital on-the-ground services.

Based on its experience and expertise, NOAA is uniquely positioned to provide critical information, data and service delivery infrastructure, and in many cases NOAA provides a foundation on which many others rely for their climate services.

A Climate Service Line Office within NOAA is an effort to more efficiently organize the agency's internal climate assets to best respond to Americans' growing need for climate information and to increase NOAA's capability to contribute as a more effective partner in the inter-agency climate services arena.

NOAA already works closely with many Federal, regional, academic and other partners on climate research, data collection and dissemination and climate service provision. NOAA recognizes the importance of this collaboration, and understands that no single agency can provide all climate services for all people. NOAA is committed to continue to work with our Federal and state partners, the private sector, and universities to provide the best and most comprehensive climate services and information to decisionmakers across all sectors.

*Question 3.* Dr. Doney, I believe strongly that NOAA, like other Federal agencies, must deliver services that benefit all Americans, and that taxpayer dollars must be carefully managed. You are a well respected scientist by training, specializing in chemical oceanography. But I want to ask you about the human factor, for a moment. You have worked to communicate the likely social and economic impacts of various human-induced changes on our oceans. If appointed, how will you personally work to ensure that NOAA's scientific efforts directly improve the lives of people around the Nation and world?

Answer. I believe what is needed are efforts on two fronts. The first task is to increase emphasis on research that illuminates the connections and interdependencies of human communities with the ocean, weather and climate. This involves a combination of raising the profile of social science research within the agency as well as using the research council and other entities to engage the external academic community on this topic. The second task is to continue to improve and expand the translation of knowledge gained from research into useful information products for the public, businesses, and local and state governments. If confirmed, I would also use the Sea Grant program to explore other options to ensure NOAA's scientific efforts are improving lives.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARIA CANTWELL TO  
DR. SCOTT DONEY

*Question 1.* Ocean acidification is the other effect of global climate change that is already impacting the West Coast's shellfish farmers. As you noted in your article "Ocean acidification: the other CO<sub>2</sub> problem," the occurrence of this process has been verified in field data with expected increases in the future. As part of your past years in the field, where do you see the vital next steps for research into ocean acidification?

Answer. High priority next steps for understanding ocean acidification are well described in the National Research Council's recent study entitled, *Ocean Acidification: A National Strategy to Meet the Challenges of a Changing Ocean*, as well as NOAA's recent *Ocean and Great Lakes Acidification Research Plan*. The key components outlined in these reports include: a robust monitoring and observation network, research studies of ecosystem effects, studies of the effects on human communities, assessments and decision tools to support decisionmakers, data management, training of ocean acidification scientists, and education and outreach.

*Question 2.* Where are we most lacking as we move forward to try to monitor and mitigate the effects of ocean acidification, especially as they are impacting coastal economies?

Answer. The major research priorities include a number of interlinked science directions: (1) developing robust chemical and biological observation networks for coastal and coral reef environments; (2) conducting more detailed studies of the direct biological responses of commercially important species (e.g., finfish, mollusk, crustaceans, sea urchins) and key habitat forming species such as corals, mangroves, sea grasses and kelp; (3) exploring indirect effects on finfish, marine birds and marine mammals through changing foodwebs; and (4) characterizing better the social and economic linkages of organisms that are potential at risk with commercial and recreational fisheries, recreation, tourism, etc. as a basis for understanding impacts to coastal economies.

*Question 3.* What role do you see NOAA playing in the coming years in monitoring and responding to ocean acidification?

Answer. With the passage of the Federal Ocean Acidification Monitoring and Research Act, NOAA has been authorized to both establish its own ocean acidification program, as well as lead the coordination of an interagency effort. NOAA scientists are at the forefront of ocean acidification research and are working to better observe, monitor, understand and forecast ocean chemistry. NOAA scientists are also conducting research on ocean acidification impacts to commercial fishery species, and coastal and marine ecosystems, including coral reefs. NOAA will continue to play a key role in these areas, and can integrate physical, biogeochemical and ecosystem research findings with its fisheries, coastal, marine sanctuaries, and other stewardship responsibilities to better understand and develop tools to manage ocean acidification impacts to coastal communities.

*Question 4.* What are the specific ways in which NOAA can help prepare citizens for monitoring and adapting to climate change?

