

**NOMINATIONS OF JOHN HAMMERSCHMIDT TO BE
A MEMBER OF THE NATIONAL
TRANSPORTATION SAFETY BOARD; JEFFREY
RUNGE TO BE ADMINISTRATOR OF
THE NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION; NANCY VICTORY TO BE
ASSISTANT SECRETARY OF COMMERCE FOR
COMMUNICATIONS AND INFORMATION; AND
OTTO WOLFF TO BE ASSISTANT SECRETARY
OF COMMERCE AND CHIEF FINANCIAL OFFICER**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

WEDNESDAY, AUGUST 1, 2001

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COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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SAFETY ADMINISTRATION; NANCY VICTORY
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WEDNESDAY, AUGUST 1, 2001

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

The Committee was called to order at 2:30 p.m., Hon. Byron L. Dorgan, Chairman of the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism, presiding.

**OPENING STATEMENT OF HON. BYRON L. DORGAN,
U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. I call this hearing to order. Good afternoon, and we welcome Congresswoman Myrick. We have today nominees for four positions, two in the U.S. Department of Transportation and two in the U.S. Department of Commerce. All of these are very important nominations, and from my perspective, they are all good nominations that we welcome and nominations represented by men and women who I think will serve our country well.

We will hear the nomination for Dr. Runge, who has been nominated for the position to be Administrator of the National Highway Traffic Safety Administration; Nancy Victory to be Assistant Secretary of Commerce for Communications and Information; Otto Wolff to be Assistant Secretary of Commerce for Administration and Chief Financial Officer; and John Hammerschmidt, renominated to be a Member of the National Transportation Safety Board.

With your permission, Congresswoman Myrick, I would like to ask the nominees to come forward, and then I am going to ask you to introduce Dr. Runge and then my colleague, Senator Allen, will, I believe, be here to introduce Nancy Victory. If I might ask the

four nominees to come forward and we will add one additional chair. I thank you all very much.

I am going to ask Congresswoman Myrick to give her comments and then if Senator Allen is here, I will ask for his comments. Following that, we will then hear statements from the four nominees. Senator Allen is now with us. Senator Allen, I was just indicating that we will hear comments from Congresswoman Myrick, who is here to introduce Dr. Runge. Following that, I would call on you to provide comments of introduction for Nancy Victory, and then we will proceed to hear the statements of the nominees.

So, Congresswoman Myrick, thank you very much. We are delighted you are here. Please proceed.

**STATEMENT OF CONGRESSWOMAN SUE MYRICK,
U.S. REPRESENTATIVE FROM NORTH CAROLINA**

Congresswoman MYRICK. Thank you. I am very proud to be here, and I appreciate this opportunity to introduce Dr. Jeff Runge. He is nominated to be Administrator for the National Highway Traffic Administration. I have known him for years, and I wholeheartedly support his confirmation. His expertise in the area of motor vehicle injury care is really superb, and it does seem a perfect fit for this job.

His years as an emergency room physician at Carolinas Medical Center in Charlotte, North Carolina, has very much prepared him for this because they see approximately 10,000 motor vehicle injury-related cases a year, and so he has become an expert in injury control. He has worked extensively to organize programs in North Carolina in the field of injury prevention, by securing grants for research and also serving on various boards in North Carolina from the North Carolina Governor's traffic safety program through the University of South Carolina highway safety research center. He has also contributed his knowledge in the area of helmet use, and child safety. In 1998, he played a very large role in developing the largest legislative package in the State of North Carolina to combat impaired driving. He was a fellow at the National Highway Traffic Safety Administration in 1996, and he worked closely when there with the highway safety advocates on a national level. His achievements and his knowledge in the area of traffic safety make him a highly qualified nominee. Mr. Chairman, I thank you again for this opportunity.

The CHAIRMAN. Congresswoman Myrick, thank you very much. You are welcome to stay, but I know that you have pressing business in the U.S. House of Representatives.

Congresswoman MYRICK. We have some votes coming up. You know how that is.

The CHAIRMAN. I do, indeed. Thank you very much for joining us. Next, let me call on Senator Allen, who will give an introduction to Nancy Victory, then I will hear statements. After that, I will call on my colleague, Conrad Burns, and see if he has a statement.

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

Senator ALLEN. Thank you, Mr. Chairman, and thank you especially for having this hearing for these important nominees. It is

my special pleasure to introduce to our committee Nancy Victory as the President's nominee for the post of Assistant Secretary for Communications and Information in the U.S. Department of Commerce.

Not only is Nancy a tremendously qualified to lead this important office within the Department of Commerce. I note here it says maybe she puts in that many hours at Wiley, Rein & Fielding, and she is a resident of the Commonwealth of Virginia, and has been for 7 years, and we are very proud to have her as a resident of the Commonwealth of Virginia. She taught at Georgetown or went to law school at Georgetown University, graduated cum laude. She has experience and knowledge garnered in the private sector dealing with a great number of technology issues which I think makes her an ideal choice to be the President's principal voice on domestic and international telecommunications and information technology issues.

Yesterday, we had a hearing, very important hearing, on the issue of trying to find additional spectrum for the ever-increasing demand for new wireless services, especially third generation or 3G. The National Telecommunications and Information Administration, or NTIA, which Nancy will head, is an essential player in meeting these very truly important missions since the agency is responsible for managing the Federal Government's use of the radio frequency spectrum.

The efforts of NTIA, the Federal Communications Commission, the Department of Defense, and all the private sector interests, as we witnessed yesterday will significantly impact short-term and long-term policies related to truly one of America's most vital economic and national security interests. Nancy Victory is uniquely qualified to serve as the Assistant Secretary of NTIA, given her 12 years plus of experience covering spectrum issues in particular.

As a partner with the law firm of Wiley, Rein & Fielding, Ms. Victory gained a great deal of expertise in wireless and satellite issues, including spectrum allocation, licensing, and compliance. And I have met Nancy on several occasions over the years, and I feel very strongly that with her experience and her knowledge, I am convinced she will be a tremendous asset to our country's technological advancements. I know she will bring all those years of experience and hard work on the very difficult and relevant telecommunications issues that we face today in her role as Assistant Secretary.

I also can say with great confidence that she is a woman of outstanding character and I have no doubt she will serve our country with integrity and will certainly meet the needs of all Americans, consumers, as well as our telecommunications enterprises alike. So in closing, I hope the Committee will move quickly on her nomination so she can get to work on these important issues for the competitive advantage of our country in the years to come. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Allen, thank you very much.
Senator Burns.

**STATEMENT OF HON. CONRAD BURNS,
U.S. SENATOR FROM MONTANA**

Senator BURNS. Mr. Chairman, I have a short statement. I am very happy that Ms. Victory is here today. Welcome, and I have been most interested in filling that position at the Commerce Department for quite a while. NTIA, I believe, is one of the most important seats there is down there, and to have someone of your capability, your leadership is really good. I am looking forward to working with you.

Yesterday we had our first hearing on spectrum and spectrum reform and, of course, with the 3G, third generation wireless upon us now, your position becomes very, very important, so we are looking forward to working with you as we wander down that path to spectrum reform and management reform. So welcome today and I support you wholeheartedly. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Burns, thank you very much. I am going to ask consent to include a statement in the record from Senator Helms in addition to the statement made by the Congresswoman a few minutes ago in support of the nomination of Dr. Jeffrey Runge.

[The prepared statement of Senator Helms follows:]

PREPARED STATEMENT OF SENATOR JESSE HELMS

Mr. Chairman and members of the committee, I regret that a previously scheduled hearing forbids my formally presenting Dr. Jeffrey Runge of North Carolina to this committee, but it's nonetheless an honor to make clear my strong support of this distinguished nominee to this significant position.

President Bush's wise decision to nominate Dr. Jeffrey Runge as Administrator of the National Highway Safety Administration comes at a critical time for our nation's transportation system. The events of recent months have highlighted the importance of having a competent and sound team at NHTSA. Dr. Runge is the ideal nominee to head this critical Federal agency inasmuch as he is a highly regarded emergency physician in Charlotte who has extensive experience in national highway safety issues.

Mr. Chairman, he is respected among his peers across the country as a leader in developing programs that are helping to reduce the number of driving while impaired cases. Dr. Runge developed the Safe Communities Program in Mecklenburg County now a model national program. It should be noted that North Carolina has some of the strongest traffic safety laws in the country—and ours are among the safest highways as well.

In North Carolina Dr. Runge has served on the Governor's Task Force on DWI, the Governor's Highway Safety Program and countless other civic organizations in the Charlotte area. In his spare time he is the Director of the Carolinas Center for Injury Prevention & Control at the Carolinas Medical Center—one of the major healthcare facilities in North Carolina.

It's important to have an administrator who has extensive experience in traffic injury control and one who is recognized nationally as a leader in the field. Dr. Runge will serve this Administration and all Americans with distinction and it is a genuine pleasure to unhesitatingly and enthusiastically support his nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Let me begin on this side and Dr. Runge, is it Runge—it is, is not it?

Dr. RUNGE. Yes, sir.

The CHAIRMAN. Dr. Runge, thank you very much for being here. I indicated at the start that I think the President has chosen well. I intend to support all of these nominees. It is the intention, I believe, of the Committee to report these nominees out tomorrow. We will have a Committee markup tomorrow, and I think all of the

nominations will be on that markup. But we are appreciative of all of you being here.

Dr. Runge, if before you proceed you want to introduce any members of your family who have accompanied you, please do so.

Dr. RUNGE. Thank you, Mr. Chairman. I would like to introduce my wife, Ginny, behind me, and my two big brothers, Richard, a Lutheran pastor in Charlotte and my brother Skip, who is a family therapist in Georgetown, South Carolina.

The CHAIRMAN. Welcome. Thank you very much for being here. Senator BURNS. Watch them lizards.

The CHAIRMAN. Dr. Runge, just ignore that if you would. It is a Montana statement.

Dr. RUNGE. I understand that.

The CHAIRMAN. Dr. Runge, why do not you proceed and we will certainly incorporate your entire statement in the record. You may summarize if you wish.

STATEMENT OF JEFFREY RUNGE, M.D., NOMINEE TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Dr. RUNGE. I am very honored to appear before you this afternoon as you consider my nomination to become Administrator of the National Highway Traffic Safety Administration. Should you confirm my nomination, I look forward to working with each of you to protect the citizens of our Nation from the epidemic of motor vehicle injury. I must tell you that my decision to move from a comfortable academic practice in one of our nation's top centers for emergency medicine to become part of this Administration was simply one of duty, honor and service to country and mankind. Those were the values that I revere, and I will use them as a compass as I pursue my duties as Administrator should you confirm me.

It has been a difficult decision to leave the direct care of patients, and I do so only because I believe that I could make a larger difference in the health of people from this position than I can one patient at a time. I am grateful to my family, to my parents and my siblings for their lives of servanthood of which I am both humbled and proud.

As a physician, I have dedicated my professional life to the reduction of human suffering through clinical practice, research and education in emergency medicine and trauma care, and throughout my career, I have been engaged in the study of traffic injury control. I have been active in supporting sound laws and regulations and their enforcement, and have been an activist and spokesperson at the State and national levels for educational, legal, and engineering solutions to the enormous public health problem of traffic injuries.

In my day-to-day clinical practice, I have tried in earnest to affect one life at a time by counseling patients on safe driving and seatbelt use, encouraging parents to use appropriate child restraints and by doing alcohol screening and intervention on patients at risk for driving while impaired.

While this type of one-on-one effort is needed, substantial gains will only be made by large scale public education, policy develop-

ment and by ensuring that our vehicles are as safe as humanly possible. Serving as head of NHTSA is, therefore, the ultimate opportunity to engage in traffic intervention and control on the largest possible scale. To give highway traffic injury the priority it deserves in our country will require strong, unswerving leadership, and I pledge to you that I will give all my energy and passion to provide that type of leadership that will bring about a reduction in the risk to Americans posed by the disease of traffic injury.

Congress passed a law as it gave the agency its safety mission, and I welcome your active oversight of this important issue. I will, therefore, pledge to the Committee to make sure you are kept abreast of our progress to the greatest possible extent, and consider it a privilege to meet regularly with you to address the concerns of your constituents. By whatever route we take, we all want to end up in the same place, a safer America, and we can make that happen. I am very appreciative of your time and consideration of my nomination, sir. Thank you.

[The prepared statement and biographical information of Dr. Runge follow:]

PREPARED STATEMENT OF JEFFREY WILLIAM RUNGE, MD

Mr. Chairman and Members of the Committee, I am honored to appear before you this afternoon as you consider my nomination to become the administrator of the National Highway Traffic Safety Administration. Should you confirm my nomination, I look forward with great anticipation to working closely with each of you to protect the citizens of this country from the epidemic of motor vehicle crash injury.

My decision to move from a comfortable academic practice in one of our nation's top centers for emergency medicine to become part of this administration was, simply, one of duty, honor, and service to our country and my fellow man. Those are values I revere, and would use as a compass as I pursue my duties as administrator. It has been a very difficult personal decision to leave the direct care of patients, and I do so only because I believe that I can make a larger difference in the health of people in this position than I can one patient at a time. I am grateful to my wife Ginny and to my two teenage children, Emily and Will, for their willingness to uproot our home to come to Washington to pursue this mission. I am grateful for the example of my parents and my siblings for their lives of servant hood, of which I am both humbled and proud. My two brothers, Richard, a Lutheran pastor, and Skip, a family counselor, are here today to give me their support as they have done my whole life.

I have dedicated my professional life to the reduction of human suffering through clinical practice, research, and education in emergency medicine and trauma care. Throughout my career, I have been engaged in the study of traffic injury control. I have been active in supporting sound laws and regulations and their enforcement, and have been an activist and spokesperson at the State and national levels for educational, legal, and engineering solutions to the enormous public health problem of traffic injury.

In my day-to-day clinical practice, I have tried in earnest to affect one life at a time by counseling patients on safe driving and seat belt use, encouraging parents to use appropriate child restraints, and by doing alcohol screening and intervention on patients at risk for driving while impaired. While this type of one-on-one effort is needed, substantial gains will be made only through large-scale public education, policy development, and by ensuring that our vehicles are as safe as humanly possible. Serving as head of the National Highway Traffic Safety Administration is, therefore, the ultimate opportunity to engage in traffic injury prevention and control on the largest possible scale.

