

**NOMINATIONS TO THE U.S. COAST GUARD,  
THE DEPARTMENT OF COMMERCE,  
THE NATIONAL TRANSPORTATION SAFETY  
BOARD, THE MARINE MAMMAL COMMISSION,  
AND THE AMTRAK BOARD OF DIRECTORS**

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**HEARING**

BEFORE THE

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

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

—————  
MARCH 18, 2010  
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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**THURSDAY, MARCH 18, 2010**

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

The Committee met, pursuant to notice, at 10:04 a.m. in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, presiding.

**OPENING STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. The Senate Committee on Commerce, Science, and Transportation will come to order.

Good morning. I thank everyone for being here today, and the nominees and their willingness to serve.

The nominees before this committee today represent a number of agencies that are crucial to our Nation, our environment, and our economy. The Coast Guard, NOAA, and the National Transportation Safety Board, and Amtrak all face major challenges, and our Nation depends on the high quality of public servants to take up these important issues.

The Subcommittee which I am Chair of the Oceans, Atmosphere, Fisheries, and Coast Guard, is particularly interested in the nominees for the position of Coast Guard and NOAA. For the Coast Guard, the next Commandant will have to cope with an ever-growing set of important missions, even amid increasing challenges in this fiscal environment.

On a national scale, the Coast Guard's responsibilities are extensive and wide-ranging. For example, last year, the Coast Guard responded to more than 23,550 search and rescue cases, stopped more than 3,700 undocumented immigrants from illegally entering the U.S., and responded to approximately 3,600 pollution incidents and protected our communities by seizing 160 metric tons of cocaine, valued at nearly \$5 billion.

Admiral Papp, if you are confirmed as the next Commandant, you will constantly be asked to balance the demands of crucial and evolving homeland security missions while enduring your traditional missions and making sure that they are met.

On the Deepwater Program, the Coast Guard has taken some steps toward fixing the failings of the past. But make no mistake, I am nowhere close to satisfied with the Coast Guard's progress on Deepwater, and we will continue to have aggressive oversight.

We are not done fixing the Coast Guard's acquisition program, and many challenges lie ahead. Taxpayers deserve to know that their Government dollars are being spent in a responsible manner. We cannot repeat the blunders of the past, and I assure you we will be looking at how every dollar is spent. The Coast Guard needs to complete its mission safely and effectively, and taxpayers are going to be making sure that that happens.

NOAA also faces a similar daunting number of responsibilities and challenges. Our world's oceans are facing unprecedented threats. The process of ocean acidification is actually challenging the very chemistry of the ocean.

As our carbon dioxide emissions make seawater more acidic, the ocean may begin to withhold the basic chemical building blocks needed by many marine organisms. In regions like the Pacific Northwest, scientists predict that a more acidic ocean could dissolve the shells of tiny organisms that make up the base of the oceans food chain.

When it comes to ocean acidification, we risk not just damaging the ocean's ecosystem, we are threatening its very foundation. We are already seeing on the ground economic impacts of ocean acidification, like the shellfish farmers in Washington State, those who are greatly impacted by acidification.

In addition to ocean acidification, NOAA's conservation and management efforts have to cope with a long list of threats—ocean dead zones, ocean trash and marine debris, overfishing, toxic algae blooms, increasing ocean temperatures, and endangered species. NOAA and the Obama Administration are making ambitious steps to begin addressing many of these issues, and it is imperative that NOAA fill its ranks with the best, most-qualified people to carry out NOAA's conservation and management responsibilities. The ocean coasts and our blue economy will depend on this.

I look forward to hearing from today's nominees on their experience and background and what best prepared them to meet the challenges that we face ahead.

So, with that, I know that we have several colleagues that are here that would like to give statements on behalf of nominees that are from their home State areas. And so, I see my colleague Senator Kerry is here. Would you like to make a statement now on behalf of Admiral Papp?

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

Senator KERRY. Thank you, Madam Chairman.

Well, I appreciate the opportunity. I am not sure what the order is—I think Admiral Papp is the first panel. And I appreciate the opportunity to say a few words in support of his nomination to become the Commandant of the United States Coast Guard.

I am convinced that Admiral Papp was predestined—ordained, if you will—to become a ship captain in the Coast Guard because he grew up within sight of the Coast Guard Academy in New London,

Connecticut, and he was inspired, I know, by the sight of the training vessel EAGLE as she would go out of there.

He spent 14 years at sea over the course of his career, the captain of 4 Coast Guard cutters, EAGLE, and the CONSTITUTION. The EAGLE and CONSTITUTION—excuse me. He was not captain of the CONSTITUTION. That is a Navy ship. I am not giving that to him.

[Laughter.]

Senator KERRY. But the EAGLE and CONSTITUTION are the only active sailing vessels in the American Government's service, and I know that he considers service on the EAGLE as sort of the pinnacle of his career because he had the privilege of training with some 1,000 cadets in that process, and that is the future of the Coast Guard.

I had the privilege of meeting the Admiral when he was still a captain on the EAGLE, and it came at a time when he sailed the EAGLE and her crew at the head of a group of tall ships coming into Boston in the Summer of 1998. We were celebrating the 200th anniversary of CONSTITUTION's maiden voyage.

I will always remember it because Prince William of Great Britain was there, representing the Queen. And I remember walking into this reception in the Charlestown Navy shipyard, and there were a host of Navy officers there all dressed in white. The only person there in blue was the Admiral, who clearly put his blues on just to stand out amidst all the Navy folks, and I had the privilege of introducing the Prince to him. I also got to meet his wife, Linda, who is here with us today.

I renewed our acquaintance the next year when he became the Coast Guard's Chief of Congressional Affairs. And I will say that during the 3 years in that job and anybody on this committee who worked with him in that task knows how diligently he worked and the authority that he brought in his effort to fight for the resources necessary to carry out the full range of Coast Guard missions, which we all know have grown markedly both with the increase of interdiction narcotics efforts, as well as the post-9/11 responsibilities that have fallen to the Coast Guard.

Madam Chairwoman, there is no one more passionate about the Coast Guard or the defense of our country than Admiral Papp, and it is a passion that is guided by significant experience, operational and staff experience that will serve him very, very well. He has held almost every important command in the Coast Guard, and that ranges from the District Commander on the northern border, Director of Reserve and Training, the Commander of the Ninth Coast Guard District, Chief of Staff of the Coast Guard, and currently, the Atlantic Area Commander responsible for all Coast Guard activities from the Rocky Mountains to the Arabian Gulf. That is an enormous span of responsibility.

So I am convinced that his experience, combined with his passion and his vision, make him the ideal candidate to lead the United States Coast Guard at this critical juncture in its storied history, and I am proud to introduce him to the Committee.

Senator CANTWELL. Thank you, Senator Kerry. And thank you for being here.

We are going to call Vice Admiral Papp up in a few minutes, but I wondered if my colleague, the Ranking Member of the Subcommittee, had anything that she wanted to say this morning before we continued?

**STATEMENT OF HON. OLYMPIA J. SNOWE,  
U.S. SENATOR FROM MAINE**

Senator SNOWE. And thank you, Madam Chair, and I appreciate very much for convening this hearing today to discuss the vital contributions of our nominees.

And I first want to recognize the nomination of Vice Admiral Papp to be the next Commandant of the Coast Guard, and I want to welcome Admiral Papp. And I appreciate the fact he was willing to travel to Maine recently to attend the Fishermen's Forum.

And I think he certainly gained a perspective of, you know, how the people of Maine, a coastal State, and the fishing community view the Coast Guard with tremendous admiration and appreciation for the work that the Coast Guard does, day in and day out, on behalf of the people of our State and across this country. So there is enormous gratitude for the work that they perform.

I want to welcome Admiral Papp before this committee as the next nominee for the Commandant of the Coast Guard. I think his resume—as Senator Kerry and I know the Chair has spoken to—speaks for itself with 35 years of service since his graduation from the Coast Guard Academy.

But I also want to point out that he is just the 13th service member to qualify as a Gold Ancient Mariner, with over 10 years of cumulative at-sea time during his tenure, remarkable example and demonstration of his commitment to the service of this country.

I also want to thank him for all of the work that he has done over the years. I think his background and experience demonstrates an abundance of expertise and qualifications to assume this job and the capacity as Commandant, given the enormous challenges and responsibilities that that job represents.

The Coast Guard fills innumerable roles in the maritime domain and does so with tremendous skill, precision, and speed, despite often operating in the most treacherous of conditions. When other vessels head for safe harbors in the face of a rising storm, it is the Coast Guard's duty to sail full steam ahead into the teeth of the tempest to assist those in need.

From dramatic helicopter rescues hundreds of miles from shore to its role as first responders in the face of humanitarian crises like the tragic earthquake in Haiti, the Coast Guard perpetually lives up to its motto, "Always ready."

So the Coast Guard today faces countless challenges, which we will pursue through various questions to the Admiral. But certainly, in the execution of their missions—and frankly, it is the budget that concerns me the most. President Obama has chosen in this Fiscal Year to impose a freeze on nonmilitary discretionary spending. And frankly, the Coast Guard is a branch of the military. So I am surprised that it wasn't recognized as such in terms of now imposing a reduction of more than \$340 million in the Fiscal Year 2010 enacted level.



So those are some of the issues that I certainly will be pursuing in the line of questioning. But I certainly want to welcome Admiral Papp to this position and to this committee so that we have a chance to explore these and examine these key issues.

And Madam Chair, I also would like to recognize on the second panel an individual who represents the State of Maine, who is highly qualified in the position not only as a member of the Marine Mammal Commission, but also has been nominated to be the next Chair of the Marine Mammal Commission. And I want to recognize Dr. Daryl Boness. I know he represents Maine's outstanding academic community with his research and the fact that he is a Research Professor at the University of Maine in Orono.

And I am just very pleased with his credentials and qualifications that he has been recognized not only to be reappointed to this commission, but also to serve as the next Chair.

Thank you.

[The prepared statement of Senator Snowe follows:]

PREPARED STATEMENT FOR HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE

Good morning, Mr. Chairman, and thank you for convening this hearing today to discuss the vital contributions these nominees will provide to the Nation. In particular, as Ranking Member of the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a state so inextricably linked to our oceans and coasts, I am pleased to be in this position to ensure we uphold the tradition of strong leadership of the United States Coast Guard with the nomination of Vice Admiral Robert Papp to be the next Commandant.

I want to welcome Admiral Papp who comes before this committee today nominated to be the Coast Guard's next Commandant. Admiral Papp's resume speaks for itself, with 35 years of service since his graduation from the Coast Guard Academy, but I also want to point out that he is just the 13th service member to qualify as a Gold Ancient Mariner with over 10 years of cumulative at-sea time during his tenure—a remarkable example of his commitment to the service and the country. I also want to thank him for his offer to travel with me to Maine earlier this month to attend the Maine Fishermen's Forum and after having the opportunity for extended conversations with him during our trip to Maine and back, there is no doubt in my mind that he is the right person for the job.

The Coast Guard fills innumerable roles in the maritime domain, and does so with tremendous skill, precision, and speed despite often operating in the most treacherous of conditions. When other vessels head for safe harbors in the face of a rising storm, it is the Coast Guard's duty to sail full steam ahead into the teeth of the tempest to assist those in need. From dramatic helicopter rescues hundreds of miles from shore to its role as first responder in the face of humanitarian crises like the tragic earthquake in Haiti, the Coast Guard perpetually lives up to its motto: *semper paratus*—"always ready."

Today's Coast Guard faces countless challenges from the continued vigilant execution of their missions, to the ongoing efforts to correct the course of its troubled recapitalization and acquisition program, to dealing with what can only be described as a hostile budget environment within this Administration. And frankly, it is the budget that concerns me most. President Obama chose in his Fiscal Year 2011 budget to impose a freeze on non-military discretionary spending. The Coast Guard of course is a branch of the military, but this budget actually imposed a reduction of over \$340 million from the FY 2010 enacted level.

As this committee has discussed on numerous prior occasions, the Coast Guard is an agency that has always been asked to do more with less, and we simply cannot continue to expect the same high level of service without sufficient funding. Already in the budget request, we are looking at the elimination of key port security assets, for example, including the Marine Safety and Security Team stationed in New York Harbor. I look forward to discussing with Admiral Papp how, as Commandant, he would ensure the Coast Guard can continue to provide its truly critical services in light of this proposed reduction.

I also want to welcome our second panel of nominees who will appear before us today, particularly Dr. Daryl Boness, a resident of Hartford, Maine, and Research

Professor at the University of Maine, Orono, who has been nominated to serve on the Marine Mammal Commission. Dr. Boness' scientific career spans more than 30 years, and in addition to his work as Editor-in-Chief of the journal *Marine Mammal Science*, he has served on review panels for the National Marine Fisheries Service, the Fish and Wildlife Service, the Office of Naval Research, just to name a few. He is among the most respected scientists in his field, and will provide invaluable contributions to our Nation's marine mammal management programs.

Dr. Boness is joined in his nomination to that body by Dr. Michael Tillman. And I want to thank Dr. Larry Robinson, nominated to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Our ocean and coastal resources provide tremendous ecological, economic, and cultural benefits, but recent Administrations, including the current one, have failed to recognize their contributions with sufficient investment. I am pleased to see that NOAA has created a senior leadership position—to which Dr. Robinson is nominated—to coordinate the agency's efforts on conservation and management. As I discussed with Dr. Lubchenco at the NOAA Budget hearing before this committee earlier this month, we are drastically underfunding oceanic research—particularly fisheries research that has a very real impact on our coastal economy.

In Prospect Harbor, Maine, we have recently seen the loss of 130 jobs resulting from the closing of a century-old sardine cannery—the last one in the country. The reason for this closure is that scientists set a low catch limit for herring, not because the stock is overfished, but because the data they had to work with simply could not provide enough certainty to make a valid assessment of the health of the fish population. A Government Accountability Office study released in 2008 found a similar dearth of data to support marine mammal stock assessments, something Drs. Boness and Tillman are no doubt aware of. I hope we can count on these nominees to help reverse that trend, protect our depleted resources, and ensure a brighter, sustainable future for our coastal resources and economy.

Finally, I want to welcome Dr. Earl Weener, nominated to the National Transportation Safety Board, and Mr. Jeffrey Moreland to serve on Amtrak's Board of Directors.

The Federal Government's role in transportation is primarily one of safety; new members of the National Transportation Safety Board (NTSB), will continue to be a part of an agency immersed in the investigation of two high-profile accidents this committee has expressed considerable interest in; last year's crash of Continental Flight 3407 outside of Buffalo, New York, and the Metro collision of two passenger trains near Takoma Park, Maryland in June of last year, as well as improving the safety of Americans through comprehensive review of dozens of incidents and accidents throughout the country.

I must admit, I have grown tired of reading newspaper articles detailing various accidents which the NTSB has already warned against by pointing out safety flaws that could have prevented these accidents. In fact, I worked with Senator Boxer to put some of the Board's recommendations into law in our One Level of Safety legislation, and the Committee has recognized that work, and inserted it into the FAA Reauthorization. While I am well aware that the agency has only the ability to make recommendations, and has no implementation authority, I believe the NTSB's challenge will be to become more assertive in communicating to Congress if government entities continue to be downright dismissive of the Board's efforts.

One new focus this Administration has brought to transportation policy has been the substantial interest in, and subsequent commitment to, passenger rail. With Amtrak as our primary vehicle for inter-city passenger rail—particularly in the Northeast—I look forward to having a complete Board of Directors to preside over the \$13 billion Federal investment we made for passenger rail over the past year.

While I remain a serious supporter of passenger rail, and was particularly gratified that my home state of Maine received a High Speed Rail grant of \$35 million to extend our Downeaster service north to Brunswick, Maine, I am not entirely convinced we are using our limited transportation resources in the most responsible manner. The *Associated Press* pointed out that one high-speed rail project in California—one!—is projected to cost upwards of \$40 billion. Can we provide the kind of commitment for high speed rail—both in terms of time, and more importantly, revenue—that will provide benefits to all Americans? Or are we squandering precious revenues that could be used to restore Amtrak's infrastructure to a state of good repair, to prepare it to move at greater speeds and with greater efficiency? Amtrak's Board of Directors should have a significant role in these discussions.

Once again, I want to thank the Chairman for bringing all of these nominees before the Committee today, and I look forward to our conversations and to continuing the process of filling the vacancies and increasing the efficiency of operations of the Federal Government.

Senator CANTWELL. Thank you, Senator Snowe.

And again, before we turn to Vice Admiral Papp, we are joined by our colleague Senator Merkley from Oregon, a member of the EPW Committee, to give comments about one of the other nominees.

So welcome to the Committee, Senator Merkley. We look forward to your introduction.

**STATEMENT OF HON. JEFF MERKLEY,  
U.S. SENATOR FROM OREGON**

Senator MERKLEY. Thank you, Madam Chair.

And thank you to you and members of the Committee for the invitation to come and to introduce a fine Oregonian and expert in aviation safety, Dr. Earl Weener.

Dr. Weener will appear in the second panel, but he is being nominated to be a Member of the National Transportation Safety Board. I would also like to welcome his wife, Linda, who is able to join us today.

Dr. Weener, of Sherwood, Oregon, has spent his life working as an engineer in both the private and nonprofit sectors to improve airplane and pilot safety. His Ph.D. is in aerospace engineering and he was formerly the Chief Engineer at Boeing, where he created and led industry programs that demonstrate the necessity for additional safety enhancements in order to reduce crashes due to pilot error. His activities helped instigate industry initiatives toward risk reduction.

His lifelong career has helped the commercial aviation industry incorporate accident prevention into their operational systems, both domestically and internationally. He has won a number of awards for his outstanding work, including the Honeywell Bendix Trophy for Aviation Safety in 2005 for his contributions to commercial air aviation safety. He was also awarded the Aviation Week and Space Technology Laurels Award in 1994 for his leadership in preventing controlled flight into terrain accidents.

He is currently a Fellow at the Flight Safety Foundation, where he has led international industry initiatives to improve runway safety, and to reduce ground accidents and injuries. He is also a general aviation flight instructor, and so he understands firsthand the skills required by pilots and the learning process that new pilots go through. Not only does Dr. Weener have aviation experience, he also has a Coast Guard captain's license and spent 2 years of his retirement traveling around the U.S. coast.

While we all hope that aviation accidents continue to be few and far between, having a qualified member of the NTSB such as Dr. Weener, benefits our quest to eliminate accidents and perfect aviation safety.

So I am very pleased to support his nomination, and thank you for the invitation to introduce him.

Senator CANTWELL. Thank you, Senator Merkley, for your statement. I am sure Dr. Weener very much appreciates you being here today on his behalf, and we will look forward to hearing his comments.

Vice Admiral Papp, if you would come to the witness table and make your statement? And if you would, introduce your family. We appreciate them being here as well.

**STATEMENT OF VICE ADMIRAL ROBERT J. PAPP, JR.,  
COMMANDANT-DESIGNATE, U.S. COAST GUARD,  
DEPARTMENT OF HOMELAND SECURITY**

Admiral PAPP. Good morning, Madam Chair. I would like to introduce my wife, Linda, who is sitting directly behind me. She is with me here today.

A number of shipmates unexpectedly have driven up here to be with me as well, including, most importantly, my Executive Assistant for the last 2 years, Commander, now Captain-select Rick Rodriguez, who has served me well and will be coming to Washington this summer in another assignment.

I would ask, Madam Chair, that I be able to submit my prepared testimony for the record and give a brief oral statement.

Senator CANTWELL. Please do so.

Admiral PAPP. Thank you.

Good morning, Madam Chair.

And Senator Kerry, thank you so much for that introduction. It is good to reestablish our relationship and good to see you again. I deeply appreciate you taking the time to come in here this morning and for your constant stewardship of the Coast Guard.

As well, Senator Snowe, it was great to get together with you again. I really enjoyed going up to Maine for that visit. Next time, I want to be able to have a couple lobsters while I am there. So maybe we will spend a little more time when I go up there.

It is a privilege for me to appear before you today. I am grateful for the confidence of President Obama and Secretary Napolitano in nominating me to become the 24th Commandant of the United States Coast Guard.

I am also grateful that my wife of nearly 34 years, Linda, is able to share this day with me because she has been an inseparable part of my career, just as she would tell you that the Coast Guard has been an inseparable part of our marriage—insufferable sometimes, but inseparable.

[Laughter.]

Admiral PAPP. It has been an honor to serve in the Coast Guard for nearly 35 years, and I am humbled by the prospect of serving as the Commandant. I joined the Coast Guard with a desire to be a mariner and a ship's captain, carrying out Coast Guard operations. As an operator, I have seen firsthand the obsolete cutters, boats, aircraft, electronics, and logistics systems that contribute to the difficulty of performing our missions in an unforgiving environment.

In 1999, after many years at sea, I became the Chief of Coast Guard Congressional Affairs. At the time, we were faced with declining budgets, which required tough decisions on the allocation of resources, while suffering from obsolete and worn-out operational assets and deteriorating shore infrastructure.

Now when I was assigned to the job, I believed that Congressional Affairs might be my last assignment before retiring. But after the events of September 11, 2001, I was inspired to continue

my service, and I have been humbled to be given continuing opportunities to serve in the Coast Guard and to serve our country.

Today, after 8 years of unprecedented budget growth, the Coast Guard, unfortunately, is still plagued with much of the same obsolete equipment. After the tragedy of 9/11, we assumed increased responsibilities, which placed additional burdens on our people and equipment and presented challenges to performing our traditional missions. Like 1999, we now face potential budget constraints, increased mission demands, and strained resources.

Now the reason we continue to get the job done is people. As an operational field commander for nearly half my career, I have been able to maintain a meaningful connection with and understanding of the people who have volunteered to serve their country in the United States Coast Guard.

When I talk about these people, I refer to them as shipmates. Shipmates is my short-hand term of endearment for members of the Coast Guard family—the active duty, the reserve, the auxiliary, and the civilians, all the men and women of our service who, because of our experiences together, really do become an extended family.

I have visited with thousands of them. But more importantly, I have listened to them and heard loud and clear that they remain committed to mission excellence, but they need the resources—the ships, the aircraft, the boats, the communication systems, and the shore infrastructure—to keep up with the increasingly challenging missions in the maritime environment.

At the same time, they desire policies that facilitate their dreams and aspirations while accommodating the current societal norms for those who desire family stability. We want to make our service the choice of a profession for all Americans.

I am committed to the dedicated men and women with whom I have proudly served alongside for 35 years. If confirmed as Commandant, my obligation to them, as well as the Department of Homeland Security and the American public will be fulfilled by setting a course that steadies our service, honors our profession, strengthens our partnerships, and respects our shipmates.

For the past 2 years, I have been responsible for two-thirds of the Coast Guard's worldwide operations. We have conducted operations from the Rocky Mountains to the Northern Arabian Gulf, dealing with devastating floods and hurricanes, ice-choked rivers, major oil spills, and migrant and drug smugglers, all while providing security and safety for our ports and waterways and enforcing a host of maritime safety regulations.

Our versatile, adaptable ships, boats, and aircraft, and people perform splendidly in spite of the challenges presented by obsolete equipment and casualties. And most recently, they were the first on scene in Haiti to provide relief to that country's poor and unfortunate people.

Shortly after the earthquake, the cutter TAHOMA from Kittery, Maine, pulled into Port-au-Prince harbor, and her Captain, Jim Spott, sent a group of his shipmates ashore to see what they could do for the dying, sick, and wounded. Among that group was a recent Coast Guard Academy graduate named Ensign Kevin Robinson. I exchanged e-mails with Ensign Robinson.

He said, “My peers and I are not doctors, but we do have basic medical training and supplies to keep a deep cut from turning into an amputation. We are just scrambling to help as many people as we can with what we have.”

Ensign Robinson’s words and deeds could be taken as a metaphor for a service that has the somewhat dubious reputation of always trying to do more with less, often at the expense of working our people harder. I addressed this challenge head on in my speech upon taking command of Atlantic Area 2 years ago.

“We have the honor and privilege of performing meaningful work that is essential to the long-term safety and security of our country. I know you are capable of heroic and extraordinary deeds. I will never ask you to do more than our resources allow, but we must do our absolute best with what we have to sustain mission excellence. We owe it to our citizens and our shipmates. I expect nothing better. You should accept nothing less.”

My operational leadership experience over more than three decades has constantly reenergized my passion and enhanced my vision to lead the service in carrying out all 11 of the Coast Guard’s statutory missions in the most effective and professional manner possible.

Again, I am privileged to appear before you today in consideration of serving as the 24th Commandant of the United States Coast Guard. I look forward to working with the leadership and the members of this committee to make the service as effective as possible, and I will be happy to answer any questions that you have.

[The prepared statement and biographical information of Admiral Papp follows:]

PREPARED STATEMENT OF VICE ADMIRAL ROBERT J. PAPP, JR., COMMANDANT-DESIGNATE, U.S. COAST GUARD, DEPARTMENT OF HOMELAND SECURITY

### **Introduction**

Good afternoon Mr. Chairman and distinguished members of the Committee. It is a privilege to appear before you today. I am grateful for the confidence of President Obama and Secretary Napolitano in nominating me to become the 24th Commandant of the United States Coast Guard. I would also like to thank Admiral Thad Allen, our current Commandant, for the opportunity to serve as Chief of Staff of the Coast Guard and Commander of the Atlantic Area. It has been an honor to serve in the Coast Guard for nearly 35 years, and I am humbled by the prospect of serving as the Commandant. Today, I will discuss my priorities and objectives to provide an overview of how, if confirmed, I will lead the Coast Guard in support of the goals of the Department of Homeland Security (DHS).

### **Unique Agency of the Federal Government**

The Coast Guard is a unique Federal agency. We trace our history back to August 4th, 1790, when the first Congress authorized the construction of ten vessels to prevent smuggling and enforce tariff and trade laws. Over the last two centuries, we have expanded in size, authorities, and responsibilities to confront the ever-evolving challenges of the maritime environment. With its broad safety, security, military, and law enforcement authorities, today’s Coast Guard is a versatile, adaptable, maritime service within DHS and one of the Nation’s five armed services. In fulfilling the Coast Guard’s eleven statutorily-mandated missions, we protect against hazards to people, maritime commerce, and the environment; defend our borders; rescue those in peril on our waters; respond promptly to both man-made and natural disasters to restore the Nation’s waterways—safeguarding and fostering the rapid recovery of the Marine Transportation System (MTS); and, when called upon, defend the Nation both at home or abroad in partnership with the other Armed Forces. On the rivers, in the ports, on the seas, and around the globe, the Coast Guard provides a great service to our Nation through our distinctive blend of military, humanitarian, and civilian law enforcement capabilities.

### **Our People—Our Results**

We have approximately 42,000 active duty, 8,200 reserve, 8,000 civilian, and 31,000 volunteer auxiliary members engaged in conducting or supporting Coast Guard operations. These dedicated men and women deliver critical services and value to the public across our eleven missions. In FY 2009, under the leadership of Admiral Allen, we responded to more than 23,500 search and rescue cases and saved more than 4,700 lives; removed more than 160 metric tons of cocaine bound for the United States; interdicted more than 3,700 undocumented migrants attempting to enter our Nation illegally; and conducted thousands of security boardings and escorts. In support of the MTS, we serviced more than 17,700 aids to navigation and corrected more than 7,500 discrepancies; performed domestic icebreaking to keep waterways open for commercial traffic carrying more than \$600 million worth of cargo; performed more than 17,300 facility inspections, 25,400 container inspections, and over 14,000 inspections on U.S.-flagged certificated vessels; and conducted nearly 4,500 marine casualty investigations.

Since our inception, the Coast Guard's service to the Nation has been defined by our missions and our people. Our men and women are inspired by the rich heritage of our Service and its accomplishments. Today, the challenges that we face are as varied as they are demanding. The American people and our partner agencies expect clarity of purpose and excellence in performing our statutory missions—and that is what we seek to do on a daily basis.

### **Unity of Effort**

The Coast Guard's core competencies, organizational ethos, and broad capabilities are tightly aligned to DHS' vision to provide a homeland that is safe, secure, and resilient against terrorism and other hazards. Our Service's eleven missions, performed by a talented and versatile work force, reflect and support the Secretary of Homeland Security's five priorities as articulated in the Department's Quadrennial Homeland Security Review:

- Preventing Terrorism and Enhancing Security
- Securing and Managing Our Borders
- Enforcing and Administering Our Immigration Laws
- Safeguarding and Securing Cyberspace
- Ensuring Resilience to Disasters

### **My Priorities**

I am wholly committed to carrying out the Coast Guard's eleven statutory missions in the most professional and effective manner possible. If confirmed, I will set a course that completes several ongoing reforms, honors our profession, strengthens our partnerships, and respects our shipmates. I will briefly elaborate on my priorities below.

### **Completing Ongoing Reforms**

The Coast Guard can and will increase our effectiveness by completing several ongoing staffing, financial management, and mission alignment reform efforts over the next few years. The tragic 9/11 attacks and Hurricane Katrina displayed the Coast Guard's exceptional skills, yet also brought to light several structural areas in our organization that needed improvement. We continue to modernize our headquarters and logistics organizations, we are updating our financial management systems to reflect contemporary controls and procedures for accounting and property management, and I am committed to completing the efforts already underway to reform our acquisitions program and recapitalize our cutters, aircraft, and Command, Control, Computers, Intelligence, Surveillance, and Reconnaissance systems. Our challenge is to effectively coordinate and complete these efforts as expeditiously as possible while maintaining our high levels of performance across our operational mission set.

In order to realize all of the priorities I am outlining today, we need to remain committed to the recapitalization of our aging fleet. We have worked diligently to overcome our acquisition program's performance gaps, and Congress' continued support for, emphasis on, and oversight of this program is critical. We need to build on the acquisitions successes of our seagoing and coastal buoy tenders, as well as the 87-foot coastal patrol boat program, and extend those successes to our other cutter classes.

The operational demands on the Coast Guard require completion of our critical recapitalization programs. Aging, deteriorating, and technically-challenged resources have exacerbated our operational challenges. To maximize effectiveness in the future, I will ensure that the Coast Guard is optimally organized to most effectively operate within its available resources. I will take aggressive steps to refocus on the

versatile and adaptable capabilities provided by our cutters, boats, and aircraft in order to be prepared for the challenges of today and tomorrow. Most importantly, I will ensure our people have a clear vision and focus on how we will collectively navigate the way ahead to best leverage our versatile and adaptable maritime core capabilities and ensure the stability of our Service.

#### **Honor Our Profession and Respect Our Shipmates**

The Coast Guard's greatest asset is the men and women who are called to duty in our active, reserve, civilian, and auxiliary components. Over the last decade, our workforce has grown rapidly to meet expanding requirements. To establish the highest professional standards, I will work to identify and address any gaps in capabilities, competencies, and performance measures. I am deeply committed to developing our collective work force, enabling our men and women to build upon their experiences and excel throughout their careers.

I am also fully committed to providing the absolute best in human resource management, administrative support, wellness programs, and professional development. It is imperative that we continue to recruit and retain talented and motivated people. Our ability to accomplish this depends upon the substantive opportunities we offer, and our actions to care for our own. To implement this mandate, I will implement policies to benefit the workforce and their families by providing a safe, collaborative, and productive workplace environment, and support the White House initiative to provide family and geographic stability to our men and women in the armed services. I am committed to a Service that reflects the racial, ethnic, and gender composition of our Nation. In short, if confirmed as Commandant, maintaining the Coast Guard as a profession of choice will be one of my top responsibilities.

#### **Strengthen Our Partnerships**

The Coast Guard has strengthened our ability to protect our Nation's ports, waterways, and coastlines by partnering with Federal, state, and local agencies; tribal nations; the marine industry; and international stakeholders. By working collaboratively, we can align our efforts to create an effective and efficient system to meet today's demands and fulfill our national security goals. I will work closely with Secretary Napolitano to fully implement the shared vision for homeland security set forth in the Department's first ever Quadrennial Homeland Security Review. I will also build upon the Coast Guard's strong record of developing and supporting maritime security partnerships at all levels of government and internationally with foreign coast guards. Prioritizing these partnerships will help us create a Maritime Transportation System that is safe, secure, and resilient against all hazards.

#### **Conclusion**

I would like to express my heartfelt gratitude to Admiral Thad Allen for his exceptional service to our Nation during his tenure as Commandant. Admiral Allen has presided over the needed adjustments to our organization and force structure that have set us up for success now and in the future. Our recent response to the tragic earthquake in Haiti underscores these improvements, as we led the initial U.S. response during the first 24 hours and supported the effort coordinated by the U.S. Agency for International Development and U.S. Southern Command in the following days.

Serving our country is more than a job—it is a calling that obligates us to responsible conduct, accountability, and commitment to the Coast Guard's core values of Honor, Respect, and Devotion to Duty. We are inspired to serve by patriotic motives and the rule of law, and we have sworn to support and defend the Constitution. My operational and leadership experience over more than three decades has constantly re-energized my passion and enhanced my vision to lead the Coast Guard in a meaningful, efficient, and effective manner to serve the American people.

Again, I am privileged to appear before you today in consideration of serving as the 24th Commandant of the United States Coast Guard. I look forward to working with the leadership and members of this committee to make the Service as effective as possible. I am happy to answer any questions you may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Robert J. Papp, Jr.
2. Position to which nominated: Admiral (O-10); Commandant, U.S. Coast Guard.
3. Date of Nomination: December 22, 2009.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.



Office: Commander (Lant-00), U.S. Coast Guard Atlantic Area, 432 Crawford St., Portsmouth, VA 23704.

5. Date and Place of Birth: 25 March 1952; North Kingston, Rhode Island, USA.  
 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: Linda Kapral Papp, Retired in June 2008 Fairfax County Public Schools, Fairfax, VA; children: Lindsay Anne Sher (28), Caitlin Elizabeth Papp (24) (twins), Jillian Marie Papp (24).

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

College: U.S. Coast Guard Academy 1970-75—BS/Management 04 June 1975.

Graduate: U.S. Naval War College 1989-90—MA/Strategic Studies 01 June 1990.

Graduate: Salve Regina College 1989-90—MS/Management 20 May 1990.

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.

Post-undergraduate and Management-level jobs (all U.S. Coast Guard assignments):

Jun 1975 to Aug 1975—Commissioned Platoon Officer, U.S. Coast Guard Academy, New London, CT.

Sep 1975 to Apr 1977—Deck/Operations Officer, USCGC IRONWOOD, Adak, AK.

Jun 1977 to Jan 1979—Executive Officer, USCGC REDWOOD, New London, CT.

Jan 1979 to May 1981—Commissioned Company Officer, U.S. Coast Guard Academy, New London, CT.

Jun 1981 to Aug 1983—Commanding Officer, USCGC RED BEECH, Governors Island, NY.

Aug 1983 to May 1986—Assistant Chief, Aids to Navigation Branch Third Coast Guard District, Governors Island, NY.

May 1986 to Jul 1989—Commanding Officer, USCGC PAPAW, Charleston, SC.

May 1989 to Jun 1990—Student, U.S. Naval War College, Newport, RI.

Jun 1990 to May 1993—Branch Chief, Defense Operations Division, U.S. Coast Guard Headquarters, Washington, D.C.

May 1993 to Jul 1995—Commanding Officer, USCGC FORWARD, Portsmouth, VA.

Jul 1995 to May 1996—Chief, Fleet Development Team, Aids to Navigation Division, U.S. Coast Guard Headquarters, Washington, D.C.

May 1996 to Jul 1999—Commanding Officer, USCGC EAGLE, New London, CT.

Jul 1999 to May 2002—Chief, Office of Congressional Affairs, U.S. Coast Guard Headquarters, Washington, D.C.

May 2002 to Oct 2002—Deputy Chief of Staff, U.S. Coast Guard Headquarters, Washington, D.C.

Oct 2002 to May 2004—Director of Reserve and Training, U.S. Coast Guard Headquarters, Washington, D.C.

May 2004 to Apr 2006—Commander, Ninth Coast Guard District, Cleveland, OH.

Apr 2006 to Jul 2008—Chief of Staff, U.S. Coast Guard, U.S. Coast Guard Headquarters, Washington, D.C.

Jul 2008 to Present—Commander, U.S. Coast Guard Atlantic Area, Portsmouth, 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: None. The Coast Guard is my only government experience.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership,

or other business, enterprise, educational, or other institution within the last 5 years: None.

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

Member, U.S. Coast Guard Academy Alumni Association—1975 to present.

Board of Directors 1979 to 1981.

Member, U.S. Naval Institute—1975 to present.

Member, Military Officers Association of America—2000 to present.

Member, National Maritime Historic Society—2002 to present.

Member, New York Yacht Club—2002 to 2006.

Member, Reserve Officers Association—2002 to present.

Member, Association of Naval Service Officers—May 2002 to present.

Member, National Naval Officers Association—May 2002 to present.

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.

I have never been a candidate for public office.

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

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

*Military Awards*

Distinguished Service Medal—for service Apr 2006–Jul 2008.

Legion of Merit—for service Oct 2004–Apr 2006.

