

**NOMINATIONS TO NASA, THE NATIONAL  
TRANSPORTATION SAFETY BOARD, THE  
FEDERAL MARITIME COMMISSION, AND  
THE DEPARTMENT OF TRANSPORTATION**

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**HEARING**

BEFORE THE

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

**ONE HUNDRED ELEVENTH CONGRESS**

**FIRST SESSION**

**JULY 8, 2009**

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

FIRST SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

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**NOMINATIONS TO NASA, THE NATIONAL  
TRANSPORTATION SAFETY BOARD, THE  
FEDERAL MARITIME COMMISSION AND  
THE DEPARTMENT OF TRANSPORTATION**

**WEDNESDAY, JULY 8, 2009**

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

The Committee met, pursuant to notice, at 2 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, presiding.

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

The CHAIRMAN. There will be order, please. We have business to conduct. We have business to conduct, I would appreciate it if those—

VOICE. Tell Governor Rendell to stop talking.

The CHAIRMAN. Yes.

VOICE. He's still shaking hands.

The CHAIRMAN. Governor Rendell, you have already been re-elected.

Ladies and gentlemen, I would respectfully ask for order. Now that Senator Schumer seems to be calm, everybody else has calmed down with him.

Our first panel, incidentally—if I could get silence. Would you do that? If we could have silence and somebody close the door, your job is to close the door.

Thank you, that is fine, pictures are silent.

Our first two witnesses—we have to be a little bit tricky here this afternoon—are Charles Bolden, to be the Administrator of NASA, and Lori Garver, to be the Deputy Administrator of NASA. And I have a long list of people who want to speak on their behalf. Some of those people have to leave rather quickly, so this will not be—this is interesting, Senator Schumer says he needs to speak right away.

Senator MIKULSKI. I—

Senator SCHUMER. I refer to my senior—

The CHAIRMAN. Never have I seen, Governor Rendell, such calamity in this Committee before.

Mr. RENDELL. You are right.

The CHAIRMAN. You can all three, talk at once if you want.

Senator MIKULSKI. We do anyway.

The CHAIRMAN. You go ahead, Senator Mikulski.

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

Senator MIKULSKI. Mr. Chairman and Members of the Committee, I am actually here to speak for Rick Lidinsky to be with the Federal Maritime Commission.

I am actually here in favor of every one of your nominees, as someone who is the appropriator for the Commerce Justice Science Department, the appropriator for NASA, I am an enthusiastic supporter of Charles Bolden and Lori Garver, who I think bring a great deal of expertise as they had at NASA.

I am also for Deborah Hersman, the Chair of the NTSB Board, who is already on the job and working accidents like Metro, who brings a great deal of experience.

I do not know Polly Trottenberg, but I know I am really happy for her too.

The CHAIRMAN. She will. Yes, she will.

[Laughter.]

Senator MIKULSKI. Today, it is really with enthusiasm that I come with Rick Lidinsky. Mr. Lidinsky brings a spirit of community service; he has worked in public service and in the private sector. His father worked for the City of Baltimore and was a deputy controller, and I was one of his mentees when I was on the Baltimore City Counsel.

What is so great about Rick is he has the experience, knowledge, and can do, know-how to do the job. He actually knows the maritime industry, which will be very important for this job. And to have someone with his experience in the field of maritime, because for those of us who are coastal Senators, we know how the maritime field that has been worn and tattered.

Rick has served in the U.S. Coast Guard; was on the staff of the House Merchant Marine Committee many years ago. He has been a high level expert in the U.S. Delegation to NATO, and he has a keen understanding of domestic and foreign maritime trade demurrages.

He has my full support, as does Senator Cardin when—and he will be here.

What he brings is honesty, integrity, know-how, a commitment to public service and experience with the private sector, having worked extensively with Seagirt; the public sector, having worked extensively with the Maryland Port Authority; and has experience internationally, both in his work in the private sector and as part of the U.S. Delegation, the Maritime Delegation to NATO.

I think they are lucky to get him. He is at the point in his life that he could stay with the private sector and have a cushy job and a very good salary. But he really wants to serve America and make sure that our maritime industry is reenergized and refocused or to be ready for the 21st Century. Whether we sail the seas taking cargo or food aid to the coast of Africa or having the maritime ready to stand up to the pirates like they have already done.

So I would really hope to confirm Rick for the maritime position. And while we are working with the ships that sail the sea, do not

forget Charlie Bolden and Lori, who are in the field of the space-ships that will sail to different parts of the universe.

Mr. Chairman, I think you have got a good team lined up here.

The CHAIRMAN. Thank you, Senator Mikulski. And let me say, again, for those who must be bewildered because I introduced the two NASA witnesses and we are offering other witnesses, but there is a reason for this. And that is, that Senators have many meetings they have to go to. We had a vote, which kind of threw everything into turmoil.

So I would ask two things: One, is for all of you who are here to understand that we are actually—we have two panels of witnesses who we are going to ask real live questions to. But it is a custom here that often they are introduced by people from their states or people who are particularly close to them.

And then my second point would be, it would be my hope, that if I do the math here, if everybody speaks for 5 minutes, that would be about 40 minutes, but there will probably be a few more who want to speak. So I would hope for brevity, filled with passion.

Senator MIKULSKI. That is what I tried to do.

The CHAIRMAN. Senator Schumer, you are more famous for one than the other.

[Laughter.]

**STATEMENT OF HON. CHARLES E. SCHUMER,  
U.S. SENATOR FROM NEW YORK**

Senator SCHUMER. And I will be brief.

[Laughter.]

Senator SCHUMER. Which might that be, Mr. Chair?

The CHAIRMAN. It is not brevity.

[Laughter.]

Senator SCHUMER. Mr. Chairman, I ask unanimous consent my entire statement be read in the record so I might confound your expectation.

The CHAIRMAN. It is so ordered.

Senator SCHUMER. And I am here to introduce a former member of my staff, my Legislative Director for 7 years, a good friend, Polly Trottenberg, to be Assistant Secretary for Transportation at the Department of Transportation.

Polly was an amazing staff person. She had talent, intellect, experience, and dedication. One of the best I have ever had. I first heard her name the week after I won the election against Senator D'Amato. Senator Moynihan summoned me, that would be the appropriate word, to his office and he said two things. He said, first, Chuck, I want to tell you I am not going to run for reelection because now there is a Democrat who can succeed me in the Senate seat.

Then he said, second, I want to give you a gift, Polly Trottenberg, that is what he said. And it was one of the best gifts I have ever received, I think one of the best gifts that New York has ever received, and again to confound your expectations I ask unanimous consent the rest of my statement be put in the record.

[The prepared statement of Senator Schumer follows:]

PREPARED STATEMENT OF HON. CHARLES E. SCHUMER,  
U.S. SENATOR FROM NEW YORK

Good afternoon everyone and I want to thank you, Chairman Rockefeller, Ranking Member Hutchison, and all the Members of this Committee for allowing me to speak here today. I know we are pressed for time so I will try to keep things brief.

I am so pleased to be able introduce a former member of my staff, and a good friend, Polly Trottenberg to this Committee.

President Obama has nominated Polly to be Assistant Secretary for Transportation Policy at the Department of Transportation, and he simply could not have made a better choice.

Polly possesses the rare combination of talent, intellect, experience, and dedication that made her not only an outstanding legislative director and public servant, but also a tireless advocate for the issue she cares so much about—the unquestionable need for affordable and efficient transportation as an environmental, social, and economic necessity.

Before coming to Capitol Hill, Polly worked for the Port Authority of New York and New Jersey in the aviation department. There she helped to operate and manage three of the Nation's largest and most complex airports.

She then joined Senator Daniel Patrick Moynihan's office where she championed his philosophy—a cause I fight to advance to this today—that grand transportation and infrastructure projects are key to the economic future of New York, and to the entire country.

Then, right after I was first elected to the Senate in 1998, Senator Moynihan, my mentor and then senior colleague, told me he was giving me a gift—Polly Trottenberg, to be my Legislative Director.

I hired Polly immediately, and during her 7 years as leader of my legislative staff, Polly Trottenberg never let me down.

Along with her expertise in a wide range of issues required to be an effective legislative director in the Senate, Polly always maintained her focus on advocating for and addressing the critical transportation needs for New York, and the country as a whole.

She lead the negotiations to bring low-cost air service to long neglected upstate cities, and also worked day and night to secure \$20 billion in critical aid to help New York City recover and rebuild after the 9/11 attacks. Polly fought hard and always got the job done.

Polly had a lot of big accomplishments, but it was her day in and day out commitment, drive, and intellect that truly set her apart.

On Capitol Hill, Polly is known in every hall as a preeminent voice on transportation policy.

After leaving my office, Polly went to work for my friend Senator Boxer. And, most recently, Polly was handpicked by Mayor Bloomberg, Governor Rendell, and Governor Schwarzenegger to be Executive Director of Building America's Future, their action committee which highlights the critical needs of America's transportation infrastructure.

There, Polly fought for the cause she loves—promoting the urgent need for Congress and the President to rebuild America.

From our highways, roads and bridges, from the rails to the skies, America's transportation infrastructure is in crisis.

These are daunting challenges for any Administration or Department of Transportation to face, but President Obama has charted a new and ambitious course to not only tackle them, but also to expand and grow.

Polly's unquestionable dedication, experience, and intelligence make her uniquely qualified to craft and implement these bold initiatives.

I recommend her nomination wholeheartedly and without reservation, and urge her swift confirmation.

I again thank Chairman Rockefeller and my colleagues for holding this hearing and look forward to working together to address this Nation's critical transportation needs.

The CHAIRMAN. Senator Schumer I am overwhelmed and awed, as I always am.

Senator SCHUMER. Is this a dream?

The CHAIRMAN. I am faced by two famous people who I see on television a lot. Both whom I respect, one from each party. So to



be bipartisan, I will start, Governor, with your permission, with Senator Graham.

**STATEMENT OF HON. LINDSEY GRAHAM,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator GRAHAM. Thank you, Mr. Chairman.

It is my honor today to be able to represent the State of South Carolina in something that we are all proud of. I know Senator DeMint is equally proud of the fact that our new NASA Administrator, God willing, and the wisdom of the Senate prevails here, is Major General Charles F. Bolden, Jr.

The President has nominated someone extraordinarily talented and qualified for the job, and what we are most proud of is that it all began in Columbia, South Carolina in 1946. He grew up in Columbia, graduated from C.A. Johnson High School. Both his parents were educators in South Carolina. He is a member of our state Hall of Fame.

The most impressive thing to me is he is a Marine and that is no easy thing to claim. He is a Marine aviator. He is a retired Major General who flew 100 combat missions in Southeast Asia during the Vietnam War.

He is a Naval Academy graduate. He has flown four Space Shuttle missions. I think Senator Nelson can attest to his skills as a pilot. He became an astronaut in 1980.

He has done a lot of things and one of the smartest things he ever did was marry his wife, Jackie. They have two wonderful children. One is a Lieutenant Colonel in the United States Marine Corps who flies in the F-18. Another is—his daughter is a medical doctor who is a plastic surgeon and she has come to the right place.

[Laughter].

And they have three beautiful grandchildren.

And it is with a lot of pride that I am able to introduce this fine man who stays very involved in the state of South Carolina. He is an inspiration to all of the kids in the state who are thinking about a career in science.

And the President of the United States has chosen very wisely. He is the right man, at the right time, with the right skill mix and character. And I know this Committee will be able to report on that, I think, unanimously, and let him get on with the work at hand.

And one of his goals is to make sure that general aviation is well taken care of. But we inspire the next generation of young Americans to think big; and there is no better example of what you can do in America than what Major General Bolden has achieved.

So with that, I highly recommend his nomination.

The CHAIRMAN. Thank you, Senator Graham, very much.

Governor, I am going to, once again, call on your good will. Senator DeMint represents South Carolina, obviously, and therefore both nominees, and needs to go anyway and wants to just make a statement at this time.

**STATEMENT OF HON. JIM DeMINT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator DeMINT. Thank you, Mr. Chairman. I will keep it brief. I think Senator Graham and my staff Googled the same bio for General Bolden here, so I will not read it all again, but just to pick up on where Senator Graham left off.

After missions in Vietnam and being an astronaut, he did not go off into retirement, he has continued to serve at the Naval Academy. He has served in Kuwait and very recent battles in coordinating the forces all over the world. And certainly he is a South Carolinian man. I am very proud to recommend to this Committee that he be confirmed as an Administrator of NASA.

[The prepared statement of Senator DeMint follows:]

PREPARED STATEMENT OF HON. JIM DeMINT,  
U.S. SENATOR FROM SOUTH CAROLINA

I am pleased to have the opportunity to introduce General Bolden to the Committee this afternoon. General Bolden is without question one of South Carolina's most distinguished citizens.

Since his appointment to the Naval Academy in 1964, General Bolden has served our Nation with great distinction and has been a source of great pride for the state. It would take too long to read through all the decorations and honors that General Bolden has received, but I think a few are worth noting for the Committee.

General Bolden began his career as a Marine Corps aviator and flew over 100 sorties in North and South Vietnam, Laos and Cambodia. After returning home, he continued to serve the Marine Corps as a recruiting officer and a test pilot. After serving the Marine Corps for a number of years, General Bolden was honored by being selected as a NASA astronaut.

During his career with NASA, General Bolden flew four missions, logged nearly 700 hours in space and orbited the Earth over 400 times. During his first *Discovery* mission, he and his colleagues successfully deployed the Hubble Space Telescope. His second *Discovery* mission was the historic first joint U.S./Russian Space Shuttle mission with a Russian Cosmonaut as a crew member. Bolden also served in two leadership posts at NASA. Following the *Challenger* accident in 1986, he was named the Chief of the Safety Division at the Johnson Space Center, overseeing safety initiatives in the return-to-flight effort. From April 1992 to June 1993, General Bolden also served as Assistant Deputy Administrator for NASA.

In 1994, he returned to service with the Marine Corps as the Deputy Commandant of Midshipmen at the Naval Academy. In July 1997, he was assigned as the Deputy Commanding General of Marine Forces in the Pacific and from February to June 1998, he served as Commanding General in support of Operation Desert Thunder in Kuwait. In July 1998, he was promoted to Major General and assumed his duties as the Deputy Commander, U.S. Forces, Japan. General Bolden then served as the Commanding General, 3rd Marine Aircraft Wing, from August 2000 until August 2002. Since his retirement he has served in a number of positions in the aerospace industry.

I am proud to have the honor of introducing General Bolden this morning. He has shown throughout his career that he is willing and able to face any challenge that is thrown his way. As he leads NASA in the coming years, I am confident that he will bring the same credit to the agency that he has brought to South Carolina, the Marine Corps and the Nation.

The CHAIRMAN. Thank you very much, Senator DeMint. Governor Rendell.

**STATEMENT OF HON. EDWARD G. RENDELL,  
GOVERNOR OF PENNSYLVANIA**

Mr. RENDELL. Thank you, Senator. It is a pleasure to be here.

I am also here to recommend to the Committee the confirmation of Polly Trottenberg. Senator Schumer, I think, had her first and then Senator Boxer had her working for her. And I did not know

Polly until a year ago, when she became the Executive Director of Building America's Future, the organization that is dedicated to changing this Nation's infrastructure, that I chair with Governor Schwarzenegger and Mayor Bloomberg.

I did not know Polly at the time we selected her. I have gotten to know her by working very closely with her over the last year. And Senator Schumer said Polly is awesome. She is smart. She is dedicated. She knows virtually everything about our current transportation policy but better yet, she has vision of where we need to go if we are going to have a first class, world class transportation infrastructure.

Her knowledge that she brought from working with Senator Schumer and working with Senator Schumer and Senator Boxer was great. But in this last year, it has increased exponentially, as mine has, as we have talked to the European infrastructure bank people, as we have talked to the state officials and Governors about transportation issues, as we have talked to Wall Street about creative financing. How we have to go off-budget if we are ever going to finance a real infrastructure program for this country.

Polly knows all of that. She is smart. She is dedicated. She is fun to work with. She should be confirmed.

The CHAIRMAN. Governor, that is high praise coming from you, sir. As in reading all of that, I, frankly, was not as aware of that organization as I should have been. And it is doing all the right things and all the right things that you have spent a lifetime working on, too. I am honored by your presence.

Mr. RENDELL. Thank you, Senator. May I be excused?

The CHAIRMAN. Yes, you may.

Let me just make a very brief statement here that somehow starts with the words, good morning. I would like to retract those and simply say that we have heard people talk about various nominees, because there are various nominees, all very important. But each one of these are very talented individuals. Each one of them are people that we are going to be running agencies which are complex, some of which are worn out or tired or under-funded or all of the above. There are some which may be working relatively well.

We have a lot of ground to cover. I don't want to add to that, but I do want to—if you could close the door, please—I do want to just say one quick word about Charles Bolden, Jr.

He does, as others will also point out, come to us after a distinguished 34-year military career. He retired from the U.S. Marine Corps in 2003 as the commanding general of the third wing, aircraft wing, and has flown four Space Shuttle missions. He has the unique distinction—I think that is the right word—of flying with a member of our very own Committee; and that is Senator Bill Nelson, better known as Payload Specialist Nelson.

I also want to take a moment to welcome back to the Committee a special friend of West Virginia, and that is Deborah Hersman. She spent several years on this side of the dais and returns for a second time. The NTSB is her destiny. We want that to be so. The Ranking Member knows a good deal about that.

I am proud to say again that Ms. Hersman comes from very good roots. Both of Debbie's parents were born in Charleston, West Vir-

ginia, I wish I could say that, and raised in Spencer; and I believe are here.

VOICE. They are in the overflow room.

The CHAIRMAN. OK.

Her father was a very distinguished person in his own right, as a Brigadier General in the Air Force. As so, Ms. Hersman grew up always on the move, but West Virginia has always been her home.

She had her start on the House side and later joined the Senate Commerce Committee for 5 years to lead the Senate Committee's Surface Transportation Subcommittee, handling all kinds of matters.

In 2004, Ms. Hersman was confirmed as a Member of the NTSB, and has since led investigations and has been pointed out as being at the front of what happened in the D.C. Metro system tragedy; she has been on top of it from the very beginning.

So, I could go on about her accomplishments, but I just wanted to close by saying that I am very pleased that the Committee can consider her nomination today.

And most importantly to all of our remarkable nominees: Mr. Bolden, Ms. Garver, Ms. Trottenberg, Mr. Lidinsky, Ms. Hersman, thank you for joining us. Thank you for your willingness to join in something called public service, which I was brought up to feel was a very noble calling and I have always felt that way. And I think all of us here do.

Making the country better is not only a matter of doing the most dramatic thing, it is a matter of doing things that keep Americans safe, keep them eating safe food, using safe products and tending to their welfare in all the ways, as well as savvy security and all kinds of things, climate change, which this committee is also involved with. We have an entire world that we deal with and are very proud about that.

Are there any other opening statements, if not——

Senator HUTCHISON. Oh, yes, Mr. Chairman.

Senator NELSON. And me.

The CHAIRMAN. I am sorry.

And you, Bill.

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

Senator HUTCHISON. Mr. Chairman, I will be very brief. I do have a longer opening statement, which I will put in the record. But basically, General Bolden has been well introduced by the South Carolina senators but, to be very honest, he is a Texas resident.

[Laughter.]

Senator HUTCHISON. And by gosh, I am going to claim him. And I am very proud that when he was with the astronaut corps, he and Jackie made their home in Clear Lake and he has been a huge community asset, and has thrown himself into the leadership of the community, and we really, really appreciate it.

So, I would say that with all of the people who are claiming you, Mr. Bolden, that you could probably run for President some day. But seriously, I think that we have such a qualified nominee, and I will say Senator Nelson and I both worked together very hard for

this very qualified nominee. I am excited about the opportunity to have someone so experienced in so many areas to take on this huge challenge that NASA faces right now.

I am such a strong supporter of the space mission, of the science mission, of the technology mission, and also the security world that is played by NASA, all of the issues that General Bolden will face, and I know he is the right person to lead the agency at this very important time. So, I do want to introduce him and say that I strongly support him and look forward to working with him and for him to also someday return home to Texas.

And then, second, I do want to say that I welcome Deborah Hersman who will chair the National Transportation Safety Board. And as the former Vice Chair myself, I know what an important role it plays in safety. And the independence of NTSB has really been a huge asset for transportation safety in our country since its inception. And I strongly support her nomination.

Polly Trottenberg and Richard Lidinsky, also, I will support their nominations. I think they are very well qualified.

So, Mr. Chairman, I would just say to the members of the Committee that I am working with Sherrod Brown on a bus safety piece of legislation that derives from some of the NTSB recommendations for bus safety. And I hope that this committee can move it through this year, because I think it would be very important to add to the safety laws of our country.

Thank you, Mr. Chairman. I look forward to hearing from the witnesses and to the swift confirmation of all five.

[The prepared statement of Senator Hutchison follows:]

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

Thank you, Chairman Rockefeller, for holding this hearing.

I am especially delighted that the Committee has before it the nominations of Charles Bolden and Lori Garver for confirmation as NASA Administrator and Deputy Administrator and I want to recognize General Bolden as a long-time resident of Houston, Texas. He and his wife, Jackie, chose to remain in Texas after he left the astronaut corps, and while I hate to lose their leadership and community involvement in Texas, I am delighted to have the opportunity to work with Gen. Bolden in this new position.

Gen. Bolden has had a distinguished career, both in the United States military and with NASA. He retired from the U.S. Marine Corps in 2003 after more than 34 years of service. In 1980, he was chosen by NASA to be an astronaut and flew four missions. He also served in a number of additional positions within NASA, including Astronaut Office Safety Officer, Technical Assistant to the Director of Flight Crew Operations, Special Assistant to the Director of the Johnson Space Center, and Chief of the Safety Division at Johnson Space Center.

Gen. Bolden is a graduate of the U.S. Naval Academy, the University of Southern California, and the U.S. Naval Test Pilot School. His honors are many so I'll only list a few of them here: the Distinguished Flying Cross, the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Air Medal, the Strike/Flight Medal, and the NASA Outstanding Leadership Medal. He also received honorary Doctorate degrees from a number of universities and was inducted into the U.S. Astronaut Hall of Fame in May 2006.

We have waited anxiously for the Obama Administration to begin the formulation of its leadership team for space exploration, as NASA faces the challenge of defining its future path, not only in human spaceflight, but also in contributing, through all its missions and activities, to the long-term scientific excellence and economic well-being of the Nation, and to our national security.

I believe the Administration has chosen well with these nominees. They both have the depth and breadth of experience that I believe will be needed to keep NASA and our Nation moving forward and securing our leadership in space exploration.

The challenges are many, and finding the solutions will not be easy. We are now awaiting the findings and recommendations of the Human Space Flight Review panel, chaired by my good friend Norm Augustine, which will hopefully enable both the Administration to focus on what is truly needed for the Nation to sustain its ability to fully explore and fully utilize the environment of space.

I have a great deal of concern and questions about the gap we face in the country's ability to send astronauts—and scientists—to the International Space Station. We have been pressing to reduce or eliminate this gap for the past 4 years in this Committee, and it only seems to get longer. It is my hope that the Augustine review committee will provide us with viable options to address this critical issue.

For too long now, NASA has worked to accomplish its demanding mission and responsibilities with insufficient resources. While we have consistently authorized the necessary funds, in the end, they have not been made available to NASA. And I believe we are now paying the price for that neglect.

Today, we face extraordinarily difficult economic times, and many seem to think that space exploration is a luxury we might be able to do without, for a while, until we are financially "whole" again. What they forget is that we don't *SPEND* money on NASA as much as we *INVEST* it in our Nation's future economic viability. In my view, this Nation cannot afford *NOT* to invest in space exploration, and across the entire scope of NASA's activities. It is the kind of long-term investment that helps to ensure that we never have to face another economic crisis.

In the past, space exploration has been a source of inspiration that has led young people and students into the very fields of scientific and technological inquiry that are so greatly challenged today. We have an excellent reminder of that this month, as we celebrate the 40th anniversary of the first Lunar landing.

One of the greatest challenges facing our two NASA nominees today will be to find a way to remind Americans of that heritage of excellence, and to renew NASA's ability to excite and attract a new generation of scientists, technicians and engineers.

I would also like to welcome our other nominees: Ms. Deborah Hersman has been nominated to chair the National Transportation Safety Board (NTSB); Ms. Polly Trottenberg has been nominated to serve as Assistant Secretary for Transportation Policy at DOT; and Mr. Richard Lidinsky has been nominated to the Federal Maritime Commission.

As a former NTSB Vice-Chair, I understand well the important role the Board plays in promoting our Nation's transportation safety. There are several important transportation accident investigations ongoing at the Board—including the investigation of the recent deadly METRO accident.

The Board's work helps make our transportation system safer. I hope that the Congress will enact comprehensive bus safety legislation this year that incorporates many of the Board's findings based on their investigations into a number of tragic bus accidents. I have sponsored such legislation with Senator Brown, and hope the Chairman will agree to make bus safety a priority of the Committee.

I thank all of the witnesses for appearing today and look forward to working with them upon their confirmation.

The CHAIRMAN. Thank you, Senator Hutchison.

And Senator Nelson, you certainly have the right to say something here, I would think.

#### **STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA**

Senator NELSON. Thank you, Mr. Chairman.

Charlie Bolden and Lori Garver come as a team, Mr. Chairman. Lori has been in aerospace and space activities all of her adult life. She has been one of the top managers in NASA for a period of 5 years. And I want you to know that she was very responsible and in a key position to advise you and my candidate this past campaign season in the fleshing out of a space policy which ended up being one of the most detailed space policies ever by a Presidential candidate. And so, Lori is going to end up being an extremely important part of the team for Charlie as his deputy.

Having known Charlie for a quarter of a century, I can just add to what all has been said here. That if anyone represents a characteristic that we admire, that being the characteristic of an overcomer, Charlie is that.

Charlie could not get an appointment to Annapolis in South Carolina in 1964 because of the politics of segregation. Fortunately, there was someone detailed from the Administration to find promising minorities all around the country. And one day I met this retired gentleman who came up and he said, you do not know me, but we have someone in common, and he told me the story.

That he found Charlie Bolden in Columbia, South Carolina, who wanted to go to Annapolis. And he arranged for a Congressman in Chicago to appoint him. And Charlie got to Annapolis and he was promptly elected President of the freshman class.

Another example of him being an overcomer that this Committee needs to understand the character of the man, is that the Marine Corps was not swift on promoting to general officer a marine astronaut, and it had never been so. And so they told Charlie that as a Brig Colonel, he was passed over for consideration of Brigadier General.

And Charlie allowed as how, what he wanted to do was, he wanted to go to Annapolis as a Marine Colonel, as the number two Deputy Superintendent because he wanted to give back to the institution that gave so much to him. Of course, once that happened, the Marine Corps recognized that they had made a mistake and they promoted Charlie to General.

The third example that I will give of being an overcomer and why we have four of his former crewmates on other missions that are here, Jan Davis, Kym Ryder and Brian Duffy and Kathy Sullivan—if you all will stand up and be recognized, welcome—

[Applause.]

Senator NELSON.—was the exceptional technological confidence that Charlie has when he—what brought him to the position. And I can only testify as to what I observed after five tries and finally with the dubious distinction of being the most delayed and scrubbed mission in American space history, we finally got off the pad and had just cleared the launch tower and I heard Charlie's voice on the intercom saying, "we have a problem, we have a helium leak."

He is sitting in the right seat with all of the systems at his command, was all over those switches and got the helium leak stopped. As it turned out, it was actually a sensor problem; of course, at the time, we did not know that. Had he not gotten that helium leak under control, we would have been in a very dangerous situation.

I think that has been, and I will conclude with this, why one of those astronauts that I just introduced back there, another pilot astronaut who was not only in the NASA jargon, pilot, as Charlie, but also in the NASA jargon, commander, as well as Charlie, as well, and that is Brian Duffy, told me unsolicited before the President nominated Charlie, he said, "I have learned more about leadership from Charlie Bolden than any other person in my life; and he says that includes my 20 years in the Air Force and my 12 years at NASA."

I think that is a pretty high recommendation for the next leader of NASA.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Nelson, very much.

Just a few comments. We have been joined happily by——

VOICE. Mr. Chairman, could I——

The CHAIRMAN. No, hold on just a second, please. I did not see who came in. I knew that Sheila Jackson Lee has come in, but also who has come in is somebody with a reasonably high rank around here——

Senator UDALL. Mr. Chairman, Representative Clyburn.

The CHAIRMAN. You bailed me out too early.

Representative Clyburn, we are most happy to have you here, very honored to have you here. We will welcome whatever you have to say.

**STATEMENT OF HON. JAMES E. CLYBURN,  
U.S. REPRESENTATIVE FROM SOUTH CAROLINA**

Mr. CLYBURN. Thank you, Mr. Chairman.

Mr. Chairman, Members of the Committee, my former colleague, my colleague, thank you so much for allowing me to say a few words on behalf of my homeboy.

[Laughter.]

Mr. CLYBURN. Charlie Bolden is a very, very special person to all of us in South Carolina. I just happen to represent a Congressional District that has had three astronauts come from it. That is one of the things you will hear about in the 6th Congressional District of South Carolina. You will often hear other things about this district, but one of those.

Charles Bolden's father was a very good friend; mother, a librarian, like my wife, they were great friends. I can say that nothing makes me more proud of being a South Carolinian, being a Representative of the 6th Congressional District, than to be able to come here today and say how proud I am of one of our favorite sons, Charles Bolden.

Thank you so much for allowing me to say a few words. And if I may, I will sit for a few moments and get back to a little listening session on health care reform. Thank you.

[Laughter.]

The CHAIRMAN. Thank you, sir, very, very much. We are very honored by that.

Sheila Jackson Lee?

**STATEMENT OF HON. SHEILA JACKSON LEE,  
U.S. REPRESENTATIVE FROM TEXAS**

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I know ranks, so thank you very much. I was intending to yield myself to the Majority Whip of the House, and we are grateful for his presence here.

To all of the Members of the Committee, Chairman Rockefeller, and certainly my senator, Senator Hutchison, who I know is very attentive to these issues, Senator Martinez, Senator Udall, it is a pleasure to see you, and, of course, Senator Nelson, we have traveled this road before.



I know that you are about to proceed with something very important, so let me just try to summarize and ask unanimous consent that my entire statement be able to be submitted into the record.

The CHAIRMAN. So ordered.

Ms. JACKSON LEE. I want to congratulate President Obama for listening and now accepting a bold mission for NASA. And interestingly enough, we have selected a Bolden, someone who can manage bold missions. He is especially particular and unique, because he comes from South Carolina.

It seems that South Carolinians by way of being astronauts, we have astronaut McNair, who we lost tragically, come to be neighbors in Houston. And, so I have been a neighbor of this distinguished nominee, and his wife for a number of years, also a twelve-year member of the House Science Committee. And, I have watched as we have coddled NASA, as we have seen the space station coming to fruition, starting first in the early years where we were having difficulties with big things like Russia making their payments and putting the markers together. And, here we have something the size of a football field.

We need bold leadership, and I am grateful that this bold leadership, the same kind that President Kennedy announced some almost 50 years ago, about what America stood for, and the value of science and the value of exploring space. I think that we are blessed to have a graduate of the Naval Academy and a Marine who understands boldness.

We also have someone, Mr. Chairman, who can convey to the American people the story of NASA. NASA needs friends. We have advocates on the floor of the Senate, and on the floor of the House, but we need friends. We need those who can convey in the 21st Century as we did at the turn of the last century when we advocated that NASA brought about innovative research and health care, such as HIV/AIDS, stroke, and heart disease. We use that, and we were able to convince a few of our friends it was important.

Now, we have new challenges. A very clear recognition of the economy that faces us; a clear recognition that we have done that before. We have done the research for stroke and heart disease. We are learning about how people commit in space.

Now we need to talk about the cutting edge of science and creating jobs. And I believe that someone who has been through the ranks, being an astronaut, seeing the toughness of what it requires, having the military experience is the right kind of leadership.

So, I want to just simply acknowledge that the nominee that became an astronaut candidate by NASA in 1980. He is a veteran of four space flights. I can name them all, but I know that he knows he was in space in 1986 and 1990, and 1992, March, 1992, April 2, 1992 and 1994. That means that he has seen the good side and the bad side.

One of the issues that I think is important is the collaboration between human space exploration and international space station. It is good to have someone who values, and has seen and recognizes the coordination, and the collaboration between those two entities.

Mr. Chairman, I happen to be one of those who supported keeping the human space flight or the Shuttle going for a little bit longer. I know we are moving to the CEV. But, with that in mind, I think that we have a nominee that would bring all these desperate viewpoints to bear. And, we have someone who can call upon Members of Congress as well as the American people.

Mr. Chairman, I believe that, and Members, that he is an outstanding nominee. Again, he would be a friend to this wonderful service, because those who are in the service of NASA are obviously in the service of their country. Then, he would bring the kind of role modeling and be able to bring people together that are so often attributed and to the hard knocks of being a Marine.

It is my pleasure as a member from Houston, Texas, where he lived with his family, to be able to say to you that without reservation, we have an outstanding nominee ready for the 21st Century, and prepared to bring us together, and to carry the banner, and provide NASA with the stair steps that would move it up the ladder of success.

And, I thank you for allowing me this brief moment to share my very, I hope, succinct thoughts about the greatness of the future that we have.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF HON. SHEILA JACKSON LEE,  
U.S. REPRESENTATIVE FROM TEXAS, 18TH DISTRICT

To Chairman Rockefeller, to my dear friend and fellow Texan Ranking Member Hutchison, and to the other distinguished Members of the Commerce, Science, and Transportation Committee, I appreciate this opportunity to testify in support of retired Marine Corps Major General Charles F. Bolden, Jr.'s confirmation as NASA Administrator.

I applaud President Obama for his bold selection of General Bolden as NASA's Administrator. Nearly 50 years ago, at a time of uncertainty at home and abroad, similar to now, another American president, made a similar bold step in a speech to Congress. On May 25, 1961, President John F. Kennedy proposed bold new steps in the exploration of space. He calls on Congress to pursue an "even more exciting and ambitious exploration of space, perhaps beyond the moon, perhaps to the very end of the solar system itself." The President further states that "I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth." President Kennedy's speech came just 3 weeks after Mercury astronaut, Alan B. Shepard, became the first American in space.

In 1961, a young Charles Bolden, Jr., found himself in a precarious position to answer the challenge of President Kennedy. You see, General Bolden was a 14 year old living in still-segregated Columbia, South Carolina. At the time of Kennedy's speech, General Bolden was a tenth grade student at C. A. Johnson High School in Columbia, where his father was the head football coach.

Yet with the backdrop of these challenges, General Bolden believed as President Obama, that America is a place where all things are possible. Thus, notwithstanding the barriers confronting him, General Bolden accepted President Kennedy's challenge that spring of 1961. Three years later, General Bolden took the bold step of seeking an appointment to the United States Naval Academy. In the spring of 1964, during the height of the civil rights movement demonstrations, General Bolden chose another form of protest. He joined just a handful of other Black plebes at Annapolis. And despite this lonely position, he continued to excel. At Annapolis, Bolden pursued one of the most rigorous majors, Electrical Engineering. General Bolden graduated from the U.S. Naval Academy in 1968, nearly 20 years after the first Black to graduate from that institution, Wesley Brown.

Upon graduation from the Naval Academy, Bolden accepted a commission as a Second Lieutenant in the U.S. Marine Corps. While in flight school, General Bolden was further inspired by the feat of a former Navy aviator, Neil Armstrong, who

along with Buzz Aldrin, an Air Force man, fulfilled President Kennedy's challenge by landing their Apollo 11's lunar module Eagle on the moon.

This feat kept General Bolden motivated and after 2 years of flight training, he was designated a naval aviator in May 1970. He flew more than 100 sorties into North and South Vietnam, Laos, and Cambodia, in the A-6A Intruder between June 1972 and June 1973. Upon returning to the United States, General Bolden began a two-year tour as a Marine Corps selection officer and recruiting officer in Los Angeles, followed by 3 years at the Marine Corps Air Station, El Toro, California. During his free time, General Bolden returned to school to earn a Masters degree in Systems Management from the University of Southern California in 1977.

In June 1979, he graduated from the U.S. Naval Test Pilot School at Patuxent River, Maryland, and subsequently served as an ordnance test pilot and flew numerous test projects in the A-6E, EA-6B, and A-7C/E airplanes. As a pilot, he has logged more than 6,000 hours flying time.

General Bolden was selected as an astronaut candidate by NASA in 1980, and became an astronaut in August 1981. A veteran of four space flights, he has logged more than 680 hours in space, including 444 orbits of the Earth. General Bolden served as pilot on STS-61C (Space Shuttle *Columbia*, January 12-18, 1986) and STS-31 (Space Shuttle *Discovery*, April 24-29, 1990), and was the mission commander on STS-45 (Space Shuttle *Atlantis*, March 24, 1992-April 2, 1992), and STS-60 (Space Shuttle *Discovery*, February 3-11, 1994). During his first *Discovery* mission, General Bolden and his colleagues successfully deployed the Hubble Space Telescope while orbiting the Earth from a record setting altitude of 400 miles. The second *Discovery* mission was the historic first joint U.S./Russian Space Shuttle mission with a Russian Cosmonaut as a crew member. General Bolden also held two administrative posts at NASA during these years. Following the *Challenger* accident in 1986, he was named the Chief of the Safety Division at the Johnson Space Center, overseeing safety initiatives in the return-to-flight effort. From April 1992 to June 1993, General Bolden served as Assistant Deputy Administrator for NASA.

In 1994, General Bolden returned to active duty in the U.S. Marine Corps as the Deputy Commandant of Midshipmen at the Naval Academy, Annapolis, Maryland. In July 1997, he was assigned as the Deputy Commanding General, I MEF, Marine Forces, Pacific. From February to June 1998, he served as Commanding General, I MEF (FWD) in support of Operation Desert Thunder in Kuwait. In July 1998, he was promoted to his final rank of Major General and assumed his duties as the Deputy Commander, U.S. Forces, Japan. General Bolden then served as the Commanding General, 3rd Marine Aircraft Wing, serving from August 9, 2000 until August 2002. He retired in August 2004.

Following retirement, General Bolden became active in the corporate sector. Since 2004, he has been the owner and CEO of Jack and Panther LLC, a privately-held military and aerospace consulting firm in my district of Houston, Texas. He also serves on the corporate boards of Marathon Oil (2003-2009), helicopter services provider Bristow Group, Inc., and BlueCross BlueShield of South Carolina. He was Senior VP of TechTrans International, which provides Russian translation, interpretation, language training and logistics services to NASA, from 2003 to 2005; President and Chief Operating Officer of American PureTex Water Corporation; and served on the corporate board of GenCorp, an aerospace and defense contractor.

He also serves on the NASA Aerospace Safety Advisory Panel, the board of the Military Child Education Coalition, a private nonprofit focused on supporting educational opportunities for the children of military families, and the Board of Trustees of the University of Southern California. General Bolden is a family man. He and his wife, Alexis (Jackie), have two children and three grandchildren.

Many of us in Congress have been calling on the Administration to articulate a bold mission for NASA. It seems that the President is answering that call with General Bolden's nomination. For the record, I wish to state my wholehearted support his vision for going back to the moon, and from there to worlds beyond. Furthermore, I believe that General Bolden is the right man to lead us there. As the first NASA Astronaut to lead the space agency, he understands NASA's mission, its operations, and its most valuable resource, its personnel. Moreover, having a background of achieving in the face of obstacles, General Bolden is well positioned to help NASA define its role in the midst of our Nation's fiscal crisis.

Mr. Chairman, I believe you have an outstanding nominee before you. His selection as NASA Administrator has the potential of inspiring a new generation of young people. I encourage you and your colleagues to confirm General Bolden in short order and commit all I can to assist you in this process.

Thank you Mr. Chairman and I yield back the balance of my time.

The CHAIRMAN. Thank you Congresswoman, very much.

We now actually are going to move on to the nominees. So, I would like to have Charlie Bolden and Lori Garver both come and sit at the table.

And people have been doing a lot of introducing and congratulating. It is disruptive, both for Senator Nelson and myself. We both have a sort of shootout at the OK Corral on health care at 4 o'clock. And, so we will do the best we can, and hope that Senator Nelson can chair for a bit, and then Senator Udall can chair for a bit, and ask the questions.

But, this is, you know, you want people to introduce, it is the human thing to do, but, it really disrupts a decent hearing.

So, let me start out with a question. Obviously, your backgrounds are fantastic. And, there is no question that you are the right people for the job. So, we are at the 40th anniversary of the Apollo moon landing. And, I just want to make it very clear from this senator's point of view that NASA is not what it was.

And, I actually came onto this Committee, and I think I had a conversation with Senator Nelson once in which I questioned, did NASA really have a future? People refer to what has been done. Very few refer to what might be done. In the meantime, you have all kinds of auditing problems, all kinds of problems. And NASA is not attracting the kind of people these days they are used to, I am told. I may be wrong. You can put me down on that if you want.