The agency has a statutory duty to provide science-based regulation of the automotive industry, a duty that I am committed to carrying out. I am also committed to bringing into focus for the American people the fact that traffic injury is a disease that requires the cooperation of every American citizen to control it. It is the leading killer of children over age 3 years and of adults to age 33. It can and must be controlled in the same way we have controlled infectious diseases in this country. This disease will claim over 40,000 lives in the United States next year, will send over

3 million of our citizens to the emergency department, which will result in 300,000 hospitalizations. Many of those who survive their injuries will experience some degree of disability that will limit their productivity and quality of life. Any other disease with this prevalence in the population would become a national priority of the highest order in which every citizen would participate. To give highway traffic injury the priority it deserves will require strong, unswerving leadership. I pledge to you that I will give every effort to provide the type of leadership that will bring about a reduction in the risk to Americans posed by the disease of traffic injury.

Every segment of our society depends on transportation for commerce, subsistence, and socialization, and therefore every citizen of the United States is a stakeholder in this issue. Everyone must, therefore, be involved in the solution to the problem. Safe movement on the highways is an issue of personal and social responsibility, and we must foster that cultural change. Safe, sober, and responsible driving is a societal duty of every citizen. At the same time, their vehicles must be designed and manufactured to be as safe as they can be so that crashes can be avoided and injury can be mitigated when crashes do occur.

Congress passed the laws that gave the agency its safety mission, and I welcome your active oversight of this important issue. I would therefore pledge to the Committee to make sure you are kept abreast of our progress to the greatest possible extent, and consider it a privilege to meet regularly with you to address the concerns of your constituents. By whatever route we take, we all want to end up in the same place, a safer America. Together we can and will make that happen.

I am very appreciative of your time and your consideration of my nomination.

A. BIOGRAPHICAL INFORMATION

1. Name: Jeffrey William Runge.
2. Position to which nominated: Administrator, National Highway Traffic Safety Administration.
3. Date of nomination: June 25, 2001.
4. Address: Office: Department of Emergency Medicine, Carolinas Medical Center, P.O. Box 32861, Charlotte, NC 28232-2861; Home: 7320 Governors Hill Lane, Charlotte, NC 28211-5016.
5. Date and place of birth: October 20, 1955, Charlotte, NC.
6. Marital status: Married to Virginia Deck Runge, June 13, 1981.
7. Names and ages of children: Emily Catherine Runge, 17; William Edgar Runge, 14.
8. Education: Residency-Emergency Medicine, Charlotte Memorial Hospital & Medical Center, Charlotte, North Carolina 1982-1984; Internship-Emergency Medicine, Charlotte Memorial Hospital & Medical Center, Charlotte, North Carolina 1981-1982; Doctor of Medicine, Medical University of South Carolina, Charleston, South Carolina 1977-1981; Bachelor of Arts (Magna Cum Laude), The University of the South, Sewanee, Tennessee 1973-1977; Emergency Medical Technician, Nashville, Tennessee 1974; Middleton High School, Charleston, SC 1970-1973.
9. Employment record: Faculty Physician, Department of Emergency Medicine, Carolinas Medical Center, Charlotte, North Carolina 1984-Present; Internship and Residency in Emergency Medicine, Charlotte Memorial Hospital, Charlotte, NC 1981-1984.
10. Government experience: Assistant Medical Examiner, Mecklenburg County, NC 1998-Present (will resign if confirmed); Visiting Fellow, National Highway Traffic Safety Administration, Washington, DC 1996; National Center for Injury Prevention and Control, Centers for Disease Control, Atlanta, GA; Injury Control Grant Review Committee (ad hoc) 1995-1999; Injury Control Grant Review Committee 1999-Present (will resign if confirmed); Health Services Resource Administration, Office of Emergency Medical Services for Children, Traumatic Brain Injury Program Advisory Board 1998-2001; Mecklenburg County Emergency Medical Service Charlotte, NC; Audit & Review Committee 1984-1995; Chairman 1990-1992; Mecklenburg County Emergency Medical Services Advisory Council Charlotte, NC 1987-1993; NC Governor's Task Force on Driving While Impaired 1998-2000, 1994-1995; NC Governor's Task Force for Healthy Carolinians 2010 1999-2000; NC Office of Emergency Medical Services Trauma Systems Task Force 1991-1996; NC Governor's Task Force on Injury Control Co-Chairman 1988-1992.
11. Business relationships: Board of Trustees, The University of the South, Sewanee, TN 1997-2000; Executive Committee, North Carolina Medical Society, Raleigh, NC 1996-2001; Secretary, Board of Directors, Foundation for Education and Research in Neurological Emergencies, Chicago, IL 1998-2001; Board of Directors, Association for the Advancement of Automotive Medicine, Chicago, IL 1999-2001;

Board of Directors, North Carolina College of Emergency Physicians, Raleigh, NC 1986–1992; Board of Directors, Mecklenburg County Medical Society, Charlotte, NC 1992–1993, 1996–1998; Editorial Board, Emergency Medicine Alert Atlanta, GA 1994–1999; Board of Advisors, Highway Safety Research Center, University of North Carolina, Chapel Hill, NC 1999–2001; Board of Advisors, NC Safe Kids, Raleigh, NC 2000–2001; Consultant, Wyeth-Ayerst Resident Reporter Program 1999–2000; Consultant, Hemoglobin Therapeutics Program, Baxter Pharmaceuticals, Chicago, IL 1999; Consultant to the following law firms and insurance companies: Thompson & Knight, Dallas, TX 2000; Womble, Carlisle, Sandrige & Rice, Charlotte, NC 2001; Bennett and Guthrie, Winston-Salem, NC 2000; Medical Protective Insurance Company, Fort Wayne, Indiana 2000.

12. Memberships: American College of Emergency Physicians, Dallas, TX 1981–Present; Alcohol Screening Task Force–Chair 2000–2001; Trauma Care & Injury Control Committee 1993–2001; Research Committee 1997–2001; Blood Alcohol Reporting Task Force 1997–1998; Chairman, Injury Control Section 1994–1995; Councilor 1993–1995; Injury Prevention & Control Subcommittee 1991–1993; Chairman 1992–1993; Public Health in Emergency Medicine Task Force 1990–1991; Society for Academic Emergency Medicine, Lansing, MI 1984–Present; Clinical Trials Center Task Force 1996–1998; Research Committee 1990–1993, 1998–1999; Public Health Committee 1991–1993; EM Database Task Force 1992–1994; North Carolina Medical Society, Raleigh, NC 1984–Present; Speaker, House of Delegates 1997–2001; Vice–Speaker, House of Delegates 1996–1997; Injury Control Committee 1994–2001; Chairman 1994–1997; Legislative Affairs Committee 1991–2001; Delegate 1990–Present; Constitution & Bylaws Committee 1996–2001; Finance Committee 1995–1997; Commissioner 1994–1995; Disaster & Emergency Care Committee Chairman 1992–1994; Vice–Chair 1988–1992; Emergency Medicine Section Chairman 1988–1989; Association for the Advancement of Automotive Medicine, Chicago, IL 1990–Present; Executive Committee 2000–2001; Board of Directors 1999–2001; Membership & Credentials Committee 1998–2000; North Carolina College of Emergency Physicians, Raleigh, NC 1981–Present; President 1990–1991; President–elect 1989–1990; Board of Directors 1986–1992; Chairman BTLS 1986–1988; Editor–NC EPIC 1985–1989; Mecklenburg County Medical Society, Charlotte, NC 1984–Present; Board of Directors 1996–1998, 1992–1993; Secretary 1993; Public Health Committee 1991–1992; Disaster & Emergency Care Committee 1985–1992; Chairman 1989–1992; National Center for Injury Prevention and Control, Centers for Disease Control, Atlanta, GA; Injury Control Grant Review Committee (ad hoc) 1995–1999; Injury Control Grant Review Committee, 1999–Present (would resign, if confirmed); National Academy Of Sciences, Transportation Research Board, Washington, DC; Alcohol and Traffic Safety Committee 1999–Present (would resign, if confirmed); Applied Research Ethics National Association, Boston, MA 1989–1994; American Medical Association Chicago, IL 1984–1989, 1991–Present; Myers Park Country Club, Charlotte, NC 1988–Present; St. John’s Episcopal Church Charlotte, NC 1982–Present.

13. Political affiliations and activities: (a) List all offices with a political party which you have held or any public office for which you have been a candidate. I have neither had an office with a political party, nor have I been a candidate for public office.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years. I served on the Board of Directors of the NC Medical Society Political Action Committee from 1991 to 2001, as Secretary–Treasurer 1995–1996 and Vice–Chair 1996–1997.

(c) 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. 1998, Sue Myrick for Congress \$500.00; 2000, Sue Myrick for Congress \$750.00; 2000, Mike Easley for Governor \$1,000.00; 2000, North Carolina Medical Society PAC \$500.00; 2001, Sue Myrick for Congress \$500.00.

14. Honors and awards: Director’s Corporate Award: “To Promote and Protect the Public’s Health,” Mecklenburg County Health Department, 2001; George Podgorny Emergency Medicine Service Award, NC College of Emergency Physicians, 1997; Highway Safety Leadership Award, NC Governor’s Highway Safety Program, National Highway Traffic Safety Administration, 1996; Best Oral Methodology Research Presentation, Society for Academic Emergency Medicine, 1992; Phi Beta Kappa, The University of the South; Omicron Delta Kappa, The University of the South; Georgia M. Wilkins Scholarship (Academics, Leadership, Service), The University of The South, 1973–1977; Charles Pollard Marks Scholarship (Outstanding Junior in the College), The University of the South, 1976–1977; Hoff Scholarship (Chemistry), The University of the South, 1974–1975; Sullivan Scholarship (Academics), The University of the South, 1976–1977.

15. Published writings: *Peer-Reviewed Manuscripts*; Moran GJ, Talan DA, Mower W, Newdow M, Ong S, Nakase JY, Pinner RW, Childs JE, for the Emergency ID Net Study Group. Appropriateness of Rabies Postexposure Prophylaxis Treatment for Animal Exposures. *JAMA* 2000; 284: 1001–1007; Talan DA, Moran GJ, Newdow M, Ong S, Mower WR, Nakase JY, Pinner RW, Slutsker L, for the Emergency ID NET Study Group. Etiology of Bloody Diarrhea Among Patients Presenting to United States Emergency Departments: Prevalence of *E. coli* 0157:H7 and Other Enteropathogens. *Clin. Infect. Dis.* 2000 (in press); Sloan EP, Koenigsberg M, Houghton J, Gens D, Cippolle M, Runge JW, Mallory MN, Rodman G, for the DCLHb Traumatic Hemorrhagic Shock Study Group. The informed consent process and the use of exception to informed consent in the clinical trial of DCLHb in severe traumatic hemorrhagic shock. *Acad Emerg Med* 1999; 6(12):1203-1209; Sloan EP, Koenigsberg M, Gens D, Cippolle M, Runge JW, Mallory MN, Rodman G, for the DCLHb Traumatic Hemorrhagic Shock Study Group. Diaspirin cross-linked hemoglobin (DCLHb) in the treatment of severe traumatic hemorrhagic shock: a randomized controlled efficacy trial. *JAMA* 1999; 282(19): 1857–1864; Peterson TD, Jolly, BT, Runge JW, Hunt RC. Motor vehicle safety: current concepts and challenges for emergency physicians. *Ann Emerg Med* 1999; 34(3):384–393; Talan DA, Citron DM, Abrahamian FM, Moran GJ, Goldstein EJC, for the Emergency Medicine Animal Bite Infection Study Group. Bacteriologic analysis of infected dog and cat bites. *NEJM* 1999; 340(2): 85–92; Talan DA, Moran GJ, Mower WR, Newdow M, Ong S, Slutsker L, Jarvis WR, Conn L, Pinner RW, for the Emergency ID NET Study Group. Emerg ID Net: An emergency department-based emerging infections sentinel network. *Ann Emerg Med* 1998;32(6):703-711; Biros MH, Runge JW, Lewis RJ, Doherty C. Emergency medicine and the development of the Food and Drug Administration's final rule on informed consent and waiver of informed consent in emergency research circumstances. *Acad Emerg Med* 1998; 5:359–368; Sweeney TA, Runge JW, Gibbs MA, Raymond JC, Schafermeyer RW, Norton J. Automatic external defibrillators in an urban EMS system. *Ann Emerg Med* 1998; 31(2): 234–240; Madden C, Garrett JM, Cole TB, Runge JW, Porter CQ. The urban epidemiology of recurrent injury: beyond age, race, and gender stereotypes. *Acad Emerg Med* 1997; 4(8):772–775; Young B, Runge JW, Waxman KS, Harrington T, Wilberger J, Muizelaar JP, Boddy A, Kupiec JW. Effects of Pegorgotein on Neurologic Outcome of Patients with Severe Head Injury: A Multicenter, Randomized Controlled Trial. *JAMA* 1996;276(7):538–543; Runge JW, Pulliam CL, Carter JL, Thomason MH. Enforcement of Drunken Driving Laws in Cases Involving Injured Intoxicated Drivers. *Ann Emerg Med* 1996; 27:66–72; Biros MH, Lewis RL, Olson CM, Runge JW, Cummins RO, Fost N: Informed Consent in Emergency Research. *JAMA* 1995 273(16):1283–1287; Fliagner DJ, Spivey WH, Runge JW. Informed Consent and the Regulation of Research (*SAEM Position Paper*) *Academic Emerg Med* 1994; 1(6):561–562; Runge JW, Martinez JC, Caravati EM, Williamson SG, Hartsell SC. Histamine antagonists in the treatment of acute allergic reactions. *Ann Emerg Med* 1992; 21(3):237-241; Ribbeck BM, Runge JW, Thomason MT, Baker JW. Injury surveillance: a method for recording E codes in injured emergency department patients. *Ann Emerg Med* 1992; 21(1):37–40; Vaughn DE, Runge JW. Out-of-hospital do not resuscitate orders in North Carolina. *NC Med J* 1991; 52(9): 433–435; Caravati EM, Runge JW, Hartsell SE. Nifedipine in renal colic: a double-blind crossover placebo controlled clinical trial. *Ann Emerg Med* 1989; 18:352–54.