Answer. NOAA provides a wide array of climate information and services including ground, ocean and space-based observations, climate assessments, drought early warning information, and climate predictions and projections. This information is delivered to a range of users and can help Americans to make good choices to adapt to climate change. For example, NOAA can provide information to local coastal managers to help prepare for and adapt to likely changes in sea level, storms and ocean temperatures. For inland and coastal states alike, the issues associated with water management in our changing climate is critical. For example, climate assessments indicate that in the Northwest where it snows and people depend on snowpack for water, a warmer climate means major changes in the timing of runoff with streamflow increasing in winter and early spring, and then decreasing in late spring, summer and fall. This trend is projected to continue and reductions in summer water availability will be felt more significantly in areas that are dominated by snowpack runoff. Targeted climate services can help state and local water managers ensure that runoff periods are anticipated and water is adequately captured, stored and managed for the duration of longer drier periods.

*Question 5.* What services is NOAA in a unique position to provide?

Answer. In addition to the basic climate services NOAA derives and provides from its core climate observing, research, and modeling capabilities, NOAA is uniquely positioned to address the climate service needs of coastal communities, marine resource managers and ocean industries given its stewardship responsibilities. In this way, NOAA is both a producer and a user of climate information. NOAA already

provides information on likely changes in sea level, storms and ocean temperatures. This climate information is already starting to be incorporated into marine resource and coastal ecosystem management decisions in NOAA, other Federal agencies, and state governments through adaptation planning for fisheries, coastal and ocean habitats.

*Question 6.* When will we know enough about the impacts and dangers of ocean acidification to call for action and actually do something? In your view, have we reached that point yet?

Answer. The role of the research arm is to provide the best science-based information about our current understanding to the policymakers and those that will take action on this issue. If confirmed, I will ensure that NOAA will continue to carry out research on this and other topics to make sure those policymakers have the best data available to make those decisions.

*Question 7.* You mention in your testimony the critical role that science plays in NOAA's missions. As I am sure you are aware, the recent Draft Biological Opinion regarding Steller Sea Lions points out many gaps in our science regarding this species, from the basic life characteristics and population counts to more complex interspecies interactions and food webs. Millions of dollars were spent on investigating this problem back in the early 2000s, and we still don't have the key answers to these basic questions about Steller Sea Lions. As Chief Scientist, what steps will you take to ensure that NOAA develops a strong scientific research and monitoring plan for Steller sea lions so another 5 years doesn't pass us without asking and answering the basic questions at the heart of the Steller sea lion Biological Opinion?

Answer. I consider the Steller sea lion research program a high priority and if confirmed I will carefully review the recommendations of the North Pacific Fishery Management Council. The need for additional research in the Aleutian Islands is clear. Until the appropriation process is finalized, NOAA cannot commit in advance to expanding resources currently committed to Steller sea lion research. I will also work closely with the North Pacific Research Board to support high priority research on Steller sea lions should I be confirmed.

*Question 8.* NOAA is often caught in the political dynamic of being asked to get answers fast—even when those scientific questions are best answered through consistent, long-term research plans. What can you do as Chief Scientist to help push NOAA toward more effective long-term efforts and away from the need to bow to the political expedience of “needing answers now?”

Answer. I understand both the need to be responsive to pressing questions and at the same time exacting in our methodology. If confirmed, I will work to continue to ensure that NOAA is responsive, but firmly grounds answers in sound science. I will also work to anticipate the research needs of policymakers so that they may have access to data in a timely manner.

*Question 9.* You say that NOAA not only has to recruit the top scientists but play a role in cultivating our own leagues of strong scientific minds. As I have stated in the past, NOAA and its science is essential to the functioning of the American economy. What are your plans for engaging the Nation's youth in promoting science as a career, and even further, that NOAA is a career goal?

Answer. Having a robust STEM education pipeline (Pre-Kindergarten through graduate school level) can facilitate our Nation's ability to meet environmental, energy, industrial manufacturing, and public health challenges of the 21st century. A strong component of this process is to lead the effort of building a career pipeline for NOAA-related occupations. The process involves linking educational content, experiential opportunities, advanced education, and career placement opportunities for students and early career scientists from pre-kindergarten through post-doctoral levels in both formal and informal science education settings. This approach integrates the goals of environmental literacy and workforce development established in the Education Strategic Plan to provide continuity of the workforce pipeline to better engage students at younger ages where career identification and exploration are most critical. Important activities include active development of educational partnerships with external organizations, providing professional development opportunities for STEM teachers, participating in the training of pre-service teachers, leveraging current student scholarships to make higher education more accessible, and creating meaningful experiential opportunities for hands-on science.