But, if we are going to do NASA, it has got to be done right. And, one of the things you discover on this Committee is you can find at the bottom of the ocean, three miles down, many of the things that you can find are hundreds of miles up in the air. So, innovation is not simply to be found in one part of our hemisphere, wherever it is that we live in.

So, I am going to ask you, sir, just a very general question, but it is a very heartfelt one on my part. I need bolstering on NASA personally. I need bolstering. So, I wonder what specific proposals, if to the extent that you can agree with me, or whether you do or not, what do you propose to do, each of you, starting with you, Mr. Bolden, to take what was the inspiration of a nation which is not today the inspiration of the Nation? It is not, and, it needs to be in order to hold its place, and to get proper funding. It has drifted. I think that is indisputable.

So, what do you plan to do to change this posture? That is, if I am right or if you agree with me, or if you do not, say so.

Mr. BOLDEN. Mr. Chairman, I do not disagree with you, but may I ask a point of order, and that is, if I may be allowed to offer some opening remarks, I think I will cover some of the questions that you ask.

The CHAIRMAN. You should do that.

Mr. BOLDEN. I will answer directly or I can offer opening remarks.

The CHAIRMAN. OK.

Mr. BOLDEN. Would that be OK for you?

The CHAIRMAN. I agree with that.

**STATEMENT OF GENERAL CHARLES F. BOLDEN, JR.,  
ADMINISTRATOR-DESIGNATE, NASA**

Mr. BOLDEN. Mr. Chairman and Ranking Member Hutchison, I do thank you very much for allowing Lori and me to come before this Committee today. We feel that it is incredibly important.

I would be remiss if I did not thank the numerous people who have spoken on our behalf so far, and I tried to write them down so I hope I do not forget anyone. Senator DeMint and Senator Lindsey Graham from my home state, my original home state of South Carolina.

Senators Nelson and Hutchison go without saying. They are long-term supporters of the space program in and of its people. And I want to talk a bit about people as we go through this. And for that, Lori and I are both deeply appreciative to the two of you for all that you have done.

And I do want to thank my very good family friend, Congressman Clyburn and friend, Congresswoman Sheila Jackson Lee for the comments that they made.

I also would like to take this opportunity to acknowledge that I do have some family here. We have a bus that came up from South Carolina, and if I did not comment about them, I would be in deep trouble. I am not going to ask them to stand. They are in the overflow room.

But, I do have family members with me, my wife, Jackie is here. Well, she is behind me. One of our kids, we are very proud of all of our children, but Dr. Kelly Bolden is here, and someone mentioned her earlier. My brother, Warren and his wife, Wendy, my brother-in-law, and sister-in-law, Gerald and Irene Kelly, and the matriarch of my family now, my aunt Alyce Martin, who is from Opalocka, Florida, and one to whom we all seek counsel, the very wise matriarch of the Bolden family now. So I thank all of them for being here.

I also would like to call special attention to some other people, but they are members of the Buffalo Soldiers who are probably in the overflow room, I think. I would be remiss if I did not comment that they have been role models—they are here—role models for me, because they represent the very best of the early part of this Nation, dating way back to the pre-Civil War time and the Revolution.

And also a very special person, Mr. Ed Dwight who, while not actually becoming an astronaut, was a trailblazer in an attempt to break the color barrier in America's astronaut program. He was at one time, a candidate.

Finally, a person who has been an early role model of mine, Lieutenant General Frank Peterson, the first Black Officer in the Marine Corps, the first Black aviator in the Marine Corps, the first Black squadron commander, and the first Black general officer in the Marine Corps. He is also here with us.

So I thank all of them.

I want to extend my special thanks to Christopher Scolese. Chris has been the Acting Administrator of NASA since mid-January. He represents the very best of NASA's career civil servant workforce. For his dedicated leadership and service, I am greatly appreciative.

As has already been said, I was born and raised in Columbia, South Carolina, the segregated South, to Charles and Ethel Bolden, public school teachers who, despite very long hours and lower wages than their white counterparts, loved their work. They made the hard choice to stay in public education and to inspire thousands of black students to take their places in national, state, and local leadership. They were my consummate role models.

For more than 34 years, I was able to serve as an active duty Marine, and I cannot help but tell you that I witnessed the magnificent power of diverse teams of military men and women respond to worldwide crisis whenever called.

As a NASA Shuttle astronaut floating in the windows of the Space Shuttle, I saw the beauty of the Middle East appearing peaceful and serene, in spite of its earthly reality of violence in that region. In contrast, I viewed with sadness, the majestic Amazon rainforest, considered a model of serenity and peace, but devastated by deforestation.

I dream of a day that any American can launch into space and see the magnificence and grandeur of our home planet, Earth, as I have been blessed to do.

I remember the violent days of the 1960s Civil Rights Movement, the war in Vietnam, anti-war demonstrations on our streets, turmoil and division in our Nation not seen since the Civil War. Yet, with shared national vision inspired by President John Fitzgerald Kennedy, we put men on the Moon. The world united in celebrating this achievement, and the U.S. assumed uncontested technological leadership in the world.

All this we accomplished in times as difficult as today if not more so, because beginning in 1961, a young President and a bold Congress inspired the American people to have courage to take action in areas previously unthinkable.

Today we have to choose. Either we can invest in building upon our hard-earned world technological leadership or we can abandon this commitment, ceding it to other nations who are working diligently to push the frontiers of space. If we choose to lead, we must earn it by committing to confront the following four challenges:

First, build upon our investment in the International Space Station, a unique national laboratory, and a bridge to human exploration beyond low-Earth orbit, as we safely and efficiently fly out the Shuttle and end the Shuttle era.

Second, accelerate with a sense of urgency the development of our next generation launch systems to enable expansion of human exploration.

Third, enhance NASA's capability and organic expertise to provide credible scientific, technological, and engineering leadership to help us better understand our Earth's environment.

And finally, inspire a rising generation of boys and girls to become men and women committed to increasing knowledge in the fields of science, technology, engineering and math by making NASA and its programs relevant to the American public.

Today we face a crisis of opportunity. I ask each of you to join with President Obama, me and the NASA team that I hope to lead with your confirmation in partnership with Lori Garver in turning these challenges into opportunities. Thank you for this opportunity

to appear before this Committee. I am excited and energized about the possibility of taking on these challenges, if confirmed, and I look forward to responding to your questions.

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

PREPARED STATEMENT OF GENERAL CHARLES F. BOLDEN, JR.,  
ADMINISTRATOR-DESIGNATE, NASA

Chairman Rockefeller, Ranking Member Hutchison, and Members of the Committee, it is an honor to come before you today as the President's nominee for Administrator of the National Aeronautics and Space Administration (NASA). Thank you for your time in considering my nomination as well as that of Ms. Lori Garver for Deputy Administrator.

I would like to extend my sincere thanks to Senator Lindsey Graham for his support and kind introduction. Special thanks are also due to Senators Nelson and Hutchison for your words of encouragement during my preparation for potentially taking on the duties of NASA Administrator. I thank both of you specifically and this committee in general for your long-standing support of NASA in its mission of leading the Nation in the exploration of our universe and of exercising our leadership in aeronautics, science, and technology. I'd also like to acknowledge members of my family (my wife, Jackie; my daughter, Dr. Kelly Bolden; my brother, Warren Bolden and his wife, Wendy; my aunt Alyce Martin) and other family and friends who have traveled many miles to be with me today.

I would also like to extend a special thanks to Christopher Scolese, who has been the Acting Administrator at NASA since mid-January. Chris represents the very best of NASA's career civil servant workforce. For his dedicated leadership and service I am greatly appreciative.

I was born and raised in Columbia, SC in the segregated south—the older of two sons of Charles and Ethel Bolden, public school teachers who, despite very long hours and lower wages than their white counterparts, loved every day of their work and made the hard choice to remain in public education and to inspire thousands of Black students to take their places in national, state, and local leadership. With them as the consummate role models, I overcame the refusal of my Senators and Congressman to appoint a Black to the Naval Academy by appealing to President Lyndon B. Johnson for assistance. President Johnson had taken the initiative to send a retired Federal judge around the country to visit with Black and Hispanic high schools to recruit young, qualified minorities for entry to the three major service academies. I expressed interest in the Naval Academy during his visit to my high school and this led to my subsequently receiving an appointment to Annapolis from Congressman William Dawson of Chicago, IL. Inspired by my Plebe Year company officer, Major John Riley Love, a Marine Corps Vietnam veteran and mentor reminiscent of my father, I chose to become a United States Marine upon graduation. Much like my father, Major Love was very tough and demanding, but incredibly fair and just in dealing with everyone. For more than 34 years as an active duty Marine, I witnessed the power of teams of diverse military men and women responding to worldwide crises of humanitarian assistance and disaster relief, such as the small 16 to 20 person teams of Marines and Navy corpsmen sent from my command into Djibouti in the Horn of Africa to help drill fresh water wells and to assist the villagers in building rudimentary medical centers. The engagement and compassion exhibited by these Marines and sailors gained us a level of respect by the local tribe members that allows us to operate with impunity in this region even today.

As a NASA astronaut I flew four times on the Space Shuttle as a member of international teams of dedicated engineering and science professionals. Floating in the windows of the Shuttle, speeding across its great desert at 4–5 miles per second, I saw the beauty of the Middle East, appearing peaceful and serene in spite of the Earthly reality of violence in the region. From my window perch, I viewed with sadness the majestic Amazon Rain Forest, considered by many to be the model of serenity and peace, yet devastated by deforestation, leaving the area and its people facing some of the greatest environmental challenges of our day. I now dream of a day when any American can launch into the vastness of outer space and see the magnificence and grandeur of our home planet, Earth, as I have been blessed to do. I'm convinced this will inspire them to be more concerned for our environment and to strive to put an end to man's inhumanity to man.

When I reflect on the violent days of the 1960s civil rights movement; war in Vietnam and anti-war demonstrations on our streets; turmoil and division in our Nation not seen since the Civil War—I am inspired by the power of a shared national vision articulated by President John F. Kennedy to put men on the Moon; uniting the world in celebrating this achievement; and assuming uncontested technological leadership. NASA and its contractors produced what is a marvel of the modern age—the Space Shuttle followed by the International Space Station (ISS). With the common goal of making life better for humans here on Earth and improving understanding of our universe, NASA provided the leadership to our scientists, industry, and international partners to launch probes to distant planets; change human understanding of the universe in which we live with the Great Observatories—the Hubble Space Telescope (HST), the Chandra X-Ray Telescope, the Compton Gamma Ray Observatory (GRO), and the Spitzer Space Telescope—and develop biomedical research that contributed to innovation of the CATScan, magnetic resonance imaging (MRI), the DeBakey Ventricular Assist Device (VAD) or heart pump, and even a prospective salmonella vaccine.

All this we accomplished in times equally as difficult as today, if not more so because, beginning in 1961, a young President and a bold Congress inspired the American people to have the courage to take action in areas previously unthinkable. Can we do any less today? I think not.

Dr. Shirley Jackson, President of Rensselaer Polytechnic Institute, warns—“There is a quiet crisis building in the United States—a crisis that could jeopardize the Nation’s pre-eminence and well-being. The crisis has been mounting gradually, but inexorably, over several decades. If permitted to continue unmitigated, it could reverse the global leadership Americans currently enjoy. The crisis stems from the gap between the Nation’s growing need for scientists, engineers, and other technically skilled workers, and its production of them. . . . Our government, universities, and industry must act now to develop the intellectual capital of the future.”

Today we have to choose. Either we can invest in building upon our hard earned world technological leadership or we can abandon this commitment, ceding it to others who are working vigilantly to push the frontiers of space.

If we choose to lead, we must earn that leadership by committing to confront the following challenges:

- *Build* upon our investment in the ISS, a unique national laboratory, and a bridge to human exploration beyond low-Earth orbit, as we safely and efficiently bring the Shuttle era to a close.
- *Accelerate* with a sense of urgency the development of a next generation launch system and human carrier to enable America and other space-faring nations of the world to execute the mission of expanding our human exploration beyond low-Earth orbit.
- *Enhance* NASA’s capability and organic expertise to provide credible scientific, technological, and engineering leadership to help us better understand our Earth environment.
- *Inspire* the rising generation of boys and girls to become men and women committed to increasing knowledge in the fields of science, technology, engineering and math (STEM) by making NASA and its programs relevant to the American public.

Today we face a crisis of opportunity. We can either confront the aforementioned challenges of technological leadership that ensure our Nation’s safety and security or cede that leadership and prestige to other nations. I ask each of you to help NASA turn these challenges into opportunities. I ask each of you on this Committee as well as your colleagues in the Congress to help us ensure that safety and mission success are the preeminent principles in our continuation and extension of human exploration. And I ask all of you to help NASA ensure that our Nation remains the leader in the world in aeronautics, technology, science, and the care of our environment.

Together we can find innovative ways to enhance our Nation’s educational, scientific and technological capacity or we can sit by and watch other nations assume our long-held and recognized leadership role.

Together we can find innovative ways to enhance needed basic research and development in aeronautics, science and technology or we can sit by and watch other nations move ahead in these fields.

Together we can find innovative ways to advance space exploration, reduce the costs of access to space and further push the boundaries of what we can achieve as a Nation.



Thank you for this opportunity to appear before this Committee. I am excited and energized about the possibility of taking on these challenges, if confirmed, and I look forward to responding to your questions.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
Charles F. Bolden, Jr. (Charlie Bolden).
2. Position to which nominated: Administrator, National Aeronautics and Space Administration.
3. Date of Nomination: June 22, 2009.
4. Address (List current place of residence and office addresses):  
Residence: Information not released to the public.  
Office: 14111 Lake Scene Trail; Houston, TX 77059.
5. Date and Place of Birth: August 19, 1946; Columbia, SC.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
Spouse: Alexis W. Bolden; President; JACKandPANTHER LLC; Houston, TX.  
Children: LTCOL Anthony Ché Bolden, USMC; 37 and Dr. Kelly M. Bolden, M.D.; 33.
7. List all college and graduate degrees. Provide year and school attended.  
Bachelor of Science, U.S. Naval Academy, 1968.  
Masters of Science in Systems Management, University of Southern California, 1977.  
Test Pilot Certificate, U.S. Naval Test Pilot School, 1979.
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.  
*2005–Present—JACKandPANTHER, LLC, CEO, Houston, TX.*  
*April 2003–Dec. 2004—Senior Vice President, TechTrans International, Houston, TX.*  
*January 2003–April 2003—President, Chief Operating Officer, American PureTex Water Corporation, Houston, TX.*  
*August 2002–December 2002—Terminal Leave, USMC.*  
*August 2000–August 2002—Commanding General, 3rd Marine Aircraft Wing (MAW), San Diego, CA.*  
*July 1998–August 2000—Deputy Commander, U.S. Forces Japan (USFJ), Tokyo, Japan.*  
*February 1998–July 1998—Commanding General, I MEF (Fwd), Camp Doha, Kuwait.*  
*June 1997–July 1998—Deputy Commanding General (CG), I MEF, Camp Pendleton, CA.*  
*June 1995–June 1997—Assistant Wing Commander, 3rd MAW, MCAS, El Toro, CA.*  
*June 1994–June 1995—Deputy Commandant of Midshipmen, U.S. Naval Academy, Annapolis, MD.*  
*July 1980–June 1994—Astronaut, Astronaut Office, NASA Johnson Space Center (JSC), Houston, TX.*  
*January 1993–June 1994—Crewmember in training/flight for STS–60. Served as Mission Commander with responsibility for assignment of crew duties, overall training of the flight crew, the safe conduct of the mission, and the conduct of all post-flight activities of the crew during our month-long post flight appearances.*  
*April 1992–January 1993—Assistant Deputy Administrator, NASA Headquarters, Washington, D.C.*  
*September 1988–April 1992—Crewmember in training/flight for STS–31 and STS–45. Served as Mission Commander for STS–45 from May 1990*

*through April 1992 with responsibility for assignment of crew duties, overall training of the flight crew, the safe conduct of the mission, and the conduct of all post-flight activities of the crew during our month-long post flight appearances.*

*February 1986–September 1988—Chief, Safety Division, NASA JSC, Houston, TX.*

*December 1984–January 1986—Crewmember in training/flight for STS-61C.*

*July 1981–December 1984—Astronaut support for Space Shuttle Missions STS-4 through STS-51C.*

*July 1980–July 1981—Training as Astronaut Candidate.*

*June 1978–June 1980—Engineering Test Pilot, Naval Air Test Center, Patuxent River, MD.*

December 1968–June 1978—Pilot, U.S. Marine Corps.

*June 1977–June 1978—Executive Officer, MABS-13, MCAS El Toro, CA.*

June 1976–June 1977—Assistant Operations Officer, MAG-13, MCAS El Toro, CA.

June 1975–June 1976—Squadron pilot VMA(AW)-242, MCAS El Toro, CA.

June 1973–June 1975—Recruiter, Officer Selection and Recruiting Station, Los Angeles, CA.

*June 1972–June 1973—A-6A Pilot, VMA(AW)-533 in Vietnam combat operations, Nam Phong, Thailand (Served as Maintenance Control Officer with responsibility for preparation and flight assignment of the squadron's 12 combat aircraft each day. Also had management responsibility for the 200+ maintenance personnel assigned to the squadron.)*

December 1970–May 1972—A-6A squadron pilot, VMA(AW)-121, MCAS Cherry Point, NC.

June 1970–December 1970—A-6A Pilot-in-training, VMAT(AW)-202, MCAS Cherry Point, NC.

December 1968–May 1970—Student Naval Aviator, MAD, NATC, Pensacola, FL/NAATC, Corpus Christi, TX.

June 1968–December 1968—Marine Corps Officer Student, The Basic School, Quantico, VA.

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.

2006–Present—Chairman, Independent Review Board, STS-125 HST SM-4 Space Shuttle Mission, (consulting services provided under a NASA contract with SAIC through JACKandPANTHER, LLC).

2005–Present—Member, NASA Aerospace Safety Advisory Panel.

2006–Present—Member, Directorate Review Committee, National Ignition Facility, Lawrence Livermore National Laboratory.

2006–Present—Member, Aerospace Science Engineering Board, National Academy of Science.

2004–2005—Member, NASA Committee on the Exploration Transportation Systems Architecture.

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.

2008–Present—Director, St. Luke's Episcopal Hospital, Houston, TX.

2007–Present—Director, St. Luke's Episcopal Health System, Houston, TX.

2007–Present—Director, South Carolina Blue Cross Blue Shield, Columbia, SC.

2007–Present—Director, Camp Allen, Navasota, TX.

2006–Present—Director, Bristow Group Inc., Houston, TX.

2006–Present—Director, DetectaChem, Inc., Houston, TX.

2006–Present—Board President, Sickle Cell Association of the Texas Gulf Coast, Houston, TX.

2005–Present—Member, Directorate Review Committee, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, CA.

2005–Present—Chief Executive Officer, JACKandPANTHER, Houston, TX.

2004–Present—Director, National Space Biomedical Research Institute, Houston, TX.

2004–2008—Director, GENCORP Inc., Sacramento, CA.

2004–2007—Director, Palmetto Government Benefit Associates, Columbia, SC.

2004–Present—Director, Military Child Education Coalition, Harker Heights, TX.

2003–Present—Trustee, University of Southern California, Los Angeles, CA.

2004–Present—Member, Episcopal Diocese of Texas Commission on Black Ministry, Houston, TX.

2003–2007—Member, Episcopal Diocese of Texas Commission on Ministry, Houston, TX.

2003–2007—Director, Tailhook Education Foundation, San Diego, CA.

2003–2007—Director, Family Literacy Foundation, San Diego, CA.

2003–Present—Director, Marathon Oil Corporation, Houston, TX.

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.

2006–Present—Board President, Sickle Cell Association of the Texas Gulf Coast.

2006–Present—Sigma Pi Phi Fraternity (limited to men).

2004–Present—Director, Military Child Education Coalition.

2003–Present—Trustee, University of Southern California.

2004–Present—Member, Episcopal Diocese of Texas Commission on Black Ministry (although participation in Holy Communion and certain other programs of the Episcopal Church is limited to baptized persons, attendance at Episcopal worship services is open to all).

2003–2007—Member, Episcopal Diocese of Texas Commission on Ministry (see note above on Episcopal Church).

2003–2007—Director, Tailhook Education Foundation.

2003–2007—Director, Family Literacy Foundation.

1983–Present—Omega Psi Phi Fraternity (limited to men).

1980–Present—Member, Brotherhood of St. Andrew (An Episcopal Church program whose membership is traditionally Christian men, but not exclusively. Women traditionally participate in a sister organization, the Daughters of the King.)

1977–Present—Member, University of Southern California General Alumni Association.

1975–Present—Member, Marine Corps Aviation Association.

1975–Present—Member, Montford Point Marine Association.

1968–Present—Member, Naval Academy Alumni Association.

1964–Present—National Association for the Advancement of Colored People (NAACP).

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.

Gene Locke Houston Mayoral Campaign, 2009, \$500.

Barack Obama Presidential Campaign, 2008, \$750.

James Webb, U.S. Senate Campaign (Virginia), 2006, \$1,000.

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

Recipient of the Defense Superior Service Medal (2003).  
 Defense Meritorious Service Medal (2nd Award) (1995).  
 Distinguished Flying Cross (1990).  
 Air Medal (1972).  
 Strike/Flight Medal (8th award) (1972–73).  
 Honorary Doctor of Science Degree from the University of South Carolina (1984).  
 Honorary Doctor of Humane Letters from Winthrop College (1986).  
 Honorary Doctor of Humane Letters from Johnson C. Smith University (1990).  
 Yuri A. Gagarin Gold Medal, Federation Aeronautique Internationale (1994).  
 Honorary Doctor of Science from San Diego State University (2002).  
 Honorary Doctor of Science from Rensselaer Polytechnic Institute (2008).  
 NASA Outstanding Leadership Medal (1992).  
 NASA Exceptional Service Medals (1988, 1989, and 1991).  
 University of Southern California Alumni Award of Merit (1989).  
 University of Southern California Asa V. Call Alumni Award (2003).  
 South Carolina State Hall of Fame (1999).  
 South Carolina Aviator of the Year (1996).  
 South Carolina Aviation Hall of Fame (1996).  
 Richland County (SC) School District One Hall of Fame (2001).  
 Inducted into U.S. Astronaut Hall of Fame (2006).  
 Harvard University Advanced Leadership Fellow (2008–Present).

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.

“Why Claim to Be An Episcopalian,” *Texas Episcopalian*, 2007.

“The Legacy of Captain Cliff Branch, USMC,” *Naval Institute Proceedings*, 2005.

Contributor to several National Research Council (NRC) Reports.

*Navy’s Needs in Space for Providing Future Capabilities*, Committee on the Navy’s Needs in Space for Providing Future Capabilities, Naval Studies Board, NRC, March 2004.

*2003 Assessment of the Office of Naval Research’s Marine Corps Science and Technology Program*, Committee for the Review of ONR’s Marine Corps Science and Technology Program, Naval Studies Board, NRC, March 2004.

*Assessment of Options for Extending the Life of the Hubble Space Telescope*, Committee on the Assessment of Options for Extending the Life of the Hubble Space Telescope, SSB, ASEB, NRC, October 2004.

As noted in response to Question 10, I participated on the NASA Committee on the Exploration Transportation Systems Architecture, which addressed the *Exploration Transportation Systems Strategic Roadmap* and was expected to issue a written report. However, the Committee was discontinued at the direction of the NASA Administrator prior to completion of its work.

During the period 1981–1994, while an active astronaut, I routinely made numerous presentations to school groups, business groups, and the general public about the Space Shuttle Program. I also participated in press conferences and media interviews in conjunction with my spaceflight activities.

Since leaving the Astronaut Office and NASA in June 1994, I have continued to make presentations to general audiences. My public presentations do not generally address national space/aeronautics policy or law. With rare exception, my presentations are without formal written notes, though I sometimes have used PowerPoint slides of photos taken during my four Space Shuttle missions or missions to the ISS. My recent speeches to general audiences include:

May 14, 2009, Speaker at Texas A&M Commencement Convocation, College Station, TX.

May 15, 2009, Speaker at MacGregor Elementary School, Houston, TX.

May 20, 2009, Speaker at South Carolina State Museum, "Windows in New Worlds" Project benefit dinner, Columbia, SC.

May 27, 2009, Speaker at Baylor College of Medicine Graduation, Houston, TX.

June 1, 2009, Speaker at Monday Connection Luncheon Series, Episcopal Theological Seminary of South Austin, TX.

June 4, 2009, Speaker at 3D Mathematics Academy Graduation, Prairie View, TX.

June 5, 2009, Speaker at Eighth Grade Graduation, Bolden Elementary/Middle School, MCAS Beaufort, Beaufort, SC.

June 5, 2009, Speaker at DARE Graduation, DOD Schools, MCAS Beaufort, Beaufort, SC.

June 5, 2009, Presenter at Professional Military Education, Officers and Senior Enlisted, MCAS Beaufort, Beaufort, SC.

Remarks to students and others in Beijing, China in 2005 at Sino-American Aviation Heritage Foundation. (The presentation was a joint address to the International Conference of the Young Astronauts with COL Yang Li We (first Chinese astronaut in space), BGEN Charlie Duke, USAF (Ret.) (US Moon-walker), and Dr. Mae Jemison, MD (US and first African-American woman in space.)) The visit included five Chinese cities in which their major aeronautics universities are located—Beijing, Shanghai, Chongqing, Xian, Nanjing—and I spoke in each city to a variety of groups from elementary schools to professional engineering groups. I was also a guest commentator for Chinese TV during the launch of STS-110 returning to space following the loss of Columbia. Officials from the Chinese Society of Astronautics and the Chinese Astronaut Research and Training Center also briefed us on the progress of the Chinese human space flight program.

I have made similar presentations as above in Japan, South Africa, Korea, Thailand, Costa Rica, Russia, Scotland and elsewhere when requested to do so in the course of otherwise unrelated visits to these countries. Organizations frequently make requests for presentations on human space exploration when they learn of my background. I do not have specifics on any of these presentations since they were frequently unplanned prior to the visits and I used no notes.

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

House Science and Technology Committee, Hearing on Results of Space Shuttle Flight 61-C, September 23, 1986.

House Science, Space and Technology Committee Hearing on Results of the Flight of Space Mission STS-31, May, 23, 1990.

House Committee on Science Hearing on Options for Hubble Science, February 2, 2005.

Senate Subcommittee on Science and Space Hearing on Outside Perspectives on NASA Budget and Programs, June 7, 2006.

I have also interacted with Congress outside of formal hearings on various occasions, including but not limited to post-flight briefs after STS-45 in 1992.

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 educational background is in the field of engineering and science with training and experience as a Naval Test Pilot as well as practical experience as a NASA Astronaut and Assistant Deputy Administrator. I have also had more than 34 years of leadership and management experience as a U.S. Marine Corps Officer. Since my retirement from active service in the Marine Corps, I have continued to be actively involved with critical issues of NASA through my participation as a member of the Aerospace Safety Advisory Panel (ASAP), a Congressionally-mandated panel charged with providing independent safety oversight and counsel to the NASA Administrator, the Congress, and the Administration. I also chaired the Independent

Review Board charged with oversight of the STS-125 Hubble Space Telescope Servicing Mission, the fourth Hubble servicing mission, which was successfully completed in May of this year.

I desire to serve as the NASA Administrator because it will afford me an opportunity to lead the Agency at a critical juncture in the technological history of this Nation. We have allowed our leadership in the fields of aeronautics and science to atrophy to an unacceptably low level. The President has laid out a national vision for restoring our collective national excellence in education, science, technology, engineering, and math. I hope to do my part by working with and leading the entire NASA family with my vision and inspirational skills.

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 as the NASA Administrator, my responsibilities will include overseeing the development and execution of the Agency's strategic plan in coordination with the goals of the President and his science and technology advisors. It will also be critical that I assemble and develop a leadership team in partnership with the NASA Deputy Administrator that can be entrusted with refining our management and oversight of the Agency's programs. The Agency must present relevant and reliable program plans to the Administration, Congress, and the American public as it examines restructuring, personnel management and assignment, and cost and schedule refinement. If confirmed, it will be my responsibility to ensure efficient and effective execution of these plans once approved and funded. I have extensive experience in managing large organizations. From 1997 through 2002, I held several positions as a Marine Corps general officer in which I served as the Commanding General or Deputy Commander for organizations of 200–17,000 service members. I also served as Assistant Deputy Administrator for NASA from April 1992 through January 1993.

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

The number one challenge for the Agency will be to safely bring the Shuttle Program to a close while safely ramping up the Constellation Program to enable the Nation to expand our human exploration beyond low-Earth orbit. This must be accomplished with minimal gap in our domestic U.S. capability to put humans and cargo into space. These efforts will be critical to maintaining our leadership in the world among space-faring nations as well as ensuring that we can inspire a new generation of explorers here in the U.S. and around the world.

A second critical challenge will be to provide the scientific leadership necessary to better understand our Earth environment. NASA must be able to work with national and international environmental science communities to identify and quantify the threats to Earth's health, and lead in the development of mitigating actions to deal with those threats. NASA, in conjunction with related Government agencies, must move with urgency to provide adequate and accurate space-based sensors that will provide reliable data to national decisionmakers dealing with the natural and man-made mechanisms controlling Earth's climate system.

A third critical challenge will be to make NASA and its programs relevant to the American public in a way that inspires young boys and girls, men and women, to become hungry for knowledge in the fields of science, technology, engineering and math (STEM). NASA must find innovative ways to challenge the country to view excellence in the STEM fields as a national imperative.

#### 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.

I have a deferred compensation arrangement with Marathon Oil listed on my SF-278 that will be concluded upon receipt of Marathon stock and a cash payment owed shortly after I resign from the Marathon Oil board.

I have a benefit from my service as a director for Blue Cross Blue Shield of South Carolina listed on my SF-278 under which I will continue to receive payments for a long-term care policy for my wife and me.

I receive military retirement pay for my Marine Corps service.

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

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and NASA'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 NASA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and NASA'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 NASA'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.

During the last 10 years, I have continued to advance the principles for which NASA was established and have worked to increase public support for NASA. In addition to the interactions with Congress described in my response to Question A17, I have continued this work through various means, including:

- a. My work as a member of NASA's Aerospace Safety Advisory Panel (ASAP) (2005–Present).
- b. My work as a member of the Aerospace Science Engineering Board of the National Academy of Science (2006–Present).
- c. My services as Chair of the Independent Review Board established by NASA for the STS-125 HST SM-4 Space Shuttle Mission (2006–Present).
- d. My work as a member of the Directorate Review Committee for the National Ignition Facility, Lawrence Livermore National Laboratory (2006–Present).
- e. My work as a member of NASA's Committee on the Exploration Transportation Systems Architecture (2004–2005, see response to Question A16).
- f. My contribution to National Research Council (NRC) reports concerning options for extending the life of the Hubble telescope as well as national defense related capabilities (2004, see response to Question A16).
- g. My public speaking activity addressed in response to Question A16, through which I have educated audiences about NASA missions.

In 2005, at the request of the NASA Administrator, I visited with members of the House and Senate as well as their staffs to describe the emerging launch vehicle system for the NASA Constellation Program. I attempted to explain the differences, advantages and disadvantages of candidate launch systems (Atlas, Delta, ARES, etc.) and answer any questions. This was erroneously reported on ATK's annual report of lobbyists to the U.S. Senate. The error was later corrected and my name was removed from the list.

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 NASA'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 NASA'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.

Yes. As a brand new second lieutenant in the Marine Corps following graduation from the U.S. Naval Academy (June 1968), my wife and I were guests of my uncle in Myrtle Beach, South Carolina, as a wedding present. While vacationing in Myrtle Beach, my uncle was involved in an auto-pedestrian accident in which the car he was driving hit a man crossing the street. The victim turned out to be a close friend of his and my uncle and I went to the local hospital to check on the condition of the friend. Upon asking a nurse on duty about the friend, we were told that we could not be told anything about the patient. We tried to explain the circumstances of the relationship between my uncle and the victim to no avail. I demanded to see a doctor or other supervisory official after continued resistance from the staff to provide us with information. Unknown to us, the Myrtle Beach Police had been called to the hospital because of our persistence and refusal to leave until we knew about the status of my uncle's friend. Upon arrival at the hospital, one of the policemen evidently felt that I was a threat to the safety of the nurse, so he drew his nightstick and struck me in the head from behind knocking me to the floor as he uttered a threatening racial epithet. At that time, my uncle and I were handcuffed and arrested for disturbing the peace. Once at the police station, it was determined that I was a Marine Corps officer when I demanded to make a call to the Civil Rights Division at Fort Jackson in Columbia, SC and produced my military ID card. The police offered to release me, but I refused to leave, until and unless, my uncle was also released. We both ended up spending the night in jail before my parents arrived the next morning and negotiated our release. To my knowledge, no charges were ever filed.

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 filed suit in 1978 in small claims court in St. Mary's County, MD, because the home I purchased had a defective septic tank that the owner did not disclose at the time of sale. The defendant was ordered to pay for half the costs of the repair.

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 I will.

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

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 I will.

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 I will.

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#### RESUME OF CHARLES F. BOLDEN, JR.

##### Experience

2005–Present, JACKandPANTHER LLC, CEO, Houston, TX.

Lead the independent oversight of the planning and preparation for NASA's Space Shuttle Mission STS-125 Hubble Space Telescope Servicing Mission—4 (HST SM-4) as Chairman of the HST SM-4 Independent Review Board (performed through a contract with SAIC, Inc.).

Advised the NASA Administrator on matters pertaining to safety and mission assurance of NASA programs as member of the NASA Aerospace Safety Advisory Panel (performed in my personal capacity as a Special Government Employee).

Provide consulting services in leadership, military, and aerospace issues as well as motivational speaking.



Apr 2003–Dec 2004, TechTrans International, Senior VP, Houston, TX.

Led the company in diversifying its client base and decreasing its dependence on NASA contracts from 95 percent of revenues to 78 percent.

Developed business portfolio to increase annual revenues from \$15M to \$26M during period of employment.

Jan 2003–Apr 2003, American PureTex Water Corporation, Pres/COO, Houston, TX.

Unsuccessful in effort to raise operating capital for this startup company.

Aug 2002–Dec 2002, Terminal Leave USMC, Houston, TX.

Aug 2000–Aug 2002, 3rd Marine Aircraft Wing (MAW), Commanding General, San Diego, CA.

Oversaw the training, preparation, and combat operations of 16,000+ Marines and sailors and 400+ aircraft of the aviation combat element of the 1st Marine Expeditionary Force (I MEF) in support of *Operation Enduring Freedom* in Afghanistan.

Instituted a campaign plan, “*Putting Marines First*”, to provide for the mentorship, wellness, and community outreach efforts of Marines and families of 3rd MAW.

Implemented a 3rd MAW safety campaign that reduced major ground and aircraft accidents to zero from a record high in the prior year.

Jul 1998–Aug 2000, U.S. Forces Japan (USFJ), Deputy Commander, Tokyo, Japan.

Co-Chaired the Japan-U.S. Joint Committee with responsibility for oversight/maintenance of the U.S.-Japan Mutual Defense Treaty.

Led renegotiation of the \$5B Host Nation Support funding from the government of Japan for the operations of U.S. forces in Japan.

Feb 1998–Jul 1998, I MEF (Fwd), Commanding General, Camp Doha, Kuwait.

Directed combat preparation for U.S. Marine forces assigned to Coalition Joint Task Force, Kuwait.

Advised Commander Coalition Joint Task Force on capabilities and employment of U.S. Marine Corps forces.

Jun 1997–Jul 1998, I MEF, Deputy Commanding General (CG), Camp Pendleton, CA.

Certified West Coast Marine Expeditionary Units (MEU) for special operations capable missions.

Assisted Commanding General I MEF (Fwd), with oversight of the planning and training of Marine forces for combat operations in support of the Combatant Commanders in the U.S. Pacific Command, U.S. Central Command, and Combined Forces Command, Korea.

Jun 1995–Jun 1997, 3rd MAW, MCAS, Assistant Wing Commander, El Toro, CA.

Assisted the CG 3rd in the training, preparation, and deployment of Marines and sailors assigned to the Wing.

As senior Marine Corps officer aboard the Naval Air Station Miramar in San Diego, CA, oversaw the transition of the base from Navy to Marine Corps control.

Effectuated liaison with the San Diego business and community leaders to improve acceptance of Marine Corps presence in Greater San Diego.

Jun 1994–Jun 1995, U.S. Naval Academy, Deputy Commandant of Midshipmen, Annapolis, MD.

Assisted the Commandant of Midshipmen in planning, organizing, and overseeing the military and professional training of the members of the 4000-person Brigade of Midshipmen.

Assisted in the institution of the Character Development Department as an integral part of the development of Midshipmen for leadership in the U.S. Navy and Marine Corps.

Oversaw the integration of Senior Enlisted Advisors as part of the military training and mentorship for members of the Brigade.

Jul 1980–Jun 1994, Astronaut Office NASA Johnson Space Center, Astronaut, Houston, TX.

Jan 1993–Jun 1994, Crewmember in Training/Flight for STS–60, Houston, TX.

Commanded the first joint U.S.-Russian Space Shuttle Mission conducting joint U.S.-Russian medical experimentation; responsible for the planning, training, and conduct of the mission by a seven-member international crew.

Apr 1992–Jan 1993, NASA Headquarters, Assistant Deputy Administrator, Washington, D.C.

Oversaw the budget restructuring and program reprioritization of major programs for the National Aeronautics and Space Administration (NASA).

Served as principal liaison between NASA and the U.S. House and Senate oversight and authorization committees.

Sep 1988–Apr 1992, Crewmember in Training/Flight for STS–31 and STS–45, Houston, TX.

Served as Mission Commander for STS–45 from May 1990 through April 1992 with responsibility for assignment of crew duties, overall training of the flight crew, the safe conduct of the mission, and the conduct of all post-flight activities of the seven-member international crew during our month-long post-flight appearances.

Commanded the first NASA space laboratory mission dedicated to the study of Earth's atmosphere.

Assisted in the deployment of the Hubble Space Telescope from the Space Shuttle Discovery.

Feb 1986–Sep 1988, Safety Division NASA Johnson Space Center, Chief, Houston, TX.

Executed reorganization of Safety Division and oversaw return-to-flight effort for the Space Shuttle Program following the loss of the Space Shuttle Challenger in January 1986.

Dec 1984–Jan 1986, Crewmember in Training/Fight for STS–61C.

Jul 1981–Dec 1984, Astronaut Support for STS–4 through STS–51C, Houston, TX.

Jul 1980–Jul 1981, Training as Astronaut Candidate, Houston, TX.

Jun 1978–Jun 1980, Naval Air Test Center, Engineering Test Pilot, Patuxent River, MD.

Developed test plans, conducted test flights, performed data processing and test report publication for several major ordnance systems for U.S. Naval service and NATO aircraft.

Dec 1968–Jun 1978, U.S. Marine Corps, Pilot.

Flew as pilot of the A–6A/E “*Intruder*” all-weather attack aircraft including one year combat tour in Vietnam Conflict (1972–73).

Jun 1977–Jun 1978, MABS–13, Marine Corps Air Station, Executive Officer, El Toro, CA.

Jun 1976–Jun 1977, MAG–13, Marine Corps Air Station, Assistant Operations Officer, El Toro, CA.

Jun 1975–Jun 1976, VMA(AW)–242, Marine Corps Air Station, Squadron Pilot, El Toro, CA.

Jun 1973–Jun 1975, Officer Selection and Recruiting Station, Recruiter, Los Angeles, CA.

Led the Nation in recruiting of young men and women for service in the U.S. Marine Corps.

Led nationwide effort to increase number of minority officers for U.S. Marine Corps.

Jun 1972–Jun 1973, VMA(AW)–533, A–6A Pilot in Vietnam Combat Operations, Nam Phong, Thailand.

Served as Maintenance Control Officer with responsibility for preparation and flight assignment of the squadron's 12 combat aircraft each day.

Also had management responsibility for the 200+ maintenance personnel assigned to the squadron.

Dec 1970–May 1972, VMA(AW)–121, Marine Corps Air Station, A–6A Squadron Pilot, Cherry Point, NC.

Jun 1970–Dec 1970, VMAT(AW)–202, MCAS, A–6A Pilot-in-training, Cherry Point, NC.

Dec 1968–May 1970, Student Naval Aviator, MAD, NATC, Pensacola, FL; Corpus Christi, TX.

Jun 1968–Dec 1968, The Basic School, Marine Corps Officer Student, Quantico, VA.

### **Organizations**

2007–Present, Director, St. Luke’s Episcopal Health System, Houston, TX.

2007–Present, Director, South Carolina Blue Cross Blue Shield, Columbia, SC.

2006–Present, Director, Bristow Group Inc., Houston, TX.

2006–Present, Sigma Pi Phi Fraternity, Atlanta, GA.

2006–Present, Director, DetectaChem, Inc., Houston, TX.

2006–Present, Board President, Sickie Cell Association of the Texas Gulf Coast, Houston, TX.