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tamines and driving performance—an under-recognized issue in traffic safety. [commentary]. *Ann Emerg Med* 2000; 36: 389–390; Runge JW. Disease control and crash injury—modifying host risk factors. [commentary]. *Ann Emerg Med* 2000; 36:165–166; Runge JW. Linking data for injury control research. *Ann Emerg Med* 2000; 35(6): 613–615; Runge JW. Pediatric patients still ride in front of air bags. *Emergency Medicine Alert* 2000; 6(9):68–69; Runge JW. The new safer family of dummies [commentary]. *Ann Emerg Med* 1999; 33:721–722; Runge JW. Intubation difficulty in poisoned patients. *Emergency Medicine Alert* 1998; 4(11):84–85; Runge JW. Cell phones and the multitasking driver [commentary]. *Ann Emerg Med* 1998; 31(2):278–280; Runge JW. Use of troponin for diagnosis of ED patients with chest pain. *Emergency Medicine Alert* 1998; 4(9):67–68; Runge JW. Making physiologic sense of the diagnosis of pulmonary embolism: potential for a new diagnostic method. *Emergency Medicine Alert* 1997;4(7):49–50; Runge JW. End-tidal CO₂ and CPR: Do we need technology or common sense? *Emergency Medicine Alert* 1997; 4(5):33–34; Runge JW. Guest Editor. Emergency medicine: North Carolina's response. An issue of the *NCMJ* 1997;58(4); Runge JW. Emerging success: finding a void and filling it. *NCMJ* 1997; 58(4): 235–236; Runge JW. A super alternative for wound closure: a new generation of cyanoacrylate. *Emergency Medicine Alert* 1997; 4(3):17–18; Runge JW. Do motorcycle helmets affect riders' vision and hearing? [commentary]. *Ann Emerg Med* 1997; 29(2):283; Runge JW. The economic cost of motor vehicle crashes, 1994 [commentary]. *Ann Emerg Med* 1996; 28(6):712; Runge JW. NHTSA Crash-Injury Research and Engineering Network [commentary]. *Ann Emerg Med* 1996; 28(4):451–452; Runge JW. Bystander CPR: quality, not quantity. *Emergency Medicine Alert* 1996; 2(11):83–84; Runge JW. Man does not live by ACD alone. *Emergency Medicine Alert* 1995; 2(3):1920; Runge JW. Triage by mechanism of injury: do we really need a trauma team? *Emergency Medicine Alert* 1995; 1(8):59; Runge JW. Crystalloid resuscitation challenged for penetrating injuries to the torso. *Emergency Medicine Alert* 1994; 1(7):49–50; Runge JW. Aminophylline does not improve CPR outcome. *Emergency Medicine Alert* 1994; 1(3):17–18; Runge JW. Transesophageal echocardiography for evaluation of thoracic aortic dissection. *Emergency Medicine Alert* 1994; 1(1):1–2; Runge JW. Informed consent: an unresolved issue [letter]. *Ann Emerg Med* 1990; 19(7):841.

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JW, Sloan EP, Turnbull TL, Fischer JH, Allen FH. Intravenous fosphenytoin loading for emergent seizure control. *Ann Emerg Med* 1995; 25(1):139; Allen FA, Runge JW, Legarda A, Maria BL, Matsuo R, Kugler AR, Knapp LE. Multicenter open-label study on safety, tolerance, and pharmacokinetics of intravenous fosphenytoin in status epilepticus. *Epilepsia* 1994; 35(suppl):93; Garvey JL, Raymond RM, Runge JW, Schroeder D, Leonova E, Carter JM. Cocaine directly induces hypodynamic cardiotoxicity. *Acad Emerg Med* 1994; 1(3):320; Allen FH, Runge JW, Legarda S, Maria BL, Matsuo F, Kugler AR, Knapp LE. Multicenter, open-label study on safety, tolerance and pharmacokinetics of intravenous fosphenytoin in status epilepticus. *Epilepsia* 1994; 34(8):93; Brewer TO, Schafermeyer RW, Runge JW, Norton HJ. Transcutaneous PCO2 compared with arterial PCO2 for detecting CO2 retention in the emergency department. *Acad Emerg Med* 1994; 1(2):A49; DiPasquale JT, Nichols JA, Runge JW. Can patients requiring a single physician evaluation be predicted at triage? *Acad Emerg Med* 1994; 1(2):A29; Legarda S, Maria BL, Matsuo F, Allen FH, Runge JW, Kugler AR, Marriott J. Safety, tolerance, and pharmacokinetics of fosphenytoin, a phenytoin prodrug, in status epilepticus. *Epilepsia* 1993; 34(6):60; Runge JW, DeStefano AA, Garvey JL, Quinn ME, Raymond RM. Adenosine mediates cardiac tachyphylaxis to catecholamines. *Ann Emerg Med* 1993; 22(5):893; Garvey JL, Runge JW, Schroeder JD, Leonova E, Carter JM, Raymond RM. Cardiodepressant effect of continuous cocaine infusion in anesthetized dogs. *FASEB J* 1993; 7(4):A684; Runge JW, Garvey JL, Schroeder JD, Leonova E, Rose FR, Raymond RM. Etomidate as a canine anesthetic in cardiovascular research. *FASEB J* 1993; 7(4):A708; Runge JW, Pulliam CL. Prosecution of injured alcohol-intoxicated drivers for DWI. *Ann Emerg Med* 1992; 21(5):590; Runge JW, Martinez JC, Caravati EM, Williamson SG, Hartsell SC. Cimetidine in the treatment of acute allergic reaction. *Ann Emerg Med* 1989; 18(4):475-16.

Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.

I do not have any transcripts of speeches. I lecture from slides, notes, or extemporaneously. Titles, locations and dates of invited extramural presentations are provided below.

“Biomedical Ethics—A Global Perspective,” University of NC at Charlotte Conference on Global Health Disparities, Charlotte, NC, April 2001; “Emergency Department Screening and Intervention for At-risk Drinkers,” CDC Conference on Screening and Intervention, Arlington, VA, March 2001; “Ethics in Emergency Research, Informed Consent, and the IRB,” Emergency Medicine Basic Research Skills Workshop, Dallas TX, November 2000; “Injury Prevention and Control in Emergency Medicine Practice,” Grand Rounds, University of Indiana, Indianapolis, IN, September 2000; “Ethical Issues in Emergency Research,” Grand Rounds, Medical College of Wisconsin, Milwaukee, WI, September 2000; “Federal Funding for Injury Control Research,” Society for Academic Emergency Medicine, San Francisco, CA, May 2000; “Crash Investigation: Engineering and Clinical Concepts,” and “Linking the Medical Record and the Vehicle,” Car Crash and Occupant Injury Course, Association for the Advancement of Automotive Medicine, Miami, FL, April 2000; “Ethical Issues in Research Planning and Design,” Emergency Medicine Foundation, Basic Research Skills Workshop, Dallas, TX, November 1999; “Injury Biomechanics Workshop,” American College of Emergency Physicians Scientific Assembly, Las Vegas, NV, October 1999; “Triage Decisions in the Practice of Injury Control,” NC Chapter, American Trauma Society, Hickory, NC, April 1999; “Evidence-Based Triage of Injury,” ENA/ENCARE National Leadership Symposium, Los Angeles, CA, February 1999; “Screening and Referral of Injured Impaired Drivers,” ENA/ENCARE National Leadership Symposium, Los Angeles, CA, February 1999; “Injured Impaired Drivers and the Medical Community,” National Academy of Sciences, Transportation Research Board, Washington, DC, January 1999; “Ethical and Regulatory Issues in Human Subject Research,” Emergency Medicine Foundation, Basic Research Skills Workshop, Dallas, TX, November 1998; “From Hypothesis to Pharmacy: The Drug Research & Development Process,” Community Conference on Clinical Research, Bioethics Resource Group, Charlotte, NC, September 1998; “Community-Based Injury Control: The Future of Injury Reduction,” Alabama Safe Communities Workshop, Birmingham, AL, July 1998; “Research Ethics and the IRB,” “How to be a Successful Clinical Trials Investigator,” Society for Academic Emergency Medicine, Chicago, IL, May 1998; “DUI and the Medical Community—To Report or Not to Report Suspected Offenders,” Lifesavers 1998, Cleveland, OH, March 1998; “Diagnosis and Treatment of Seizures in an Acute Care Setting,” Emergency Medicine Grand Rounds, Orlando Regional Medical Center, Orlando, FL, February 1998; “Partners in Progress: Reaching the National Goal through Innovative Alcohol Research,” National Academy of Sciences, Transportation Research

Board, Washington, DC, January 1998; "Ethical and Regulatory Issues in Human Subject Research," Emergency Medicine Foundation, Basic Research Skills Workshop, Dallas, TX, November 1997; "Emergency Research and Exception to Informed Consent," FDA/NIH Workshop: Contemporary issues in human subjects research, Charlotte, NC, September 1997; "Fundamentals of Research: Research Ethics and Human Subjects," Society for Academic Emergency Medicine, Washington, DC, May 1997; "Preserving Your Research Career," Research Directors Workshop, Society for Academic Emergency Medicine, Washington, DC, May 1997; "Multi-center Clinical Research Workshop," Society for Academic Emergency Medicine, Washington, DC, May 1997; "Trauma Triage," American College of Emergency Physicians Scientific Assembly, New Orleans, LA, September 1996; "Community Injury Control Simply Safety: Protecting Michigan's Children," Lansing MI, September 1996; "Safe Communities," National Association of Governors' Highway Safety Representatives, Nashville TN, September 1996; "The Science of Injury Control," and "Repeat Injury: Risk Assessment in the ED," ENA/ENCARE First National Injury Prevention Conference and the 6th National ENCARE Conference, Orlando FL, July 1996; "Community-Based Injury Control," Wisconsin Governor's Highway Safety Conference, Appleton, WI, June 1996; "Safe Communities: How to work with an existing network," Great Lakes Injury Prevention Conference, Columbus OH, May 1996; "Research Ethics and Human Subjects," Society for Academic Emergency Medicine, Denver CO, May 1996; "Safe Communities," Lifesavers 14 Conference, Albuquerque NM, April 1996; "Ethics and Informed Consent in Emergency Medicine Research," Critical Care Symposium, Temple University School of Medicine, Philadelphia PA, March 1996; "Rapid Treatment of Status Epilepticus," Southern Clinical Neurology Society, Huatulco, Mexico, January 1996; "The Science of Injury Control" and "The Physics of Automobile Crash Injury," Orlando Regional Medical Center, January 1996; "Community Injury Control," National Highway Traffic Safety Administration, Washington, DC, December 1995; "Health Care Providers as Partners in Traffic Safety," National Association of Governors' Highway Safety Representatives, Anchorage, AK, September 1995; "Partnerships for Injury Prevention: Injury Control at the State and Local Level," Moving Kids Safely Conference, Washington, DC, June 1995; "Ethics in Clinical Research," Society for Academic Emergency Medicine, San Antonio, TX, May 1995; "Update on Emergency Informed Consent," Society for Academic Emergency Medicine, San Antonio, TX, May 1995; "New Partners in Injury Prevention," National Lifesavers Conference, Indianapolis, IN, April 1995; "The State of Resuscitation Research," National Institute of Health/Food and Drug Administration, Public Forum on Informed Consent in Emergency Research, Bethesda, MD, January 1995; "Regulatory Issues in Resuscitation Research," Coalition of Acute Resuscitation Researchers, Washington, DC, October 1994; "Exception to Informed Consent: Under What Circumstances?" Society for Academic Emergency Medicine, Washington, DC, May 1994; "Fundamentals of Research: Ethics and Human Subjects," Society for Academic Emergency Medicine, Washington, DC, May 1994; "Injury Prevention: You Can Make a Difference," American College of Emergency Physicians, Clinical Forum, Kansas City MO, April 1993; "Treating Trauma Before it Happens: Injury Control for Practicing Emergency Physicians," American College of Emergency Physicians, Clinical Forum, Kansas City MO, April 1993; "Pre-hospital Do Not Resuscitate Orders: A Non-Legislative Approach," EMS Strategies 1993: An Issues Forum for EMS Leaders ACEP, Dallas TX, February 1993; "Traffic Injury as a Health and Economic Issue," National Conference of State Legislators, Committees of Health & Transportation, Cincinnati OH, July 1992; "Interacting with your IRB," Society for Academic Emergency Medicine, Washington DC, May 1991;

17. Selection: (a) Do you know why you were chosen for this nomination by the President?

I presume that I was nominated because of a lifelong dedication to the reduction of human suffering through the clinical practice, research, and education in emergency medicine and trauma care. Throughout my career, I have been engaged in the study of traffic injury control, have been active in supporting sound laws and regulations and their enforcement, and have been an activist and spokesperson at the State and national levels for educational, legal, and engineering solutions to the enormous public health problem of traffic injury.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have been studying and practicing emergency medicine for over 20 years and have been a teacher in the specialty and a researcher for more than 17 years. With my special interest in crash injury treatment and research, working in one of the busiest trauma centers in the eastern United States, I have an intimate understanding of the need for an integrated approach to highway traffic safety. I believe

that our Nation is best served by investing in the prevention of traffic injury, rather than paying for the ever-rising cost of injury treatment. In addition to experience in clinical medicine, I have concentrated my academic research on the epidemiology of traffic injury and on strategies to deal with driving while impaired, and I have written and taught extensively on the subject. I also served as a parttime volunteer fellow at NHTSA in 1996, dividing time between the engineers and scientists in the Research and Development Division and the program officers in the Traffic Safety Programs Division.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

If confirmed, I will serve at the pleasure of the President.

C. POTENTIAL CONFLICTS OF INTEREST

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

Please refer to the Acting General Counsel Opinion Letter.

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

Please refer to the Acting General Counsel Opinion Letter.

3. 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.

Please refer to the Acting General Counsel Opinion Letter.

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

I have stayed in contact with numerous elected officials on the Charlotte City Council, the Mecklenburg County Commission, the NC General Assembly, and the U.S. Congress to inform them of my positions on numerous issues under their consideration, usually relevant to the practice of medicine. These issues include the funding of health care for the underserved, access to emergency care, medical research issues, and injury prevention/injury control issues. The NC Medical Society has a very active grass roots program among physicians in North Carolina that encourages physicians to make their opinions known to their representatives at all levels. I have contacted my legislative representatives countless times about such relevant issues. I have testified to the NC General Assembly on several occasions about specific bills under consideration, including access to emergency ophthalmic care in North Carolina and opposition to repeal of the motorcycle helmet law. I also served on two separate task forces appointed by the Governor to address impaired driving, which developed legislative packages for the NC General Assembly to consider, and I worked diligently for the passage of those laws.