Legion of Merit—for service Oct 2002–Apr 2004.

Legion of Merit—for service Jul 1999–May 2002.

Legion of Merit—for service May 1996–Jul 1999.

Meritorious Service Medal—for service May 1993–Jun 1995.

Meritorious Service Medal—for service Jul 1990–May 1993.

Coast Guard Commendation Medal—for service May 1986–Jun 1989.

Coast Guard Commendation Medal—for service Aug 1983–May 1986.

Coast Guard Commendation Medal—for service Jun 1981–Aug 1983.

Coast Guard Commendation Medal—for service Jan 1979–May 1981.

Coast Guard Achievement Medal—for service Jun 1977–Dec 1978.

Commandant's Letter of Commendation—for service Aug 1990–May 1991.

*Special Recognition:*

Distinguished Public Service Award—National Maritime Historic Society.

Native Son Award—Norwich Rotary—Norwich, Connecticut.

Minute Man Hall of Fame—Reserve Officers Association.

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.

*Writings:*

Afterword for the reprinting of *The Skipper and the EAGLE* by Captain Gordon McGowan, Sea History Press 1998.

Article—*Awakening the Next Watch*, Tall Ships News Issue No. 36—Summer 1998.

Article—Co-authored *Maximize Maritime Partnerships*, U.S. Naval Institute Proceedings, August 2009.

Article—Co-authored *Operational Analysis Can Maximize Coast Guard Assets*, U.S. Naval Institute Proceedings, January 2009.

*Speeches:*

Remarks For Association of Naval Service Officers (ANSO) Quantico, Virginia, 9 April 2003.

Remarks For International Society for Performance Improvement (ISPI) Boston, Massachusetts, 12 April 2003.

Remarks For I/ITSEC 2003, General/Flag Officer Panel, Orlando, Florida, 2 December 2003.

Remarks For Memorial Day—Lake View Cemetery, Cleveland, Ohio, 31 May 2004.

Remarks For Northern Association of Boating Administrators Niagara, New York, 13 June 2004.

Remarks For Memorial Ceremony at Perry's Victory and International Peace Memorial, Put-in-Bay, Ohio, 11 September 2004.

Remarks For Veteran's Day Ceremony Lakewood, Ohio, 11 November 2004.

Remarks For Pearl Harbor Day Ceremony, Cleveland, Ohio, 7 December 2004.

Remarks For Norwich Native Son Award Ceremony, Norwich, CT, 22 June 2005.

Remarks For International Armed Forces Council, Selfridge ANGE, MI, 14 May 2005.

Remarks For American Sail Training Association, Bay City, MI, 5 November 2005.

Remarks For Blue Coats Society, Cleveland, OH, 9 November 2005.

Remarks For Northwest Passage 50th Reunion, Reno, NV, 6 September 2007.

Remarks For Pacific North West Coast Guard Ball, Seattle, WA, 8 September 2007.

Keynote Address For Homeland Defense/Security Conference, Colorado Springs, CO, 2 October 2007.

Remarks For CACI annual conference, Tyson's Corner, VA, 15 October 2007.

Remarks For DHS/USCG Executive Change Leadership Conference, Washington, D.C., 19 October 2007.

Remarks For Joint Force Maritime Component Commander (JFMCC) Flag Course at the Naval War College, Newport, RI, 2 November 2007.

Remarks For DHS Chief Administrative Officers (CAO) Forum, Washington, D.C., 28 November 2007.

Remarks For 2007 Pearl Harbor Memorial Ceremony, Baltimore, MD, 7 December 2007.

Remarks For 20th Annual Surface Navy Association National Symposium, Crystal City, VA, 17 January 2008.

Remarks For Association Of Naval Services Officers (ANSO), Norfolk, VA, 2 May 2008.

Remarks For Surface Navy Association Monthly luncheon, Arlington, VA, 14 May 2008.

Remarks For National Naval Officers Association (NNOA), Portsmouth, VA, 23 July 2008.

Remarks For 2008 International Seapower Symposium, Venice, Italy, 15 October 2008.

Remarks For National Maritime Historical Society (NMHS) Annual Awards Dinner, New York, NY, 24 October 2008.

Remarks For Joint Forces Maritime Component Commander (JFMCC) conference, Newport, RI, 30 October 2008.

Remarks For Tidewater Chapter of the Surface Navy Association (SNA) luncheon, Norfolk, VA, 21 January 2009.

Remarks For 98th Annual Elizabeth City Area Chamber of Commerce Dinner, Elizabeth City, NC, 2 February 2009.

Remarks For Surface Navy Association's Maritime Security Forum Communication Forum, New London, CT, 25 March 2009.

Remarks For Institute for Defense and Government Advancement (IDGA) Annual Maritime Homeland Security Summit, Jacksonville, FL, 28 April 2009.

Remarks For National Naval Officers Association (NNOA) Tidewater Chapter Scholarship Banquet, Norfolk, VA, 9 May 2009.

Remarks For Rotary Club of Camden County, Kingsland GA, 15 May 2009.

Remarks For USS Intrepid Parade of Ships Reception (Fleet Week), New York, NY, 20 May 2009.

Remarks For the Board of the National Academy of Science (Naval Studies Board), Norfolk, VA, 10 June 2009.

Remarks For National Naval Officers Association (NNOA), Houston, TX, 21 July 2009.

Remarks For Long Beach Chapter of the Propeller Club, Long Beach, CA, 20 October 2009.

Remarks For 8th Annual Maritime Security Conference & Expo, Long Beach, CA, 20 October 2009.

Remarks for Joint Forces Staff College, Norfolk, VA, 4 November 2009.

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.

26 September 2006—"International Polar Year" Joint Hearing—Senate Committee on Foreign Relations and Senate Committee on Commerce, Science, and Transportation.

26 February 2008—"Coast Guard FY 09 Budget" House Subcommittee on Coast Guard and Maritime Transportation.

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 joined the Coast Guard with a desire to be a mariner and ship's captain, carrying out Coast Guard operations. In 1999, after many years at sea, I became the Chief of Coast Guard Congressional Affairs and gained insight on the working functions of the executive and legislative branches. It was my responsibility to articulate the fiscal and policy needs of our Service, as well as the impact of our budget to Congress. While I held this office (1999–2002), economic conditions led to successively lower budgets, requiring tough decisions on the allocation of resources while the Coast Guard was suffering from obsolete and worn-out operational assets and deteriorating shore infrastructure. Coast Guard leadership was required to focus on the fundamental services provided by versatile and adaptable ships, boats, and aircraft with the ability to respond to the range of our mandated day-to-day missions, while remaining prepared for uncertain events. Today, we face similar challenges. I have taken aggressive steps as the Atlantic Area Commander to allocate resources based on sound risk assessment by comparing demands and capability and making adjustments based on expected mission performance every quarter.

Today, I feel even greater dedication to the Coast Guard and our Country than I felt on the day I was commissioned. Service is more than a job—it is a vocation that obligates us to responsible conduct, accountability, and commitment to the Coast Guard's core values of Honor, Respect, and Devotion to Duty. We are inspired to serve by pure and patriotic motives, the rule of law, and have sworn to support and defend the Constitution.

The breadth of operational and leadership experience gained during my career has provided me with extremely useful insight into the workings of our government and the most meaningful, efficient, and effective ways to serve the American people. These skills and experiences, combined with my passion and vision, have prepared me to lead the U.S. Coast Guard as Commandant at this critical time in our Service's history.

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?

You will find no one more passionate about Coast Guard service, and my passion is guided by practical experience. To best lead the Coast Guard, I will call upon my experiences at sea as a Commanding Officer of four cutters; as a District Com-

mander on the Northern Border, working with interagency and international partners; as the Atlantic Area Commander, overseeing over two-thirds of all Coast Guard operations; and as Chief of Congressional Affairs and Chief of Staff of the Coast Guard, managing all aspects of the Service's legislative, policy, and budgetary programs.

The Coast Guard must focus on our 11 principal missions, finding efficiencies and managing risk in operational areas. As a member of the Coast Guard Leadership Council, I have provided detailed operational input to reduce costs in our FY 11–16 budget development. The current fiscal environment is an opportunity for the Coast Guard to refocus on its value to our Country and our Department. We are the world's best Coast Guard, providing unique services to our Nation.

I am ready to make the tough decisions that will keep our Service focused on its maritime, military, and multi-mission capabilities. To ensure that the Coast Guard's management and accounting controls are transparent, understandable, and auditable, I will make a clean CFO Audit one of my top strategic goals, while ensuring that the acquisition, contracting, and financial management expertise required to sustain this effort endures well after I turn over the service to a new leader.

I will also leverage force multipliers such as technology, modeling, and simulation to ensure every resource entrusted to us by the public provides the greatest benefit, and make finding and eliminating any unnecessary waste or redundancy a high priority. I will partner with agencies within D.S., in the Department of Defense and throughout the Federal Government to address issues of mutual concern so that our budget is leveraged to ensure success.

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

The challenges that we face are as varied as they are demanding. The American people and our partners expect clarity of purpose and excellence in our statutory missions. Operational excellence is not vague in its meaning; it requires focus, leadership, and the proper tools based on a foundation of professional experience and commitment to excellence.

The top three challenges include:

1. Balancing our missions
2. Emphasizing the quality of life of our work force
3. Working within the resource constraints and current capabilities inherent to our service

I consider balancing our mission sets, based on operational risk, my biggest challenge. There are wide-ranging expectations of our service—from the fisherman off shore whose boat is sinking, to the buoy tender ensuring the Maritime Transportation System is well maintained.

I am committed to providing the best quality of life and opportunity to our work force. The men and women of the Coast Guard are our greatest asset. These young people are called to duty to serve others at their own peril. Core mission excellence depends on our people; we must commit to their health and well-being. We must uphold a standard of “people first” that is inclusive of our entire workforce of active, reserve, and civilian members. This approach is coupled with the best possible use of our 30,000 person Auxiliary, whose volunteer motivation inspires me daily.

I am dedicated to creating and sustaining a climate that supports racial, cultural, gender, and ethnic diversity throughout the Coast Guard. As an active member of both the National Naval Officers Association and the Association of Naval Service Officers (the African-American and Hispanic affinity organizations), I hear firsthand from members of both organizations about the need to enhance our efforts to promote diversity. In response, I have developed a detailed diversity action plan to foster the best possible workplace environment for all members of our Coast Guard family.

The Coast Guard has finite resources. I will demand that my operational commanders maintain, allocate, and deploy their resources in a responsible manner. I am committed to developing a culture of living within our means. As a service, we must provide the best possible value to the American public and the maritime community, with emphasis on excellence, balance, and partnerships.

While the challenges we face are significant, I know our service is ready and able to overcome them.

#### 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.

Please see my nominee PFDR.

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: None.

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

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

I served as the Chief of Staff, U.S. Coast Guard from 2006–2008. In that capacity, I supervised Coast Guard Headquarters staff who advocated for Coast Guard legislative, appropriations, and policy agendas with Congress and government stakeholders.

I served as the Chief, Office of Congressional Affairs for the Coast Guard 1999–2002. In that capacity, I was the Commandant's direct representative for advocating Coast Guard legislative, appropriations, and policy agendas with Congress and government stakeholders.

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

I will obtain advice from a Coast Guard ethics official and follow that advice.

#### 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—Not Applicable.

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—Not Applicable.

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—Not Applicable.

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—Not Applicable.

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—Not Applicable.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I have nothing else to add at this time.

#### 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.

**Objective**

Commandant, United States Coast Guard

**Summary**

Over 34 years of active military service and experience in Coast Guard operations, budgetary and policy development, personnel and resource management, and congressional and maritime partnership with a proven track record of achieving the highest levels of productivity and efficiency. An experienced leader and program manager with exceptional organizational, financial, communications, and people skills.

**Family**

Married 33 years to Linda Kapral Papp formerly of East Lyme, CT, and a retired educator. Three daughters: Lindsay (Papp) Sher, MD, Georgetown University Hospital; Caitlin Papp, a Fairfax County teacher; Jillian Papp, employed in the Office of the Inspector General, DHS.

**Work History**

2008 to Present, *Commander, Coast Guard Atlantic Area*, Portsmouth, VA

Responsible for roughly 2/3 of the Coast Guard's operations, people, and resources. Operational commander for all Coast Guard missions within the eastern half of the world, from the Rocky Mountains to the Arabian Gulf, spanning an area of responsibility that includes five Coast Guard Districts, 42 states with over 14 million square miles. Leads over 51,000 military and civilian employees and Auxiliarists.

2006 to 2008, *Chief of Staff of the Coast Guard, Coast Guard*, Headquarters, Washington, D.C.

Led, managed, supervised, and served as commanding officer for all of Coast Guard Headquarters and its units for 2 years. Supervised the performance of all Assistant Commandants and oversaw all management (fiscal, policy, and personnel) functions for the entire Coast Guard. Provided daily oversight of resource issues, close-out of FY06 appropriation, Congressional Stage and execution of FY07 and FY08 budgets, and submission of FY09 budget. Served as witness for FY09 budget hearing before CG&MT subcommittee. Duties now being performed by the Vice Commandant after Modernization changes.

2004 to 2006, *Commander, Ninth Coast Guard District*, Cleveland, OH.

Operational commander over a region spanning 6,500 miles of shoreline and 1,500 miles of international border with Canada providing search and rescue, marine safety and environmental protection, maritime law enforcement, aids to navigation and icebreaking services.

Designated by the Secretary of the Department of Homeland Security to serve three times as a Federal Coordinator: The Iraqi elections in Dearborn, MI; Major league baseball's 2005 All Star Game held in Detroit, MI; and Super Bowl XL held in Detroit, MI.

2002 to 2004, *Director of Reserve, Training, and Leadership and Diversity Staff Coast Guard Headquarters*, Washington, D.C.

Served as Director of the Coast Guard Reserve and a member of the Reserve Forces Policy Board, charged with developing policies to recruit, train, allocate, and support over 8,000 Coast Guard Reservists. Supervised Leadership and Diversity Staff in developing training and policy direction for the Commandant.

1999 to 2002, *Chief of Congressional Affairs and, Deputy Chief of Staff of the Coast Guard*, Washington, D.C.

Final staff assignments before making Flag rank.

*Previous Assignments Afloat*

Fourteen years of sea duty in the Bering Sea, Gulf of Alaska, Pacific, Atlantic, Caribbean, and Gulf of Mexico, including service aboard six Coast Guard Cutters and commanding the Coast Guard Cutters RED BEECH, PAPA, FORWARD, and the Coast Guard's training barque, "America's Tall Ship" EAGLE, visiting 16 foreign countries as a goodwill Ambassador.

Served as the task unit commander of Coast Guard cutters, patrol boats, and aircraft during Operation ABLE MANNER off the coast of Haiti in 1994, enforc-

ing United Nations sanctions. Additionally, the task unit augmented U.S. Naval Forces during Operation UPHOLD DEMOCRACY, the mission to restore President Aristide to power.

*Previous Assignments Ashore:*

Commandant of Cadets staff at the U.S. Coast Guard Academy (New London, CT).

Aids to Navigation staff in the Third Coast Guard District (New York, NY).

Chief of the Capabilities Branch in the Defense Operations Division (Washington, D.C.).

Chief of the Fleet Development Team (Program manager for the buoy tender fleet acquisition—Washington, D.C.).

Director of the Leadership Development Center (New London, CT).

Chief of the Coast Guard's Office of Congressional Affairs (Washington, D.C.).

Deputy Chief of Staff of the Coast Guard (Washington, D.C.).

**Education**

B.S. Management, U.S. Coast Guard Academy, 1975.

M.A. Strategic Studies, U.S. Naval War College, 1990.

M. S. Management, Salve Regina College, 1990.

**Awards and Honors**

Military awards include the Coast Guard Distinguished Service Medal, Legion of Merit (four awards), Meritorious Service Medal (two awards), Coast Guard Commendation Medal (three awards), Coast Guard Achievement Medal, and Commandant's Letter of Commendation Ribbon.

Inducted into the Reserve Officers Association Minuteman Hall of Fame in recognition of dedicated service to the Nation in support of the U.S. Coast Guard Reserve.

Presented the Distinguished Public Service Award by the National Maritime Historical Society in 1998 for service as the Commanding Officer of the Coast Guard Cutter EAGLE.

Presented with the "2005 Native Son Award" by his home town of Norwich, Connecticut.

13th Gold Ancient Mariner of the Coast Guard, an honorary position held by an officer, with the earliest date of qualification as a Cutterman and over 10 years of cumulative sea duty. Charged with keeping a close watch to ensure sea-service traditions are continued and the time-honored reputation of the Coast Guard is maintained.

**Affiliations**

U.S. Coast Guard Academy Alumni Association

U.S. Naval Institute

National Maritime Historic Society

New York Yacht Club

Reserve Officers Association

Military Officers Association of America

Association of Naval Service Officers

National Naval Officers Association

Foundation for Coast Guard History

Surface Navy Association

**Security Clearance**

Top Secret/SCI (updated August 2008)

Senator CANTWELL. Thank you, Vice Admiral.

Let us start with the Deepwater Program—and we appreciate your wife being here and your fellow coworkers who have been so supportive of your career. One of the major issues with the Coast Guard and the Deepwater Acquisition Program was the fact that the Coast Guard exempted them from the good governance process



outlined in the Coast Guard's own Major Systems Acquisition Manual.

Will you commit that, if confirmed, the acquisitions that happen under your tenure as Commandant will follow the Coast Guard's Major Systems Acquisition Manual?

Admiral PAPP. Yes, ma'am. In fact, we are going back under the MSAM, the Major Systems Acquisition Manual. We are going back and correcting some of the shortfalls we have had, particularly in the fast response cutter. And our next major project being the Off-shore Patrol Cutter, the OPC, we are taking strict compliance with that, and any new projects we take on will be in strict compliance with the MSAM.

Senator CANTWELL. If confirmed as Commandant, will you commit to embracing and enforcing the acquisition principles in reform legislation S. 1194 that is passed out of this committee?

Admiral PAPP. Yes, ma'am. And in fact, we appreciate your stewardship and your constant oversight. I think, oftentimes, we have well-intentioned people within the Coast Guard, but I, in particular, having served up here, understand the need for constant oversight and sort of, from time to time, holding our feet to the fire. So we appreciate your oversight in this matter, and we appreciate the legislation that is going forward.

Senator CANTWELL. What steps will you take as Commandant to make sure that the cost estimates for the future offshore patrol cutter acquisition are reasonable, accurate, and transparent?

Admiral PAPP. Madam Chair, I go back to OMB Circular A-123, and in that, it says one of the most important aspects of acquisition oversight is a commitment from leadership and clear and strong ethical leadership. I am committed to giving that leadership, and I have taken a personal interest in the offshore patrol cutter, having a chance to review the operational requirements that we are going through right now to make sure that is a ship that, first of all, will be designed and built according with the MSAM, that it will be affordable—nothing more than we need, but nothing less than we need—and that we will work and have fair and open competition to make sure that we get the best price for it.

Senator CANTWELL. You mentioned the National Security Cutter. Will you seek outside expertise to validate that the Coast Guard is getting a fair price for these ships?

Admiral PAPP. I think that that is a critical part of everything that we do is get an outside analysis of any of our costs. I am tremendously concerned about the cost growth that we have experienced, but we have taken great strides right now with we are currently under negotiations with Northrop Grumman for Hull Number 4 on a fixed-price contract. And I think as long as we have a constant funding stream and can depend upon predictable funding in the out-years, we should be able to keep those costs down.

Senator CANTWELL. Funding was never the problem. In fact, the fact was that we had a blank check given to the Coast Guard and, as you said, the MSAM manual thrown out the door.

So just one more question, and then I will turn it over to my colleagues. I am sure they have questions as well. The issue of a Lead System Integrator. Are you committed to completely end the use of

private sector lead system integrators for the Coast Guard acquisition?

Admiral PAPP. Madam Chair, absolutely. In fact, we are almost extracted from using outside sources for the LSI right now. It has been a very rigorous and challenging process for us to get the Coast Guard in a position where we can take over as lead system integrator for all our projects. And as soon as we have the contractual arrangements that we have with Integrated Deepwater Systems expire, within about a year or so, I believe, we will have taken that on completely.

Senator CANTWELL. Thank you.

Senator SNOWE, do you have questions?

Senator SNOWE. Yes. Welcome, Admiral Papp.

In reference to my earlier remarks regarding the budget and this reduction of \$340 million over the Fiscal Year 2010, which is really the first reduction that the Coast Guard has experienced since 2001, since 9/11. So it does represent a significant reduction, given the multi-mission agency that the Coast Guard represents.

So it will include a reduction of more than 1,100 in personnel. You will have fewer ships in 2011, fewer aircraft, fewer port security units, and obviously, fewer personnel. So, given all these reductions, how can you perform the same missions at the same level with the exceptional demands not only for fishery enforcement, search and rescue, humanitarian missions—as I mentioned earlier—homeland security issues. Certainly, across the spectrum, you have had numerous challenges.

And obviously, the unforeseen, the unpredictable, as we saw with the earthquake in Haiti, for example. A few years ago, Hurricane Katrina. So how do you intend to proceed with this budgetary cut?

Admiral PAPP. Thank you, Senator.

That has been my life for the last 2 years. When you are responsible for two-thirds of the Coast Guard's operations worldwide and you have finite resources, we have a process that we go through called a standard operational planning process that takes strategic guidance from headquarters and program goals, transmits them down to me as the operational commander. I take my finite resources and apply them across all the various claimants in the programs—for instance, to the five district commanders, to SOUTHCOM, and JDIF South—to distribute those ships.

We also—from time to time, we have had basically a de facto decommissioning the last 2 years because my two major cutters that I have, GALLATIN and DALLAS, were in such bad shape we had to lay them up in the shipyard in Charleston, South Carolina, for nearly a year and a half. So I was down two ships, and our planning process allows us to adjust the remaining ships across the various mission sets, and the adaptability of those ships allows us to conduct the missions.

We have experienced great budget growth over the last 8 years. I am hopeful that the Fiscal Year 2011 budget is just a minor course correction that will allow us to get back on track in the out-years. And I think right now we have made a reasonable tradeoff in the budget to be able to continue to buy new ships, decommission some of the older ones that are getting very, very costly for

us to maintain, and I think we will be able to continue to meet all our mission demands and goals this particular year.

But what we will be faced with is we won't have that cushion. We won't have that bench strength to fall back on if there is some unplanned, unexpected event, or if, for some reason, we have major casualties on any of our ships or aircraft.

Senator SNOWE. Yes. So you really will be challenged beyond this year. Even with this reduction, you may well be, too, given the state of the fleet and very little latitude. There is not much room for fiscal maneuverability in your budget given the inordinate demands.

Admiral PAPP. Senator, what I think we can't afford to do is in this particular year, we are decommissioning 4 of our 378-foot cutters. We have brought on the two National Security Cutters, and in fact, the Congress has paid for two more crews for two follow-on cutters. What we can't afford to do is decommission four and bring on two. If we decommission more next year and we only get one more national security cutter, obviously, we are going to dig ourselves into a deeper hole.

Senator SNOWE. Well, I think it brings me to the question of whether or not we should accelerate the acquisition process. Is it possible to do that?

Admiral PAPP. In the short term, no. But I think on a reasoned plan—I think part of the challenge that we have is having a 5-year plan where both the contractors and the Coast Guard can plan out and adjust all our acquisitions. The problem is if we have variations from year-to-year, we end up having to diminish or reduce the numbers of certain of our acquisition products, whether it is boats or ships, which then throws an unpredictability that the contractors will then raise prices because of uncertainty and increased overhead and the increase in prices for getting long lead items, et cetera.

Senator SNOWE. Have you examined the whole question of the acquisition process now that the Coast Guard is going to be assuming it, taking over from the lead systems integrator?

Admiral PAPP. Yes, ma'am. In fact, my involvement actually goes back about 4 years when Admiral Allen brought me in as the Chief of Staff, and we started experiencing these problems with Deepwater. I brought in then-Rear Admiral John Currier, who was Chief of Acquisitions at the time. We brought in the Defense Acquisition University, two professors. And in fact, John Higbee, one of them, is now at the department as the Director of Acquisition Program Management for DHS.

I tasked Admiral Currier with coming up with a blueprint for acquisition reform. We are in about our fourth version of that right now, and in fact, Admiral Currier is now back as Vice Admiral Currier and as our Deputy Commandant for Mission Support and overseeing that program. And hopefully, pending confirmation here, I will make him part of the senior leadership team so we can continue that oversight of improving our acquisition program.

Senator SNOWE. The GAO testified before a House committee in April of last year, saying that 16 percent of the acquisition personnel were vacant within the Coast Guard. Is that still true?

Admiral PAPP. No, ma'am. We have reduced that down to about 10 percent right now. We are challenged, just as every agency in the area is challenged, for acquisition professionals. They are in high demand. Yet we have done pretty good. We are up now within the Acquisition Directorate to 950 people with just around a 10 percent vacancy rate, both on the military and civilian side.

And it is not just filling billets as well. We have 630 people within there that have achieved at least Level 1 acquisition certification. And I think our personnel are doing very good. There are a few personnel management tools that we are looking at that might help us out, like direct hiring, that would help us to continue that and other incentives. But we are doing very strong right now.

Senator SNOWE. Thank you.

Senator CANTWELL. Thank you.

Senator Isakson, do you have questions?

**STATEMENT OF HON. JOHNNY ISAKSON,  
U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Thank you, Madam Chairman.

Admiral, welcome. I appreciate your visit to my office the other day.

Admiral PAPP. Good morning, Senator.

Senator ISAKSON. I have really two questions. One, the President's budget, when it was released in February, first, cut the corps by about—the Coast Guard by about \$75 million, if I am not mistaken. And it portends it will move the St. Marys, New Orleans, San Francisco, New York MSST units to someplace else. Being that St. Marys is in Georgia, and I think it is a wonderful location for that type of a team, I am wondering what is your feeling about that recommendation, number one?

And understanding also that they are deployable assets, is there some deployment reason for moving them? Or what would be the reason for moving them?

Admiral PAPP. Senator, what we are doing is in the Fiscal Year 2011 budget, we actually proposed to cut 5 of the 12 MSSTs. One of those, of course, being in Kings Bay, Georgia. I have been down—we have had experience now for 6 years with the MSSTs. They were a unit that was not in the Coast Guard before September 11th, and they were created afterwards with a plan. But now we have had a chance for 6 years to see how they operate, see how we are using them, and we have determined that as part of our reassessment of our capabilities, reorganizing and perhaps regionalizing a little bit more, we can make use of the seven remaining ones a little bit better.

The other thing we look at as well is what other resources are available? For instance, in Kings Bay, and I went down there personally last year to inspect the process for escorting the submarines in and out of the base. The MSST got there early, 6 years ago, and we were using them for security operations. We now, through the Navy, we have actually got the Navy to resource paying for Coast Guard patrol boats and Coast Guard people to create something called the Maritime Force Protection Unit.

And that is something that didn't exist 6 years ago. It is very expensive, but the Navy is paying for it, and it gives us that added

measure of security that makes the MSST in Kings Bay almost redundant at this point.

And the fact of the matter is that MSST was used for deployments all over the country and was not always there. So in trying to balance out regionally and also look at what other resources do we have to take care of our responsibilities locally, that was an appropriate reduction at that location.

Senator ISAKSON. So you will be sharing those—closing those units and sharing those assets with the seven remaining units. You are not moving those five units to create a new unit somewhere?

Admiral PAPP. That is correct. Yes, Senator.

Senator ISAKSON. Second, and I mentioned this to you when we met before, but it is my understanding there has been a member of the House that has proposed legislation that would change the selection process for the Academy to one of a nomination process from Congress versus the current situation that you have. The Coast Guard people that I know—and one of my partners in business years ago was a Coast Guard man, and he called me on that issue. And they seem to be pretty universally—the alumni of the Academy—in opposition to that. I wonder if you had a position on that?

Admiral PAPP. I do, Senator. And thank you for giving me that question.

I think that our cadet candidate process has worked well for well over 100 years. This is always awkward to come up here and say that we don't need Congressional appointments. But the fact of the matter is we have had a very competitive program that has brought good candidates into our Academy for many, many years with the absence of Congressional appointments, and also it is a very small place. We bring in usually about 300 people a year.

The reason this has become an issue and the reason that I am concerned about it as the potential Commandant is we have had difficulty moving the needle on increasing our diversity at the Coast Guard Academy. Unfortunately, we still remain predominantly white male. We have made great progress in women. We are up to about 30 percent women. But Hispanics, African Americans, Asians, and other ethnic categories we just haven't done that well.

I think the House effort was a well-intentioned way of trying to come up with increasing diversity through using Congressional appointments. While I appreciate the interest, the oversight, and the suggestion, I think that by taking recruiting and getting out into communities that we have not necessarily been before, we could do better in terms of bringing in and increasing the diversity that we need.

So we appreciate the support and the oversight. I think we need to do the work on our side to get out into those communities where we can get those diverse candidates so that we can drop down any barriers for entry to the Coast Guard Academy and increase the diversity of our service.

Senator ISAKSON. Well, thank you for that answer.

And just one final comment. I had the occasion 2 years ago to visit the Coast Guard unit at the Port of Savannah and actually fly out with them to the outer marker on a check of a cargo ship coming in that didn't have a known shipper manifest on it.

And I don't think the public has as much appreciation as they should for the job the Coast Guard is doing at our most critical points, and that is the ports around the country, which would be a natural place for someone that wanted to do some harm to do it. I just wanted to tell you I was extremely impressed with the capability and the professionalism and the work that those men and women were putting in to protect the Port of Savannah, which I am sure is the same they do for Jacksonville and Charleston and New York. So I just wanted to compliment you on that.

Admiral PAPP. Thank you, Senator.

Senator ISAKSON. Thank you.

Senator CANTWELL. Senator LeMieux?

**STATEMENT OF HON. GEORGE S. LEMIEUX,  
U.S. SENATOR FROM FLORIDA**

Senator LEMIEUX. Thank you, Madam Chair.

Welcome here today, Vice Admiral. Good to see you again.

Admiral PAPP. Good to see you, Senator.

Senator LEMIEUX. A couple of introductory remarks. First of all, as the State in the union besides Alaska with the longest coastline, we deeply appreciate the work that the Coast Guard does. With the State with the most boaters, we know the important work that you do. You are such an essential part of Florida. So thank you for the good work that the men and women of the Coast Guard do.

Second, I want to commend the Coast Guard on the work that you did in Haiti. You were among the first there, and we had an opportunity, when the earthquake happened, to be in Miami and to work with your staff in making sure that those cutters got there as quickly as possible. And I know they did and continue to do extraordinary work. So thank you for that.

For my questions, I want to focus on something that has already previously been discussed by Senator Snowe, and that is the cuts in the proposed budget. And specifically of the \$350 million cut, I want to speak about the cut to the counternarcotics effort. The administration's proposal achieves savings by cutting the amount of narcotics the Coast Guard will have as a goal for interception from 18.5 percent to 15 percent.

Now as you know, I am very interested in the work that you do and the work that you do out of JIATF South, out of Key West, in stopping the interdiction of narcotics, fighting the movement of narcotics into our country. So I want you to speak as to whether or not you feel you can continue to fulfill that specific mission with these cuts.

Admiral PAPP. Senator, yes. For this year, we can. As I said, in the Atlantic Area, we are going to see no reductions in ships on the Atlantic side. The Pacific Area side, we will be able to adjust because of the two National Security Cutters that will be operating out there, and I think for this next year, we have the resources to be able to keep our performance up in the counterdrug mission.

I have been doing this for 2 years. I have been adjusting ships down there to try to achieve the results, and we will continue to do that. I have also—if confirmed, I also have a secondary role, a collateral duty, I would say, which is Director of the Interdiction Committee. And I have had a chance to meet with the Interdiction

Committee and with Director Kerlikowske of ONDCP. I know that the standards for interdiction and the transit zone are constantly being looked at and adjusted.

I haven't seen the final determinations on that, but at least at the last TIC meeting, we were intent on increase our interdictions each year. That becomes increasingly challenging because of the changing methods of the drug smugglers, but we are adapting our tactics at the same time. And there are ways even with fewer ships, through better intelligence and putting armed helicopters out there and other tactics, that we can keep our productivity up.

Senator LEMIEUX. I am glad you mentioned helicopters. My next question to you was do you have all the tools you need to do this job? Do you need more armed helicopters? Do you need more resources, like night vision goggles? Tell us what you need to do the best job you can.

Admiral PAPP. We are doing very well on our helicopter program, and we also get support from the Navy. I talk in my goals about strengthening partnerships. One of our longest, most-enduring partnerships is with the United States Navy, and we put law enforcement teams both on their ships, and we also put tactical gunners in their helicopters. So they are a force multiplier for us.

Right now, they are restricted to daytime use, but we are going to provide the training to the Navy so we can use them for nighttime use as well.

We currently have the resources we need. Helicopter interdiction squadron down in Jacksonville is providing a good product. We generally have three to four of those helicopters deployed at any one time, and I would say we have the resources for that mission we need right now.

Senator LEMIEUX. I just want to conclude this piece by commenting on the fact that we are all reading the newspapers about the violence in Mexico with the drug cartels. I recently had a trip to Colombia, and we have a wonderful partnership with the Colombian government trying to stop the movement of narcotics, specifically cocaine, out of Colombia up through Central America. And you all play a critical role in that, along with the Navy and our other law enforcement partners, DEA and others.

And I want to mention to you something that I mentioned to Admiral Olson, General Petraeus and General Fraser, and that is—and I think we talked about this, but I want to say it for the benefit of the Committee—I have a growing concern about Venezuela. There are recent reports of Venezuela conspiring with Spanish extremists to kill President Uribe. A Spanish judge has put that allegation forward.

We know that Hezbollah and Hamas are in Latin America. We know that Iran is trying to project its influence, and I am worried that it is not going to just be counternarcotics that are being trafficked through those routes. So I want to make the point to you and to this committee that we continue to focus on the problems that we are having in that region. And I think the work that you and the Coast Guard do is critical to that. Would you care to comment on that?

Admiral PAPP. Thank you, Senator, I would.

I agree with you. I think our Colombian partners are really heroic in terms of what they are doing. In my capacity as the Atlantic Area commander and also the Commandant, Admiral Allen, we attend the International Sea Power Symposiums. We have worked with the Colombian CNO. The Coast Guard ends up being the de facto Navy for SOUTHCOM. SOUTHCOM, while they have the Fourth Fleet, doesn't often have many ships assigned to it. So we are the fleet for SOUTHCOM, working for JDIF South.

And I think that the Coast Guard can play a more significant role in terms of providing stability, rule of law, an example for an area of the world that sometimes we forget about a little bit. I can recall pulling into Venezuela probably 10 years ago with my Coast Guard cutter, and at that time, they were our big partners and we were having problems with Colombia.

So I think we need to sustain an effort in the Caribbean with Central and South America. And also another point you brought up in terms of the border. Constant work in the interdiction zone needs to be done because once those drugs get ashore in Mexico, they are going to come across our border at some point, and that is where all the violence is occurring.

But if we clamp down on the violence on the border, which we probably should, they can expand out to the maritime as well. And we need a Coast Guard presence in the maritime, working with our Mexican partners, to make sure that we cutoff that avenue as well. Otherwise, they will just go out and around the border.

Senator LEMIEUX. Thank you, Vice Admiral.

And thank you Madam Chair.

Senator CANTWELL. Thank you.

Senator Klobuchar?

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much, Madam Chair. Greetings, Vice Admiral.

Admiral PAPP. Good morning, Senator.

Senator KLOBUCHAR. Congratulations on your nomination. We are going to go on a little journey from the waters of Mexico and South America to the lakes of Minnesota.

But before we get there, I did want to note that Senator LeMieux and I both went to Haiti and were, again, impressed—I want to reiterate what he said—with the work the Coast Guard did there. And we are also grateful for the work of the Coast Guard's Ninth District, which has jurisdiction over the Great Lakes and northern Minnesota lakes, and the Eighth District, which works to address our shipping needs on the Mississippi River and across southern Minnesota as well. So thank you for that work.

So here we go. We have an issue that may not be on your radar screen, but I was shocked when I was in northern Minnesota this past summer and through the fall when I would go to our smaller towns up there, which are very tourism-based, how much they brought up the Coast Guard and not always in a positive way. And I think there may be a way to resolve this problem, but they are fearful. And let me explain why.



First of all, as you know, our committee has been very focused on tourism. One out of eight Americans are employed in tourism in this country. We just passed the Tourism Act, which is going to help us to bring in foreign tourists, including some that come to northern Minnesota from Canada and elsewhere, and also going to help us to move the visas faster so that we can buildup our tourism market. We have lost a huge market share to other countries in the world, and so we want to change that.

So let me just read this article for you that was in the *St. Paul Pioneer Press*, and I have another one from the *Ely Timberjay* that I will submit for the record.