*Question 10.* I have often said that the Olympic Coast National Marine Sanctuary is, unfortunately, one of Washington's best-kept secrets. How will you use our existing infrastructure and scientific minds, such as our Olympic Coast National Marine Sanctuary and its visitor center, to focus attention on science literacy and education among the youth and general public?

Answer. The NOAA Office of National Marine Sanctuaries (ONMS) conducts several education initiatives that focus on students, teachers, and the general public. Recently, the program began the Ocean Guardian Program to encourage children to explore their natural surroundings to form a sense of personal connection to the ocean and/or watersheds in which they live. The Ocean Guardian Program includes a Kids Club that encourages children to explore their natural surroundings to form a sense of personal connection to the ocean, an Ocean Guardian Classroom that allow classrooms throughout the United States to be involved in an exciting and innovative ocean conservation programs, and an opportunity for schools to register as an Ocean Guardian School by implementing a school- or community-based conservation project. NOAA's ONMS also offers and manages a free education network that will alert educators by e-mail of upcoming field studies and professional development opportunities.

My understanding is that the Olympic Coast National Marine Sanctuary strives to improve the scientific understanding of both students and the general public who will not only become future generations of informed citizens, but will also be tomorrow's scientists. It is my understanding that the Olympic Coast National Marine Sanctuary regularly conducts unique education events and programs in addition to their ongoing outreach events in communities throughout the region.

*Question 11.* How will you focus the agency to make sure that vital opportunities that fulfill both scientific needs and outreach purposes, like the Mukilteo facility, are not overlooked going forward?

Answer. I am not familiar with the specific issues regarding the Mukilteo facility but I feel that encouraging youth to consider a career in marine science is important for the sustained health of coastal communities and is essential for the future NOAA workforce. Opportunities to connect with students early to show them the wonder of the ocean and the exciting opportunities in the marine sciences is critical. I will use my position as Chief Scientist to advocate for investments in NOAA's infrastructure that both improves NOAA's scientific capacity and increases the agency's capacity to engage a broad cross-section of the public and students, of all ages, in marine science. An awareness of our critical connection with the sea is important for the general public and business and government leaders. We also need to assure that the Nation and NOAA will have access to a broad and strong pool of next generation scientists, technicians and resource managers trained in marine science.

*Question 12.* As you may know, the National Marine Fisheries Service (NMFS) has recently prepared three biological opinions on the effects of organophosphate and carbamate pesticides on salmon species on the west coast, and is in the process of developing several additional biological opinions on nineteen other pesticides. The handling of these biological opinions by the National Marine Fisheries Service and the Environmental Protection Agency has been of great concern to many farmers in Washington State and all along the west coast. While we appreciate the recent delay in the issuance fourth biological opinion until April to give more time for stakeholder input we believe more can be done to better coordinate the efforts of the EPA and NMFS. If confirmed as NOAA's Chief Scientist, how will you improve coordination and communication with the EPA and stakeholders to ensure that future biological opinions are a product of open and transparent communication and coordination?

Answer. I understand that the EPA and NOAA are planning several workshops for early next year. These workshops will explore mechanisms for communicating more effectively with applicants and affected parties to ensure that all relevant sources of information are identified and an explanation of how that information is used is available. I will work to ensure these workshops are convened and where appropriate the results are incorporated in the process.

*Question 13.* At the very least, can you commit to push your agency to:

1. Allocate adequate resources and staff to the upcoming biological opinions in order to review, analyze, and respond to public comments and data over short timeframes;
2. Develop a joint process with the Environmental Protection Agency to incorporate major stakeholders in the decision-making process; and
3. Respond to at least the most major, substantive, and frequently-repeated concerns raised by state agencies and stakeholders?

Answer. I understand NOAA is challenged to meet the court approved schedule for the consultations being conducted pursuant to court order. If confirmed, I will focus on ensuring adequate staff is available for those consultations and evaluate the program's long term needs. I will work to ensure major stakeholders and states are involved in the decision-making process.

*Question 14.* Part of the difficulty in the pesticide consultations is different scientific perspectives and approaches between the scientists at NMFS and the scientists at EPA. If confirmed as NOAA's Chief Scientist, will you commit to helping the scientists at NMFS and EPA find common ground, collaborate more effectively, and come to consensus on some of their key scientific disagreements?

Answer. I understand EPA, USFWS, and NMFS have convened to determine how to conduct a risk assessment to meet the information requirements of the Endangered Species Act. The goal is to produce a common analytical framework that aligns the requirements under the Federal Insecticide, Fungicide and Rodenticide Act and the Endangered Species Act. If confirmed, I will engage in this effort and work to ensure the group works to achieve its goal.