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

Please refer to the Acting General Counsel Opinion Letter.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

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

Yes. Civil litigation case entitled *Daniel Phillips vs. Carolina HealthCare System and Jeffrey W. Runge, MD*. This was a third-party lawsuit filed in Mecklenburg County, North Carolina, court in 2000. The case was dismissed by the judge in response to a petition from the defense.

5. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense?

No.

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

None.

E. RELATIONSHIP WITH COMMITTEE

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

Yes, to the best of my ability.

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, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee?

Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

I will work with every Associate Administrator to ensure that the regulations promulgated by NHTSA meet the statutory intent of legislation. I will work carefully with the Secretary, the Deputy Secretary, and the General Counsel to ensure that NHTSA's regulations are consistent and meet the goals of the Department of Transportation as a whole.

5. Describe your department/agency's current mission, major programs, and major operational objectives.

The central mission of the DOT is to serve the United States by ensuring a safe transportation system that furthers our vital national interests and enhances the quality of life of the American people. Within this framework, NHTSA's mission is to promote the health and well being of the citizens of the United States by working diligently toward the reduction of transportation-related deaths and injuries while recognizing that the Nation depends on mobility of people and goods to sustain commerce and economic growth.

6. 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.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualifies you for the position for which you have been nominated?

The National Highway Traffic Safety Administration is the Federal agency that is responsible for mitigating one of the nation's worst public health problems, motor vehicle-related injury. The success of this task depends on the integration of strong, science-based regulations and laws, and the enforcement of those laws and regula-

tions; on programs to study traffic-related injury and to educate the public about safe driving and injury prevention; and on advances in engineering to mitigate the severity of injury when crashes do occur and to take advantage of emerging technologies in crash avoidance and occupant protection. The NHTSA Administrator, therefore, should have a working knowledge of public education, interaction with regulators and legislators, and expertise in injury research.

I have been the primary founder and organizer of a community coalition in Charlotte, NC comprised of physicians, hospitals, transportation engineers, police, EMS professionals, prosecutors, public health departments, faith and community leaders, and the media. Every segment of our society depends on transportation for commerce, subsistence, and socialization, and therefore every citizen and visitor to the United States is a stakeholder. Everyone must, therefore, be involved in the solution to the problem. Through my background I understand injury science, public education, laws, regulation and enforcement, and I have a working knowledge of safety engineering.

My allegiance is to the citizens of this country who start each day with the full expectation of carrying out their activities safely, rather than finding themselves in a hospital emergency department or trauma unit. Traffic injury is a disease that must be dealt with in the same manner as we have other devastating public health problems in our nation's history. This disease will claim over 40,000 lives in the United States next year, and 10 times that many will survive their injuries with severe disability. This disease will send 40 million of our citizens to the emergency department, which will result in 4 million hospitalizations. Any other disease with this prevalence in the population would become a national priority of the highest order in which every citizen would participate. I expect the same to be true of highway traffic injury. It will require strong, unswerving leadership for this Administration to significantly reduce the risk to Americans posed by the disease of traffic injury.

2. Why do you wish to serve in the position for which you have been nominated?

For the last 2 decades, I have tried in earnest to affect one life at a time by counseling patients on safe driving and seat belt use, encouraging parents to use child restraints, and by doing alcohol screening and intervention on patients at risk for driving while impaired. While grassroots level effort is also needed, it became quickly apparent to me that substantive gains could only be made with large-scale public education, policy development, and safety engineering. Serving the nation as Administrator of the National Highway Traffic Safety Administration is the ultimate opportunity to engage in traffic injury prevention and control on the largest possible scale. It has been a very difficult personal decision to leave the direct care of patients, and I do so only because I believe that I can make a larger difference to my fellow man in this position than I can one patient at a time.

3. What goals have you established for your first 2 years in this position, if confirmed?

My overriding goal in the first 2 years is to bring into focus for the American people the fact that traffic injury is a disease that requires the cooperation of every American citizen to control it. It is the leading killer of children over age 1 year and of adults to age 35. It can and must be controlled in the same way we have controlled infectious diseases in this country. But it will require leadership at the very highest levels to accomplish it. Careful attention to immunizing the public against traffic injury through the use of seat belts and child restraints, sober driving, and having safe and crashworthy vehicles on the roadways is a top priority.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

Although I have a full understanding of the mission and goals of the Department and the Agency, I have never managed an organization with 650 employees and a \$400 million budget. I have served on the Boards of Directors of several nonprofit organizations, and understand the importance of effective employee relations, cost accountability, and relationships with stakeholders. Through its employees, the National Highway Traffic Safety Administration enjoys a wealth of experience in management, and I will make every effort to utilize those resources to the fullest as well as full coordination with the Office of the Secretary and other modal Administrators.

5. Who are the stakeholders in the work of this agency?

All drivers and passengers in a motor vehicle and all pedestrians are stakeholders in the work of NHTSA. Therefore, virtually every American is affected by the programs and regulations developed by the Agency.

Entities which are more directly affected by the decisions and policies of the Agency include the manufacturers of automobiles and their components, the insurance community, State and local governments, especially public safety agencies including police, fire and emergency medical services, health care providers and agencies, the

media who report on traffic safety issues, and highway safety advocates of various descriptions.

6. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 10?

I will strive to serve all stakeholders in the work of NHTSA in a fair, equitable, and ethical manner. My foremost consideration will be the overall safety and welfare of the American public and the reduction of the numbers of Americans injured and dead on the highways. Relationships with stakeholders will be framed in that context, and I will never yield in the mission to safeguard the health and well-being of the American public.

7. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls?

I take financial integrity very seriously, and will meet regularly with the Chief Financial Officer of NHTSA to be assured that we are operating according to the law and with the best accounting practices possible. My understanding is that NHTSA has received a clean audit by the Inspector General for the past several years. It appears that the system currently in place is doing an excellent job of ensuring financial integrity.

(b) What experience do you have in managing a large organization?

I have served on the Boards of several nonprofit corporations of varying sizes, and on the finance committees of some of these organizations. I, therefore, have a working knowledge of budgetary methodology and fully understand the importance of financial accountability.

8. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals.

I am a strong believer in identifying performance goals prospectively, not only for agencies, but for managers and employees within an agency. It is a measuring stick for use both internally and externally, and if defined broadly, serves to stimulate creativity rather than hindering it. It also enables managers to identify poor performance, as well as the cause and steps to take toward resolution.

(b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs?

The first step to take when an agency fails to achieve its performance goal is to examine the goal itself for its reasonableness and attainability. Reasonable goals should be met by Government agencies and, if not, problems may be management, resources, or infrastructure. Identified problems should be addressed. The need for elimination, privatization, downsizing, or consolidation should be apparent when the performance goals are formed.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

As Administrator, I would seek to formulate and adhere to performance goals developed with the Secretary and Deputy Secretary. I have extremely high expectations for the Agency and for my own performance, as well as the performance of my staff. The success of NHTSA as an Agency in reducing death and injury on the nation's highways is dependent upon its ability to gather and process vehicle and crash data, and epidemiological data, upon positively affecting human behaviors, upon State laws and their enforcement, and upon giving Americans the tools necessary to move about safely. As Administrator, I would be personally engaged in every facet of the Agency's business from regulations through safety programs. The ultimate performance measuring stick will be the safe movement of people on our highways.

9. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee-complaints been brought against you?

I believe in empowerment of employees to use their own personal resources to accomplish the goals and objectives of their jobs. I believe that leadership should articulate the mission and purpose, and ensure that all employees are working toward the same goal. I believe that micromanagement is harmful. I believe that each employee benefits when he or she helps a coworker be successful. I believe that all information that will help others accomplish their goals should be shared. I believe that managers should be judged by the performance of their departments.

No employee complaints have been brought against me.

10. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe.

I have been politically active at the national level as a member of the American College of Emergency Physicians and of the North Carolina Medical Society. I have developed relationships with the Members of Congress from my District and have spoken with them on numerous occasions about a broad range of health care issues including safety issues, health care, financing, and provision of medical care for the underserved. Former Representative Alex McMillan has spent time with me in the emergency department. I have had no experience in working with the committees of Congress. I did co-author testimony for the Subcommittee on Small Business of the House Energy and Commerce Committee in 1996 dealing with the issue of informed consent in emergency research.

11. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

If confirmed, one of my goals would be to manage NHTSA in a way so that its integrity would not be questioned. It is my understanding that the Agency closely adheres to all applicable laws and regulations, and carries out its programs without a hint of waste, fraud or abuse. I would work closely with the Inspector General to assure that the Agency continued to operate in this manner.

12. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress.

I understand the relationship of regulations being promulgated by our Agency as the method for carrying out laws enacted by the Congress. It is, therefore, essential that all administrative regulations meet the purposes of duly enacted laws. It is essential for the Agency to consult with all citizens through the administrative rule-making process. As Administrator, I would consider it a duty and a privilege to meet personally and regularly with the members of the committee to make sure that they are apprised of the progress of the agency and its interface with the Congress.

13. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views.

The authorizations of appropriations for NHTSA's (1) motor vehicle safety and (2) motor vehicle information and cost savings programs expire after fiscal year 2001. The Department has proposed legislation under active consideration to reauthorize these programs for FYs 2002–2005. Providing the necessary resources and authority to carry out these programs is the underpinning of the agency's ability to carry out its mission of reducing the unacceptable burden of highway injuries and fatalities. Increased resources would be devoted to critical program areas, such as developing dummies to monitor side, rear-end, and rollover crashes, and implementing the dynamic rollover testing and child restraint rating programs mandated by the TREAD Act.

It is also essential that NHTSA and the Department be allowed by the Congress to participate in discussions at the State legislative level on all issues of highway traffic safety. Most laws that govern the movement of vehicles on the highway are appropriately enacted at the State level. NHTSA is the nation's foremost agency for the research into this discipline, and therefore has a responsibility to contribute science to the discussion. The American taxpayers have a great deal of financial investment in the science that should be at the basis of public policy, and NHTSA should be free to supply it. It is my belief that legislative restrictions on the ability of NHTSA officials to offer their views on pending State or local legislative proposals should therefore be removed.

A legislative change that is needed immediately is to lift the restrictions on NHTSA's abilities to set Corporate Average Fuel Economy (CAFE) standards. A current appropriations rider precludes NHTSA from starting rulemaking on CAFE standards until October 1, 2001. Because responsibly crafted CAFE standards can increase fuel efficiency without negatively affecting the U.S. auto industry, lifting this freeze now will enable NHTSA to quickly move forward to address this issue.

Finally, NHTSA has rightly been given the responsibility to generate regulations called for by specific pieces of legislation for traffic safety. Currently there is a backlog of regulations under development. Only sound, science-based regulations should be promulgated by the agency, which requires time and resources for initial development in addition to the necessary time to meet the statutory requirements for rule-making. I would ask the Congress to be sensitive to the Agency's resources before it places time restrictions on the agency in the future, so that Congress does not create expectations that cannot be met without sacrificing the quality of the regulations.

13. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a timeframe for their implementation.

I believe that, as NHTSA Administrator, it is my responsibility to align the people and financial resources made available to the agency with the highest priority highway safety problems. My understanding is that NHTSA has been a leader in incorporating the provisions of the Government Performance and Results Act (GPRA) into their budget development. As such, there is a roadmap linking budget expenditures to expected improvements in highway safety. I will use this roadmap as a starting place, but I intend to review completely NHTSA's safety goals, policies, and program strategies to assure that the most efficient and effective use of resources is made. In striving to achieve our goals, I will act to the greatest extent feasible in an open and inclusive manner, and will include the many partners and stakeholders in reducing the deaths and injuries resulting from traffic crashes. I intend to complete a review of NHTSA's programs, priorities, and strategies within 6 months of being confirmed as Administrator. I look forward to sharing the results of this review with the Committee as a basis for developing future legislative initiatives.

The CHAIRMAN. Dr. Runge, thank you very much. With permission of my colleagues, we will withhold questions until we have heard from all of the nominees. Next we will hear from Nancy Victory, who has been nominated by President Bush to be Assistant Secretary of Commerce for Communications and Information. Ms. Victory, you are welcome to introduce any of your family who have accompanied you today.

Ms. VICTORY. Yes. I actually do have a crew in the audience. I'd like to thank them for supporting me and taking time out of their busy lives to be here with me today. First, behind me, let me introduce my parents, Faith and Jim Victory, who have flown down from New York for the occasion. Next to them is my husband's god-child, Lindsay Hicks, who is a sophomore at the University of Texas. She happens to be visiting with us this week. Next to Lindsay is my stepson, Mike Senkowski, who is a senior at the Bullis School here in Potomac. Behind me is Nikki Senkowski, one of my stepdaughters, who is a sophomore at the College of Holy Cross. Her elder sister, Jennifer, unfortunately could not be here today because of work, but I am sure she is with me in spirit. And then, finally, let me recognize my husband, Mike Senkowski, who has been just a great support during this whole process. Thank you.

The CHAIRMAN. We thank all of you for being here.

STATEMENT OF NANCY VICTORY, NOMINEE TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION

Ms. VICTORY. Thank you very much Senator Dorgan, Senator Burns, and Senator Allen for those wonderful remarks. I appreciate all of you taking time to meet with me during the last couple of days and sharing your thoughts and concerns regarding U.S. telecommunications policy and the role of the National Telecommunications and Information Administration. I look forward to that continuing dialog, if confirmed. I am truly honored to be here today as the President's nominee to be the Assistant Secretary of Commerce for Communications and Information. I am humbled yet extremely excited about the challenges ahead. I know they are many. I am committed to do all I can to live up to the confidence that the President and Secretary Don Evans have placed in me, and I very

much look forward to working with this Committee if confirmed. I do have a prepared statement for the record which I'd like to submit. I would also be happy to entertain your questions.