2005–Present, Member, National Ignition Facility Directorate Review Committee, Livermore, CA.

2004–Present, Director, National Space Biomedical Research Institute, Houston, TX.

2004–2008, Director, GENCORP Inc., Sacramento, CA.

2004–2006, Director, Palmetto Government Benefit Associates, Columbia, SC.

2004–Present, Director, Military Child Education Coalition, Harker Heights, TX.

2003–Present, Trustee, University of Southern California, Los Angeles, CA.

2004–Present, Member, Episcopal Diocese of Texas Commission on Black Ministry, Houston, TX.

2003–2007, Member, Episcopal Diocese of Texas Commission on Ministry, Houston, TX.

2003–2007, Director, Tailhook Education Foundation, San Diego, CA.

2003–2007, Director, Family Literacy Foundation, San Diego, CA.

2003–Present, Director, Marathon Oil Corporation, Houston, TX.

1983–Present, Omega Psi Phi Fraternity, Atlanta, GA.

1977–Present, Member, University of Southern California General Alumni Association, Los Angeles, CA.

1975–Present, Member, Montford Point Marine Association, Washington, D.C.

1968–Present, Member, Naval Academy Alumni Association, Annapolis, MD.

1964–Present, National Association for the Advancement of Colored People (NAACP), Washington, D.C.

### **Education**

2008–Present, Harvard University, Advanced Leadership Fellow, Cambridge, MA.

1978–1979, U.S. Naval Test Pilot School, Certificate, Patuxent River, MD.

1973–1977, University of Southern California, MSSM, Los Angeles, CA.

1964–1968, U.S. Naval Academy, B.S., Annapolis, MD.

1960–1964, C. A. Johnson High School, Diploma, Columbia, SC.

### **Personal**

Born August 19, 1946 in Columbia, South Carolina. Married to the former Alexis (Jackie) Walker of Columbia, South Carolina; two children and three grandchildren. He enjoys golf, bicycling, and motorcycle riding. Both parents, Mr. Charles F. Bolden, Sr. and Mrs. Ethel M. Bolden of Columbia, SC were career educators and are deceased.

### **Special Honors**

Recipient of the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Distinguished Flying Cross, the Air Medal, the Strike/Flight Medal (8th award). Received Honorary Doctor of Science Degree from the University of South Carolina (1984), Honorary Doctor of Humane Letters from Winthrop College (1986), Honorary Doctor of Humane Letters from Johnson C. Smith University (1990), Honorary Doctor of Science from San Diego State University (2002), and Honorary Doctor of Science from Rensselaer Polytechnic Institute (2008). Recipient of the NASA Outstanding Leadership Medal (1992), NASA Exceptional Service Medals (1988, 1989, and 1991), the University of Southern California Alumni Award of Merit (1989), and the University of Southern California Asa V. Call Alumni Award (2003). A past inductee into the South Carolina State Hall of Fame, the South Carolina Aviation Hall of Fame, and the Richland County (SC) School District One Hall of Fame. Inducted into the U.S. Astronaut Hall of Fame in May 2006.

The CHAIRMAN. Thank you.  
Ms. Garver.

### **STATEMENT OF LORI B. GARVER, DEPUTY ADMINISTRATOR-DESIGNATE, NASA**

Ms. GARVER. Thank you, Chairman Rockefeller, Ranking Member Hutchison, and Members of the Committee.

I am honored to appear before you today as President Obama's nominee for the position of Deputy Administrator of NASA. I would like to thank Senator Stabenow for her kind introduction earlier and to Senator Nelson for your remarks and support. It was wonderful to work with you on the campaign and the transition.

A few of my Michigan relatives are here with me, although they had to stand in line with the 60 South Carolinians. My mother, Peggy Garver and my uncle, Dick Allen, along with my husband, David and our sons, Wesley and Mitchell.

I would also like to give a shout-out to my women in aerospace, colleagues who I worked with for 20 years, as well as my friends, the McLean desperate housewives, who also have been waiting in the hall a couple of hours.

I was raised in Michigan by a family who considered public service an expectation, similar to what you said, Mr. Chairman. My grandfather and uncle were both farmers, and spent a combined 24 years in the State House and Senate. I have been in campaign parades for them since before I could walk, and, I took a semester off of college to work on one of my uncle's two bids for Congress.

When I graduated from college, although I had never been to Washington, I moved here to try and make a contribution. Working for John Glenn, my first job exposed me to space policy and to NASA. For me, space offered the challenge of a generation who had grown up with Apollo. Space development opened up instantaneous worldwide communications that helped bring an end to the Cold War, the greatest geopolitical challenge of the time.

This exposure led me to my Master's degree in space policy and to the National Space Society, where I developed my belief that the space program is for all of us. Our government space program must be responsive to the American taxpayer in order to be meaningful and sustainable.

This understanding only deepened during my 5 years working on communications and policy at NASA and exposed me to the incredible talent of the NASA workforce. The unbelievable achievements of this team over its 50-year history are unmatched.

The last 8 years of my career have been spent working in the commercial sector with aerospace industry, and this experience has taught me that the incredible talent and dedication of the workforce not only resides at NASA, but also within private industry.

President Obama has promised to lead our government to a direction to make it work as effectively as it can for the American people. Every aspect of NASA's program can and should contribute in this way. NASA helps lead the world in scientific understanding of our planet, our solar system and our place in the universe.

Human spaceflight is a symbol of U.S. leadership and technological advancements. I believe we can and should do more to share this amazing chapter of space exploration with the public. And thus, when NASA has led to new industries entirely independent from government funding, they have contributed greatly to the U.S. economy over the past half century. One of the most visible of these successful industries is aeronautics. NASA research has contributed much to this global industry, and I believe we can and should do more.

I am excited about the opportunity to serve under Charlie Bolden's leadership. We have spent the last few months discussing how we could better address these challenges, if we are indeed confirmed. We have appreciated our meetings with many of you, hearing your ideas and concerns, and it would be an honor to work together toward our common goals.

It has been many years since I lived in Michigan. My most recent years have been spent in Virginia raising our two boys. I have tried to be an example to them, to develop their passion for service. So far, Wes plans to broker world peace and Mitch hopes to discover a cure for cancer. With your support, I would like to get to work at NASA doing what we can to help address both of these challenges and so many others.

Thank you for the opportunity to share these thoughts with you, and I look forward to your questions.

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

PREPARED STATEMENT OF LORI B. GARVER,  
DEPUTY ADMINISTRATOR-DESIGNATE, NASA

Mr. Chairman, Ranking Member Hutchison, Members of the Committee, thank you. I am honored to appear before you today as President Obama's nominee for the position of Deputy Administrator of the National Aeronautics and Space Administration, NASA. I would like to thank Senator Stabenow for her support and for her kind introduction today. Many of my Michigan relatives are with me today, including my mother and my uncle, my husband David, and my sons, Wesley and Mitchell.

I was raised in Michigan by a family who considered public service an expectation. My grandfather, a farmer, spent 12 years in the State Legislature. My uncle, a veterinarian and farmer, followed in his seat and served a combined 12 years in the State House and Senate. I have been in campaign parades with them before I could walk and I took a semester off of college to work on one of my uncle's two bids for Congress. Both of my parents, my sister, aunts, uncles and grandparents are teachers—another honored service contribution. I met my husband on an early political campaign and before he got the space bug, he was also a teacher. It has been my experience that most people who choose public service, do so as a contribution to Society and because they believe part of life's purpose is to leave things better than we found them. For me, space and politics have been that service and my calling for the past 25 years.

When I graduated from college, I had never stepped a foot in the Nation's capital, but largely because of this upbringing, I drove across the country to come here to try to make a contribution. My first job in Washington, working for John Glenn's Presidential campaign, led to my early exposure to the space program. It didn't take long for me to be "hooked". For me, space offered the challenge of a generation who had grown up with Apollo. Space development opened up instantaneous worldwide communication that helped bring an end to the Cold War—the biggest geopolitical challenge of the time. I believe that space exploration helps bring us together as a collective human society. Astronauts, cosmonauts and taikonauts alike all remark on the unifying view from space and their changed perspective upon return. It was no coincidence that the first Earth Day was in 1970—following humanity's first tentative steps on another celestial body and the iconic photograph of Earth Rise from the Moon taken by the Apollo 8 crew.

This exposure led to my Master's degree in space policy and to the National Space Society where I worked for 13 years—9 as Executive Director. NSS is a not-for-profit grass-roots space advocacy organization. This experience embedded my belief that the space program is for all of us. Our government space program must be responsive to American tax-payers in order to be meaningful and sustainable. This understanding only deepened during my 5 years working on communications and policy at NASA. My NASA experience exposed me to the incredible talent of the NASA workforce. The unbelievable achievements of this team over its 50-year history are unmatched.

The last 8 years of my career have been spent working in the commercial sector, with aerospace industry. This experience has taught me that the incredible talent and dedication of the workforce not only resides at NASA, but also in private industry. During this time, one commercial project led me to Russia, where I began medical testing and training for a commercially-sponsored Soyuz flight to the International Space Station (ISS). I developed the project to utilize the unique opportunity of space tourism and commercial investment to help educate the public about the amazing achievements and capability of the ISS. At the time, our boys were ages 10 and 8 and we planned for them to stay with us in Star City for part of the training. The project, called "Astromom" was about better communicating the excitement of space exploration to the general public, with the Discovery Channel filming my experience. Although ultimately unsuccessful, it was a life experience that taught me about international and commercial partnerships, their possibilities and their limitations.

The NASA family is its most valuable resource and I am humbled by this opportunity to return in a leadership position. President Obama has promised to lead our government in a direction to make it work as effectively as it can for the American people. NASA must also continue to demonstrate its relevance, as a source of solutions for the problems we all face today. Every aspect of NASA's programs can contribute in this way:

NASA helps lead the world in scientific understanding of our planet, our solar system and our place in the universe. What parent doesn't thrill at their children's first questions about the night sky? Walk through elementary schools today and look at the art on the walls that includes depictions of the planets (with or without Pluto—depending on your age) and images from the Hubble Space Telescope. No matter how you feel about a cap and trade system, most of us agree that many scientific measurements of planetary climate change can uniquely be made from space, and should be expanded.

Human spaceflight is a symbol of U.S. leadership and technological advancement. Depending on your age, different space exploration milestones are binding memories of society. For many of us, the Moon landings and Apollo-Soyuz. For some of us—Sally Ride's first flight, or Guy Bluford's. Why is it that universally, Americans can tell you where they were when they heard about the Space Shuttle accidents? I believe it is because space exploration represents the best in all of us. Our hearts and minds are a part of every mission. I believe we can and should do more to share this amazing chapter of space exploration with the public.

Space exploration and cooperation on the International Space Station have opened up new relationships that continue to provide tremendous value to society. Expanded cooperative activities in robotic and human spaceflight should be considered.

Jake Garn used to have a great line about spending money in space. He said, "You know—you can't spend money in space—I didn't bring my wallet, as there is nothing to buy." The half of a percent of the Federal budget that we spend on space today is spent right here on Earth, employing our critical scientific and technological workforce. The Nation's investment in NASA has helped create a private sector workforce at least 10 times as large as the civil servant workforce. In addition, investment in NASA has led to new industries entirely independent from government

funding that have contributed greatly to the U.S. economy over the past half century. I believe that a key role of NASA is to continue investing in programs and technologies that have the potential to develop into independent commercial industries of the future.

One of the most visible of these successful industries is aviation and aeronautics. NASA (and its predecessor, NACA) research has contributed much to this global industry. Recent NASA research has helped reduce fuel consumption and noise in commercial and military aircraft and helped improve safety and efficiency. Yet—there is much more to be done. I believe NASA can and should do more to assist this critical industry to become leaders in green aviation and to improve aviation system efficiency.

I am confident that NASA can address these critical challenges. I am excited about the opportunity to return to NASA in this leadership position, if confirmed. I'm also excited about the opportunity to serve under Charlie Bolden's leadership. We've spent the last few months discussing how we could better address these challenges, if we are given the opportunity. We've spent hours in meetings with many of you, listening to your ideas and concerns and it would be an honor to work together toward our common goals.

It has been many years since I lived in Michigan. My most recent years have been spent in Virginia, raising our two boys. I've tried to be an example to my boys, to help them develop a passion for service. So far, Wes plans to broker world peace and Mitch hopes to discover a cure for cancer. With your support, I'd love to get to work at NASA doing what we can to help address both of those challenges and so many others.

Thank you for the opportunity to share these thoughts with you. I look forward to your questions.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Lori Beth Garver.
2. Position to which nominated: Deputy Administrator, National Aeronautics and Space Administration.
3. Date of Nomination: June 22, 2009.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: The Avascent Group, 1225 Eye Street, NW, Washington, DC 20005.
5. Date and Place of Birth: May 22, 1961; Lansing, Michigan.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
 Spouse: David William Brandt—Business Development Analysis Manager, Lockheed Martin Corporation; children: Wesley Garver Brandt, age 17; Mitchell Garver Brandt, age 14.
7. List all college and graduate degrees. Provide year and school attended.  
 The Colorado College (1979–1983)—BA, 1983.  
 The George Washington University (1987–1989)—MA, 1989.
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.  
 Staff Assistant—John Glenn Presidential Campaign, (1983–1984).  
 Program Director, National Space Society (1984–1987) (National Space Institute until 1986).  
 Lobbyist (part time)—SpaceCause (1987–1988).  
 Executive Director—National Space Society (1987–1996) [Mgmt.].  
 Special Assistant for Communications to the Administrator—NASA (1996–1997) [Mgmt.].  
 Senior Policy Analyst—NASA (1997–1998) [Mgmt.].  
 Associate Administrator, Policy and Plans—NASA (1998–2001) [Mgmt.].  
 Vice President—DFI International (2001–2003) [Mgmt.].  
 President—Capital Space (2001–present).  
 Consultant—The Avascent Group (formerly DFI International) (2003–Present).

9. Attach a copy of your resume. A copy is attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years.

Aerobics Instructor—Fairfax County Government (local rec center) (2002–2007).  
National Aeronautics and Space Administration—Consultant through the Avascent Group (2006–2008).

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

Capital Space, LLC President (2001–Present).  
The Avascent Group (formerly DFI International)—Consultant, (2003–Present).  
DFI International—Vice President (2001–2003).  
The Planetary Society—Consultant (2004–2008).  
The Johns Hopkins University, APL—Advisor (2005–2009).  
An Exhibition Group—Consultant (2001–2008).  
Ironscad Solutions—Consultant (2007–2008).  
The Futures Channel—Consultant (2006–2008).  
Harmonic International—Consultant (2003–2008).  
GPS Solutions—Consultant (2006–2007).  
Kistler Aerospace—Consultant (2002–2005).  
Honeywell International—Consultant (2003–2004).  
The Boeing Company—Consultant through the Avascent Group (2002–2008).  
Ball Aerospace—Consultant through the Avascent Group (2003–2007).  
EADS North American—Consultant through the Avascent Group (2002–2008).  
Lockheed Martin Corporation—Consultant through the Avascent Group (2001–2008).  
Northrop Grumman Corporation—Consultant through the Avascent Group (2001–2008).  
United Launch Alliance—Consultant through the Avascent Group (2007–2008).  
Raytheon Corporation—Consultant through the Avascent Group (2006–2008).  
McLean Hamlet Association—Member, Board of Directors, (1997–2007).

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.

The Hamlet Swim and Tennis Club—member since 1997 (Board Member from 1998–2000)—does not restrict membership.  
Women in Aerospace—member since 1989 (President in 1991–92, Board Member from 2001–2003)—does not restrict membership.  
American Astronautical Society—member since 2001 (President in 2001–2002)—does not restrict membership.  
Andrew Chapel United Methodist Church—member since 1997—does not restrict membership.  
The Planetary Society—member off and on from 1995—does not restrict membership.  
The National Space Society—member off and on from 1984—does not restrict membership.  
International Academy of Astronautics—member since 2001—does not restrict membership.  
American Institute of Aeronautics and Astronautics—member off and on from 1986—does not restrict membership.  
Democratic National Committee—member off and on from 1998—does not restrict membership.



National Geographic Society—member off and on from 1996—does not restrict membership.

McLean Estates Community Association—member since 2002 current—does not restrict membership.

Secure World Foundation—member and advisor, 2008–2009—does not restrict membership.

American Automobile Association—member since 1968—does not restrict membership.

Space Day Foundation—Member, Board of Directors (2001–2004)—does not restrict membership.

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.

Senator Bill Nelson—\$500 (2007).

Congressman Mark Udall—\$1,000 (2006–2007).

Senator Mikulski—\$1,000 (2007).

John Kerry for President—\$2,000 (2004).

Bill Richardson for President—\$1,000 (2007).

Hillary Clinton for President—\$2,300 (2007) (Also contributed \$2,300 for the general election which was returned after the convention).

Obama for America—\$2,300 (2007).

Obama for America—\$2,300 (2008).

Congressman Nick Lampson \$1,500 (2006–2008).

DNC—\$500 (2004).

Forward Together PAC—\$1,000 (2006).

DCCC—\$500 (2006).

Served as a volunteer space policy advisor on Presidential Campaigns for Senator Kerry, Senator Clinton and Senator Obama. Volunteered at Democratic Convention in 2000 and in 2004.

Volunteered for Presidential candidate, Hillary Clinton, GOTV efforts in Iowa and some phone banking in Arlington, VA. Volunteered in local precinct for Democratic party on election day (GOTV efforts) 2000–2008.

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

Honorary Doctorate—Colorado College, 2000.

Space Pioneer Award—National Space Society, 1997.

Recipient, One of the 10 Who Made a Difference in 2004—Space News.

NASA Distinguished Service Medal—2001.

NASA Distinguished Public Service Medal—1996.

International Academy of Astronautics—2002–present.

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.

#### *Publications*

“Planetary News: Space Policy,” occasional column for The Planetary Society, The Planetary Report and website, 2005–2008.

“When Perception Becomes Reality: Evolving the American Public’s View of NASA,” Co-authored with Robin-Marie Williams for AIAA Space, 2006.

“Senator John Kerry’s Space Policy,” Space News, 2004.

“President’s Column,” Space Times, monthly from 2000–2002.

“A Worthwhile Effort,” Space News, 2002.

“President’s Column,” Space Times, bi-monthly column, 2001–2002.

- "Strategic Planning at NASA," co-authored with Mathew Crouch for the International Astronautical Federation Congress, Rio de Janeiro, Brazil, 2000.
- "Between a Rocket and a Hard Place," co-authored with Dr. Roger Launius for the International Astronautical Federation Congress, Rio de Janeiro, Brazil, 2000.
- "Creating a Spacefaring Civilization," *Ad Astra*, bi-monthly column, 1988–1996.
- "Congressional Perception of Public Reaction to the Threat," co-authored with Robert Park and Terry Dawson, *Hazards Due to Comets and Asteroids*, Tom Gehrels, 1994.
- "Should NASA Continue Making Manned Space Exploration a Priority?" a debate with (former) Congressman Bill Green, *The Costco Connection*, 1992.
- "Ask the Customers what they Want," *Space News*, 1992.
- "Mission to Planet Earth Day," International Astronautical Federation Congress, Dresden, Germany, 1990.
- "Constituency Building—The Key to a Successful Space Program," *Space News*, 1990.
- "Returning to the Moon: A Rationale for Solar System Exploration," co-authored with Ronald McCandless, for the International Astronautical Federation Congress, Torremolinos, Spain, 1989.
- "Political, Economic and Legal Considerations of International Cooperation on a Lunar Base," co-authored with Ronald McCandless, for the 9th Princeton Conference on Space and Manufacturing, Princeton, New Jersey, 1989.

#### *Speeches*

- "Providing Space Policy Guidance to New World Leaders," (International Space University, Beijing, China, 2007).
- "Congress and America's Future in Space," (Woodrow Wilson International Center, Washington, D.C., 2007).
- "Communicating with the Public on Space," (International Space Development Conference, Los Angeles, CA, 2006).
- "Political Outreach for Space," (International Space Development Conference, Washington, D.C., 2005).
- "Evaluating the New Space Policy," (The Marshall Institute, Washington, D.C., 2004).
- "Commercial Space Efforts," (National Space Symposium, Colorado Springs, CO, 2002).
- "Citizen Space Travel," (Washington Space Business Roundtable, Washington, D.C., 2002).
- "Commercial Space Opportunities," (World Space Congress, Houston, TX 2002).
- "Commercial Space Travel," (California Space Authority, Los Angeles, CA, 2002).
- "The Future of Our Aerospace Effort" (Testimony to the Commission on the Future of U.S. Aerospace Industry, Washington, D.C., 2002).
- "Turning Goals Into Reality" (NASA Aerospace Technology Conference, Washington, D.C., 2001).
- "Twenty-First Century Space Development" (Space 2000 Conference and Exposition, Albuquerque, 2000).
- "Space Exploration Public and Private Partnerships" (American Institute of Aeronautics and Astronautics, Bermuda, 1999).
- "International Space Cooperation: New Government and Industry Relationships" (American Institute of Aeronautics and Astronautics, Banff, Canada, 1998).
- "News from Out of this World: The Search for Extraterrestrial Life" (American University, Washington, D.C., 1996).
- "Space Advocacy" (Aerospace States Association, Washington, D.C., 1996).
- "Partnerships in Space" (NASA Alumni League Annual Conference, Houston, Texas, 1995).
- "Space Science and Exploration: Vision for the 21st Century" (11th Symposium on Space Nuclear Power and Propulsion, Albuquerque, New Mexico, 1994).
- "Public Perceptions of the Threat: The Collision of an Asteroid or Comet with Earth," (Erice International Seminar on Planetary Emergencies, Italy, 1993).

“Social Implications of Nuclear Propulsion” (Advanced Technologies Symposium, NASA Lewis Research Center/AIAA, Cleveland, Ohio, 1991).

“Mission to Planet Earth Public Outreach” (International Space Development Conference, San Antonio, Texas, 1991).

“Communicating the Vision” (SOAR Conference, National Science Teachers Association, Washington, D.C., 1990).

“Space and Education” (International Space University, Toronto, Canada, 1990).

“The New Space Race” (The Space Summit, National Space Club, Huntsville, Alabama, 1990).

“The Space Constituency: A U.S. Example” (CNES, Paris, France, 1989).

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.

July 13, 1990—Senate Committee on Finance: Subcommittee on International Trade; Testimony on compliance for foreign countries with trade agreements; Lori Garver, Executive Director of the National Space Society.

June 14, 1993—Senate Committee on Finance: Subcommittee on International Trade; Testimony on Super 301 provision of the Trade Act of 1974; Lori Garver, Executive Director of the National Space Society.

May 23, 1995—Senate Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space; Testimony on NASA Space Station Program; Lori Garver, Executive Director of the National Space Society.

March 26, 1996—Senate Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space; Testimony on NASA Budget; Lori Garver, Executive Director of the National Space Society.

May 20, 1999—Senate Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, on issues relating to the commercial space launch industry; Lori Garver, NASA Associate Administrator for Policy and Plans.

Spring 1989–1996—House Science Committee, Subcommittee on Space and Aeronautics, testimony on the NASA budget hearings; Lori Garver, Executive Director of the National Space Society.

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?

For the last 25 years of my professional life, I have worked in nearly every area of the civil space program and on many critical issues facing NASA. My start was at the National Space Society, where I served as Executive Director for 9 years. The 30,000-member organization was primarily educational, with a grassroots network of chapters throughout the country dedicated to bringing an appreciation of space and science into classrooms. One of our major goals was to inspire children to pursue careers in science, math, and engineering. It was during this period that I completed my Master’s degree in space policy to help provide me with the necessary foundation to form informed policy positions.

From the National Space Society I went to NASA, where I directed the agency’s policies and strategic planning. As Associate Administrator, I worked to make the development of NASA policies more transparent, with a determination to reach out to all key stakeholders, including Members of Congress, industry, and international partners.

Since leaving NASA in 2001, I have managed the space practice at DFI International and Avascent (a single company that changed its name in early 2007 as part of a management buyout). During that time I have worked on many space and aeronautics issues, with a broad spectrum of clients: non-profit organizations, aerospace primes, entrepreneurial start-ups, and NASA itself. Our work has been management consulting, providing strategic recommendations to companies and organizations on appropriate ways to expand business opportunities and organize themselves to be more successful in the fields of space and aeronautics.

This experience has helped me to understand the objectives of each of NASA’s missions and the complex interrelationships among them, including the goals of the various stakeholders. I have gained an appreciation of how NASA activities can support broader national objectives.

I would like to use these diverse experiences to help NASA contribute even more to our Nation's future. I would like to assist in providing leadership to NASA so that our investment in this great agency can do even more for the country and for the public.

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?

Management and accounting controls are a serious challenge at NASA. My work experience over the past two decades has taught me that applying business processes and approaches to program management can make NASA's efforts more successful and improve the probability that projects are completed on time and on budget.

I have learned a great deal from my positions to date about successful management. Managing a non-profit required rigorous financial oversight, especially during the recession of the early 1990s. I had to streamline operations and prioritize among projects, all the while growing the membership base and expanding the organization's reach.

At NASA, I served as an Associate Administrator, reporting to the NASA Administrator. I worked directly with the NASA financial and accounting system, participated in all OMB and internal budget discussions, and had my own office ISO 9000 certified. It was an excellent education that taught me much about how the agency works.

While a Vice President of DFI International, I had joint responsibility with other senior managers for project management and accounting at the firm. Part of the firm's strength is that it trained all managers, including myself, in financial analysis.

I recognize that NASA is a large and complicated organization, with nine field Centers and a diverse mandate. My varied career has exposed me to many of the challenges facing the agency. Assessing accounting processes and program management will be at the top of my list of administrative priorities if I am confirmed as Deputy Administrator. I believe I am well equipped to help the agency implement a solid set of solutions to these management challenges.

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

NASA's three most serious challenges are mission safety, maintaining a first-class workforce, and closing the gap in human space transportation.

#### *Safety*

Much is riding on each and every mission that NASA conducts. Given the visibility and importance of NASA's activities, it is critical that the agency achieve and maintain a strong commitment to safety. When the lives of astronauts and the public are at stake, that commitment is at its most important.

As the shuttle program winds down over the next couple of years, this focus on safety will be especially important to achieve.

#### *Workforce*

NASA's workforce is the agency's greatest asset. The individuals who work for NASA, both directly as civil servants and indirectly as contractors, should be viewed as critical resources. These are highly educated and skilled people, with a tremendous history of accomplishment, and NASA should build on this foundation to ensure that their individual and collective knowledge can help NASA learn from past experiences.

An important challenge for NASA as it transitions away from the shuttle program to the space transportation systems of the future will be to ensure that it retains as much of its workforce as possible, supporting and retraining its employees so that it can capture the skills they have learned over many years at the agency and translate these into greater success in the future.

#### *Closing the Gap*

It is now clear that no matter what NASA does, the Nation will be faced with its first planned gap in human space transportation capability since the transition to the Space Shuttle program. The country will be reliant on Russia to transport its own astronauts to and from the International Space Station beginning after 2010. NASA must do everything it can to minimize this gap and to ensure a more robust future capability.

If the United States hopes to maintain a global leadership position, part of that will mean closing the gap in human spaceflight as soon as possible. We are a Nation inspired by challenges, and this is a serious and pressing one. We need to marshal

all our resources, government and commercial, to find the right solution and solve this problem.

#### 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.

Past retirement accounts, Avascent 401(K) will continue to be held—no further contributions to be made by me or by Avascent.

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

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and NASA'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 NASA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and NASA'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 NASA'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 2007 and 2008, as a representative of The Planetary Society (a 501(c)(3) organization), I attended several meetings of the Coalition for Space Exploration, which supported increased funding for NASA. In both the 2004 and 2008 Presidential elections, I served as a volunteer policy advisor on space policy to the Democratic nominees. From 1998 to 2001, as NASA Associate Administrator for Policy and Plans, most of my work related in one way or another to public policy. In this capacity, I presented testimony in 1999 to the Senate Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space, on issues relating to the commercial space launch industry.

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 NASA'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 NASA's designated agency ethics official and that has been provided to this Committee.

#### C. LEGAL MATTERS

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

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

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

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

#### RESUME OF LORI B. GARVER

##### **Work Experience**

###### *President, Capital Space, LLC (2001–Present).*

Drawing on her extensive experience at NASA and with a career in the space industry, Lori Garver established her own consulting firm in 2001. In this capacity, Ms. Garver advises corporations' on their aerospace interests in Washington, D.C. In 2001 and 2002, Ms. Garver initiated a project to increase the visibility and viability of space tourism. Supporting a client who was paying for his own trip to space, led to her own quest for a sponsored space flight aboard the Russian Soyuz vehicle to the International Space Station. Garver worked to raise sponsorship funding, as she began the initial medical certification and training in Russia. This project has remained on hold since the Space Shuttle *Columbia* accident.

###### *Consultant, The Avascent Group (formerly DFI International), (2003–Present).*

Serves as the senior advisor to the firm's corporate space systems practice. Ms. Garver provides strategic planning, technology feasibility research, and business development assistance, as well as merger, acquisition, and strategic alliance support to financial institutions and *Fortune 500* aerospace, defense, telecommunications, and information technology companies.

###### *Vice President, DFI International, (2001–2003).*

As Vice President of the firm's corporate space practice, Ms. Garver lead management, strategic planning and business development efforts related to commercial and civil space activities.

###### *Associate Administrator, Office of Policy and Plans, National Aeronautics and Space Administration (1998–2001).*

Reporting directly to the NASA Administrator, the A.A. for Policy and Plans oversaw the analysis, development, and integration of NASA policies and long-range plans, the NASA Strategic Management System, the NASA Advisory Council, and the History Division. Ms. Garver served as a primary spokesperson for NASA, appearing on national news programs, giving public speeches and visiting with students and educators. Ms. Garver has presented testimony to Congress in this capacity and represented NASA at numerous conferences and symposia.

###### *Senior Policy Analyst, Office of Policy and Plans, National Aeronautics and Space Administration (1997–1998).*

Served as an advisor to the Associate Administrator for the Office of Policy and Plans. Ms. Garver served as the Office's focal point for policy and planning issues related to the Commercial Guidelines section of the National Space Policy and in developing a strategy to commercialize and privatize NASA's functions.

###### *Special Assistant for Communications to the Administrator, National Aeronautics and Space Administration (1996–1997).*

Reporting directly to the NASA Administrator, Ms. Garver contributed to the public understanding of the U.S. Space Program by analyzing political strategies and philosophies and advising on how NASA's program should be presented

to accurately reflect the Administrator's goals and objectives. Responsibilities of the position included providing advice on relations with Congress and the media.

*Executive Director, National Space Society, (1987–1996).*

As Executive Director of this space advocacy organization, Ms. Garver provided overall leadership and management for the 25,000-member association. She served as the organization's primary spokesperson, appearing on national television and regularly testifying on Capitol Hill.

*Program Director, National Space Society, (1984–1987), was National Space Institute until 1986).*

In this position, Ms. Garver led the legislative and media activities of the Society for all projects including member/constituency visits, special events, direct mail and fundraising.

*Staff Assistant, John Glenn Presidential Committee, (1983–1984).*

Ms. Garver joined the Committee early in the campaign and worked in a number of positions including western political desk officer and scheduling.

### **Education**

B.A. (Political Economy), Colorado College, 1983.

M.A. (Science, Technology, and Public Policy), George Washington University, 1989.

### **Public Presentations**

Ms. Garver has testified on matters relating to the overall NASA Budget and science program funding and mission posture before the Senate Subcommittee on International Trade, the Senate Subcommittee on Science, Technology, and Space, the House Subcommittee on Space, and to the Committee on the Future of the U.S. Space Program (Augustine Committee). In addition, she has made presentations to many symposia and conferences.

### **Public Relations**

While at Capital Space, Avascent, DFI, NASA and at the National Space Society, Ms. Garver serves(d) as a spokesperson promoting the importance of the U.S. Space Program as well as investment in science and technology. She has appeared on many major new programs, including NBC's *Today Show*, ABC's *Good Morning America*, CBS's *News*, *Night Watch*, PBS's *Lehrer News Hour* and *Technopolitics*, USIA's *Worldnet*, *Fox Morning News*, MSNBC, CSPAN's *Washington Report*, CNN's *Crier & Company*, and *Crossfire* Broadcasts. She has participated in numerous radio interviews and call-in shows including NPR's *All Things Considered*, *Talk of the Nation* and *Science Friday*. She is regularly interviewed by the major science and space print journalists, including those from the *New York Times*, the *Wall Street Journal*, the *Washington Post*, the *Washington Times* and the *Christian Science Monitor*. Ms. Garver is often featured or quoted in the trade press including *Space News*, *Aviation Week and Space Technology*, *Space Business News* and the *Washington Business Journal*.

### **Policy Analysis**

As a policy analyst in the aerospace industry, Garver served on the science and technology committee for the John Kerry for President Campaign, leading the space policy team and representing the campaign in numerous interviews and debates. At NASA, Ms. Garver has been responsible for developing policy documents and guidelines relating to the NASA strategic management system, multi-media, commercial space and space transportation. She has participated in numerous policy workshops including American Institute of Aeronautics and Astronautics workshops on International Cooperation, the Strategic Avionics Technology Working Group (SATWG), the GMU Workshop on Constituency Building for Space Exploration, NASA Lunar Architecture Workshop, Ames Robotic Lunar Workshop and has briefed the NASA Advisory Council and several of the NAC sub-committees. She served on the program committee for the International Conference on the Public Understanding of Science, sponsored by the International Center for the Advancement of Scientific Literacy.

### **Other Affiliations and Awards**

Member, International Academy of Astronautics, 2001–present.

Recipient, One of the 10 Who Made a Difference, Space News, 2004.  
 Member, Board of Directors, Women in Aerospace, 2001–2003.  
 Member, Board of Directors, Space Day Foundation, 2001–2004.  
 Recipient, NASA Distinguished Service Medal, 2001.  
 President, American Astronautical Society, 2001–2002.  
 Recipient, Honorary Doctorate of Laws, The Colorado College, 2000.  
 Recipient, National Space Society, Space Pioneer Award, 1997.  
 Member, Board of Director's McLean Hamlet Association, 1997–2007.  
 Recipient, NASA Distinguished Public Service Medal, 1996.  
 Member, Steering Group, Space Transportation Association, 1996–1997.  
 Member, Board of Advisors, 2111 Foundation for Exploration, 1996–1997.  
 Member, Board of Directors, the Hill Pre School, 1995–1997.  
 Member, Advisory Committee, D.C. Space Grant Consortium, 1995–1996.  
 Member, Board of Directors, Spacecause, 1988–1996.  
 Member, Board of Advisors, Students for the Exploration and Development of Space, 1991–1996.  
 Member, NASA Advisory Council, 1994–1996.  
 Member, Department of Transportation's Commercial Space Transportation Advisory Committee (COMSTAC), 1993–1996.  
 Co-Chair, Education Committee, International Astronautical Federation, 1988–1993.  
 Member, Board of Directors, Women in Aerospace, 1989–1994.  
 President, Women in Aerospace, 1991–1992.

#### **Personal**

Ms. Garver is a citizen of the United States and lives in McLean, Virginia with her husband and two children.

The CHAIRMAN. Thank you very much. We have been unable—all of us have 4 o'clock appointments, and we have been unable to secure somebody to run this show. So I am just going to abandon health care, which is also pretty important, and stay the course here.

Neither of you addressed the questions that I was posing to you, although you indicated that you might. I characterized NASA as adrift, more a splendid story of the past, much involved in the Nation's psyche and emotion at a certain time. But that since then, it has been adrift and has lost the fascination to Americans, and has had some really bad mess-ups.

And so, while you were discussing during these 2 months, Ms. Garver, with Mr. Bolden how you are going to reinvigorate the agency, I am very interested to know how you are going to do it, because NASA has to be earned each year? NASA is not a given. No agency is a given.

Mr. BOLDEN. Sir, let me get back, and see if I can directly answer your question. Let me speak about my vision for the Agency. And it would start with safety and efficiency in the operations that we do. That has to be foremost.

I think it is important for me to say that because if I, as the leader, do not put that as number one, then no one else would believe it when I say it.

The CHAIRMAN. Oh, but I understand you at number one but, what are you going to do about it?

Mr. BOLDEN. Sir, second, I think that we need to reinvigorate our investment in research and development. I would like to see NASA as the preeminent research and development agency in the United



States. We have allowed that to wither, as has every agency, and the DOD in this country.

Senator Glenn used to call it, I guess, eating our seed corn. We have not invested in basic technology. Aeronautics is something that is the big "A" in NASA, and we have allowed aeronautics to sort of wither on the vine.

We have a very talented group of people, but they are aging. We have an aging workforce. And so, we would have to inspire young men and women, young boys and girls to want to come to work with NASA.

If I go to a classroom today, it is different than when I went when I was an astronaut in 1980. I could ask, how many of you want to be an astronaut, and every hand went up in the class. When I go to a school today and asked that question, I may see three hands. And all of them want to go into business. So, we do have a challenge in trying to get young men and women interested in coming back into the science and engineering fields again. We have to look at Earth, our planet, and NASA has to lead in providing the space-born sensors to understand not just what is out there, but what is in here.

My third mission, and there are a couple of my crewmembers present from that flight, which was called, "NASA's first Mission to Planet Earth." I looked at our atmosphere. The thing I would tell you that was disappointing in that flight was that most of the experiment packages were done by Europeans and Japanese, not American scientists. So, NASA has to re-open that opportunity for American scientists.

And Lori and I can talk forever about the necessity to involve commercial entities, what I call entrepreneurial persons in establishing where they are going.

First of all, the Nation has to decide where it wants to go. I think it is beyond low-Earth orbit. But, we also, as you said, must understand our oceans. We have to understand our atmosphere, because that is where it all starts. But, we do have to really invigorate the interest of youth in this country if we are going to do anything.

Ms. GARVER. Senator, I share your concern, and I believe that as Charlie and I have been discussing this over the past few months, a major point for NASA in the future is to begin to make it relevant to the Nation and to the world. When I grew up, NASA was relevant because it was a symbol of us going to beat the Russians and to help us be a superior technological nation.

I share your views that there is not that sense any more about NASA. Now, we are half of 1 percent of the Federal budget, but we recognize we need to earn that back.

And Charlie spoke of several of the things we do that are tangible, that benefit the public. Frankly, I do not think NASA does a very good job of explaining to the public, and perhaps even to the Senate Commerce Committee, those kinds of things that we do that have helped to benefit our economic underpinnings. Obviously without Mission Plant Earth, and the Earth sciences that we have done, we would not know where our environment was, and we need to do more in these areas.

But, in the area of human space flight, which is really all about being the best we can be in showing not only our own public, but

the world, about the importance of exploration, my sense is that while we do not spend any of that money in space, we are spending it on Earth for technologies, and development going to other industries. It is also about what we have done cooperating internationally. If we look at the space station right now, it is one of the pinnacle cooperative efforts we have with the Russians, not to mention, our other partners. And I believe Charlie and I are interested in exploring those partnerships, exploring commercial development that helps our own economy in doing those things that are more relevant to the American taxpayer.

The CHAIRMAN. Thank you very much. My time is up. Senator Hutchison.

Senator HUTCHISON. Thank you very much.

First of all, I want to say to Lori Garver that I should have mentioned you by name earlier as well as someone who I will support. And, I want to pursue the International Space Station, because Senator Nelson and I, when we were Chairmen and Ranking on the Space Subcommittee, designated the American part of the Space Station as a national laboratory. And it was for the purpose of being able to get outside experimentation either for other Federal agencies, universities, or corporations to be able to help with the funding level.

But I want to say that when we passed the America COMPETES Act, a very bipartisan effort a couple of years ago to increase stem education and more research in our country, we doubled the budget of the National Science Foundation for research, because it is so important. But I had to fight very hard to just have NASA mentioned as another area where we ought to invest in research. And yet, the microgravity conditions in space offer unique opportunities that cannot be duplicated on Earth.

I think your point is very well taken, but maybe NASA has not done enough to pursue these options, and make it known what is available that is unique. And so, I am going to ask you to expand on your answer about the International Space Station, because when Senator Rockefeller says, what are you going to do for me in the future, stop talking about the past, I think we have to give an answer, and I think the answer is this unique facility that we have invested hundreds of millions of dollars to build.

We have international partners who have contributed enormous amounts, and expect it to be a viable option, and an opportunity to cooperate, and I just want your ideas, Mr. Bolden and Ms. Garver, on how you will pursue that as one of the ways we can show the importance of NASA's preeminence going forward, and not just resting on wonderful laurels, but nevertheless past laurels.

Mr. BOLDEN. Senator, I think you probably are very well aware, much more so than many people, of the fits and starts through which the International Space Station has gone. It has taken us up until now to outfit it with a complete crew of six. We are doing housekeeping, and we are doing maintenance as opposed to an extensive amount of research, as we are now about to embark on an International Space Station.

Even then, we have made some significant achievements there. If I look at things that have been done, not just on the International Space Station, but with other space vehicles, we would not

have something that everybody is familiar with, CAT scan, or MRI or even the DeBakey Ventricular Assist Device that everyone in Houston knows about, a heart pump.