I understand that the third biological opinion which was recently published contains diagrams and information specifying the levels of a pesticide and herbicide compound below which jeopardy would not occur.

*Question 15.* The third biological opinion which was recently published contains diagrams and information specifying the levels of a pesticide and herbicide compound below which jeopardy would not occur. Because effectively communicating the science is so important here, are you willing to push NOAA to go back and compile this information for the first two biological opinions to provide stakeholders with more guidance about how to apply the herbicides and pesticides to avoid actual jeopardy taking place?

Answer. Yes; if confirmed, I will explore reviewing those opinions in the future, but I understand that NOAA must first meet the court approved schedule for the remaining consultations. However, if there are improvements identified in any of the workshops scheduled early next year, I will work to incorporate them in the implementation of the reasonable and prudent alternatives.

*Question 16.* If confirmed, would you be willing to push NOAA to consider providing performance standards, *i.e.*, a list of in-water concentrations of pesticides and herbicides that if not exceeded would not cause jeopardy, instead of the one-size-fits-all approach that application buffer zones represent?

Answer. I understand that NOAA is willing to consider performance standards where appropriate, but they may not always be appropriate given differing toxicity levels and modes of operation for different chemicals. If confirmed, I will continue to explore using performance standards where appropriate.

*Question 17.* I have heard that NOAA does not believe Washington state's current water quality monitoring program for pesticides is robust enough for the agency to utilize the state's data. Will NOAA commit to working with the State of Washington to develop a robust water quality monitoring program that will meet NOAA's standards and provide useful information for future pesticide biops?

Answer. I am not familiar with Washington State's water quality monitoring program, but if I am confirmed I will make sure NOAA continues to work with the State of Washington to develop more robust water quality monitoring programs.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
DR. SCOTT DONEY

*Question.* Changes in ocean chemistry will affect our food supply and the health of our oceans—yet research on ocean acidification is still in its infancy. I wrote a law last year that requires NOAA to lead an inter-agency effort to study the effects of ocean acidification. As chief scientist, how will you help improve our understanding of ocean acidification and how to best mitigate its impacts?

Answer. If confirmed, I would work to create a cross-agency plan that would look similar to the NRC report developed by the Ocean Acidification Program. NOAA has and can play a large role in understanding the impacts of ocean acidification and responding to changes in ocean chemistry, working to understand impacts on commercial fishery species and coral species. We will need to continue to carry out research on this and other topics to make sure those decisionmakers have the best data available to make those decisions.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
MARIO CORDERO

*Question 1.* In your capacity as Long Beach Harbor Commissioner, you helped the Port of Long Beach implement the Clean Air Action Plan, which called for drastic reductions in port-related emissions. How can the Federal Maritime Commission



help ports become more environmentally friendly while at the same time remaining economically competitive?

Answer. The Commission can and has embraced its role as a clearinghouse for best practices that improve sustainability and economic efficiency. If confirmed, I will work to support these efforts, and will promote and encourage dialogue so that the Commission serves as a partner in greening the ports. Through this dialogue and by highlighting best practices, the Commission can encourage the use of green technology that furthers port operations that are more sustainable and more efficient. On this note, Chairman Lidinsky has formed an environmental team to explore ways U.S. port authorities and private marine terminal operators (MTOs) are addressing these questions.

I believe that the Ports of Long Beach and Los Angeles can serve as a case study on implementation of sustainable and efficient programs. One prime example is the Pier PASS program undertaken by the MTOs at Long Beach and Los Angeles. This program was initially implemented to address congestion and environmental issues, but it also served to reduce delivery time and fuel consumption in harbor drayage. This program was put in place through an agreement that was filed and reviewed at the FMC.

*Question 2.* During your years of experience in the maritime industry, how would you describe the level of communication between industry and the Federal Maritime Commission?

Answer. During my time as Harbor Commissioner at the Port of Long Beach, I met and communicated with the FMC on our clean air initiatives, foreign cargo diversion issues, and the port's economic condition. Such communication with the various stakeholders is paramount. If confirmed, I will build on the Commission's current efforts to gather input and seek consensus. Commissioners are in a unique position to learn about and then highlight new commercial and regulatory approaches to maritime transport-related problems through their outreach to the industry and the shipping public.

*Question 3.* What is your view of cargo destined for the United States being diverted from U.S. ports to ports in Canada or Mexico? Is this a serious problem, and what can we do in response?