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

PREPARED STATEMENT OF NANCY J. VICTORY

Mr. Chairman, Senator McCain and members of the Committee, it is a tremendous privilege to have the opportunity to appear before you today. I have had the pleasure of speaking with several of you over the past 10 days. I very much appreciate so many of you taking the time during this busy period before recess to share your thoughts and concerns with me regarding U.S. telecommunications policy and the role of the National Telecommunications and Information Administration. I look forward to that continuing dialog, if I am confirmed.

I am deeply honored to have been nominated by the President to be the Assistant Secretary of Commerce for Communications and Information. I am humbled, yet extremely excited, about the many challenges that lie ahead. I am also committed to do my all to live up to the confidence the President and Commerce Secretary Don Evans have placed in me.

Communications and information form the critical infrastructure upon which our country's future growth and our citizenry's future opportunities depend. The telecommunications highways and the content that they deliver are the keys to advances in education, the creation of jobs and U.S. competitiveness in global commerce. The challenge ahead is to ensure that the highways are open to all Americans and that their full potential is harnessed for the common good.

As you know, we are facing increasing demands for increasingly scarce spectrum. The lessons of past spectrum successes is that the birth of band plans for new technologies is a complex process that requires patience, creativity and give-and-take. In the ongoing 3G deliberations, we have wireless companies seeking a home for next generation wireless services; Federal users with the mission critical responsibilities for defending our country; and, incumbent licensees of both commercial and Federal spectrum. Our ability to reach an outcome serving the interests of the country as a whole will depend upon the willingness of all interested parties to engage in a constructive process of consultation, collaboration and compromise. If confirmed, you have my commitment to work with Congress, Chairman Powell, the Department of Defense and the industry to fashion a "win-win-win" outcome—a win for wireless U.S. commerce, a win for the defense of our country, and a win for the public we all seek to serve.

With respect to broadband services, we face an equally daunting conundrum. There are hundreds of thousands of miles of broadband "pipes" lying underutilized across the country. The on-ramps and off-ramps for the worldwide web are spigots that need to be opened to the home as well as to the office. If confirmed, you have my commitment to work with all interested parties, consumer groups and the Congress to build an environment of stability, predictability and certainty that encourages investments in the construction, deployment and provision of new technologies and services. Here again, the goal would be a "win-win-win" outcome rather than the picking of winners and losers.

Communications and information, of course, are not just domestic highways. They are the links between us and the world. If confirmed, I would direct particular attention to exploring ways to improve the preparation, advocacy and acceptance of important national concerns on the international stage. I believe that a close working relationship among NTIA, the State Department and the FCC is a necessity for all concerned.

Last, but not least, there is the goal of ensuring that all Americans participate in the opportunities and benefits of communications and information. This includes reaching out to rural areas; reaching out to minorities; and, reaching out to the disadvantaged. If confirmed, I look forward to working with Congress and members of this Committee in a common effort to bring uncommon benefits to the public.

In closing, let me once again emphasize my appreciation for the opportunity to serve my country. Although I am humbled by the challenges in front of me, I look forward with great eagerness to the opportunity to serve the President and Secretary Evans and to work with the distinguished members of this Committee in the days ahead.

Again, thank you for the opportunity to be here today. I would be happy to answer any questions you might have for me.

A. BIOGRAPHICAL INFORMATION

1. Name: Nancy Jane Victory.
2. Position to which nominated: Assistant Secretary of Commerce for Communications and Information.
3. Date of nomination: June 26, 2001.
4. Address: Home: 9559 Bell Drive, Great Falls, VA 22066; office: Wiley, Rein & Fielding, 1776 K Street NW., Washington, DC. 20006.
5. Date and place of birth: July 19, 1962, New York, NY.
6. Marital status: Married to Ray Michael Senkowski.
7. Names and ages of (step)children: Jennifer Lynn Senkowski, age 23; Nichole Rae Senkowski, age 18; Raymond Michael Senkowski, age 17.
8. Education: Georgetown University Law Center, Washington, DC; JD *cum laude* awarded May 1988 (attended 8/85–5/88); Princeton University, Princeton, NJ; BA awarded June 1984 (attended 9/80–6/84); Garden City High School, Garden City, NY, high school diploma awarded June 1980 (attended 9/76–6/80).
9. Employment record: Partner, Wiley, Rein and Fielding, Washington, DC (1/96–present); formerly Associate (1/89–12/95) and Summer Associate (6/87–8/87); Volunteer, Henry Viscardi School, Albertson, NY (9/88–12/88); Law Intern, Nassau County Surrogate's Court, Mineola, NY (6/86–8/86); Legal Assistant, Long Island Trust Co., Garden City, NY (2/85–8/85); Legal Assistant, Nixon, Hargrave, Devans & Doyle, New York, NY (11/84–12/84).
10. Government experience: None other than as listed above.
11. Business relationships: Partner, Wiley, Rein & Fielding (terminated before entering government service); Director, Jim Victory Television, Inc. (until 12/00, when company was dissolved).
12. Memberships: American Bar Association; District of Columbia Bar; New York Bar; Federal Communications Bar Association; Lowes Island Golf Club, Sterling, VA; The Tower Club, Tyson's Corner, VA.
13. Political affiliations and activities: (a) List all offices with a political party which you have held or any public office for which you have been a candidate: None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years: None.
(c) 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: Friends of George Allen—\$1000 on 10/5/00; Bush for President, Inc.—\$1000 on 5/30/00; McCain for Senate '98—\$500 on 11/4/98; Friends of John Warner 1996 Committee—\$500 on 10/15/96; Friends of Larry Pressler—\$1000 on 2/20/95.
14. Honors and awards: While at Georgetown University Law Center: *cum laude* JD; *The Georgetown Law Journal*; Lawyer's Co-operative Publishing Prize; Dean's List. While at Princeton University: Honors in American Studies Program.
15. Published writings: Antenna and Tower Site Compliance Handbook, authored with Thomas Dombrowsky (May 2000) [appears on Wiley, Rein & Fielding website, <http://www.wrf.com>].
16. Speeches: The following speech on telecommunications issues, delivered during the last 5 years and of which I have a copy, is attached as Attachment A: "FCC/FAA Antenna Structure Requirements: What Do You Need to Know?"; PCIA Tower and Site Management 2000 (May 18, 2000).
17. Selection: (a) Do you know why you were chosen for this nomination by the President? I hope that I was chosen for the position because the President found that my experience in the telecommunications industry and my personal skills, intellectually and interpersonally, would enable me to tackle successfully the complex telecommunications policy issues that have arisen and will continue to arise.
(b) What do you believe in your background or employment experience affirmatively qualifies you or this particular experience? I have had the benefit for the last 12 years of working on a tremendous variety of telecommunications matters at the Washington law firm of Wiley, Rein & Fielding. I have substantial expertise in wireless and satellite issues, including spectrum allocation, licensing, and compliance. Some of my recent projects in this area have ranged from domestic and international spectrum allocation issues for a new wireless service to regulatory issues surrounding the privatization of a global satellite company. My experience also includes cellular and PCS spectrum allocation issues, spectrum cap restrictions, microwave spectrum relocation issues, designated entity qualifications, E-911 and CALEA requirements, and NEPA matters. I am also familiar with the issues surrounding telecommunications mergers, having served as counsel for numerous transactions, ranging from relatively small asset transfers to some of the largest and most complex industry mergers. In addition, I am also familiar with the legislative process, having provided legislative counsel support to the firm's government affairs group

with respect to various pieces of legislation, including portions of the Telecommunications Act of 1996.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? Yes, except that I plan to continue to retain my financial interests in two existing contribution pension plans administered by KeyTrust for the Wiley, Rein & Fielding retirement plan. However, no further contributions would be made to either plan.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

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

Until recently, I was an equity partner of Wiley, Rein & Fielding, a Washington, DC law firm. Pursuant to the terms of the firm's partnership agreement, my capital contribution will be returned to me within 12 months of withdrawing from the partnership. I will also receive the balance of my partnership shares for the period January 1, 2001 to my withdrawal date on January 10, 2002 (three-quarters) and April 10, 2002 (one-quarter). I will continue to retain my financial interests in two existing contribution pension plans administered by KeyTrust for the firm's retirement plan. However, no further contributions would be made to either plan. These arrangements have been listed on my Financial Disclosure Report, which the Office of the General Counsel of the U.S. Department of Commerce has certified. I will have no continuing financial arrangements, agreements or dealings with clients or customers.

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

I currently have stock interests in several telecommunications companies, which I will be divesting. In addition, my husband has a continuing relationship with Wiley, Rein & Fielding. Attached as Attachment B is an Agreement that I have entered into with the Department of Commerce to resolve any potential conflicts of interest that might arise, primarily through divestiture of any telecommunications interests and a change in my husband's status with the firm. It is my understanding that the Office of the General Counsel of the Department of Commerce, the Office of Government Ethics, and the White House Counsel's Office have found that this agreement resolves any potential conflicts of interest.

3. 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.

As indicated above, I have previously served as a partner in a law firm. I have now resigned from the firm. The agreement attached as Attachment B indicates further actions I will take to resolve any potential conflicts of interest that might arise from my past practice, primarily through recusals. It is my understanding that the Office of the General Counsel of the Department of Commerce, the Office of Government Ethics, and the White House Counsel's Office have found that this agreement resolves any potential conflicts of interest. Further, the limited recusals to which I have agreed to be subject will not significantly affect my ability to serve in this position should the Senate confirm my nomination.

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

During the last 10 years, I have had occasion to assist the firm's government affairs group on several legislative matters. My role was that of legislative counsel, providing statutory interpretation, drafting potential amendments, and explaining the legal ramifications of proposed language. On several occasions, I also accom-

panied members of the government affairs group to meetings with Members of Congress and/or their staff in order to clarify language or explain the legal ramifications of various proposals. The legislative matters I worked on included:

Telecommunications Act of 1996—I worked on the following issues in connection with the various legislative proposals that culminated in the Act: modification of broadcast ownership rules; provision of telemessaging services by local exchange carriers; Bell Operating Company entry into manufacturing; elimination of foreign officer and director limitation in Section 310(b) of the Communications Act; modification of foreign ownership restrictions on common carrier licenses; allocation of non-auctioned spectrum for private, non-commercial use; infrastructure sharing provisions; tower siting provisions; radio telegraphy requirement for Global Maritime Distress and Safety System-equipped ships; Balanced Budget Act of 1997—I worked on the issue of retaining tax certificates for relocation of microwave users out of their original spectrum.

During the last 10 years, I have also represented clients on a wide variety of matters before the FCC, including broad policy matters in rulemaking proceedings and notices of inquiry. My involvement in such matters has generally involved legal analysis of regulatory proposals, drafting pleadings filed in the record, and attending meetings with the FCC Commissioners, their staff and/or the staff of the relevant bureau. My activities in this area have primarily been on behalf of wireless and satellite service providers and involved issues such as spectrum allocation, licensing requirements, auction procedures, relocation issues, spectrum cap and cross-ownership restrictions, and various other issues such as E-911, CALEA, etc.

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

The agreement attached as Attachment B sets forth specifically how I intend to resolve any potential conflicts of interest. It is my understanding that the Office of the General Counsel of the Department of Commerce, the Office of Government Ethics, and the White House Counsel's Office have found that this agreement satisfactorily resolves any potential issues in this area. Further, the limited recusals to which I have agreed to be subject will not significantly affect my ability to serve in this position should the Senate confirm my nomination. On a going-forward basis, I intend to continue to consult with the ethics officials at the Department of Commerce and, if appropriate, divest myself of any new conflicting interests, recuse myself or obtain a conflict of interest waiver under 18 U.S.C. 208(b) if the interest is not substantial.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

D. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other than a minor traffic offense? No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? No, except for the following: During the spring of 1995, my husband and I sued our cable provider, Media General Cable, in Virginia General District Court, Fairfax County, VA, for property damage. The case was settled before trial.

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

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

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? 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 this committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

If confirmed, I will put in place a process for the timely and thorough review of any and all regulations issued by NTIA, prior to their adoption, to ensure they comply with the letter and spirit of the laws passed by Congress. I will also establish a policy of open and frequent communication between NTIA and Congress.

5. Describe your department's current mission, major programs, and major operational objectives.

NTIA is the President's principal advisor on telecommunications and information policy issues. Working in conjunction with other agencies, NTIA helps to shape the Administration's position on telecommunications issues and represents the Administration in domestic and international telecommunications policy activities. NTIA is also responsible for managing the Federal Government's use of spectrum; administering several grants programs related to telecommunications (principally, infrastructure grants to facilitate the access to telecommunications services by all Americans and facilities grants to maintain and extend the public broadcasting infrastructure); and conducting research on technical telecommunications issues, including standards-setting. In its 2000 Annual Report, NTIA articulated four goals to shape its operational efforts: (1) promote open markets and encourage competition; (2) ensure spectrum provides the greatest benefit to all people; (3) advance the public interest in telecommunications, mass media and information; and (4) promote the availability and sources of advanced telecommunications and information services.

6. 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.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated?

I believe that the position for which I have been nominated serves a dual role—advising the President and the Secretary on a wide variety of complex communications issues while also serving as administrator of a substantial governmental organization. I believe that my previous professional and educational experiences have well qualified me for both of these roles.

As a practicing communications lawyer for over 12 years, I have had an opportunity to work on a wide variety of communications regulatory matters. Although the focus of my practice has been on wireless and domestic and international satellite issues (particularly spectrum allocation, licensing, and compliance), I am also familiar with the major regulatory issues facing broadcasters, cable operators, and competing and incumbent local exchange carriers. My experience has also helped me to be conversant with the legislative process, having provided legislative counsel support to the firm's government affairs group with respect to various pieces of legislation, including portions of the Telecommunications Act of 1996. This familiarity with the issues facing the communications industry should facilitate my ability to contribute immediately and meaningfully in my appointed position, if confirmed.

My educational background should additionally serve me well in tackling the thorny issues I will likely face in my new position. During law school, along with the standard curriculum, I studied communications law. I also learned helpful problem solving skills in both my undergraduate and law school classes. Finally, during my years in private practice, I have had an opportunity to observe and develop organizational management skills, as well as to serve in management of a 200-lawyer law firm.

2. Why do you wish to serve in the position for which you have been nominated?

Communications and information technologies have become increasingly important components of all Americans' lives, as well as of our nation's economy. Ensuring all Americans access to communications and information services, the fostering of new technologies, and the continued health and growth of the communications and information industries is essential to our nation's global competitiveness. Yet, in this era of spectrum scarcity, technological convergence, and increased competition from abroad, the challenges in maintaining our nation's progress in this area are significant. I can think of no better way to use my skills and experience than to enter government service.