[The information referred to follows:]

*Pioneer Press*, St. Paul, Minnesota, December 16, 2009

STRICT COAST GUARD LICENSE RULES THREATEN MINNESOTA OUTFITTERS, FISHING GUIDES: FEDS DUSTING OFF 40-YEAR-OLD SET OF STRICT REQUIREMENTS

By Chris Niskanen

As a canoe outfitter at the edge of the Boundary Waters Canoe Area Wilderness, Blayne Hall has seen his business ravaged by windstorms and challenged by wilderness lawsuits and regulations.

His latest nemesis: the long arm of the U.S. Coast Guard.

Hundreds of Minnesota fishing guides, outfitters and tour operators are facing expensive safety regulations enforced by the U.S. Coast Guard that include, among other things, random drug testing.

The Coast Guard has notified Minnesota commercial outfitters and guides that unless they have a Federal "Six Pack" license, they no longer can operate their small boats on federally navigable waters, such as the Mississippi River, the St. Croix River or many lakes in northern Minnesota.

It includes some waters in the BWCAW, where small operators such as Hall use motorboats to shuttle canoeists and where local guides show anglers where to catch fish.

The Six Pack license requires commercial boat operators to pass a lengthy test on navigation and boat safety; have CPR certification; pass a physical and health examination; prove they have three to 12 months of on-water boating experience; submit three personal references; and pass a drug test. They also must be 18 years or older.

Boat operators and guides also are required to have a Transportation Worker Identification Credential, or TWIC, which requires a background check called a Federal "security threat assessment" to ensure operators aren't a threat to secure harbors.

To Hall, the requirements sound not just absurd, but like a serious blow to his business.

"The Ely community is absolutely petrified by this," said Hall, owner of Hall and Williams Outfitters on Moose Lake and president of the Ely Area Tourism Board.

"I have high school kids who drive towboats up and down the lake all summer. Are they going to make them pee in a bottle?"

The licenses and drug and physical testing cost about \$600, but most applicants have to take a special course costing \$700 to \$1,000 to prepare for the Six Pack test.

Dick "Griz" Grzywinski, of St. Paul, a well-known fishing guide, was ordered off local rivers last summer by the U.S. Coast Guard and told to get a Six Pack license.

He signed up for the class this fall and studied a 350-page textbook but failed the test in November.

"I can't pass it. My living is shot," Grzywinski said Tuesday. "The test asks you questions like, 'How many green lights are there on a mine sweeper?' I guess there are three."

A U.S. Coast Guard spokesman said the Six Pack license requirement, which applies to commercial boat operators with six or fewer passengers, has been on the books for 40 years but hasn't been widely enforced until now.

The TWIC requirement became law last spring.

U.S. Rep. Jim Oberstar, D-Minn., is chairman of the House Transportation and Infrastructure Committee, which oversees the Coast Guard.

Oberstar spokesman John Schadl said the Congressman's staff has met with Coast Guard officials to devise a new, less stringent licensing requirement for small-boat operators.

Schadl said the new license should be inexpensive and not require guides and boat operators to travel a long distance to get it.

"I believe the current proposal is being reviewed in the D.C. (Coast Guard) headquarters," Schadl said. "They (the Coast Guard) have the ability to make these rules practical and workable.

"We're hoping something will be out soon. Certainly, we want this resolved by spring for the fishing season," he said.

Coast Guard officials say the licensing requirement is to protect the public.

"The Coast Guard's primary goal is to ensure the safety and security of people using U.S. navigable waters," Lt. Dave French said in an e-mail. He is a spokesman for the Coast Guard's 9th district, based in Cleveland, which oversees northern Minnesota.

French acknowledged that the Coast Guard is looking at less onerous licensing options for fishing guides and boat operators. "We intend to work as quickly as possible on this," he said.

The rules are being enforced on the Mississippi, St. Croix and Minnesota rivers, as well as the lakes connected to the Mississippi, such as Winnibigoshish. Other waters that are considered federally navigable include Lake of the Woods, Upper Red Lake, Lake Vermilion, Gull Lake, the Whitefish Chain and Lake Mille Lacs.

Tom Neustrom, a fishing guide based in Grand Rapids, said he fears the Coast Guard will crack down on fishing guides this spring, giving little time for anyone to get a license.

"We'd be out of business," he said, adding that in 32 years, he has never heard of an accident involving a fishing guide in northern Minnesota.

Hall held an emergency meeting of the Ely Outfitters Association on Tuesday to talk about the requirements. About 25 business owners, guides and outfitters showed up. Hall said he and others left the meeting worried that the Coast Guard's solution still might force some operators out of business.

He said outfitters have been in contact with Oberstar's office.

"They make (the new proposal) sound like a lollipop, but the devil's in the detail," Hall said. He added that outfitters and their craft are either regulated or inspected by the U.S. Forest Service, Homeland Security, the Minnesota Department of Natural Resources and the county sheriff's office.

"Now we're going to have the U.S. Coast Guard and guys with machine guns on our lakes?" Hall said. "This just sends shudders through our community."

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*Ely Timberjay*, November 3, 2009

#### COAST GUARD TO STEP UP ENFORCEMENT ON MANY AREA LAKES

By Marshall Helmberger

Coast Guard officials in Duluth say they're planning a major enforcement effort on federally-navigable waters throughout the border country, and the fallout to local outfitters, fishing guides and others who carry passengers for hire could be significant.

Word of the Coast Guard's push was made official this week during a lightly-attended meeting in Tower. Mike Lebsack, commander of the Coast Guard's Marine Safety Unit in Duluth told a small group of area fishing guides that they will be subject to Federal licensing and other requirements if they operate on federally-navigable waters. That designation includes all of the big border lakes, such as Basswood, Crane, La Croix, and Namakan, as well as Lake Vermilion and Moose Lake, near Ely.

According to Lebsack, the enforcement push is part of an effort to ensure the safety of visitors to the area. "I think we all want the same things for our visitors," said Lebsack. "We want them to have a safe and memorable trip to northern Minnesota."

The planned Coast Guard initiative isn't the result of any new laws. "Most of these regulations have been on the books since 1968," said Lebsack, who noted it was a lack of resources that prevented effective enforcement in the past. But in the wake of some prominent fatal accidents in other parts of the country in recent years, Congress appropriated more funding for enforcement, said Lebsack. "This is happening all across the country. It's got high level support within the Coast Guard and it's not going away," he added.

While few would dispute the stated goal of the Coast Guard's efforts, there is already plenty of criticism of their approach. "I'd say fifty percent of the guides on

Vermilion are totally against it," said Cliff Wagenbach, of Cliff's Guide Service, who works mostly on Lake Vermilion. "I think some others are for it, because they think it will eliminate some of the competition."

Some guides are already worried they could be among those operators forced out of business. Terry Sjoberg, who operates Ace Guide Service, and gets around with the assistance of a cane, worries whether he could pass the required physical or whether he's mobile enough for the mandatory CPR training.

Those requirements are just two on a laundry list of steps that operators will need to take to obtain a Federal license and identification card. All boat operators will now have to pass a training course, a background check, and a drug screening. They also must be enrolled in a random drug and alcohol testing program.

Completing the list won't come cheaply. A Coast Guard document indicates the required training course will cost \$750, while the obtaining a federally-issued identification card runs \$132.50. In addition, operators will also need to pay for drug testing, physicals, and CPR and first aid training. All together, it's likely to run \$1,200 to \$1,300 said Sjoberg. The license is good for 5 years, which reduces the annual cost, but Sjoberg says it's enough expense and hassle that some of the part-time guides may just give it up.

Wagenbach agrees. "It will eliminate a lot of guides, or make crooks out them," he said.

#### Towboats a special challenge

If fishing guides are concerned, the outlook for towboat operators could be even more problematic, since most rely heavily on high school and college students to operate their boats during the three-month summer season. Blayne Hall, of Williams and Hall Outfitters on Moose Lake, said the impact of requiring each of those students to obtain Federal licensure and be enrolled in drug testing programs would be enormous. "If this does happen, it would be the most ridiculous affront to the people of the area," he said. "I can not imagine these guys really wanting to fight this battle."

Hall questions whether the Coast Guard understands how burdensome the new regulations could be. "They want a college kid who runs a boat up and down the lake with canoes to have the same licensure as someone captaining a fishing trawler in the Gulf of Mexico. It would sure be a huge economic impact to the area." Hall notes that the Coast Guard has made similar enforcement pushes in the past, only to suspend their plans in the face of a host of political and logistic pitfalls.

Ely Mayor Roger Skraba said he doesn't think that's the case this time. "The Coast Guard is not going to back down," he said. "I want my constituents to understand that this is for real." Skraba said he's asked the Coast Guard to hold a second informational meeting in the next few weeks, in Ely, to get the word out to more affected business owners.

Skraba said operators will either have to adapt to the new regulations or fight for changes. "Maybe now we need to get Sen. Klobuchar and Franken and Congressman Oberstar in a room and get some changes made. "We want the public to know it's going to be safe, but it's unrealistic to impose standards designed for ocean travel," he said.

Lebsack said the Coast Guard isn't trying to put people out of business, and he said he plans to work with operators to help them comply with the laws. "There is some room in the rules for relief for some special situations," said Lebsack. "I understand it's difficult, there's just no way around it," he said.

Both Lebsack and Skraba said they will work toward establishing the required training courses at Vermilion Community College to make it more accessible to operators in the Ely and Tower area.

#### Penalties could be severe

While the expense and hassle of compliance could prompt some guides or other boat operators to try to skirt the rules, that could prove very costly, according to Lebsack. "If an operator is found operating without a license, or outside the scope of their license, the fine could be as much \$27,500. That's the maximum," Lebsack said. Failure to be enrolled in a required drug testing program is subject to fines up to \$5,500.

If such fines are sufficient, the Coast Guard has investigative powers that could thwart any efforts to get around the rules. For example, the Coast Guard can obtain an individual's tax records to see if they reported income from guiding. It's such powers that concern guides like Sjoberg, who worries he could be investigated if he can't pass a physical to get licensed. "Will they be looking through my tax returns, or harassing me on the lake, to see if I'm still guiding?" he asked.

Wagenbach agreed. "It's going to be a real pain."

Senator KLOBUCHAR. But this one says, “As a canoe outfitter at the edge of the Boundary Waters Canoe Area Wilderness, Blaine Hall has seen his business ravaged by windstorms and challenged by wilderness lawsuits and regulations.” His latest nemesis—the long arm of the U.S. Coast Guard. Hundreds of Minnesota fishing guides, outfitters, and tour operators are facing expensive safety regulations enforced by the Coast Guard that include, among other things, drug testing.

“The Coast Guard has notified Minnesota commercial outfitters and guides that unless they have a Federal six-pack license, they can no longer operate their small boats on federally navigable waters, such as the Mississippi River, the Saint quarry, or many lakes, if not all lakes, in northern Minnesota.”

“It includes some waters in the BWCA”—and to give you a sense of what these guys are doing—“where small operators use motor-boats to shuttle canoeists and where local guides show anglers where to catch fish.”

And the problem is that these guys don’t make a lot of money. Their profit margin is incredibly small, and the cost of these licenses can be something like \$1,500 when you add in all the tests and things that they would need annually.

I support the Coast Guard on its mission to ensure safe vessel operations and homeland security, but these license burdens, which, by the way, from what I understand from Congressman Oberstar—we have been working this together—these laws have been in effect since the late 1960s, but there has been this new-found zeal to enforce them on these small lakes in northern Minnesota. I just don’t see the relationship with the security threats and what we are doing here.

So I understand a working group of Coast Guard officials from headquarters and regional offices across the Nation have been working to find a solution that minimizes the immediate impact and burden of these licensing requirements. And in fact, today, officials from Coast Guard Region 9 in Cleveland are in St. Paul to discuss this matter with my staff and with the commissioner of the Minnesota Department of Natural Resources.

So could you give an update? Are you aware of this issue and maybe some sensibility here as we move forward in setting priorities? I don’t know if you have seen Babe the Blue Ox and the Paul Bunyan statues in Bemidji, but it probably shouldn’t be the targeted area for security issues. Vice Admiral Papp?

Admiral PAPP. Senator, that is a great question. And actually, it is dead square in my radar screen, and I think the key word you used was “sensibility.” I was the Ninth District Commander back 4 years ago. I have been to International Falls. I have canoed and boated on the Boundary Waters, and I have visited the lakes. I have seen the Babe the Blue Ox and Paul Bunyan.

Senator KLOBUCHAR. OK. Well, I never thought you would answer this this way. So I am impressed.

[Laughter.]

Admiral PAPP. And I have actually posed by the giant—I think it is a pike that is out in front of one of the places up there.

Senator KLOBUCHAR. Yes.

Admiral PAPP. Look, when the Maritime Transportation Security Act was passed, it put requirements out there. And what is that? Perhaps 5 or 6 years old right now. We were in the aftermath of 9/11. And I think when laws are written, sometimes there are unintended consequences that come up. And I don't think when the law was written we ever intended to take mom-and-pop canoe guides and subject them to transportation worker identification cards and other things.

And as I have told the Ninth District Commander, Admiral Neffenger, who is the one that is looking into this for me, I said if you have got enough resources to be able to start going out into the Boundary Waters, perhaps I need to redistribute some of your resources to some of our other challenging missions.

Senator KLOBUCHAR. That is a good answer.

Admiral PAPP. So, on the other hand, when a consumer, when a vacationer, when a tourist goes out and they pay their money to someone that is going to take them out on the water, there is a safety concern as well, and we want to make sure that person is qualified. So where is the balance between making sure that we have safe operators and security?

I think there is little risk for security out there, from what I have seen. Yet we do want to have safety. So there is probably some degree of licensing, some degree of training that the operators should rightly go through. We need to find a reasonable balance in that, and that is what we have our people working on with the DNR out there today.

Senator KLOBUCHAR. OK. Well, I really appreciate that because you just can imagine with the economic times as difficult as they are, these guys have been up against it anyway. Tourism is down nationally, and this is just one more thing they can't afford.

So if there is any way that we can work this out to lessen this burden, significantly lessen this burden, it would be very helpful. So I appreciate your pledge to do that.

Thank you.

Admiral PAPP. Yes, Senator. We will do that.

Senator CANTWELL. Just a few more questions, Vice Admiral.

In recent years, we have seen a significant environmental and economic damage from major oil spills in various parts of the country—California, Louisiana, Texas. Are you committed to maintaining the Coast Guard's capacity for oil spill response, and are you committed to finalizing the unfinished rulemaking for things like non-tank vessel response plans?

Admiral PAPP. Senator, I am. In fact, rulemaking in general is something that I want to give a lot of attention to. I recognize fully that we have a significant backlog of rulemaking, whether it is ballast water or any of the other things that are currently out there that we need to push forward on, and we will take a renewed effort on that.

In terms of capacity for oil spills, yes, we do. But that also we have to talk once again about we don't have enough resources to do everything. We need to leverage partnerships. And it has been my view that over the past at least decade or so, the oil response companies that are out there that are in this to make money and to be available do a pretty darn good job. And it is almost to the

point now where the Coast Guard can sit back a little bit and supervise and organize and hold people accountable.

But the OSROs that are out there are just doing a fine job. We just had an oil spill recently in the Eighth District in Port Arthur, Texas, and they did a magnificent job in cleaning up under Coast Guard supervision.

Senator CANTWELL. So where is the rulemaking on non-tank vessel plans? Where would you put that?

Admiral PAPP. I don't have an answer for you, Senator. I will certainly look into it, and we can provide an answer for it. I have been away from headquarters for a couple of years now, not involved in the rulemaking process.

I am certainly going to give that my attention, and I can report back to you in terms of what the priorities are as we see it and as we work with the department to push those forward.

Senator CANTWELL. I think that that would be very helpful. I think from past Commandants' experience, what happens is we end up having an oil spill. We end up having a hearing about it. Then we find out that there is this long list of rulemaking that hasn't been done, and obviously, there is a prioritization there.

And I think at least the Subcommittee would like to understand what the priorities are on various rulemakings so that we can give comment to that level of importance and get a timeframe, as opposed to when an accident happens just seeing this long list and saying there is a backlog. Does that sound reasonable?

Admiral PAPP. Yes, Senator. That is completely reasonable. Yes, ma'am.

Senator CANTWELL. Thank you.

And can you commit to me and others that you will work with this committee on the future of the Coast Guard's polar icebreaker fleet and the best way to determine how to move forward on recapitalization of that fleet?

Admiral PAPP. Absolutely, Madam Chair. This is going to be a very significant challenge, particularly during the time proposed for me to be Commandant.

I served in Alaska my first tour. I understand the challenges of the Arctic. And taking my lessons from working up on the Great Lakes, which were frozen over most of the time, whether the water is hard or soft, Title XIV gives the Coast Guard responsibilities for carrying out the full range of our missions. And that does not go away up in the Arctic, and we know that there is more open water up there, and we need to be able to determine the resources we are going to need to be able to carry out those missions up there.

Senator CANTWELL. And would you say that the conditions are continuing to change in the Arctic, and there is a need for a larger Coast Guard presence in the region?

Admiral PAPP. I am not a scientist, and I really can't comment on global warming. All I know is there is much more open water up there right now. We are seeing increased traffic, whether it is sailors going up there recreationally, cruise ships starting to venture up there, and I suspect in the future, we will see commercial traffic trying to take shorter routes through the Arctic. Traffic will increase, and we have virtually no presence right now unless we

redeploy assets from further down in Alaska or further down on the west coast.

So it has got my interest. We need to give it attention, and I will work with the Committee. Yes, ma'am.

Senator CANTWELL. Thank you.

Senator SNOWE, do you have any follow-up questions?

Senator SNOWE. Yes, thank you, Madam Chair.

Admiral Papp, regarding port security and homeland security, I noticed as well in the budget that there will be an elimination of 5 of the 13 teams on Maritime Safety and Security Teams. And obviously, one of which would affect the New Jersey/New York port, which obviously is the highest volume port on the eastern seaboard.

Won't this leave a gap in port security? And I know there are other options involved in monitoring our ports and providing for port security with the vessel monitoring systems onboard, targeted onboard boardings, and so forth. But nevertheless, that is a significant reduction in those teams.

How do you plan to fill that gap in these ports, and does it leave a vulnerability in that regard?

Admiral PAPP. Senator, we would never leave a vulnerability, and I never like to lose any Coast Guard people. These were hard-earned gains over the last 8 years increasing the size of the Coast Guard. So I am reluctant to lose anybody.

However, working within the constraints of the budget and taking a look at what we needed to do, we have now had 6 years of operating with these Maritime Safety and Security Teams. We have 12 of them, and they were established right after 9/11 to fill a gap because, quite frankly, during the 1990s, most of our Coast Guard stations had been reduced to the bare minimum in terms of personnel.

If you look at New York City, in particular New York Harbor, prior to 9/11, Station New York—taking care of one of the most important ports of our country—had been reduced down to about 45 people and 6 boats. Today, 8 years later, Station New York has 90 people and 12 boats, very substantial, brand-new boats and an awful lot of training.

So while that MSST in New York provided a gap filler in the short term post-9/11, we have been able to substantially buildup our Coast Guard Station New York, which is there every day. MSST New York can be deployed and sometimes is not there, but Station New York is there every day.

Plus, the other thing we look at is, as I said in my opening statement, strengthening partnerships. Commissioner Ray Kelly has substantial assets that he can rely upon for protecting New York City and in the harbor as well. The Marine Police of New York City are probably some of the best in this country.

So when you look at a balance, and the Coast Guard is looking at trying to balance where do we need our resources the most, where can we be supplemented by Federal, State, or local, New York Harbor is an obvious place. And as we reorganize these teams potentially in the future, we will put them in places where they can deploy and help out for surge.

Senator SNOWE. So the bottom line is, is that with the increased number of Coast Guard personnel at the various stations and also the adjunct of local police teams or whatever the local communities such as New York City have provided since 9/11 is sufficient to compensate for the loss of these teams?

Admiral PAPP. Yes, Senator.

Senator SNOWE. You think it is sufficient?

Admiral PAPP. It is.

Senator SNOWE. OK. On small vessel security, that is one of the issues that I raised last summer in an oversight hearing with Admiral Allen. And obviously, it is one of our greatest challenges because you have to balance out cooperation and recreational boaters with maritime security, and the number of small vessels that obviously are out there and that you have to monitor and track in any way for detecting vulnerabilities.

He did indicate that it was the greatest vulnerability that the Coast Guard has to contend with in our ports today. Would you agree with that assessment, and how best would you think we should address that? And are we addressing it sufficiently?

Admiral PAPP. I agree, Senator. And I had perhaps a microcosm of that. I dealt with, as the Ninth District Commander up on the Great Lakes, an estimate of 7 million registered recreational boaters and other small craft between Canada and the United States with really no control over who they are, where they are, what they are doing.

I think part of the challenge in small vessel security is awareness, first of all. We need to work with the boating community and small vessel operators, first of all, to make sure that they know that they are not the problem. They are part of the solution.

And through programs like America's Waterways Watch, meeting with various groups around the country, outreach with various boating communities and with small vessel operators, which has been a key part of the department's plan, is helping us, first of all, to gain awareness.

If every voter out there becomes a sensor, a partner, someone who cooperates with you, then that by itself increases security because, oftentimes, boaters who have operated in a certain area for years, like those lobstermen we talked to up there in Rockland, they know who is supposed to be out there on the water. They recognize strangers when they are coming through. If we can use every one of those people out there to help us with our maritime domain awareness, that is a real force multiplier.

So I think that is the start. It is a challenge for us. We know that small boats have been used as weapons by the people that would do us harm. And intelligence and then engaging the community out there to help us for awareness I think is probably the best thing that we can do.

Senator SNOWE. I agree with you. I think that could be, obviously, a very effective tool, using others who are out there and the partnership that is necessary to expand our ability to monitor the sea.

One other question on Loran-C. The Coast Guard announced a shutdown of the Loran-C navigation system as a back up to the GPS system. There are legitimate concerns about the stability of



the GPS system. I know the Air Force is not going to be building new satellites in time that are necessary and to maintain the current levels of services.

So there is obviously concern among boaters in Maine and the fishing community about the fact that there will not be this Loran-C backup system and that they will have to rely on visual aids and navigational tools as an alternative in the event the GPS system fails.

Admiral PAPP. As a navigator, as a sailor, I always like to have as many systems available to me as possible. As a taxpayer, we have invested heavily in GPS. That is the way we have gone, and we have provided a lot of capacity out there for that. Doing away with Loran-C is probably the right thing to do now because of all the investment in GPS.

What we need to do—and once again, I am not a rocket scientist or a person who deals with satellites. All I know is I am hopeful that they are keeping them up, that sufficient reinvestment is being done. At the other end, at the lower end, in terms of redundancy in terms of navigation systems, the Coast Guard, of course, remains committed to our visual aids navigation system. We have good resources out there in terms of our buoy tender fleet, the lighthouses along the coast, and I think that we have sufficient electronic through GPS and visual through our short-range navigation system that will continue to provide for the safety of our mariners out there.

Senator SNOWE. Thank you, Admiral Papp.

Thank you, Madam Chair.

Senator CANTWELL. Senator Klobuchar, do you have any other questions, any other Paul Bunyan stories or—

[Laughter.]

Senator KLOBUCHAR. No. There is always the giant ball of twine.

Senator CANTWELL. Definitely not in the Coast Guard's jurisdiction.

Vice Admiral Papp, thank you very much. I am sure we will leave the record open for our colleagues who have questions. But thank you for your testimony and answering questions, and we look forward to working with you.

Admiral PAPP. Thank you, Madam Chair.

Senator CANTWELL. We are going to call up next the second panel.

Dr. Larry Robinson to be the Assistant Secretary for Oceans and Atmosphere at the U.S. Department of Commerce; Dr. Earl Weener to be a Member of the National Transportation Safety Board; Dr. Michael Tillman to be a Member of the U.S. Marine Mammal Commission; Dr. Daryl Boness to be Chairman and reappointed to the U.S. Marine Mammal Commission; and Mr. Jeffrey Moreland to be the Director of the Amtrak Board of Directors.

Welcome to all of you, and thank you for being here today and your willingness to serve. We appreciate very much your interest in these important organizations and representing your agencies.

I think what I am going to do in the interest of time, we have your written testimony, all of you, and I was hoping that maybe today that you could just give a—since we have your written testimony, if you could just give a brief 2-minute abbreviation of that,

and then we could get into some questions. Because I think that is what we would like to do, is to have questions of that.

So if we could, and we will start with you, Dr. Robinson.

**STATEMENT OF LARRY ROBINSON, ASSISTANT SECRETARY-  
DESIGNATE, U.S. DEPARTMENT OF COMMERCE**

Dr. ROBINSON. Good morning, Chairman Cantwell and honorable members of this committee. I will give you a 2-minute version of this opening remark.

And it is with great humility and honor that I sit before you as President Obama's nominee for Assistant Secretary of Commerce at the National Oceanic and Atmospheric Administration.

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

While I am humbled by this nomination, I can only imagine the pride that my grandparents and my mother in particular, Eliza Mae Robinson, would exude if they were still with us to witness this occasion. Perhaps on one of those 4 a.m. drives as I took my mother to work, we talked about this possibility and why, upon my return home, I should take advantage of the solitude and advance my undergraduate pursuits. I am eternally indebted to her for all of the sacrifices she made for me in preparation for this moment.

I owe a tremendous debt to my immediate family, all of whom are here, Madam Chair.

Beginning with my daughters Nicole, Arlin, Talia, and my niece, Patricia Robinson-Brown, who my wife and I raised, and her husband, Kent. And by the way, we are working on the Coast Guard's diversity issue. They are both members of the U.S. Coast Guard stationed nearby at Andrews Air Force Base.

Particularly to my wife, Sharon, of 25 years, I want to thank you for your friendship, wise counsel, and dedication.

I must also thank the entire Florida A&M University family for adopting me into its wonderful community of scholars and leaders dedicated to the principle of "Excellence with Caring." In particular, I must thank Dr. James H. Ammons, President of the university, who is also with us this morning, and former presidents Fred Gainous and Frederick S. Humphries for allowing me to serve in key leadership positions at the university.

My perspective on conservation and management issues has been shaped by serving on a number of advisory bodies, including those with national scope, such as the National Ecological Observatory Network's Science, Technology, and Education Advisory Committee and the Ocean Research and Resources Advisory Committee, and those with a regional or local focus, such as the Department of Energy's Oak Ridge Operations Site Specific Advisory Board, the Florida Chapter of the Nature Conservancy, and the Leon County, Florida Water Resources Committee.

During the past few weeks, I have met with members of the leadership teams at the Department of Commerce and NOAA and various members of your staff, which has allowed me to witness a spirit of collaboration that most certainly will allow us to continue to find creative ways to address the complex issues confronting NOAA and the Nation. I welcome the opportunity to advance these traditions even further.

This spirit of collegiality and cooperation has been critical to the success of many of my professional endeavors, including leadership of NOAA's multi-institutional Environmental Cooperative Science Center since 2001. Since 1997, I have served as Florida A&M University's Florida Sea Grant Coordinator, which has allowed me to obtain a grassroots perspective of NOAA-related issues in Florida and the region.

My tenure on the Ocean Research and Resources Committee Advisory Panel has fostered a deeper understanding of NOAA and its relationship to other agencies and organizations with similar missions and goals. My appreciation for how we can improve the work of Federal agencies by garnering input from external stakeholders was bolstered during my tenure as Chief Science Advisor for the U.S. Department of Agriculture's Cooperative State Research, Education, and Extension Service.

[The prepared statement of Dr. Robinson follows:]

PREPARED STATEMENT OF LARRY ROBINSON, ASSISTANT SECRETARY-DESIGNATE,  
U.S. DEPARTMENT OF COMMERCE

Chairman Rockefeller, Ranking Member Hutchison, and honorable members of this committee, it is with great humility and honor that I sit before you as President Obama's nominee for Assistant Secretary of Commerce at the National Oceanic and Atmospheric Administration. I would like to thank Secretary Locke and Under Secretary Lubchenco for their gracious support of my nomination.

While I am humbled by this nomination, I can only imagine the pride that my grandparents and my mother, Eliza Mae Robinson, in particular would exude if they were still with us to witness this occasion. Perhaps on one of those 4 a.m. drives as I took my mother to work, we talked about this possibility and why upon my return home I should take advantage of the solitude and advance my undergraduate pursuits. I am eternally indebted to her for all of the sacrifices she made for me in preparation for this moment.

I owe a tremendous debt to my immediate family beginning with my daughters Nicole, Arlin and Talia and my niece, Patricia Robinson-Brown, who my wife and I raised, and who, coincidentally is now stationed nearby at Andrews Air Force Base in the U.S. Coast Guard. And to Sharon, my wife of 25 years, thank you for your friendship, wise counsel and dedication.

I must thank the entire Florida A&M University family for adopting me into its wonderful community of scholars and leaders dedicated to the principle of "Excellence with Caring."

In particular I must thank President James H. Ammons, former Presidents Fred Gainous, and Frederick S. Humphries, for allowing me to serve in key leadership positions at the University including Director of the Environmental Sciences Institute, Provost and Vice President for Academic Affairs and currently Vice President for Research. I must also thank Dr. Ammons and our Board of Trustees Chairman, Mr. William Jennings for encouraging me to pursue this opportunity.

My perspective on conservation and management issues has been shaped by service on advisory bodies including those with national scope such as the National Ecological Observatory Network's Science Technology and Education Advisory Committee, and the Oceans Research and Resources Advisory Panel; and those with a regional or local focus such as the Department of Energy's Oak Ridge Operations Site Specific Advisory Board, the Florida Chapter of the Nature Conservancy, and the Leon County, Florida Water Resources Committee.

During the past few weeks, I have met with members of the leadership teams at the Department of Commerce and NOAA and various members of your staff which has allowed me to witness a spirit of collaboration that most certainly will allow us to continue to find creative ways to address the complex issues confronting NOAA and the Nation regardless of their difficulty. I welcome the opportunity to advance these traditions even further.

This spirit of collegiality and cooperation has been critical to the success of my professional endeavors including leadership of NOAA's multi-institutional Environmental Cooperative Science Center (ECSC) since 2001 which conducts research on ecological and human dynamics in coastal ecosystems from the Texas Gulf of Mexico to Delaware Bay.

Since 1997, I have served as FAMU's Florida Sea Grant Coordinator, which has allowed me to obtain a "grassroots" perspective of NOAA-related issues in Florida and the region.

Four years of service on the National Research Council's Committee on the Restoration of the Greater Everglades Ecosystem allowed me to provide input to one of the Nation's most expansive and comprehensive ecosystem restoration projects.

My tenure on the Ocean Research and Resources Advisory Panel has fostered a deeper understanding of NOAA and its relationship to other agencies and organizations with missions and goals.

My appreciation for how we can improve the work of Federal agencies by garnering input from external stakeholders was bolstered during my tenure as Chief Science Advisor for the U.S. Department of Agriculture's Cooperative State Research Education and Extension Service as this agency prepared for its transformation to the National Institute for Food and Agriculture.

Finally, my own research and faculty responsibilities have contributed to the dissertation research projects of Ph.D. recipients from Florida A&M University who are currently employed at NOAA in the National Marine Fisheries Service, National Ocean Service, and Oceanic and Atmospheric Research.

Through these collective experiences and others, I have come to know and appreciate the Department of Commerce and NOAA and their responsibilities and resources very well. These resources include talented and dedicated people inside and outside of government whose work and actions impact our lives on a daily basis. Their work can often help us peer into the future.

Mr. Chairman, if confirmed as Assistant Secretary of Commerce, I will work collaboratively with this committee, and Congress to ensure that the full capacity of our assets are utilized to meet our responsibility to manage the resources entrusted to us and arrive at a future defined by our collective vision that is in the best interest of this Nation.

Thank you for your attention. I welcome any questions you might have.

Senator CANTWELL. Thank you, Dr. Robinson.

We have your full testimony, and so I want to make sure we have time for questions because you hold important positions that we definitely want to get on the record. So if I could, I am going to just keep proceeding down the line so that we can get to that point.

Dr. ROBINSON. Thank you.

Senator CANTWELL. And ask witnesses to, if they could, keep their remarks brief since we do have the full statements. Thank you.

Dr. Weener?

**STATEMENT OF EARL F. WEENER, MEMBER-DESIGNATE,  
NATIONAL TRANSPORTATION SAFETY BOARD**

Dr. WEENER. Thank you, Chairwoman Cantwell, Ranking Minority Member Senator Hutchison, and distinguished members of the Committee.

I am pleased to be here today as you consider my nomination to the NTSB. I would like to thank Senator McConnell for his proposing my selection and President Obama for nominating me.

Before going further, I would like to introduce several people who are very special to me. Senator Merkley has already stated much of my background, and so I will not go into that. But I would like to introduce my wife, Linda. And viewing this from various parts of the country are my daughter, Julia Robinson; son-in-law, Geoffrey Robinson; my son, Jeff Weener and his wife, Katrina; and my mother, and a number of family and friends.

My qualifications to be a Member of the National Transportation Safety Board include a long 40 years of interest in aviation safety, including 24 years at the Boeing Company. For the last 10 years,

I have been working with the Flight Safety Foundation on international programs in ground safety and runway safety.

The overarching role of the NTSB is to promote safety, and preventing accidents requires the Safety Board to accurately identify probable causes and communicate the findings and recommendations in a manner in which they are understood. The NTSB is the Nation's preeminent accident investigation agency, and its expertise and the intentional Congressional design of the agency as an independent agency protects it from bias in accident investigations.

An equally important role for the agency is safety advocacy and furthering the safety recommendations of the Safety Board. I believe my transportation safety experience in the commercial transport arena and industry association in Government affairs and in international safety programs have prepared me for this appointment and this opportunity to serve the public.

If confirmed as a Member of the NTSB, I will do my utmost to maintain the preeminence of the Safety Board and to serve the American public. I look forward to any questions.

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

PREPARED STATEMENT OF EARL F. WEENER, MEMBER-DESIGNATE,  
NATIONAL TRANSPORTATION SAFETY BOARD

Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of the Committee, I am pleased and honored to appear before you today as you consider my nomination to the National Transportation Safety Board (NTSB). I am grateful to Senator McConnell, for proposing my selection and to President Obama, for nominating me to serve the Nation in this position. I would also like to thank Senator Merkley, from my home state of Oregon, for his support and generous introduction. If confirmed, I intend to work with the utmost diligence to contribute to the Safety Board's mission of preventing transportation accidents and incidents, and to maintaining the trust and confidence of the traveling public in our transportation system.

Before going further, I would like to introduce several people who are very special to me. First, I would like to introduce my wife, best friend, and most ardent supporter, Linda Weener, who is present with me at this hearing. My daughter, Julia Robinson, and her husband, Geoffrey, are viewing this from Colorado. My son, Jeffrey, and his wife, Katrina, are viewing this from my home town, Sherwood, Oregon. My mother, Marcia Weener, is viewing this hearing from Michigan. Finally, I would like to acknowledge the support and encouragement of retired Executive Vice President of the Flight Safety Foundation, Robert Vandel, a long time colleague and collaborator in promoting aviation safety enhancing activities for more than two decades.

Let me briefly discuss my qualifications and experience as they relate to being a Member of the National Transportation Safety Board. I have been actively involved in advancing safety, more specifically, aviation safety, for more than four decades as a private citizen, as a participant and technically trained professional in the commercial or private sector and as an active professional and consultant, educator and advocate in the not-for-profit sector. As an individual, at the beginning of my aviation career, I flew as an Air Taxi pilot and endeavored to teach people to fly airplanes safely. I continued as a flight instructor throughout my college days to the present.

During my nearly quarter century career with The Boeing Company, I was involved in assignments that included developing the flight crew interface of the Boeing 767 and 757 flight decks, as well as the preliminary development of the modifications to the 747 that lead to a modern two-crew flight deck. During the mid 1980s, I was involved, as an employee of Boeing, in government affairs in this city, and, in that capacity, dealt extensively with aviation safety issues. During the latter portion of my private sector career with Boeing, I was chief engineer for areas that included airplane safety, safety technology development, and related engineering executive assignments across all the Boeing commercial airplanes. It was during this time that I initiated the effort to prevent Controlled Flight into Terrain (CFIT) and

approach and landing accidents, which through the auspices of the Flight Safety Foundation, became an international safety task force.

During the past decade, following my retirement from Boeing, I have continued to be active in the area of aviation safety and have worked with the Flight Safety Foundation to develop and lead two international programs focused on enhancing ground safety and runway safety. More recently, I was involved in leading the Flight Safety Foundation Runway Safety Initiative, an effort focused on preventing runway excursions, which were involved in approximately 30 percent of the commercial air transport accidents world-wide over the past decade and a half.

The overarching role of the NTSB is to promote safety through its recommendations. Preventing accidents requires that the Board, through its investigations, accurately identifies the probable causes of accidents, and communicates these findings in a manner that they are understood. The NTSB is the Nation's preeminent accident investigation agency and its expertise in transportation safety is recognized throughout the world. It is by Congressional design, an independent agency and is not part of any regulatory authority. That independence allows the Board to conduct unbiased investigations into transportation accidents. An equally important role of the Board is that of safety advocacy, to disseminate knowledge that will lead to the prevention of accidents and advance the recommendations of the Board.