Those are all things that came about, not because they were originally intended to be invented, but they were things we needed in order to be able to safely fly in space.

The International Space Station represents, I like to call it, a bridge to exploration beyond the Earth orbit. It is the way that we would allow commercial ventures, entrepreneur adventurers, to have a place where they can seek to go to carry cargo, and one of these days, maybe even carry a crew. It is a long way to Mars. I want to go to Mars. I think everybody wants to go to Mars. Mars is a 20-year venture probably, if you look at NASA's plan right now.

So, I cannot go out and tell a kid that I want you to come to work for NASA, because we are going to go to Mars. I can tell them, we have an International Space Station, if you would come help me design the biomedical research that we are going to do there. Colleges and universities, we are going to make the International Space Station available to you to do some basic research, what we call, level one, level two, level three research; stuff that most agencies do not like to do today because everybody wants an answer right now.

But, we have got to get back to that, and those are some of the things that we will do to inspire young people to work and to want to get into science and engineering again.

Ms. GARVER. Senator, thank you for the question. In my view, the space station is a toe hold to the universe as you know, and as Charlie said, we have only had a full complement of crew these last few weeks, really. And, we are just beginning to do this research.

Why doesn't NASA work with commercial industry as well as the medical community? I believe there is a great feature, as I know you do, in utilizing the space station for biomedical research.

One of the experiences we worked on was a liver tissue experiment in a bioreactor where you could test metabolites that could potentially help people with liver disease, which, if we are able to develop that research, now that we have the full crew complement in the space station, could change life for millions.

I feel that we have offered justifications for space station over the 20 years we have been planning to have one, and we are just now getting to the point where those are paying off.

NASA has two agreements, is our understanding, one with the National Institutes of Health working on vaccines, one for salmonella, and we have to let this research continue with this investment. But another key, as you know, is developing a transportation system that can get to and from the space station more economically, and more efficiently, so that many of these experiments, whether they are commercial or governmental, can be done more regularly now that we have this laboratory.

Senator HUTCHISON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Nelson.

Senator NELSON. Mr. Chairman, the question that you ask is really a question about how do you re-ignite the imagination and

the excitement of the American people that we have experienced in the past, what are referred to as the glory days at NASA, when this agency had this can-do spirit and there was nothing that they would not tackle and try to achieve.

Now, on a daily basis, they are continuing to do that, as you well know. And, we saw evidence of that in the last Hubble mission, where they go out and completely remake the Hubble, which is good for another 10 or 15 years, and would continue to anti up the secrets of the universe.

But the question that you ask is so fundamental, and I appreciate you posing it, because a lot of that excitement, a lot of that magic has gone. And, I think that the real answer to your question is that NASA needs a leader. And, the only person that can lead America's space program is the President of the United States.

It is that person that has to unleash the ingenuity of all these engineers now aging, and the younger ones coming. And, what we have seen is, over the last decade or so, that NASA has been starved of funds, and given too much to do with too little.

Now, that then begs us to look at the importance of the Norm Augustine commission, because they want to basically lay out the blueprint for the Obama Administration. That is where they think NASA is going to go. We hope it is going to be a rigorous one. We hope that they are going to say, NASA is doing too much with too little in order for him to be able to have the safety and the efficiency that he needs.

So, it all comes back to the President. And if the President will give that bold strike, then that team right there, I believe, can implement it. But, it has got to be the President that leads it.

Now, the President, fortunately, as a candidate, made some fairly invigorating and bold statements about what—he said we are going to be on the moon by 2020. He said we want to close the gap that is going to cause a loss of 4,000 jobs just at the Kennedy Space Center when they shut down the Space Shuttle, because we did not give enough money to the development of the new rocket. And, it is going to be another 4 or 5 years before we develop that.

And so, if the President would give that leadership and not let the Office of Management and Budget run NASA, which is what has happened, not just the last Administration, but the previous one too. So, this is bipartisan. If the President will say, here, take it, run with it, then I think this team is going to do that.

So, rather than asking you a question, I know you all agreed with what I just said, is there any way you want to—

Mr. BOLDEN. Senator, my handlers behind me are probably cringing at this moment, because they know that I will answer your question. Let me answer it with a couple of statements, because, Senator Rockefeller, I do not think we have adequately answered your question, because we went right to the International Space Station, and NASA is more than just an International Space Station.

I do not know how many of you know what a C-130 is? It is a cargo plane. It flies—I see people shaking their heads. Its speed is now greatly increased, its efficiency is greatly increased, and it is because it carries a prop that is twisted. That came from NASA re-

search that was done at formerly the Lewis Research Center, now the Glenn Research Center.

We actually have an aircraft that some people do not like. It is called the MV-22, that the Marine Corps flies, and I happen to like. That is NASA technology.

We have a lot of basic research. Franklin Chang Diaz, who is my idol, another astronaut, who now is in the entrepreneurial space business, has a vessel, a rocket engine, that, if it works, and I think it will, will take us to Mars in 39 days, instead of 8 to 11 months. NASA provided him a very small stipend to get started, and to build his project to what we call the technology readiness level one, two and three. And now he is at the point where it is ready to fly, but he has done that, with what they call venture capitalists, private investors.

That is what Lori and I talk about. The government cannot fund everything that we need to do, but we can inspire and open the door for commercial entrepreneurial entities to become involved, to become partners with NASA in this research and development that will enable things to come about.

So, no, you cannot make enough money for NASA to do the things that I think you want to do. But together we can inspire young people to want to put their money that they do have, and are looking for places to invest, into science and technology. And together, I think, we will go back to the moon, and, eventually, we are going to Mars and other places even deeper in our solar system.

The CHAIRMAN. Thank you.  
Senator Udall?

**STATEMENT OF HON. TOM UDALL,  
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Mr. Chairman. And thank you both for your testimony.

As both of you discussed with me in my office, Mexico is the home to NASA's White Sands Test Facility, which for many years has supported the Space Shuttle programs as an alternative landing site and key place for developing and testing propulsion systems. And no doubt—White Sands capabilities and contributions to fulfilling NASA's mission to pioneer the future in space, exploration scientific discovery and aeronautics research. Yet, with the retirement of the Shuttle, the role of the White Sands Test Facility's personnel and infrastructure for future NASA and activities is not yet defined.

What role do you foresee for the White Sands Test Facility under your leadership of NASA? I will just tell you it is an excellent facility with excellent people, and we would like to work with you very closely to see that a mission is defined and that it is utilized to its very best capabilities.

Mr. BOLDEN. Senator, currently White Sands provides us with a location that gives us an opportunity to test explosives, very hazardous materials, that we cannot test anywhere else. I do not foresee that, to be quite honest, coming to an end any time soon.

I cannot promise you what the future projects are going to be that would be taken to White Sands, but we have already given

some consideration to things that we would like to do to reevaluate how NASA approaches the technological challenges that we face.

So, as I mentioned to you in your office, I look forward to working with you and with the members of this committee, if confirmed, to see if we cannot find ways to optimize the way that we employ all of the facilities that are available. You happen to have some that we need to talk about infrastructure also, and so hopefully, we will have an opportunity to talk about that a little bit.

Senator UDALL. Thank you very much.

And I will, Mr. Chairman, submit my additional questions for the record.

The CHAIRMAN. I want to thank Senator Udall for taking over; this 4 o'clock to 5 o'clock meeting on healthcare is really seminal for the future of what is going to happen. Everything sort of hangs in the balance right now.

Well, in front of me, I have witnesses who have vast responsibilities, and a lot of their friends and families, and supporters who are here to see them. So, I feel a little bit badly about leaving.

But Senator Udall has agreed to be here, and he is really good, and he has got White Sands. And he is going to get all of those infrastructure problems worked out before this is over. So, I am going to leave now and beg your forgiveness for that, and look forward to open dialogue, not only with the two of you, but all the other excellent nominees, all of whom I would say that, the three of us agree, will be easily confirmed.

Mr. BOLDEN. Thank you, Senator.

Ms. GARVER. Thank you, Senator.

The CHAIRMAN. So we go back to Senator Nelson.

Senator NELSON. I think we are done with the panel.

The CHAIRMAN. Senator Nelson says you can go. Thank you very much.

[Recess.]

Senator UDALL. Mr. Lidinsky will be back in just a minute. Thank you very much for being patient with us here and I think we will just—we will go ahead and start from the left and if Mr. Lidinsky is not back, Ms. Trottenberg, we will go second with you.

Please, Ms. Hersman.

**STATEMENT OF HON. DEBORAH A.P. HERSMAN, CHAIRMAN-DESIGNATE, NATIONAL TRANSPORTATION SAFETY BOARD**

Ms. HERSMAN. Thank you very much, Senator Udall. It was a pleasure to meet with you earlier this week.

I have very good memories of participating in the work that you and your colleagues do in this very room. Today is a very special day for me, and so I brought with me some of the most special people in my life, and if it is all right with you, I would like to introduce them.

Senator UDALL. Absolutely please introduce them and have them stand if they will.

Ms. HERSMAN. Sure. If you all can stand? My husband, Niel Plummer and our three sons, Taylor, Wilson and Jackson. Dianna Lopez, Walt and Inga Hersman, my father and stepmother, Jenny Pye, Phyllis and Niel Plummer, my in-laws, I have many colleagues past and present who have joined me from the Safety Board, my

Commerce days and House work and my dedicated staff, Nancy Lewis and Reshan Blackwell.

These dear friends are the people who believe in me most and have supported me in all my endeavors. And I am honored by their presence here.

I would like to begin by thanking President Obama for nominating me to the position of Chairman of the National Transportation Safety Board. I also thank you, Senator Udall, and the Members of the Committee for giving me an opportunity to tell you a little bit about the Safety Board and why I would be honored to be its Chairman.

Since 2004, it has been my distinct privilege to serve the public as an NTSB board member. During those 5 years I have launched with our team to sixteen major accidents. I have watched them drop everything that they are doing, grab their go-bags, and head to an accident scene even before the smoke has cleared.

They get on the scene and they begin the meticulous work of documenting the accident and others begin searching out witnesses and survivors. While investigators piece together the accident sequence, our Transportation Disaster Team reaches out to victims and their families to help them begin navigating through shock, grief and eventually healing.

The work that we do with the victims and their families may seem difficult, but it is not. These families are a gift to the NTSB because they remind us with their grace and courage why it is so important to make sure that these accidents are prevented in the future.

I am honored today with the presence of three such individuals, Hans Ephlaimson-Abt, Kendra St. Charles and Jim Hurd. In the past 5 years, I have come to know the NTSB very well and I would like to share with you what I see there.

First, I see an extraordinary staff. They are smart, they are curious and they love to solve mysteries. To a person, they have an unparalleled passion for transportation safety. This unique mixture of talent and enthusiasm is why they have been able to tell us in just the 5 years that I have been there the cause of over one hundred major transportation accidents including why a jetliner known as 587 broke up over New York, why two freight trains crashed and released chlorine gas in Graniteville, South Carolina, why a cargo vessel hit the pier of the Oakland Bay Bridge as it left San Francisco and why the I-35 Bridge in Minneapolis collapsed into the Mississippi River.

Not only did they tell us what happened in these tragedies, they told us what needs to be done so that they never happen again. Therefore, I see dedicated professionals doing invaluable work at an annual cost of about thirty cents to each American.

I also see an agency that is the safety conscience and safety compass of the transportation industry. As an independent, non-regulatory agency, the NTSB can articulate needed safety improvements and innovations without having to prove that they are cost beneficial or politically feasible.

The NTSB has the full attention of industry leaders, other government agencies and policymakers like yourselves. Therefore, I

see an organization that is uniquely situated to point the way toward a safer transportation system.

Finally, I see an agency that has been around for 40 years and we are in a world now, in which the transportation industry looks very little like it did 40 years ago. The mission of the agency has not changed but the world has. To remain relevant in this fast-moving environment, the NTSB may have to make fundamental changes in the way that it approaches accident investigations and issues recommendations.

Therefore, I see an agency whose challenge it is to be nimble enough to keep pace with changes that are occurring in transportation and communication often at a breathtaking pace. I look forward to the opportunity to lead this outstanding organization if you bestow me the honor and the privilege to do so.

In the next few years it promises to be a very exciting time for the transportation industry. I hope to contribute by making it a safer industry. Thank you.

Senator UDALL. Thank you very much.

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

PREPARED STATEMENT BY HON. DEBORAH A.P. HERSMAN, CHAIRMAN-DESIGNATE,  
NATIONAL TRANSPORTATION SAFETY BOARD

Thank you for that kind introduction, Chairman Rockefeller, and thank you to Ranking Member Hutchison and Members of the Committee for the opportunity to appear before you today. Mr. Chairman, as you know, my career began 20 years ago when I interned for Congressman Bob Wise of West Virginia. Returning here today, I recall my years spent working on the Commerce Committee and I have wonderful memories of participating in the critical work you and your colleagues do year after year in this very room.

This is a special day for me, so I have brought with me some of the most special people in my life: my husband, Niel Plummer and our three sons: Taylor, Wilson, and Jackson; my father and stepmother, Walt and Inga Hersman; the Plummer family, who are the best in-laws ever; my dedicated staff, Nancy Lewis and Reshan Blackwell, many colleagues (past and present) and dear friends. These are the people who believe in me most and support me in all my endeavors.

I'd like to begin by thanking President Obama for nominating me to the position of Chairman of the National Transportation Safety Board. I also thank *you* for giving me this opportunity today to tell you a little bit about the NTSB and why I would be honored to be its Chairman. Since June, 2004, it has been my distinct privilege to serve as an NTSB Board Member. During those 5 years, I have accompanied our investigators on 16 major accident launches. I have watched them drop whatever they were doing, grab their go-bags, and head to an accident scene to get there often before the smoke has cleared. Once on scene, they hardly stop to rest or eat. Some begin the meticulous work of documenting the scene in minute detail, while others seek out witnesses and survivors. While investigators begin piecing together the accident sequence, our Transportation Disaster Assistance team reaches out to victims and their families to help them begin navigating through shock, grief, and eventually, healing. The work we do with the victims' families may seem difficult, but it's not. These families are a gift to the NTSB, because they remind us, with their grace and courage, why it is so important to work together to make sure these accidents are prevented in the future.

In the past 5 years, I have come to know the NTSB very well, and I want to share with you what I see there.

First, I see an extraordinary staff. They are smart; they are curious; they love to solve mysteries; and to a person, they have an unparalleled passion for transportation safety. This unique mixture of talent and enthusiasm is why they have been able to tell us—just in the 5 years that I've been there—the causes of over one hundred major accidents, including why a jetliner known as Flight 587 crashed in New York, why two freight trains crashed and released chlorine gas in Graniteville, South Carolina, why a cargo vessel hit the pier of the Oakland Bay Bridge as it left San Francisco, why the I-35 bridge over the Mississippi River collapsed in Min-



neapolis, and why a gas line exploded causing an apartment building to burn down in Bergenfield, New Jersey. Not only did they tell us why these tragedies happened, they told us what should be done so that they never happen again somewhere else. Therefore, I see dedicated professionals doing invaluable work at an annual cost of about 30 cents per American.

I also see an agency that is the safety conscience and compass of the transportation industry. As an independent, non-regulatory agency, the NTSB can articulate needed safety improvements and innovations without having to prove that they are cost beneficial or politically feasible. The NTSB has the full attention of industry leaders, other government agencies, and policymakers, like yourselves. Therefore, I see an organization that is uniquely situated to think about transportation safety in the ideal and then point the way toward a safer transportation system.

Finally, I see a 40-year-old agency working hard to improve safety in a transportation world that looks very little like it did 40 years ago. The mission of the agency has not changed, but the world has. To remain relevant in this fast-moving environment, the NTSB may have to make fundamental changes, perhaps in the way it approaches accident investigations or the way that it issues its recommendations. Therefore, I see an agency whose challenge is to be nimble enough to keep pace with changes that are occurring in transportation and communication, sometimes at breathtaking speed.

I look forward to an opportunity to lead this outstanding organization, if you bestow on me the honor and the privilege to do so. The next few years promise to be very exciting for the transportation industry; I hope to contribute by making it a safer industry.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Deborah Anne Plummer Hersman (Debbie).

2. Position to which nominated: Chairman of the National Transportation Safety Board.

3. Date of Nomination: June 18, 2009.

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

Residence: Information not released to the public.

Office: 490 L'Enfant Plaza East, SW, Washington, DC 20594.

5. Date and Place of Birth: May 7, 1970; Edwards Air Force Base, California.

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

Spouse: Philip Niel Plummer, Software Engineer, Lockheed Martin; Sons: Taylor Niel Plummer (DOB: 8/14/2000), Wilson Stephen Plummer (7/23/2002), Jackson Pierce Plummer (10/8/2005).

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

International Studies, BA, 1992; Political Science, BA, 1992—Virginia Tech, Blacksburg, VA.

Conflict Analysis and Resolution, MS, 1999—George Mason University, Fairfax, VA.

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.

Board Member, NTSB, 2004–present.

Senior Professional Staff, Senate Commerce, Science, and Transportation Committee, 1999–2004.

Staff Director and Legislative Aide, Congressman Robert E. Wise (Representative Wise served as Subcommittee Chairman and Subcommittee Ranking Member on House Transportation and Infrastructure Committee), 1992–1999.

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, Southpointe Homeowners Association, 2004–2008.

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.

President, Southpointe Homeowners Association (SPHOA), 2004–2008. I may be considered a member of certain organizations as a result of my charitable giving (amounts of less than \$300 annually), but I am not active in these organizations (for example, Red Cross, National Public Radio, Friends of the National Zoo, Smithsonian Associates, and Parent-Teacher Organizations). I am not a member of any organization that restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

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

Since 2004, I have served in an appointed position as a Board Member for the NTSB.

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 Obama for America, August 15, 2008.

Volunteer for Obama-Biden, Fall 2008.

Volunteer for Tom Daschle for Senate, October 2004.

Volunteer for Bob Wise for Governor, 1999.

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

Kentucky Colonel (2007); Distinguished West Virginian (2004); LBJ Intern (1991).

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.

#### Articles

April 2009—National Business Aviation Association, Guest Commentary in First Annual Safety Magazine.

January 2008—Air Line Pilot magazine, Guest Commentary, “Managing Fatigue Before it Reaches the Cockpit.”

2007 Edition of “Yachting in Chicago” magazine, Guest Commentary, “Recreational Boating Safety Education Most Wanted by the NTSB.”

#### Speeches

2009

May 14, 2009—Testimony before the U.S. House of Representatives Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines and Hazardous Materials, “Reauthorization of the Hazardous Materials Programs,” Washington, D.C.

April 22, 2009—Presentation at the Corporate Aviation Safety Seminar in Orlando, Florida.

March 24, 2009—Presentation at the 2009 International Conference on Fatigue Management in Transportation Operations, Boston, MA.

March 6, 2009—Presentation at the Commercial Vehicle Safety Alliance Bus Safety Summit, Arlington, VA.

March 3, 2009—Presentation at the Air Charter Safety Symposium in Ashburn, VA.

February 27, 2009—Presentation to the Maritime Trades Department Executive Board Meeting, Miami, FL.

#### 2008

November 19, 2008—Remarks to the Emergency Nurses Association Regarding Emergency Nurses Association National Scorecard On State Roadway Laws, Washington, D.C.

June 25, 2008—Remarks before the Maryland Press Conference and Child Passenger Safety Demonstration, Rockville, MD.

May 21, 2008—Presentation to the Eno Leadership Conference, Washington, D.C.

April 30, 2008—Presentation to the Flight Safety Foundation—Corporate Aviation Safety Seminar, Palm Harbor, FL.

March 27, 2008—Remarks on NTSB's Women's History Month Program, Washington, D.C.

February 23, 2008—21st Annual Fire Service Officers School for Kentucky, Owensboro, KY.

February 8, 2008—Airport Council International/ACI-NA 2008 Winter Board of Directors, Las Vegas, NV.

January 17, 2008—Remarks on 30th Anniversary Of Child Passenger Protection Laws, Washington, D.C.

#### 2007

November 19, 2007—Testimony before the U.S. House of Representatives, Subcommittee on Coast Guard and Maritime Transportation on "San Francisco November 2007 Oil Spill Causes and Response," Washington, D.C.

September 13, 2007—Presentation to the FMCSA Motor Carrier Safety Advisory Committee, Washington, D.C.

November 6, 2007—Presentation to the National Air Transportation Association Aviation Business Roundtable, Washington, D.C.

July 11, 2007—Testimony before the Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, U.S. House of Representatives, "Motor Carrier Safety: The Federal Motor Carrier Safety Administration's Oversight of High Risk Carriers", Washington, D.C.

July 11, 2007—Presentation on Seat Belts on School Buses at the NHTSA Public Meeting, Washington, D.C.

May 21, 2007—Testimony before The Transportation and Interstate Cooperation Committee, New Hampshire Senate on House Bill 802 Seat Belt Legislation, Concord, New Hampshire.

May 16, 2007—Presentation to the FMCSA Commercial Driver's License Advisory Committee, Washington, D.C.

January 8, 2007—Remarks before the Advocates for Highway and Auto Safety, Washington, D.C.

#### 2006

November 1, 2006—Remarks before the Lexington Division of Police Awards Banquet, Lexington, KY.

October 21, 2006—Remarks before the 2006 National Boating Federation 40th Anniversary General Meeting, Portsmouth, VA.

September 12, 2006—Opening Statement for NTSB Public Forum on Motorcycle Safety.

August 15, 2006—Statement for the National Conference of State Legislatures, Nashville, TN.

July 12, 2006—Opening Statement for Public Hearing on Investigation of Fire On-Board a United Parcel Service (UPS) Airlines Flight 1307.

May 10, 2006—Statement for the Corporate Aviation Safety Seminar (CASS) 2006, Phoenix, AZ.

April 30, 2006—Statement for the Signing of the Memorandum of Understanding Between the National Marine Manufacturers Association and the Outdoor Channel, 2006 American Boating Congress, Washington, D.C.

April 26, 2006—Statement for the 2006 Kentucky Lifesavers Conference, Louisville, KY.

January 26, 2006—Remarks before the Meharry Medical College/State Farm Awards Ceremony, Columbia, SC.

January 23, 2006—Testimony before the Committee on Transportation, Pennsylvania House of Representatives on Junior Driver Licenses, Harrisburg, PA.

#### 2005

June 13, 2005—Opening Statement for Public Hearing on Investigation of Aircraft Accident Pinnacle Airlines Flight 3701, Washington, D.C.

May 19, 2005—Testimony before the Transportation Committee, Wisconsin Assembly, on Assembly Bill 215—Primary Seat Belt Enforcement.

May 14, 2005—Remarks for Commencement, Virginia Polytechnic Institute and State University, Blacksburg, VA.

February 23, 2005—Remarks before the 2005 Motorcoach Expo, Las Vegas, NV.

February 14, 2005—Testimony before the Transportation Committee, State of Connecticut, Regarding Child Passenger Safety Legislation.

January 13, 2005—Testimony before the Subcommittee of the Transportation Committee, South Carolina Senate, Regarding SB 1—Primary Enforcement Legislation.

#### 2004

September 28, 2004—Testimony before the Senate Transportation Committee, State of Michigan, Regarding Child Passenger Safety Legislation.

March 30, 2004—Testimony before the Senate Committee on Commerce, Science, and Transportation, “Nomination of Deborah A.P. Hersman, et al,” Washington, D.C.

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.

May 14, 2009—Testimony before the U.S. House of Representatives Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines and Hazardous Materials, “Reauthorization of the Hazardous Materials Programs,” Washington, D.C.

November 19, 2007—Testimony before the U.S. House of Representatives Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, “San Francisco November 2007 Oil Spill Causes and Response,” Washington, D.C.

July 11, 2007—Testimony before the Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, U.S. House of Representatives, “Motor Carrier Safety: The Federal Motor Carrier Safety, Administration’s Oversight of High Risk Carriers,” Washington, D.C.

March 30, 2004—Testimony before the Senate Committee on Commerce, Science, and Transportation, “Nomination of Deborah A.P. Hersman, et al,” Washington, D.C.

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 as a Board Member of the NTSB since 2004. During the last 5 years, I have gained significant knowledge about the mission, personnel, responsibilities, internal processes, and public obligations of the NTSB. Not only have I served as a Board Member in public hearings, chairing Symposia and Boards of Inquiry, I have been briefed and participated, as appropriate, in the management of the agency itself. I believe my experience on scene at accidents, working with the victims’ families and the various stakeholders, reviewing accident reports in all modes of transportation, advocating for NTSB recommendations to improve transportation safety, and my detailed understanding of the organization will serve the taxpayers well if I am confirmed.

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

I believe that as an effective steward of taxpayer dollars, I must oversee the broad mission of the NTSB while holding all employees to high standards for job performance and fiscal responsibility. Having been a member on the Board for the past 5

years, I have a unique understanding of the management needs of the agency. While I realize that, if confirmed, I would have authority and responsibility as the head of the agency, I also recognize that I must rely on and delegate many management functions to those employees who are best positioned to carry them out. Over the past 5 years, I have had the luxury and privilege of acquiring a working relationship with and in-depth familiarity and knowledge of the officials and offices on which I must rely to operate the NTSB effectively. For example, the Office of the Chief Financial Officer (CFO) has the responsibility for ensuring that appropriate accounting controls are in place and that the agency receives a clean independent financial audit each year. The Chief Information Officer (CIO) must ensure compliance with computer security protocols and quality control mandates. Our Managing Director must display a vision for the long-term future of the organization and demand timely, high-quality accident investigations that reaffirm the NTSB's position as a world-renowned, highly respected transportation accident investigation agency.

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

1. Highway Fatalities: Significant safety improvements have been seen in every mode of transportation, yet the number of highway fatalities remains unacceptably high. Approximately 43,000 deaths occur on our Nation's highways every year. This issue deserves greater attention from the NTSB, but the number of highway accident investigators is very small compared to the number of investigators assigned to accidents in other modes, most notably aviation. Achieving a greater emphasis on highway safety issues may require additional resources or a reallocation of resources within the agency to ensure that the NTSB has the staff and funding to bring a sharper focus on highway accidents and safety issues.

2. International Aviation Accidents: Domestic commercial aviation accidents have decreased significantly in the last decade, but the NTSB continues to receive requests from other countries to assist in investigations of aviation accidents that occur abroad. These many requests are not only a function of the rights of certain states under the Convention on International Civil Aviation, but also are a direct consequence of the stellar reputation the NTSB enjoys worldwide for conducting thorough and expert accident investigations. The NTSB's assistance to other countries should continue; not only does it help to improve aviation safety around the world, but we also learn important lessons that can be applied to domestic aviation operations. I would like to see this part of the agency's mission better recognized within our borders.

3. Safety Studies: The majority of the NTSB's recommendations for improved transportation safety arise from accident investigations. However, the agency enjoys the talent and expertise of a number of transportation researchers whose knowledge can be tapped beyond the parameters of accident investigation. In the past, the NTSB has conducted a number of safety studies in all modes of transportation, producing approximately one safety study per year. These studies have generated recommendations to the transportation community that have led to significant safety improvements. I believe the NTSB should increase the output of safety studies because they present an effective avenue to address emerging trends and identify improvements in transportation safety without waiting for a stand-alone fatal accident to prompt an investigation.

#### 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.

I have been an employee of the Federal Government my entire career. I am a FERS employee and have a Thrift Savings Account.

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

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB'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

Board'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.

I have been an employee of the United States since 1992. I have not been engaged in private business relationships or transactions of any type, other than investment in retirement accounts and savings. In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB's designated agency ethics official to identify potential conflicts of interest. The designated agency ethics official did not find evidence of any conflict of interest that would preclude my performing the duties of Member and Chairman of the NTSB. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

I have worked for both the Congress and the Executive Branch over the last 10 years. I have worked directly on legislation as a Congressional staff member and have advocated for improvements to transportation safety on behalf of the NTSB.

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 NTSB'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 Board's designated agency ethics official and that has been provided to this Committee.

I would like to note that, during my initial term as a Board Member over the last 5 years, I had a similar agreement with which I complied. During that term, no conflicts of interest or questions as to impartiality were identified that required my disqualification from duties central to my position as a Board Member.

#### 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.

**Employment**

Board Member, National Transportation Safety Board, June 2004–present.

Senior Professional Staff, U.S. Senate, Committee on Commerce, Science, and Transportation, May 1999–June 2004.

Staff Director and Senior Legislative Aide, U.S. House of Representatives, Congressman Bob Wise (D–WV), August 1992–May 1999.

**Experience***National Transportation Safety Board*

Votes with Board on deciding probable cause and safety recommendations from accident investigations. Served as the Member-on-Scene and the NTSB's primary spokesperson at over a dozen high-profile accidents, including the 49-fatal crash of regional jet in Lexington, KY, the allision of a container ship into the San Francisco Bay Bridge and the crash of a private airplane into a building in New York City. Chaired a number of public events hosted by the NTSB including a two-day forum on motorcycle safety, a public hearing on motorcoach safety, and public hearings on two aviation accidents. Testifies before Congress and state legislatures and addresses numerous transportation groups to advance the NTSB's safety recommendations.

*Senate Commerce, Science, and Transportation Committee*

Responsible for legislative agenda, oversight and policy initiatives for surface transportation issues including economic rate regulation of the railroads, railroad safety and passenger service, truck and bus safety, pipeline safety, and hazardous materials transportation safety. Worked extensively on aviation and maritime issues, as well as transportation security initiatives. Key legislative accomplishments: Motor Carrier Safety Improvement Act of 1999 (P.L. 106–159) that created a new modal administration within the Department of Transportation, and the Pipeline Safety Improvement Act of 2002 (P.L. 107–355).

*U.S. House of Representatives*

Responsible for overseeing Congressman's Washington, D.C., office of 10 people and managing the budget and planning for three offices. Served as staff contact for Transportation and Infrastructure Committee activities, including hearings, mark-ups and conference committees. Key legislative accomplishments: Transportation Equity Act of the 21st Century (105–178) and Amtrak Reform and Accountability Act (105–134).

**Education**

MS, Conflict Analysis and Resolution, 1999, George Mason University, Fairfax, VA.

BA, International Studies & BA, Political Science, 1992, Virginia Tech, Blacksburg, VA

And please proceed, Mr. Lidinsky, with your testimony.

**STATEMENT OF RICHARD A. LIDINSKY, JR., COMMISSIONER-  
DESIGNATE, FEDERAL MARITIME COMMISSION**

Mr. LIDINSKY. Thank you, Mr. Chairman. My name is Richard A. Lidinsky, Jr., and I am a nominee for Commissioner at the Federal Maritime Commission. I would like to take a moment to introduce members of my family that are here. My wife, Mary Duston; my sister, Mary Angela Mahoney; my brother, Frank; my nephew, Dennis, who represents not just the family but the Notre Dame football team.

[Laughter.]

Mr. LIDINSKY. My older son lives in Los Angeles. He is not able to be with us. He is in Los Angeles with his wife. My younger son, John, cannot be here today because he is being tested for entry into the Navy.

I am now going to re-thank Senator Mikulski and Senator Cardin for their statements of support as well as Chairman Brennan, Commissioner Dye, former Commissioner Creel and the FMC staff for their courteous cooperation preparing for this hearing, testimony.

Since Senator Mikulski reviewed my biographical background, I am going to skip over that, except to say my entire legal public service and business careers have revolved around the various shipping statutes administered by the Federal Maritime Commission. This small but dedicated agency has encouraged innovation of commercial tools such as single bills of lading, service contracts to move cargo rapidly, intermodally and economically to and from our vast interior markets.

Containerization, the technology that transformed the face of shipping, resulted in the greatest surge of trade the world has ever witnessed, had an early and strong advocate in the Commission. The FMC has played and continues to play today a pivotal role in the protection of U.S. flag vessels, American consumers, cruise passengers, importers, exporters and others engaged in international waterborne commerce.

To deal with the realities of international maritime trade in the 21st Century, I believe that the first priority of the FMC today is to play a role in our economic recovery. We meet today as our ports are suffering double digit percentage cargo declines. Over 500 container ships are laid up or at anchor awaiting work. On certain foreign trade routes, carriers are moving containers virtually for free, charging just handling and fuel costs.

Experts predict that any growth will not be seen before next year. It is, therefore, the role of the FMC through its regulatory powers to assist all segments of our waterborne commerce, vessels, ports, support industries, labor both on board on our ships and on our terminals, truckers and railroads in regaining their economic vitality and jobs until and when the upturn comes.

If confirmed, I would work to ensure that the FMC discharges its legislative mandates, closely monitors currently dominant and newly emerging trades, while also observing the impact on our country of how other nations now regulate their ocean carriers.

The Commission can also help carriers, ports and those involved in their operations with green projects and other job creating innovations consistent with FMC authority. For the opportunity to confront those and other challenging issues with my fellow Commissioners, I am most grateful to the President for this nomination, and if confirmed, I look forward to working with this committee for our country's protection and prosperity on the world's sea trade routes.

Thank you for allowing me this opportunity to speak today. I stand ready to answer any questions you might have.

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



PREPARED STATEMENT OF RICHARD A. LIDINSKY, JR., COMMISSIONER-DESIGNATE,  
FEDERAL MARITIME COMMISSION

Good afternoon, Mr. Chairman, Senator Hutchinson and Members of the Commerce Committee. My name is Richard A. Lidinsky, Jr., and I am a nominee for Commissioner at the Federal Maritime Commission.

It is a great honor to appear before you today. I would like to introduce my wife of 37 years, Mary Duston. Our older son, Richard III, lives in Los Angeles with his wife, Tiffany Tuttle, and so cannot be here today. Our younger son, John, cannot be here because he is being tested today for entry into the Navy.

My entire legal, public service and business careers have revolved around the various shipping statutes administered by the FMC. After serving on the staff of the House Merchant Marine and Fisheries Committee, I was appointed Legislative Counsel at the FMC during one of the Commission's most active and important regulatory periods. I served next as Port Counsel and Director in my home port of Baltimore, leaving after a decade to join as a Vice President of Sea Containers, a global marine manufacturing, leasing, and trading company. During my twenty years in the private sector, I worked closely with the Pentagon to containerize supplies for our troops. I also had the privilege of serving as an advisor to our NATO Delegation on port and intermodal matters.

Over recent decades the FMC has encouraged the innovation of commercial tools, such as "single bills of lading" and "service contracts" to move cargo rapidly, intermodally and economically to and from our vast interior markets. Containerization, the technology that transformed the face of shipping, resulting in the greatest surge of trade the world has ever witnessed, had an early and strong advocate in the Commission. The FMC has played a pivotal role in protecting U.S. flag vessels and American consumers, cruise passengers, importers/exporters and others engaged in our international waterborne commerce.

To deal with the realities of international maritime trade in the 21st Century, I believe that the first priority of the FMC is to play a role in our economic recovery. We meet today as our ports are suffering double-digit percentage cargo declines. Over five hundred container ships are laid up or at anchor awaiting work. On certain foreign trade routes, carriers are moving containers virtually for free, charging just handling and fuel costs. Experts predict that any growth will not be seen before next year. It is the role of the FMC, through its regulatory powers, to assist all segments of our waterborne commerce—vessels, ports, support industries, labor both on board our ships and on our terminals, truckers and railroads—in regaining their economic vitality and jobs when the upturn comes.

If confirmed, I would work to ensure that the FMC discharges its legislative mandates and monitors currently dominant and newly emerging trades, while also observing the impact on our country of how other nations now regulate their ocean carriers. The Commission can also work with U.S. flag carriers, ports and those involved in their operations with Green projects and other job-creating innovations consistent with FMC authority.

For the opportunity to confront these and other challenging issues with my fellow Commissioners, I am most grateful to the President for this nomination. If confirmed, I look forward to working with this Committee for our country's protection and prosperity on the world's sea trade routes.

Thank you for allowing me to speak with you today. I stand ready to answer any questions you might have for me.

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A. BIOGRAPHICAL INFORMATION

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

Richard Anthony Lidinsky, Jr. (Rick).

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

3. Date of Nomination: June 18, 2009.

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

Residence: Information not released to the public.

Office: #320—8600 LaSalle Road, Baltimore, MD 21286.

5. Date and Place of Birth: September 21, 1946; Baltimore, MD.

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

Spouse: Mary Duston Lidinsky, part-time teacher, Baltimore City Community College; children: Richard Anthony Lidinsky III, 33; John Eric Lidinsky, 23.

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

American University, BA, School of Government and Public Administration, 1968.

JD, University of Maryland School of Law, 1972.

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.

1969, Active duty U.S. Coast Guard (transferred to active reserve in July 1969 and served until 1975 when I was honorably discharged).

1970–1973, *U.S. House of Representatives Merchant Marine and Fisheries Committee and Office of Edward A. Garmatz, MC (3rd, MD)*.

1973, Bill drafter, MD General Assembly.

1973–1975, *Office of General Counsel, Legislative Counsel, Federal Maritime Commission*.

1975–1986, *MD Port Administration, Port of Baltimore, Counsel and Director of Tariffs and National Port Affairs*.

1986–2006, *Vice President, Governmental Affairs, Sea Containers America and Sea Containers Ltd., Washington, D.C., and London*.

2006–Present, Solo attorney practitioner (I use office space within the Law Office of Frank G. Lidinsky).

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.

1995–2005, appointment by U.S. Department of the Army to serve as a NATO High Level Expert (top secret clearance) for Ports and Containers Transport Committee.

City of Baltimore: 2007, Vice Chairman of Compensation Commission for Elected Officials.

2004–2009, Member of Excellence in Public Service Award Committee.

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.

1986–2006, Vice President, Governmental Affairs, Sea Containers America.

2000–2006, Board Member of the British American Business Association.

2007–present, Director/Secretary of Theresa F. Truschel Charitable Foundation, Inc.

2009, Legal advisor to Maryland Bar High School Court Competition Committee.

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.

National Defense Transportation Association (1986–2006) (Sealift Transportation Committee Member from 1996–2006).

British American Business Association (1986–2006).

Gamma Eta Gamma Legal Fraternity (1971–2009).

Bar Associations of Maryland and District of Columbia (1973–present).

Maritime Administrative Bar Association (1973–present).

North Atlantic Ports Association (1976–present).

St. Thomas More Society (1986–present).

European Maritime Law Organization (1990–present).

Gamma Eta Gamma Legal Fraternity restricts membership based on sex; otherwise, none of these organizations restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

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

Unsuccessful Democratic candidate for MD House of Delegates, 47th District, 1978, no outstanding debt.

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.

O'Malley for Mayor of Baltimore—\$500 (1999).

Paul Sarbanes for Senate—\$1,500 (1999).

National Republican Congressional Committee—\$500 (2000).

Howard Coble for Congress—\$500 (2000).

Don Young for Congress—\$1,000 (2000).

National Republican Congressional Committee—\$500 (2001).

Don Young for Congress—\$1,000 (2001).

Helen Bentley for Congress—\$1,000 (2002).

Don Young for Congress—\$500 (2002).

Howard Coble for Congress—\$500 (2002).

Ernest Hollings for Senate—\$500 (2002).

B. Mikulski for Senate—\$500 (2004).

Don Young for Congress—\$500 (2004).

Howard Coble for Congress—\$500 (2004).

O'Malley for Governor—\$3,680 (2004–2006) (I also volunteered as a maritime advisor).

Don Young for Congress—\$500 (2005).

B. Cardin for Senate—\$500 (2006).

Howard Coble for Congress—\$500 (2006).

Jack Reed for Senate—\$500 (2006).

S. Dixon for Mayor of Baltimore—\$500 (2007).

J.P. Sarbanes for Congress—\$500 (2008) (I also gave him \$250 in 2005).

Barack Obama for President—\$500 (2008).

J. Rosapepe for Maryland Senate—\$1,000 (2008).

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

Outstanding Service Award from U.S. Army for NATO service (2000).

North Atlantic Ports Traffic Board award for legal service (1986).

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.

"The Federal Regulation of American Port Activities," *The International Trade Law Journal*, Fall-Winter 1981–1982.

"American-Canadian Cross Border Container Traffic: Innovation or Cargo Diversion?" *Journal of Maritime Law and Commerce*, Spring 1984.

Statement of Sea Containers America, Inc. to the Commission of Merchant Marine and Defense, May 1988; NATO Alliance Intermodal Handbook, January 2004.

While I worked at the Port of Baltimore from 1975–1986, I occasionally spoke on conference panels about maritime matters, but I have not retained any notes or records of these remarks.

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.

While serving as Legislative Counsel to the Federal Maritime Commission from 1973 to 1975, I made several appearances before the House Merchant Marine and Fisheries Committee and the Senate Commerce Committee on legislation that would impact FMC authority in the areas of rate regulation, intermodalism, monitoring of foreign ocean carrier commercial activity, general trade issues, energy matters, resolution of jurisdictional conflicts with other Federal agencies, and regular budgetary procedures.