Answer. The FMC consults regularly with U.S. ports on this important issue, and it is examining potential unfair practices by our neighbors that may add to U.S. cargo shifting from the U.S. to Canada and Mexico. We also need to examine what we can do here at home to make our ports more efficient and competitive.

*Question 4.* In his National Export Initiative, President Obama called for doubling U.S. exports by 2015. Given the Federal Maritime Commission's role in regulating foreign commerce at our ports, what actions can the Commission take to help meet the President's goal?

Answer. The Commission has an important role in ensuring that increased exports have an efficient, reliable way to move to overseas customers. The Commission is currently in the process of finalizing its Fact Finding Investigation on export and import capacity and equipment issues. In the coming year, the Commission can work to resolve problems that the Fact Finding Investigation identifies in our export supply chain. In addition, the Commission should continue to work with the U.S. Department of Agriculture, the International Trade Administration, and other agencies of the Federal Government to find solutions to the problems of U.S. exporters.

*Question 5.* How will you work to improve the FMC's outreach and communications with industry?

Answer. If confirmed, I will strive for prompt responses to concerns of the public and industry. To this end, the Commission has established rapid response teams at its Office of Consumer Affairs and Dispute Resolution, and has encouraged shipping lines to designate liaisons to work with these teams in an ongoing manner. If confirmed, I will be accessible to industry and their customers in order to listen to their concerns, as well as make them aware of the resources offered by the FMC.

*Question 6.* What can the FMC do to protect consumers moving their personal goods overseas from scams—a problem that we see too often in New York/New Jersey?

Answer. The Commission is currently in the process of a Fact Finding Investigation into unfair or deceptive practices in the movement of household goods and personal property. This is a serious issue, and the FMC is correct to focus on it as an important part of its mission to protect the American consumer. Raising consumer awareness and coordination with other agencies and law enforcement will likely be important ingredients in the Commission's response.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
HON. REBECCA F. DYE

*Question 1.* In his National Export Initiative, President Obama called for doubling U.S. exports by 2015. Given the Federal Maritime Commission's role in regulating foreign commerce at our ports, what actions can the Commission take to help meet the President's goal?

*Answer.* The Commission is focused on taking all steps within its authority to foster an ocean transportation system that can meet the growing needs of U.S. exporters. Due to our concerns about ocean transportation capacity to carry U.S. exports and imports, on March 17, 2010, the Commission ordered Fact-Finding Investigation No. 26, Vessel Capacity and Equipment Availability in the United States Export and Import Liner Trades. The Commission named me as the Fact-Finding Officer for this investigation.

The Fact-Finding Investigation recommended the creation of Commission "Rapid Response Teams" to resolve capacity problems and increasing Commission oversight over ocean carrier agreements. The Fact-Finding Investigation also held an export capacity forecasting group meeting and developed an export container availability outreach effort.

If confirmed, I will continue to work to increase the reliability of the international supply chain for U.S. exports.

*Question 2.* How will you work to improve the FMC's outreach and communications with industry?

*Answer.* As Fact-Finding Officer for Fact-Finding Investigation No. 26, I was involved in an outreach effort involving ocean carriers, exporters, importers, ocean transportation intermediaries, port officials and other participants around the country. As a Commissioner, I also speak to and consult with industry groups regularly on issues before the Commission. If confirmed, I will continue to engage in efforts to increase Commission outreach and communication with all of the Commission's stakeholders.

*Question 3.* What can the FMC do to protect consumers moving their personal goods overseas from scams—a problem that we see too often in New Jersey?

*Answer.* On June 23, 2010, with my support and encouragement, the Commission ordered an investigation to of potentially unlawful, unfair or deceptive practices by household goods movers in U.S.-foreign trades. The Commission will consider the interim report and recommendations of this investigation at our next Commission meeting.

If confirmed, I will support Commission action to protect consumers from unlawful, unfair or deceptive practices by international household goods movers.

*Question 4.* Statute requires cruise lines to show financial responsibility to reimburse passengers when cruises are canceled or lines go bankrupt, yet the Commission's current rules do not require more than \$15 million in bonding, even for massive cruise lines. Do you think it is time to update that amount to better protect passengers?

*Answer.* If confirmed, I will work to protect cruise ship passengers against undue financial risk. No passenger covered by current Commission financial responsibility regulations has failed to be indemnified for nonperformance of transportation on a vessel. I believe the most effective passenger indemnification system is risk-based, and takes into consideration all available sources of indemnification.