I believe that my transportation safety experience in commercial transport aircraft design, development and operation; in industry association and government affairs; and in international safety programs have all prepared me for this opportunity to serve the public and advance transportation safety. I believe my experience and expertise complement the experience and expertise currently resident in the Board. If confirmed as a Member of the NTSB, I will do my utmost to maintain the pre-eminence of the Board. If confirmed, I look forward to the opportunity to serve the American public as a Member of the NTSB.

I look forward to addressing any questions you may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Earl Floyd Weener.
2. Position to which nominated: Board Member, National Transportation Safety Board.
3. Date of Nomination: January 20, 2010.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Sherwood, OR 97140 (office in home).

5. Date and Place of Birth: June 23, 1945; Holland, 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: Linda Wooldridge Weener, Retired; children: daughter—Julia Ann Robinson, 44; son—Jeffrey Earl Weener, 41.

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

PhD, University of Michigan, 1975.

MSE, University of Michigan, 1972.

BSE, University of Michigan, 1971.

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.

University of Michigan; Graduate Research Assistant.

The Boeing Company; Seattle, WA.

1975–1978—Boeing Commercial Airplanes; Developed Automatic Flight Controls Design Criteria and Requirements, and Microwave Landing System Flight Evaluation.

1978–1982—Boeing Commercial Airplanes; 757/767 Flight Deck Development; Flight Crew Man/Machine Interface Development. Flight Crew Simulation Test and Evaluation.

1982–1984—Boeing Commercial Airplanes; 747 Two-Crew Flight Deck Development and Preliminary Design.

1984–1988—Boeing Commercial Airplanes; Manager of Aviation Affairs in Washington D.C.; Aviation Industry Policy and Regulatory Affairs.

1988–1994—Boeing Commercial Airplanes; Chief Engineer—Airworthiness, Reliability and Maintainability, and Airplane Safety Engineering (managed organization of approximately 350 to 400 people).

1994–1998—Boeing Commercial Airplanes; Chief Engineer—Systems Engineering (Managed organization as large as 400+ people).

1998–1999—Boeing Commercial Airplanes; Chief Engineer—Airplane Safety Technology Development.

Flight Safety Foundation

2002–present—Flight Safety Foundation; Foundation Fellow; Co-leader of Ground Accident Prevention (GAP) Program; Co-leader of FSF Runway Safety Initiative; Manager of Aviation Personnel Shortage Project; Principal, Head-up Guidance System Technology Study.

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.

Consultant—Flight Safety Foundation.

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.

Calvin Presbyterian Church, Tigard, Oregon—Member 2006 to present.

First United Methodist Church, Seattle, WA 1993–2006.

Columbia Aviation Association, Aurora, Oregon—Member 2006–2008.

Northwest Bonanza Society—Member, Director 2006 to present (If confirmed, per the ethics agreement, I will resign my position as Director).

Pacific Bonanza Society—Member 2004–2007.

Aircraft Owners and Pilots Association—Member 1996 to present.

Experimental Aircraft Association—Member 2003 to present.

National Association of Flight Instructors—Member 2003 to present.

Seven Seas Cruising Association—Member 2000–2004.

University of Michigan Alumni Association, 2008 to present.

None of these organizations discriminate 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: 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.

Aircraft Owners and Pilots Association—PAC (less than \$500 in total contributions).

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

Numerous scholarships as Undergraduate, University of Michigan.

National Science Foundation Traineeship, University of Michigan.

Edward White Fellowship, University of Michigan.

Tau Beta Pi (National Engineering Honor Society).

Sigma Gamma Tau (National Aerospace Engineering Honor Society).

Aviation Week and Space Technology, Laurels Award, 1994.

Honeywell Bendix Trophy for Aviation Safety, 2005.

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.

*Major Presentations 2006 to 2009—Earl F. Weener, Ph.D.*

*Ground Accident Prevention EASS 2006 Update*, European Air Safety Seminar, Athens, 3/12/2006.

*Ground Accident Prevention*, Association of European Airlines, Brussels, 6/29/2006.

*Ground Accident Prevention Project Status*, International Air Safety Symposium, Paris, 10/23/2006.

*Ground Accident Prevention Project Status*, Corporate Aviation Safety Team Briefing, Washington, D.C., 12/7/2006.

*Ground Safety and Accident Prevention*, Alaska Air Carriers Association, Anchorage, 2/15/2007.

*Ground Accident Prevention—The Foundation's Answer*, European Aviation Safety Seminar, Amsterdam, 3/13/2007.

*Runway Safety Initiative*, NTSB Runway Safety Meeting, 3/27/2007.

*Ground Accident Prevention—The Foundation's Answer*, 52nd Annual Corporate Aviation Safety Seminar, 5/9/2007.

*Ground Damage Data in a Safety Management System*, COSCAP Workshop, Beijing, 3/24/2008.

*FSF Ground Accident Prevention*, COSCAP Workshop, Beijing, 3/24/2008.

*FSF Ground Accident Prevention Data Findings*, COSCAP Workshop, Bangkok, 3/27/2008.

*FSF Data Collection Tools and Data Taxonomy*, COSCAP Workshop, Bangkok, 3/27/2008.

*Runway Safety*, Air Transport World Webcast, 6/25/2008.

*Industry Training and Qualification Initiative, An International Aviation Industry Approach to the Global Shortage of Pilots, Mechanics and Engineers*, University Aviation Association, Denver, 10/16/2008.

*Runway Safety Initiative*, International Air Safety Seminar, Honolulu, 10/30/2008.

*Industry Training and Qualification Initiative*, Crew Management Conference, 12/1/2008.

*Operational Risks on the Ground and How to Prevent Them*, Crew Management Conference, 12/2/2008, Dubai.

*Runway Safety*, Pacific Northwest Business Aviation Association, Seattle, WA, 3/5/2009.

*Reducing Runway Excursions*, 54th Corporate Air Safety Seminar, Orlando, FL, 4/21/2009.

*Reducing Runway Excursions*, Horizon Airlines, Portland, OR, 5/13/2009.

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?

Beginning in 1967, as a general aviation flight instructor, I have been actively involved in promoting safety throughout my career. My engineering responsibilities with Boeing Commercial Airplanes required me to address safety in the design and operation of airplanes such as the 757, 767 and 747-400. The Company also assigned me to serve as the Company's spokesperson for aviation safety and to engage the commercial air transport industry in a more cooperative and public pursuit of aviation safety. While at Boeing, I was involved in initiating and leading the Controlled Flight Into Terrain (CFIT) Task Force, using the Flight Safety Foundation (FSF) as the vehicle to develop broad industry involvement and cooperation.



Following my career in the private, commercial sector, and a two-year sabbatical, I became involved in developing and leading international safety programs in the non-profit sector through the Flight Safety Foundation. These programs included the FSF Ground Accident Prevention Program and the FSF Runway Safety Initiative.

Having promoted safety as an individual, as a participant in the private commercial sector, and as a participant in the not-for-profit sector, I would now like to bring this experience to the governmental sector where I can promote safety across multiple transportation modes. The NTSB is recognized as the premier safety investigation organization in the world, and I would like the opportunity to influence transportation safety as a Member of that preeminent organization.

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 an NTSB Board Member not serving as the Chairman or Vice Chairman, there are limited direct responsibilities for the management of the NTSB organization. Most administrative and organizational management responsibilities are delegated to the Chairman and Vice Chairman. As a Member, I would be directly responsible for the management of the resources allocated to my Member office, and for acting collectively with the other Board Members to influence the policies and practices of the agency. Nevertheless, within the private sector, I have had direct responsibility for management of engineering and support organizations of the size and complexity of the NTSB, and would participate in management of the NTSB as the rules and regulations of the NTSB allow.

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

The first challenge to the NTSB is to maintain the position as the world's preeminent accident investigation and analysis organization.

The second challenge is to broaden the scope to address the identification and prevention of practices and actions that lead to or are precursors of accidents.

The third challenge is to assure the NTSB has the expertise in place consistent with the advancement of technology in current and future transportation systems.

#### 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.

With regard to the future, which includes the period of time that I will serve as a Board Member of the NTSB if I am confirmed, I have no financial arrangement, deferred compensation agreements or other continuing dealings with business associates, clients or customers.

Based on my 24 years of service with Boeing, I am entitled to and receive a pension from The Boeing Company's defined benefit pension program. I have an ethics agreement that describes how I will avoid any conflicts of interest or questions as to my impartiality that may be raised concerning the Boeing pension.

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

I have no commitments or agreements regarding maintaining employment, affiliation or practice with any business, association or other organization during my appointment to the NTSB. My ethics agreement describes how I will handle my relationship with my current business and organizations with which I am currently involved.

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.

As I mentioned above, I am entitled to a pension from the Boeing defined benefit pension plan based on my service with Boeing from 1975–1999. My ethics agreement describes the strategy that I will use to avoid any conflicts of interest or questions as to my impartiality if I am confirmed as a Member of the NTSB.

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 had no business relationship, dealing or financial transaction during the last 10 years that would present a possible conflict of interest. I was a minority in-

vestor in a boat manufacturing company that has since gone out of business; however, there are no continuing financial interests or obligations in that regard.

With regard to my employment as a Fellow/consultant with the Flight Safety Foundation, as my ethics agreement indicates, if confirmed as a Member of the NTSB, I will resign this position. My ethics agreement describes in detail the means by which I will avoid any conflict of interest or question as to my impartiality that could be raised concerning the Flight Safety Foundation.

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: None.

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

As has been stated in my earlier responses, in the course of the nomination process, I have established and entered into an ethics agreement that recognizes my obligations regarding conflicts of interest and addresses potential conflicts and potential questions of impartiality. If confirmed as a Member of the NTSB, I will follow the guidance and adhere to the commitments contained in my ethics agreement regarding any potential conflict of interest.

#### C. LEGAL MATTERS

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

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

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

I was a minority shareholder of a boat building corporation that went bankrupt. I was the defendant in civil litigation by a customer who lost money as a result of the bankruptcy. This civil suit was dismissed with prejudice in summary judgment.

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.

Not aware of any such information.

#### 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 EARL F. WEENER

##### **Objective**

Member, National Transportation Safety Board

##### **Profile**

Accomplished career in aviation as engineering executive, safety advocate, industry safety spokesperson, engineer, pilot

Skilled public communicator of technical and policy issues

Organized, highly motivated, big-picture problem solver

Knowledgeable safety initiative developer, team builder and mentor

**Education**

Ph.D. Aerospace Engineering, University of Michigan  
 MSE Aerospace Engineering, University of Michigan  
 BSE Aerospace Engineering, Summa Cum Laude, University of Michigan

**Relevant Experience**

*Consultant and Fellow*, Flight Safety Foundation

Led international industry initiative to improve runway safety  
 Led international industry program to reduce ground accidents and injuries  
 Served as member of FSF Board of Governors and Executive Committee  
 Presided over Board of Governors workshops to develop and refine mission, goals and objectives

*Chief Engineer*, The Boeing Company

Developed Boeing public safety agenda and public communications strategy  
 Served as Boeing spokesperson on aviation safety with customers and media organizations  
 Coordinated with government and industry organizations  
 Created and led industry programs to reduce CFIT and Approach and Landing Accidents  
 Organized and lead diverse engineering organizations as large as 400 people

**Employment**

2002–present—*Consultant and Fellow*, Flight Safety Foundation, Alexandria, VA

Initiated actions to reduce accidents via coordinated industry programs.  
 Conducted special projects such as Board of Governors strategy workshops

1999–2002—*Sabbatical / Early Retirement*

USCG Master's License  
 Cruised much of U.S. coastline via powerboat as full-time live-aboard  
 Refurbished a boat and remodeled a home

1998–1999—*Chief Engineer, Safety Technology Development*, The Boeing Company

Directed development and application of new technology for airplane safety enhancement

1994–1998—*Chief Engineer, System Engineering*, The Boeing Company

Developed cross-program organizations for airplane integration, product assurance, electromagnetic compatibility, and human factors

1988–1994—*Chief Engineer, Airworthiness, Reliability and Maintainability, and Safety*, The Boeing Company

Led organizations that type-certified airplanes, performed reliability and maintainability engineering, and improved airplane safety

1984–1988—*Manager of Government Affairs*, Washington, D.C. Office, The Boeing Company

Served as focal point for engineering, technology and policy interface with Congress, Executive Branch and industry trade organizations

**Prior Experience**

Preliminary development of two-crew 747 flight deck concept  
 Development of 757 and 767 airplane flight decks, including application of human factors principles  
 Developed and operated small businesses  
 General Aviation flight instructor and Part 135 pilot  
 Announcer and engineer for AM/FM commercial radio stations

**Honors and Awards**

Honeywell Bendix Trophy for Aviation Safety, 2005  
 Aviation Week and Space Technology Laurels Award, 1994  
 Flight Safety Foundation Icarus Committee  
 Flight Safety Foundation Board of Governors

Senator CANTWELL. Thank you, Dr. Weener.  
 Dr. Tillman, thank you for being here. We look forward to your statement. Thank you.

**STATEMENT OF MICHAEL F. TILLMAN, PH.D., MEMBER-  
 DESIGNATE, MARINE MAMMAL COMMISSION**

Dr. TILLMAN. Thank you, Madam Chair Cantwell and Ranking Member Hutchison and members of the Committee.

I am deeply grateful to President Obama for nominating me as a Member of the Marine Mammal Commission, and I greatly appreciate the opportunity to appear before you to discuss my nomination and to address your questions.

I would like to begin by acknowledging my mother, Margaret Roberts Tillman, who passed away almost 7 years ago at the age of 89. She grew up in a Tlingit Indian village called Klawock on Prince William Island in southeast Alaska. She had the courage and determination to leave the village, seek a quality education, and forge a better life for herself and her family.

She ultimately became a leader of our people in Seattle and a respected elder of the Tlingit Indian Tribe. If she could be here today, I am sure she would be very proud of this moment, and I hope that I measure up to her expectations.

I retired 6 years ago after 32 years of service with the National Marine Fisheries Service. For 15½ years, I was a Senior Executive, applying science to resolve the difficult issues arising from the national and international management of living marine resources. I hope to serve as a Member of the Marine Mammal Commission and continue to apply that experience for the conservation of marine mammals and ecosystems.

I will not review my career in detail, but I have had a wide and varied career as a scientist and manager. And I consequently believe I have broad experience regarding the interplay of science, management, and politics in formulating national and international policies pertaining to the conservation of living marine resources.

Although now retired, I continue to work in the conservation arena, advising the U.S. delegation to the International Whaling Commission and serving as a research associate at Scripps Institution of Oceanography's Center for Marine Biodiversity and Conservation.

I believe that, if confirmed, I have the experience, knowledge, and broad strategic perspective to serve the Marine Mammal Commission well in these challenging times.

If confirmed, I would be honored, both professionally and personally, to be a Member of the Commission and to contribute to its mission and goals and, in doing so, continue my service to this great Nation.

Thank you.

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

PREPARED STATEMENT OF MICHAEL F. TILLMAN, PH.D., MEMBER-DESIGNATE,  
MARINE MAMMAL COMMISSION

Chairman Rockefeller, Ranking Member Hutchison, and members of the Committee, I am deeply grateful to President Obama for nominating me as a Member of the Marine Mammal Commission, and I greatly appreciate the opportunity to appear before you to discuss my nomination and to address your questions.

I would like to begin by acknowledging my mother, Margaret Roberts Tillman, who passed away almost 7 years ago at the age of 89. She grew up in a Tlingit Indian village called Klawock on Prince William Island in Southeast Alaska. She had the courage and determination to leave the village, seek a quality education, and forge a better life for herself and, eventually, for her family. She ultimately became a leader of our people in Seattle and a respected elder of the Tlingit Indian Tribe. If she could be here today, I'm sure she would be very proud of this moment and thinking, "See, if provided the opportunity, encouragement and education, we too can be among America's best and brightest." I hope that I have measured up to her expectations.

I retired 6 years ago after 32 years of service in the National Marine Fisheries Service. For 15½ years I was a Senior Executive, applying science to resolve the difficult issues arising from the national and international management of living marine resources. I hope to serve as a member of the Marine Mammal Commission and continue to apply that experience to the conservation of marine mammals and ecosystems.

I have had a wide and varied career as a scientist and manager. My early research focused on estimating the abundance of marine resources that were taken by commercial and Alaskan Native harvests. I then began advising policy officials on the scientific aspects of issues such as subsistence harvests of northern fur seals, incidental killings by Japanese drift gillnets, commercial harvests of whales regulated by the International Whaling Commission, and Alaska Eskimo hunts for bowhead whales.

Later in my career, as a policy official or as one of the agency's senior scientists, I worked on Pacific Northwest salmon listings, the incidental take of dolphins by tuna purse seiners, the incidental take of sea turtles by Hawaiian longliners, recovery planning for Hawaiian monk seals, and the adoption of the Southern Ocean Whale Sanctuary by the International Whaling Commission. During these later years, I served as the U.S. Commissioner to the Inter-American Tropical Tuna Commission and the Deputy U.S. Commissioner to the International Whaling Commission. Consequently, I have broad experience regarding the interplay of science, management, and politics in formulating national and international policies pertaining to the conservation of living marine resources.

Although now retired, I continue to work in the conservation arena, advising the U.S. Delegation to the International Whaling Commission and serving as a Research Associate at Scripps Institution of Oceanography's Center for Marine Biodiversity and Conservation. I believe that, if confirmed, I have the experience, knowledge, and broad, strategic perspective to serve the Marine Mammal Commission well in these challenging times.

One of the major challenges facing the Marine Mammal Commission is the globalization of issues affecting the status of marine mammal populations. Marine mammals do not recognize the arbitrary boundaries established by governments, and neither do the issues affecting the health of their stocks, such as climate change, ocean pollution, and anthropogenic noise. For that reason, marine mammal conservation requires an ecosystem approach that transcends borders. In turn, implementation of such an approach will require dedication and new resources to improve our scientific understanding of how ecosystems work. Moreover, the involved agencies must commit themselves to coordinating and integrating their related scientific and management activities. I am pleased that the Ocean Policy Task Force has recognized these needs in its Interim Report.

If confirmed, I would be honored, both professionally and personally, to be a member of the Marine Mammal Commission, to contribute to its mission and goals and, in doing so, to continue my service to this great Nation.

Thank you and I would be pleased to address any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
Michael F. Tillman (Mike).
2. Position to which nominated: Member, U.S. Marine Mammal Commission.

3. Date of Nomination: January 20, 2010.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: Encinitas, CA 92024 (residence and office).
5. Date and Place of Birth: February 10, 1943; Seattle, Washington.
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).  
 Jennifer E. Tillman (spouse), retired; children: Lee Michael Tillman (son, age 40), Christopher Lawrence Tillman (son, age 33).
7. List all college and graduate degrees. Provide year and school attended.  
 B.S., Fisheries Science 1965, University of Washington.  
 M.S., Fisheries Science 1968, University of Washington.  
 Ph.D., Fisheries Science 1972, University of Washington.
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.
- 2/2004–present—Michael F. Tillman, Sole proprietor, Self-employed consultant contracted as follows:
- 02/2010–09/2010—NOAA/NMFS Alaska Fisheries Science Center; Contract to provide support to the U.S. delegation to the International Whaling Commission.
  - 10/2008–08/2009—Data Solutions & Technology, Lanham, MD; Sub-contract to provide support to IWC delegation.
  - 09/2006–09/2008—NOAA/NMFS Office of the Director, Silver Spring, MD; Contract to provide support to the IWC Commissioner.
  - 05/2004–08/2006—NOAA/NMFS Office of Protected Resources, Silver Spring, MD; Contract to provide support to the IWC delegation.
- 06/1993–01/2004—Science Director, NOAA/NMFS SW Fisheries Science Center, La Jolla, CA.
- 08/1992–05/1993—Acting Director, NOAA/NMFS Office of Protected Resources, Silver Spring, MD.
- 07/1990–07/1992—Deputy Assistant Administrator for Fisheries, NOAA/NMFS Silver Spring, MD.
- 07/1988–06/1990—Senior Scientist for Fisheries, NOAA/NMFS, Silver Spring, MD.
- 02/1987–06/1988—Division Chief, NOAA/NMFS Office of Protected Resources, Conservation Science Division, Washington, D.C.
- 11/1983–01/1987—Director, IUCN Conservation Monitoring Center, Cambridge, United Kingdom, (on detail from NOAA).
- 08/1979–10/1983—Director, NOAA/NMFS National Marine Mammal Laboratory, Seattle, WA.
- 05/1978–07/1979—Deputy Director, Marine Mammal Division, NOAA/NMFS Northwest and Alaska Fisheries Science Center, Seattle, WA.
- 07/1974–04/1978—Supervisory Fishery Research Biologist, Marine Mammal Division, Northwest and Alaska Fisheries Science Center, Seattle, WA.
- 08/1972–06/1974—Fishery Research Biologist, NOAA/NMFS Marine Fish and Shellfish Division, Northwest and Alaska Fisheries Science Center, Seattle, WA.
- 09/1970–07/1972—Research Associate, Center for Quantitative Science in Forestry, Fisheries and Wildlife, University of Washington, Seattle, WA.
- 06/1968–07/1972—Active Military Service, U.S. Army, 1st Lieutenant, Army Logistics Command, St. Louis, MO; Captain, I Corps Group, South Korea.
- 09/1965–05/1968—Teaching Assistant, College of Fisheries, University of Washington, Seattle, WA.

The four positions I held after earning my doctorate (August 1972 to October 1983) were scientific/technical (I conducted research, published papers in peer-reviewed journals and participated in scientific meetings, etc.) and are germane to this position. The six positions from the middle of my career until I retired from Federal

service (November 1983 to February 2004), as well as my activities as a self-employed consultant are primarily managerial (requiring planning, budgeting, management of human resources, developing and implementing policies and regulations). They are pertinent in that I applied the principles of using the best available science and a precautionary approach in the face of uncertainty, as well as an understanding of the interplay between science and management, to resolve conservation issues.

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.

No state or local positions.

2007—Served as private sector delegate on U.S. delegation to the International Whaling Commission.

2008—Served as private sector delegate on U.S. delegation to the International Whaling Commission.

2009—Served as support staff to U.S. delegation to the International Whaling Commission.

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.

2003—present—Unsalariated Research Associate, Scripps Institution of Oceanography.

2003–2005—Conference Chair, 16th Biennial Conference, Society for Marine Mammalogy.

2008–2009—Contractor, Data Solutions & Technology (provides services for Federal Government agencies).

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

(See attachment A.12—Memberships in Organizations)

None of the organizations I belong to restricts membership or otherwise practices discrimination in any form.

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

I have never been a candidate for or held a public office.

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

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

1961–65—Gov-Mart Scholarship.

1962—Phi Eta Sigma Scholastic Honorary Society.

1965—B.S. cum laude.

1969—Honor Graduate, Chemical Officers' Basic Course.

1970—Army Commendation Medal.

1979—Nominated for NMFS Employee of the Year.

1993—Presidential Rank Award, Meritorious Executive.

1994—Albert Schweitzer Medal, Animal Welfare Institute.

1994–99—Presidential appointment, U.S. Commissioner to the Inter-American Tropical Tuna Commission (IATTC).

1994–04—Presidential appointment, Deputy U.S. Commissioner to the International Whaling Commission.

1995—Department of Commerce Bronze Medal (Fisheries Bycatch in Chile).

1998—Department of Commerce Bronze Medal (Tuna/Dolphin Interactions).

2000—Department of Commerce Bronze Medal (Japanese Trade in Whale Products).

2003—Nominated for NOAA Distinguished Career Award.

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

(Publications are listed in attachment A.16—Primary Published or Creative Work)

I have not given any relevant speeches but have made the following two invited presentations:

Native hunting, gifting and marine mammal policy: The value of government service to Native communities. Annual Conference of the Society for Advancement of Chicanos and Native Americans in Science, Anaheim, CA. September 26–28, 2002.

State of the world's whales: A perspective from within the IWC. Pew Symposium on the Conservation of Whales in the 21st Century, New York, NY. April 12–13, 2007.

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 in various Senior Executive Service positions within the National Marine Fisheries Service between 1988 and 1993, I testified several times before Congress. I do not have records detailing each instance but recall that they generally pertained to various topics including the NOAA/NMFS proposed budget, the tuna/dolphin issue, high-seas driftnets, and other contemporary fisheries and resource issues. I have never testified in a non-governmental capacity.

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

I retired 6 years ago after 31 ½ years of service with the National Marine Fisheries Service. I spent 15 ½ years of that time as a Senior Executive, applying science to the resolution of the difficult issues arising from national and international management of living marine resources. That experience is directly relevant to the conservation of marine mammals and the duties of a Commissioner.

The employment history demonstrates a wide and varied career as a scientist and manager. My early research focused on estimating the abundance of marine resources that were subject to commercial and Alaskan Native harvests. As a consequence of these scientific activities, I began advising policy officials on the scientific aspects of a variety of issues such as the subsistence harvest of northern fur seals, incidental taking by the Japanese drift gillnet fishery, the commercial harvest of whales regulated by the International Whaling Commission (IWC), and the Alaska Eskimo hunt for bowhead whales. At later stages of my career, while serving as a policy official or as one of the agency's senior scientists, I worked on conserving Pacific Northwest salmon, assessing and reducing the effects of the eastern tropical Pacific tuna fishery on dolphins, managing interactions between Hawaiian longline fisheries and sea turtles, recovery planning for Hawaiian monk seals, and responding to the Makah Indian Tribe's request for authorization to hunt gray whales. Consequently, I have broad experience regarding the interplay between science, management, and politics in formulating policy decisions of national and international importance to the conservation of living marine resources.

Although retired, I continue to work in the conservation arena, advising the U.S. delegation to the International Whaling Commission and serving as a Research Associate at the Center for Marine Biodiversity and Conservation. I believe that I have much to offer in terms of experience, knowledge, and a broadly strategic perspective that would serve the Marine Mammal Commission well in these challenging times.

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 am a strong believer in the use of three management tools to ensure not only that fiscal goals are met but also that the correct programs are being executed properly:

(1) *Independent, annual audits and reviews.* Inviting outside experts to conduct audits of fiscal management is essential to avoid waste or abuse and to ensure



that established fiscal management policies are being followed. Likewise, program reviews conducted by outside experts give an independent check on whether the appropriate priorities are being assigned, if the agency's methods are appropriate to its mission and are state-of-the-art, and opportunities exist for improving performance.

(2) *Periodic within-year management reviews.* Within-year management reviews should be done quarterly, if not more often, to determine if schedules are being met, resources are adequate, and any management or technical issues exist and to identify steps to resolve any identified problems in a timely way.

(3) *Strategic planning.* Strategic planning helps an agency define its mission and goals, identify opportunities and assign priorities, and develop a long view of how it needs to adapt to change. Such an exercise builds credibility with constituents and with those approving budget proposals and contributing to budgets.

I learned about and used these three tools as the Director of the International Union for Conservation of Nature (IUCN) Conservation Monitoring Center, which had 38 staff and a budget of \$1 million, and where I led strategic and fundraising efforts to obtain half of the Center's annual budget. I also restructured the Center's employment and pay systems and set up its first health care program.

As a Senior Executive with the National Marine Fisheries Service, I continued to apply these tools. As the Deputy Assistant Administrator for Fisheries, I was responsible for the day-to-day operations of the Service, which at that time had more than 2,000 employees and an annual budget of more than \$250 million. I served on the team in 1991-92 that developed the first strategic plan for the Fisheries Service, which greatly influenced NOAA's overall budget planning strategy for FY 1993 and beyond. While serving as the Science Director of the Southwest Fisheries Science Center, I managed the science programs conducted by 250 employees, with an annual budget of \$50 million, based in four laboratories and using four research vessels. One measure of my success as a manager is that I earned Senior Executive Service bonuses for outstanding performance for 12 of the 15 years in which I held such positions.

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

The top three challenges include the following:

(1) *Recognizing and responding to the "globalization" of the conservation issues affecting the status of marine mammal populations.* The distributions and migrations of marine mammals do not recognize the geographic borders established by governments. Moreover, the issues that may impact the health of marine mammal stocks, such as climate change, ocean pollution, and anthropogenic noise, do not respect such boundaries. Consequently, the conservation and management of marine mammals will require regional and international cooperation in the scientific investigation of these problems, as well as in the development of appropriate management actions and mitigation strategies.

(2) *Increasing the amount and quality of scientific research and monitoring.* The current emphasis in the conservation and management of living marine resources is "to utilize an ecosystem approach." Such an approach is warranted for marine mammals existing in a global world in which the conservation issues transcend borders. For agencies to undertake such a task, however, significantly increased resources will be required, as well as a commitment to apply appropriate program and fiscal management tools that ensure the quality and direction of the efforts.

(3) *Recognizing marine mammals as bio-indicators for marine environmental health.* Marine mammals can serve as the veritable "canaries in the coal mine," identifying issues arising in the global oceans that may affect not only their viability, but that of entire ecosystems. Because seals, whales, dolphins, etc., share a common mammalian heritage with humankind, their ills and calamities may also signal impending problems for human society. Enhancing long-term monitoring efforts for marine mammal stocks will not only assist in the early identification of potential environmental issues along our coasts and in the world's oceans but also increase the information base required for an ecosystem-based approach to science and conservation.

## 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.

As noted in the Employment Listing under Item A.8 and in item E.7 below, I expect to enter into a new contract with NOAA/NMFS Alaska Fisheries Science Center to provide support to the U.S. delegation to the International Whaling Commission. I have no other financial arrangements, deferred compensation agreements, or other continuing dealings with business associates, clients, or customers.

My retirement accounts are as follows:

- Annuity from Federal Civil Service Retirement System.
- Thrift Savings Account from Federal service (no disbursements drawn yet).
- SEP IRA for self-employment (Vanguard LifeStrategy Income Fund).
- Spousal IRA for my wife (Vanguard U.S. Growth Fund).

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.

In addition to the contract noted in the previous response, I continue to serve as an unsalaried, non-resident Research Associate with Scripps Institution of Oceanography, University of California at San Diego. Otherwise, I do not have any such commitments, agreements, or affiliations.

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 Marine Mammal Commission'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 transmitted to 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 Marine Mammal Commission'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 transmitted to 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 Deputy U.S. Commissioner to the International Whaling Commission (1994–2004), I served as the principal technical adviser to the U.S. Commissioner. Consequently, I assisted in the development and implementation of U.S. policy at the International Whaling Commission. In the absence of the U.S. Commissioner at annual and special meetings of the Commission, I would lead the U.S. Delegation and serve as the principle spokesperson.

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 Marine Mammal Commission'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 transmitted to 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.

## 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.

My wife and I were plaintiffs in two related civil cases:

05/1996—Against the former owner of a house we purchased for non-disclosure of a neighborhood problem. Dismissed and referred to mediation.

09/1997—Against a former neighbor for harassment. TRO issued prohibiting the neighbor from harassment.

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.

In 2003, an employee filed an EEO complaint alleging that, during the process of filling a vacancy, I had discriminated against her based upon race. While I disputed the claim, the case was not resolved prior to my retirement from Federal service on 01/24/2004. I later was informed that the Department of Commerce settled the case without holding an EEO hearing and without a finding of fault.

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 MICHAEL F. TILLMAN, PH.D.

**Personal**

Michael F. Tillman, U.S. citizen, Married, 2 sons, Alaskan Native, member of Tlingit Indian Tribe.

**Education**

Ph.D., University of Washington, 1972.

M.S., University of Washington, 1968.

B.S., University of Washington, 1965 (cum laude in Fisheries Science).

**Recent Contributions**

As Conference Chair, planned and convened the Society for Marine Mammalogy's 16th Biennial Conference in San Diego, 2005.

Presented an invited paper to the Pew Symposium on the Conservation of Whales in the 21st Century, New York, 2007.

Served on the U.S. delegation participating in two special and three annual meetings of the International Whaling Commission, 2007–2009.

Published two peer-reviewed papers in 2007 and 2008, with a third in review in 2009.

**Experience**

2/04 to present—Self-employed consultant.

Since retirement, under contract annually to NOAA/National Marine Fisheries Service serving as a senior advisor to the U.S. delegation to the International Whaling Commission (IWC). Also serving as a non-resident Research Associate at the Center for Marine Biodiversity and Conservation, Scripps Institution of Oceanography, working on marine wildlife conservation issues.

6/93 to 1/04—Science Director, ES-4, Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, Jolla, CA 92037.

Senior executive responsible for overseeing, directing and coordinating research programs that provided the scientific basis for conservation and management of living marine resources in the NMFS Southwest Region, including California, Hawaii, and the Pacific Territories. Major research programs focused on sustainable fisheries (groundfish, tunas and billfish, sardines and anchovies, squid), recovering protected resources (abalone, salmon, coastal marine mammals, whales and dolphins, sea turtles, and Hawaiian monk seals), and habitat conservation (marine protected areas, essential fish habitat, and Antarctic ecosystems). The Center was comprised of more than 250 permanent staff based in four research facilities, with a budget of up to \$50 million annually, and utilizing four high-seas research vessels. Concurrently served as U.S. Commissioner to Inter-American Tropical Tuna Commission, 1994–1999, and Deputy U.S. Commissioner to IWC, 1994–2004. During 2001–2003, collaborated with Scripps Institution of Oceanography to create the Center for Marine Biodiversity and Conservation, culminating in a \$3.5-million NSF Integrated Graduate Education and Research Training Grant to establish a new cross-disciplinary curriculum at Scripps.

8/92 to 5/93—Acting Director, ES-4, Office of Protected Resources, National Marine Fisheries Service, Silver Spring, MD.

Senior executive responsible for advising the Assistant Administrator for Fisheries on policies and regulations relating to implementation of the Endangered Species Act and the Marine Mammal Protection Act. Oversaw the start-up of recovery planning efforts for West Coast salmon stocks listed under the Endangered Species Act. Served as the senior advisor to the U.S. Commissioner to the IWC and in 1993 received the Presidential Rank Award of Meritorious Executive for sustained excellence in supporting U.S. goals of protecting whales internationally and recovering protected species domestically.

7/90 to 7/92—Deputy Assistant Administrator for Fisheries, ES-4, National Marine Fisheries Service, Silver Spring, MD.

Senior executive responsible for directing the day-to-day operations of the National Marine Fisheries Service, overseeing the activities of more than 2,000 employees and an annual budget of up to \$250 million. As the agency's deputy director, oversaw all fiscal, administrative, science, and regulatory functions; coordinated and integrated operations with other NOAA partners and other Federal, state, academic, and international cooperators; and served as the agency's spokesperson with Congress, constituents, and the media. Testified before Congress on budgetary, management, and programmatic issues. Served as the senior advisor to the U.S. Commissioner to IWC and as the U.S. delegate to International Council for the Exploration of the Sea (ICES).

7/88 to 6/90—Senior Scientist for Fisheries, ES-4, National Marine Fisheries Service, Silver Spring, MD.

Appointed to the Senior Executive Service as the senior executive responsible for overseeing the field-based research and science programs undertaken by 22 NMFS science facilities and ensuring their proper integration and coordination with related national and international efforts. Initiated the program for improving scientific quality and credibility by implementing peer reviews of the agency's science programs. Initiated agency participation in NOAA's major, new Climate Change and Coastal Ocean Programs that cut across NOAA's organizational line offices; these required a major cultural change within NMFS since agency scientists had to compete for available funds. Served as the senior advisor to the U.S. Commissioner to IWC, and appointed to serve as the U.S. delegate to ICES.

2/87 to 6/88—Chief, Conservation Science Division, GS-15, Office of Protected Resources, National Marine Fisheries Service, Washington, D.C.

Oversaw protected resource science and research activities funded by the office, managing seven staff and an annual budget of up to \$11 million. Also managed

the agency's U.S. Antarctic Marine Living Marine Resources Program of directed research having an annual budget of \$2 million. Served as the scientific advisor to the U.S. Commissioner to IWC.

11/83 to 1/87—Director, International Union for the Conservation of Nature, Conservation Monitoring Center, Cambridge, England.

Served as the first professional director of the Center, which provides information on the conservation status of wildlife and their habitats worldwide. With a professional staff of 38, the Center produced the prestigious series of Red Data Books and Red Data Lists, which are used to define conservation issues and to focus the efforts of IUCN and the World Wildlife Fund International. Undertook strategic planning and fundraising efforts that provided half the Center's funding. Chaired the IWC Scientific Committee during the era when commercial catch limits were phased out as a consequence of the moratorium on commercial whaling.

8/79 to 10/83—Director, National Marine Mammal Laboratory, GS-15, Northwest and Alaska Fisheries Science Center, National Marine Fisheries Service, Seattle, WA.

Appointed first director of the laboratory established as the principal source of scientific expertise on marine mammals within NMFS. With a staff of 35, the laboratory undertook research on the biology, life history, abundance, and ecological roles of seals, dolphins and whales; their interactions with fisheries; and the effects of environmental change upon their populations. Continued personal research to assess the status of whale stocks and led the U.S. scientific team at IWC, also served as the Vice Chair of the IWC Scientific Committee.