3. What goals have you established for your first 2 years in the position, if confirmed?

If confirmed, I would strive: To facilitate the availability of advanced communications service to all Americans, particularly the availability of broadband services; To increase the United States' competitiveness in the global communications marketplace, by advancing policies that facilitate investment in the communications industry, create jobs, and provide marketplace opportunities; To assist in formulating policies and procedures to improve coordination and sound spectrum management that finds the appropriate balance between government and commercial spectrum needs.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

If I am confirmed this will be my first entry into Federal Government service. As a private attorney, I have not previously been privy to an inside view of the regulatory and legislative processes, nor have I been involved in the behind-the-scenes interaction among NTIA, Congress, and the other executive branch departments who collaborated on the formation of domestic and global communications policy. Fortunately, the NTIA staff includes a number of individuals experienced in such matters. I look forward to drawing upon their knowledge as I gain experience on these procedural and jurisdictional issues.

5. Who are the stakeholders in the work of this agency?

Federal Government users of spectrum, private users of spectrum and Congress are all stakeholders in NTIA's activities. However, American consumers are the ultimate stakeholders in the work of NTIA.

6. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 5?

The stakeholders are an essential source of input and information. If confirmed, I will be a fair and impartial decisionmaker who takes the stakeholders' views into account in formulating my positions on issues.

7. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? If confirmed, I will also work to ensure that NTIA complies with all of its legal obligations, including the Chief Financial Officers Act. In particular, I will work with the Commerce Department's Chief Financial Officer to ensure that NTIA employs effective management and accounting controls and procedures.

(b) What experience do you have in managing a large organization? As noted above, during my years in private practice, I have had an opportunity to observe and develop the skills to manage a substantial organization. As a partner in a 200-lawyer law firm, I regularly managed large projects, coordinating and motivating the efforts of other attorneys and legal professionals. I have also been extremely involved in the overall management of the firm. Until my recent withdrawal from the firm, I was the chair of the firm's Recruiting Committee, an elected member of the Management Committee, and a member of the firm's Long Range Planning Committee.

8. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals. Identifying performance goals and reporting on the progress toward achieving them forces the establishment of priorities and deadlines, while promoting efficiencies and creating accountability. In short, this process compels the use of good management skills and ensures accountability to Congress, the Secretary of the Department, and the taxpaying public.

(b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? Ideally, Congress and an agency should maintain continuous communication so steps can be taken to avoid an agency's absolute failure of performance. However, when goals are not achieved, it is important to figure out why (i.e., lack of leadership, insufficient resources, unrealistic goals, forces beyond the agency's control) and address those causes directly. If an agency repeatedly fails to perform or its mission is significantly reduced or deemed no longer necessary, it may be appropriate to eliminate, downsize, consolidate or privatize it or its programs.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

If I am confirmed, I believe the following goals should be applicable to my personal performance: my ability to establish a high quality team drawing from existing personnel and newly hired individuals; my organization's responsiveness to the

Administration's and Congress' goals and objectives; and timely and principled decisionmaking.

9. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I believe the supervisor/employee relationship should be cooperative and collaborative. It is the supervisor's responsibility to motivate and bring out the best in their employees. I believe this can best be achieved in an environment that fosters teamwork, where an employee's achievements are recognized and shortcomings are constructively addressed. To my knowledge, I have never been the subject of an employee complaint.

10. Describe your working relationship, if any, with Congress. Does your professional experience include working with committees of Congress? If so, please describe.

During the 1995–1997 timeframe, I acted as legislative counsel for the firm's government affairs group on several legislative matters, providing statutory interpretation, drafting potential amendments, and explaining the legal ramifications of proposed language. During the course of these activities, I on occasion met with Members of Congress and/or their staff as well as staff of the Commerce Committee and Finance Committee.

11. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

If confirmed, I would support the Inspector General and require all in my organization to cooperate with any activities of the Inspector General's office.

12. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress.

If confirmed, I would work to establish open and frequent communications with this Committee and its staff. I will be attentive to the views expressed by Members of Congress and will seek out such views for clarification when necessary.

13. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views.

If confirmed, I look forward to learning the Administration's and Congress' legislative priorities. Where appropriate, I would be pleased to provide my input on legislative initiatives.

14. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why? If yes, please state what steps you intend to take and a timeframe for their implementation.

If confirmed, I will develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria. As required by the General Performance and Results Act, I will provide Congress, the Commerce Department and the Executive Office of the President with the data and analysis required to determine the appropriate allocation of resources to NTIA. I will also work with the Commerce Secretary and the Administration to develop a strategic plan for NTIA.

The CHAIRMAN. Without objection, your entire statement will be made part of the record. We thank you for your statement. Next we will hear from Mr. Otto Wolff, nominee to be Assistant Secretary of Commerce and Chief Financial Officer. Mr. Wolff, if you have family with us, you are welcome to introduce them at this time.

Mr. WOLFF. I do at this time. Mr. Chairman, I'd like to introduce my wonderful wife Jan, and my terrific kids, Jennifer and Matthew.

The CHAIRMAN. Thank you very much. Welcome. You may proceed, Mr. Wolff.

STATEMENT OF OTTO WOLFF, NOMINEE TO BE ASSISTANT SECRETARY OF COMMERCE AND CHIEF FINANCIAL OFFICER

Mr. WOLFF. Good afternoon, Mr. Chairman, Senator Burns, Senator Allen. I am honored to be here today as President Bush's

nominee to be Chief Financial Officer and Assistant Secretary for Administration at the U.S. Department of Commerce. I want to take this opportunity to thank the President and Secretary Evans for their confidence in me and I want to thank you, too, Mr. Chairman and the Committee for taking the time out during this busy week before the recess to schedule this hearing.

If I am favorably reported and confirmed by this Committee and confirmed by the Senate, I will work diligently to provide support and to provide management tools to the employees in the Department to enable them to better deliver their programs to the American people. I pledge to work closely with the members and staff of this Committee, the Appropriations Committees, and other Members of Congress who have oversight responsibility for the Department's programs. At this time, Mr. Chairman, in the interest of saving some time, I would ask your permission to submit my written statement for the record. I'd be pleased to answer any questions you might have.

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

PREPARED STATEMENT OF OTTO J. WOLFF

Good afternoon Mr. Chairman and members of the Committee. I am honored to appear before you as President Bush's nominee to serve as the Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA) for the U.S. Department of Commerce. I would like to thank the President and Secretary Evans for their confidence in me for this position. And thank you, Mr. Chairman, for taking the time during this busy pre-recess period to schedule this hearing.

In carrying out its mission of promoting U.S. business domestically and abroad, the Commerce Department touches the lives of the nation's people at a fundamental level on a daily basis. The CFO/ASA plays a critical role in this effort by managing budgetary and human resources, financial systems, real and personal property, grant and procurement activities, security and other support services essential to carrying out the Department's programmatic responsibilities.

President Bush has pledged to improve government service to the American public. If reported favorably by this Committee and confirmed by the Senate, I will do everything I can to ensure that these administrative functions operate as efficiently and effectively as possible to better enable the CFO/ASA organization to provide our many stakeholders with the level and quality of service that they deserve.

If confirmed, I plan to concentrate on several key areas during my tenure. First, it is essential that we maintain the proper accountability for the expenditure of public funds. We must make certain that our financial systems comply with all applicable law, regulation and generally accepted Federal Government accounting standards. We must strive to provide to our stakeholders reliable management data to enable them to better oversee and manage our programs.

Second, we need to improve our efforts to comply fully with the spirit of the Government Performance and Results Act (GPRA). We need to develop measurement criteria for program delivery that provide accurate and meaningful indications of accomplishment.

Third, it is critical that we address the human capital challenges in the workplace. With our aging workforce and shortages in critical areas, it is essential that we aggressively meet the formidable challenges in this area. We need to prepare now to make sure we are in the position to effectively carry out our mission in the years ahead.

Fourth, the Department needs to assure that its many databases, many of which are critical to the American people, are protected from unauthorized access. If confirmed I will work collaboratively with the Chief Information Officer to strengthen information technology security throughout the Department.

Fifth and equally as important as any of the previous items, I consider it essential to maintain excellent relations with this Committee and others in Congress that are charged with appropriations and oversight responsibilities of our programs. I pledge that if I am confirmed I will work closely and diligently with Members and staff toward our mutual goal of better service and effective program delivery.

I was fortunate to have had the privilege to serve at the Department of Commerce previously, having been hired by then-Secretary Malcolm Baldrige in 1981 as special assistant. From 1983 to 1993, I served as the Deputy Assistant Secretary for Administration. During that period, I became familiar with the Department and its mission, organization, and programs and the administrative requirements that cut across bureau lines. More recently I served as a staffer on the House Administration Committee where I was responsible for oversight of, and policy direction for the House officers and the Inspector General. I have a degree in finance and broad experience with financial systems development and general administrative management and feel confident that, if confirmed, I will be able to implement the change necessary to meet the many challenges ahead. I am excited about the prospect of being able to serve at the Department of Commerce and to work with your Committee once again.

Thank you for the opportunity to appear before you today. I would be pleased to respond to any questions that the committee may have.

A. BIOGRAPHICAL INFORMATION

1. Name: Otto J. Wolff.
2. Position to which nominated: Assistant Secretary of Commerce for Administration and Chief Financial Officer.
3. Date of nomination:
4. Address: 4018 Whispering Lane, Annandale, VA 22003.
5. Date and place of birth: June 20, 1942, Buffalo, New York.
6. Marital status: (Include maiden name of wife or husband's name.) Janis A. Wolff (nee Etter), wife.
7. Names and ages of children: (Include stepchildren and children from previous marriages.) Jennifer Wolff, 22; Matthew Wolff, 18.
8. Education: (List secondary and higher education institutions, dates attended, degree received and date degree granted.)
Thomas Dale HS, Chester VA, 1956 to 1960; Penn State, 1960 to 1964, BS.
9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)
U.S. Air Force Officer Candidate, Lackland AFB, TX, 1964 to 1965; U.S. Air Force munitions/weapons maintenance officer trainee, Lowry AFB, CO, 1965; U.S. Air Force special weapons and F-106 weapons systems maintenance officer, Langley AFB, VA, 1965 to 1967; U.S. Air Force munitions and F-100 and F-4 weapons systems maintenance officer, Tuy Hoa Air Base, Republic of Vietnam, 1967 to 1968; U.S. Air Force officer in charge of logistics for the special weapons stockpile, Hq USAFE, Lindsey Air Station, Wiesbaden, Germany, 1968 to 1971; U.S. Air Force Hq USAFE Inspector General Staff 1971 to 1972; U.S. Air Force experimental weapons test officer, Eglin AFB, FL, 1972 to 1973; Research department, Republican National Committee (RNC, Washington, D.C., 1973 to 1974; Executive Assistant to the Co-Chairman, RNC, WDC, 1974 to 1976; Office of administrative services, RNC, WDC, 1976 to 1978; Director of Administration, Connelly for President national campaign committee, Arlington VA, 1978 to 1979; Director of Administration, Reagan-Bush national campaign committee, Arlington VA, 1979 to 1980; Deputy Executive Director, Reagan-Bush Inaugural, WDC 1980 to 1981; Special Assistant to the Secretary, U.S. Department of Commerce, WDC, 1981 to 1983; Deputy Assistant Secretary for Administration (and CFO), U.S. Department of Commerce, WDC 1983 to 1993; Management consultant, 1993 to 1994; Committee on House Administration Staff, U.S. House of Representatives, WDC, 1994 to 2001; Advisor to the Secretary, U.S. Department of Commerce, WDC 2001 to present.
10. Government experience: Not applicable.
11. Business relationships: (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.) Not applicable.
12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)
Grace Episcopal Church Vestry, 1998 to 2001, Executive Committee 2000 to 2001; Grace Episcopal School Board Member, 1988 to 1994; Treasurer, 1990 to 1992; Chairman, 1992 to 1994; Mason District Little League Board, 1991 to 1994; Treasurer, 1993 to 1994; Forest Hollow Civic Association, 1985 to Present; Forest Hollow Pool Board, 3 years in the mid-1990s; Arlington Aquatic Club Boosters President, 1991 to 1992; Annandale High School PTA, 1992 to present; Annandale High School Athletic Boosters, 1994 to present.

13. Political affiliations and activities: (a) List all offices with a political party which you have held or any public office for which you have been a candidate. Not applicable.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I have been active in my precinct and other areas of Northern Virginia in every general election for the past 10 years, including the following: Bush-Cheney Presidential Campaign; Bush Presidential Primary Campaign; Davis for Congress campaigns (all); Warner for Senate Campaigns; Allen for Governor and Senate campaigns; Bush-Quayle reelection campaign; Gilmore for Governor campaign.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.

None.

14. Honors and awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.) U.S. Air Force Meritorious Service Medal; National Defense Service Medal; Vietnam Service Medal; Republic of Vietnam Campaign Medal; Presidential Unit Citation; Air Force Outstanding Unit Award; Air Force Commendation Medal; Air Force Achievement Medal.

15. Published writings: (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.) None.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated. None.

17. Selection: (a) Do you know why you were chosen for this nomination by the President?

Because of my reputation as a good manager, my extensive financial and administrative background and my previous experience at the U.S. Department of Commerce as deputy to the position for which I seek confirmation.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I believe that in addition to my long years of service in the administrative management area, and my experience at the Department of Commerce during both the Reagan and Bush Administrations in the job that is the line deputy to the CFO and Assistant Secretary for Administration uniquely qualifies for this position. Also, I served for 6 years on the Committee on House Administration with the House of Representatives where my responsibilities included providing policy direction and oversight to the Officers of the House including the Clerk, Chief Administrative Officer, Sergeant at Arms and the Inspector General. The House received its first and subsequent "clean" audit opinions during my watch. In addition, I have a degree in finance with accounting and economics minors, coupled with extensive financial systems development experience that will serve as a solid base as I face the challenges of modernizing the financial systems of the Department.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? I have done so already. I serve as advisor to Secretary Evans at the present time.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? That is my intention.

C. POTENTIAL CONFLICTS OF INTEREST

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

2. 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.