I also testified on a number of occasions before these same two committees and the Senate Foreign Relations and Armed Services Committees while working at the Port of Baltimore from 1975 to 1986. I testified on Federal agency/departmental legislation, as well as issues relating to dredging, trade and general port industry matters. During this same period, on behalf of the Port of Baltimore, and in conjunction with the North Atlantic Ports Association, and the American Association of Port Authorities, I testified on topics such as Canadian cargo diversion from U.S. ports, inland rate equalization, deregulation, the Panama Canal Implementing Legislation, and the Shipping Act of 1984.

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 wish to serve our country by applying my public and private sector experience to help make the Federal Maritime Commission a vital force in regulating our foreign ocean-borne commerce. The Administration's message of change, in my opinion, directs this agency to be more proactive in anticipating the issues and needs of all sectors of the American economy under its jurisdiction.

My entire maritime and legal career has been linked to the mission of the FMC, beginning with my service as an aide on the House Merchant Marine and Fisheries Committee and continuing through my tenure as Legislative Counsel at the FMC itself, my time at the Maryland Port Administration, where I assisted in crafting the port sections of The Shipping Act of 1984, and finally as VP for Governmental Affairs for Sea Containers where I acquired private sector experience and perspective on government regulation of the global maritime industry.

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?

As a Commissioner, my management role would be limited by the FMC's current structure and the authority of the Chairman, but I will do my part to ensure the Commission has proper and effective management and accounting controls. I have served in senior management positions in state government and in an international corporation. As the Counsel and Director of Tariffs and National Port Affairs at the Port of Baltimore and as Vice President for Governmental Affairs at Sea Containers, I managed staff in different organizational structures and have spent time reflecting on various management practices.

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

1. In this period of severe economic downturn for international waterborne commerce, I believe the FMC must continue to closely monitor and analyze any long-term impacts on our ports, labor force, inland transport links to our importers/exporters, as well as the ocean carriers serving them, so that when the upturn begins all are in a position to quickly restore growth and employment.
2. I believe the FMC should ensure that it is using all of its statutory authority in order to be proactive in its duties.
3. The FMC must anticipate future challenges in certain dominant and emerging trades, working with all parties to assist in Green port projects, and understanding the full impact on our country of new transport patterns, policies, and regulations abroad.

#### 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.

From previous employer (Sea Containers) I have two retirement accounts: LaSalle Street Securities, LLC, 2006 IRA account and Ameritrade Institutional—Litman Gregory III, Balanced 2007 IRA account.

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

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the 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 Commission's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the 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 Commission'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.

As Vice President at Sea Containers, I worked with colleagues to express the company's support, including through letters to Congress and the Administration, for various free trade agreements that would impact maritime commerce growth. As a member of the Sealift Committee of the National Defense Transportation Association, I worked with others to draft and support eventual legislation for the Maritime Security Program that provides vessels to the Pentagon in time of need.

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 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 Commission'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.

While I was employed by Sea Containers, the company was involved in a handful of corporate civil litigation cases. I was never named as a party and none of my actions were ever at issue. Also, in my capacity as Vice President/Attorney at Sea Containers, I filed numerous Federal contract bids. On occasion, the company would protest a contract loss or allege a bid irregularity or, conversely, the company would win a contract and be the target of a protest. All of these proceedings were reviewed and resolved at the agency administrative level.

In December 1985, my wife and I adopted our second son. In 1986, the biological mother sought a court order to rescind the adoption. The court denied her claim and ruled in our favor.

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 RICHARD A. LIDINSKY, JR., ESQ.

2006–Present, Private Practice

1986–2006, Vice President, Governmental Affairs, Sea Containers America Inc./GE SEACO/Orient Express Hotels, Washington, D.C. and Baltimore, MD.

Responsible for representing entire corporate group in London, New York and various international offices by monitoring and lobbying for company interests in regulatory, trade and customs matters before the U.S. Congress and with Federal departments and agencies; negotiated contracts with Department of Defense for container supply.

1995–2005, U.S. Delegation, NATO, Brussels, Belgium

Served as High Level Expert for Ports and Containers Transportation Committee along with member countries ocean shipping and intermodal activities; new member transportation transition sub-committee service.

1975–1986, Director of Tariffs and National Port Affairs, Maryland Port Administration, Baltimore, MD.

Responsible for preparing and publishing port tariffs and negotiating agreements with ocean carriers; representing the port before the Maryland General Assembly, U.S. Congress and Federal departments and agencies; and monitoring laws, regulations and actions proposed and enacted in the U.S. and internationally affecting the Port of Baltimore; drafted port use agreements during foreign trade missions.

1973–1975, Office of General Counsel-Legislative Counsel, Federal Maritime Commission, Washington, D.C.

Drafted agency legislation, prepared agency testimony for presentation to Congress and served as liaison with the Office of Management and Budget and other Federal departments and agencies; general staff attorney duties.

1973, Bill Drafter, Maryland General Assembly.

1970–1973, Staff, U.S. House of Representatives and House Merchant Marine and Fisheries Committee.

1969–1975, U.S. Coast Guard Active Duty and Reserve Service.

#### **Organizations/Professional and Civic Activities Past and Current**

Member, Maryland, Washington, D.C. and Federal Bars.

British American Business Association, Washington D.C.

Board Director.

Member, Defense, Transportation and Port Security Committee.

National Defense Transportation Association.

Member, Sealift Transportation Committee.

North Atlantic Ports Association.

Chairman, Panama Canal Committee.

Special Counsel to Traffic Board.

Vice-Chairman, City of Baltimore Compensation Commission for Elected Officials (2007) and City Committee for Excellence in Public Service Award (2004–2009).

Member, Maryland State, Maritime Administrative Bar Associations and European Maritime Law Organization.

#### **Publications**

Co-Author, "American-Canadian Cross Border Container Traffic: Innovation Or Cargo Diversion?" *Journal of Maritime Law and Commerce*, Spring 1984.

Co-Author, "The Federal Regulation of American Port Activities," *The International Trade Law Journal*, Fall-Winter 1981-1982.

Co-Author, *NATO Alliance Intermodal Handbook*, January 2004.

#### **Education**

JD—University of Maryland School of Law, Baltimore, MD, 1972.

BA—American University School of Government and Public Administration, Washington, D.C., 1968.

Senator UDALL. Thank you very much for your testimony.  
Please proceed, Ms. Trottenberg.

#### **STATEMENT OF POLLY TROTTEMBERG, ASSISTANT SECRETARY-DESIGNATE, UNITED STATES DEPARTMENT OF TRANSPORTATION**

Ms. TROTTEMBERG. Thank you, Senator Udall. I will keep my remarks brief.

It is a privilege for me to appear today before you as President Obama's nominee for Assistant Secretary for Transportation Policy. I would also like to introduce my family, my husband, Mark Zuckerman, my stepson, Noah, my niece, Sarah Godfrey, and also gratefully acknowledge the friends and colleagues who lasted this long and who are still here.

I would also like to thank Senators Boxer and Schumer and Governor Rendell for their very generous remarks earlier today.

As you heard, I worked twelve years here in the Senate. During that time I have worked on much of the transportation legislature this body has considered. And, if confirmed, I look forward to bringing that invaluable experience to the Department of Transportation.

Prior to coming to the Senate, I worked at both the Massachusetts Port Authority and the Port Authority of New York and New Jersey and learned firsthand about the challenges we face at some of our Nation's busiest and most congested ports and airports.

As Governor Rendell mentioned, I currently serve as Executive Director of Building America's Future, a bipartisan coalition of state and local elected officials chaired by Governor Rendell, Governor Schwarzenegger and Mayor Bloomberg, which seeks to increase investment in our Nation's infrastructure and also focuses on program reform and accountability.

If confirmed, I hope these experiences will enable me to work with Congress as well as state and local governments to help craft and implement Secretary LaHood's and President Obama's national transportation priorities. These priorities include job creation and economic growth, environmental sustainability, reducing carbon emissions and our dependence on fossil fuels, fostering livable communities and constantly improving safety and security in all our modes of travel.

I am deeply committed to these goals and believe we have a once in a generation opportunity to achieve them as Congress and the Obama Administration prepare to rewrite our Nation's surface

transportation policy and work to ensure its long term financial stability and sustainability.

I will conclude with thank you, Senator Udall, and the community for scheduling this hearing. If confirmed, I pledge to work closely with this Committee and Members of Congress in finding common solutions to the great transportation challenges and opportunities our Nation faces. And I would be happy to answer any questions.

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

PREPARED STATEMENT OF POLLY TROTTEMBERG, ASSISTANT SECRETARY-DESIGNATE,  
UNITED STATES DEPARTMENT OF TRANSPORTATION

Chairman Rockefeller, Ranking Member Hutchison, Members of the Committee, it is a privilege for me to appear before you today as President Obama's nominee for Assistant Secretary for Transportation Policy.

I would like to introduce my husband, Mark Zuckerman, and my stepson, Noah, and gratefully acknowledge the friends and colleagues who are here today.

I have been fortunate to spend the majority of my career helping to shape transportation policy in one of the world's greatest policy shops—the U.S. Senate.

I served 12 years here working for Senator Barbara Boxer, Senator Charles Schumer, and the late Senator Daniel Patrick Moynihan. And during that time I worked on much of the major, highway, transit, rail, air and maritime legislation this body considered and I look forward to bringing that invaluable experience to the Department.

Prior to coming to the Senate, I worked at both the Massachusetts Port Authority and the Port Authority of New York and New Jersey and learned firsthand about the challenges we face at some of our Nation's busiest ports and airports.

I currently serve as Executive Director of Building America's Future, a bipartisan coalition chaired by Governor Edward Rendell, Governor Arnold Schwarzenegger and Mayor Michael Bloomberg, which seeks to increase our Nation's investment in infrastructure while focusing on reform and accountability.

In my current position, I work closely with many state and local elected officials and have seen the fiscal, operational and political challenges they face in maintaining and modernizing their transportation systems. I have also been inspired by what states, regions and localities across the country are doing to collaborate, innovate and experiment on transportation.

If confirmed, I hope this experience will enable me to work with Congress, as well as state and local governments, to help craft and implement Secretary LaHood's and President Obama's national transportation priorities.

Those priorities include: job creation and economic growth, environmental sustainability, reducing carbon emissions and our dependence on fossil fuels, fostering livable communities, and constantly improving safety and security in all modes of travel.

I am deeply committed to these goals and believe we have a once-in-a-generation opportunity to achieve them as Congress and the Obama Administration prepare to rewrite our Nation's surface transportation policy and work to ensure its long-term financial stability and sustainability.

One key to achieving that sustainability will be to create a transportation program that is multi-modal, performance-driven, transparent, and accountable. To do so, we must greatly strengthen our ability at the Federal, state and local level to conduct cross-modal comparisons of projects and track and measure program costs, timelines and outcomes.

If confirmed, I look forward to assisting the Department of Transportation in strengthening its own data-collection, research and analysis capabilities, as well as assisting states, localities, MPOs and transportation agencies to ensure that they have the tools and capacity needed to conduct better investment analysis and meet the challenge of transitioning to a 21st Century performance-based system.

To conclude, Mr. Chairman, thank you for scheduling this hearing. If confirmed, I pledge to work closely with this Committee and the other committees of jurisdiction in finding common solutions to the great transportation challenges and opportunities our Nation faces.

I would be happy to respond to any questions you and other Members of the Committee may have.



## A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Polly Ellen Trottenberg.
2. Position to which nominated: Assistant Secretary for Transportation Policy, Department of Transportation.
3. Date of Nomination: June 8, 2009.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Building America's Future, 1301 Pennsylvania Ave., NW, Suite 350, Washington, DC 20008.

5. Date and Place of Birth: March 16, 1964; Boston, MA.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Mark Zuckerman, Staff Director, House Committee on Education and Labor, 2181 Rayburn HOB, Washington, DC 20515; children: Naomi Zuckerman, age 19; Noah Zuckerman, age 14.

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

BA in History, Barnard College, Columbia University, May 1986.

Masters in Public Policy, Kennedy School of Government, Harvard University, June 1992.

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.

Building America's Future, Executive Director, Washington, D.C., Aug. 2008–Present (managerial, related).

Senator Barbara Boxer, Deputy Chief of Staff and Legislative Director, Washington, D.C., Jan. 2006–July 2008 (managerial, related).

Senator Charles E. Schumer, Legislative Director, Washington, D.C., Jan. 1999–Dec. 2005 (managerial, related).

Senator Daniel Patrick Moynihan, Legislative Assistant for Transportation, Public Works, and Environment, Washington, D.C., Oct. 1996–Dec. 1998 (non-managerial, related).

Port Authority of New York & New Jersey, New York, NY, Senior Executive Assistant to the Director of Aviation and Executive Assistant to the Executive Director, Oct. 1994–Sept. 1996 (non-managerial, related).

Massachusetts State Senate, Boston, MA, Policy Analyst, Joint Committee on Commerce and Labor, State Senator Lois Pines, Chair, June 1992–Sept. 1994 (non-managerial, related).

Massachusetts Port Authority, Boston, MA, Research Associate, Department of Administration and Finance, Summer 1991 (non-managerial, related).

Perry Davis Associates, New York, NY, Research Director, March 1988–April 1990 (non-managerial).

Freelance Writer and Editor, New York, NY and Chicago, IL, September 1986–February 1988 (non-managerial).

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 Democratic Institute for International Affairs, Pristina, Kosovo, served as a legislative expert working with Members and staff of the Kosovo Assembly, December 2006.

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.

Working World TV, Founding Member, February 2005 to October 2007.

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 orga-

nization. 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.

*Women's Transportation Seminar (WTS)* Jan. 2009–Present.

WTS does not restrict membership.

*Women's Leadership Network* Dec. 2008–Present.

WLN restricts membership based on sex.

*Barnard in Washington Club* 1996–Present.

Barnard in Washington Club restricts membership based on sex.

*The Road Gang* March 2009–Present.

The Road Gang does not restrict membership.

*Member of the Economic Policy Institute's Transportation Infrastructure Research Project Advisory Committee* 2009–Present.

EPI does not restrict membership.

*Member of the of the America 2050 "Visualizing a 21st Century Transportation System" Policy Subcommittee* 2009–Present.

America 2050 does not restrict membership.

In addition, over the last several years I have donated money to various organizations that consider their contributors "members." These include: Rock Creek Pool, Inc.; Friends of Rock Creek's Environment (FORCE); WAMU 88.5 American University Public Radio; Environmental Defense Fund; Humane Society of the United States; Natural Resources Defense Council; Smart Growth America; Friends of the Earth; The Nature Conservancy; Sierra Club; National Trust for Historic Preservation; and Chesapeake Bay Foundation.

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.

Obama for America—\$800 in 2008.

Friends of Dan Maffei—\$700 in 2008, \$200 in 2005.

Democratic Senatorial Campaign Committee—\$700 in 2008, \$250 in 2006.

John Kerry for President—\$1,750 in 2004.

DNC—\$1,000 in 2004.

Emily's List—\$1,000 in 2004.

Campaign volunteer work:

Gore/Lieberman, Oct.–Nov. 2000.

Dutch Ruppersberger for Congress, Oct. 2002.

Frank Lautenberg for Senate, Oct. 2002.

Tim Bishop for Congress, Nov. 2002.

Charles Schumer for Senate, July–Oct. 2004.

Kerry/Edwards, Oct.–Nov. 2004.

Ron Klein for Congress, Oct. 2006.

Lois Murphy for Congress, Oct. 2006.

Obama/Biden, Oct.–Nov. 2008.

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

Phi Beta Kappa, 1986.

Ellen Davis Goldwater History Prize, 1986.

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.

*Written*

Research paper for America 2050—"Federal Decision-Making in Transportation Investments: Getting the Federal Government to do 'the Math'"—December, 2008.

As a freelance writer from 1986 to 1988 I covered real estate and business topics. Generally my writings were not published under my name and were used in newsletters, textbooks and business journals. I do not have any records of them now and I believe that all the entities I wrote for then have long since gone out of business.

*Speaking*

Panel discussion at the America 2050 Forum "Infrastructure Strategies for the Southwest Megaregion" on "The Federal Government, America 2050 and Megaregions" June, 2009.

Panel Discussion at the Climate and Energy Funders Group Annual meeting on "Mapping a New Transportation Future," May 2009.

"Building America's Future and our vision for the reauthorization of the surface transportation legislation" at The Road Gang, May 2009.

"Advancing Passenger and Freight Rail in the Nation's Transportation System," at a conference hosted by Railway Supply Institute, OneRail and Women in Government Relations entitled "Selling to America's Railroads: Freight, Intercity and High-Speed Rail Development" in May, 2009.

Panel discussion at the Regional Plan Association 19th Annual Forum on "Transportation Projects in an Economic Downturn," in NYC in April, 2009.

Panel discussion at the Transportation Research Forum 50th annual meeting on "The Future of Federal Surface Transportation Policy" in Portland, OR. March 2009.

The 5th Annual Public Private Partnerships USA Summit in Washington, D.C., March 2009.

The RPA/Urban Land Institute National Association of Regional Councils' 7th Annual Metropolitan Regions Forum in Washington, D.C., February 2009.

The National Association of City Transportation Officials (NACTO) workshop on "Improving the Federal Funding Process and Achieving a State of Good Repair" in New York, NY, February 2009.

The Governing Magazine's "Outlook in the States 2009 Infrastructure Initiatives" panel with PA DOT Secretary Allen Biehler in Washington, D.C., February 2009.

Roundtable discussion at the Transportation Research Board annual conference—"The Future of Federal Transportation Funding and Finance—Paradigm Shift or More of the Same?" in Washington, D.C., January 2009.

Chaired the America 2050 "Trans-American Network" Intercity Passenger Travel Working Group and presented paper on "Federal Decision-Making in Transportation Investments" at America 2050 Workshop, in Pocantico, NY, December 2008.

"Politics and Policy: Transportation and Climate" panel at the "Moving Cooler: Leveraging Transportation Policy to Fight Climate Change" summit hosted by NRDC, Friends of the Earth, Center for Clean Air Policy and EESI in Washington, D.C., November 2008.

The Euromoney Conference on Public Private Partnerships in New York, NY, September 2008.

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

The Office of Transportation Policy is the office responsible for recommending overall surface transportation policy initiatives to the Secretary. The office coordinates multi-modal initiatives and processes, such as the development of DOT's proposed reauthorization language. The office is the chief domestic policy office for the department and is responsible for analysis, development, communication and review

of policy and plans for domestic transportation issues, including intermodal initiatives involving the department's multiple operating administrations.

I have nearly 20 years of diverse policy-making experience in state government, two regional port authorities, the U.S. Senate, and running an infrastructure non-profit heavily focused on transportation.

My 12 years on Capitol Hill working for three U.S. Senators, the late Senator Daniel Patrick Moynihan, Senator Charles Schumer and Senator Barbara Boxer, enabled me to participate directly in all of the major transportation legislation during that period and to work closely with all Senate Committees of jurisdiction—Environment and Public Works; Commerce, Science, and Transportation; Banking, Housing and Urban Affairs; and Finance, as well as the Appropriations Committee.

My current job as Executive Director of Building America's Future (BAF), a bipartisan infrastructure coalition chaired by Governor Edward Rendell, Governor Arnold Schwarzenegger and Mayor Michael Bloomberg, has enabled me to work closely with many state and local elected officials and get a deeper understanding of how Federal transportation policy affects them and what states and localities are doing to innovate and experiment. Through BAF, I have also been able to participate directly in many of the current transportation policy debates throughout the country.

I believe that our Nation currently faces a once-in-a-generation opportunity to build a 21st Century transportation system that will bolster U.S. economic growth and long-term prosperity, address global warming and our dependence on fossil fuels, grow our freight system capacity, foster rural mobility, and enhance the safety and the quality of life for our citizens and communities.

I have had a lifelong interest and passion in transportation policy and what it can do to improve the lives of ordinary Americans and our Nation's economy. I believe that my background and extensive experience with transportation policy at the local, state and Federal levels, and my intimate knowledge of the legislative process, have prepared me to serve in this role.

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?

In many ways the U.S. Department of Transportation is a grant-making agency, disbursing billions of dollars to State DOTs and transportation agencies. It is extremely important that those Federal dollars are spent in as accountable, transparent and goal-oriented manner as possible. I believe one of the key functions of the Office of Policy is to focus on the oversight of that spending, ensuring it achieves national policy goals and Congressional intent.

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

a. *The Next Surface Transportation Authorization.* With SAFETEA-LU set to expire at the end of September 2009, a robust debate about the financing and policy direction of the next surface transportation bill is well underway in Congress and throughout the country. I believe it is essential that the Department of Transportation, working with Congress, provide leadership and help set forth a national vision for transportation policy as well as articulate goals and program specifics for this important bill that has the power to establish transportation investment decisions over the long-term. The challenges are formidable—the Highway Trust Fund is insolvent and gas tax revenues at their current levels can no longer sustain the highway and transit programs, let alone support Administration priorities in freight and passenger rail. The system has a huge backlog of maintenance needs as well as a need for significant new investment in the coming years.

b. *Aviation Policy.* Congress is also set to once again take up the FAA reauthorization and many key issues are on the table in a very unfavorable economic climate for the aviation industry. DOT and FAA will need to provide leadership in resolving the long-standing contract dispute with the Air Traffic Controllers and in aviation safety. DOT and FAA will also need to work with Congress to ensure that the NextGen satellite-based navigation system is sustainably funded and finally underway, working with the other Federal agencies involved—the Department of Defense, NASA and the Department of Homeland Security.

c. *Intermodalism and Strengthening the Connections between Transportation, Economy, Environment, Energy and Housing.* U.S. transportation policy has been “stovepiped” by mode, each with its own funding source, policy imperatives, constituency groups and modal administration within DOT. This often fosters building projects because a given funding source exists instead of seeking to address national transportation policy goals in the most efficient and effective way possible. It has resulted in a transportation policy where highways, transit,

rail, ports and aviation receive widely varying levels of Federal support and limits the abilities of states, localities and transportation agencies to make sound investment choices that best meet the needs of their citizens and businesses.

In addition, DOT must improve coordination with other agencies, including the Departments of Treasury, Energy, Housing and Urban Development, and the Environmental Protection Agency. These agencies share many complex and cross-cutting challenges, including increasing economic opportunities for Americans, reducing U.S. dependence on fossil fuels and addressing climate change, and creating sustainable and livable communities. These shared challenges require unprecedented communication and coordination.

#### 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.

I have a Thrift Savings Plan (TSP) account for retirement.

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

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

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

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

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

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

I worked in the U.S. Senate for most of the last decade and so have worked on many pieces of legislation. Key legislative issues that I covered included: TEA-21, SAFETEA-LU, FAA Reauthorization, Amtrak reauthorization, Coast Guard reauthorization, Airline Passenger Bill of Rights, various Water Resources Development Act bills, numerous Appropriations bills, Greater Access to Affordable Pharmaceuticals Act of 2001, Bankruptcy Reform Act, Post 9/11 Victims Compensation Fund, Help America Vote Act, Energy Policy Act of 2005, Farm Conservation and Energy Act of 2008, Child Custody Protection Act, and the Consumer Product Safety Act. As Executive Director of Building America's Future, I have also been involved in debates about the American Recovery and Reinvestment Act of 2009, as well as the next surface transportation reauthorization and the next FAA reauthorization.

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

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

#### C. LEGAL MATTERS

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

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

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

4. Have you ever been convicted (including pleas of guilty or nosh 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 POLLY E. TROTTERBERG

##### Professional Experience

Building America's Future, Washington, D.C., Aug. 2008–present, *Executive Director*.

Manage a new bipartisan non-profit organization, Building America's Future (BAF), created to advocate for increased investment in infrastructure and major transportation policy reform. BAF is chaired by Governor Edward G. Rendell, Governor Arnold Schwarzenegger and Mayor Michael R. Bloomberg and has a membership of elected officials from across the U.S.

Responsible for organization's startup operations, including representing the organization publicly and in the press, fundraising, hiring, policy development, advocacy, coalition-building and media strategy.

Senator Barbara Boxer, Washington, D.C., Jan. 2006–July 2008, *Deputy Chief of Staff and Legislative Director*.

Chief policy advisor to Senator Boxer, responsible for developing comprehensive legislative agenda, media and political strategy, with focus on the Environment and Public Works and Commerce Committees. Areas of expertise include transportation, environment, appropriations, and economic development.

Extensive experience on transportation legislation, including FAA Reauthorization, Airline Passenger Bill of Rights, Amtrak reauthorization, developed legislation to address Coast Guard and oil spill issues in the wake of the *Cosco Busan* accident in San Francisco Bay.

Twelve years legislative experience in the U.S. Senate, specializing in bipartisan coalition-building to achieve successful legislative outcomes. Extensive management and leadership experience, responsible for the hiring, training, and supervision of legislative staff of 15.

Senator Charles E. Schumer, Washington, D.C., Jan. 1999–Dec. 2005, *Legislative Director*.

Chief policy advisor to Senator Schumer, responsible for developing comprehensive legislative agenda, media and political strategy, with focus on the Banking, Housing and Urban Affairs, Energy, Judiciary, and Finance Committees, with focus on transportation. Assisted in the creation and organization of all aspects of a new Senate office.

Extensive experience on transportation legislation and policy, including SAFETEA-LU with a focus on mass transit funding, Amtrak, port and aviation

issues, including helping to bring new airline service to Upstate New York, and transportation appropriations.

Led the development of New York's bipartisan post-September 11 legislative agenda, working closely with the Bush Administration, including securing \$21 billion in appropriations, crafting a \$5 billion business recovery tax package and a \$4.5 billion transportation infrastructure plan for Lower Manhattan.

Senator Daniel Patrick Moynihan, Washington, D.C., Oct. 1996–Dec. 1998, *Legislative Assistant for Transportation, Public Works, and Environment*.

Lead advisor to Senator Moynihan on the Environment and Public Works Committee. Responsible for developing policy and political strategy on transportation, public works, and environmental issues. Areas of expertise included TEA–21, Amtrak, mass transit, aviation, water resources, public buildings, and transportation appropriations.

Developed political strategy for Northeast and urban states to maintain environmentally sustainable highway and mass transit programs during authorization of TEA–21. Won passage of initiative to encourage employers to offer mass transit benefits to employees.

Port Authority of NY & NJ, New York, NY, Oct. 1994–Sept. 1996, *Senior Executive Assistant to the Director of Aviation, Gerald P. Fitzgerald*.

Directed the Port Authority Board approvals process for the Aviation Department, which operates the region's three major airports—Kennedy, Newark, and LaGuardia. Supervised a staff of seven who provided administrative and policy support for 1,800-person department.

*Executive Assistant to the Executive Director, Stanley Brezenoff*

Provided administrative and policy analysis support to the Executive Director in key areas, including negotiation of New York City Airport Lease, the AirTrain Project and Port dredging.

Massachusetts State Senate, Boston, MA, June 1992–Sept. 1994, *Policy Analyst, Joint Committee on Commerce and Labor, State Senator Lois Pines, Chair*.

Developed legislative initiatives for the Committee on labor and business issues, including economic and industrial development, defense conversion, welfare reform, job training, unemployment insurance, consumer protection, foreign trade, and tourism.

Massachusetts Port Authority, Boston, MA, Summer 1991, *Research Associate, Department of Administration and Finance*.

Conducted financial analysis projects, including the development and design of a new rate methodology and fee structure for Logan Airport's International Terminal and determined its financial implications for airline carriers and Massport.

Perry Davis Associates, New York, NY, March 1988–April 1990, *Research Director*.

Supervised research and writing for economic development consulting firm, specializing in public/private partnerships, conducted field surveys and interviews, created and drafted Federal and private foundation grant proposals, and implemented design and presentation of economic development initiatives, including a \$1.5 million high school health careers education program for Bronx-Lebanon Hospital.

## Education

Harvard University, John F. Kennedy School of Government, Cambridge, MA.

Master of Public Policy, June 1992.

Editor-in-Chief, *Kennedy School Beacon*, 1991–1992. Reporter, 1990–1991.

Columbia University, Barnard College, New York, NY.

B.A., *magna cum laude*, in History, May 1986.

Elected to Phi Beta Kappa, April 1986.

## Other Activities

Speaker at events hosted by a variety of transportation and infrastructure groups.

Current Member of the Economic Policy Institute's Transportation Infrastructure Research Project Advisory Committee.

Current Member of the America 2050 "Visualizing a 21st Century Transportation System" Policy Subcommittee.

Chaired the America 2050 "Trans-American Network" Intercity Passenger Travel Working Group and presented paper on "Federal Decision-Making in Transportation Investments" at America 2050 Workshop, December 2008.

Aspen Institute Socrates Society Congressional Scholar at "The Terrorist Threat: Six Years After 9/11, How Safe Are We?" seminar, October 2007.

National Democratic Institute for International Affairs, Pristina, Kosovo, served as a legislative expert working with Members and staff of the Kosovo Assembly, December 2006.

Senator UDALL. Thank you. Thank you very much.

And I guess this one I am going to direct to Ms. Hersman for a minute. Shortly after we met, I was reminded of the NTSB's important role in protecting public safety. The fatal Metro accident here in Washington is a reminder to all of us that the work of ensuring public safety is never finished.

In your testimony, you state that NTSB is uniquely situated to point the way toward a safer transportation system. One concern that I have is that NTSB recommendations to transportation agencies are voluntary. When you identify specific safety concerns, transit authorities are not required to implement your recommendations.

How will you help insure that the NTSB recommendations are implemented instead of ignored?

Ms. HERSMAN. Well, Senator, I have to say that one of the best ways for those recommendations to get implemented and not ignored is when the Congress, and in particular this committee, pays attention to them. The Safety Board held a 3-day public hearing on the fatal Colgan accident when there were 50 fatalities, and I think that we were able to give you all a head start on some of the work that you are doing. This Committee held two hearings, looking at some of the early issues that were raised in that accident.

This Committee also was able to address two issues that have been on our Most Wanted List of Safety Improvements in the Rail Industry last year with the Rail Safety Improvement Act. This Committee required changes in hours-of-service laws that had not been updated for decades, and it mandated the implementation of positive train control, which has been on our most wanted list since its inception. So sometimes I think we can push and the public can be focused.

Certainly would like to see the regulatory agencies take action just because we asked them to, but if they have not, we feel fortunate that you all are sometimes looking over our shoulder, holding them accountable for some of the issues that you think are the most important.

Senator UDALL. And we hope that you will continue to be aggressive. I think one of the things that you mentioned to me when we met in my office was trying to focus on deadlines and bringing the public's attention to what has happened. So I hope that you will continue to do that, too.

Ms. HERSMAN. Thank you, sir.

Senator UDALL. Thank you.

Mr. Lidinsky, you state in your testimony that the Federal Maritime Commission can work with U.S. flag carriers, ports and those involved with their operations with green projects and other job



creating innovations. I believe there is a tremendous potential in green initiatives and technologies to create new jobs and innovations that would enhance environmental sustainability, yet last year the Commission delayed implementation of a clean trucks program to improve air quality of congested ports in Long Beach in Los Angeles. And I am concerned that the Commission would block what appears to be a reasonable environmental initiative.

As Commissioner, will you fairly consider efforts to promote environmental sustainability while ensuring the efficient flow of goods from our Nation's ports?

Mr. LIDINSKY. Senator, I am well aware of the Los Angeles Long Beach case. And since it is still in litigation before the Commission, I cannot comment on the specifics on that case; however, I would say that I would give it very full and fair consideration. I think the maritime industry is one of the last industries coming to the green issues.

The EPA has just imposed certain requirements on vessels along with the International Maritime Organization, clean air, or other issues are being imposed state by state. So I think we are in an infancy period, but certainly one that all parties can work together to really put a green agenda in play for these ports throughout the country.

Senator UDALL. Thank you, and that is very, very encouraging to hear that.

Ms. Trottenberg, New Mexico, like every other state, relies first and foremost on roads for transportation; however, I believe that Americans need more alternatives to driving in order to reduce both our dependence on foreign oil and emissions that contribute to global warming.

The New Mexico Rail Runner, a new rail line in New Mexico from Belen to Santa Fe, just celebrated its two millionth rider since it just opened and it has been opened less than a year. It is comfortable, an efficient way to travel, it gets people out of their cars and off congested highways. I believe that the Rail Runner is an example of a forward thinking transportation investment that will provide benefits to the state for years to come.

In your testimony, you state that the Department of Transportation should strengthen its own capabilities while also assisting the state and local transportation agencies to ensure that they have the tools and capacity needed to meet the challenge of transitioning to a 21st Century performance-based system.

Have you explored how the Department of Transportation can build state and local agency capacity to meet the transportation needs of rural states like New Mexico and many of our states out West?

Ms. TROTTEMBERG. Well, Senator Udall, the Department actually has a proposal out now in conjunction with its desire to do an 18-month extension on the current safety rule authorization, which I think would authorize grants to go to states and localities all over the country, urban, suburban and rural, and help them start the process of doing the kind of data gathering and evaluation and project evaluation that they need.

Like New Mexico, there are places all over the country now that are experimenting with transit. It is not just the traditional big

coastal cities. Much more rural areas are discovering that transit can be a fantastic option, but a lot of them still need some of the tools to help figure out how to put those projects together. I think the DOT is going to be very enthusiastic about helping them.

Senator UDALL. Thank you. Thank you. Let me, I believe Senator Lautenberg is on the way. He does want to ask a question, so I will ask one more here while we are—hopefully he will be here within a few minutes. And we are expecting votes to occur here in the next 5 or 6 minutes, so we are not trying to shortchange you in terms of your testimony.

And as you heard from the Chairman, no doubt you all come with great recommendations and I think the Members of this Committee feel that they can no doubt recommend you.

Senator Lautenberg, good to have you here. You arrived and—

Senator LAUTENBERG.—make the quorum, Mr. Chairman.

Senator UDALL. Well, you do not make a quorum, but it is wonderful to have you here. And if you are ready to proceed to questioning, we are ready to recognize you.

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

Senator LAUTENBERG. That is very kind, Mr. Chairman, and I appreciate it. And despite the appearance, at this moment, I am junior to this fellow.

[Laughter.]

Senator LAUTENBERG. Thanks very much, Mr. Chairman. I appreciate you monitoring this—these very capable presentations, these very capable folk here who are well qualified.

It was said earlier by a colleague, Senator Mikulski from Maryland, when going over a list of nominees, she said even though I do not know Polly Trottenberg, I am for her anyway. And I can say that for Mr. Lidinsky and Deborah Hersman, I am for you anyway, so—

[Laughter.]

Senator LAUTENBERG. But I wanted to just acknowledge that each of you comes particularly well trained for these assignments and we wish you well.

I have a couple of questions that I would like to review but I just want to say to you each, thank you for your past service to our country and for agreeing to serve once again. I did it. I liked it, as a matter of fact. I stepped away for 2 years and decided that I was more lonesome for the place than the place was for me. I let the people of New Jersey make that decision.

I want to focus my remarks on the nominees, the National Transportation Safety Board, the Department of Transportation and the Federal Maritime Commission. Washington is, as everyone knows, is still recovering from last month's rail crash where nine people died. That accident reminds us that we need to make our trains, subways and buses safer because more Americans are riding them than ever before. I am a regular Amtrak user, going between Washington and New Jersey, and I see the crowding that is taking place there.

I also use New Jersey Transit, the transit system, and I see that people are going to these facilities to use them because it is far

more reliable than the highway traffic or the—the airline companies will forgive me—than we have seen in the aviation business.

So this Committee has held two hearings on the tragic crash of Colgan Flight 3407 in Buffalo. Fifty people died in that accident, which was a reminder that we must make our aviation system safer and even more reliable. From the ground to the air, we need the NTSB's help in this pursuit, and Ms. Hersman was nominated to be the Chairperson of the NTSB, a very responsible position. And the fact that you are nominated for this purpose is testimony to the skill that you bring and the commitment that you have.

So Board member, I know that you have been on the scene of more than fifteen major transportation accidents, including the recent rail crash in Washington. If confirmed, we will look to you to help make the Nation's roads, airways, railroads, transit lines and pipelines safe for people who use and work on them.

Ms. Trottenberg is nominated to be the Assistant Secretary of Transportation Policy at DOT and, if confirmed, you will play an integral role in fashioning the next surface transportation bill. I look forward to working with all of you and the Administration in crafting a comprehensive bill that meets our Nation's evolving transportation needs.

These needs include our freight network, particularly moving goods by rail and by barge. I have introduced a bill to encourage more freight to be carried by barges and ships. Shipping by barge reduces congestion on roads, cuts emissions and energy consumption and improves safety.

And finally, Richard Lidinsky is nominated to be Commissioner of the Federal Maritime Commission. And if confirmed, we are going to need your leadership to ensure that our Nation's ports and maritime infrastructure can meet the growing demands placed on them.

Mr. Chairman, I have cheated just a little bit and I included an opening statement. Do we still have time for me to give questions?

Senator UDALL. Yes, we still have time for questions. I have asked my questions and I am deferring to you on questions. So please proceed.

Senator LAUTENBERG. Ms. Hersman, runway safety and aircraft overruns continue to be significant problems. A law that I wrote in 2005 set a deadline of 2015 for compliance with the FAA runway standards.

Earlier this year, a DOT Inspector General report stated that FAA overstated the number of airports meeting FAA runway standards.

Now, do you have doubt about his statements? Do you believe that airports are on track to meet the runway standards by the 2015 deadline?

Ms. HERSMAN. Senator Lautenberg, I can tell you that we are very concerned about runway safety and the compliance of those airports. I know the IG's report mentioned that there were quite a few major airports of the 30 largest that were not going to be compliant.

Unfortunately, I launched with our team to Teterboro, New Jersey, to the overrun that occur into a warehouse there. We have made numerous recommendations about runway safety areas, and

we do appreciate what you did in the legislation to try to move those around.

We are going to continue to monitor those closely. We know that we are seeing so many more excursions and overruns, including at Midway in Chicago and at Teterboro. We have seen quite a few in the last few years and it is an area of focus for the Safety Board and we will continue to look at that.

Senator LAUTENBERG. We have your commitment.

Ms. Trottenberg, last month in New Jersey, we broke ground on the largest mass transit project in the country. It is a new rail tunnel under the Hudson River connecting New Jersey and New York. Unless it is not clear, this is, in my view, a national priority. It is not simply connecting the two states and their commerce, but it really reflects our interest in making sure that commerce can flow freely. If we can improve the scheduling on Amtrak and other rail service that go under the Hudson River, it is going to make things work a lot more efficiently.

This project is going to create jobs, shorten commutes, reduce emissions and when complete, it will take 22,000 cars off the roads daily.

If confirmed, are you prepared to make this issue a priority, and do you see things going where there is a large-scale transformational project like the Hudson River Tunnel?

Ms. TROTTEMBERG. I thank you, Senator Lautenberg. I have been an enthusiastic supporter of the ARC Project even since my days at the Port Authority, and I can assure you I think there is great enthusiasm for it in the Department of Transportation. And if confirmed, yes, it would certainly, I agree with you, that it is a transformational project for the New York, New Jersey region.

And you raise a very good question and something I know that the Secretary has talked about in part of what he is going to be looking for, for starters in the \$1.5 billion discretionary program, finding a way to fund these sort of large transformational projects of national significance which often straddle different states and are very, very complex and are hard to get Federal funding for.

So I can tell you I think that is going to be a big priority for the Department.

Senator LAUTENBERG. So you had time with the Port Authority?

Ms. TROTTEMBERG. I did before—

Senator LAUTENBERG. You know when I came here I was the Commissioner of the Port Authority—

Ms. TROTTEMBERG. I know that.

Senator LAUTENBERG.—when I came to the Senate. And what I tried to do was hang on for a bit of time because I really felt the Port Authority of New York and New Jersey a very important agency and demonstrates that bi-state arrangements can be made and function efficiently.

Well, it took take about 2 weeks before the *New York Times* said, hey, you have got one job—well, the Port Authority did not pay at all. I will not comment on the Senate job. But it is a real agency.

Ms. Hersman, remember people—crashing with large trucks already average 5,000 each year, yet some have proposed relaxing the ban on large trucks that weigh more than 80,000 pounds. They are longer than 53 feet on our interstate highway system.

Relaxing this ban, does it sound like it might be adding a significant safety risk to the driving public?

Ms. HERSMAN. Senator Lautenberg, the Safety Board has not looked at this issue, but I can tell you that we have paid very close attention to heavy truck accidents on our Nation's highways. I think one of the issues that is very important is that this number has remained relatively flat since the Federal Motor Carriers Safety Administration has been created.

The Safety Board has made numerous recommendations for enhanced oversight, enforcement and technologies. No matter what size the truck is, we do not want to see accidents between heavy trucks and other vehicles, because we know that they do not turn out well.

If a truck driver gets fatigued and plows into a stand of cars at a toll plaza, it is very likely that we are going to see fatalities in either the buses or the cars that are hit, as we did in the Marengo Toll Plaza in Illinois.

So I can tell you that we have a number of concerns about the safety of trucks, but the Safety Board has not weighed in on heavy trucks size and weight issues.

Senator LAUTENBERG. Well, I encourage your views.

And, last, Mr. Chairman, I want to ask Mr. Lidinsky—

Senator UDALL. The Chair would just like to advise everybody we are about 12 minutes into a 15-minute vote now on the Senate floor. The vote began, I believe, at 4:47, so please Senator Lautenberg, please continue.