5/78 to 7/79—Deputy Director, Marine Mammal Division, GS-14, Northwest and Alaska Fisheries Science Center, National Marine Fisheries Service, Seattle, WA.

Assisted the director in developing plans for all research undertaken and in its execution. Directly responsible for preparing budgets, selecting and training personnel, arranging contracts, and maintaining relationships with scientists of other nations. Oversaw efforts to initiate a major new research program to determine the status of bowhead whales. Continued personal research to assess the status of whale stocks and led the U.S. scientific team at the IWC's Scientific Committee.

7/74 to 4/78—Leader, Cetacean Research Unit, GS-12/GS-13, Marine Mammal Division, Northwest and Alaska Fisheries Science Center, Seattle, WA.

Supervised research to determine the status and trends of bowhead whales, gray and humpback whales, and Dall's porpoise. Also personally undertook research to assess the status of commercially exploited whale stocks and participated in the IWC's Scientific Committee, providing scientific support of U.S. initiatives.

8/72 to 6/74—Fishery Biologist, GS-12, Marine Fish and Shellfish Division, Northwest and Alaska Fisheries Science Center, Seattle, WA.

Supervised a modeling study of the Bering Sea marine ecosystem. Also spent 1 year at the University of Washington teaching the graduate series in fish population dynamics.

9/70 to 7/72—Pre-Doctoral Research Associate, Center for Quantitative Science in Forestry, Fisheries and Wildlife, University of Washington, Seattle, WA.

6/68 to 6/70—Active Military Service, U.S. Army, 1st Lieutenant, Army Logistics Command, St. Louis, Captain, I Corps Group, South Korea.

9/65 to 5/68—Teaching Assistant, College of Fisheries, University of Washington, Seattle, WA.

#### **Honors and Awards**

U.S. Army Commendation Medal, 1970.

Nominated for NMFS Employee of the Year, 1979.

Presidential Rank Award, Meritorious Executive, 1993, for sustained excellence in supporting U.S. goals of protecting whales internationally and recovering protected species domestically (included \$10,000 cash bonus).

Albert Schweitzer Medal, Animal Welfare Institute, 1994, for whale conservation efforts (included \$1,000 cash award).

Presidential Appointment, U.S. Commissioner to the Inter-American Tropical Tuna Commission, 1994–1999.

Presidential Appointment, Deputy U.S. Commissioner to the International Whaling Commission, 1994–2004.

Department of Commerce Bronze Medals for outstanding contributions to international marine resource management: 1995: Fisheries bycatch in Chile; 1998: Tuna/dolphin interactions; 2000: Japanese trade in whale products.

Nominated for NOAA Distinguished Career Award, 2003.

Senior Executive Service bonuses for outstanding performance for 12 of the 15 years served, 1988–2004.

#### **Professional Affiliations**

Fellow, American Institute of Fishery Research Biologists.

Charter Member, Society for Marine Mammalogy.

Research Associate, Scripps Institution of Oceanography, University of California, San Diego, 1994–1999, 2003–Present.

#### **Selected International Experience**

1974–1995, Member, IWC Scientific Committee (Elected Vice Chairman 1979–1982, Elected Chairman 1982–1985).

1978–1980, Member, INPFC *ad hoc* Committee on Marine Mammals.

1979–1983 Member, Steering Committee for Marine Mammal Project, US–USSR Agreement on Protection of the Environment.

1980–1981, Member, North Pacific Fur Seal Commission's Scientific Committee.

1982–1990, Member, IUCN Species Survival Commission's Cetacean Specialist Group (Chairman 1982–1983).

1984–1987, Member, Steering Committee, IUCN Species Survival Commission. 1984, IUCN observer, CCAMLR.

1985, Co-Head of IUCN Delegation, Fifth Conference of CITES Contracting Parties.

1987–present, Advisor to U.S. IWC delegation.

1988, Member, CCAMLR Scientific Committee.

1989–1991, Appointed U.S. Delegate to ICES.

1989–1990, Member, U.S. Delegation, PICES negotiations.

1993, Alternate U.S. Commissioner & Head of Delegation, 45th Annual Meeting of IWC.

1994–1999, U.S. Commissioner to IATTC.

1994–2004, Deputy U.S. Commissioner to IWC.

1994–present, Member Emeritus, IUCN Species Survival Commission.

1996–2003, U.S. Delegate to Interim Scientific Committee for Tunas and Tuna-like Species in the North Pacific Ocean (Chairman of ISC 1998–1999).

1999–2003, Invited Member, International Scientific Review Team, United Kingdom, Center for Environmental Fisheries and Agriculture Science: Undertook peer review of CEFAS' science and research programs.

2004, 2007–2009, Member, U.S. delegation to IWC.

2007, Invited participant and presentation at the Pew Symposium on the Conservation of whales in the 21st Century, New York.

#### **Committee Appointments**

NMFS Transition Board: Served for 2 years on team that led successful efforts to reinvent NMFS.

NMFS Executive Board: Served two-year term on newly established board that advised the NMFS directorate.

NOAA Operating Executive Resources Board: Served two-year term on board advising NOAA directorate on Senior Executive Service matters.

DOC Chapter of SEA: Served two-year term on Board of Directors of Senior Executive Association's Department of Commerce chapter.

NMFS PMAC: Served three-year term on NMFS Personnel Management Advisory Committee.

Leadership Council: Served on executive body comprised of the Senior NMFS Executives.

NMFS Science Board: Served on board comprised of NMFS Regional Science Directors.

1998–2003, Member External Advisory Board, Center for Environmental Analysis, an NSF Center of Research Excellence in Science and Technology, California State University at Los Angeles (a Minority Serving Institution).

2003–2005, Chair, Society for Marine Mammalogy's 16th Biennial Conference.  
2003–2008, Member, Steering Committee for IGERT Program, Center for Marine Biodiversity and Conservation, Scripps Institution of Oceanography.

**Item A.16 Primary Published or Creative Work—Michael F. Tillman, Ph.D.**

1. Grinols, R.B., and M.F. Tillman. Importance of the worldwide hake, *Merluccius*, resource. U.S. Fish. Wildl. Serv. Circ., 332:1–21. (1970) Review Article
2. Tillman, M.F., and G.J. Paulik. Biological analysis of the northern anchovy fishery system. Univ. Wash., Center for Quant. Sci. Forest., Fish., Wildl. Quant. Sci. Pap. 28. 65 pp. (1971) Research Article
3. Tillman, M.F. Assessment of north Pacific stocks of whales. Mar. Fish. Rev., 37(10): 1–4. (1975) Research Article
4. Tillman, M.F. Additional evidence substantiating existence of northern sub-population of northern anchovy, *Engraulis mordax*. Fish. Bull., U.S., 73(1):212–215. (1975) Research Note
5. Tillman, M.F., and D. Stadelman. Development and example application of a simulation model of the northern anchovy fishery. Fish Bull., U.S., 74(1):118–130. (1976) Research Article
6. Brown, G.M., J. Hammack, and M.F. Tillman. Mallard population dynamics and management models. J. Wildl. Manage., 40(3):542–555. *Also*: Resources for the Future Reprint 139. (1976) Research Article
7. Tillman, M.F. Estimates of stock size for the north Pacific Bryde's whale. Rep. int. Whal. Commn., 27:176–179. (1977) Research Article
8. Tillman, M.F. Trends in abundance of sperm whales in three areas of the north Pacific. Rep. int. Whal. Commn., 27:343–350. (1977) Research Article
9. Tillman, M.F., and J.M. Breiwick. Estimates of stock size for exploitable north Pacific male sperm whales. Rep. int. Whal. Commn., 27:180–185. (1977) Research Article
10. Tillman, M.F. Estimates of population size for the North Pacific sei whale. Rep. int. Whal. Commn. (Special Issue 1): 98–106. (1977) Research Article
11. Tillman, M.F., and J.M. Breiwick. Estimates of stock size for the Antarctic sei whale. Rep. int. Whal. Commn. (Special Issue 1):107–112. (1977) Research Article
12. Tillman, M.F. Extrapolated initial and current stock sizes for Southern Hemisphere sei whales. Rep. int. Whal. Commn., 28:313–314. (1978) Research Note
13. Tillman, M.F. Modified DeLury estimates of the North Pacific Bryde's whale stock. Rep. int. Whal. Commn., 28:315–318. (1978) Research Article
14. Tillman, M.F. Some theoretical considerations in the application of recruitment models to sei whale stock assessments. Rep. int. Whal. Commn., 28:469–472. (1978) Research Article
15. Tillman, M.F. Estimates of abundance determined from catch per unit effort and age distribution data for stocks of Southern Hemisphere sei whales. Rep. int. Whal. Commn., 28:473–476. (1978) Research Article
16. Mitchell, E.D., and M.F. Tillman. Scientific review of IWC Scientific Permits. Rep. int. Whal. Commn., 28:269–270. (1978) Note
17. Tillman, M.F. Introduction: A scientific perspective of the bowhead whale problem. Mar. Fish. Rev., 42(9–10): 2–5. (1980) Review Article
18. Tillman, M.F., and B. Grenfell. Estimates of abundance for the western North Pacific stock of Bryde's whales. Rep. int. Whal. Commn., 30:369–373. (1980) Research Article
19. Tillman, M.F. Estimated abundance of the Western North Pacific stock of Bryde's Whales. Rep. int. Whal. Commn., 31:385–388. (1981) Research Article
20. Tillman, M.F., and D.G. Chapman. Further considerations of reasons for a more conservative approach to whale management. Rep. int. Whal. Commn., 31:601–604. (1981) Review Article
21. Tillman, M.F., and S. Oshumi. Japanese Antarctic pelagic whaling prior to World War II: Review of catch data. Rep. int. Whal. Commn 31:625–627. (1981) Review Article
22. Tillman, M.F. Reanalysis of Area I [minke whale] sighting data by means of revised Doi model. Rep. int. Whal. Commn 32:738. (1982) Research Note

23. Tillman, M.F. Mark-recapture estimates of abundance for minke whales in Southern Hemisphere Areas II and IV. Rep. int. Whal. Commn 32:740–1. (1982) Research Article

24. Tillman, M.F., and S.A. Mizroch. Mark-recapture estimates of abundance for the western North Pacific Stock of Bryde's whales. Rep. int. Whal. Commn 32:335–7. (1982) Research Article

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8. Wachtel, P., and M.F. Tillman. WWF, IUCN step up efforts to curb trade in endangered species. *Envir. Awareness* 8(1):9–10. (1985) Report

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12. Tillman, M.F., J.M. Breiwick, and J.R. Twiss. Memories, Douglas George Chapman. Mar. Mammal Sci. 13(1):165–8. (1997) Obituary

13. Tillman, M.F. The scientific and technical underpinnings of the moratorium on commercial whaling. Background paper contributed to the Pew Symposium on the State of Conservation of Whales in the 21st Century, April 2007, New York (unpublished). 12 pp (2007) Review Article

14. Mizroch, S., M. Tillman, S. Jurasz, O. Von Ziegesar, L. Herman, A. Pack, S. Baker, J. Darling, D. Glockner-Ferrari, M. Ferrari, D. Salden, and P. Clapham. 2008. Long-term survival of humpback whales radio-tagged in Alaska from 1976 through 1978. Paper SC/60/O14 presented to the IWC Scientific Committee, June 2008, Santiago, Chile (unpublished). 10 pp. (2008) Research Article

#### **A. Work In Progress**

1. Tillman, M.F. The scientific and technical underpinnings of the moratorium on commercial whaling. (In prep.) Review Article

#### **Item A.12: Memberships in Organizations**

##### *Professional (membership only)*

1965–2003—American Fisheries Society

1973–present—American Institute of Fisheries Research Biologists

1984–present—Society for Marine Mammalogy

1988–2003—Senior Executives Association

1998–2003—Society for Conservation Biology

2001–2002—Society for the Advancement of Chicanos and Native Americans in Science

##### *Educational/Charitable (membership only)*

1997–present—Athenaeum Music & Arts Library

2000–2006—La Jolla Historical Society

2000–present—KSDS–Jazz88

2001–present—California Native Plant Society

2006–present—Quail Botanical Gardens

2007–present—San Elijo Lagoon Conservancy

2007–present—Batiqitos Lagoon Foundation

2007–2009—San Dieguito Heritage Museum

2007–present—Friends of Encinitas Library

##### *Social/Fraternal (membership only)*

1965–present—University of Washington Alumni Association

Senator CANTWELL. Thank you, Dr. Tillman.  
Dr. Boness, thank you very much for being here.

#### **STATEMENT OF DARYL J. BONESS, CHAIRMAN-DESIGNATE, MARINE MAMMAL COMMISSION**

Dr. BONESS. Thank you, Madam Chairman, Ranking Member Hutchison.

I am honored to be here before you as President Obama's nominee for Chairman of the Marine Mammal Commission.

Growing up in the midst of dairy farming and paper mill country in Wisconsin, I never could have imagined being given this opportunity to serve in such a capacity. At that point, marine mammals and the oceans were only pictures in my mind. It is truly a privilege, and I thank the President, and I thank you.

My interest in science began in advanced biology in high school, and it was accelerated with encouragement of my undergraduate advisor, Dr. Neil Wylie, who I would like to thank for his guidance during those critical years of my education.

I would also like to thank my family members, many mentors, and friends who have given me unfailing encouragement to pursue new challenges. And I would especially like to thank my wife, Leslie, who is here in the audience with us today, and my daughter Melissa, who, unfortunately, was unable to join us and is currently in Colorado.

I did my graduate work in behavioral ecology in seals in the North Atlantic, and that was actually my first foray into marine mammal science. And in fact, it was not until I was an undergraduate in college that I actually first observed an ocean, and that was the Atlantic Ocean in Rockport, Massachusetts, where my wife and I first went.

My early studies focused on basic biology and ecology of several seal species with the aim of advancing biological theories. However, through discussions with many of my colleagues during those early years, I gained an awareness of the need to contribute to conservation of marine mammals as well.

It just so happens the opportunity and the appointment to the Marine Mammal Commission's Committee of Scientific Advisors on Marine Mammals gave me this opportunity. As a Member and then Chairman of that committee, I believe that I have made valuable contributions to promoting marine mammal research and conservation.

I have also learned a great deal about the complex challenges involved. Indeed, although we continue to increase our scientific knowledge, marine mammals and our marine ecosystems are facing new, emerging threats, and the challenges of conservation are becoming even more complex and difficult.

The Marine Mammal Protection Act has had a profound effect on the conservation of marine mammals and marine ecosystems. Yet as human populations have grown, so, too, have our interactions with marine mammals. Resolving the conflicts that arise will not be easy, but we must find workable solutions.

We have already seen the extinction of two marine mammal species in my lifetime, this being the Caribbean monk seal and the Yangtze River dolphin. Several other marine mammal species are perilously close to extinction.

In the face of such conservation challenges, I place a high value not only on improving our scientific knowledge, but also on fostering openness, fairness, and objectivity in applying that science to achieve sustainable solutions.

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

PREPARED STATEMENT OF DARYL J. BONESS, CHAIRMAN-DESIGNATE,  
MARINE MAMMAL COMMISSION

Chairman Rockefeller, Ranking Member Hutchinson, and distinguished members of the Committee, I am honored to be here before you as President Obama's nominee for Chairman of the Marine Mammal Commission. As a relatively naive high school student in the midst of dairy farming and paper mill country, I never could have predicted being given the opportunity to serve in such a capacity. Marine

mammals and the oceans they inhabit only existed in pictures for me. It is truly a privilege and I thank the President, and I thank you.

So, how did I get from there to here? I reached this point today because my family, mentors, and friends have given me unfailing encouragement to pursue new challenges. I have been blessed especially by the support of my parents, siblings, in-laws, and particularly my wife, Leslie, and daughter, Melissa. I grew up in a large family in central Wisconsin where my father worked in a paper mill. He taught me to respect our environment and natural resources, which in Wisconsin meant forests, fields, rivers, and lakes. He also taught me to hunt and fish as a means for putting food on the table. In those early years I did not reflect much on the wonder of those resources, or think about the fact that they would not be endless if managed in an unsustainable manner.

My world expanded in high school, when I took advanced biology and was introduced to the challenge of not only reading about science but actually participating in it. The ideas and processes involved in discovering new information and resolving questions through research broadened my horizons. In college my advisor recognized my enthusiasm for science, provided me opportunities for independent research, and encouraged me to present my work at professional meetings and to publish my results. I would like to acknowledge Dr. Neil Wylie for that incredibly important encouragement and guidance during those critical years of my education and training. I did indeed become a research scientist.

It was also during college that Leslie provided my first opportunity to see an ocean, the Atlantic, in Rockport, Massachusetts, not far from where she grew up. Although I don't remember seals from that snowy winter day, the ocean vista left a lasting impression of a world extending beyond my gaze, now open to me. I realize that my experiences as a teenager and a student gave me a deeper appreciation of our natural resources and the environment in which we live. I began noticing the clumps of foam and debris in the rivers and lakes I used to fish and seeing the black sidewalks covered in soot from the local foundry. These things were not new; I was just becoming more aware of them. The quality of the environment was not a strong concern in central Wisconsin in those days. However, from the time this august body passed the Marine Mammal Protection Act, the Endangered Species Act, and a whole suite of environmental legislation in the late 1960s and early 1970s, we have begun to see the great value in, and need for, conservation of our bountiful, but not endless, resources.

In graduate school I studied the behavioral ecology of seals in the North Atlantic, my first foray into marine mammal science. While presenting my research at a conference, I met a Smithsonian scientist and learned that the National Zoological Park had an opening for a seal biologist. I applied, had the good fortune of getting the job, and began a career path that has led me to this position before you.

At the Smithsonian National Zoo, I began as a curator responsible for some mammal exhibits, including those involving seals and sea lions. I was also expected to conduct a research program on these seal species. It was at this point that I began to recognize the importance of communicating the results of my studies to a broader audience, not just my colleagues and peers in science. I later held a full-time research position at the Zoo and expanded my research program. In this position as well, the Smithsonian strongly encouraged me to disseminate the results of my studies to a wide audience, and I share the Institution's conviction that science must be integrated into the many facets of our society.

My early studies focused on the basic biology and ecology of several seal species with the aim of advancing biological theories. However, colleagues from the Smithsonian and elsewhere convinced me that such research is also vitally important for conservation, as is applied research.

For me this increased awareness coincided, in the mid-1990s, with being appointed to the Marine Mammal Commission's Committee of Scientific Advisors on Marine Mammals.

As a member, and then Chairman, of that committee, I believe that I have made valuable contributions to promote marine mammal research and conservation. I also have learned a great deal about the complex challenges involved. Indeed, although we continue to increase our scientific knowledge, marine mammals and our marine ecosystems are facing new, emerging threats, and the challenges of conservation are becoming even more complex and difficult.

The Marine Mammal Protection Act has had a profound effect on the conservation of marine mammals and, indeed, marine ecosystems. Yet, as human populations have grown so, too, have our interactions with marine mammals, whether we are trying to make a living or simply enjoy the marine environment through recreation. Resolving the conflicts that arise will not be easy, but we must find workable solutions. We have already seen the extinction of two marine mammal species in my

lifetime, the Caribbean monk seal and the Yangtze River dolphin. Several other marine mammal species are perilously close to extinction, including the North Atlantic and North Pacific right whales, the vaquita (a porpoise found only in the Gulf of California), and the Mediterranean and Hawaiian monk seals, all of which number in the hundreds.

In the face of such conservation challenges, I place a high value not only on improving our scientific knowledge, but also on fostering openness, fairness, and objectivity in applying that science to achieve sustainable solutions. I believe these latter traits explain, in part, why I was asked to serve as editor of the leading scientific journal devoted to marine mammals and to serve multiple terms as a Scientific Advisor to the Marine Mammal Commission.

The President's request that I now serve as Chairman of the Marine Mammal Commission is a great honor and privilege. If I am confirmed, the position will be a challenge but also an opportunity to help shape policies that will further the conservation of marine mammals and the ecosystems of which they are a part. Work with marine mammals has been a central focus throughout much of my life, and I believe that I have the necessary experience and motivation to guide the Commission as it fulfills its important mission. I have the utmost respect for the current members of the Marine Mammal Commission and its staff and the scientists and managers of the institutions and agencies that the Commission advises and oversees. Should I be confirmed, I welcome the chance to work cooperatively and productively with these agencies to further the goals of the Marine Mammal Protection Act.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Daryl John Boness.
2. Position to which nominated: Chairman, Marine Mammal Commission.
3. Date of Nomination: 20 January 2010.
4. Address (List current place of residence and office addresses):  
 Residence: Information not released to the public.  
 Office: I work from home—Hartford, ME 04220–5035.
5. Date and Place of Birth: March 22, 1950; Neenah, WI.
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).  
 Leslie Fern Poland Boness (spouse); retired from Maryland National Capital Park & Planning Commission Employees' Retirement System; child: Melissa Margann Boness (daughter); 32 yrs old.
7. List all college and graduate degrees. Provide year and school attended.  
 BA in Psychology & Biology; Cornell College, Iowa, 1968–1972.  
 MA in Psychology (Human Psychophysiology); Hollins College, Virginia, 1972–1973.  
 PhD in Psychology (Behavioral Ecology/Animal Behavior), Dalhousie University, Halifax, Nova Scotia, 1973–1978 (degree awarded in 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.  
 Curator of Mammals, National Zoological Park, Smithsonian Institution, 1978–1985.  
 Research Zoologist, National Zoological Park, Smithsonian Institution, 1985–1997.  
*Chairman*, Department of Zoological Research, National Zoological Park, Smithsonian Institution, 1997–2000.  
 Senior Scientist and *Head*, *Department of Conservation Biology*, National Zoological Park, Smithsonian Institution, 2000–2003.  
 Committee of Scientific Advisors to the Marine Mammal Commission, 1993–present (*Chairman of the Committee*, 2008–present).  
*Editor-in-Chief*, for the scientific journal, *Marine Mammal Science*, of the Society for Marine Mammalogy, 2007–present.

Items noted in italics are managerial positions.

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.

Review Panelist for the Marine Mammal Commission to Evaluate the Effectiveness of the North Atlantic Right Whale Recovery Program, March, 2006.

One-time Service Contractor with North Pacific Research Board (established by Congress) to review Steller Sea Lion Draft Recovery Plan, 2007.

Member of Pinniped-Fishery Interaction Task Force established by the National Marine Fisheries Service under the Marine Mammal Protection Act to advise the Secretary of Commerce on management of California sea lions at Bonneville Dam preying on salmon stocks listed under the Endangered Species Act, 2007–present.

Chairman, Ordinance Committee for the Town of Hartford, Maine, 2008–present.

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

Research Professor, University of Maine (uncompensated).

Graduate Student Thesis Committees, University of New England (uncompensated).

Co-advisor, Graduate Student Thesis, La Rochelle University, France (uncompensated).

Co-advisor, Graduate Student Thesis, Memorial University, Canada (uncompensated).

Senior Research Associate, Smithsonian Institution (uncompensated).

External Examiner on PhD Thesis, Macquarie University, Australia.

Member, Board of Governors, and Editor in Chief of journal *Marine Mammal Science*, Society for Marine Mammalogy.

Member, Board of Directors, Lake Anasagunticook Association, Maine.

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

None of the organizations below restrict membership based on the above factors:

Lake Anasagunticook Association, Maine, (Director 2004–2007), 2000–present.

Phi Beta Kappa, National Scholastic Honor Society, 1968–present.

Beta Beta Beta National Biological Honor Society, 1967–present (President of local chapter in 1968).

Sigma Xi Scientific Research Society, 1981–present.

Animal Behavior Society, 1992–2004.

American Society of Mammalogists, 1984–2009.

International Society for Behavioral Ecology, 1995–2002.

Society for Conservation Biology, 1989–2000.

Society for Marine Mammalogy, 1985–present (Board of Governors and Editor-in-Chief of Society's scientific journal, 2007–present).

Washington Biologists Field Club, 1998–present (inactive, Board of Directors, 1998–2000).

Stanton Bird Club 2008.

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.

Chairman, Ordinance Committee for the Town of Hartford, Maine (appointed to standing committee by Board of Selectmen—no campaign involved).

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the

past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period: None.

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

Beta Beta Beta National Biological Honor Society  
 Phi Beta Kappa National Scholastic Honor Society  
 Sigma Xi National Scientific Research Society  
 Hollins College Graduate Fellowship  
 Dalhousie University Graduate Fellowship  
 National Research Council of Canada Graduate Fellowship  
 Smithsonian Institution Exceptional Service Award, 1987  
 Smithsonian Institution Personal Recognition for Ingenuity, Drive, and Excellence, 1994, 1995  
 Smithsonian 150th Anniversary Scholarly Leadership Award  
 Smithsonian Merit Pay Award for Outstanding Performance as Department Head, 1998, 2001

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

See attached list.

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 Marine Mammal Commission was established under the Marine Mammal Protection Act of 1972. The Commission oversees Federal activities to promote the protection and conservation of marine mammals and maintain the health and stability of the ecosystems of which they are a part.

During my entire career I have sought to advance our understanding of marine mammal behavior and ecology. Midway through my career, the Marine Mammal Commission appointed me to serve as a member of its nine-member Committee of Scientific Advisors on Marine Mammals. I was honored to accept and I have served the Commission ever since.

Prior to serving the Commission, had studied nearly half of all seal species worldwide to investigate questions related to their behavior, physiology, ecology, and genetics. Through my work on the Commission's Committee of Scientific Advisors for the past seventeen years, I have been able to expand my understanding of how scientific information contributes to conservation management and policy.

As a member and then Chairman of the Committee of Scientific Advisors I believe that I have made valuable contributions toward marine mammal research and conservation. I also have learned a great deal about the complex challenges involved. Indeed, although we continue to increase our scientific knowledge, new threats are emerging and the challenges are becoming even more complex and difficult to address.

As human populations have grown so, too, have our interactions with marine mammals, whether we are trying to make a living or simply enjoy the marine environment through recreation. Resolving the conflicts that arise will not be easy, but we must find workable solutions. We have already seen the extinction of two marine mammal species in my life time, the Caribbean monk seal and the baiji (Yangtze River dolphin). Several other marine mammal species are perilously close to extinction, including the North Atlantic right whale, the vaquita (a porpoise off Baja, Mexico) and the Mediterranean and Hawaiian monk seals, all of which number in the hundreds.

In the face of such conservation challenges, I place a high value not only on improving our scientific knowledge, but also on fostering openness, fairness, and objectivity in applying that science. I believe these latter traits explain, at least in part, why I have been asked to serve as editor of the leading scientific journal devoted to marine mammals and to continue to serve as a Scientific Advisor to the Marine Mammal Commission for multiple terms.

I consider the President's request that I now serve as Chair of the Marine Mammal Commission to be a great honor and a privilege. The position will be a challenge, but also a great opportunity to help shape policies that will further the conservation of marine mammals specifically, and marine ecosystems more generally. Work with marine mammals has been a central focus throughout much of my life, and I believe that I have the necessary experience and motivation to guide the Commission as it fulfills this important mission. I have the utmost respect for the scientists and managers of the institutions and agencies that the Commission oversees and welcome the chance to work cooperatively with them to further the goals of the Marine Mammal Protection Act.

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

The Marine Mammal Commission is a relatively small agency that is comprised of approximately 14 staff, 9 members of the Committee of Scientific Advisors on Marine Mammals, and 3 Commissioners. The Department I led at the Smithsonian Institution was of similar size and composed of similar professional and support staff. I have experience in all facets of managing such an organization, including working through times of extreme budget constraints and competing programmatic needs.

The Marine Mammal Commission has an excellent staff that includes an Executive Director who is responsible for guiding the complex and diverse tasks of the Commission's daily operations. My job should I be confirmed, in consultation with the two other Commissioners and the Executive Director, will be to set the agency's direction and oversee the entire operation of the Commission staff and Committee of Scientific Advisors. If confirmed, I expect to be in frequent contact with the other Commissioners, Committee members, and the Executive Director to assure that proper management and accounting controls continue to be followed and the Commission's priorities continue to be properly set. Should I be confirmed, I also anticipate visiting the Commission's office in Bethesda, Maryland, to meet with staff and discuss operational and programmatic issues on an as-needed basis.

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

The Marine Mammal Protection Act requires that management of marine mammal populations be based on the "best scientific information available." In practice, the best scientific information may not be sufficient to resolve management issues with complete certainty. In the face of equivocal information, the greatest challenge often involves convincing stakeholders of the need to take action to prevent irreversible consequences (*e.g.*, extinction), but also to prevent situations where the economic, ecological, and social costs of conservation remedies become excessive. Conservation truly is one of those endeavors in which an ounce of prevention is worth a pound of cure. In this regard, the Commission has long been known for communicating its recommendations and rationale clearly, for bringing stakeholders together to solve problems interactively, and for anticipating problems and devising solutions before costs and consequences become excessive. As Chair of the Commission I would maintain an anticipatory, interactive approach to problem-solving.

Known and potential threats to marine mammals and marine ecosystems are numerous and often intertwined. In 2003 the Commission convened a multinational group of scientists to describe key threats to marine mammals and identify the research needed to inform management efforts. Based in large part on that review, I believe the most important issues include the effects of global climate change on marine mammals and marine ecosystems; the degradation of marine habitat through the introduction of pollutants and resulting unusual mortality events involving marine mammals, seabirds, fishes, and invertebrates; and, on a global basis, the continued loss of marine mammals as bycatch in fisheries.

Finally, a continuing challenge for the Marine Mammal Commission is to improve research and management strategies for preventing marine mammal populations from becoming depleted, threatened, or endangered, and to improve the success of recovery efforts for those that have reached such status. Conservation efforts often are impaired significantly by lack of basic stock assessment information. A recently published evaluation of stock assessment efforts indicates that current methods are not sufficient to detect as much as a 50 percent decline in 72 percent of large whale species, 78 percent of dolphins and porpoises and 100 percent of ice-breeding seal species. One of our significant challenges will be to identify and encourage innovations to overcome these assessment limitations. Without better methods to assess population trends and detect developing problems we will lose opportunities to address problems before they become crises, when solutions can be easier to develop and at substantially less cost.

As part of this effort, the Marine Mammal Commission must continue to work closely with other agencies responsible for the conservation and management of marine mammals: the National Marine Fisheries Service and the Fish and Wildlife Service. Doing so is essential if we are to preserve the long-term well-being of marine mammal populations and the health and stability of the marine ecosystem, as directed by Congress when it passed the Marine Mammal Protection Act.

#### 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.

Retired Federal employee (Smithsonian Institution) receiving a monthly benefit. My spouse is retired from the Maryland National Capital Park & Planning Commission Employees' Retirement System and has a 401(k) & 457 retirement account administered by ICMA Retirement Corp.

I presently receive a stipend from the Society for Marine Mammalogy in support of serving as Editor-in-Chief of its scientific journal.

I presently receive compensation on an hourly basis for my services as Chairman of the Marine Mammal Commission's Committee of Scientific Advisors on Marine Mammals.

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

I have informally agreed to continue serving as Editor-in-Chief of *Marine Mammal Science*, the journal of the Society for Marine Mammalogy. I have been advised that potential conflicts of interest can be avoided through a recusal agreement, although I could resign from this position if necessary. My non-salaried Research Professorship at the University of Maine requires that I serve periodically on student thesis committees and collaborate with other researchers in the department or elsewhere, at my discretion. This appointment is renewed on an annual basis. I also could terminate this position at any time if necessary. At this time, I would prefer to maintain this position as I believe strongly in supporting the education of our next generation of research scientists.

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 Marine Mammal Commission'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 transmitted to the Commission's designated agency ethics official and that has been provided to this committee. That said, I am not aware of any 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 Marine Mammal Commission'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 transmitted to the Commission's designated agency ethics official and that has been provided to this committee. That said, I am not aware of any 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.

My wife and I gave testimony before the State of Maine Legislature's Committee on Natural Resources opposing a proposed bill that would have targeted our town for an unfair share of costs related to a dam in the neighboring town that controls a shared lake. However, we were not engaged by any party to present that testimony, which was given in our personal capacities.

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 Marine Mammal Commission'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 transmitted to 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.