3. 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.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy. None, other than the duties performed as a committee staffer with the U.S. House of Representatives.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) Not applicable.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

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

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

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

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

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

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? 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, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

To the extent that my job would involve the review of regulations I would in consultation with legal counsel do everything possible to ensure that they comply with every applicable law. In addition, in those cases where congressional intent is unclear I would request that every effort be made to make that determination as accurately as possible through legislative research and consultation with applicable committees.

5. Describe your department/agency's current mission, major programs, and major operational objectives.

Broadly defined, the mission of the Department of Commerce is to help create a climate that fosters job creation and an improved standard of living for American citizens; measure and analyze societal and economic activities; and to advance our nation's science and technology. The office of the CFO and Assistant Secretary for Administration is responsible for supporting that mission in a way that encourages first class service to the Department's many stakeholders. It is its responsibility to assure effective program delivery through the management of fiscal resources, developing and maintaining a skilled, flexible workforce and through the creative use of technology.

6. 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.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated?

I believe that in addition to my long years of service in the administrative management area, and my experience at the Department of Commerce during both the Reagan and Bush Administrations in the job that is the line deputy to the CFO and Assistant Secretary for Administration uniquely qualifies me for this position. Also, I served for 6 years on the Committee on House Administration with the House of Representatives where my responsibilities included providing policy direction and oversight to the Officers of the House including the Clerk, Chief Administrative Officer, Sergeant at Arms and the Inspector General. The House received its first and subsequent "clean" audit opinions during my watch. In addition, I have a degree in finance with accounting and economics minors coupled with extensive financial systems development experience that will serve as a solid base as I face the challenges of modernizing the financial systems of the Department.

2. Why do you wish to serve in the position for which you have been nominated? To help promote the priorities of the President, the Secretary and the Department.

3. What goals have you established for your first 2 years in this position, if confirmed?

At this point I am still learning about the management needs of the Department through briefings, discussions, reading and review of GAO and Inspector General findings. If confirmed, I will be laying out my goals for the office of the CFO/ASA with specificity as soon as input from the internal staff and all the stakeholders has been received and synthesized. However, my initial thoughts along these lines lead me toward the following general areas where our collective efforts must be concentrated: Improve financial management to assure full compliance with all laws and regulations, maintain a "clean" audit opinion, strengthen internal controls, and to provide management with the sound financial data they need to run their program areas effectively; In conjunction with the Chief Information Officer of the Department strive for a model information security system department-wide; Improve the Department's strategic planning and performance measurement process; Aggressively address the severe human capital challenges facing the department; Strive to maintain excellent working relationships with our Senate and House committees and the Congress in general; Review and reform where necessary the procurement practices of the Department.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

While I believe that I already possess the skills that are required to carry out the responsibilities of this position, should I discover that there is a need for additional training I would take action immediately to rectify the situation.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

The U.S. Government has an essential role in the affairs of the nation. However, its role must be tempered by common sense and Federal programs must be continually reviewed to assure that they are best serving the needs of the American people.

6. *In your own words*, please describe the agency's current missions, major programs, and major operational objectives.

Broadly defined, the mission of the Department of Commerce is to help create a climate that fosters job creation and an improved standard of living for American citizens; measure and analyze societal and economic activities; and to advance our nation's science and technology. The office of the CFO and Assistant Secretary for Administration is responsible for supporting that mission in a way that encourages first class service to the Department's many stakeholders. It is its responsibility to assure effective program delivery through the management of fiscal resources, developing and maintaining a skilled, flexible workforce and through the creative use of technology.

7. In reference to question No. 6, what forces are likely to result in changes to the mission of this agency over the coming 5 years?

The mission of the office of the CFO/ASA is unlikely to change, but programmatic changes brought about by Congressional and Presidential directive may refocus its support efforts. This office needs to be ever ready to respond to the needs of its stakeholders.

8. In further reference to question No. 6, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why?

The single most challenging outside force that will affect the office of the CFAIASA's ability to perform its mission is the management of the workforce in an era of budget restraints and shortages of some skill sets in the workforce. Second, implementing a single integrated Department-wide financial system will require a huge investment of time and resources. Third, protecting our automated systems from outside threats must be addressed aggressively.

9. In further reference to question No. 6, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

While I have no detailed knowledge at this point in my tenure, it seems that budgetary restraints and workforce skill shortages have had an effect on program delivery.

10. Who are the stakeholders in the work of this agency?

The Secretary, Deputy Secretary, bureau heads, the 36,000 employees of the Department, the OMB, Congress and the American people.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 10?

If confirmed, I would listen carefully to the input of the sometimes-competing interests of the various stakeholders, weigh their concerns and arrive at fair and cost effective conclusions. I would do my utmost to support those responsible for program delivery in doing their jobs and would work with the Inspector General to eliminate waste, fraud and abuse in the Department.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? As CFO the responsibility for compliance with all applicable laws, regulations and accounting standards, and implementation of compliant, effective internal controls would rest with me. While the management of the Department is a shared and decentralized endeavor, it would be my responsibility to make sure that the line management in the bureaus had the tools necessary to effectively manage their operations. I would need to work closely with the Inspector General, the Congress, the GAO and the central management agencies toward more effective management of this vast workforce and its other resources.

(b) What experience do you have in managing a large organization?

I was deputy to the position I seek for about 10 years under previous administrations. This was a line management job with broad ranging responsibilities across the entire Department. In addition, I was responsible for overseeing the administrative operations of the U.S. House of Representatives for 6 years. Prior to that I had nationwide responsibilities for administrative management for two Presidential campaigns.

13. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals.

The identification of performance goals and the measurement of progress against plan is more than a benefit, it is absolutely essential to effective management of any program. The true benefits are reaped in the form of effective program delivery.

(b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs?

The first thing that should occur is to delve into the reasons that performance goals were not reached. If the failure can be attributed to poor performance of those responsible for program delivery appropriate corrective action should be taken up to and including termination. If there are other factors that have caused or contributed to the failure, both management and the appropriate committees need to be involved. Reports should be requested, hearings held and appropriate directive provided in bill and report language. Obviously, more severe repercussions to include program termination are available to the Congress and should be exercised if other measures fail.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

My performance should be measured by how effectively I meet the needs of my customers or stakeholders. Many of the specific objectives will change, but the core goals of effective product delivery in the most efficient manner at the least cost to

the taxpayer lie at the heart of what should be expected of my performance. Attainment of goals, constructed in a collaborative way with stakeholders and employees should be the bottom line measure.

14. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

My general philosophy is to clearly define what is expected of employees, and hold them to established objectives as laid out in their performance plans.

No complaints have been brought against me.

15. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe.

As a longtime Washington hand and a recent alumnus of a staff of the House of Representatives I know well the essentiality of maintaining excellent working relationships with Members and staff of the Congress. The Senate Commerce Committee has general oversight of many of the programs of the department and its general operations and management. When I was with the Department of Commerce during the Reagan and Bush Administrations as deputy to the position for which I now seek confirmation my office had an excellent relationship with the committees with which we worked. If confirmed, I pledge to work diligently to foster good communications and rapport with the Members and staff of the authorizing and appropriations committees in the House and Senate.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

The roles of these two positions must be collaborative. I will rely heavily on the advice and recommendations of the IG and his staff. I have worked in the past with the present Inspector General of the Department and we share the same goals and would work well together.

17. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress.

The intent of Congress must be the guiding consideration in all regulatory implementation. The General Counsel of the Department is responsible for the Department's regulatory programs and, if confirmed, I would work closely with that office on all such matters.

18. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views.

If confirmed, the annual appropriations bills and initiatives proposed by the Administration would be my primary legislative concentrations.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a timeframe for their implementation.

Yes. The Department has a performance measurement system already in place whereby progress against plan is measured in accordance with the Government Performance and Review Act. I would do all I could to strengthen that process.

The CHAIRMAN. Mr. Wolff, thank you very much. Finally, we will hear from Mr. John Hammerschmidt, who has been nominated once again for the position of a Member of the National Transportation Safety Board, a position that he has worked in for the past 16 years, and his nomination by President Bush is pending before this Committee and this Congress. Mr. Hammerschmidt, welcome. And you are welcome to invite recognition to any members of your family who are here with you.

Mr. HAMMERSCHMIDT. Thank you, Mr. Chairman. I have no members of my personal family here, but I do have, I believe, six members of my NTSB family here, and I just want to thank them for being here, including my colleague, John Goglia, a fellow board member.

The CHAIRMAN. We welcome them.

Mr. HAMMERSCHMIDT. Thank you. I might mention that the NTSB is a very small agency in Washington terms, about 400 peo-

ple, and since I have been there beginning in 1985, I have always considered it to be one large family, a very supportive group of people. Mr. Chairman, I have a very brief statement I'd like to read.

**STATEMENT OF JOHN HAMMERSCHMIDT, MEMBER,
RENOMINATED TO BE A MEMBER OF THE NATIONAL
TRANSPORTATION SAFETY BOARD**

Mr. Chairman and Members of the Committee, I am very honored to appear before you today as you consider my renomination to be a Member of the National Transportation Safety Board. I wish to thank the President for nominating me, and I wish to thank the Committee for scheduling this hearing so very promptly. If confirmed, I look forward to working with the Members of this Committee as we all seek to improve transportation safety.

The position of Board Member is one of important responsibility and one of great opportunity. Board Members are responsible for finding the cause of transportation accidents and then determining how best to prevent such accidents from recurring. In that pursuit, Members of the Board have the opportunity to perform a significant public service.

For the past 16 years, I have served at the National Transportation Safety Board and have had the privilege of working with some of the most skilled, dedicated, and committed professionals that there are in the federal government. Let me say that it is very easy to become committed to improving transportation safety once you have viewed death and destruction up-close at an accident site.

The traveling public deserves the clear assurance that the government is acting in such a way that will aggressively seek out the causes of transportation accidents and will take the appropriate measures to correct whatever factors are found to have caused or contributed to those accidents. And the public also needs the clear assurance that the government's investigations are conducted fairly, competently, and efficiently. Such has been the tradition at the National Transportation Safety Board and, if confirmed, I will do my best to continue that tradition.

That concludes my opening statement and, of course, I will be glad to answer any questions you may have. Thank you.

[The biographical information of Mr. Hammersmidt follows:]

A. BIOGRAPHICAL INFORMATION

1. Name: John Arthur Hammerschmidt.
2. Position to which nominated: Member, National Transportation Safety Board.
3. Date of nomination: June 27, 2001.
4. Address: Current address: 1200 N. Veitch St., Apt. 226 Arlington, VA 22201; Office address: National Transportation Safety Board, 490 L'Enfant Plaza East, SW Washington, DC 20594.
5. Date and place of birth: May 30, 1949; Harrison, AR.
6. Marital status: Single.
7. Names and ages of children: None.
8. Education: (List secondary and higher education institutions, dates attended, degree received and date degree granted.) Woodberry Forest School, Woodberry Forest, VA, 1964-1967; Dartmouth College, Hanover, NH, 1967-1971 A.B., 1971; Vanderbilt University Law School, Nashville, TN, 1971-1972; Harvard University Business School, Boston, MA, 1973-1974; Catholic University of Ecuador, Quito, Ecuador (Georgetown University summer foreign study program), 1972; 1975.
9. Employment record: (List all jobs held since college, including the title or other part-time service or positions with Federal, State, or local governments, other than those listed above.)

From	To	Name of Employer	Address	Type of Work
06/91	07/01	National Transportation Safety Board	Washington, DC	Board Member.
04/85	06/91	National Transportation Safety Board	Washington, DC	Special Assistant.
09/84	11/84	Reagan-Bush 1984	Baton Rouge, LA ...	Field Coordinator.
01/84	04/84	Office of the Vice President (on U.S. Senate payroll).	Washington, DC	Staff Assistant.
07/74	12/83	Hammerschmidt Lumber Company, Inc.	Harrison, AR	Chief Executive Officer; Secretary/Treasurer.
05/79	12/83	Farmers Lumber Company, Inc., a wholly-owned subsidiary of Hammerschmidt Lumber Company, Inc..	Harrison, AR	President.
08/73	08/73	Hammerschmidt Lumber Company, Inc.	Harrison, AR	General duties.
01/73	03/73	Rural Resources Institute	Washington, DC	Research Assistant.
09/72	11/72	Harrison Federal Savings & Loan Association	Harrison, AR	Appraiser.
04/72	06/72	Coalition for Rural America	Washington, DC	Research Assistant.
06/71	08/71	Hammerschmidt Lumber Company	Harrison, AR	General duties.

10. Government experience: (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.) During the summers of 1967, 1968, and 1969, I worked for the Arkansas State Highway Department: survey crew; rock quarry crew; drilling/blasting crew.

11. Business relationships: (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.)

As noted in # 9, above, former positions held were: Secretary-Treasurer, Hammerschmidt Lumber Company, Inc.; President, Farmers Lumber Company, Inc.

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

Formerly served on the Board of Directors of the following organizations: Boone County (Arkansas) Industrial Development Corporation (also served as Vice President and as President); Mid-America Lumbermen Association; Arkansas Lumber and Building Materials Dealers Association; Harrison (Arkansas) Rotary Club; United Way of Boone County.

13. Political affiliations and activities: (a) List all offices with a political party which you have held or any public office for which you have been a candidate. None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years. None.

(c) 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. 05/27/99, \$1,000, George W. Bush; 07/17/00, \$1,000, Republican Party of Arkansas.

14. Honors and awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)

Performance awards at the National Transportation Safety Board: received a Quality Step Increase in recognition of outstanding performance in 1990, 1989, 1988, and 1986.

At Dartmouth College: selected for and completed the history honors program; graduated "With Highest Distinction" in history; Rufus Choate Scholar; Dean's List student; awarded varsity letters in wrestling.