Senator LAUTENBERG. OK, well if we had time, Mr. Lidinsky, I would have asked you this.

[Laughter.]

Senator LAUTENBERG. During your years of experience with the maritime industry, did you think that the level of communication between industry and the Federal Maritime Commission is readied up to be? That can be a yes or no question.

Mr. LIDINSKY. The answer is it should be better, and we are going to work for that goal, Senator.

Senator LAUTENBERG. All right. Thank you very much.

Thanks, Mr. Chairman.

Senator UDALL. Thank you, Senator Lautenberg. Just a couple of quick housekeeping measures. Without objection, I would like to enter a statement and additional materials for Senator Rockefeller regarding Mr. Bolden's nomination in the hearing record. Without objection other members have 3 days to enter statements for the record, and I would ask all members to send questions for the record by 6 p.m. tonight to give nominees sufficient time to answer.

And we would like to thank this distinguished group of nominees. We look forward to moving you forward quickly. And the hearing is adjourned.

[Whereupon, at 5 p.m., the hearing was adjourned.]



## A P P E N D I X

### STATEMENT OF HON. JOHN D. ROCKEFELLER IV

I am entering into the hearing record memoranda prepared by the Congressional Research Service (“CRS”), at my request, and the Department of Justice’s Office of Legal Counsel (“DoJ OLC”) regarding the statutory requirement that the NASA Administrator come from civilian life and its application to Mr. Bolden.

Section 2472(a) of title 42 states that NASA shall be headed by an “Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate.” If a nominee for Administrator is found not to be from civilian life, a waiver would be required for him to be appointed as was done in the appointment of Admiral Richard Truly in 1989, who was not yet retired at the time of his nomination.

Mr. Bolden retired from the United States Marine Corps in 2003 and is currently on the Department of Defense’s “retired” list. He has worked in the civilian sector since his retirement from the Marine Corps and is currently the Chief Executive Officer of a private consulting company.

Both DoJ and CRS have reviewed the relevant law and Mr. Bolden’s individual facts, and have concluded that he is “appointed from civilian life” as required by the NASA Act, and that a waiver is not required for him to be appointed as Administrator.

I fully agree with the CRS and DoJ analysis that Mr. Bolden meets the requirement that the Administrator be appointed from civilian life, despite his status as a retired military officer. The Committee has reviewed this issue and I am satisfied that he meets the statutory requirement and that a waiver is not required for his appointment.

I also note that the Committee remains fully committed to the principle established in the Space Act of 1958 that NASA shall be a civilian agency.

### ATTACHMENTS

U.S. DEPARTMENT OF JUSTICE  
*Washington, DC, July 8, 2009*

Office of Legal Counsel,  
Office of the Deputy Assistant Attorney General.

### **Memorandum for Gregory B. Craig, Counsel to the President**

RE: ELIGIBILITY OF A RETIRED MILITARY OFFICER FOR APPOINTMENT AS ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

You have asked for our opinion whether a retired military officer is eligible for appointment as Administrator of the National Aeronautics and Space Administration (“NASA”). Section 202 of the National Aeronautics and Space Act of 1958, Pub. L. No. 85–568, 72 Stat. 426 (“Space Act”) (codified as amended at 42 U.S.C. § 2472(a) (2006)), creates NASA and provides that it “shall be headed by an Administrator, who shall be *appointed from civilian life* by the President by and with the advice and consent of the Senate.” 42 U.S.C. § 2472(a) (emphasis added). The Space Act does not define the phrase “appointed from civilian life,” nor does it expressly address whether a retired military officer is eligible to be appointed as NASA Administrator.

On June 22, 2009, the President nominated Charles F. Bolden, Jr., a retired General in the United States Marine Corps, to be Administrator of NASA. *See* 155 Cong. Rec. 56898 (daily ed. June 22, 2009). General Bolden retired from the Marine Corps in 2003. He is at present the Chief Executive Officer of a private consulting firm.

We believe that a retired military officer—and certainly one who has engaged in civilian pursuits after his retirement—is eligible for appointment as Administrator of NASA. This conclusion is supported by the ordinary meaning of the phrase “from

civilian life,” use of the phrase in other statutes, practice under such statutes, and longstanding Executive Branch precedent interpreting the phrase and similar words. We recognize that there are possible arguments to the contrary, but in our view these arguments, in the end, are unconvincing.\*

# I.

The Space Act establishes NASA as a “civilian agency,” whose activities “should be devoted to peaceful purposes for the benefit of all mankind.” Pub. L. No. 85–568, §§ 101, 102(b). The statute requires the Administrator to come from “civilian life.” *See id.* § 202. It does not specifically address whether a retired military officer, who continues to hold a commission, would meet this qualification. Several arguments, however, support the conclusion that a retired military officer is eligible for appointment as Administrator of NASA.

First, the usual definition of “civilian” includes retired military personnel who are not on active duty. *See* American Heritage Dictionary (2009), available at <http://education.yahoo.com/reference/dictionary/entry/civilian> (defining “civilian” as “[a] person following the pursuits of civil life, especially one who is not an active member of the military”); Merriam-Webster Online Dictionary (2009), available at <http://www.merriamwebster.com/dictionary/civilian> (defining “civilian” as “one not on active duty in the armed services”); Webster’s Seventh New Collegiate Dictionary 152 (7th ed. 1963) (defining “civilian” as “one not on active duty in a military, police, or fire-fighting force”). In its ordinary meaning, therefore, the phrase “appointed from civilian life” refers to a person who is not on active military duty at the time of appointment. A retired military officer who has ceased active military service falls within this class of persons. Thus, by the literal terms of the statute, Congress did not bar all retired military personnel from appointment.

Second, although Congress did not define in the Space Act which persons are considered to be in “civilian life,” the use of the phrase “appointed from civilian life” in other statutes supports the conclusion that the phrase generally does not disqualify retired military officers. In some statutes, as in the Space Act, Congress has limited eligibility for appointment to persons “from civilian life,” without specifying whether retired military officers are deemed in “civilian life.” *See, e.g.*, 10 U.S.C.A. § 133(a) (West Supp. 2009) (requiring Under Secretary of Defense for Acquisition, Technology, and Logistics to be “appointed from civilian life”); 15 U.S.C. § 633(b)(1) (2006) (requiring Administrator of Small Business Administration to be “appointed from civilian life”); 42 U.S.C. § 2286(b)(1) (2006) (requiring members of Defense Nuclear Facilities Safety Board to be “appointed from civilian life”). In other statutes, however, Congress not only has directed that the appointee be “from civilian life,” but also has explicitly disqualified all retired military officers from appointment during a specified cooling-off period. These statutes support the conclusion that the phrase “from civilian life,” standing on its own, encompasses retired military officers.

For example, 10 U.S.C. § 113(a) (2006) requires that the Secretary of Defense be “appointed from civilian life,” but excludes from eligibility any person “within 7 years after relief from active duty as a commissioned officer of a regular component of an armed force.” *See also* 10 U.S.C.A. § 134(a) (West Supp. 2009) (limiting appointment eligibility for Under Secretary of Defense for Policy to persons “appointed from civilian life” who are “within 7 years after relief from active duty as a commissioned officer of a regular component of an armed force”); 10 U.S.C. § 3013(a) (2006) (limiting appointment eligibility for Secretary of the Army to persons “appointed from civilian life” who are “within 5 years after relief from active duty as a commissioned officer of a regular component of an armed force”); 10 U.S.C. § 5013(a) (2006) (same for Secretary of the Navy); 10 U.S.C. § 8013(a) (2006) (same for Secretary of the Air Force); 42 U.S.C. § 5812(a) (2006) (limiting appointment eligibility for Administrator of Energy Research and Development to persons “appointed from civilian life” who are “within 2 years after release from active duty as a commissioned officer of a regular component of an armed force”). The statutory exclusion of retired military officers from appointment to certain offices for a specified time period necessarily implies that such persons are eligible for appointment to those same offices once the cooling-off period has ended. Because persons appointed to those offices must be “from civilian life,” it follows that retired military persons are considered to be “from civilian life.” When Congress intends to make some retired military officers ineligible for appointment, it has done so expressly.

\*This opinion is identical to one issued July 6, 2009, except that the earlier version inadvertently omitted one word.



Similarly, when Congress has barred certain retired military personnel, for all time, from appointment to an office having a “civilian life” requirement, it has explicitly stated the prohibition. Congress, for example, has directed that judges of the United States Court of Appeals for the Armed Forces (“CAAF”) “be appointed from civilian life,” but, “[f]or purposes of appointment of judges to the court,” has provided that “a person retired from the armed forces after 20 or more years of active service (whether or not such person is on the retired list) shall not be considered to be in civilian life.” 10 U.S.C. § 942(b)(1) and (4) (2006). *See also* 49 U.S.C. § 106(b)–(d) (2006) (requiring Administrator of Federal Aviation Administration to “be a civilian,” but imposing the condition that where “the Administrator is a former regular officer of an armed force, the Deputy Administrator may not be an officer on active duty in an armed force, a retired regular officer of an armed force, or a former regular officer of an armed force”). Congress’s exclusion of certain retired military personnel from appointment to the CAAF would have no purpose unless they would otherwise be “from civilian life.” Furthermore, under the statute, retired military personnel with less than twenty years of active service necessarily *are* considered to be “from civilian life.”

All of these statutes support the view that when Congress limits appointments to persons “from civilian life,” it treats retired military officers as coming “from civilian life.” Under these statutes, when Congress intends to exclude retired military officers from appointment, it explicitly states that exclusion. The Space Act uses the phrase “from civilian life” without any further condition. The text of the statute, therefore, gives no indication that Congress, which has used the same “civilian life” requirement in many other acts, excluded retired military officers from appointment.

Third, there is practice—established by Presidents and the Senate acting together—in which retired military officers have been nominated, confirmed, and appointed to serve in positions covered by a “from civilian life” qualification. The Under Secretary of the Navy, for example, must be appointed “from civilian life.” 10 U.S.C. § 5015(a) (2006). The current Under Secretary, Robert O. Work, who was confirmed May 18, 2009, is a retired military officer. The Under Secretary of Defense for Intelligence also must be “appointed from civilian life,” 10 U.S.C. § 137(a) (2006), and the current occupant of that position, James R. Clapper, who was confirmed April 11, 2007, is a retired officer. These current examples are only part of a longer and more extensive practice. *See* Memorandum for William J. Haynes II, General Counsel, Department of Defense, from C. Kevin Marshall, Deputy Assistant Attorney General, Office of Legal Counsel, *Re: Eligibility of a Retired Army Officer to be Appointed Inspector General of the Department of Defense* at 4–5 (May 18, 2007).

Fourth, longstanding Executive Branch precedent supports an interpretation of the phrase “from civilian life” that would extend to retired military officers. Our office previously concluded that retired military officers were not automatically disqualified from appointment to several positions that were, by statute, confined to persons “appointed from civilian life.” *See* Memorandum for Cyrus R. Vance, General Counsel, Department of Defense, from Harold F. Reis, Acting Assistant Attorney General, Office of Legal Counsel, *Re: Eligibility of a Retired Regular Officer of the Armed Forces to be Appointed to the Position of Under Secretary or Assistant Secretary of one of the Military Departments* (Feb. 3, 1961) (“*Eligibility of a Retired Regular Officer*”). We relied, in part, on “considerations [ ] relevant to the interpretation of the requirement that these officials shall be appointed from civilian life” that apply equally here—“the traditional meaning of the term” and “the fact that when Congress seeks to disqualify retired regular officers it does so in unmistakable language” *Id.* at 3. We noted the possibility that, under some sets of facts, particular retired officers might not be “from civilian life,” and said in particular that it would accord with “the spirit” of the requirement if a retired officer had been engaged in civilian pursuits. *See id.* at 7. Whatever the possible facts that might call into question a particular retired officer’s status in “civilian life” under some statutes having a “civilian life” qualification, a retired officer’s eligibility is clear when he has been engaged in civilian pursuits at the time of appointment.

A 1930 Attorney General opinion similarly held that a retired Army officer could be appointed to an office that called for an appointee “from civil life.” *See Eligibility of Retired Army Officer to Hold the Position of Commissioner of the District of Columbia*, 36 Op. Att’y Gen. 389 (1930) (“1930 Opinion”). After canvassing the legal backdrop against which the relevant legislation had been passed, the opinion concluded:

In using the term “civil life” Congress referred to the activity in life of the appointee. It is the taking of a person from one of two classes of society, military

or civil. Military life is led when a person is in the active military service of the Army and is doing duty in his daily life in carrying out military functions. If he is carrying on military work and that is his life's activity at the time, he is not from civil life, but if he has retired from that activity and his pursuits are civil, then he is from civil life.

*Id.* at 398–99; *see id.* At 398 (“It seems reasonably clear, therefore, that in using the phrase ‘civil life’ . . . Congress was referring to those engaged in civil life, whether or not retired Army officers, as distinguished from the military life of an officer in active service.”); *id.* at 402 (“Retired officers who have ceased to engage in military service and have entered civil life and civil pursuits . . . are in civil life within the meaning of the [statute] and eligible to appointment . . .”). Congress, we believe, can be understood to have legislated against the background of this published Executive Branch interpretation of a term (“from civil life”) that is virtually the same as the one in the Space Act (“from civilian life”), and that understanding accords with the ordinary meaning of the phrase “from civilian life,” use of express language in other statutes to exclude some retired military officers who would otherwise fall within that category, and practice of the Government. We therefore conclude that a retired military officer can qualify for appointment as Administrator of NASA.

## II.

Although we believe that this conclusion is well supported, there are possible arguments for the view that the Space Act bars retired military personnel from appointment. We believe, however, that these arguments are ultimately unconvincing.

First, the legislative history of the Space Act arguably could be read to indicate that Congress intended the phrase “from civilian life,” as used in that statute, to exclude retired military personnel. An earlier version of the bill may have assumed that the “civilian life” requirement barred appointment of a retired officer. That version would have prohibited the Administrator from employing retired commissioned officers under certain pay provisions unless sufficient numbers of qualified individuals “from civilian life” were unavailable. A House committee report explained the provision as follows:

Paragraph (10) authorizes the Administrator to employ retired commissioned officers [under certain compensation provisions]; but this authority could be exercised only when sufficient numbers of qualified individuals from civilian life are not available . . .

H.R. Rep. No. 1770, at 20 (1958). Although the provision allowing the Administrator to employ retired commissioned officers was enacted, the condition that “sufficient numbers of qualified individuals from civilian life are not available” was omitted from the final bill. *See* Pub. L. No. 85–568, § 203(b)(11); *see* H.R. Conf. Rep. No. 85–2166, at 20 (1958) (noting omission during the conference). The legislative history does not explain why the provision was omitted, but the omission is consistent with the view that retired military officers could be considered to be in “civilian life,” since that view is reflected in the phrase’s ordinary meaning, prior usage by Congress, and Executive Branch precedent.

We have not found any other significant materials in the legislative history of the Space Act that bear on the interpretation of the phrase. In the end, therefore, this murky legislative history about an unenacted version of the statute does not justify the conclusion that the phrase “from civilian life” in the version ultimately enacted bars the appointment of retired military officers—particularly in light of the ordinary meaning of the phrase and the ways in which Congress has used it in other statutes.

Second, it might be argued that our interpretation is mistaken because, on at least five occasions in recent times (and once under the Space Act itself), Congress has enacted separate legislation authorizing the appointment of a particular retired military officer to a position for which eligibility was limited to those “from civilian life.” In 1989, Congress passed a bill authorizing the President to appoint Rear Admiral Richard Truly as NASA Administrator. *See* Act of June 30, 1989, Pub. L. No. 101–48, 103 Stat. 136. Admiral Truly was in active service at the time that the legislation was introduced, but he had expressed his intention to retire from active military duty before being sworn in as Administrator. *See* 135 Cong. Rec. 11, 719 (1989). On the same day that Congress authorized the President to appoint Admiral Truly, it passed identical legislation authorizing the appointment of retired Admiral James Busey as Administrator of the Federal Aviation Administration (“FAA”). *See* Pub. L. No. 101–47, 103 Stat. 134 (1989). Similarly, in 1984, 1991, and 1992, Congress passed legislation authorizing the President to appoint a retired military offi-

cer as FAA Administrator. See Pub. L. No. 102-308, 106 Stat. 273 (1992); Pub. L. No. 102-223, 105 Stat. 1678 (1991); Pub. L. No. 98-256, 98 Stat. 125 (1984).<sup>1</sup>

The authorization for Admiral Truly's appointment apparently rested on the view that the "civilian life" qualification otherwise would have forbidden the appointment, unless Admiral Truly surrendered his commission and thus gave up his retired pay and benefits. The authorization declared that, with the Senate's advice and consent, the President could make the appointment, "[n]otwithstanding the provisions of section 202(a) of the [Space Act] [which sets out the "civilian life" qualification], or any other provision of law." Pub. L. No. 101-48, § 1, 103 Stat. 136. See also *id.* § 3 (providing, "[n]othing in this Act shall be construed as approval by the Congress of any future appointments of military persons to the Offices of Administrator and Deputy Administrator of [NASA]."). The Senate committee report stated that "a review of the legislative history of the term 'from civilian' life indicates that this term excludes active duty military personnel and retired military personnel" and that "[t]o meet the strict interpretation of the term, a person would have to resign his commission and give up military benefits and pension to be considered 'civilian.'" S. Rep. No. 101-57, at 2 (1989).<sup>2</sup> The floor debates also revealed the view that, without a "waiver," Admiral Truly could not be appointed. See 135 Cong. Rec. 12,927 (June 22, 1989). To be sure, Admiral Truly disputed this conclusion. He took the view that retired military officers "do come from 'civilian life,'" although he acknowledged that the question would be "interpretable by lawyers I guess on all sides of the issue." *Nominations-May-June: Hearings Before the S. Comm. on Com., Science, and Transp.*, 101st Cong. 264, 279 (1989) (statement of Adm. Truly). In any event, Congress evidently acted on the view that a "waiver" was necessary.<sup>3</sup>

To the extent the proponents of the authorization, in the Committee report and on the floor, offered a construction of the Space Act, their construction is *subsequent* legislative history of that statute and thus is entitled to little weight. See *Pension Benefit Guaranty Corp. v. LTV Corp.*, 496 U.S. 633, 650 (1990) (later history is "a hazardous basis for inferring the intent of an earlier Congress" (internal quotations omitted)). A more substantial issue is that "the implications of a statute may be altered by the implications of a later statute," *United States v. Fausto*, 484 U.S. 439, 453 (1988), so that the later legislation here, while not an authoritative construction of the Space Act, might be argued to have "shape[d] or focus[ed]" that statute's "range of possible meanings," *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 143 (2000).

We do not believe, however, that the legislation enacted for Admiral Truly's appointment is sufficient to alter the interpretation of the Space Act that would otherwise prevail. In *Fausto*, the leading case on the interpretive principle, the Court held that after enactment of the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 ("CSRA"), the Back Pay Act (5 U.S.C. § 5596) should no longer be interpreted to enable a Federal employee to obtain review in the Court of Claims of certain personnel decisions. The Court found that such review would "turn . . . upside down" and "seriously undermine" elements of the CSRA's structure. *Fausto*, 484 U.S. at 449. Here, there is no need to reinterpret the Space Act in order to give full effect to the legislation authorizing Admiral Truly's appointment or to achieve the goal of "getting [those statutes] to 'make sense' in combination." *Id.* at 453. Even if the Space Act's "civilian life" requirement posed no obstacle, a targeted authorization for the President to make the appointment of a particular retired military officer "[n]otwithstanding the provisions of section 202(a) of the [Space Act], or any

<sup>1</sup> Essentially the same statutory structure and language have also been used to authorize the appointment of an active duty military officer. See Pub. L. No. 81-788, 64 Stat. 853 (1950) (authorizing appointment of General George C. Marshall to serve as Secretary of Defense, an office with a "civilian life" condition).

<sup>2</sup> According to the Committee report, "the President made reference to the requirement for a legislative waiver when he announced the nomination of Admiral Truly." S. Rep. No. 101-57, at 2. At the time of the President's statement, however, Admiral Truly was still on active duty, and the President said that "because Dick Truly is an active duty naval officer . . . I will need the assent and cooperation of the Congress to make this appointment." 1 Pub. Papers of George Bush 399 (1989). See also Pub. L. No. 107-117, § 307, 115 Stat. 2230, 2301 (2002) (allowing appointment of an active duty officer as Deputy Administrator of NASA). The President, therefore, did not suggest that he could not appoint a retired military officer unless Congress enacted legislation.

<sup>3</sup> Admiral Busey requested legislation so that he could maintain his retirement benefits. See S. Rep. No. 101-56, at 1 (1989) ("Admiral Busey has requested a legislative waiver of this prohibition in order that he may retain his status as a retired military officer while serving as Administrator, thus allowing him to retain eligibility under his retirement plan and an opportunity to participate in the Survivors' Benefit Plan."). As in the case of Admiral Truly, the Senate Committee report stated that the purpose of the legislation authorizing the appointment was "to allow Admiral Busey to retain his status as a retired officer in the U.S. Navy." *Id.*

other provision of law,” 103 Stat. at 136, would make sense—whatever the motivation of the Congress that enacted it—as a prudential measure, covering any possible statute that might endanger the officer’s retired pay and benefits. Furthermore, other appointments could be made under the Space Act without creating any conflict with a statute authorizing the appointment of a single, named individual.

The Court’s most recent extended application of the principle set forth in *Fausto* is also consistent with the conclusion that the targeted statute authorizing Admiral Truly’s appointment does not alter the meaning of the Space Act itself. In *Brown & Williamson*, the Court read the Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938) (“FDCA”), to preclude the Food and Drug Administration (“FDA”) from regulating tobacco. It interpreted the FDCA in the light of a string of later statutes that had presumed a lack of authority and had been enacted “against the backdrop of the FDA’s consistent and repeated statements that it lacked authority under the FDCA to regulate tobacco.” 529 U.S. at 144. The authorization for Admiral Truly’s appointment, however, was not part of a succession of statutes under the Space Act following an Executive Branch legal interpretation that our current interpretation would disturb. Indeed, the Executive Branch legal interpretation of the relevant phrase, as explained above, has been that retired officers are “from civilian life.” We therefore would not read the authorization for Admiral Truly’s appointment as altering the ordinary meaning of “civilian life.”

Third, it might be argued that the interpretation that retired officers may be “from civilian life” means that the enactment of the “civilian life” qualification served no function, in light of another, preexisting statute. When Congress passed the Space Act, another statute, *see* 70A Stat. 203 (1956), already prohibited active duty officers from appointment to a civil office. According to the argument, the “civilian life” requirement could not have been intended to exclude only persons already barred by another law. In *Eligibility of a Retired Regular Officer*, however, we noted that the general statute was on the books, while concluding that the phrase “civilian life” does encompass retired military officers. Our analysis there points to one possible reason that the “civilian life” qualification had an effect beyond the general bar against appointment of active duty officers. We concluded that a retired officer was not “automatically disqualified” from appointment, *Eligibility of a Retired Regular Officer* at 1, but that a particular retired officer might still be disqualified under specific facts. We suggested, for example, that “the spirit” of the qualification might call for an officer to “have ceased to engage in military service and entered civil life and civil pursuits.” *Eligibility of a Retired Regular Officer* at 7 (quoting 1930 Opinion, 36 Op. Att’y Gen. at 402).<sup>4</sup> We need not resolve here the precise relationship of the “civilian life” qualification and the current version of the preexisting statute, 10 U.S.C. § 973, except to note that there can be little doubt about the eligibility of a retired officer who has engaged in civilian pursuits (whether or not such an engagement is essential), even if there might be a prudential reason for enacting a statute (which might be unnecessary) to remove any possible question in the case of an officer who retired immediately before appointment.<sup>5</sup>

Finally, although no court has considered whether a retired military officer is eligible to be appointed to an office with a “from civilian life” qualification, there might be an argument that attempts to draw some significance from the conclusions of courts, in contexts other than appointments, that officers on the retired list remain members of the military and are deemed to be in military service. As the courts note, these retired officers are subject to the Uniform Code of Military Justice, to court-martial, and to recall to active duty by the Secretary of Defense. The Supreme Court explained in *United States v. Tyler*, 105 U.S. 244 (1882), for example, that persons whose names are on the retired list remain in “military service”:

<sup>4</sup>Moreover, the “civilian life” requirement goes beyond the current version of the general prohibition against service by a retired officer, 10 U.S.C. § 973 (2006), because some retired officers—in particular, reservists who are on active duty for 270 days or less—could serve in Senate-confirmed positions under section 973 but would not meet the “civilian life” restriction.

<sup>5</sup>Under a line of cases in the Court of Claims, a provision giving additional service credit to officers “appointed from civil life” might have been unavailable to an officer who resigned with the purpose of rejoining the military and who then claimed he had come from “civil life.” *Compare Guilmette v. United States*, 49 Ct. Cl. 188, 192 (1914) (holding that an officer “was in fact and in law completely separated from the public service” during a 17-day period and was entitled to the credit), *with Barber v. United States*, 50 Ct. Cl. 250, 256 (1915) (holding that where an officer “never intended to enter civil life if he could remain in the service,” a break of several weeks did not amount to entry into “civil life”). An opinion of our Office, *Federal Election Commission—Appointment of Members* (2 U.S.C. § 437), 2 Op. O.L.C. 359 (1977), read *Guilmette* and the 1930 Opinion as calling for an appointee “from civilian life” to have gone through more than an “immediate break” from military duty. We need not address here whether there is such a limit or whether it is sufficient that the officer, upon retiring, does not seek a quick return to active duty.

It is impossible to hold that men who are by statute declared to be a part of the army, who may wear its uniform, whose names shall be borne upon its register, who may be assigned by their superior officers to specified duties by detail as other officers are, who are subject to the rules and articles of war, and may be tried, not by a jury, as other citizens are, but by a military court-martial, for any breach of those rules, and who may finally be dismissed on such trial from the service in disgrace, are still not in the military service.

*Id.* at 246.

This precedent, however, does not bear significantly on the current issue. Although the Court's opinion in *Tyler* concluded that "retired officers are in the military service of the government," *id.*, the Court was not asked to decide whether such officers are in "civilian life" or military life. A retired military officer could be in military service as a result of continuing to hold a commission, but insofar as his daily pursuits are civil, he would live a civilian life. As the Attorney General recognized in the *1930 Opinion*, the "fact that a man has a definite connection with the Military Establishment . . . does not prevent him from being properly treated as in civil life." 36 Op. Att'y Gen. at 400.

### III.

We therefore conclude that a retired military officer—and certainly one who has engaged in civilian pursuits—qualifies for appointment as Administrator of NASA. Although there are possible arguments on the other side, we believe that these arguments are ultimately unpersuasive.

Please let us know if we may be of further assistance.

DANIEL L. KOFFSKY,  
*Deputy Assistant Attorney General.*

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CONGRESSIONAL RESEARCH SERVICE  
*June 30, 2009*

### Memorandum

To: Senate Commerce, Science, and Transportation Committee,  
Attention: Senator Rockefeller, Chairman  
From: Vivian S. Chu, Legislative Attorney, Congressional Research Service  
Subject: NOMINATION OF NASA ADMINISTRATOR AND STATUTORY REQUIREMENT OF  
"CIVILIAN LIFE"

This memorandum is in response to your inquiry as to whether a nominee, who is retired from the military, comes from "civilian life" as required by the statutory language that establishes the position for the Administrator of the National Aeronautics and Space Administration (NASA).

Section 2472(a) of title 42 states that NASA shall be headed by an "Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate." In May 2009, President Obama announced his intent to nominate General Charles Bolden, who retired from the United States Marine Corps in 2003 (according to the White House), for this position.<sup>1</sup> The Senate formally received his nomination on June 22, 2009.

Although it appears there are no statutes that explicitly define or discuss when one returns to civilian life, it is generally understood that one is in civilian life when not on active-duty status. There are other statutes that also require appointees to come from civilian life. In these statutes, it appears that the term "civilian life" is not a term of art and is given its ordinary meaning.<sup>2</sup> A court then is likely to refer to the dictionary to give "civilian life" its ordinary meaning. Webster's Third New International Dictionary defines "civilian" as "a resident of a country who is not on

<sup>1</sup> White House Press Release, *President Obama Announces More Key Administration Posts*, May 23, 2009.

<sup>2</sup> Even if a word or a phrase is not defined by statute, it may have an accepted meaning in the area of law addressed by the statute, it may have been borrowed from another statute under which it had an accepted meaning, or it may have had an accepted and specialized meaning at common law. In each of these situations the accepted meaning governs and the word or phrase is considered a technical term or "term of art." See CRS Report 97-589, *Statutory Interpretation: General Principles and Recent Trends*, by Yule Kim. As "civilian life" appears to be neither defined in statute, nor borrowed from another that imbues it with a specialized meaning, it is unlikely that it is a term of art for purposes of these statutes because it does not appear to have a technical meaning.

active duty in one of the armed services.”<sup>3</sup> Similarly, the Oxford English Dictionary defines “civilian” as “[o]ne who does not professionally belong to the Army or the Navy; a non-military person.”<sup>4</sup>

Additionally, the understanding that one is in civilian life when not on active-duty status is further supported through these various statutes that require appointees to come from civilian life.

The best statutory example that implicitly supports the notion that military retirees enter civilian life upon retiring is the statute governing the appointment of judges to the United States Court of Appeals for the Armed Forces. This statute provides that “[e]ach judge of the court shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, for a specified term.”<sup>5</sup> The statute makes clear that “for purposes of appointment of judges to the court, a person retired from the armed forces after 20 or more years of active service (whether or not such person is on the retired list) shall *not* be considered to be in civilian life.”<sup>6</sup> Because a military retiree is not considered to come from civilian life for purposes of the position, this implicitly supports the concept that but for this statute, one returns to civilian life upon retirement from the military.

Other statutes that reinforce this principle are ones that establish secretary-level positions within the United States Department of Defense (DOD). The provisions for the Secretary of the Navy, Secretary of the Army, and Secretary of the Air Force each require that the individual be “appointed from civilian life by the President, by and with the advice and consent of the Senate.”<sup>7</sup> However, a person *may not* be appointed to these respective positions “within 5 years after relief from active duty as a commissioned officer of a regular component of an armed force.”<sup>8</sup> The Secretary of Defense is also required to be appointed from civilian life, but a person *may not* be appointed into this position “within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.”<sup>9</sup> In contrast, various under secretary and deputy under secretary positions for the DOD only require that the individual be appointed from civilian life by the President, by and with the advice and consent of the Senate, but impose no other qualification that the individual be removed from active duty for a definite number of years before qualifying as being from civilian life.<sup>10</sup> Thus, the statutory language pertaining to Secretaries of the Navy, Army, and Air Force as well as the Secretary of Defense compared to that of the under secretaries and deputy under secretaries demonstrates and further supports the general understanding that individuals not on active-duty status may be considered to be in civilian life but for any statutory restrictions.

This concept is further supported by a provision in the Dual Compensation Act of 1964<sup>11</sup> that had imposed reductions on the retired or retainer pay of retired members of the Armed Forces who were employed in Federal civilian positions.<sup>12</sup> Since this particular restriction was repealed in 1999, retired members who hold Federal civilian positions are now treated as other retirees, meaning that there is generally no reduction in Federal pay or in retirement pay or annuity.<sup>13</sup> Furthermore, DOD also lists in its Joint Ethics Regulations as part of its “Human Goals” that they strive “to help each service member in leaving the service to readjust to

<sup>3</sup> Webster’s Third New International Dictionary 413 (1976).

<sup>4</sup> Oxford English Dictionary (2d. ed. 1989). *See also* *U.S. v. Union Pac. R. Co.*, 249 U.S. 354, 360 (1919) (holding that “retired enlisted men . . . are also not ‘troops of the United States’”).

<sup>5</sup> 10 U.S.C. § 942(b)(1).

<sup>6</sup> 10 U.S.C. § 942(b)(4) (emphasis added).

<sup>7</sup> 10 U.S.C. § 5013(a)(1) (Secretary of the Navy); 10 U.S.C. § 3013(a)(1) (Secretary of the Army); 10 U.S.C. § 8013(a)(1) (Secretary of the Air Force).

<sup>8</sup> 10 U.S.C. § 5013(a)(2) (Secretary of the Navy); 10 U.S.C. § 3013(a)(2) (Secretary of the Army); 10 U.S.C. § 8013(a)(2) (Secretary of the Air Force).

<sup>9</sup> 10 U.S.C. § 113.

<sup>10</sup> *See, e.g.*, 10 U.S.C. § 133a (Deputy Under Secretary of Defense for Acquisition and Technology); 10 U.S.C. § 134a (Deputy Under Secretary of Defense for Policy); 10 U.S.C. § 137 (Under Secretary of Defense for Intelligence); 10 U.S.C. 139a (Director of Defense Research and Engineering).

<sup>11</sup> Dual Compensation Act, Pub. L. 89–554.

<sup>12</sup> 5 U.S.C. § 5532, *repealed* by National Defense Authorization Act for Fiscal Year 2000, § 651, 113 Stat. 512, 664 (1999).

<sup>13</sup> *See* USAJobs, Federal Employment Information Fact Sheet—Dual Employment, available at, [<http://media.newjobs.com/opm/www/usajobs/pdf/ei35-15.pdf>]; Repeal of Dual Compensation Reductions for Military Retirees, 67 Fed. Reg. 40,837 (Jun. 14, 2002); 2008 DOD Ethics Workshop, Post Government Employment Restrictions at 18–19, available at, [[http://www.dod.mil/dodgc/defense\\_ethics/resource\\_library/2008Deskbook/presentations/6ECC\\_Post-EmploymentJGreen.pdf](http://www.dod.mil/dodgc/defense_ethics/resource_library/2008Deskbook/presentations/6ECC_Post-EmploymentJGreen.pdf)].

civilian life.”<sup>14</sup> Provisions like these, again, support the notion that retired members can hold civilian positions and could be considered to be in civilian life when not on active-duty status if required by statute.

Turning to the position at issue, the statutory language that establishes the Administrator of NASA is unlike that of the Secretary of Defense or Secretaries of the Navy, Army, and Air Force because it does not include a time restraint that establishes when one is considered to have returned to civilian life. Thus, given the ordinary meaning of “civilian” and the support found in other statutes, there would appear to be substantial support for the conclusion that the current nominee, General Charles Bolden, who retired from the United States Marine Corps in 2003, is considered to have returned to civilian life and is therefore eligible to be appointed Administrator of NASA as he arguably comes from civilian life.

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PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

I am so pleased to be able to be here today to introduce an outstanding nominee for Assistant Secretary for Transportation Policy at the Department of Transportation, Ms. Polly Trottenberg.

As my former Deputy Chief of Staff and Legislative Director, I know Polly personally as not just an incredible person with excellent leadership skills, but as an individual with a talent for transportation policy. Polly has a passion for these issues and a real dedication to solving the many complex transportation and environmental challenges facing our country today.

The stakes for our Nation in the next Surface Transportation Reauthorization bill are high. We must find a solution to a highway trust fund that can no longer pay for America’s growing transportation needs and we must address an aging infrastructure that will threaten the safety of our children if we fail to act.

Polly’s background and credentials make her an excellent candidate for Assistant Secretary. She will be a real asset to Secretary LaHood’s team at the Department of Transportation.

California is a diverse state with a wide array of complex transportation challenges. When Polly worked for me, we tackled issues ranging from Airline Passenger Bill of Rights legislation, to the aftermath of the MacArthur Maze Freeway bridge collapse, improving maritime safety, and working to improve goods movement through the communities surrounding our ports.

She has served as a top aide in the U.S. Senate for 12 years. She has worked at the Port Authority of New York and New Jersey as well as the Massachusetts Port Authority on issues ranging from finance to aviation.

I am confident that her time spent handling transportation policy issues for the State of California and New York have prepared her well for her next role at DOT.

Polly also has a strong record of academic accomplishment, graduating with an undergraduate degree from Columbia University, Barnard College and a Master’s in Public Policy from Harvard University, Kennedy School of Government.

Most recently, Polly served as Executive Director of Building America’s Future, working with Governor Ed Rendell and others to be a leading voice on the next vision of transportation policy for our country.

I am delighted that President Obama selected Polly for this important role. I look forward to working with her and Secretary LaHood as we craft the next Surface Transportation Reauthorization bill and modernize transportation for our country into the future.

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SAFE KIDS USA  
July 6, 2009

Hon. JOHN D. ROCKEFELLER IV,  
U.S. Senate,  
Washington, DC.

Dear Chairman Rockefeller:

On behalf of Safe Kids USA, I want to express our strong support for Deborah Hersman to be Chairman of the National Transportation Safety Board (NTSB). The Senate Commerce, Science, and Transportation Committee is scheduled to consider her nomination on July 8. *Safe Kids believes that Member Hersman is undoubtedly qualified to tackle our country’s most pressing transportation safety issues.*

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<sup>14</sup>Department of Defense, Joint Ethics Regulations 5500.7–R, at Chapter 12, Section 4, available at, [[http://www.dod.mil/dodge/defense\\_ethics/ethics\\_regulation/](http://www.dod.mil/dodge/defense_ethics/ethics_regulation/)].

With motor vehicle crashes being the leading cause of unintentional injury-related death for children ages 14 and under, Safe Kids has long worked with the NTSB to promote child passenger safety through our Safe Kids Buckle Up program. We consider the NTSB to be one of our key partners in protecting children both in and around cars. Through the Agency's Advocacy Center and the *Most Wanted List of Transportation Safety Improvements*, the NTSB has often been the catalyst for pushing other government agencies and non-profit organizations to do the right thing when it comes to child occupant protection. Member Hersman has been a strong advocate for comprehensive child restraint laws, and we applaud her personal leadership in helping to make child passenger safety a priority at the NTSB.

Member Hersman's interest in keeping kids safe extends well beyond the walls of the NTSB. Safe Kids Worldwide is the certifying body for the National Standardized Child Passenger Safety Training Program, and we are proud to count her as part of the nationwide network of 34,300 individuals dedicated to teaching families the best practices of motor vehicle safety. Member Hersman is the Nation's highest ranking official certified as a child passenger safety technician, and Safe Kids knows that the safety of children and families would continue to be her highest priority should she be confirmed as the NTSB's next Chairman.

If Safe Kids can be of any assistance to you, please do not hesitate to contact me at 202/662-4463 or Tanya Chin Ross, Senior Public Policy Associate, at 202/662-0606. Thank you for your time.

Sincerely,

ALAN KORN,  
*Executive Director.*

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THE PLANETARY SOCIETY  
*Pasadena, CA, June 16, 2009*

Hon. JOHN D. ROCKEFELLER IV,  
Chairman,

Hon. KAY BAILEY HUTCHISON,  
Ranking Minority,

Members of the Committee,  
U.S. Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Senators Rockefeller, Hutchison and Members of the Committee:

We are pleased to write in support of the nominations of Charles Bolden and Lori Garver for NASA Administrator and Deputy Administrator, respectively. NASA needs leadership now, and the President's choices will provide that leadership.

NASA occupies a unique position in the hearts of the American people as well as on the world stage. NASA inspires dreams of adventure, expands our perception of humanity's place in the universe, helps us understand the environment and processes of our home planet, and offers a positive model of international cooperation that can transcend borders and even ideologies. NASA is also a key player in the Nation's economy and technological development. At its best, the agency is a showpiece of American derring-do, scientific inquiry, and engineering brilliance, and as such, needs administrative leaders who will enable the agency to achieve its full potential.

Bolden and Garver both have excellent NASA leadership experience. Bolden was a shuttle astronaut, Chief of Safety at Johnson Space Center, and Assistant Deputy Administrator at NASA headquarters. Garver was an Associate Administrator for Policy and Plans at NASA.

But perhaps even more important, Bolden is a leader in another sense—he has the ability to inspire an agency whose achievements inspire the world. As an astronaut, Bolden commanded the first U.S.-Russian shuttle mission, helping to set the stage for the international cooperation that built a space station. He also was pilot of the shuttle mission that delivered the Hubble Space Telescope to orbit. After Bolden left NASA, he served as Deputy Commandant of Midshipmen at the Naval Academy.

In short, Bolden's career has encompassed many of the inspirational aspects of NASA itself. He is an explorer and educator whose work has contributed to our better understanding of the universe, and he has helped foster greater ties between America and other space-faring nations.

We appreciate the careful consideration of the Committee to these nominations. Our system demands no less. The records of Bolden and Garver are both replete



with service to their country, and we are grateful that they are now prepared to go even further in that service.

The coming decade will see many challenges for NASA and the Nation. Economic constraints will demand a careful balancing of resources; the retirement of the shuttle will require technical development for a new launch capability; and sending astronauts to distant worlds, such as Mars, will require a clear course or exploration goals and mileposts.

Science and exploration, Earth and Space science, aeronautics and space technology all require careful balance within NASA's economic constraints. Those constraints, in turn, must be balanced against NASA's mission, endorsed by the President, to inspire the people of the world with new discoveries and great achievements, and by the importance of NASA to our economic growth. The solar system and, indeed, the universe await a vital NASA, but perhaps the agency's greatest benefit is providing a better understanding of planet Earth.