#### 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.

#### CURRICULUM VITAE OF DARYL J. BONESS

##### Present Position

Research Professor	Senior Scientist (Retired)
Department of Wildlife Ecology	Conservation and Research Center
and School of Marine Science	National Zoological Park
University of Maine	Smithsonian Institution
Orono, ME	Washington, DC

##### Education

B.A. Cornell College, Iowa	1972 Biology and Psychology
M.A. Hollins College, Virginia	1973 Human Psychophysiology
Ph.D. Dalhousie University, Nova Scotia	1979 Behavioral Ecology (in Psychology)

##### Honors and Awards

B.A. Degree, Magna Cum Laude  
 Beta Beta Beta, National Biological Honor Society, 1971 (Chapter President)  
 Phi Beta Kappa, National Scholastic Honor Society, 1972  
 Hollins College Graduate Fellowship, 1972 to 1973  
 Dalhousie University Graduate Fellowship, 1973 to 1975  
 National Research Council of Canada Graduate Fellowship, 1975 to 1978  
 Sigma Xi Research Society, 1981  
 Smithsonian Institution Exceptional Service Award, 1987  
 Smithsonian Institution Personal Recognition for Ingenuity, Drive, and Excellence, 1994, 1995

Smithsonian 150th Anniversary Scholarly Leadership Award, 1996  
 Smithsonian Merit Pay Award for Performance as Department Chair, 1998  
 Smithsonian Merit Pay Award for Outstanding Performance as Department Head, 2001

### Professional Experience

*Curator of Mammals*: In charge of aquatic vertebrate (seal, beaver, and otter), bear, canid, and felid collections; supervised 11 animal keepers; assisted in the design of an aquatic habitat complex (\$12,000,000; never completed); performed research in the field and at the zoo; 1978 to 1985

*Research Zoologist*: Responsible for conducting original research on marine mammal behavior and advising zoo husbandry staff on seal husbandry and water quality; 1985 to 1996

*Acting Assistant Director for Research*, National Zoological Park: Headed the Research Department while the Assistant Director for Research was on sabbatical; supervised department staff (7 staff research scientists, 8 postdoctoral associates, and 7 graduate students); chaired the Research Council (a review and policy-making board of 17 Ph.D. or D.V.M. staff); represented the research interests of the Zoo at high-level Zoo and Smithsonian meetings; December 1986 to April 1987

*Scientific Advisor*, U.S. Marine Mammal Commission, executive branch; 1993 to present

*Research Professor*, Department of Biology, American University; 1994 to 2003

*Acting Head*, Department of Zoological Research: completed six-month detail as Head of the Department following abolishment of the Assistant Director's position (the previous position that had responsibility for running the Department) and in the interim to establishing a rotating Department Chair. I had ultimate responsibility for running the Department of Zoological Research, which consisted of 7 research scientists (GS-12 to Senior Scientist level), 9 technical and administrative support staff, and a varying number of associates, postdoctoral fellows, and graduate and undergraduate students; November 1996 to May 1997

*Chairman*, Department of Zoological Research, National Zoological Park: I had ultimate responsibility for running the Department of Zoological Research, which consisted of 11 research scientists (GS-12 to Senior Scientist level), 10 technical and administrative support staff, and a varying number of associates, postdoctoral fellows, and graduate and undergraduate students. The Department included a molecular genetics laboratory, comparative nutrition laboratory, a sound and video analysis laboratory, a migratory bird center, and a public science education exhibit area with several functional labs open to the public; May 1997 to September 2000

*Senior Scientist and Head*, Department of Conservation Biology, National Zoological Park: In a reorganization of the Zoo, several operations were merged into a new department, which I headed. The department consists of 24 research scientists (GS-12 to Senior Scientist level), 12 technical and administrative support staff, and varying numbers of associates, postdoctoral fellows, and graduate and undergraduate students. The department is comprised of several units: Genetics; Comparative and Clinical Nutrition; Behavior, Ecology and Population Biology; Migratory Bird Center; Monitoring and Assessment of Biodiversity Program; International Wildlife and Conservation Training Program and Public Science Outreach. The mission of the department is to advance the preservation of biodiversity through research, conservation activities, training of young professionals and public education; May 1997 to December 2003

*Adjunct Professor*, Department of Biology, Dalhousie University, Canada; 1999 to 2003

*Adjunct Professor*, Department of Biology, La Rochelle University, France; 1999 to 2004

*Smithsonian Senior Scientist* (retired and Research Associate); January 2004 to present

*Research Professor*, Department of Wildlife Ecology and School of Marine Science, University of Maine, Orono; July 2005 to present

*Member*, Committee of Scientific Advisors for the U.S. Marine Mammal Commission; December 1993 to present (*Chairman*, 2008 to present)

*Editor-in-Chief* of Marine Mammal Science, the scientific journal of the Society for Marine Mammalogy; December 2007 to present

### Professional Organizations

American Society of Mammalogists (currently inactive)

Animal Behavior Society (currently inactive)  
 Society for Marine Mammalogy (Charter Member)  
 Society for Conservation Biology (currently inactive)  
 International Society for Behavioral Ecology (currently inactive)  
 Washington Biologists Field Club (Life Member)

#### **Committees and Appointments**

##### *Within Smithsonian:*

National Zoological Park Ad Hoc Children's Zoo Committee, 1985 to 1986  
 National Zoological Park Information Services Panel, 1985 to 1988  
 National Zoological Park Water Quality Control Committee, 1986 to 1989 (Chairman, 1986)  
 Smithsonian Institution Academic Program Committee for Environmental Sciences, 1987 to 1989  
 National Zoological Park Committee on Science and Exhibits, 1987 to 1989 (Chairman)  
 National Zoological Park Institutional Animal Care and Use Committee, 1989 to 1993  
 National Zoological Park Research Council, Chairman, 1993 to 2001  
 Smithsonian Institution Congress of Scholars, representative for National Zoological Park, 1994 to 1997  
 Planning Committee, Learning is a Family Experience Education Program, National Zoological Park, 1994 to 1997  
 National Zoological Park Committee on Technology and Education, 1995 to 1999  
 National Zoological Park/Smithsonian Institution Fellowship Review Committee Chair, 1995 to 2003  
 National Zoological Park Planning and Design Committee for new exhibit on water, 1997 to 2000  
 Session Facilitator, pan-Smithsonian conference on research and educational outreach, 1997  
 Member of the National Zoological Park Senior Management Team (advise the Director on Zoo on policy and direction), 1997 to 2003  
 Smithsonian Institution Grant Review Panel for Seidell Foundation Grants, 1997 to 2003  
 Interagency Review of Grade Evaluation of Research Scientists, 1998

##### *Outside Smithsonian:*

Board of Scientific Advisors, Okeanos Oceanographic Foundation, 1980 to 1996  
 Professional Consultant, Graduate Studies in Museum Sciences, George Washington University, 1981 to 1984  
 Chair, Behavior Session, International Marine Mammal Conference, 1989  
 Conference Awards Committee, Marine Mammal Society, 1991  
 Institute of Museum Services, Conservation Program Grants, Field Reviewer, 1994  
 Institute of Museum Services, Panel to Review the Program for Conservation Grants, 1994  
 Chair, Behavior Session, International Marine Mammal Conference, 1995  
 Student Awards Judge, International Marine Mammal Conference, 1995  
 Review Panel to Evaluate the Hawaiian Monk Seal Research Program, U.S. National Marine Fisheries Service, NOAA, 1995  
 Review Panel to Evaluate Pinniped Research Program, Alaska Department of Fish and Game, 1995  
 Scientific Review Board for GulfCet II Project, Texas Institute of Oceanography, Texas A&M University at Galveston, 1996 to 1999  
 Review Panel Institute of Museum Services Conservation Program Grants, 1996  
 Marine Mammal Negotiated Rulemaking Advisory Committee (Observer for Marine Mammal Commission), U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 1996  
 Member, Organizing Committee, Animal Behavior Society Annual Meeting, 1997

Member, Marine Mammal Committee, American Society of Mammalogists, 1997 to 2006

Abstract Review Committee (Behavior Chair), International Marine Mammal Conference, 1997

Abstract Review Committee, Symposium on Hawaiian and Mediterranean Monk Seal Conservation and Biology, 1997

Review Panel to Evaluate Steller Sea Lion Recovery Program (Behavior), U.S. National Marine Fisheries Service, NOAA, 1997

Steering Committee, Millennium Marine Mammal Symposium at Annual Meeting, American Society of Mammalogists, 1998 to 1999

Nominated for President-Elect, Society for Marine Mammalogy, 1998 (not elected)

Session Chair, Human and Animal Acceptability Studies, Sonic Boom Symposium, Acoustical Society of America, 1998

Review Panel to Evaluate Marine Mammal Research Programs, Office of Naval Research, 1998

Elected to Washington Biologists Field Club, 1998 to present (Board Member, 1999, 2000)

Review Panel to Evaluate Steller Sea Lion Recovery Program (Physiology), U.S. National Marine Fisheries Service, NOAA, 1999

Scientific Program Committee (Mating Behavior and Reproduction Subcommittee Chair), 13th Biennial International Marine Mammal Conference, 1999

Associate Editor, *Marine Mammal Science*, 2000 to 2005

Member, Selection Committee to Recommend Hiring a Scientific Program Director, U.S. Marine Mammal Commission, 2000

Ad Hoc Selection Committee for American Association for the Advancement of Science, Diplomacy Fellowship Program, 2001

Invited participant for workshop on Implementation of Education Reform in Conservation Biology sponsored by George Mason University and funded by the U.S. Department of Education, 2001

Abstract Review Committee, International Marine Mammal Conference, Vancouver, BC, 2001

Review Panel to Evaluate Research and Management Program for Hawaiian Monk Seals, Marine Mammal Commission and National Marine Fisheries Service, Honolulu, 2002

Consulted for Marine Mammal Commission and Fish and Wildlife Service to evaluate captive polar bears in a circus in Puerto Rico, November 2002

Rapporteur for a section of a working group to develop a plan to manage the potential conflicts associated with the increase in Hawaiian monk seals at the main Hawaiian Islands, December 2002

Invited participant for Consultation on Future Directions in Marine Mammal Research, co-convened by the Marine Mammal Commission and the National Fish and Wildlife Foundation, Portland, OR, August 2003

Participated in review of science synthesis document and advised on animal welfare issues in research for a Federal advisory panel to the Marine Mammal Commission on Effects of Ocean Noise on Marine Mammals, 2004 to 2005

Review Panel to Evaluate the Effectiveness of the North Atlantic Right Whale Recovery Program, March 2006

NOAA Fisheries Pinniped-Fishery Interaction Task Force to advise Secretary of Commerce on lethal take option for California sea lions preying on ESA listed salmon at the Bonneville Dam, September 2007 to 2009

Board of Governors of the Society for Marine Mammalogy, December 2007 to present

### **Reviewer for Journals and Grants**

#### *Journals:*

American Naturalist  
 Animal Conservation  
 Animal Behaviour  
 Aquatic Mammals Behaviour  
 Behavioral Ecology

Behavioral Ecology and Sociobiology  
 Biological Conservation  
 Biological Journal of the Linnean Society Bioacoustics  
 Brazilian Archives Biology and Technology  
 Canadian Journal of Zoology  
 Comparative Biochemistry and Physiology  
 Ecological Applications  
 Ethology  
 Journal of Animal Ecology  
 Journal of Mammalogy  
 Journal Marine Biological Association, UK  
 Journal of Wildlife Management  
 Marine Ecology Progress Series  
 Marine Mammal Science  
 Nature  
 Proceedings of the Royal Society  
 Wildlife Research

*Granting Agencies:*

Center for Field Studies  
 Florida Sea Grant Program  
 National Geographic Society  
 National Institutes of Health  
 National Science and Engineering Research Council, Canada  
 National Science Foundation  
 Natural Environment Research Council, UK  
 Inter-American Foundation  
 Institute of Museum Service, Conservation Whitehall Foundation  
 Australian Research Council  
 American Philosophical Society

**Grants Received**

*Walrus behavior* (with E.H. Miller)  
 National Geographic Society, World Wildlife Fund Canada, Smithsonian Institution Research Opportunities Fund, (1980) \$21,500

*Resident microflora of grey seals*  
 Friends of the National Zoo, Okeanos Foundation (1981) \$13,800

*Maternal strategy of the California sea lion* (with O.T. Oftedal and K.A. Ono)  
 Friends of the National Zoo (1981 to 1986) \$110,430  
 American Museum of Natural History, Lerner-Grey Fund (1983) \$1,000  
 Center for Environmental Education, (1984) \$1,000

*Lactation in hooded and harp seals* (with O.T. Oftedal and W.D. Bowen)  
 Smithsonian Institution Research Opportunities Fund (1984) \$4,700  
 Department of Fisheries and Oceans Canada (in-kind ship and helicopter support) \$300,000

*Hawaiian monk seal fostering behavior*  
 Smithsonian Institution Research Opportunities Fund (1986) \$4,000  
 Friends of the National Zoo (1987 to 1989) \$43,000  
 National Marine Fisheries Service (1987 to 1989) (in-kind ship and field support through W. Gilmartin) \$39,000

*Lactation and maternal care in harbor seals* (with O.T. Oftedal)  
 Friends of the National Zoo (1988 to 1992) \$99,700  
 Smithsonian Institution Research Opportunities Fund (1987) \$3,200

*Mating and lactation strategies of the Juan Fernandez fur seal* (with J.M. Francis)  
 Friends of the National Zoo (1988 to 1991) \$70,000  
 National Geographic Society (1990) \$8,300  
 Smithsonian International Exchange Program (1990) \$8,500  
 Smithsonian Scholarly Studies Grant (1990 to 1991) \$76,230

- Long-term studies of life history and reproductive success of female harbor and grey seals on Sable Island, Nova Scotia* (with W.D. Bowen and S.J. Iverson)  
 Department of Fisheries and Oceans, Canada (1988 to 2003) (in-kind field support, through W.D.B.) \$120,000  
 Friends of the National Zoo (1988 to 2003) \$75,000  
 National Science and Engineering Research Council of Canada (1993 to 2003) (in-kind field and lab support, through W.D.B. and S.J.I.) \$35,000  
 Christensen Fund (2002 to 2003) \$94,000
- How prevalent is fostering behavior in the harbor seal?*  
 Friends of the National Zoo (1991 to 1992) \$21,800
- Male copulatory success in three species of fur seals interbreeding on Macquarie Island* (with S. Goldsworthy)  
 Australian Antarctic Science Advisory Committee (1992 to 1993) \$208,636  
 Friends of the National Zoo (1994) \$21,000
- Do inclusive fitness benefits contribute to fostering in colonially breeding phocid seals?* (with E. Perry and R. Fleischer)  
 Smithsonian Scholarly Studies Grant (1993 to 1994) \$42,500
- An underwater video system to investigate the aquatic mating system of the harbor seal*  
 National Geographic Television (with G. Marshall) (1994 to 1995) \$12,000  
 Smithsonian Institution Restricted Endowment Funds (1994 to 1996) \$17,100
- International symposium on the reproductive strategies and conservation biology of otariid seals* (April 1996)  
 Wildlife Conservation Society (with P. Majluf) (1995) \$8,000  
 Office of Naval Research (with P. Majluf) (1995) \$7,500  
 Smithsonian Institution (Office of Fellowships and Grants, 150th Anniversary) \$10,000  
 QANTAS Airways Ltd. (1996) \$10,400 (in-kind support)
- The effects of sonic booms on the behavior and physiology of grey and harbor seals*  
 National Atmospheric and Space Administration (1996 to 1998) \$254,754
- Bringing biological sciences to the Latino community: the Latino initiative at the National Zoological Park* (an educational outreach and training grant) (with D. Jenkins, M. Roberts, C. Ruiz, and A. Cerezo)  
 Office of the Provost, Smithsonian Institution (1997 to 1998) \$90,000
- A natural experiment on the effect of environmental changes on mating systems* (with P. Majluf)  
 Smithsonian Research Opportunities Funds \$1,500  
 Smithsonian Scholarly Studies Grant (1997 to 1998) \$67,570
- Foraging and attendance patterns in Humboldt penguins* (with S. Taylor, M. Leonard, and P. Majluf)  
 Friends of the National Zoological Park (1998) \$6,000  
 George S. Sisley Endowment Fund (1998) \$5,400  
 Oregon Zoo Foundation (1998 to 1999) \$6,738
- An investigation of mate choice in South American fur seals using GPS technology* (with S. Insley)  
 Smithsonian Restricted Endowment Grant (1998) \$10,000  
 Smithsonian Scholarly Studies Grant (1998 to 1999) \$24,000
- Variation in pup survival in heat-stressed populations of South American fur seals: Effects of habitat features, social environment and behavior*  
 Abbott Restricted Endowment Fund (2000) \$3,000  
 George S. Sisley Endowment Grant (2001) \$5,340
- Alternative male reproductive tactics in the grey seal: a new approach*  
 Friends of the National Zoo (1997 to 2003) \$41,000  
 Abbott Restricted Endowment Fund (2000 to 2001) \$14,300  
 Smithsonian Scholarly Studies Grant (2002 to 2003) \$68,912
- Sustaining conservation programs at the Smithsonian Conservation and Research Center* (with C. Wemmer and S. Derrickson), supports multiple projects of Center scientists  
 Christensen Fund (2002 to 2003) \$1,200,000
- Sex differences in foraging behavior of thick-billed murrelets* (with R. Paredes)  
 Abbott Restricted Endowment Fund (2002) \$9,500
- Longitudinal study of male mating tactics in grey seals of varying ages*  
 Friends of the National Zoo (2003) \$5,000  
 Abbott Restricted Endowment Fund (2004) \$8,000

*Post-weaning fast and physiological development in juvenile and yearling grey seals* (with S. Noren-Kramer)

Friends of the National Zoo (2003) \$4,000

*Capital expenditure, lactation energetics and the importance to Weddell seals and their pups* (with O. Oftedal and R. Eisert)

National Science Foundation, Office of Polar Programs (2006 to 2008) \$393,887

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**Item A.16 Primary Published Work and Speeches**  
**Daryl J. Boness, Ph.D.—February 2010**

**Peer-Reviewed Publications in Journals and Books**

1. Boness, D.J., and Wylie, N.R. 1971. Experiential factors affect red and blue color preferences in neonatal chickens, *Gallus gallus*. Proceedings of the Iowa Academy of Sciences 77:271–275.
2. McGuigan, F.J., and Boness, D.J. 1975. What happens between an external stimulus and an overt response? A study of covert behavior. Pavlovian Journal of Biological Science 10:112–118.
3. Miller, E.H., and Boness, D.J. 1979. Remarks on the display function of the snout of the grey seal, *Halichoerus grypus* (Fab.), with comparative notes. Canadian Journal of Zoology 57:140–148.
4. Boness, D.J., and James, H. 1979. The reproductive behavior of the grey seal (*Halichoerus grypus*) on Sable Island, Nova Scotia. Journal of Zoology (London) 188:477–500.
5. Montali, R., Bush, M., Strandberg, J., Janssen, D.L., Boness, D.J., and Whitla, J.C. 1981. A cyclic dermatitis in pinnipeds associated with *Fusarium solani*. Journal of the American Veterinary Medical Association 179:1198–1203.
6. Boness, D.J., Anderson, S.S., and Cox, C.R. 1982. Functions of female aggression during the pupping and mating season of grey seals (*Halichoerus grypus* Fabricius). Canadian Journal of Zoology 60:2270–2278.
7. Miller, E.H., and Boness, D.J. 1983. Summer behavior of Atlantic walruses, *Odobenus rosmarus rosmarus* at Coats Island, N.W.T. (Canada). Zietschrift fur Saugertierkunde 48:298–313.
8. Boness, D.J. 1984. Activity budget of male grey seals, *Halichoerus grypus*. Journal of Mammalogy 65:291–297.
9. Bowen, W.D., Oftedal, O.T., and Boness, D.J. 1985. Birth to weaning in 4 days: Remarkable growth in the hooded seal, *Cystophora cristata*. Canadian Journal of Zoology 63:2841–2846.
10. Boness, D.J. 1985. The role of zoos in the conservation of marine mammals. Proceedings of the Symposium on Endangered Marine Animals and Marine Parks 1:429–439.
11. Bowen, W.D., Boness, D.J., and Oftedal, O.T. 1987. Mass transfer from mother to pup and subsequent mass loss by the weaned pup in the hooded seal, *Cystophora cristata*. Canadian Journal of Zoology 65:1–8.
12. Oftedal, O.T., Boness, D.J., and Tedman, R. 1987. The behavior, physiology and anatomy of lactation in the Pinnipedia, Current Mammalogy 1:175–245.
13. Ono, K.A., Boness, D.J., and Oftedal, O.T. 1987. The effect of a natural environmental disturbance on maternal investment and pup behavior in the California sea lion. Behavioral Ecology and Sociobiology 21:109–118.
14. Oftedal, O.T., Iverson, S.J., and Boness, D.J. 1987. Milk and energy intakes of suckling California sea lion (*Zalophus californianus*) pups in relation to sex, growth and predicted maintenance requirements. Physiological Zoology 60:560–575.
15. Thompson, S.D., Ono, K.A., Oftedal, O.T., and Boness, D.J. 1987. Thermoregulation and resting metabolic rates in the California sea lion, *Zalophus californianus*. Physiological Zoology 60:730–736.
16. Boness, D.J., Bowen, W.D., and Oftedal, O.T. 1988. Evidence of polygyny from spatial patterns in the hooded seal (*Cystophora cristata*). Canadian Journal of Zoology 66:703–706.
17. Oftedal, O.T., Boness, D.J., and Bowen, W.D. 1988. The composition of hooded seal (*Cystophora cristata*) milk: An adaptation for postnatal fattening. Canadian Journal of Zoology 66:318–322.
18. Oftedal, O.T., Bowen, W.D., Widdowson, E., and Boness, D.J. 1989. Effects of suckling and the postsuckling fast on weights of the body and internal organs of harp and hooded seal pups. Biology of the Neonate 56:283–300.
19. Boness, D.J. 1990. Fostering in Hawaiian monk seals: is there a reproductive cost? Behavioral Ecology and Sociobiology 27:113–122.

20. Boness, D.J. 1991. The determinants of mating systems in the Otariidae (Pinnipedia). In: *Behaviour of Pinnipeds*, D. Renouf (ed.). Chapman: London, Pp. 1–44.
21. Boness, D.J., Oftedal, O.T., and Ono, K.A. 1991. The effects of El Niño on pup development in the California sea lion. 1. Early postnatal growth. In: *Pinnipeds and El Niño: Responses to Environmental Stress*, F. Trillmich and K.A. Ono (eds.), Springer-Verlag: Hiedelberg. Pp. 173–179.
22. Iverson, S.J., Oftedal, O.T., and Boness, D.J. 1991. The effects of El Niño on pup development in the California sea lion. 2. Milk and energy intake. In: *Pinnipeds and El Niño: Responses to Environmental Stress*, F. Trillmich and K.A. Ono (eds.), Springer-Verlag: Hiedelberg. Pp. 180–184.
23. Ono, K.A., and Boness, D.J. 1991. The influence El Niño on mother-pup behavior, pup ontogeny and sex ratios in the California sea lion. In: *Pinnipeds and El Niño: Responses to Environmental Stress*, F. Trillmich and K.A. Ono (eds.), Springer-Verlag: Hiedelberg. Pp. 185–192.
24. Heath, C.B., Ono, K.A., Boness, D.J., and Francis, J.M. 1991. The influence of El Niño on female attendance patterns in the California sea lion. In: *Pinnipeds and El Niño: Responses to Environmental Stress*, F. Trillmich and K.A. Ono (eds.), Springer-Verlag: Hiedelberg. Pp. 138–145.
25. Oftedal, O.T., Bowen, W.D., Widdowson, E., and Boness, D.J. 1991. The prenatal molt and its ecological significance in hooded and harbor seals. *Canadian Journal of Zoology* 69:2489–2493.
26. Francis, J.F., and Boness, D.J. 1991. The effect of thermoregulatory behaviour on the mating system of the Juan Fernandez fur seal, *Arctocephalus phillippii*. *Behaviour* 119:104–127.
27. Boness, D.J., Bowen, W.D., Iverson, S.J., and Oftedal, O.T. 1992. Influence of storms and maternal size on mother-pup separations and fostering in the harbor seal, *Phoca vitulina*. *Canadian Journal of Zoology* 70:1640–1644.
28. Bowen, W.D., Oftedal, O.T., and Boness, D.J. 1992. Mass and energy transfer during lactation in a small phocid, the harbor seal, *Phoca vitulina*. *Physiological Zoology* 65(4):844–866.
29. Boness, D.J., Bowen, W.D., and Francis, J.M. 1993. Implication of DNA fingerprinting for understanding mating systems and reproductive strategies of pinnipeds. *Symposia of the Zoological Society of London* 66:61–93.
30. Iverson, S.J., Bowen, W.D., Boness, D.J., and Oftedal, O.T. 1993. The effect of maternal size and milk energy output on pup growth in the grey seal, *Halichoerus grypus*. *Physiological Zoology* 66:61–88.
31. Oftedal, O.T., Bowen, W.D., and Boness, D.J. 1993. Energy transfer in lactating hooded seals and nutrient deposition in their pups during the 4-days from birth to weaning. *Physiological Zoology* 66:412–436.
32. Ono, K.A., Boness, D.J., Oftedal, O.T., and Iverson, S.J. 1993. The effects of El Niño on mother-pup biology in the California sea lion. In: *Third California Islands Symposium: Recent Advances in Research on the California Islands*, F.G. Hochberg (ed.). Santa Barbara Museum of Natural History: Santa Barbara, Pp. 495–499.
33. Boness, D.J., Bowen, W.D., and Oftedal, O.T. 1994. Evidence of a maternal foraging cycle resembling that of otariid seals in a small phocid, the harbor seal. *Behavioral Ecology and Sociobiology* 34:95–104.
34. Bowen, W.D., Oftedal, O.T., Boness, D.J., and Iverson, S.J. 1994. The effect of maternal age and other factors on birth mass in the harbour seal. *Canadian Journal of Zoology* 72:8–14.
35. Boness, D.J., Bowen, W.D., and Iverson, S.J. 1995. Does male harassment of females contribute to reproductive synchrony in the grey seal by affecting maternal performance? *Behavioral Ecology and Sociobiology* 36:1–10.
36. Job, D.A., Boness, D.J. and Francis, J.M. 1995. Individual variation in vocalizations of Hawaiian monk seal, *Monachus schauinslandi*, pups and lack of maternal recognition. *Canadian Journal of Zoology* 73:975–983.
37. Iverson, S.J., Oftedal, O.T., Bowen, W.D., Boness, D.J. and Sampugna, J. 1995. Prenatal and postnatal transfer of fatty acids from mother to pup in the hooded seal (*Cystophora cristata*). *Journal of Comparative Physiology*, 165:1–12.
38. Boness, D.J. 1996. Water quality management in aquatic mammal exhibits. In: *Wild Mammals in Captivity*, D.G. Kleiman, M.E. Allen S. Lumpkin, and H. Harris (eds.), Chicago: University of Chicago Press, Pp. 231–242.
39. Boness, D.J. and Bowen, W.D. 1996. The evolution of maternal care in pinnipeds. *Bioscience* 46:1–10.
40. Ono, K.A., and Boness, D.J. 1996. Sexual dimorphism in sea lion pups, *Zalophus californianus*: differential maternal expenditure or sex-specific differences in energy use by the pup. *Behavioral Ecology and Sociobiology* 38:31–41.



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#### **Theses, Non-Peer-Reviewed and Popular Publications**

1. Boness, D.J. 1973. What happens between an external stimulus and an overt response? A study of covert behavior. M.A. Thesis, Hollins College.
2. Boness, D.J. 1979. The social system of the grey seal on Sable Island, Nova Scotia, Canada. Ph.D. Thesis, Dalhousie University
3. Boness, D.J. 1979. Busy as a beaver. *Zoogoer* 8:27–31.
4. Boness, D.J. 1980. Harp seals. *Smithsonian* 10:14–15.
5. Boness, D.J., Oftedal, O.T., Ono, K.A., and Iverson, S. 1983. Maternal investment, lactation and pup development in California sea lions on San Nicolas Island, California: Some preliminary results. *Proceedings Biennial Mugu Lagoon/San Nicolas Island Ecological Research Symposium* 3:151–169.
6. Oftedal, O.T., and Boness, D. J. 1983. Fish quality: The net result. *Proceedings of the American Association of Zoo Veterinarians* 47–51.
7. Oftedal, O.T., and Boness, D.J. 1983. Considerations in the use of fish as food. *Proceedings of the Dr. Scholl Conference on the Nutrition of Captive Wild Animals* 3:149–161.
8. Oftedal, O.T., and Boness, D.J. 1986. The period of nursing: a tough time for seals and sea lions. *Zoogoer Special Issue* 6:9–11
9. Boness, D.J. 1990. Who's the mother? Fostering behavior in endangered Hawaiian monk seals. *Zoogoer* 19:10–13.
10. Boness, D.J. 2003. Walruses (Odobenidae). *Grizmek's Animal Life Encyclopedia*. 2nd Edition, Thompson Gale, MI, Vol. 14:409–416.
11. Boness, D.J. 2003. True seals (Phocidae). *Grizmek's Animal Life Encyclopedia*. 2nd Edition, Thompson Gale, MI, Vol. 14:417–436.
12. Boness, Daryl. 2008. Investigating the aquatic mating system of harbor seals using Crittercam. In *Proceedings of the Animal-Borne Imaging Symposium*, G. Marshall (ed.). National Geographic Society, Washington, D.C., Pp. 75–79.

#### **Invited Book Reviews**

1. Boness, D.J. 1981. *Cetacean Behavior: Mechanisms and Functions*, edited by L.M. Herman. *Animal Behaviour* 29:969–970.
2. Boness, D.J. 1986. *Fur Seals: Maternal Strategies on Land and at Sea*, edited by R.L. Gentry and G. L. Kooyman. *Marine Mammal Science* 2:329–330.
3. Boness, D.J. 1989. *American Fur Seal Diplomacy: the Alaskan Fur Seal Controversy*, by J.T. Gay. *Journal of Wildlife Management* 53(1):272–273.
4. Boness, D.J. 1991. *The Pinnipeds: Seals, Sea Lions and Walruses*, by M. Riedman. Berkeley, University Press. *Animal Behaviour* 42:698.
5. Boness, D.J. 1995. *Antarctic Seals. Methods and Techniques*, edited by R.M. Laws. *Journal of Animal Ecology* 64:424–425.
6. Boness, D.J. 1998. *Behavior and Ecology of the Northern Fur Seal*, by R.L. Gentry. *Ecology* 79:2972–2973.
7. Boness, D.J. 2001. *Cetacean Societies*, edited by J. Mann, R.C. Connor, P. Tyack, and H. Whitehead. *Marine Mammal Science* 17:962–964.

#### **Major Reports**

1. Boness, D.J., and Majluf, P. 1996. Report on the priorities for studies of otariid reproductive strategies, population biology and conservation. Smithsonian, Office of Naval Research, National Marine Fisheries Service; Washington, D.C., 44 pp.
2. Heath, C., Boness, D.J., Bowen, W.D., Gilmartin, W., Gisiner, R., Ralls, K., Siniff, D., Zabel, C., and Didier, A. 1997. Steller sea lion behavior review. National Marine Fisheries Service; Seattle, WA, 26 pp.
3. Gentry, R.L., Boness, D.J., Bowles, A.E., Insley, S.J., Payne, R. Schusterman, R. Tyack, P., Thomas, J., and Gisiner, R. 1998. Behavioral effects of anthropogenic

noise in the marine environment. Office of Naval Research; Washington, D.C., 22 pp.

4. Williams, T.M., Boness, D.J., Bowen, W.D., Boyd, I., Croll, D., Hornig, M. Iverson, S.J., Calkins, D., and Didier, A. 1999. Steller sea lion physiology review. National Marine Fisheries Service; Seattle, WA, 34 pp.

5. Laist, D., Reynolds, J.E. III, Boness, D.J., Gale, N., Gerrodette, T., Lowry, L.F., and Ragen, T.J. 2002. Hawaii monk seal program review. A report to the Marine Mammal Commission, 33 pp.

6. Reeves, R.R., Read, A., Lowry, L., Katona, S.K., and Boness, D.J. 2006. Report of the North Atlantic right whale program review, 13–17 March 2006, Woods Hole, MA, Marine Mammal Commission. Bethesda, MD.

7. Bowen, W.D., Boness, D.J., and Lowry, L.L. 2007. Review of the 2007 Draft Steller Sea Lion Recovery Plan. Prepared for the North Pacific Fishery Management Council, contracted by the North Pacific Research Board.

#### **Talks and Posters at Professional Meetings**

Iowa Academy of Science Meeting, Cedar Falls, IA, 1970

Midwestern Psychological Association Meeting, Detroit, MI, 1971

Iowa Academy of Science Meeting, Iowa City, IA, 1972

Pavlovian Society Meeting, Sarasota, FL, 1974

Second Biennial Conference on the Biology of Marine Mammals, San Diego, CA, 1977

Fourth Biennial Conference on the Biology of Marine Mammals, San Francisco, CA, 1981

Twelfth Annual Conference, International Association of Aquatic Animal Medicine, Mystic, CT, 1981

Annual Meeting of the American Association of Zoo Veterinarians, Tampa, FL, 1983

Third Annual Dr. Scholl Conference on the Nutrition of Captive Wild Animals, Chicago, IL, 1983

Fifth Biennial Conference on the Biology of Marine Mammals, Boston, MA, 1983

Sixth Biennial Conference on the Biology of Marine Mammals, Vancouver, BC, 1985

Annual Meeting of the American Association of Zoo Veterinarians, Scottsdale, AZ, 1985

Animal Behavior Society Annual Meeting, Tucson, AZ, 1986

Third California Islands Symposium, Santa Barbara, CA, 1987

Animal Behavior Society Annual Meeting, Williamstown, 1987

Seventh Biennial Conference on the Biology of Marine Mammals, Miami, FL, 1987

Animal Behavior Society Meeting, Missoula, MT, 1988

XXI International Ethological Conference, Utrecht, The Netherlands. 1989

Eighth Biennial Conference on the Biology of Marine Mammals, Pacific Grove, CA, 1989

Fourth European Conference on Wildlife Telemetry, Aberdeen, Scotland, 1991

Ninth Biennial Conference on the Biology of Marine Mammals, Chicago, IL 1991

XXIII International Ethological Conference, Torremolinos, Spain, 1993

Tenth Biennial Conference on the Biology of Marine Mammals, Galveston, TX, 1993

International Symposium on Marine Mammal Genetics, La Jolla, CA, 1994

Smithsonian Dialogues Symposium. What about increase? Washington, D.C., 1995

Eleventh International Conference on the Biology of Marine Mammals, Orlando, FL, 1995

International Behavioral Ecology Congress, Canberra, Australia, 1996

Smithsonian Dialogues II Symposium. What about diffusion? Washington, D.C., 1997

American Society of Mammalogists, Stillwater, OK, 1997

Animal Behavior Society, College Park, MD, 1997

International Marine Mammal Science Conference, Monaco, 1998  
 Thirteenth International Conference on the Biology of Marine Mammals, Maui, HI, 1999  
 American Society of Mammalogists, Durham, NC, 2000  
 Animal Behavior Society, Atlanta, GA, 2000  
 South American Marine Mammal Conference, Buenos Aires, Argentina, 2000  
 Fourteenth International Conference on the Biology of Marine Mammals, Vancouver, BC, 2001  
 American Society of Mammalogists, Missoula, MT, 2001  
 American Society of Mammalogists, Lake Charles, LA 2002  
 Society for the Study of Evolution, Chicago, IL, 2003  
 Fifteenth International Conference on the Biology of Marine Mammals, Greensboro, NC, 2003  
 Sixteenth International Conference on the Biology of Marine Mammals, San Diego, CA, 2005

#### **Invited Symposia**

Third Annual Maine Biomedical Science Symposium, Orono, 1977, D.J. Boness, Social organization of the grey seal, *Halichoerus grypus*. Abstract published in Journal of the Maine Medical Association, 68:245.  
 XXII International Congress of Psychology, Leipzig, DDR, 1980, D.J. Boness and H. James, Sexual organization in the grey seal: An ice breeding strategy?  
 Symposium on Conservation of Endangered Species in Zoos and Aquariums, Baltimore, 1982 D.J. Boness and O.T. Oftedal, Collection and composition of milk in pinnipeds, with comments on handrearing formulas.  
 Symposium on Endangered Marine Animals and Marine Parks, Cochin, India, 1985. D.J. Boness, The role of zoos in conservation of marine mammals.  
 Symposium on Science and the Environment, Dartmouth University, 1991, D.J. Boness, The probable importance of body size in the evolution of lactation and maternal patterns in seals.  
 Symposium on Recent Advances in Marine Mammal Science, Zoological Society London, 1992, D.J. Boness, W.D. Bowen, and J.M. Francis, Implications of DNA fingerprinting for understanding pinniped mating systems and reproductive strategies.  
 Symposium on Mating Systems in Marine Mammals, Tenth Biennial Conference of the Biology of Marine Mammals, 1993, Galveston, TX, D.J. Boness, Marine mammal mating systems: a framework and overview.  
 International Symposium on the Reproductive Strategies and Conservation of Otariids, Washington, D.C., 1996 I co-convended this symposium with Dr. Patricia Majluf of the Wildlife Conservation Society. The symposium had 82 invited participants from 16 countries and consisted of 2 days of invited talks and one and a half days of workshops.  
 Sonic Boom Symposium, Acoustical Society of America, Norfolk, VA, 1998, E.A. Perry, D.J. Boness, and S.J. Insley, Do sonic booms affect the reproductive behavior of grey seals and harbor seals?  
 Symposium on Mammalian Reproductive Strategies, 3rd European Mammalogy Congress, Jyväskylä, Finland, 1999, D.J. Boness and W.D. Bowen, At-sea mating strategies of harbor seal males.  
 Symposium on Marine Mammals of the Holarctic, Baikal, Russia, 2002, D.J. Boness, W.D. Bowen, G. Marshal, and B. Buhleier, The aquatic mating system of harbor seals: is it lekking?  
 Mini-Symposium on Biology and Conservation of Marine Vertebrates, Smithsonian National Zoological Park, 2002, D.J. Boness, A lek mating system in a marine mammal. Animal-Borne Imaging Symposium, National Geographic Society, Washington, D.C., 2007

#### **Invited Seminars, Lectures, and Workshops**

March 1984, Department of Psychobiology, Memorial University and Department of Fisheries and Oceans Canada, St. John's, Newfoundland  
 February 1985, Audubon Naturalist Society, Bethesda, MD  
 March 1988, National Marine Fisheries Service, Honolulu, HI  
 March 1990, Department of Zoology, University of Maryland, College Park

May 1990, Department of Vertebrate Zoology, National Museum of Natural History, Washington, D.C.  
December 1990, Department of Conservation, National Zoological Park, Front Royal, VA  
June 1991, Special Faculty of Science Lecture, Memorial University, St. John's, Newfoundland  
October 1991, U.S. Information Agency, Washington, D.C.  
March 1992, Department of Biology, George Washington University, Washington, D.C.  
December 1992, Department of Zoology, University of Maryland, College Park  
May 1993, Department of Biology, Dalhousie University, Halifax Nova Scotia  
February 1994, Department of Biology, American University, Washington, D.C.  
April 1994, Department of Conservation, National Zoological Park, Front Royal, VA  
April 1994, Virginia Military Institute, Lexington, VA  
November 1994, Department of Zoological Research, National Zoological Park, Washington, D.C.  
November 1994, University Lecture Series, Lethbridge University, Lethbridge, Alberta  
November 1994, Marine Mammal Commission meeting, Woods Hole, MA  
December 1994, Hawaiian monk seal recovery team meeting, National Marine Fisheries Service, Honolulu, HI  
April 1995, Department of Zoology, University of Hawaii, Honolulu, HI  
November 1995, Alaska harbor seal workshop, National Marine Fisheries Service and Alaska Fish and Game Department, Fairbanks, AK  
December 1995, Workshop on translocating Hawaiian monk seals to Midway Island, Honolulu, HI  
July 1996, Smithsonian Resident Associates Lecture, Washington, D.C.  
November 1996, Marine Mammal Commission meeting, Amelia Island, FL  
February 1997, National Ocean and Atmospheric Administration, Strategic Planning Workshop, Washington, D.C.  
November 1997, Marine Mammal Commission meeting, Fairbanks, AK  
December 1997, Hawaiian monk seal recovery team meeting, National Marine Fisheries Service, Honolulu, HI  
December 1997, Workshop to evaluate past behavioral research on Steller sea lions and recommend future directions, National Marine Fisheries Service, Seattle, WA  
February 1998, Workshop on effects of manmade sound on the marine environment, Office of Naval Research, Washington, D.C.  
June 1998, Marine Mammal Committee meeting, American Society of Mammalogists, Blacksburg, VA  
June 1998, GulfCet program review, Galveston, TX  
November 1998, Marine Mammal Commission meeting, Portland, ME  
May 1999, Talk at Smithsonian Conservation and Research Center, Front Royal, VA  
May 1999, Seminar at Zoology Department, Cork University, Cork, Ireland  
April 2000, Lecture at Biology Department, American University, Washington, D.C.  
July 2000, Seminar, Department of Zoological Research, National Zoological Park, Washington, D.C.  
May 2002, Seminar Zoology Department, University of New Hampshire, Durham, NH  
October 2002, Marine Mammal Commission meeting, San Diego, CA  
June 2003, Seminar at Biology Department, University of New England, Biddeford, ME  
June 2003, Seminar at Bigelow Laboratory for Ocean Sciences, West Boothbay Harbor, ME  
October 2003, Marine Mammal Commission meeting, Newport, RI

November 2003, Seminar at Conservation and Research Center, Smithsonian Institution, Front Royal, VA  
 October 2004, Marine Mammal Commission meeting, Kona, HI  
 April 2005, Seminar at Biology Department, Colby College, Waterville, ME  
 April 2005 Workshop on the Ecological Role of Killer Whales in the North Pacific Ecosystem  
 May 2005, Seminar at Wildlife Ecology Department, University of Maine, Orono, ME  
 August 2005, Workshop on Implementing a Research Plan to Understand the Role of Killer Whales in the North Pacific Ocean Ecosystem, Seattle, WA  
 September 2005, Workshop on Assessing the Population Viability of Endangered Marine Mammals, Savannah, GA  
 October 2005, Marine Mammal Commission meeting, Anchorage, AK  
 June 2006, Seminar at Brackett Environmental Center, Auburn, ME  
 May 2008, 2009, Lecture at Buckfield High School, Buckfield, ME  
 May 2009, Seminar at Western Maine Audubon Society, Farmington, ME  
 September 2009, Lecture at Waterberg Academy, Vaalwater, South Africa

Senator CANTWELL. I just want to make sure we have your written testimony. We appreciate everybody's diligence in their statement. And I am going to turn to Mr. Moreland here to make his statement.