When Bolden testified to this Committee in 2006, he emphasized the role that NASA has played—and can play in the future—to expand our understanding of both the universe and one another: He spoke brilliantly of the balance of science and exploration, and of the value of using America's space program to pursue international aims of peaceful engagement with other countries. The support of Congress is essential to achieve these aims, and that support needs now to be given to the President's choices for NASA leadership.

The Planetary Society is the largest space-interest group in the world, representing hundreds of thousands of members, donors and constituents in every state and Congressional district in the U.S., as well as peoples around the world. We urge the Senate to confirm Charles Bolden as the next NASA Administrator, and Lori Garver as Deputy Administrator, to inspire and lead our Nation's space agency.

Thank you for your consideration,

JIM BELL,  
*President.*

LOUIS FRIEDMAN,  
*Executive Director.*

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AAA  
*Washington, DC, July 7, 2009*

Hon. JOHN ROCKEFELLER,  
Chairman,

Hon. KAY BAILEY HUTCHISON,  
Ranking Member,

U.S. Senate,  
Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Chairman Rockefeller and Ranking Member Hutchison:

AAA is pleased to offer its support for the nomination of Deborah A.P. Hersman for Chairman of the National Transportation Safety Board (NTSB) and urges speedy Senate confirmation of her appointment to this vital position.

During her tenure at NTSB, AAA has worked closely with Ms. Hersman on various traffic safety issues, including the celebration of the 30th anniversary of the first child passenger protection law. Ms. Hersman is a certified Child Passenger Safety Technician who recognizes the important role that education and awareness play in bringing about positive traffic safety results. The leadership she has exhibited as part of the NTSB's investigation into the recent DC Metro subway crash illustrates her professionalism and commitment to transportation safety.

The NTSB continues to bring attention to urgent highway safety challenges in its annual Most Wanted List. AAA is confident that in the areas of improving vehicle safety technology, enacting occupant protection laws, improving child passenger safety, reducing driver distractions, and eliminating hard core drunk driving, Hersman will work with relevant Federal, state, and local agencies to achieve positive results.

Again, please regard this letter as AAA's enthusiastic endorsement for the confirmation of Deborah Hersman for NTSB Chairman. I am confident her passion, experience, and leadership skills will serve the country well.

Sincerely,

JILL INGRASSIA,  
*Managing Director,*  
 Government Relations and  
 Traffic Safety Advocacy.

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AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS  
*Washington, DC, June 12, 2009*

Hon. JOHN D. ROCKEFELLER IV,  
 Chairman,  
 U.S. Senate Committee on Commerce, Science, and Transportation,  
 Washington, DC.

Dear Chairman Rockefeller:

I am writing to you on behalf of the American Association of State Highway and Transportation Officials, which represents the departments of transportation in the fifty states and the District of Columbia and Puerto Rico. We commend to you Polly Trottenberg nominated by President Barack Obama for Assistant Secretary for Transportation Policy at the U.S. Department of Transportation.

Ms. Trottenberg is an outstanding choice for this position at the U.S. Department of Transportation. Most recently, Ms. Trottenberg served as Executive Director of Building America's Future. This national bipartisan coalition was formed in 2008 by Pennsylvania Governor Edward Rendell, California Governor Arnold Schwarzenegger and New York Mayor Michael Bloomberg to rally Governors, mayors and other local elected officials and citizens behind infrastructure investment to enhance our Nation's economy and quality of life. Her role as Executive Director has been critical to the success of the Coalition efforts.

During the 12 years in which Ms. Trottenberg held key staff positions in the U.S. Senate with Senators Barbara Boxer, Charles Schumer, and the late Daniel Patrick Moynihan, she demonstrated her outstanding professional leadership capabilities in transportation and finance issues.

We respectfully recommend confirmation of Ms. Trottenberg for the position of Assistant Secretary for Transportation Policy at the U.S. Department of Transportation.

Sincerely yours,

JOHN HORSLEY,  
*Executive Director.*

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AIR CARRIER ASSOCIATION OF AMERICA  
*Washington, DC, June 10, 2009*

Hon. JOHN D. ROCKEFELLER IV,  
 Chairman,  
 U.S. Senate Committee on Commerce, Science, and Transportation,  
 Washington, DC.

Dear Chairman Rockefeller:

On May 28, President Obama announced his intent to nominate Polly Trottenberg to be Assistant Secretary for Transportation Policy, Department of Transportation. We enthusiastically support Polly's nomination and hope that she can be quickly confirmed for that position.

We have been fortunate to work closely with Polly while she was on the staffs of Senators Schumer and Boxer. She was a strong supporter of airline competition and service to all markets. She helped expand service options in New York and California markets. The nation's low fare carriers and the communities seeking service believe that Polly is the right person to take on the enormous challenges facing the industry.

We look forward to working with you, Polly and the Administration to put in place short and long term actions that will expand air service options for all commu-

nities and passengers. Such actions will help strengthen the industry and provide economic benefits for all.

Sincerely,

EDWARD P. FABERMAN,  
*Executive Director.*

AMERICAN SOCIETY OF CIVIL ENGINEERS  
*Washington, DC, July 7, 2009*

HON. JAY ROCKEFELLER,  
Chairman,  
Commerce, Science, and Transportation  
Committee,  
Washington, DC.

Hon. KAY BAILEY HUTCHINSON,  
Ranking Member,  
Commerce, Science, and Transportation  
Committee,  
Washington, DC.

Dear Chairman Rockefeller:

Dear Senator Hutchinson:

I am writing on behalf of the more than 146,000 members of the American Society of Civil Engineers (ASCE) to strongly endorse the appointment of *Polly Trottenberg* as the *Assistant Secretary of Transportation for Policy*. Ms. Trottenberg is superbly qualified for the position, and we encourage the Committee to act favorably on the nomination.

Ms. Trottenberg is currently Executive Director of the Building America's Future coalition which seeks to increase public investment in infrastructure. In that role, she has brought together key state and local leaders to raise awareness for the need to improve the Nation's failing infrastructure for public safety and economic prosperity. Her experience on Capitol Hill and in state agencies make her an expert on transportation policy and have helped her form a vision of what important reforms must be made.

We at ASCE have worked side by side with Ms. Trottenberg on our shared goals of improving the Nation's infrastructure. She has the experience and leadership abilities to help shape a new surface transportation program that will meet the needs of Americans today and in the future. We endorse her appointment without reservation.

Thank you for your attention. If the Society can be of further assistance in this matter, please do not hesitate to contact Brian Pallasch, Managing Director of Government Relations and Infrastructure Initiatives, at our Washington Office, 202-789-7842, or by e-mail at [bpallasch@asce.org](mailto:bpallasch@asce.org).

Sincerely yours,

D. WAYNE KLOTZ, P.E., D.WRE,  
*President.*

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
RICHARD LIDINSKY

*Question 1.* This Committee and its members have long enjoyed a close and productive working relationship with agencies under our jurisdiction. We often rely on the technical and legal expertise of agency staff when we are developing or reviewing proposed legislation. Can all members of the Committee, and their staff on their behalf, count on this cooperative relationship continuing?

Answer. Yes. I am committed to establishing and maintaining a strong cooperative working relationship with all members of the Committee.

*Question 2.* One of the Federal Maritime Commission's major tasks is to monitor the laws and practices of foreign governments which could have a discriminatory or otherwise adverse impact on shipping conditions in the U.S. Are there any specific practices we should be concerned about?

Answer. The Foreign Shipping Practices Act of 1988 (FSPA) and section 19 of the Merchant Marine Act, 1920 empower the Commission to redress unfair restrictive foreign shipping practices that have adverse consequences for U.S. companies or for U.S. foreign commerce in general. While the Commission always hopes for a diplomatic or commercial resolution, it should be ready to proceed to a formal sanction when necessary. The FMC has invoked its authority to resolve unfair restrictions in Asia, South America, Central America and Europe. While I am not aware of any specific practices that we should be concerned about at the moment, the Commission must diligently monitor developments in the U.S. foreign trades that affect U.S. shipping interests, especially in these difficult economic times. The Commission should continue to coordinate with the Department of State, USTR, and the Depart-

ment of Transportation and its Maritime Administration to address and resolve any harmful maritime related measures of foreign nations.

*Question 3.* What steps do you feel the FMC can take to ensure security and improve infrastructure at our ports?

Answer. I understand that the FMC has been working to share its informational resources with other Federal agencies, including the U.S. Customs and Border Protection Service and the Department of Homeland Security, through the International Trade Data System (ITDS) and the Automated Commercial Environment (ACE) portal. It is also my understanding that a Memorandum of Understanding with Customs is being finalized which will solidify the cooperative relationship between the two agencies, particularly with respect to the sharing of information. The FMC is providing access to its extensive informational resources and data bases which contain background information on all of the entities regulated by the Commission—some of the most complete data bases identifying persons engaged in U.S. foreign commerce. If confirmed, I will work with staff and my fellow Commissioners to complete and execute that MOU, providing government-wide access to the FMC's informational resources and greater transparency in the Nation's supply chain.

In addition, I understand that the FMC has taken several steps which assist security efforts. First, the Commission has been working with both Customs and the FBI in enforcement and compliance proceedings. The FMC also has revamped and expanded its data collection processes for all license applicants. The FMC also receives periodic updates from Treasury Department's Office of Foreign Assets Control of its lists of companies and individuals whose financial transactions are to be blocked for various reasons, including terrorism, and checks those names against pertinent FMC data bases. I believe that more can be done to promote security by bringing entities within regulatory oversight, overseeing their activities as participants in our national supply chain, and ensuring that the FMC is operating with the most accurate information available.

I believe infrastructure improvements are largely at the initiative of local port operations, but the FMC does play a key role in approving agreements which often reflect these operational changes. The FMC also serves as a repository of information for ports to utilize in planning such improvements.

*Question 4.* You have an extensive amount of experience in maritime issues. What do you believe the biggest issues facing the FMC are right now?

Answer. First, the FMC must assist all parties within its regulatory reach to cope with and prepare for recovery from the current severe economic downturn in world shipping. Second, the FMC must fully ensure the Commission's authority is being used to monitor potential harmful developments to U.S. business and consumers from foreign sources. Finally, the FMC must assist carriers, ports, and all segments of the maritime industry in cooperating on Green projects and related activities that will improve our economy and create jobs.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO POLLY TROTTEMBERG

*Question 1.* Ms. Trottenberg, last month, the DOT announced funding availability for Transportation Investment Generating Economic Recovery, or TIGER, grants for surface transportation infrastructure projects that will have a significant impact on the Nation. What are the benefits of a TIGER grant compared to other DOT grant programs? Do you believe that the Congress should continue the TIGER program when it reauthorizes the Federal surface transportation programs?

Answer. Tiger Discretionary Grants have two principal advantages over other DOT grant programs. First, they are multimodal, so that they can be used on whichever transportation mode represents the most efficient solution to a particular transportation problem. Second, because they are awarded at the Federal level, they can be used to address national transportation problems that have often received less attention in the Federal-state-local partnership that characterizes most of our transportation programs. I believe that a program like the TIGER Discretionary Grants, possibly in the form of the President's proposal for a National Infrastructure Bank, needs to be part of the reauthorization of the Federal surface transportation program.

*Question 2.* Ms. Trottenberg, Senator Lautenberg and I have introduced a bill that would create a national surface transportation policy and would establish goals and objectives that that system would have to meet. Do you believe that the Nation is in need for a surface transportation policy to guide our Federal investments? Do you support the goals and objectives for the surface transportation system included in

mine and Senator Lautenberg's bill? What data collection tools are needed to ensure that investment decisions are targeted to projects that meet national surface transportation policies and goals?

Answer. The Administration believes that the pending reauthorization of surface transportation programs is an opportunity to focus Federal policy and investment around the pursuit of important national goals. The Rockefeller-Lautenberg proposal would do just that. The mechanics of how these goals are translated into investment plans at the state and local level are complicated, but goal setting is the right place to start. Expanded data collection on freight and passenger flows will clearly be important if we are to select the projects that will make the greatest contribution to achieving these goals. If confirmed I look forward to working with this Committee and others to determine how best to achieve our national goals.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
POLLY TROTTERBERG

*Question 1.* New Mexico, like every other state, relies first and foremost on roads for transportation. However, I believe Americans need more alternatives to driving in order to reduce both our dependence on foreign oil and emissions that contribute to global warming.

The New Mexico Rail Runner, a new rail line from Belen to Santa Fe, just celebrated its 2 millionth rider since it opened a few years ago. It is a comfortable and efficient way to travel that gets people out of their cars and off our congested highways. I believe the Rail Runner is an example of a forward-thinking transportation investment that will provide benefits to the state for years to come.

In your testimony, you state that the Department of Transportation should strengthen its own capabilities while also assisting state and local transportation agencies "to ensure that they have the tools and capacity needed to . . . to meet the challenge of transitioning to a 21st century performance-based system."

Have you explored how the Department of Transportation can build state and local agency capacity to meet the transportation needs of rural states like New Mexico? How can Congress and the Department of Transportation encourage state governments to consider commuter and passenger rail options when traveling by train would make more sense than driving or flying? Have you considered policies such as Federal support for dedicated rail transportation coordinators in each state Department of Transportation? This could be a cost-efficient means of improving institutional expertise and building capacity at the state level for promoting viable alternatives to driving.

Answer. In the request for an 18-month extension of the surface transportation program, the Administration has proposed to lay the groundwork for reform in the future reauthorization. One of these steps is to create a program to support efforts to coordinate transportation, housing, and land use planning and fund projects that enhance the livability of communities, including transit, transit-oriented development and bike and pedestrian infrastructure. Enhancing safety where drivers and cyclists share the roadway is an important element of a livability community. We are currently developing legislative language and hope to share it with Members of Congress in the coming days. We look forward to working with Congress to address these issues in a long term reauthorization.

The elements of livability impact both urban and rural communities. A transportation system that provides reliable and safe access to jobs, education, health care and goods and services is equally important to rural and urban communities. Remote locations present unique challenges to mobility, including ensuring access for older citizens to services and activities. Providing transportation choices can increase community mobility. Fostering land-use planning that promotes clustered commercial centers can enable one-stop-shopping for many residents, reducing fuel costs and time on the road and enhancing a sense of community.

*Question 2.* New Mexico once led the Nation in alcohol-involved fatalities. Today the state is aggressively addressing the problem of drunk driving and has significantly reduced the number of alcohol-impaired driving fatalities through a combination of enforcement and education efforts.

For example, New Mexico has a mandatory ignition interlock law, a DWI Coordinator (a state cabinet-level position), and a DWI Leadership Team that identifies gaps within the state's multi-agency approach to reducing impaired driving.

I believe New Mexico's progress in the fight against drunk driving serves as an example that could help other states across the country. Will you help efforts to eliminate drunk driving nationwide by supporting policies that encourage states to

tackle the problem of impaired driving as effectively as New Mexico has done in recent years?

Answer. The State of New Mexico is to be commended for its remarkable rate of progress over recent years in reducing drunk driving. I was very impressed by Governor Richardson's announcement earlier this year that the number of DWI-related deaths in New Mexico has decreased 35 percent since 2002. Yet I fully agree that even at this reduced level, there are still far too many drunk driving deaths—in New Mexico and across the Nation—and we need to continue looking for every possible remedy for this problem.

If confirmed as Assistant Secretary for Transportation Policy, I will work with my colleagues in the Department to provide the leadership, guidance and resources that States need to address the drunk driving problem. I believe it is important that the Department assist States by highlighting effective strategies and providing technical assistance and available resources that allow States flexibility in implementing solutions that best address their specific circumstances. States need support in assessing and adopting a range of potential countermeasures, including effective public awareness campaigns, law enforcement operations, and improvements in adjudication and sanctioning systems, including the use of ignition interlocks.

*Question 3.* New Mexico was the first state to require all those convicted of drunk driving to use ignition interlock devices. Today, NHTSA and our Nation's auto-makers have a joint agreement to help promote research and development for advanced ignition interlock technologies that could further reduce drunk driving. Are you familiar with these efforts to develop advanced ignition interlocks, such as the Driver Alcohol Detection System for Safety (DADDS)? Do you have any thoughts on these research and development efforts to eliminate drunk driving?

Answer. I believe that technology plays an important role in addressing the Nation's drunk driving problem. Ignition interlocks have proven effective in preventing repeat drunk driving offenses and are increasingly being adopted by states as part of their legal system for addressing this problem.

The Department of Transportation can play an important role in furthering use of ignition interlocks by evaluating State approaches for administering interlock programs, creating guidance to steer efforts to improve the deployment of interlocks and providing technical assistance to States which adopt or strengthen interlock laws.

*Question 4.* I am interested in ways that roads can be made more "green" through use of recycled construction materials, methods to reduce runoff, and other innovations. How can the Department of Transportation help advance "green highway" technologies and practices to make our road system more environmentally sustainable?

Answer. I know that DOT is committed to advancing environmentally sensitive transportation infrastructure. Minimizing damage from, and mitigating negative impacts of, transportation facilities on the human and natural environments is important for federally-assisted transportation projects, from the initial planning and design stages, through development and construction, to operation and maintenance. If confirmed, I expect to continue DOT's efforts to achieve a balance between environmental challenges and the need for a safe and efficient transportation network. DOT has fostered a shift in the transportation community from simply mitigating environmental impacts to actively contributing to environmental improvements, and has provided leadership and funding to advance transportation agencies along the continuum of environmental stewardship.

I would actively engage in DOT's efforts to advance initiatives that support broader community and societal issues such as: coordination between land use and transportation; supporting reduction in emissions to meet climate change goals and adapt transportation infrastructure. We need to provide leadership in achieving the goal of having a transportation system support sustainability objectives. Secretary LaHood's livability initiative establishes a framework for DOT to advance mobility choices and increase quality of life.

Our ability to deliver the Federal Aid program will be dependent on mainstreaming these livability and green highway initiatives into regulatory a framework with Federal and state resource agencies. We will also need to support continued research on environment and transportation issues. By building strong relationships with resource agencies and all our constituencies, the Department can deliver green transportation projects and ultimately a green transportation system.

*Question 5.* I believe the Indian Reservation Roads program is important for addressing the transportation challenges facing tribes in my state and across the Nation.

The stimulus package made available \$310 million dollars specifically for the Indian Reservation Roads program. However, tribes in New Mexico are actually seeing a decline in their annual funding under this program—apparently due to how the Federal Highway Administration includes a vast number of county, state, and even Interstate roads in the inventory of roads supported by the Indian Reservation Roads program.

I believe Congress intended the Indian Reservation Roads program to be primarily for tribes, rather than for roads that have other sources of funding. Do you have any recommendations on how we can restore the program to its original purpose?

Answer. I am aware that transportation is critical to the economic development and well being of Tribes and Alaska Natives, and I am firmly committed to improving the transportation system on tribal lands. I understand that the Indian Reservation Roads (IRR) Program is jointly administered by the Bureau of Indian Affairs (BIA) and FHWA, and provides funds to over 562 federally recognized Tribes and Alaska Native Villages to help address their transportation needs. If confirmed, I would work closely with the FHWA, the Tribes, as well as the Department of Interior, to review the adequacy and fairness of the IRR program and the inventory process.

*Question 6.* As a member of the Senate Bike Caucus, I appreciate how commuting to work by bicycle burns calories rather than fossil fuels. Constituents from my state also have raised concerns about safety and accessibility for bicycles on roadways that would be addressed by the “Complete Streets” act. What policies or initiatives should be included in transportation planning or projects to encourage greater use of bicycles and to improve safety where drivers and cyclists share the same roadways?

Answer. In the request for an 18-month extension of the surface transportation program, the Administration has proposed to lay the groundwork for reform in the future reauthorization. One of these steps is to create a program to support efforts to coordinate transportation, housing, and land use planning and fund projects that enhance the livability of communities, including transit, transit-oriented development and bike and pedestrian infrastructure. Enhancing safety where drivers and cyclists share the roadway is an important element of a livable community. In May FHWA co-chaired an international scan tour in Europe to identify best practices related to walking and bicycling safety and mobility with a goal of implementing some of these best practices in the U.S. to make walking and bicycling safer, more convenient, and attractive transportation options.

We are currently developing legislative language and hope to share it with Members of Congress in the coming days. We look forward to working with Congress to address these issues in a long-term reauthorization.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
POLLY TROTTERBERG

*Question 1.* This Committee and its members have long enjoyed a close and productive working relationship with agencies under our jurisdiction. We often rely on the technical and legal expertise of agency staff when we are developing or reviewing proposed legislation. Can all members of the Committee, and their staff on their behalf, count on this cooperative relationship continuing?

Answer. Absolutely.

*Question 2.* What do you consider to be the greatest challenges facing the Department during the next 4 years? How do you hope to address those challenges?

Answer. I believe that the greatest challenge facing the Department is making sure that the Highway Trust Fund is solvent and that the Administration’s short-term reauthorization proposal would accomplish this. The next step is addressing our transportation priorities over the long term in a multi-year surface transportation reauthorization. We need to pursue critical reforms, including investments guided by cost-benefit analysis, a shift of investment to metropolitan areas and spending designed to promote the concept of livability to more closely link home and work.

*Question 3.* What is your overall vision for surface transportation policy in the United States?

Answer. My vision for surface transportation is much in line with the Secretary’s vision in that I believe DOT can undertake administrative and regulatory changes to promote greater linkages between transportation policy, economic growth and competitiveness, energy security, climate change, and sustainable communities. Ad-

addressing these issues, which are deeply interwoven with transportation policy areas, is essential in developing a forward-looking Federal vision.

*Question 4.* Given the current funding shortfall in the Highway Trust Fund, what alternatives should be considered to finance transportation projects?

Answer. I understand that the Department has not yet established a long-term plan for funding the surface transportation system; however it has some of the principles that would be reflected in that plan. First, our system of transportation funding should be both adequate to address the needs of the Nation's economy and sustainable with respect to changing economic circumstances. Second, we need a transportation funding system that is flexible with respect to the surface transportation needs it can support. All the surface transportation modes make an important contribution to meeting the Nation's surface transportation needs; we need a funding system that can meet the funding needs of all these modes. Third, transportation provides mobility to travelers, allowing them to gain access to jobs and economic opportunities, and it also provides people with leisure and recreational opportunities, keeping families connected in our highly mobile society.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
POLLY TROTTEMBERG

*Question 1.* What are your views on how to best ensure that the transportation needs of rural America are not overlooked at the Department of Transportation as it develops policy proposals?

Answer. I believe that a transportation system that provides reliable, safe access to jobs, education, health care and goods and services is every bit as important to rural communities as it is to urban areas. As economic development is undertaken in rural areas, focusing that development in town and commercial centers as livability communities can increase access to necessities and enable one-stop-shopping for many residents, thus reducing fuel costs and time on the road and enhancing a sense of community.

The President has made livable communities a key aspect of his agenda and the Vice President has also highlighted it in his Middle Class initiative. Secretary LaHood's livability initiative establishes a framework for DOT to advance mobility choices and increase quality of life. If confirmed, I would actively engage in DOT's efforts to advance its livability initiatives.

*Question 2.* What do you believe is the most important action Congress could take to improve transportation in rural America?

Answer. The most important action Congress could take would be to pass the Administration's 18-month surface transportation reauthorization proposal. Even with the stimulus money, USDOT has shown sensitivity to geographic balance in establishing the criteria for the \$1.5 billion discretionary program. Also USDOT has lowered the minimum dollar amount to \$25 million on its infrastructure bank proposal to better enable rural communities to participate.

*Question 3.* As we prepare to reauthorize the Surface Transportation bill, there are certainly competing views when it comes to the role the Federal Government should have regarding infrastructure investment. What are your views when it comes to ensuring that we have a "national transportation system"?

Answer. I believe that transformation of our national transportation system is critical to meeting the President's goals for a financially strong and clean-energy future. Federal investments in transportation systems and infrastructure, including aviation, highways, rail, bus, ferries, and other public transportation, have been vitally important to the Nation's fastest-growing metropolitan areas, small- and mid-sized cities, and in rural areas. These systems create links between home, school, work, health care, recreation areas, and other important destinations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO HON. DEBORAH A.P. HERSMAN

*Question 1.* Ms. Hersman, if confirmed to serve as Chairman of the NTSB, you would be responsible for managing NTSB's resources, the majority of which are devoted to investigating aviation accidents. Are there areas within NTSB's jurisdiction that could be better served with additional resources?

Answer. *NTSB Vehicle Recorder Laboratory (\$1 million extra needed to catch up)*—The laboratory workload has increased steadily over the past 5 years. Last year the lab processed more than 250 cockpit voice and flight data recorders, along with digital cameras, video recordings, GPS navigation devices, and cockpit displays



and engine monitoring devices recovered from crashed aircraft and surface vehicles. The calendar year 2008 caseload represents a 215 percent increase from the cases received in the same period in 2004. Despite this increased workload, staffing of the laboratory has not increased in the last 10 years. If the first month of 2009 proves to be a good indicator of what the year holds, the lab will see an additional 20 percent increase in cases over last year, with no increase in laboratory equipment or staff.

*Rail Safety Improvement Act of 2008 (\$500k extra needed to fulfill our responsibilities)*—This law requires the Board to provide assistance to victims and their families affected by rail passenger accidents. To meet this new mandate, the NTSB will have to divert investigator funding. The level of assistance needed by victims and their families following an accident would not be sustainable with the current number of specialists comprising our Transportation Disaster Assistance team.

*Critical FTE Positions Listed in Priorities—(approximately \$210k per employee)*—The NTSB has several critical staffing needs. These are: Structural Mechanics Analyst, Marine Safety Investigator, Aviation Maintenance Investigator, Aircraft Performance Engineer, Pipeline Investigator—SCADA Systems, Rail Investigator—Mechanical Systems, Study Manager—Statistician, Meteorologist, Air Safety Investigator—Region, Contract Specialist.

*Question 2.* How would you allocate NTSB staff and resources to help the NTSB fulfill its mission to improve safety?

Answer. The NTSB investigates accidents and conducts the in-depth technical analyses required to determine probable cause and formulate safety recommendations. However, I believe the NTSB could improve its communication with stakeholders about its work and findings, as well as the timeliness of its assistance to Congress, when requested. If confirmed, I would explore reallocating some staffing resources to help make these improvements.

*Question 3.* Ms. Hersman, as you know, I am very concerned about the safety of passenger trains and think that Congress should be doing all that it can to keep them safe. Can you please update me on the current status of your investigation into the June 22 Metro crash?

Answer. On Monday, June 22, 2009, about 4:58 p.m., eastern daylight time, southbound Metrorail train 112 was traveling in a curve when it struck the rear end of train 214 before reaching the Fort Totten station in Washington, D.C. Train 214 had stopped before entering the station to wait for another train to leave the platform. There was no communication between the train operators and the Metrorail Operations Control Center before the collision. During the collision, the lead car of train 112 telescoped and overrode the rear car of train 214 by about 50 feet. Investigators found rail streak marks consistent with heavy braking that were approximately 125 feet long and began approximately 425 feet prior to the point of collision.

The stopped train, 214, was a 6-car train in passenger service consisting of two 2-car sets of 3000-series transit railcars and one 2-car set of 5000-series transit railcars. The train 214 operator told investigators that he was operating in manual mode at the time of the accident. The striking train, 112, was a 6-car train in passenger service consisting of three 2-car sets of 1000-series transit railcars being operated by the train operator in the automatic mode. The automatic train control system is designed to prevent collisions regardless of whether a train is operated in manual or automatic mode by generating speed commands for individual train movements that should not allow more than one train to occupy a track circuit.

Post-accident testing by NTSB investigators showed that the track circuit at the accident site intermittently failed to detect a train stopped at the location where train 214 was stopped when the collision occurred. Under such circumstances, the train control system would not be aware of the train's location, and thus a following train would not receive a command to slow or stop in order to maintain train separation. Investigators are continuing to examine train control system circuitry and recorded data to better understand how the train control system was functioning at the time of the accident.

Washington Metropolitan Area Transit Authority (WMATA) maintenance records showed that an impedance bond for the track circuit where the accident occurred was replaced on June 17, 2009, 5 days before the accident. The impedance bond was replaced as part of a scheduled multi-year program to upgrade train control circuitry. After a postaccident review of recorded track circuit data, WMATA reported that the track circuit had been intermittently failing to detect trains after June 17. The NTSB has not uncovered any evidence to suggest that WMATA was aware of this track circuit problem prior to the accident.

The Operations Control Center computer system continuously receives real-time train location data and displays this information on a monitor in the control center.

The investigation has found that there is no automatic monitoring that would identify and promptly report a situation in which a train stops being detected by the system. Recorded track circuit data showed errors in train detection for several days before the accident.

The striking train did not have any onboard event recorders that would have recorded train speed and other parameters. Investigators have collected recorder data from the struck train. Data was recovered from eight of the nine recorders on the struck train. Data could not be downloaded from one recorder. Two of the eight recorders did not contain data related to the accident; data collection ended before the accident for undetermined reasons. The accident data is now being examined by investigators in the NTSB laboratory.

The NTSB accident investigation will continue for several months, however the Board may issue safety recommendations anytime before the completion of the final accident investigation report if it believes action is needed to prevent future accidents.

*Question 4. Has NTSB identified the cause of the crash?*

Answer. NTSB has not determined the probable cause of the accident at this time. NTSB investigators have several months of work ahead of them documenting facts needed to fully understand the accident. Trains operate under the direction of Washington Metropolitan Area Transit Authority's (WMATA's) Operations Control Center and utilize an automatic train control system. Postaccident testing showed that the track circuit at the accident site intermittently failed to detect a train stopped at the location where the lead train was stopped, and thus the following train did not receive a command to slow or stop in order to maintain train separation. Investigators are continuing to examine and test train control system circuitry and recorded data to better understand how the train control system functioned prior to the accident.

*Question 5. When will a final report be ready?*

Answer. The NTSB accident investigation will continue for several months, however the Board may issue safety recommendations anytime before the completion of the final accident investigation report if it believes actions are needed to prevent future accidents. It is expected to take 12 to 15 months to issue a final report. The complexity of accidents, safety issues that need to be addressed, and the workload of NTSB investigators and staff all factor in to the time needed to complete work on an accident.

*Question 6. Are you continuing to work with Metrorail and other appropriate officials in investigating this accident?*

Answer. The Washington Metropolitan Area Transit Authority (WMATA), the Federal Transit Administration, the Tri-State Oversight Committee, and the Amalgamated Transit Union are parties to the NTSB accident investigation. These parties provided personnel onsite to work with our investigators and will continue to work with our staff throughout the investigation. NTSB investigators and WMATA personnel are continuing to work together to document information necessary to understand factors related to the accident.

*Question 7. Ms. Hersman, as you know, the use of personal electronic devices by railroad and transit employees has contributed to recent accidents occurring on our Nation's rail and transit systems, raising concerns over the safety of rail passengers. What recommendations has NTSB made related to the use of personal electronic devices by railroads and transit employees operating passenger trains?*

Answer. NTSB issued Safety Recommendation R-03-01 to the Federal Railroad Administration (FRA) on June 13, 2003. NTSB recommended that FRA "Promulgate new or amended regulations that will control the use of cellular telephones and similar wireless communication devices by railroad operating employees while on duty so that such use does not affect operational safety." The NTSB had investigated an accident involving a collision between two Burlington Northern Santa Fe freight trains on May 28, 2002. The investigation revealed that the locomotive engineer's cell phone use likely distracted him to the extent that he did not take proper note of an "after-arrival" stipulation of a track warrant and thus was unaware of his need to prepare to bring his train to a stop.

The FRA did not take positive action to address Safety Recommendation R-03-01 until after a head-on collision between a Metrolink commuter passenger train and a Union Pacific freight train in Chatsworth, California, on September 12, 2008. During the investigation of the Chatsworth accident, NTSB determined that the operator of the Metrolink passenger train used his cell phone many times while on duty that day to send and receive text messages and that he had sent a text message only moments before the collision. This accident resulted in 25 fatalities and 102 injuries. On October 27, 2008, FRA issued Emergency Order No. 26 to restrict

on-duty railroad operating employees from improperly using cellular telephones and other distracting electronic and electrical devices. The emergency order does not apply to transit operations, however, because they are not regulated by FRA.

*Question 8.* What should be done to restrict the use of personal electronic devices by railroad and transit employees operating passenger trains?

*Answer.* On June 13, 2003, NTSB recommended that FRA "Promulgate new or amended regulations that will control the use of cellular telephones and similar wireless communication devices by railroad operating employees while on duty so that such use does not affect operational safety." Effective October 27, 2008, the FRA issued Emergency Order No. 26 to restrict on-duty railroad operating employees from improperly using cellular telephones and other distracting electronic and electrical devices. The order set forth prohibitions and restrictions that apply to railroad operating employees' use of cellular phones, other electronic devices or electrical devices, and other portable electronic devices, such as portable digital video disc (DVD) players, radio receivers, and audio players, capable of distracting a railroad operating employee from a safety-critical duty.

The Railroad Safety Improvement Act of 2008 was enacted on October 16, 2008. Among many provisions, the Act requires that not later than one year after enactment, the Secretary of Transportation shall complete a study on the safety impact of the use of personal electronic devices, including cell phones, video games, and other distracting devices, by safety-related railroad employees.

Neither the Emergency Order nor the Railroad Safety Improvement Act applies to rail transit systems which are not regulated by the FRA. The Federal Transit Administration does not have any regulations that restrict the use of personal electronic devices by transit employees. The use of cell phones has also been identified as a safety issue in rail transit operations and is continuing to be investigated as an issue in a rail transit accident that occurred on the Massachusetts Bay Transportation Authority (MBTA) transit system in Boston on May 8, 2009. In this recent Boston accident, 2 trains on the MBTA Green Line collided and 47 persons were injured.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARK WARNER TO  
HON. DEBORAH A.P. HERSMAN

*Question.* A critical point has come to light in the aftermath of the horrible Metro accident last month and that is that there are no national safety standards in place for subway and transit cars. Could you elaborate on this issue, if that is indeed the case? Do you feel national safety standards are necessary? What work has NTSB done in regards to national safety standards, and what recommendations do you have for making further progress in that regard?

*Answer.* The result of the recent accident at Fort Totten in Washington, D.C., on June 22, 2009, has some similarities to accidents at the Woodley Park station in November 2004 and the Shady Grove station in January 1996. In the Shady Grove accident, the collision speed was calculated between 22 and 29 mph; the moving train telescoped 21 feet over the stopped equipment severely compromising the passenger occupancy space. In the Woodley Park accident, the calculated speed of a train was 36 mph as it rolled backward down descending grade and collided with a stopped train. The striking car of the moving train telescoped 20 feet over the standing train car; almost half of the passenger occupancy space of the striking car was severely compromised. In the Fort Totten accident, the lead car of the striking train telescoped and over rode the rear car of the standing train by approximately 50 feet; almost two thirds of the passenger occupancy space was severely compromised. The collision speed of the most recent accident has not yet been determined.

The Federal Transit Administration (FTA) has not established requirements to address structural crashworthiness provisions for passenger cars operating in transit service. The NTSB concluded that the failure to have minimum crashworthiness standards for preventing telescoping of rail transit cars in collisions places an unnecessary risk on passengers and crew. The NTSB issued safety recommendation R-06-06 to the FTA to develop minimum crashworthiness standards to prevent the telescoping of transit railcars in collisions and establish a timetable for removing equipment that cannot be modified to meet the new standards. The FTA reported that they were working in cooperation with the American Public Transportation Association (APTA) and the American Society of Mechanical Engineers. The FTA also advised that they are coordinating with the Federal Railroad Administration (FRA) regarding the ways the FRA uses its Passenger Car Safety Standards to classify vehicle performance and crashworthiness.

In a life-threatening situation, emergency responders must be able to enter the passenger cars quickly. Passengers must also be able to evacuate the cars rapidly and safely. There is no requirement for rail transit equipment to have emergency window exits. The NTSB issued a safety recommendation (R-06-05) to the FTA to develop transit railcar design standards to provide adequate means for safe and rapid emergency responder entry and passenger evacuation. As of September, 2008, the FTA responded that they have provided additional funding to APTA to develop standards which are not yet complete.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
HON. DEBORAH A.P. HERSMAN

*Question 1.* Ms. Hersman, shortly after we met, I was reminded of NTSB's important role in protecting public safety. The fatal Metro accident here in Washington is a reminder to us all that the work of ensuring public safety is never finished.

In your testimony, you state that "NTSB is uniquely situated . . . to point the way toward a safer transportation system." One concern that I have is that NTSB recommendations to transportation agencies are voluntary. When you identify specific safety concerns, transit authorities are not required to implement your recommendations. How will you help ensure that NTSB recommendations are implemented instead of ignored?

Answer. The NTSB has no regulatory authority and no grant-making authority, however we do have the attention of the public, as well as the opportunity to educate Federal, state and local leaders, such as yourself, about the circumstances of the accidents we investigate. While it is true that we cannot mandate changes, the NTSB can be the catalyst for safety improvements by encouraging others to take action. The Congress has provided direction to Federal agencies in recent years by requiring those agencies to provide responses or status updates to our Most Wanted List of Safety Recommendations. This is a good start in helping advance recommendations, however, sometimes providing a response or a status update is not satisfactory. The Congress has, on occasion, required the implementation of NTSB recommendations as they did last year in the Rail Safety Improvement Act in which they revised the decades-old hours of service law and required Positive Train Control implementation by 2015 for certain high risk corridors (passenger and Toxic by Inhalation routes).

*Question 2.* Ms. Hersman, you state that NTSB must remain a nimble agency in a "fast moving environment." The agency was formed over 40 years ago yet the transportation landscape we face today is significantly different. Have you identified areas where this Committee should assist NTSB in meeting the nation's 21st century transportation safety needs?

Answer. *NTSB Vehicle Recorder Laboratory (\$1 million extra needed to catch up)*—The laboratory workload has increased steadily over the past 5 years. Last year the lab processed over 250 cockpit voice and flight data recorders, along with digital cameras, video recordings, GPS navigation devices, and cockpit displays and engine monitoring devices recovered from crashed aircraft and surface vehicles. The calendar year 2008 caseload represents a 215 percent increase from the cases received in the same period in 2004. Despite this increased workload, staffing of the laboratory has not increased in the last 10 years. If the first month of 2009 proves to be a good indicator of what the year holds, the lab will see an additional 20 percent increase in cases over last year, with no increase in laboratory equipment or staff.

*Rail Safety Improvement Act of 2008 (\$500k extra needed to fulfill our responsibilities)*—This law requires the Board to provide assistance to victims and their families affected by rail passenger accidents. To meet this new mandate, the NTSB will have to divert investigator funding. The level of assistance needed by victims and their families following an accident would not be sustainable with the small number of specialists currently comprising our Transportation Disaster Assistance team.

*Critical FTE Positions Listed in Priorities—(approximately \$210k per employee)*—The NTSB has several critical staffing needs. These are: Structural Mechanics Analyst, Marine Safety Investigator, Aviation Maintenance Investigator, Aircraft Performance Engineer, Pipeline Investigator—SCADA Systems, Rail Investigator—Mechanical Systems, Study Manager—Statistician, Meteorologist, Air Safety Investigator—Region, Contract Specialist.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
HON. DEBORAH A.P. HERSMAN

*Question 1.* This Committee and its members have long enjoyed a close and productive working relationship with agencies under our jurisdiction. We often rely on the technical and legal expertise of agency staff when we are developing or reviewing proposed legislation. Can all members of the Committee, and their staff on their behalf, count on this cooperative relationship continuing?

Answer. Yes, they can. I would ask that all such requests be directed to the NTSB's Office of Government Affairs. We will work to provide timely technical assistance and to support the Committee's drafting efforts.

*Question 2.* Having served as a member of the NTSB during the past 5 years, what do you consider to be your greatest contributions to the Board?

Answer. By nature, I am a stickler for precision, and I ask a lot of questions. Because of these traits, I often placed demands on staff to improve our work products. A collateral result of that effort was a rise in expectations by other Board Members and an increase in their level of engagement with the work and goals of the agency.

*Question 3.* What will be your guiding principles or philosophies in leading the Board as Chairman, if confirmed?

Answer. As an independent agency charged by Congress to highlight ways to improve transportation safety, the NTSB often has the unique opportunity to lift the curtain on weaknesses in transportation safety systems designed and promoted by other entities. However, because of this position, it is imperative that the NTSB carefully protect its own reputation for fairness and precision. Therefore, the principles that will guide me in my leadership of the Board would be integrity, accountability, and credibility. I believe it is the Chairman's role to insist that staff and Board members work by those principles at all times.

*Question 4.* What, if anything, do you hope to change at the Board in your role as Chairman?

Answer. My top priority would be to provide our staff with the resources they need to complete our accident investigation reports with the same level of precision, but in a more timely manner.

*Question 5.* What type of relationship do you believe is appropriate between NTSB and other transportation agencies? What actions will you take in an effort to facilitate such relationships?