**STATEMENT OF JEFFREY R. MORELAND, MEMBER-DESIGNATE, AMTRAK BOARD OF DIRECTORS**

Mr. MORELAND. Good morning. Madam Chairman and Ranking Member Hutchison, I greatly appreciate the opportunity to be considered to serve on Amtrak's Board.

In addition, I am honored by President Obama's nominating me to serve. In addition, I am very thankful for Senator Hutchison, for your encouragement and help and support through this process.

My wife of 43 years is here to support me in this, and she has traveled on probably as many Amtrak routes as I have. So she knows as much as I do.

I am going to give you my short version, my high-speed rail version of my statement. I have a business and law background. I worked in the Government for a number of years early in my career. I then went to work for freight railroads 30 years—approximately 18 years in Chicago for freight railroad companies and then 12 years in Fort Worth, Texas, for the Burlington Northern Santa Fe Railway, which, of course, serves your State, Madam Chairman.

In those 30 years in the rail business, I saw boards of directors of railroads go from wondering whether the railroads would survive to now where they are investing significant amounts of money for additional capacity in the railroads freight business.

I believe the Amtrak can do the same. I believe that just as the freight railroads have been successful over the last 30 years after difficulty, Amtrak can have a bright future, and I think we can do that in the same method we were able to achieve it through the success of the freight railroads.

I think that it is important for this country that we have a national railway system. I think it is important that we develop high-speed rail, and I think the Board of Directors role at Amtrak is to ensure that we are following what Congress and the Administration has asked us to do and will ask us to do and to make sure

that the Board monitors the practices and the goals and sets objectives for Amtrak.

And that we meet—and set those goals and meet those goals, and we are able to show to the United States public that Amtrak is a success so that it will warrant additional funding from Government over the years.

Thank you.

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

PREPARED STATEMENT OF JEFFREY R. MORELAND, MEMBER-DESIGNATE,  
AMTRAK BOARD OF DIRECTORS

Chairman Rockefeller, Ranking Member Hutchinson, and distinguished members of the Committee, I greatly appreciate the opportunity to be considered to serve on Amtrak's Board. I am honored that the President has nominated me to serve. In addition, I am thankful for Senator Hutchinson's encouragement throughout this process.

I would like to briefly describe my background and qualifications for the position on Amtrak's Board. In addition, I will outline some of the issues I see facing Amtrak, but most importantly, I would appreciate the views of the members of this distinguished committee on critical issues facing Amtrak.

I have an undergraduate degree from Georgetown University's School of Business, a Juris Doctorate degree from The Columbus School of Law at Catholic University and a MBA from the University of Chicago, School of Business. I started my career in government service and worked at the Securities and Exchange Commission in Washington, D.C. for 8 years. In 1978, I joined Santa Fe Industries, the parent company of the Atchison, Topeka, and Santa Fe Railway, in Chicago, Illinois. From then until I retired in 2007, I worked for companies that operated freight railroads. For the last twelve of those years, I worked in Fort Worth, Texas as an executive officer for the Burlington Northern Santa Fe Railroad. During those almost thirty years in the railroad business, I experienced freight railroads' Boards of Directors questioning whether freight railroads would survive, on through to today where freight railroads are not only surviving but investing large amounts of capital to increase their capacity for the efficient movement of freight in the United States.

Amtrak, like the freight railroads, has struggled for decades. However, I believe that with the proper support and encouragement from both Congress and the Administration and with a focused and stable Board of Directors and management team, the future of Amtrak is bright. Amtrak has made progress in recent years, and I believe these positive trends can continue. Just as it is important to have multiple means of moving freight, it is critically important to this country that we have multiple means of moving passengers throughout the United States. I also believe it is important to the United States passenger transportation system that Amtrak maintain a nationwide rail system and develop high-speed rail corridors in many areas of the United States.

I believe the primary role of the directors of Amtrak is to ensure that the organization is run in the manner that Congress and the Administration intends for it to be run. The Board needs to clearly set Amtrak's strategic direction and monitor Amtrak's compliance with such direction. It must ensure that capital is allocated properly and it must set goals and monitor such goals that will show to the public that Amtrak is successful. If confirmed by the Senate, I feel I can play a constructive role in this effort.

Thank you for your consideration of my nomination and I welcome any observations or questions that members of this committee may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Jeffrey R. Moreland.
2. Position to which nominated: Member of Board—Directors-Amtrak.
3. Date of Nomination: January 20, 2010.
4. Address (List current place of residence and office addresses):  
Residence: Information not released to the public.  
Office: 2378 N. Fillmore St., Arlington, VA 22207
5. Date and Place of Birth: June 24, 1944.



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).

Nancy C. Moreland (spouse), unemployed; children: Caroline Kate Moreland, 42; Jennifer Anne Moreland, 40; Kimberly M. Beans, 39; Amy M. Stallmer, 34.

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

University of Chicago, Booth School of Business, MBA, Executive Program, 1981–1983.

The Catholic University of America, Columbus School of Law, Juris Doctorate, 1966–1970

Georgetown University. McDonough School of Business, BSBA, 1962–1966.

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.

ESSA/US Dept. of Commerce, 1966–1969, Budget Analyst.

U.S. Securities and Exchange Commission, Washington, D.C., Branch Chief, Division of Corporate Finance, 1969–1978.

Burlington Northern Santa Fe Corp. and BNSF Railway, Fort Worth, Texas. June 1978-June 2007 (Including predecessor Companies of Burlington Northern Santa Fe Corp. in Chicago, 11–1978–1995). I started as Corporate Attorney in 1978 and served in increasing responsible positions. In 1995, I became Senior VP Law & Gov. Affairs (Chief legal officer) and later Executive VP Law, Gov. Affairs and Corp. Secretary until December 31, 2006, then Executive VP Public Affairs until June 2007.

Retired: June 2007. No further employment.

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: N/A.

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

The Catholic University of America, Columbus School of Law, Chairman, Board of Visitors. 2007-present.

Friends of Florence, 2007 to present. Member, Board of Directors.

Fort Worth Opera, 2005–6/2007 Member, Board of Directors.

Cook Children’s Hospital, Member, Board of Directors, 2004–6/2007.

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.

In addition to #11 above, Rivercrest Country Club, Fort Worth, Texas, 1999–2004.

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

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

Entity	Amount
2009—None	
2008	
Anne M. Burke, Illinois Supreme Court	-\$4,260*
2007	
BNSF PAC	\$2,500

Entity	Amount
Costello For Congress Committee	\$2,000
Friends of Jim Oberstar	\$2,300
DeFazio For Congress	\$2,000
Texans for John Cornyn	\$2,300
Texans for John Cornyn	-\$2,100*
Dan Lipinski for Congress	\$2,000
Anne M. Burke, Illinois Supreme Court	\$10,000
Diane Denish, Lieutenant Governor	\$500
<i>2006</i>	
BNSF PAC	\$5,000
Nelson (Ben) for U.S. Senate 2006	\$2,100
Mark Pryor for U.S. Senate	\$1,000
McConnell Senate Committee. '14	\$1,000
Kay Granger Campaign Fund	\$2,000
Talent for Senate Committee	\$1,000
Kay Bailey Hutchison For Senate Committee	\$2,100
Texans For Senator John Cornyn	\$900
Texans for Senator John Cornyn	-\$900*
Texans for Senator John Cornyn	\$1,000
National Republican Congressional Committee	\$5,000
Alamo PAC	\$2,000
Timothy Pawlenty and Carol Molnau, Gov. and Lt. Gov.	\$1,000
Kathleen Sebelius and Mark Parkinson, Gov. and Lt. Gov.	\$1,000
<i>2005</i>	
BNSF PAC	\$5,000
Carper For Senate	\$1,000
Nelson (Ben) For Senate 2006	\$2,000
Kay Granger Campaign Fund	\$2,000
Kay Bailey Hutchison For Senate Committee	\$2,100
Texans For Senator John Cornyn	\$2,000
National Republican Congressional Committee	\$2,000
Friends of Roy Blunt	\$2,000
Congressman Joe Barton Committee	\$2,000
Kathleen Sebelius and Mark Parkinson, Gov.& Lt. Gov.	\$2,000
<i>2004</i>	
BNSF PAC	\$5,000
Pete Coors For Senate	\$1,000
John Thune For U.S. Senate	\$1,000
<i>2003</i>	
BNSF PAC	\$5,000
Missourians For Kit Bond	\$1,000
Bush-Cheney '04 (Primary)	\$2,000
Midnight Sun Pol. Action Com.	\$2,500
<i>2002</i>	
BNSF PAC	\$5,000
National Republican Congressional Committee	\$500
Friends of Max Baucus	\$500
Texans for Senator John Cornyn	\$1,000
Michael L. Williams, Texas Railroad Commission	\$1,000
<i>2001</i>	
BNSF PAC	\$5,000
National Republican Congressional Committee	\$500
Feingold Senate Committee	\$200
Gordon Smith For U.S. Senate 2002	\$500
Lipinski For Congress Committee	\$1,000
<i>2000</i>	
BNSF PAC	\$5,000
Kay Granger Campaign Fund	\$1,000
Lipinski For Congress Committee	\$1,000
<i>1999</i>	

Entity	Amount
BNSF PAC	\$5,000
Kay Bailey Hutchison For Senate Committee	\$1,000

\*(returned contributions)

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

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: N/A.

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: N/A.

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 over 29 years of experience in the U.S. freight railroad business. For the last eleven plus years, I was a senior executive of BNSF, one of the largest freight railroads in the United States, with service throughout the western two-thirds of the Nation. My responsibility during that time included managing the legal, regulatory, Federal, and state governmental affairs, communications, and corporate secretary areas of the company. Amtrak has extensive operations over BNSF, which required my department to deal with Amtrak on various issues.

I hope to use my extensive railroad experience for the long term benefit of Amtrak.

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 a director of Amtrak has absolute responsibility to ensure that Amtrak has proper management and accounting controls. Amtrak's board must provide the leadership to ensure that Amtrak's management has the right people in place to properly manage Amtrak, and that the Board has effective processes and procedures in place to provide oversight of management. In addition, the Board must require and monitor long term goals and performance objectives for Amtrak. I have significant experience in board activities and ensuring that the Board of BNSF was able to perform its fiduciary responsibilities to BNSF shareholders. I was general counsel to the BNSF Board and attended every board meeting and audit committee for over eleven years. I managed a large law department and numerous outside law firms as well.

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

I believe the top three challenges facing Amtrak are:

1. Developing and implementing a 5-year strategic plan. A long-term plan that is adopted and closely followed is essential to the success of any large organization.
2. Implement and monitor accounting, safety and management controls to ensure that Amtrak is meeting its obligations to the public and that its activities are transparent to the public.
3. Properly allocate the limited resources that Amtrak has available to it to ensure that resources are used for the highest purposes of the overall strategic objectives of Amtrak.

#### 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 receive pension payments from:

1. BNSF Qualified Pension Plan
2. BNSF Supplemental Pension Plan

I have stock and stock options outstanding in Burlington Northern Santa Fe Corporation. All of which are expect to be sold or converted into another companies stock (Berkshire Hathaway Inc.) by February 28, 2010.

I have no other commitments or agreements with any prior employer, business associate, client or customer.

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

See "B.1" above.

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.

See "B.1" above.

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 an executive officer of BNSF, I was indirectly involved in influencing the passage, defeat, and modification of legislation and affecting the administrative and execution of law and public policies.

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

I expect all stock and stock options that I own in BNSF will either be sold or converted into Berkshire Hathaway Inc. stock by February 28, 2010.

Berkshire Hathaway, Inc. is acquiring BNSF in a merger expected to be completed in the first quarter of 2010.

#### 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 JEFFREY R. MORELAND

## RETIRED EXECUTIVE VICE PRESIDENT LAW FOR BNSF

**Born**

Washington, D.C., June 24, 1944

**Education**

Georgetown University, Washington, D.C., BSBA 1966

The Catholic University of America, Columbus School of Law, Washington, D.C., J.D. 1970

University of Chicago School of Business, Chicago, II MBA, Executive Program—1983

**Employment**

U.S. Securities and Exchange Commission, Washington, D.C. 1969–1978

Santa Fe Industries, Chicago, IL, Attorney, 1978–1983

Santa Fe Pacific Corporation, Chicago, IL, Attorney, 1983–1995; Last position: Senior Vice President Law and Government Affairs

Burlington Northern Santa Fe Corporation,\*\* Ft Worth, TX, Executive Vice President Law, Gov. Affairs and Corporate Secretary, 1995–12/2006

Executive Vice President and Public Affairs 1/1/07–6/30/07

**Activities**

Chairman, Board of Visitors, Catholic University Law School

Member of Board, and Chairman of Audit Committee, Friends of Florence

**Personal**

Married Nancy Moreland forty-three years, four daughters, and two grandsons.

Senator CANTWELL. Thank you very much, Mr. Moreland.

And again, appreciate everybody's helping us out this morning with an abbreviated statement. And now I am going to turn to Senator Hutchison to make a statement and to ask questions, if she would like. But we appreciate very much being here today.

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

Senator HUTCHISON. Thank you very much, Madam Chairwoman.

I probably will not be able to ask the questions that I would like, but I would like to submit a couple of questions for you to respond to for the record.

Let me just say that I was part of the nominations process for Dr. Weener and Mr. Moreland. Being a former Member and Vice Chairman of the National Transportation Safety Board, I feel that your qualifications, Dr. Weener, are excellent. And you can contribute much to the Board through your efforts in safety already, both in the private sector and at the Flight Safety Foundation.

And I will look forward to working with you and also on the Committee being able to visit with you and have you testify on what we ought to be doing that would increase our safety. We believe that aviation safety is world renowned right now. We have a great safety record. But in the area of human factors, we are now beginning to make more strides, and that is an area where you have expertise. So I will look forward to continuing our quest for

\*\* BNSF 2007: Revenues \$15.8 billion, net income \$1.8 billion, assets \$32 billion, Market capitalization \$30 billion and employees 41,000.

a perfect safety record, which is what we all want for the traveling public.

And Mr. Moreland, I think you have already said what is the major emphasis for me, and that is, that Amtrak must be a national system, and it must be preserved. Or if it goes away, it will be lost forever.

The reason that I am so supportive of your nomination is that you do have the background in rail that I think can contribute greatly to the efforts to oversee Amtrak and to look for innovative ways that we can keep the national system that we have in place and be able to make available to states and local governments the opportunity to feed into Amtrak, which will be good for Amtrak, as well as good for more access for multimodal transportation for all of our citizens.

So I appreciate that you are going to serve. I hope that you will use the expertise that you have to make Amtrak more efficient and use our tax dollars wisely and keep improving the national service that I think is so important.

And with that, Madam Chairman, I will have to leave. But I really appreciate your chairing this hearing for us and look forward to supporting all of these nominees.

Senator CANTWELL. Well, thank you, Senator Hutchison. As the Ranking Member, we appreciate your participation. We know you have been involved in these nominees. I am sure that we will get a fast response to those questions.

So if I could turn to my questions and start with you, Dr. Robinson? You might have heard the previous discussion with the Commandant, the future Commandant of the Coast Guard, on ocean acidification. And while we need more science, we also need more action.

What do you envision NOAA doing to take action on ocean acidification beyond science, and do you believe that NOAA currently has the structure to help individuals like the shellfish industry in Washington or Maine deal with the economic threats posed by ocean acidification?

Dr. ROBINSON. Yes. Chair Cantwell, we just this week, the Ocean Research and Resources Advisory Panel met in D.C. and had an update from NOAA regarding current actions that the agency is taking to further understand, address, and adapt to this issue. I am further confident that there is a plan in place to provide us the knowledge and the safeguards that we need.

I am acutely aware of the specific threats that—impacts that it is having in your part of the Nation with regard to the oyster fishery there and the fact that we need to pay special attention to this problem.

But I look forward, if confirmed, Madam Chair, to rally all of my resources to help us and help this Administration properly address this issue.

Senator CANTWELL. Your position is going to deal not only with the science of conservation management, but with the human and economic realities of conservation management. How would you balance that?

Dr. ROBINSON. I think that we have to consider that people are part of the system. I mean, they are part of the ecosystem, and we

have to have a balance of managing our resources and addressing economic needs of the communities that we serve.

And so, what we will have to do is, first, conserve the resources that it can provide for the economic development that we need in our fishery communities around the Nation; two, to ensure that not only can we do that for this generation of fishermen and citizens, but for future generations as well. So we will have to build explicitly into our goals appreciation for both the ecosystem as well as the economic aspects of our jobs.

Senator CANTWELL. Thank you, Dr. Robinson.

Dr. Tillman, the International Whaling Commission is considering changes in its approach to whaling limits and the moratorium against commercial whaling, prompting much opposition and obviously debate. Given the current issues under debate, what do you see as the role of the Marine Mammal Commission and the United States in developing positions on whaling quotas and moratoria?

Dr. TILLMAN. My perspective on that is the commission ought to be a partner in the development of U.S. positions regarding the International Whaling Commission. It serves on the delegation. Expressing a personal view, however, I think that they could expand their role, become a full partner, and help in developing these positions.

The issue of the future of the International Whale Commission is one of concern to the Administration. It has played a role in fostering the process to modernize the International Whaling Commission and to address the major problem of whaling that, even though there is a moratorium, there is whaling going on that is out of control under loopholes in the convention.

This negotiation between parties is an attempt to try to deal with closing those loopholes and bring the International Whaling Commission back to its role of being the lead organization for conservation of whales throughout the world.

Senator CANTWELL. Thank you.

Dr. Boness, I don't know if you want to add anything to that. But I also wanted to ask you about just the challenges NOAA has and when it is forced to make decisions with limited data. The Government is required to use the best available science, even when available science is extremely minimal. What do you think that the Marine Mammal Commission should do in helping to identify and fulfill those data needs, especially in this strained fiscal environment?

Dr. ROBINSON. Yes, I think that high-quality data is essential to high-quality decisions. And we should look for data from a variety of sources and conclude in traditional scientific undertakings as well as information that can be provided us through citizens, fishermen, et cetera. And so, I think with an emphasis on a comprehensive approach to data acquisition and quality, we can provide the needs—the data needs that really are necessary for us to make the sound decisions, management decisions at the agency.

So I look forward to working with my colleagues, if confirmed, on data acquisition issues and other areas that we obviously have some commonalities with.

Senator CANTWELL. Thank you.

Dr. Boness, would you like to chime in there?

Dr. BONESS. Yes. Thank you, Madam Chairwoman.

Regarding the International Whaling Commission issue, the Marine Mammal Commission has looked at the proposal that is being discussed and provided an initial response. In fact, there are still many things that are unanswered and details that are not included in the proposal. The Commission will certainly be very interested in the final proposal and will evaluate it at the time.

With regard to making decisions with limited information, this is often a primary mode of operation in conservation—it is critical to make decisions before all the data that you would like to have are available to make clear and decisive conclusions.

One of the things that is critical is that there be a process in place to evaluate the potential alternatives, and the commission has had some meetings in the past where they have brought in experts to discuss potential ways of becoming more objective in evaluating those sorts of decisions. It is a constant problem that is dealt with in conservation.

The Commission also—

Senator CANTWELL. Where would you say we are on data?

Dr. BONESS. On data? Well, it varies from species to species. For some species we have an incredible amount of data. For example, the Hawaiian monk seal, is probably one of the best studied endangered marine mammals, yet we still have problems with population decline. In fact, this is one of the species I referred to earlier that is perilously close to extinction.

So, clearly, one needs to invest more effort in collecting data, but you have to make decisions as you go with the data in hand that you have. This is why adaptive approaches are important to have. So as you gain more information, you make adjustments to the recommendations and decisions that are made.

Senator CANTWELL. Thank you.

Well, we will certainly look forward to discussing how we can get more data even in these tough economic times because I think given our experiences in the Northwest, we see how critical that is to having commonality of how to move forward based on good scientific data.

Mr. Moreland, I would like to ask you about obviously here in the Northeast, a lot of people understand Amtrak and have a great service for it. But Washington State is the final destination of the Empire Builder and the Coast Starlight. And so, there have been many partnerships between the State and Amtrak for years in between Portland and Vancouver.

And one of the issues, obviously, as you know, is Class 1 railroads own their own infrastructure. So Amtrak trains in Washington State share the track with Burlington Northern, but freight has a priority. And because the track is shared, the State and Amtrak and Burlington Northern all have to agree on investment priorities, and sometimes, you can imagine that they differ in opinion.

I imagine this is probably replicated across the country. And if confirmed, given your experience at Burlington Northern, what do you think are some of the unique things that we could do to help Amtrak and Class 1 railroads facilitate these agreements on major rail investments and the support of high-speed rail as well as freight rail?



Mr. MORELAND. Well, I am very much in favor of the partnership between the State's Amtrak and the private railroads, Burlington Northern Santa Fe. I think you will see that over the years that Burlington Northern Santa Fe did have one of the best records in terms of on-time performance for Amtrak trains.

I think the best way to do that is with a strong partnership so that everybody has the same interest in getting this achieved. I do say it is perception that freight railroads own—they do own the tracks, of course. But they don't have a priority. Amtrak does, under the law, have a priority. And it should continue to have that priority. And I am a strong believer in finding the ways of making that work.

At the same time, there is a lot of freight moving out of Seattle, which is important to the State of Washington. And it is critical that freight move on time as well. We have to find a way of getting both running and cooperating and operating so that passenger trains, not just Amtrak, but your passenger trains, commuter lines that run along the sound, as well as the freight, is able to do that and through partnerships agree to the allocation of capital to make sure that that is achieved properly.

Senator CANTWELL. Well, this is critically important for us in the Northwest. We certainly appreciate the investment in high-speed rail capacity. But we obviously, given I think we were probably the intake for about 20 percent of cargo coming in for China, we also have to move freight.

Mr. MORELAND. Yes.

Senator CANTWELL. Or else we will lose that to Canada.

Mr. MORELAND. It is one of the—I have ridden those lines probably five times a year until I retired, and I understand the problem. You have some unique issues there because of where the real estate is, right along the sound. But it is a doable situation, a workable situation. I think Burlington Northern works as hard as they can to do that, and we need to make sure—Amtrak needs to continue working with them and the State of Washington to achieve the goals of all three entities in this.

Senator CANTWELL. Thank you.

Dr. Weener, I understand that the Flight Safety Foundation, you spent considerable amount of time at looking at issues of runway safety and ground accident prevention. Where do you think the FAA is in respect to these issues?

Dr. WEENER. With respect to runway safety, the Flight Safety Foundation initiated a program about 3 years ago, an international one, and it was driven in large part by European interests. Initially, we looked at runway safety from a broad perspective. That included runway incursions, runway confusion, and runway excursions, excursions being going off the side or the end of a runway.

Runway incursions have brought a great deal of attention because of the Tenerife accident of 32 years ago. That was a collision on the ground between two 747s. Since that time, the FAA has put a great deal of emphasis on runway incursions, and runway incursions had become a relatively rare event. Now they are reported often, but runway incursions are counted even though there is not an accident.

If we look at simply accidents, then about one-third—actually 30 percent worldwide over the last 15 years or so—30 percent of the accidents have been runway excursions. For that reason, the Runway Safety Initiative has chosen to focus almost entirely on runway excursions. I think the FAA could pay more attention to runway excursions.

Senator CANTWELL. Thank you.

In 2005, we had the unfortunate incident of an EMS emergency service helicopter crashing into Puget Sound, taking the life of a pilot and two nurses. And so, I have spent a lot of time getting up to speed and understanding what the oversight and regulation has been and trying to improve the safety of the Air Medical Service.

We passed out of this committee language that I authored in Section 507 of the current FAA bill, which is built on a number of the NTSB 2006 recommendations. I recognize that Air Medical Service is inherently a challenging and dangerous job, but the question is how do you manage that risk? And I don't know if you have thoughts you would like to offer on that this morning?

Dr. WEENER. It is probably premature for me to offer any strong opinions. Nevertheless, the NTSB held a hearing last year, as I recall, that addressed helicopter emergency medical services, and a number of safety recommendations came out of that hearing, including items like terrain awareness systems, flight operation quality assurance, FOQA, which means getting data off of the airplanes to understand how they are being operated, the helicopters in particular.

This is an area where there is a lot of risk. There is a tendency to try to fly under any circumstances. There is a bit of an element of trying to be heroic in the face of somebody having had an accident and being severely injured. I am sure this is an area that is going to continue to receive attention in the future.

Senator CANTWELL. Well, we will look forward to working with the NTSB on that.

Again, I want to thank all of the nominees for being here. Thank their families for coming to today's hearing and for your patience and dedication as your loved ones serve our country, and we look forward to processing these nominees quickly.

We will leave the record open for a short time period here, I think 2 weeks, to make sure that we get comments and questions answered.

So thank you very much for being at today's hearing.

The hearing is adjourned.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

## A P P E N D I X

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

I wish to congratulate the nominees appearing before the Committee today and to thank them for their commitment to public service. I look forward to supporting your nominations through the confirmation process and working with you in your new positions.

In particular, I would like to touch upon the nomination of Vice Admiral Robert J. Papp to serve as the Commandant of the United States Coast Guard. Managing the extensive and diverse missions and responsibilities of the U.S. Coast Guard is a monumental task, and I have no doubt that Admiral Papp will fulfill his duties admirably, if confirmed. While not part of the Department of Defense (DOD) services, the role of the Coast Guard in protecting national security is on par with the other services. As such, they should be given appropriate recognition for this, including rank and retirement policies that are consistent with the Department of Defense.

The Coast Guard has served with great distinction over the years. They served well in the Persian Gulf. In addition, the Coast Guard provided critical leadership in the rescue and response efforts in Haiti. They were also first on the scene following Hurricane Katrina. Moreover, the Coast Guard performs other important missions including search and rescue, drug interdiction, environmental protection, and fisheries enforcement.

In Hawaii, the Coast Guard is a very special friend. They are always rescuing someone in peril or guarding our ocean borders from foreign incursions. The area covered by District 14 is the largest of all the Coast Guard Districts, and the challenges are magnified. I would like to take this opportunity to thank the men and women of the Coast Guard for their outstanding service to our country, and in particular for their efforts on behalf of the people of Hawaii.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
VICE ADMIRAL ROBERT J. PAPP, JR.

*Question 1.* The President's budget request cuts funding for Coast Guard operations by \$75 million. The Coast Guard is already being asked to do more with limited resources. How will the Coast Guard be able to maintain its high level of performance under a reduced budget?

Answer. The Fiscal Year 2011 Budget Request provides the Coast Guard with the necessary resources to carry out its missions. The budget focuses resources toward recapitalization of aging cutters, aircraft, and supporting infrastructure. Recapitalization is critical to preserving future surface, air, and shore asset capability. The FY 2011 budget makes recapitalization a top priority, while allowing the Coast Guard to continue to perform its statutory missions in the most effective, efficient, and professional manner possible.

*Question 2.* I am very concerned about the recommendation to eliminate five of the twelve Marine Safety and Security Teams, including the team assigned to the Port of New York and New Jersey. This Port is directly linked to what the FBI deemed the most dangerous two miles in America for a terrorist attack. Was a full risk assessment done before this decision was made to determine that the security of the Port of New York and New Jersey would not be affected by the loss of this team?

Answer. The FY 2011 budget transitions the Maritime Safety and Security Teams (MSSTs) to a regional model, enabling the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The decision to transfer to a regional model factored in geographic distribution/coverage; mission requirements; port complexities; and proximity to other Coast Guard assets, as well as other Federal, state, and local capabilities.

The Coast Guard will continue to leverage all available intelligence resources and partnerships across DHS, the Federal Government, and state and local law enforcement to collectively mitigate risks and ensure the security of the Nation's ports.

*Question 3.* Would these five Marine Safety and Security Teams be eliminated if the Coast Guard budget were not reduced?

Answer. Efforts to gain efficiencies, eliminate redundancies, and maximize resources toward carrying out all eleven statutory missions would have been pursued under any budget scenario.

*Question 4.* According to a recent report by the Government Accountability Office, the Coast Guard met its defense readiness levels only forty-four percent of the time in 2009—the lowest level since 2004. As Commandant, what actions will you take to bring readiness levels up to 100 percent?

Answer. The Coast Guard's ability to perform its missions is closely tied to its assets—we were unable to meet all of our 2009 performance goals, as noted by the GAO, largely due to the degraded condition of the Coast Guard's assets.

If confirmed, I will work with Congress to recapitalize our fleet of High Endurance Cutters through the continued acquisition of National Security Cutters (NSC). The NSCs will yield essential system-wide capability improvements for defense readiness and other maritime homeland security mission areas.

To improve Port Security Unit (PSU) readiness, I will continue to build upon a number of recently implemented initiatives, including personnel management enhancements to reduce staffing gaps; documentation and tracking of training requirements; and employment of a PSU rotational cycle to improve the deploy-return-reconstitute cycle.

*Question 5.* I recently went to Haiti and saw the devastation following the earthquake. I commend you for the critical work the Coast Guard performed in Haiti. Your ships were the first to arrive and because of the skills of the Coast Guard, lives were saved. Will tight budgetary constraints affect the Coast Guard's ability to respond to disasters of this kind in the future?

Answer. The Coast Guard provided the first U.S. response asset on scene less than 18 hours after the earthquake. The Coast Guard's broad statutory authorities, nimble organizational structure, and multi-mission platforms enabled it to quickly flow forces to assist with the international response in Haiti.

The Coast Guard's ability to perform its missions is closely tied to its assets. Recapitalization is imperative to meet future demands. The FY 2011 budget makes recapitalization a top priority, while continuing to direct resources to our highest operational needs based on current risks, threats, and mission requirements.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO VICE ADMIRAL ROBERT J. PAPP, JR.

*Question 1.* 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 with the Coast Guard?

Answer. Yes.

*Question 2.* The Coast Guard has requested \$10.08 billion in the Fiscal Year 2011 budget, a \$75 million decrease from the Fiscal Year 2010 budget. As the only branch in the Armed Forces to take a cut in this year's budget request, how will the decrease in funding impact Coast Guard operations? Do you support the decrease in Coast Guard funding?

Answer. The President's FY 2011 budget request provides the Coast Guard the necessary resources to carry out its missions. I support this budget.

The FY 2011 budget focuses resources toward recapitalization of aging cutters, aircraft and supporting infrastructure. Recapitalization is critical to preserving future surface, air, and shore asset capability. What the Coast Guard builds today will secure the Nation's borders, rescue those in peril, preserve essential trade and commerce, and protect the environment for decades to come. Under the FY 2011 budget, the Coast Guard will continue to perform its statutory missions in the most effective, efficient and professional manner possible.

*Question 3.* The Fiscal Year 2011 budget would cut 1,172 military positions. What is the operational impact of this decrease?

Answer. The reduction in personnel is primarily related to ships that are being pulled from active duty as we recapitalize our aging fleet. We are also adding over 300 civilian positions to meet our goals for balancing our workforce between military and civilian personnel. Consequently, the net reduction is approximately 773 posi-

tions. Under the FY 2011 budget request, the Coast Guard will continue to perform all of its statutory missions in the most effective, efficient, and professional manner possible.

*Question 4.* What is the impact on remaining personnel and their families?

Answer. The FY 2011 budget fully funds military pay benefits and entitlements for regular and Reserve members, including a 1.4 percent military pay raise. The Coast Guard will remain aligned with Department of Defense on any changes to pay and benefits as mandated by the National Defense Authorization Act.

Active duty military personnel attached to units slated for decommissioning in the budget will be transferred to new units with full consideration of the needs of the members of the Coast Guard and their families.

*Question 5.* The Coast Guard has recently proposed to eliminate five of its twelve Maritime Safety and Security Teams (MSST). How will these closures impact the remaining MSSTs?

Answer. The resources at the remaining seven MSSTs, including personnel, boats, operations, and maintenance funding, will not be affected. These MSSTs are positioned regionally to deploy nationally to address maritime security threats.

*Question 6.* Is the Coast Guard committed to maintaining a MSST in Galveston?

Answer. The FY 2011 budget does not affect MSST Galveston.

*Question 7.* One of the key issues for the Coast Guard is the tradeoff between sustaining current Coast Guard assets and the continued investment in future capability through fleet recapitalization. Can you discuss how to maintain this balance while continuing to meet the Coast Guard's statutory missions?

Answer. The FY 2011 budget focuses resources toward recapitalization of aging cutters, aircraft and supporting infrastructure. Recapitalization is critical to preserving future surface, air, and shore asset capability. What the Coast Guard builds today will secure the Nation's borders, rescue those in peril, preserve essential trade and commerce, and protect the environment for decades to come. Under the FY 2011 budget, the Coast Guard will continue to perform its statutory missions in the most effective, efficient, and professional manner possible.

If confirmed, I will work with Congress to ensure the Coast Guard has the resources it needs to recapitalize aging assets while continuing to direct resources to our highest operational needs based on current risks, threats and mission requirements.

*Question 8.* In 2008 Hurricane Ike destroyed the Sector Field Office in Galveston. When do you expect to have this facility rebuilt?

Answer. The Sector Field Office Galveston facility is anticipated to be rebuilt by late Calendar Year 2012. In addition, the Coast Guard continues to work on a current project to replace the Aids to Navigation Team Galveston and shore-side Patrol Boat facilities. This project is currently 70 percent complete and is expected to be finished in late summer 2010.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO  
VICE ADMIRAL ROBERT J. PAPP, JR.

*Question 1.* In light of the proposed 2011 decommissioning (and return to the Navy) of Pascagoula, Mississippi-based cutters TORNADO, SHAMAL and ZEPHYR, how do you plan to mitigate the operational impact of the loss of these cutters? Does the Coast Guard have a long range plan to replace these cutters in Pascagoula, and how do you intend to cover the potential mission gap in the Gulf of Mexico region? If confirmed, would you support a re-negotiation of the present lease agreement with the Navy to extend the Coast Guard's use of these Pascagoula based cutters?

Answer. The three Pascagoula Cyclone class cutters, TORNADO, SHAMAL and ZEPHYR, are not planned for decommissioning in FY 2011, though the current agreement for use of the remaining three cutters expires at the end of FY 2011.

The Coast Guard is currently executing a patrol boat recapitalization project to replace its 49 aged, obsolete 110 foot patrol boats (WPBs) with 58 fast response cutters (FRC) to meet mission requirements, beginning in 2011. The new FRCs will provide 2,500 resource hours compared to 1,800—2,200 for WPBs as well as other improved capabilities, including stern boat launch and enhanced command, control, communications, computers, intelligence, surveillance, and reconnaissance systems. The Coast Guard is currently working on its FY 2011 operational planning process to best allocate its existing and planned cutter forces to maximize performance and minimize risk across all statutory missions. As we look to future planning cycles, we will assess all available cutter resources, including Cyclone class vessels, to best meet mission demands within available resources.

*Question 2.* During your confirmation testimony, you indicated you did not support changing the Coast Guard Academy admissions process from the current open enrollment system to the congressional appointment model utilized by the other service academies. You also stated that Academy admission of under-represented minorities continues to be a challenge and that the Coast Guard is expanding its outreach with many Historically Black Universities (HBU's). Can you please highlight specific outreach efforts with historically black colleges and universities in Mississippi and other parts of the country?

Answer. The Coast Guard has assigned a Captain (O-6) to the position of National Association for Equal Opportunity in Higher Education (NAFEO)/Historical Black College University (HBCU) Liaison. This officer is responsible for partnering with the leadership of NAFEO and the Presidents of HBCUs to strengthen relationships between the Coast Guard and these institutions and increasing the diversity of the Coast Guard active duty, reserve, and civilian work force. Additionally, the Coast Guard Liaison partners with other organizations that have strong ties to the HBCU community, including the Thurgood Marshall Scholarship Fund, the National Society of Black Engineers, the Black Engineer of the Year Awards, the RIPLE Institute, Inc., and the White House Initiative on HBCUs.

In addition, the Coast Guard Academy is increasing recruiting outreach in certain geographic areas to focus on underrepresented minorities. These areas include Jackson and Hattiesburg, MS; Birmingham, Tuscaloosa, and Marion, AL; and Atlanta, GA.

*Question 3.* During your confirmation testimony, you stated that five Maritime Safety and Security Teams (MSST's) are scheduled for decommissioning as part of President Obama's proposed FY 2011 Coast Guard budget. In terms of potential decommissioned MSST equipment, how many Defender class boats will be affected and what is the Coast Guard's redistribution plan for these assets? If confirmed, how do you plan on mitigating the increased risk of only having seven MSST's available for response and deployment to maritime emergencies?

Answer. The FY 2011 budget transitions the Maritime Safety and Security Teams (MSSTs) to a regional model. Within this new construct, the Coast Guard will still be able to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed.

As a result of the new regional model, 30 Defender class small boats will be removed from service.

The Coast Guard will also continue to leverage all available intelligence resources and partnerships across DHS, the Federal Government and state and local law enforcement to collectively mitigate risks and ensure the security of the Nation's ports.

*Question 4.* President Obama's FY 2011 Coast Guard budget includes a proposed net reduction of approximately 773 positions (-1,112 military, +339 civilians). Could you please detail your human resource plan to achieve these 1,112 active duty force reductions without sacrificing mission performance?

Answer. The reduction in personnel is primarily related to ships that are being pulled from active duty as we recapitalize our aging fleet. Reductions to the workforce will be managed through regular attrition and strategic recruitment to minimize the impact and maximize operational capacity. Under the FY 2011 budget request, the Coast Guard will continue to perform all of its statutory missions in the most effective, efficient, and professional manner possible.

*Question 5.* Will these active duty cuts be evenly distributed between Officer and Enlisted billets?

Answer. The personnel reductions in the FY 2011 budget are directly tied to the decommissionings of several operational units. Those units (especially the High Endurance Cutters and MSSTs) have many more enlisted members than officers and that is reflected in the proposed reductions (104 officers and 1,008 enlisted).

*Question 6.* Could you also please provide a breakdown of how the additional 339 civilian billets will be distributed?

Answer. Consistent with Administration and Departmental goals, the Coast Guard is committed to building an appropriate balance of in-house and contract resources.

In FY 2011, the Coast Guard plans to implement this balanced workforce initiative to convert contracted professional services to Federal Government positions through establishment of 300 full time positions, of which a portion are civilian positions. Additional civilian position increases in the 2011 budget include logistics support personnel for new assets being delivered via recapitalization projects. Finally, the FY 2011 budget reflects a technical adjustment to account for military and civilian conversions in 2009.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO DR. LARRY ROBINSON

*Question 1.* What do you see as the greatest challenges facing our oceans, coasts, and Great Lakes, and how should NOAA address those challenges?

Answer. The Nation's greatest challenge related to our oceans, coasts, and Great Lakes will be coping with the cumulative impacts of emerging industries, traditional uses, and large coastal populations. Multiple direct uses, such as fishing, ocean energy, aquaculture, and recreation, are all competing for the same space in our coastal and offshore areas, and individual and collective impacts from nearby uses can interact to create exponential negative effects. I understand that the President's Interagency Ocean Policy Task Force has proposed an Interim Framework for coastal and marine spatial planning (CMSP) that takes a holistic, spatially explicit look and different potential combinations of uses to decide the desired future mix of industries and protected areas. I believe that CMSP has the potential to better assess and plan for cumulative impacts and competing uses. If I am confirmed, I will work to ensure that NOAA will continue to play a key role in working with partners nationwide and providing the baseline maps, science, and other information needed to make informed decisions.

The other major challenge facing our Nation is how ecosystems will evolve due to climate change, and how management decisions will also need to evolve to address these changes. For example, changes in ecosystems will likely mean changes in fishery yields and other ocean based economies. I believe that NOAA can improve our understanding of the interplay between species, humans, and the physical environment which is needed for responding to impacts such as ocean acidification, which can have far-reaching impacts on our resources and related economies. A potential for costly impacts to people, infrastructure, and economies might also result from sea level rise. If confirmed, I hope to support NOAA's lead role in supporting research, modeling the potential range of future impacts and providing services, such as coastal inundation maps, to people nationwide as a basis for making sound planning decisions.

*Question 2.* From food to fuel, we rely on oceans. Nearly 80 percent of U.S. import and export freight is transported through seaports. Jobs and economic opportunities that emerge from our oceans, Great Lakes, and coastal resources generate more than 50 percent of our Nation's Gross Domestic Product and provide over 70 million jobs to Americans. As Assistant Secretary, you would be responsible for fisheries and ocean and coastal programs within NOAA. How would you recommend strengthening NOAA's efforts to support the "blue economy" and stewardship of our coasts, oceans, and fisheries?

Answer. I have discussed with the NOAA Administrator and the Secretary of Commerce their priority, which I will share should I be confirmed, of developing and deploying a "Blue-Green" strategy. I am honored at the prospect of working with NOAA and Department of Commerce leadership to create or preserve jobs and foster economic growth through the sustainable use, conservation or restoration of ocean and coastal resources. If confirmed, I would work with the talented NOAA workforce to use sound, science-based management decisions to ensure long term sustainability of the Nation's resources in order to support a sustainable blue economy and vibrant coastal and fishing communities. I also believe that to build NOAA's "blue economy" strategy, the agency must collaborate with all of its stakeholders to refine its services and products that further the growth of the blue-green economy.

*Question 3.* Dr. Robinson, the National Oceanic and Atmospheric Administration's programs and services affect more than one-third of our Nation's gross domestic product. The agency's mission is vital to protecting our coasts and oceans, and it is also critical to supporting our national economy. How would you broaden the National Oceanic and Atmospheric Administration's support within the Federal Government and bring greater awareness about the agency's work to the public?

Answer. I know that NOAA is engaged collaboratively with many Federal agencies on a range of issues, providing their unique mix of data and information services related to coastal and ocean environments. These efforts will be greatly enhanced if the proposed National Ocean Council is established. This council would highlight ocean issues throughout the Federal Government and be a place where NOAA could help other agencies meet their mandates related to ocean resources by providing useful and timely information. As a current member of Ocean Research and Resources Advisory Panel (ORRAP), I have been active in advising the Federal sector in strengthening collaboration to improve ocean management. If confirmed, I plan to continue to work in the interagency process to strengthen NOAA's role and support across the government.

I understand NOAA is also creating a new focus on coastal communities and processes. Our coastal areas are a major economic engine in this country and they are also where a majority of our citizens live, work, and play. Engaging more comprehensively in these geographic areas—where numerous other Federal agencies have management mandates—will also create opportunities for partnerships and to showcase what science and products NOAA can share to enhance these other agencies' activities.

Publically, NOAA's most visible function is the National Weather Service because it provides the information that people need on a daily basis. Learning from that success, NOAA has now proposed to create a Climate Service. If confirmed, I plan to engage with the Climate Service to provide the public and coastal managers with essential climate and adaption information—a need that is of paramount importance to numerous coastal cities and states.

Finally, I would like to build on the leadership shown by Dr. Lubchenco to place a greater emphasis on communicating science to the public. An aware and interested constituency is one the greatest actions we can take to promote future conservation, as well as knowledge of and interest in the NOAA mission.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO  
DR. LARRY ROBINSON

*Question 1.* If I understand NOAA's recent leadership reorganization, your position places you between the political leaders at the top of the organization and the career NOAA work force, where your responsibilities will include two areas very important to Alaska: fisheries management and marine mammal conservation. Can you describe your philosophy on NOAA's statutory responsibility (in Magnuson-Stevens Act) to provide sustainable uses of ocean resources?

Answer. The effective implementation of the Magnuson-Stevens Act is, and will continue to be, a very high priority for NOAA both off Alaska and across the country. The management of the marine fisheries resources in the North Pacific is often held out as an example of one of the most effective in the Nation. If confirmed, my goal will be to continue that tradition. In cooperation with the North Pacific Fishery Management Council, I look forward to leading NOAA's continued work toward both the biological sustainability of these resources and the economic stability of the Alaskan communities so dependent upon them. While there will undoubtedly be challenges in the future, I assure you we will address them through a science-based and public process.

*Question 2.* I'm told the new administration will soon put in place a new National Ocean Policy. The only view Alaskans have had of this new Policy was the release in September 2009 of the Ocean Policy Task Force Interim Report, which was exclusively focused on stewardship and environmental impact. Lacking in this draft policy was discussion on sustainable economic uses of the ocean and the role of Regional Fishery Management Council. As the Assistant Secretary overseeing ocean resource management, can I be assured that Alaska's ocean resource users will have a voice at the policy table?

Answer. In my present position outside of NOAA, I have not been involved in the Interagency Ocean Policy Task Force or its reports. At my confirmation hearing, I highlighted my philosophy that coordination is key to effective resource management. Of utmost importance is the inclusion of stakeholders in such efforts. Should I be confirmed, I can assure you that all resource users, including those in Alaska, will be able to provide input into these decisions.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
DR. LARRY ROBINSON

*Question 1.* 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 with your respective agencies?

Answer. Yes, if confirmed you can count on me to continue to work with the Committee on any and all requests and try to find ways to make the communication even better.

*Question 2.* Last September NOAA sent comments to the Minerals Management Service urging the Interior Department to drastically reduce plans in the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Plan to open new areas to oil



and gas development. If confirmed would you support opening new areas of the Outer Continental Shelf to oil and gas development?

Answer. I support the President and other Cabinet members in their position that the Administration will look at the Outer Continental Shelf (OCS) as part of a comprehensive energy program for the Nation. This broad and strategic approach will consider economic opportunity in the United States from energy-related jobs and technologies, the environmental insecurity associated with global warming, and the national security issues associated with dependence on foreign energy sources. It will not just be focused on oil and gas, but also onshore and offshore renewable and alternative sources of energy. If confirmed, I will make sure that any new development of our OCS oil and gas resources would be considered as part of this comprehensive energy program.

Additionally, it is very important to me that proper environmental precautions are taken if any new areas of oil and gas are going to be opened on the OCS. NOAA has significant trust resource responsibilities in the OCS. I want to ensure that living marine resources and the coastal communities that rely upon them are protected in accordance with NOAA's legislative mandates. Resilient coastal communities and economies depend on healthy ocean and coastal ecosystems.

*Question 3.* The Administration has recently developed a framework to implement Marine Spatial Planning in U.S. waters. Many are concerned that this is an attempt to zone our oceans. How will marine spatial planning will impact current and future oil and gas activity?

Answer. I do not believe that Coastal and Marine Spatial Planning (CUSP) is about drawing lines on a map and restricting energy development. Rather, I see it as a comprehensive planning process that involves all resource managers, stakeholders and users across the broad spectrum of sectors that touch the ocean. It is intended to build upon and significantly improve existing decision-making and planning processes, minimize user and use conflicts, identify compatible uses and activities, and result in a more coherent system of managing the diverse uses.

As I understand the Interagency Ocean Policy Task Force's work thus far, CMSP would build upon planning processes for oil and gas development; not supersede them. The CMSP process is not intended to halt existing projects or plans pending the development of coastal and marine spatial plans (CMS Plans). However, those responsible for making decisions on existing plans and projects would be expected to take into account the goals, principles and objectives of CMSP to the extent possible under existing law. Once a CMS Plan is put into effect, its implementation would be phased in to avoid undue disruption or delay of projects with pending permits or other applications.

*Question 4.* NOAA recently released a draft policy on implementing catch shares for our Nation's fisheries. While catch share have worked for many commercial fisheries I am concerned about their impact on recreational fishermen. How would you propose to implement a catch share scheme for a fishery with a significant recreational component?

Answer. While I am not yet familiar with the details of NOAA's draft catch share plan, I am familiar with catch share programs generally. I understand that their design is largely driven by the needs of the fishery. As with all programs of this sort in which stakeholders, including recreational fishermen, are affected, I believe that strong stakeholder input and involvement are key to success. Should I be confirmed, I look forward to familiarizing myself with NOAA's draft catch share policy, reviewing the comments that NOAA receives from stakeholders, working with NOAA staff to finalize the policy and then giving fishery management councils the support they need, should they vote to implement a catch share program.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
DR. LARRY ROBINSON

*Question 1.* What is your opinion of marine spatial planning and how do you believe that recreational fishing ought to be treated under this type of planning process?

Answer. I believe that Coastal and Marine Spatial Planning (CMSP) is an important process for helping our Nation comprehensively address the multiple threats that are facing our oceans and coasts and the increasing demands of users for access to these important resources. Recreational fishing and boating are important parts of our Nation's economy and social fabric that rely on these resources. In order for CMSP to work effectively, all users and stakeholders, including the recreational user community, will need to participate by expressing their views and concerns and working collaboratively with other parties to ensure that our ocean ecosystems are

healthy and resilient and able to support current and future uses of our oceans, coasts and Great Lakes.

*Question 2.* Considering that recreational angling only accounts for 3 percent of the total U.S. fish landings every year, while providing an annual economic stimulus of \$125 billion and supporting over 1 million jobs, how would you recommend that recreational angling and access to fishing in public waters be protected in any policies put forward by this Administration?

Answer. NOAA is entrusted with ensuring the long-term health and use of America's living marine resources. To meet this very direct, yet exceedingly complex charge, NOAA must continually promote and evaluate emerging marine science, build consensus and ensure compliance with management decisions, and balance competing needs of stakeholders with respect to such issues as access, conservation, recreation, and commerce. I recognize recreational saltwater fishing is vitally important to our coastal areas as both a source of recreation and significant income and employment for many communities. I am aware that the Interagency Ocean Policy Task Force is carefully considering the comments and needs of the recreational fishing community in its final report. Engaging stakeholders throughout the process is an essential element of both of these activities. I also understand that Dr. Lubchenco is committed to improving NOAA's relationship with the recreational community.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. DAVID VITTER TO  
DR. LARRY ROBINSON

*Question.* Regarding the Ocean Policy Task Force's Interim Framework for Effective Coastal and Marine Spatial Planning, please list all legal and regulatory tools the Administration planning on utilizing in its implementation of the program?

Answer. As I have not yet been confirmed and have not been involved in the development of the Interim Framework, I cannot speak to all of the legal and regulatory tools the Administration is planning on utilizing in its implementation of Coastal and Marine Spatial Planning (CMSP). I understand that Interim Framework envisions that CMSP would be developed and implemented under existing authorities. Coastal and marine spatial plans (CMS Plans) would not be regulatory in nature, but regional planning body partners would be expected to adhere to an agreed-upon final CMS Plan within the limits of their existing statutory and regulatory authorities. Federal and State agencies and tribal authorities would incorporate CMS Plans into their pre-planning, planning, and permitting processes to the extent consistent with existing laws and regulations.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
DR. EARL WEENER

*Question 1.* 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 with the NTSB?

Answer. It is my understanding that the NTSB enjoys a good working relationship with the members of the Senate Commerce Committee and their staff. If I am confirmed to be a Board Member on the NTSB, I will be pleased to help continue that relationship and support the Committee Members and their staff in their efforts to develop and review proposed legislation.

*Question 2.* What do you believe are the most critical transportation safety issues facing our Nation today?

Answer. There are two critical transportation safety issues in which I am particularly interested:

1. The effect of human factors, specifically those related to fatigue and distraction/attention. Both of these factors cut across all modes of transportation because the same make and model of human operator is involved regardless of the specific mode of transportation. The NTSB has identified fatigue as an issue for its Most Wanted List of Safety Improvements in several modes of transportation. Operator distraction issues are becoming more prevalent because of the increased availability of portable, hand-held electronic communication devices such as cell-phones, text messaging devices, notebook computers, etc. It is more important than ever to gather objective data about accidents involving operator distraction, whether it is a factor in the accident or part of the probable cause.

2. Implementation of Safety Management System (SMS) principles and practices, which are applicable in principle to all modes of transportation, as a means to further improve transportation safety. The basic elements of SMS are relatively straightforward:

- Recognition by the organization’s management of its responsibility for managing safety as an element of the enterprise operation;
- Awareness by management of the organization’s safety performance, which may require implementation of a “just culture” philosophy to enhance safety information flow;
- Risk assessments of the operations and the implementation of changes to operational processes and procedures to reduce or eliminate safety risks;
- Assessment and review of subsequent safety performance to identify refinements that further enhance safety performance.

*Question 3.* NTSB recently added “Improved Oversight of Pilot Proficiency” to its Most Wanted List. As someone with a background in aviation safety, how do you recommend that FAA improve its oversight of the way airlines hire and train their pilots?

Answer. Investigation of recent accidents has found that pilots who meet regulatory requirements sometimes lack adequate proficiency. More attention should be paid to proficiency as determined by testing and evaluation, including simulation evaluations. Crew Resource Management (CRM) training can augment technical flight and ground training with human factors subjects, with an emphasis being placed on operations by a crew rather than by individuals.

Improved flight safety is not dependent upon new innovation; it can continue with effective practice of what is already well known. Implementation of safety data reporting and resolution processes such as ASAP (Aviation Safety Action Program) are very effective safety tools when embraced by both management and pilots. Likewise, FOQA (Flight Operations Quality Assurance) provides objective understanding of how an operator’s airplanes are being operated.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO DR. MICHAEL F. TILLMAN

*Question 1.* You’ve worked as both a researcher and a manager. One of the greatest challenges to effective conservation is translating good science into good policy. What are some of the ways you will apply your varied work experiences in order to turn the best available science into well-informed policies?

Answer. I have had the good fortune of working on conservation matters as a scientist, manager, and policy-maker. Based on my experience, I would emphasize certain seemingly simple but often neglected principles. Specifically, if confirmed I will—

- prioritize research to ensure it is well-aligned with current policy needs;
- stress the need for strategic planning to anticipate emerging conservation issues;
- emphasize the value of long-term research well suited to the temporal dimensions of the policy issue;
- emphasize an adaptive management approach that adjusts to account for new information and knowledge;
- stress structured decision-making based on objective risk/benefit analyses;
- strive to understand the socio-economic conditions in which the policies must be implemented; and
- support an appropriately precautionary approach to resource management.

Clear, concise communication also is critical for translating the best available science into well-informed policies. Moreover, if confirmed I will do my best to communicate frequently and regularly with policymakers to ensure that they are as well informed about marine mammal conservation issues as possible.

*Question 2.* You’ve served three times on the U.S. delegation to the International Whaling Commission. Since the moratorium was imposed by the IWC on all commercial whaling, the numbers of whales harvested through exemptions and disregard for IWC policies has increased every year. What do you see as the future role of IWC in this decade and beyond?

Answer. I have served on a number of U.S. delegations to the International Whaling Commission (IWC). My involvement with the IWC goes back to the 1970s. I

have served as Vice Chair and Chair, of the IWC's Scientific Committee, as a senior advisor to U.S. Commissioners, and, for 10 years, as the Deputy U.S. Commissioner to the IWC.

As you indicate, the number of whales being killed in scientific whaling and under objections to the moratorium on commercial whaling has increased ten-fold since the moratorium on commercial whaling was established over two decades ago. This whaling arguably is consistent with the terms of the International Convention on the Regulation of Whaling, the international agreement that governs the operation of the IWC. Article V of the Convention sets forth a process by which member nations may object to Schedule amendments and thus not be bound by them. Both Norway and Iceland have filed objections to the commercial whaling moratorium. Japan's whaling is conducted pursuant to Article VIII of the Convention, which grants member nations independent authority to issue special permits to their nationals to allow the killing of whales for purposes of scientific research.

My preference would be to end whaling under these exceptions by securing full compliance with the commercial whaling moratorium and bringing scientific whaling under the control of the IWC. After several years of pursuing these goals, however, I am convinced that our chance of achieving them fully in the near term is remote. That is why I support the recent efforts of the United States and several other countries to find a way past the current logjam that is undermining the operation and effectiveness of the IWC. These countries have been pursuing a compromise under which some significantly reduced level of whaling would be countenanced—but not legitimized—for a set period of time while IWC works on longer-term solutions to resolve the current impasse. The details of this compromise are still being negotiated. Consequently, without a clearer picture of the extent to which the number of whales being killed would be reduced, the adequacy of the monitoring program that would ensure that hunting limits are observed, and other elements of the compromise, it is too early to form a conclusion. Nonetheless, I believe that the negotiations have good prospects and am hopeful that they will result in a way forward that will retain and strengthen the role of the IWC in conserving whales over the next decade and beyond. If no compromise is reached and the whaling nations abandon the IWC, the whales will be the ultimate losers.

*Question 3.* The recent interim report from the Joint Ocean Policy Task Force stressed the need for ecosystem-based management. Do you see areas where we can better integrate ecosystem-based management into marine mammal conservation?

Answer. The Marine Mammal Protection Act was one of the first laws to recognize the value of an ecosystem-based approach to research and management. Although much remains to be learned about a full ecosystem-based approach, important progress has been made and further progress can be expected under the Marine Mammal Protection Act, Endangered Species Act, National Environmental Policy Act, Coastal Zone Management Act, and other environmental legislation. For example, efforts to reduce bycatch of non-target species in fisheries is, in many respects, one element of an ecosystem approach to the management of direct fishery effects. In essence, bycatch reduction measures protect non-target species, including marine mammals, from injury and mortality associated directly with fishing.

Evaluating the indirect effects of fishing could make further progress toward an ecosystem approach to fishery management. The current approach to fisheries management aims to reduce the biomass of target species by as much as 60 percent or more, which may constitute a considerable reduction in available prey to marine mammals and other predators that depend on the same target species.

Marine mammals also could benefit from research to identify and protect biological hotspots and migratory pathways. Since many marine mammals move between seasonal breeding and feeding grounds, seasonal adjustments to the timing and locations of certain human activities (*e.g.*, commercial shipping, fishing, seismic testing for oil and gas, Navy exercises) may reduce substantially the potential for adverse interactions with marine mammals. The development of shipping corridors in the Cape Cod area provides an example of a spatial measure that greatly reduces the likelihood of ship strikes involving endangered right whales.

Reducing nutrient input into coastal marine environments also could benefit marine mammals, as well as seabirds, fishes and invertebrates, by preventing or reducing the lethal effects of harmful algal blooms. Although a number of factors may contribute to such blooms, reducing nutrient input by controlling upstream activities is one way of preventing or mitigating them.

The development and implementation of ship-quieting technologies also could reduce the potential for adverse effects on marine mammals by reducing background noise that may interfere with marine mammal hearing, communication, hunting and detection of predators. These are but a few examples of ways to minimize deg-

radation of marine ecosystems for the benefit of marine mammals and other living marine resources.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHINSON TO  
DR. MICHAEL F. TILLMAN

*Question 1.* 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 with the Marine Mammal Commission?

Answer. Based upon my past professional experience, the staff of the Marine Mammal Commission does indeed constitute a significant source of advice and information. Given their extensive expertise, experience and historical perspective, the staff of the Commission constitutes a valuable resource that should be called upon by committee members and staff on both sides of the aisle. I would expect them to continue being available to explain the background on current legislation, to serve as an informal sounding-board for new ideas, and to provide technical drafting assistance. If confirmed, I anticipate that this level of cooperation should continue and encourage committee members and their staff to think first about contacting the Commission's staff when they have questions or need assistance pertaining to marine mammals and the legislation relating to their conservation and management.

*Question 2.* For a number of years, the Marine Mammal Commission has expressed concern about NOAA's Fisheries Service authorization of incidental take of marine mammals during Navy sonar training exercises. Some of these very important exercises take place in the Gulf of Mexico. As a part of the Marine Mammal Commission, how would you plan to work with the Navy and with NOAA to find workable policies and mitigation strategies?

Answer. I recently became aware of Jane Lubchenco's letter of 19 January 2010 to Nancy Sutley regarding NOAA's review of mitigation measures in rules authorizing takes of marine mammals incidental to Navy training exercises. The letter describes three new, substantial investments that would improve the scientific basis for designing and implementing new mitigation strategies. With both agencies, as well as the Minerals Management Survey, engaging as full partners in their planning and execution, the new initiatives will include:

- new aerial surveys for cetaceans and sea turtles to identify areas of biological significance and provide fine-scale density estimates;
- a workshop to develop a plan for estimating a comprehensive sound budget for oceans and providing a baseline for measuring and evaluating cumulative sound impacts; and
- workshops that will provide the scientific basis for designing new, effective mitigation measures that protect marine mammal habitat.

Additionally, the letter referred to the requirement under existing permits for convening workshops to evaluate current mitigation measures and to identify new, improved mitigation strategies that could be implemented through the permits' adaptive management provisions. Moreover, the letter stressed the new monitoring program the Navy was implementing under its existing permits.

All of these cooperative efforts bode well for the health of affected marine mammal populations. The letter encourages me in the belief that all parties are working together in good faith to find and implement workable policies and implementation strategies. The role of the Marine Mammal Commission will be to review these efforts, evaluate them, and advise on ways to improve them, as needed.

*Question 3.* Are you committed to helping the Navy find a way to conduct these exercises?

Answer. Within the limits of applicable law, I am committed to helping the Navy accomplish its mission, including needed training. Based upon Dr. Lubchenco's letter mentioned above and other recent consultations, I am much encouraged by the cooperative attitudes of both the Navy and NOAA. It appears to me that both parties are committed to working together to find ways forward that meet applicable national policies and legal mandates. If confirmed, I am committed to having the Marine Mammal Commission facilitate and support these joint activities that hold much promise. They will make our job much easier.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO DR. DARYL J. BONESS

*Question 1.* As the Chairman of the Marine Mammal Commission, you will need to bring both leadership and vision to the Commission. What do you see as the greatest challenge facing the Commission today? And do you have a vision for what the Commission might look like tomorrow?

Answer. Congress enacted the Marine Mammal Protection Act with the primary objective of maintaining the health and stability of the marine ecosystem. Although the Act focuses on marine mammals, their long-term conservation is intimately tied to the overall status of the world's oceans. The greatest challenge facing the Commission is to promote measures that will sustain healthy marine mammal populations and oceans in a rapidly changing world. The U.S. Census Bureau estimates that, by 2030, the U.S. population will have increased by 55 million people, about half of whom will reside in coastal regions, but all of whom may affect marine ecosystems. The Bureau projects that the global human population will reach 8.2 billion in the same period, and such growth will place great strain on the world's oceans. We are seeing many of the warning signs now, including the effects of climate change (*e.g.*, loss of sea ice, acidification), overfishing, degradation of coastal habitats, harmful algal blooms, dead zones, disease, contaminants, and increasing noise introduced into the oceans by various human activities. Efforts to address such threats have been and undoubtedly will be compromised by limited resources and competing priorities. In many regards, the challenge is first to understand the diverse human activities that are interconnected to form a broad pattern of use, or in some cases misuse, of marine resources, and then to ensure that our research and management efforts are sufficiently well focused to address the resulting conservation issues.

The Commission's future and its ability to help resolve future conservation challenges lie largely in the quality of its staff and Committee of Scientific Advisors. To prepare for the foreseeable future, the Marine Mammal Commission must have a staff and Committee with the essential expertise to evaluate threats to marine mammals and ecosystems, the creativity and resourcefulness to identify potential solutions to those threats, the social skills to foster cooperation and coordination among the multiple agencies with ocean-related responsibilities, and the endurance to tackle those issues over time until they have reached the state of being well-managed. The Commission need not be (and indeed should not be) large, but its human resources are its greatest asset, and they must be sufficient to keep the Commission abreast, or a step ahead, of those factors that threaten our marine environment. So I view the Commission as a dynamic organization driven to fulfill its duties as set forth in the Marine Mammal Protection Act through the hard work and commitment of a well-informed, objective, and resourceful staff and Committee of Scientific Advisors.

*Question 2.* Given declining Federal funds for scientific research, monitoring, and modeling, how will the Commission work in partnership with Federal agencies to ensure the best possible science is used in the protection and conservation of marine mammals?

Answer. Partnerships are and will continue to be essential to promote marine mammal protection and conservation. They must be multi-agency, multi-disciplinary, and—in many cases—multi-national. The Commission will continue its regular contact with agencies that have ocean-related responsibilities, and will continue to emphasize the need for well-prioritized, pro-active research appropriate to the temporal (*i.e.*, both short- and long-term) and spatial (*i.e.*, both geographically focused and broad) scales involved. The Commission also will continue using its small research fund to identify key conservation issues, provide seed money to jump-start promising projects, and encourage matching funds from cooperating agencies. Importantly, the Commission also will focus on the question of whether the best available science is, indeed, adequate for the purposes at hand and, when that is not the case, work with involved agencies to address shortcomings. To that end, the Commission has recently been developing a web-based survey of Federal funding for marine mammal research and conservation to provide involved agencies and interested parties an overview of all marine mammal research and conservation efforts. This effort should help identify important gaps and redundancies and thereby promote a more effective and coherent national research strategy.

*Question 3.* Marine mammals can be affected by a number of human activities. What role can the Commission play in resolving the inherent tension between important human uses of the oceans—such as energy development, transportation, and military operations—and protecting vulnerable marine mammal populations?

Answer. Here, the Marine Mammal Commission can play a number of vital roles. The Commission has long been and will continue to be an advocate for anticipating potential effects of human activities and developing pro-active solutions. It has emphasized, and will continue to emphasize, the value of collecting adequate baseline information to provide a basis for detecting when human activities are resulting in unacceptable adverse impacts. It has encouraged, and will continue to encourage, the development and implementation of best practices for such activities. The Commission also has emphasized the importance of monitoring and mitigation, and promoted careful evaluation of such measures to ensure that they are meeting expectations. The Commission also works closely with marine mammal experts from around the world and frequently fosters international cooperation to address potential risk factors. Finally, and importantly, the Commission has expanded, and will continue to expand, its relationships with other agencies to identify and circumvent risks before they become crises. For example, it meets frequently with staff from the National Marine Fisheries Service and Fish and Wildlife Service, and regularly with the Navy, Department of State, and Minerals Management Service. It also participates in various multi-agency committees and working groups to promote better problem solving.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
DR. DARYL J. BONESS

*Question 1.* 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 with the Marine Mammal Commission?

Answer. If confirmed as Chairman of the Marine Mammal Commission, I would ensure that the Commission, its Committee of Scientific Advisors on Marine Mammals, and its staff continue to support and work closely with the Committee whenever requested to provide technical and legal expertise and advice. Indeed, the Marine Mammal Commission has endeavored to be responsive to the Committee, as evidenced by the completion of and submission of reports to Congress over the past few years on several issues that were requested by the Committee. Among these include reports on the Biological Viability of the Most Endangered Marine Mammals and the Cost Effectiveness of Protection Programs and Marine Mammals and Noise: A Sound Approach to Research and Management. I consider such cooperation and support to be critical elements of the Commission's mission.

*Question 2.* For a number of years, the Marine Mammal Commission has expressed concern about NOAA's Fisheries Service authorization of incidental take of marine mammals during Navy sonar training exercises. Some of these exercises very important exercises take place in the Gulf of Mexico. As a part of the Marine Mammal Commission, how would you plan to work with the Navy and with NOAA to find workable policies and mitigation strategies? Are you committed to helping the Navy find a way to conduct these exercises?

Answer. The Marine Mammal Commission has great respect for the Navy and recognizes the importance of Navy sonar training exercises to the national security of our country. The Commission also believes that the Navy is making substantial effort to be a good steward of the marine environment. That being said, the Commission is concerned about the effects of certain Navy exercises on the marine environment. The Commission communicates its concern in letters, but also meets quarterly with the Navy to discuss ways to address the underlying issues. For example, the Commission has discussed at length its concerns about the efficacy of monitoring and mitigation measures and the Navy has responded by developing an Integrated Comprehensive Monitoring Plan. Similarly, the Commission has emphasized the need for peer review of Navy science and the Navy has established a pattern of engaging the best available scientists in these reviews.

The Navy has worked closely with NOAA to prepare incidental take authorizations for Navy exercises. NOAA also has recently reviewed mitigation measures in rules authorizing take of marine mammals incidental to Navy training exercises and announced efforts to work with the Navy to develop additional mitigation measures. These measures include reinitiating comprehensive aerial surveys of cetaceans, estimating a comprehensive sound budget for the oceans, identifying cetacean "hot spots," and evaluating models of cetacean distribution. I can assure you that, if confirmed as Chairman of the Marine Mammal Commission, I will ensure that the Commission participates constructively in such efforts by providing useful recommendations for protecting marine mammals while facilitating the Navy's vital work.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
JEFFREY R. MORELAND

*Question 1.* One of the biggest challenges you will face as a Board member for Amtrak is developing an annual budget. The Administration's budget request for Amtrak this year is \$500 million dollars less than what Amtrak requested to meet its needs. What role will you play to spur the Administration to support Amtrak's higher budget needs?

Answer. I recognize that Amtrak is a somewhat unique entity in that the Board of Directors is independent of the Administration but one of the members is the Secretary of Transportation. As a member of the Board, I will advocate to all of my colleagues, including the Secretary that the Corporation seek the resources it needs to fulfill the strategy and business plan we adopt. I am also mindful that the needs of Amtrak are far from the only consideration that goes into developing an Administration's budget request. Thus, I believe that where necessary, the Corporation may need to use its statutory authority to advocate for its resource needs independent of the Administration's proposal.

*Question 2.* You come from an industry where companies have the ability to make multi-year capital investment plans. Unfortunately, Amtrak does not have this same luxury and its fate rests on the annual appropriations process. How would Amtrak benefit from a multi-year guaranteed funding program?

Answer. Not knowing from year-to-year what financial resources are available limits the ability of any entity to establish a meaningful vision other than survival and forces consideration of strategies that, over the long run, are not the most effective use of resources. This unfortunately, has been Amtrak's situation since its inception. A multi-year guaranteed funding program as suggested in your question would go a long way toward addressing this chronic challenge.

*Question 3.* In a report that studied high-speed rail in France, Japan, and Spain, the GAO found that these countries committed significant government support for their high-speed rail systems. But here in this country, every year we have to fight for just enough funds to keep Amtrak afloat. Is it realistic to expect a high-speed passenger rail system to be successful without significant government contributions toward capital and operating expenses?

Answer. Few if any markets for high-speed rail are likely to be able to cover all of their costs, particularly initial capital costs, for the foreseeable future. If the national policy is to develop a national system of high-speed intercity passenger rail, then it will require substantial financial investment by others, in particular governments at all levels. Amtrak, with one foot in the public sector and one foot in the private sector, may also be able to play an important role in facilitating non-governmental investment to reduce the burden that would be placed on governmental budgets.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
JEFFREY R. MORELAND

*Question 1.* The State of New Mexico recently constructed a third passenger rail line that provides regular service from Belen north to Santa Fe. I would like to see passenger rail expanded even further in the intermountain west to eventually provide transportation options for travelers from El Paso all the way north to Denver. Do you support the creation of a truly national passenger rail system that includes the rapidly growing Intermountain West?

Answer. I share the vision of a truly national system of intercity passenger rail service that connects and serves all of our regions. I believe that the Intermountain West has a place in such a national system.

*Question 2.* How can Amtrak achieve this goal?

Answer. Under the Passenger Rail Investment and Improvement Act, Amtrak, the U.S. Department of Transportation and the States all have a role in the development and operation of intercity passenger rail service. The key planning responsibilities fall on the States and the DOT. Amtrak, because of its experience in rail operations and its right of access to the rail system, can be a valuable support to the States and DOT in developing plans for expanded service, such as that in the Intermountain West, and strategies for making such expanded service a reality.



RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
JEFFREY R. MORELAND

*Question 1.* 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 with Amtrak?

Answer. Yes. I believe it is the responsibility of all who seek funding or other benefits from the Congress to help the Congress make informed decisions by providing both information and the technical expertise that Congress might request.

*Question 2.* What do you believe are the major management challenges facing Amtrak today? As a board member, how will you respond to these challenges?

Answer. A major challenge that has faced Amtrak since its inception is the inability to make multi-year commitments to planning and investment because the Corporation depends on the uncertain and highly fluctuating levels of annual appropriations. Another serious challenge has been the comparatively brief tenure of CEOs over the last 15 years. This lack of stability at the top of the organization makes it exceedingly difficult to develop and implement a strategic vision for the Corporation. I believe that the Board owns the latter challenge and we must provide both stability and very high-level direction to the senior management. With this, the Corporation will develop the credibility that might help Congress address the former challenge.

*Question 3.* You have spent much of your career as an executive at BNSF. What can be done to improve the working relationship between Amtrak and the freight railroads?

Answer. Over the years, Amtrak's relationship with BNSF and its predecessor companies have been among the best. But even this relationship can be improved by better communications and a better understanding of each other's needs that result in more realistic expectations of what each other can accomplish. The new Federal funding role for intercity passenger rail service, including congestion relief, offers the opportunity for win/win investments benefiting both passenger and freight service that will make cooperation much more productive than confrontation for both parts of the rail industry.