Answer. The NTSB is authorized by Congress under a framework consciously designed to possess some inherent tension between the NTSB and other transportation agencies. Because our mission is to determine the probable cause of the accidents and make recommendations for improvements, we must point out weaknesses in the system. At the same time, it is important to work with other agencies to share information and facilitate improvements if we can. Therefore, I will work to ensure that the communication between the NTSB and other transportation agencies is professional, candid, and where necessary, critical of flaws, at both the management and staff levels. We will continue our endeavor to achieve the right balance of cooperation with regulatory agencies while maintaining our independence from them.

*Question 6.* The largest numbers of transportation-related fatalities are on our Nation's highways. And while fatalities have decreased significantly over the past couple years, there is still work to be done. What do you believe the Board's role should be with respect to highway safety?

Answer. We have scores of open recommendations in the area of highway safety addressing trucks, buses, highway design, training, etc. However, we have placed a special emphasis on some of those recommendations on our Most Wanted List of Safety Improvements because we know that fatalities on our Nation's highways can be reduced if these recommendations are implemented. These include mandatory seat belt use, hard-core drinking driver countermeasures, the use of age-appropriate and size-appropriate child safety seats, and prohibiting novice drivers from using wireless devices. We have worked at the state level to encourage passage of laws in these areas, and as Chairman, I would work to ensure that these efforts vigorously continue.

*Question 7.* What actions, if any, will you initiate to help spur agencies to be more responsive to the NTSB's "Most Wanted" list of safety recommendations or to help spur more timely implementation of those recommendations that they do agree to adopt?

Answer. The NTSB does not have regulatory authority or grant-making authority, so it must rely on its power of persuasion to promote implementation of these safety recommendations. We accomplish this through education, outreach, and advocacy.

I would like to see the NTSB improve the “marketing” of our recommendations by packaging them in a way that is more understandable to our constituencies.

*Question 8.* What do you consider to be the most critical recommendation on the Most Wanted List that awaits agency response?

Answer. The most critical recommendations are those that address the issue of fatigue. While many other issue areas on our Most Wanted List require huge investment in technology, retooling a fleet of vehicles, or years of additional research before they can be accomplished, fatigue management is an area in which science and research are quite mature. There is widespread acknowledgement that effects of fatigue are deadly; what is lacking is the will to address the issue in a comprehensive way that is based on science.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
HON. DEBORAH A.P. HERSMAN

*Question 1.* Having served as a member of the NTSB during the past 5 years, what do you consider to be the greatest challenges facing the Board?

Answer. Timely production of accident investigation reports while under a heavy workload.

*Question 2.* What do you consider to be the most important management needs at the Board, and how do you hope to address those needs?

Answer. The Office of Personnel Management named NTSB one of the Top Ten Places to work in the Federal Government. To build on this success, the NTSB needs to revise its Strategic Plan and develop its first Strategic Training Plan. These activities are already underway, and, if confirmed, I plan to bring them to completion. Further, the agency is currently implementing a labor cost accounting system which, if confirmed, I will shepherd to completion to ensure that it is effectively used as a management improvement tool. Finally, the NTSB has made significant progress in implementing the Government Accounting Office management review recommendations and has received six consecutive unqualified (clean) audit opinions on its financial statements. Furthermore, we received our best Federal Information Security Management Act scorecard in Fiscal Year 2008. If I am confirmed as chairman, I will work to ensure that these improvements continue in the future.

*Question 3.* Do you believe Federal agencies should be required to act on NTSB safety recommendations or do you think the current scenario, whereby agencies make their own determinations as to which recommendations to act on, is the correct approach?

Answer. I believe that other Federal agencies should be required to respond to our recommendations. At the NTSB, we recognize that Federal agencies may not act upon our recommendations for a number of reasons. For example, additional research may be needed, additional funding may need to be secured, or there may be acceptable alternate methods for accomplishing our recommendations. However, I believe it is reasonable to require agencies to at least respond to the NTSB about their disposition of our recommendations. It is up to others, such as the Congress, to determine if the recipients of our recommendations should be required to implement them.

*Question 4.* What do you believe is the most important action Congress could take to improve transportation safety in rural America?

Answer. The general characteristics of rural roads (narrow, two lanes, hills, curves, obstructions near the road edge, etc.) present a relatively unforgiving environment that contributes to the dangers associated with driving on them. Reduction in rural road accidents and fatalities can be approached through improvements of the infrastructure, improvements in vehicle design, and enhanced communication capability once an accident has occurred. Infrastructure improvements would include straightening out curves, reducing hills, widening lanes, adding appropriate barriers, and improving lighting. Vehicle-based solutions include collision warning equipment, electronic stability and rollover control, lane departure warnings, and intelligent transportation systems that allow vehicles to communicate with other vehicles or with the infrastructure to prevent collisions. When accidents do occur, automatic crash notification and improved wireless communication would allow first responders to respond to the crash more quickly and effectively.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO GENERAL CHARLES F. BOLDEN, JR. AND LORI B. GARVER

*Question 1.* Sound financial management has long been a weakness at NASA. While the agency has attempted to implement an enterprise-wide financial accounting system to improve transparency and reporting, this has proven to be a challenge. Most recently, the independent accounting firm Ernst & Young was contracted to audit NASA's financial statements for FY 2007 and FY 2008. The firm disclaimed an opinion because of continued significant weaknesses in the agency's financial management processes and systems. Essentially, NASA's books were not in sufficient order for the independent firm to perform the audit.

NASA does not have a good track record when it comes to financial management. If the agency were failing a financial audit, I would highlight that, but the fact of the matter is that NASA can't even prepare its financial statements to allow auditors to do their job! What specific steps do you intend to take to remedy this situation?

Answer. We have been made aware that NASA has been unable to obtain a clean financial audit for several years. While we are told that the agency has been working hard to address this problem, it can and must do better. If confirmed, one of our first priorities will be to meet with NASA's financial management team to review existing plans to address this serious challenge and develop new specific actions where required.

In order to address the underlying problems preventing NASA from regularly obtaining an unqualified audit opinion on its financial statements, it is our understanding that NASA took a new approach in Fiscal Year 2008 toward resolving weaknesses and improving its financial reporting. The implementation of these new processes and policies are reported to have improved NASA's ability to meet financial reporting and internal control standards required for a clean audit. NASA has also reported that due to an impending Federal accounting rule change, it is closing in on resolving its long-standing property audit issue related to proving the historical accounting book values used for the Space Shuttle and International Space Station. We have been briefed that Ernst & Young and GAO have recently noted NASA's progress in resolving accounting issues and improving financial system capabilities. Assuring that NASA focuses on this issue will be one of our top priorities if confirmed.

*Question 2.* NASA provides critical support for the Federal Aviation Administration's (FAA) efforts to modernize the National Aerospace System (NAS) by conducting basic research through its Aeronautics Research Mission Directorate, which supports the development of technologies vital to the advancement of the air traffic control system and the development of more efficient aircraft and engines through various research programs. NASA's budget for aeronautics research has been consistently cut over the past 10 years. However, the President's FY 2010 provides a slight increase, requesting \$507 million compared to \$499.5 million appropriated in FY 2009. While the Recovery Act provided an additional \$150 million in FY 2009, this combined total of \$650 million for FY 2009 is still well below the \$853 million authorized in the NASA Authorization Act of 2008 for aeronautics.

One of the criticisms of the FAA's implementation of NextGen to date has been that the program is not well coordinated among all the agencies involved. For example, NASA's aeronautics research budget has been reduced substantially in past years, shifting money to other agency priorities. This has forced the FAA to devote more of its resources to research and development supporting the Next Generation Air Transportation System (NextGen). What is your view on NASA's role in supporting the FAA's efforts to modernize the NAS through the implementation of the NextGen? What steps will you take as NASA administrator to better coordinate your agency's efforts to support NextGen with the FAA?

Answer from Charles F. Bolden, Jr. My membership on the FAA Management Advisory Council (MAC) gives me first hand knowledge of your concern, because the MAC expressed this same concern to the FAA Administrator over the past 2 years. I support the goals of the NextGen Program, which is intended to give our Nation the advanced and fully capable air traffic control system it needs. NASA must clearly play its role in this effort, which I understand to currently be focused on developing revolutionary concepts, tools, and technologies that will enable the mid-term and long-term goals of NextGen. This role is complementary to what I believe to be the FAA's role to implement tools and technologies in order to meet the near-term needs while leading the efforts to address the mid-term requirements.

The new FAA Administrator, Randy Babbitt, was also a member of the FAA MAC at the same time and is a good friend. If confirmed, I will work closely with him to ensure NASA-developed capabilities and technologies are transitioned to the FAA

to address critical needs of NextGen. By working closely with NASA's Associate Administrator for Aeronautics, I will ensure Aeronautics research activities that are required for NextGen receive top priority. I will also continue to build strong collaboration with FAA and other members of the Joint Planning and Development Office (JPDO).

In addition, if confirmed as NASA Administrator, I look forward to serving on the Senior Policy Committee (SPC), which is chaired by the Secretary of Transportation and includes senior representatives from the five Federal agencies.

*Question 3.* The Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) Program is designed to increase the participation of small, high technology firms in the Federal research and development endeavor. Agencies that conduct scientific research are required to set aside 2.5 percent of their research budget for small businesses. NASA's FY 2009 SBIR/STTR funds totaled \$127 million and the FY 2010 request is \$138 million.

The Committee is currently investigating allegations that at least one private company—and perhaps other companies we don't yet know about—has been defrauding NASA and the American taxpayers by pocketing money they receive through NASA's SBIR and STTR program. The investigation is still in progress, but we have already uncovered evidence that NASA is not carefully tracking how SBIR and STTR funds are spent after they have been awarded. This lack of accountability makes it easy for dishonest contractors to game the system. I'm sure you will agree with me that NASA can't afford to waste its precious research dollars. What steps will NASA take to strengthen oversight of contracts it awards through the SBIR and STTR programs?

Answer. We are both in total agreement that NASA must use its research dollars to obtain the most value for the U.S. taxpayer. If confirmed, we intend to look closely at the oversight of the SBIR and STTR programs in order to ensure that we are taking all appropriate steps to maximize the productivity of tax payer funds and eliminate waste or fraud.

NASA, like other Federal agencies, uses the SBIR/STTR programs as an important source of technological innovation—something that is vital to the performance of NASA's mission and the Nation's prosperity and security. If confirmed, we intend to review the processes currently in place, and assess how to improve oversight.

*Question 4.* Earlier this year the Government Accountability Office suggested that NASA should implement more effective oversight and management over the development and acquisition of major large-scale projects (defined as projects with life-cycle costs of \$250 million or greater). In its study, the GAO found that costs for major large-scale projects increased by an average of 13 percent from the baseline estimate, and experienced an average of 11 months delay to their launch dates. While the agency has taken steps to improve project management, many projects continue to announce delays and increasing development costs. How will you improve project management within NASA's programs to make sure that projects stay on time and on budget?

Answer. As you note, the GAO has acknowledged NASA challenges in project management. We have been briefed that the GAO has also recognized that NASA has developed a credible corrective action plan and is implementing that plan. We need to ensure that NASA not only meets that plan but continues to measure and improve both cost estimating and cost and schedule management.

We have been told that over the last 2 years NASA has made improvements to its policies and practices in order to strengthen project performance. NASA policies now include new requirements for program cost and schedule estimating. We understand that NASA has also taken a positive step in improving management oversight with the establishment of a baseline performance review. These monthly reports to NASA's senior management have been recognized by the Office of Management and Budget and the GAO as a model of improved management. We intend to highlight and focus agency attention on projects that are predicted to exceed NASA cost and/or schedule baselines, so the agency can take preemptive actions to minimize the projects' potential cost overruns or schedule delays.

A serious discussion of cost estimating, program management, and cost control will be one of our earliest priorities if confirmed. It is critical that the agency both initiate the necessary improvements to its cost estimating and program management process, and remain disciplined in implementing them.

*Question 5.* Project management issues are especially evident when looking at NASA's satellite programs. NPOESS<sup>1</sup> (pronounced EN-POSE) in particular has

<sup>1</sup>NPOESS is a joint mission between NASA, NOAA, and the Department of Defense to provide next generation weather and climate observing capabilities.



faced a series of delays, failures, and cost increases. Much of this is has stemmed from delays and mistakes by poorly monitored NASA contractors. How would you address project management deficiencies at the agency especially oversight over contractor work?

Answer. We agree that better project management is needed on the cutting-edge technical work that is done at NASA, particularly because Earth Science missions are increasingly being used to improve weather forecasts, climate prediction, and to provide a solid foundation for policy decisions made by the President and Congress. Both NASA and DoD have been adversely impacted over the past decade from the steady erosion in the Nation's ability to provide technologically advanced instruments within schedule and budget.

We have read a recent independent analysis of NPOESS that concludes that a major problem with the program to date has been the fact that the procurements have not been managed within an experienced space acquisition organization. The report also noted that NASA could provide the necessary expertise. We concur with this assessment and find the recommendations well developed and worthy of serious consideration. We also understand that there is currently a review of the NPOESS program being led by the Executive Office of the President. Once a decision is made on the future management structure of the NPOESS program as a result of that review, we will work diligently to fulfill the role assigned to NASA.

We take very seriously the need for sustained vigilance in contract management as we develop our space missions, along with the need for close coordination between NASA and private industry to assure that the talents and skills both within and outside the government are brought to bear on the Nation's problems in a more effective and efficient fashion. There are various opinions as to how and why NPOESS has found its way to its current state. If confirmed we will look to meet with you and your staff to fully understand your concerns, to review the problems and challenges facing the NPOESS program, and to review the recommendations that will result from the review cited above by the Executive Office of the President.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
GENERAL CHARLES F. BOLDEN, JR. AND LORI B. GARVER

*Question 1.* Scientists now know much about the dangers of global warming and rising sea levels thanks to NASA's support for Earth Science missions. Many of NASA's greatest contributions to science and society have in fact come from unmanned Earth Science missions that do not always capture the headlines in the same way as human space flight.

I am pleased that President Obama's NASA FY2010 budget request also recognizes the importance of harnessing the Nation's space capabilities to learn more about planet Earth. How will you help ensure the continued success of NASA's Earth Science missions?

Answer from Charles F. Bolden, Jr. As the Commander of ATLAS I, NASA's first "Mission to Planet Earth" flown on the Space Shuttle, I am personally well aware of the benefit that the vantage point of space can bring to our study of the Earth. Lori and I have discussed this, and we both think a critical component for the continued success of NASA's Earth Science missions will be to ensure funding for priority missions identified in the 2007 Earth Science Decadal Survey. The Decadal Survey recommendations include completing the missions in development, initiating new missions, and continuing aggressive technology development, airborne science research, increase funding for research & analysis (R&A), and new information systems programs. Related to this work will be our efforts to enhance our cooperation with NOAA's National Geodetic Survey to find synergies in our present efforts and get more "bang for the buck" from our individual projects.

As with any cutting edge science, the unknown is not known until you try to accomplish the task. We will encourage and give support to scientists at NASA, in academia, and in industry. We will work to complete our current Earth Science missions under development, operate those currently gathering data, and accelerate new missions where possible, always emphasizing safety and mission success.

*Question 2.* New Mexico is home to NASA's White Sands Test Facility which for many years has supported the Space Shuttle program as an alternate landing site and key place for developing and testing propulsion systems.

You are no doubt aware of White Sands' capabilities and contributions to fulfilling NASA's mission "to pioneer the future in space exploration, scientific discovery, and aeronautics research."

Yet with the retirement of the Shuttle, the role of White Sands Test Facility's personnel and infrastructure for future NASA activities is not yet defined. What role do you foresee for the White Sands Test Facility under your leadership at NASA?

Answer. As we discussed briefly during our confirmation hearing, White Sands Test Facility (WSTF) offers support to the Space Shuttle program. Specifically, NASA uses WSTF to test the Space Shuttle's orbital maneuvering and reaction control subsystems. These systems use so-called hyperbolic propellants, which are highly volatile and require special handling.

As the Space Shuttle is retired, the use of WSTF for refurbishing and testing some of its hardware will phase out. While we cannot commit specifically to the future use of any one facility, the capabilities resident at White Sands are unique. We look forward to the results of the Augustine Review of U.S. Human Space Flight Plans, which will help shape NASA decisions on how to move forward after the retirement of the Space Shuttle. Now that we have been confirmed, I pledge that we will certainly communicate openly and clearly with you and the Committee to ensure that we find ways to best utilize NASA's facilities.

*Question 2a.* Will you assure me that you will keep this Committee fully informed of future plans for White Sands and other NASA facilities—if necessary, more frequently than the agency's biannual Workforce Transition Strategy updates?

Answer. Our people and our facilities are NASA's most valuable assets, and we intend to continue to focus on best utilizing these assets to accomplish NASA's mission. We commit that, under our leadership, the NASA team will be focused on providing you, other Committee members, and your staffs with frequent updates and information on NASA's plans, in support of Committee requirements.

*Question 3.* New Mexico has a proud heritage of space exploration dating back to Robert Goddard's early rocket experiments in the 1920s. Today, New Mexico will invest \$200M to develop Spaceport America and spur the growth of the commercial space industry. Spaceport America construction began last month. New Mexico is also a strong supporter of initiatives such as the Centennial Challenges and the X Prize.

Given the NASA and commercial space assets in New Mexico, what opportunities do you envision for future NASA collaboration with Spaceport America and New Mexico? What opportunities do you anticipate for continued NASA support for space-related research and development in New Mexico? NASA Administrator Mike Griffin visited New Mexico to address the X-Prize Cup Summit in 2006. Will you consider visiting New Mexico's NASA and commercial space facilities during your tenure?

Answer. NASA will be looking at how to continue to work with industry and entrepreneurs to enable them to produce new technologies and services. The Spaceport America facility or other organizations in New Mexico may play a key role in establishing these partnerships and making them work for the taxpayer. In addition, NASA's White Sands Test Facility may offer opportunities for future partnerships between Spaceport America for field-testing new government or commercial flight systems. We understand that the relationship between NASA and New Mexico over the past few years has grown, with NASA holding competitions as part of its Centennial Challenges Program at the Las Cruces airport and Holloman Air Force Base. And, we understand that on its own initiative, Spaceport America is building launching/landing pads that could be used, beginning this summer, by Lunar Lander Challenge teams for flight attempts or test flights as part of NASA's Centennial Challenges Program.

Now that we have been confirmed, we look forward to working with you in this area, and visiting New Mexico and its space infrastructure and facilities.

*Question 4.* NASA's support of the commercial space industry has been successful in attracting new industry participants, driving innovation, and lowering the cost of access to space. How will you work to promote commercial space initiatives?

Answer. As we discussed during our confirmation hearing, we are strong supporters of commercial and entrepreneurial-to-government partnerships, and we look forward to exploring additional partnership opportunities across the Agency. In many cases, the government can be a great incubator of ideas, often providing the spark that is needed to encourage commercial and entrepreneurial ventures in areas such as commercial space transportation. NASA's Commercial Crew and Cargo Program, its associated funded and unfunded Commercial Orbital Transportation Services (COTS) partners, and the Commercial Resupply Services (CRS) contracts are good examples of successful industry-government partnerships. We also understand that NASA has undertaken efforts to make it easier for new entrants in the launch vehicle arena to compete by providing support for launcher development and by easing restrictions on demonstrated flight history.

These partnerships for space transportation should be a first step toward making NASA an organization that works with the budding commercial space industry in the same way that NASA's parent organization, the National Advisory Committee for Aeronautics (NACA), encouraged the development of the American aviation industry. NASA must find ways to stimulate those outside of the government who have ideas for new technologies or new services, and need opportunities to prove their concepts or demonstrate their capabilities. Accordingly, now that we have been confirmed, we look forward to exploring ways in which NASA can further encourage these new industries and would communicate with you to hear your ideas and concerns as we progress.

*Question 5.* General Bolden, you state in your testimony that the United States can build upon "our hard-earned world technological leadership or [cede] it to others who are working vigilantly to push the frontiers of space." I believe American leadership is already eroded in the area of space launch. America went from being the No. 1 Nation in commercial space launch to having only one commercial launch in 2006. How should NASA help ensure that America's commercial space launch program is competitive with international rivals in Russia and Europe that currently dominate the market?

Answer. In my experience, I have seen NASA use U.S. commercial space-launch capabilities and services to the maximum practical extent for its mission. Continuing in this way should help maintain a stable demand for these services. But, I agree that NASA should do more. I understand that the Agency has initiatives in place to enable new entrants to the medium-class launch services arena to make an improved business case. This includes changes in the NASA Launch Services (NLS) contract to allow new vehicles with no previous flight history to participate in the competition. Under the NLS contract, companies may propose new launch service capabilities during "on ramp" opportunities, which occur every February and August. Space Exploration Technologies' Falcon-9 vehicle is an example of an emerging launch vehicle that has taken advantage of this opportunity.

Also, I understand that several companies have asked NASA for support in the development of their vehicles, and the Agency has issued two Space Act Agreements (SAAs) with companies to provide that support. I would not be responding to your question fully if I did not mention that a significant contributor to the falloff in U.S. commercial launch is the stringent limitations imposed by ITAR, INKSNA, and other restrictive laws relating to technology transfer and intellectual property application/utilization. We must work with the Congress, the Departments of State, Commerce, and Defense to find more reasonable ways to protect our technical and intellectual expertise and insure our national security without adversely affecting the competitiveness of our commercial launch industry as we currently do.

I believe these efforts should help U.S. launch providers, and understand that more detail will be provided in NASA's upcoming report to Congress on small- and medium-class launch services.

*Question 6.* Landsat data from thermal infrared sensors (TIRS) are a valuable tool to measure and monitor consumptive water use in New Mexico and other western states. I have heard from water managers who are concerned that such a sensor may not be included with the Landsat Data Continuity Mission (LDCM) launch in 2012. If confirmed, will you address concerns raised about losing this valuable scientific tool for the conservation, development, and management of water resources in the West?

Answer. During our preparation briefings we were informed that NASA is working to develop the Thermal Infra-Red Sensor (TIRS) and to have it ready in time for flight on the Landsat Data Continuity Mission (LDCM), and that NASA just completed a Preliminary Design Review for TIRS. The TIRS development schedule remains very challenging, but we understand the agency is optimistic that the instrument development timeline syncs up with the LDCM schedule. The FY2010 budget request carries TIRS development within the LDCM budget line. If confirmed, we will work with OMB and the Congress to ensure NASA maintains the flight of TIRS on LDCM as a high priority.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK WARNER TO  
GENERAL CHARLES F. BOLDEN, JR. AND LORI B. GARVER

*Question 1.* In 2007 the National Academy of Sciences identified CLARREO project as an indispensable new mission for the next decade. Since we are likely to spend hundreds of billions of dollars on carbon reduction, it is imperative that we have a system to precisely measure greenhouse gases. For 2010–2013, the CLARREO mission was ranked as a top priority, however there is no funding in-

cluded in the FY10 budget to start this mission, and no real significant funding in the current run out until FY13. Can you explain why none of the extra FY08 or FY09 Earth Science funding has been committed to CLARREO, and why NASA is to a degree disregarding the Decadal Survey recommendations.

Answer. Earth and climate science are a central priority for the Obama administration, and we intend for it to be a priority for NASA. As you indicate, the measurement of greenhouse gases in our atmosphere is a critical subject for our Nation and the world. We intend to use recommendations of the decadal survey for Earth Science, in coordination with national priorities set by the Administration and Congress, to determine the most efficient and cost effective vehicle to obtain peer reviewed technical data for use in these critical policy decisions. We cannot presently provide an answer as to why no additional FY08 and FY09 funding was committed to CLARREO. We understand that CLARREO is one of the Tier-1 missions in the decadal survey and as such, it will receive the agency's close attention.

If confirmed, we look forward to working with you as NASA defines its plans for CLARREO and works to improve our Nation's systems to accurately measure greenhouse gases.

*Question 2.* Since NASA Langley is the primary center for aerospace research, isn't it appropriate for NASA to designate Langley as the "Green Aviation Lead" as the U.S. strives to get ahead of the curve in next generation aviation design?

Answer. We believe it is critical that NASA have strong and focused investments in the development of revolutionary concepts and technologies to reduce environmental impacts from aviation. If confirmed, we will work to ensure that NASA's research activities for Green Aviation are comprehensive. Green Aviation can only be achieved when we address this challenge from the entire system perspective. This includes addressing vehicle technologies, their efficient operations, and associated safety issues. We understand NASA currently addresses Green Aviation challenges through five programs in NASA Aeronautics: Fundamental Aeronautics Program, Airspace Systems Program, Aviation Safety Program, Integrated Systems Research Program, and Aeronautics Test Program. NASA's Langley, Ames, Dryden, and Glenn Research Centers all provide critically important skills and facilities that are required to address Green Aviation challenges from the systems perspective. NASA Aeronautics needs the unique skills, facilities, and capabilities residing at all four research centers to work on technically challenging aeronautics objectives.

*Question 3.* The COTS program—Commercial Operations to Station—has played a major role in revitalizing the commercial space sector in the United States. Will you sustain, embed or expand NASA's role in COTS and in procuring commercial space craft, rocket and space craft launches?

Answer. As we discussed during our confirmation hearing, we are strong supporters of commercial and entrepreneurial-to-government partnerships, and we look forward to exploring additional partnership opportunities across the Agency. In many cases, the government can be a great incubator of ideas, often providing the spark that is needed to encourage commercial and entrepreneurial ventures in areas such as commercial space transportation. NASA's Commercial Crew and Cargo Program, its associated funded and unfunded Commercial Orbital Transportation Services (COTS) partners, and the Commercial Resupply Services (CRS) contracts are good examples of successful industry-government partnerships. These partnerships serve as models for other NASA-commercial sector partnerships.

We understand that NASA's currently-funded COTS and CRS partners both continue to make progress toward demonstrating their capabilities. If confirmed, we look forward to continuing to work with these partners.

We also understand that NASA has undertaken efforts to make it easier for new entrants in the launch vehicle arena to compete by providing support for launcher development and by easing restrictions on demonstrated flight history. For example, Space Exploration Technologies' Falcon-9 vehicle is an emerging launch vehicle that has taken advantage of this opportunity. Accordingly, if confirmed, we look forward to exploring ways in which NASA can further encourage the development of new launch services.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
GENERAL CHARLES F. BOLDEN, JR.

*Question.* This Committee and its members have long enjoyed a close and productive working relationship with agencies under our jurisdiction. We often rely on the technical and legal expertise of agency staff when we are developing or reviewing proposed legislation. Can all members of the Committee, and their staff on their behalf, count on this cooperative relationship continuing?

Answer. If confirmed, Lori and I assure you that under our leadership the NASA team will be focused on providing coordinated technical and legal expertise upon request to all Committee Members and their staff.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN THUNE TO  
GENERAL CHARLES F. BOLDEN, JR.

*Question.* South Dakota does not have a major NASA research facility but we do have an important asset for Earth observations and research in the EROS data center. This center, which is under the U.S. Geological Survey, primarily collects and analyzes data from the Landsat 5 and 7 satellites. As NASA designs and launches Landsat 8, it is critical that this satellite include the thermal infrared sensor.

Western states and western water managers use data from Landsat 5 and 7's thermal infrared sensors to measure and monitor consumptive water use, particularly agricultural water use, which is critical to improving water management activities. Congress has provided funds to ensure thermal infrared sensor is launched as part of Landsat 8, yet I understand that NASA continues to consider other alternatives. Can I get your commitment that you will work with Congress and the Administration to include the thermal infrared sensor on the planned December 2012 launch of Landsat 8?

Answer. Lori and I are told that NASA is working to develop the Thermal Infrared Sensor (TIRS) and to have it ready in time for flight on the Landsat Data Continuity Mission (LDCM, sometimes referred to as Landsat 8). In briefings to us on this subject, we have learned that NASA just completed a Preliminary Design Review for TIRS. The TIRS development schedule remains very challenging, but we understand the agency is optimistic that the instrument development timeline syncs up with the LDCM schedule. The FY2010 budget request carries TIRS development within the LDCM budget line. If confirmed, we will work with OMB and the Congress to ensure NASA maintains the flight of TIRS on LDCM as a high priority.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROGER WICKER TO  
GENERAL CHARLES F. BOLDEN, JR.

*Question.* NASA has prioritized a major information technology transformation, referred to as "I3P". This will provide the agency a much needed avenue to realize significant cost savings, provide process improvements, create program efficiencies, and yield continuity and collaboration. NASA's Chief Information Officer will oversee the implementation of I3P. At this time, NASA's CIO position is vacant. I encourage you, as Administrator, to designate a CIO who will support and advance the roll out of I3P and the NASA Enterprise Data Center contract in a timely and responsible manner and to provide regular progress reports to you that can be relayed to the Committee. In this regard, would you commit to this Committee to guide this program and provide strong leadership via a CIO who will make I3P and the NASA Enterprise Data Center a top priority?

Answer. If confirmed, I will be committed to designating a CIO for NASA as soon as is practicable. I think it is clear that a top priority for this person will be the implementation of an effective IT infrastructure via the I3P. NASA must find ways to yield cost savings, efficiencies, and improved collaboration through the implementation and operation of an integrated IT infrastructure. In addition, NASA must enable improved information technology security in consonance with policies and procedures developed by the Administration.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO  
GENERAL CHARLES F. BOLDEN, JR.

*Question 1.* NASA is facing many challenges regarding its future direction and ability to fulfill the many missions within its portfolio. What, in your view, are the most pressing challenges, and how do you intend to begin addressing them? (Understanding that in the realm of human spaceflight, you are likely not able to comment in detail pending the outcome of the Augustine Review.)

Answer. I believe that our Nation, not just NASA, is, in the words of Dr. Shirley Jackson, President of Rensselaer Polytechnic Institute, facing a "Quiet Crisis" that stems from a gap between the Nation's growing need for scientists, engineers, and other technically skilled workers, and its production of those same people. Therefore, the Nation needs to decide if it wants to build upon its hard-earned position of technological leadership, or cede this position to others who are working vigilantly

to push the frontiers of space. For its part, NASA must take on the following tasks in order to lead.

- a. NASA must safely bring the Shuttle Program to a close.
- b. NASA must build upon its investment in the ISS, a unique national laboratory, and a bridge to human exploration beyond low Earth orbit.
- c. NASA must accelerate, with a sense of urgency, the development of a next generation launch system and human carrier to enable America and other space-faring nations of the world to execute the mission of expanding our human exploration beyond low Earth orbit.
- d. NASA must enhance its capability and organic expertise to provide credible scientific, technological, and engineering leadership to help the Nation better understand our Earth environment.
- e. NASA must inspire the rising generation of boys and girls to become men and women committed to increasing knowledge in the fields of science, technology, engineering and math (STEM) by making NASA and its programs relevant to the American public.

I believe that we face a crisis of opportunity today. Ultimately, we can either confront the aforementioned challenges of technological leadership that ensure our Nation's safety and security, or cede that leadership and prestige to other nations. If confirmed, I will need your support and assistance in helping turn these challenges into opportunities.

*Question 2.* What were some of the factors which convinced you to agree to accept this appointment as NASA Administrator?

Answer. I believe that public service—to our nation, to our fellow citizens, and to our children—is both an opportunity and a responsibility. Serving in the role of Administrator, if confirmed, will be a significant opportunity to contribute to our Nation's technological, scientific and educational future. It will also be a serious responsibility, shepherding our Nation's civil space agency through the challenging years ahead. I have always told others that you can't complain about problems if you are not willing to get into the fray and find solutions. I want to re-inspire a sense of excitement about exploration in our Nation and maximize the benefit we gain from the International Space Station. I have been deeply encouraged by the President's commitment to space and the inspiration he has said he felt during our Nation's moon landings. I believe that NASA can play a critical role in helping us better understand Earth's environment, and that it can increase its efforts to enhance and strengthen our aeronautics program. I feel that these challenges are important for the nation, and that I can contribute to addressing them as NASA Administrator.

*Question 3.* As you prepare to undertake this very important assignment, what priorities have you set for yourself, in terms of establishing your management style and approach at NASA?

Answer. a. I employ a participatory management style in which I lay out overall objectives and goals, set the tone for continuous emphasis on safety in all we do, and step back to allow my subordinates to do their jobs.

b. Among my earliest priorities are the following:

- i. Safely and efficiently fly out the remaining flights currently manifested on the Space Shuttle.
- ii. Promote broader use of ISS as a national laboratory by industry, academia, other government agencies, and entrepreneurial researchers.
- iii. Meet with "Captains of Industry" (e.g., aerospace CEO's and entrepreneurial developers) to determine how NASA is viewed in the aerospace community and help me lead the Agency to refocus its efforts where needed.
- iv. Meet with the heads of other Federal agencies (e.g., DOE, DOT, FAA, Department of Education, NSF, and DARPA) to identify potential areas of collaboration to reduce costs, reduce/eliminate duplication of effort, and enhance support of basic research in the critical areas of aeronautics, science, technology, and bio-medical science.
- v. Personally engage with the American public (e.g., schools, service organizations, businesses, and industry) to inspire a reemergence of willingness to try new methods of research and exploration.

*Question 4.* As an astronaut, you have spoken to many groups, organizations and students throughout the country—and the world, for that matter. Based on that experience, what do you believe is the best way to help people see the role and value of NASA programs in their lives?

Answer. Nothing is better than having NASA astronauts, engineers, and scientists go into schools, universities, and industry to talk about the work we do and the discoveries that have come from that work. NASA must also utilize the aeronautics and biomedical industries to help communicate the relevance of NASA to their success and financial gain by providing examples of innovations in their commercial products that had their origins in NASA research or exploration. Examples include tilt rotors, aerodynamically shaped propellers, winglets on commercial passenger jets, Computer Aided Tomography, Magnetic Resonance Imaging, and the DeBaKey Ventricular Assist Device.

*Question 5.* In meetings and conversations with me, your predecessor, Dr. Griffin, remarked about the unique nature of the Michoud Assembly Facility, in terms of the kinds of manufacturing and assembly work for which that facility is uniquely suited. Can you provide your views, now or for the record, regarding the capabilities of the Michoud Assembly Facility and its planned or potential role in future space systems development and manufacturing?

Answer. The Michoud Assembly Facility (MAF) has long demonstrated great capability for manufacturing large human space vehicles, with a heritage in manufacturing going back to Apollo. Today, MAF is NASA's primary site for the fabrication of flight hardware for the Space Shuttle External Tank, and it is the intended site for various components of the Constellation Program. As I understand it, there also are efforts underway to find commercial work opportunities at this unique facility, about which I look forward to learning. Current and future work assignments related to the Agency's next-generation human spaceflight vehicles, of course, will depend on the outcome of the Review of U.S. Human Space Flight Plans.

I also must note that, following Hurricane Katrina, the MAF workforce demonstrated the highest level of dedication, sacrifice, and professionalism as they remained focused on their task, never asking for special treatment. In my book, they are truly American heroes.

I look forward to working closely with Congress, this Committee and the Administration to ensure that all of NASA's unique facilities and talents are utilized in the best interests of our Nation's space program.

*Question 6.* In your view, what is the proper balance among NASA's major program areas of Science, Exploration, Space Operations and Aeronautic Research?

Answer. Early consultative sessions with the American public, industry leaders, independent think tanks and study groups (such as the National Academy of Science studies), and recommendations of the Augustine Committee will help shape the optimal balance among NASA's major program areas. Additionally, we will need to focus on the results from the President's announced study concerning National Space Policy to determine what our national priorities are and what the proper mix of expenditures in funds, infrastructure, and human capital should be to accomplish these priorities efficiently, economically, and with a heightened sense of urgency.

*Question 7.* NASA has prioritized a major information technology transformation, referred to as I3P, which will provide the agency a much needed avenue to realize significant cost savings, provide process improvements, create program efficiencies, and yield continuity and collaboration. NASA's Chief Information Officer will oversee the implementation of I3P. At this time, NASA's CIO position is vacant. I encourage you, as Administrator, to designate a CIO who will support and advance the roll out of I3P in a timely and responsible manner and to provide regular progress reports to you that can be relayed to the Committee. In this regard, I would seek your commitment to guide this program and provide strong leadership via a CIO who will make I3P a top priority.

Answer. If confirmed, I will be committed to designating a CIO for NASA as soon as is practicable. I think it is clear that a top priority for this person will be the implementation of an effective IT infrastructure via the I3P. NASA must find ways to yield cost savings, efficiencies, and improved collaboration through the implementation and operation of an integrated IT infrastructure. In addition, NASA must enable improved information technology security in consonance with policies and procedures developed by the Administration.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
LORI B. GARVER

*Question.* This Committee and its members have long enjoyed a close and productive working relationship with agencies under our jurisdiction. We often rely on the technical and legal expertise of agency staff when we are developing or reviewing

proposed legislation. Can all members of the Committee, and their staff on their behalf, count on this cooperative relationship continuing?

Answer. If confirmed, Charlie and I assure you that under our leadership the NASA team will be focused on providing coordinated technical and legal expertise upon request to all Committee Members and their staff.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN THUNE TO  
LORI B. GARVER

*Question.* South Dakota does not have a major NASA research facility but we do have an important asset for Earth observations and research in the EROS data center. This center primarily collects and analyzes data from the Landsat 5 and 7 satellites. As NASA designs and launches Landsat 8, it is critical that this satellite include the thermal infrared sensor.

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Answer. Charlie and I are told that NASA is working to develop the Thermal Infra-Red Sensor (TIRS) and to have it ready in time for flight on the Landsat Data Continuity Mission (LDCM, sometimes referred to as Landsat 8). In briefings to us on this subject, we have learned that NASA just completed a Preliminary Design Review for TIRS. The TIRS development schedule remains very challenging, but we understand the agency is optimistic that the instrument development timeline syncs up with the LDCM schedule. The FY2010 budget request carries TIRS development within the LDCM budget line. If confirmed, we will work with OMB and the Congress to ensure NASA maintains the flight of TIRS on LDCM as a high priority.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO  
LORI B. GARVER

*Question 1.* NASA is facing many challenges regarding its future direction and ability to fulfill the many missions within its portfolio. What, in your view, are the most pressing challenges, and how do you intend to begin addressing them? (Understanding that in the realm of human spaceflight, you are likely not able to comment in detail pending the outcome of the Augustine Review.)

Answer. I believe three significant challenges facing NASA are mission safety, maintaining a first-class workforce, and closing the gap in human spaceflight. I will briefly review my thoughts on those subjects here.

With respect to safety, it is well understood that much is riding on each and every mission that NASA conducts. Each mission represents a tremendous investment in money, time and human ingenuity to bring about the desired results. Given the visibility and importance of NASA's activities, it is critical that the agency achieve and maintain a strong commitment to safety. With the impending retirement of the Space Shuttle, safety will require an ever more heightened level of attention.

NASA's workforce is the agency's greatest asset; this includes both NASA civil servants and its support contractors. These are highly educated and skilled people, with a tremendous history of accomplishment, and a desire to use those skills to the betterment of their country. An important challenge for NASA as it transitions away from the shuttle program will be to ensure that it retains as much of its workforce as possible. Following the retirement of the Space Shuttle the country will be reliant on Russia to launch its own astronauts to the International Space Station beginning sometime in 2011. Another key NASA challenge today is to replace the Space Shuttle with a reliable space transportation system. If the United States hopes to maintain a global leadership position, part of that will mean closing the gap in human spaceflight as soon as possible.

Lastly, I would like to address a theme that was prevalent at our hearing: making NASA relevant to the American public and inspiring future generations of scientists and engineers. In all the things that NASA does it must be sure that it is contributing to broader national goals, helping find solutions to problems that are facing our Nation right now, and in so doing making it clear to children and to young men and women that a career in space is a career of contribution and service to our country.



*Question 2.* What were some of the factors which convinced you to agree to accept this appointment as NASA Deputy Administrator?

Answer. I was raised with the belief that public service is a duty and an honor. While I have very much enjoyed working in the private sector, it was a privilege to be asked by the President to serve as the Deputy Administrator of NASA. I believe that NASA is a critical national resource and an investment in the country's future. I look forward to helping lead the agency if confirmed.

*Question 3.* Your very impressive record demonstrates that you have a solid grasp of the policy and "political" realities of the Nation's space program, and a sense of perspective developed over many years. How do you see employing that experience and sense of history in fulfilling your responsibilities as Deputy Administrator?

Answer. Given the opportunity, I would like to utilize my policy background to help lead NASA to enhance its contributions to critical national objectives, such as it has done historically. While I recognize the Nation has many priorities at the time, it is my view that NASA can and should work with other agencies, the private sector and the international community to help address today's national and global challenges.

*Question 4.* Given that background, what can you tell the Committee about your own views on the long-range goals and future direction in which the country's civil space programs should be going?

Answer. I view NASA as one of the key government agencies that is an investment in America's future. If confirmed, my goals for NASA include continued investment in aeronautics, Earth and space science, and human spaceflight. I believe that NASA should serve as an innovative R&D agency that develops technologies to be utilized by the private sector. I believe that space exploration is not only an investment in our future, but serves the very tangible benefits of economic return and technological leadership.