15. Published writings: (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.) None.

16. Speeches: (Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated.)

Speeches Delivered During the last 5 Years

10/08/96, Addressed 4th International Symposium on Railroad-Highway Grade Crossing Research and Safety (Knoxville, TN); 03/06/97, Addressed Third International Helicopter Logging Safety Workshop (Ketchikan, AK); 04/21/97, Addressed 1st International Boating & Water Safety Summit (jointly sponsored by National Water Safety Congress and National Safe Boating Council) (San Diego, CA); 08/11/97, Addressed IREI Air Safety Panel (Uenomura Village, Japan); 11/21/97, Ad-

ressed Second Fishing Industry Safety and Health Workshop (Seattle, WA); 04/28/98, Addressed National Convention of the Home Office Life Underwriters Association (Washington, DC); 11/10/99, Addressed First Air Cargo Pilots Symposium (Tunica, MS); 01/23/00, Addressed Helicopter Association International's Rotorcraft Roundtable (Las Vegas, NV); 02/14/00, Addressed Airport Safety and Operations Specialist School (jointly sponsored by AAAE and FAA) (Miami, FL); 05/12/00, Addressed Annual E.H. Harriman Memorial Awards Ceremony (railroad safety) (Washington, DC); 09/11/00, Addressed 41st Annual Conference, National Association of State Boating Law Administrators (Mackinac Island, MI).

17. Selection: (a) Do you know why you were chosen for this nomination by the President? Yes.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

For over the past 10 years I have served as a Member of the National Transportation Safety Board (NTSB) and, since 1995, as the senior Board Member. Previous to being confirmed as a Board Member in June 1991, I served for over 6 years as Special Assistant to the Chairman/Board Member of the NTSB. During these 16+ years I have been immersed in practically all facets of the NTSB's work and have gained a great deal of experience and knowledge in this specialized area.

Please refer to the attached 20-page Addendum for details concerning my employment experience at the NTSB.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

My present employer is the government agency to which I have been renominated. I have no other business connection.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

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

2. 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.

3. 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.

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

The only activities would have been as part of my official duties at the NTSB. Inasmuch as the NTSB is responsible for influencing public policy in order to enhance transportation safety, especially as regards the relevant regulatory agencies (FAA, FRA, USCG, etc.), I have been a part of that daily process for the past 16 years.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I perceive no potential conflict of interest. If such a conflict should arise, I would follow the advice of the NTSB's Office of General Counsel.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

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

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

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

In the course of business, on occasion, there was civil litigation associated with Hammerschmidt Lumber Company's attempts to collect seriously past-due accounts receivable.

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

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

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? 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, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

I strongly believe that regulations need to comply with the spirit of the laws passed by Congress. Otherwise, the departments/agencies essentially begin to legislate on their own per various agendas.

I am keenly aware of this problem and this tendency. During my tenure at the NTSB, I have carefully reviewed policy documents and have been watchful for the divergence between legislative intent and agency follow-up. For example, I reviewed a draft letter generated by NTSB staff and noticed that it had missed the fact that a Public Law had mandated a certain action that the letter was criticizing as being unnecessary. The letter was subsequently modified.

5. Describe your department/agency's current mission, major programs, and major operational objectives.

The core mission of the NTSB is to enhance transportation safety through the investigation of transportation accidents and the issuance of safety recommendations.

The major programs are the investigative activities in the delineated areas of aviation, rail, highway, marine, pipeline, and hazardous materials safety.

A major operational objective is the continued thorough and professional investigation of transportation accidents, and the application of lessons learned so as to prevent similar accidents from recurring. Stated another way, the major operational objective continues to be saving lives and reducing injuries and property damage.

6. 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.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualifies you for the position for which you have been nominated.

For over the past 10 years I have served as a Member of the National Transportation Safety Board (NTSB) and, since 1995, as the senior Board Member. Previous to being confirmed as a Board Member in June 1991, I served for over 6 years as Special Assistant to the Chairman/Board Member of the NTSB. During these 16+ years I have been immersed in practically all facets of the NTSB's work and have gained a great deal of experience and knowledge in this specialized area.

Please refer to the attached 20-page Addendum for details concerning my employment experience at the NTSB.

Concerning education, in a sense I have been “going to school” continuously at the NTSB since April 1985. Many of the details of this NTSB experience are contained in the 20-page Addendum. Although I completed courses in such basic knowledge areas as physics, chemistry, meteorology, mathematics and technology when I was an undergraduate, and have since earned my private pilot’s license, the best education that I have received for this position has been on-the-job learning at the NTSB for the past 16+ years.

2. Why do you wish to serve in the position for which you have been nominated? In this day and age, with rapid technological advances and a society that is increasingly mobile, I consider the protection of the traveling public by enhancing transportation safety as a golden opportunity for public service. Having served and learned at the NTSB for the past 16+ years, and thus having accumulated a considerable amount of institutional knowledge, I wish to continue to utilize this experience in order to best serve the public interest.

3. What goals have you established for your first 2 years in this position, if confirmed?

My continuing goal is to rigorously review and study NTSB reports and other official documents, which usually represent the culmination of great amounts of time and effort, to ensure that they meet a high standard of excellence.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? I can’t think of any.

5. Who are the stakeholders in the work of this agency? Everybody! Anyone who travels by air, rail, highway, or waterway, or who lives near a pipeline, is a stakeholder in the work of the NTSB. Because aircraft can crash into the ground or water anywhere, and because vapor clouds of hazardous materials released in a transportation accident can migrate over widely populated areas, everybody in the United States is a stakeholder. Due to the global nature of transportation, there are many such stakeholders outside the United States as well.

6. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 10. We at the NTSB work for the people.

7. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? At the NTSB, the Chairman has the responsibility for proper management and accounting controls.

(b) What experience do you have in managing a large organization? As Chief Executive Officer, I was involved with every facet of daily management of our family’s retail building materials business, including a subsidiary. The corporation is now 90 years old.

8. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals. Identifying performance goals enables an agency to channel its effort into focused areas of importance. Reporting on the progress in achieving those goals provides accountability.

(b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs?

Congress should first determine if the performance goals were compatible with the congressionally authorized purpose of the agency or program. Next, Congress should determine if the goals were realistic. If the goals set, but not met, were both mission-compatible and realistic, then any of the mentioned steps should be logically explored.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

A Board Member’s duties are so varied that I would be reluctant to define any specific performance goals—other than performing those varied duties at a level of excellence that befits the NTSB.

9. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

A supervisor should inspire employees to perform their duties to the best of their potential. I prefer open and constant communication.

No employee complaints have been brought against me.

10. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe.

The main part of my working relationship with Congress is somewhat indirect and involves the review of draft testimony that typically the NTSB Chairman delivers in committee hearings. Working with committees of Congress is usually handled either by the Chairman or by staff in the NTSB Office of Government Affairs.

There have been occasions when I was the Board Member on scene at a major accident investigation, or chaired a public hearing in the locale of a major accident, and have briefed Members of Congress and their staff on the progress of the investigation. Likewise, over the past 10 years, I have briefed Members of Congress about the NTSB and ongoing investigations both in their offices and in my office.

On May 11, 2000, I represented the Board before the U.S. Senate Committee on Commerce, Science, and Transportation at a hearing concerning pipeline safety.

11. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

The most recent reauthorization of the NTSB assigned specific oversight responsibilities to the U.S. Department of Transportation Inspector General. As to those responsibilities, I would expect to have a professional relationship and to be responsive to requests for information.

12. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress.

I strongly believe that regulations need to comply with the spirit of the laws passed by Congress. Otherwise, the departments/agencies essentially begin to legislate on their own per various agendas.

I am keenly aware of this problem and this tendency. During my tenure at the NTSB, I have carefully reviewed policy documents and have been watchful for the divergence between legislative intent and agency follow-up. For example, I reviewed a draft letter generated by NTSB staff and noticed that it had missed the fact that a Public Law had mandated a certain action that the letter was criticizing as being unnecessary. The letter was subsequently modified.

13. In the areas under the department/agency's jurisdiction, what legislative actions(s) should Congress consider as priorities? Please state your personal views.

Infrastructure improvements, especially in areas such as highways and airports, are fundamental to maintaining and improving transportation safety.

14. Within your area of control, will you pledge to develop and implement a system that allocated discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a time frame for their implementation.

I agree with the premise but, if confirmed, I likely would not be involved with developing and implementing a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria.

ADDENDUM

References questions A. 17. (b) and F.1.

Board member, National Transportation Safety Board, June 26, 1991 to present.
Duties: Participate in Board deliberations and vote on "probable cause(s)" of specific accidents and resultant safety recommendations to be applied system-wide as developed from accident investigations in civil aviation, rail, highway, marine, pipeline, hazardous materials, and commercial space launch transportation.

Participate on-scene during major domestic accident investigations; serve as spokesman for the NTSB (the lead Federal agency) and as liaison to the public during the formal investigative process.

Chair Board-conducted public hearings on single-accident issues with broader application to that transportation mode.

Review and vote on appeals from airmen and merchant seamen whose certificates have been revoked or suspended.

Identify transportation safety problems of a recurrent nature for formal study; define, direct, and approve publication of such studies.

Represent the NTSB at various transportation safety-related events/occasions organized by industry entities, public interest groups, professional associations, or Federal regulatory agencies.

NTSB Experience as Board Member

Go-Team Launches

Participated on-scene at the following accident investigations:

1991

11-13; Controlled flight into terrain, Bruno's Inc., Beechjet 400A; all 9 on board fatal; Rome, GA.

1992

04/29-05/01; Gradecrossing collision, Amtrak train 94 and dump truck; all train units derailed; Newport News, VA.

1993

03/17-20; Gradecrossing collision, Amtrak train 91 and gasoline tractor-semitrailer tank truck; Fort Lauderdale, FL.

04/07-09; Inadvertent in-flight slat deployment necessitating emergency landing, China Eastern Airlines MD-11; 2 fatal, 156 injured (only time that investigation of an aviation accident has been delegated to the NTSB by the People's Republic of China); Shemya, AK.

09/22-25 Derailment of Amtrak train 2 while crossing bridge over Big Bayou Canot; 47 fatal in Amtrak's worst accident; Mobile, AL.

11/11-14; Head-on collision of southbound Burlington Northern and northbound Union Pacific freight trains; Kelso, WA.

11/30-12/02; Gradecrossing collision, Amtrak train 88 and 178 ft. long tractor-trailer rig hauling gas turbine generator; Intercession City, FL.

12/02-05; Express Airlines II (dba Northwest AirlinK) Flight 5719, Jetstream BA-3100, collision with terrain on final approach to airport; all 18 on board fatal; Hibbing, MN.

1994

07/02-07; USAir Flight 1016, DC-9-30, crash near airport during go-around in severe weather; 37 fatal, 21 survivors; Charlotte, NC.

1995

06/22; Liberian-registered cruise vessel *M/V Celebration*, operated by Carnival Cruise Lines, immobilized by electrical fire in engine control room, with 2,560 people on board (Liberian investigation; NTSB invited to participate); Freeport, Bahamas.

08/21-24 Atlantic Southeast Airlines (ASA) Flight 529, Embraer EMB-120, off-airport crash landing following in-flight loss of propeller blade; 9 fatal, 20 survivors; Carrollton, GA.

1996

07/27-29; Laundry-room fire with heavy smoke propagation, cruise ship *Universe Explorer*, cruising in the Lynn Canal with 1,006 people on board; 5 crew fatal; Juneau, AK.

09/05-09; Federal Express Flight 1406, DC-10-10F, emergency landing due to in-flight fire in cargo area; airplane destroyed by fire after stopping on a high-speed taxiway; Newburgh, NY.

12/15-18; Collision of the Liberian-registered Bulk Carrier *Bright Field* with the Port of New Orleans River Walk Shopping Mall, about Mile 100, Lower Mississippi River; New Orleans, LA.

1997

01/09-13; Comair Flight 3272, Embraer EMB-120, crash on approach to Detroit Metropolitan/Wayne County Airport; all 29 on board fatal; Monroe, MI.

1998

03/11-15; Collision at passive grade crossing when local school bus pulled into path of Burlington Northern Santa Fe freight train; 2 (of 5) students on bus fatal; Buffalo, MT.

03/16-18; Collision between the 162 ft.-long offshore supply vessel (OSV) *Bass River* and the 202 ft.-long OSV *C-Captain* near Belle Pass, LA; 3 fatal; Gulf of Mexico.

06/29-07/03; Explosions and fire during transfer of fuel from semi-trailer cargo tank to straight-truck cargo tank at Dion Oil Company storage location near marina, Key West, FL.

1999

05/01-12; Sinking of the U.S. Coast Guard-inspected amphibious excursion vessel *Miss Majestic* in Lake Hamilton; 13 fatal, 8 survivors (in terms of "passenger fatalities," worst marine accident investigated by Board since 1978); Hot Springs, AR.

06/11-15; Failure of 16-inch diameter pipeline carrying gasoline, with product flow into creek; 3 fatal when gasoline ignited; Bellingham, WA.

09/26–10/02; Big Island Air Flight 58, PA–31–350, crash on the northeast slope of volcano during air tour; all 10 on board fatal; Mauna Loa Volcano, HI.

2000

01/31–02/07; Alaska Airlines Flight 261, MD–83, uncontrolled flight into Pacific Ocean; all 88 on board fatal; Port Hueneme, CA.

08/15; MTA Light Rail Vehicle collision with bumping post and International Terminal building at BWI International Airport (all 22 on board injured); Linthicum, MD.

08/19–21; El Paso Natural Gas 30-inch diameter gas transmission pipeline rupture and fire; 12 campers fatal; Carlsbad, NM.

2001

01/28–30; Crash of Raytheon Beechcraft King Air 200 after rapid descent from flight level 230 (23,000 feet); flight was transporting players, staff and guests of the Oklahoma State University basketball team; 10 fatal; Strasburg, CO.

02/10–25; Collision between the U.S. nuclear attack submarine *USS Greeneville* and the Japanese fisheries training vessel *Ehime Maru*, in the Pacific Ocean, about 10 miles south of Pearl Harbor, Hawaii on 02/09/01; Honolulu, HI.

07/19; Derailment of CSX freight train within single-track tunnel beneath the city of Baltimore; emergency response to hazardous materials release and fire affected downtown area for several days; Baltimore, MD.

Public Hearings

Chaired hearings associated with the following accident investigations:

01/04–07/94; Crash of American International Airways, Inc. (dba Kalitta Flying Service) Flight 808 at the Naval Air Station, Guantanamo Bay, Cuba; August 18, 1993; Ypsilanti, MI.

09/19–22/94; Crash of US Air Flight 1016, DC–9–30, near Charlotte, NC airport during go-around in severe weather; July 2, 1994; Charlotte, NC.

02/27–03/03/95; Crash of Simmons Airlines (dba American Eagle) Flight 4184, ATR–72–210, near Roselawn, IN, during holding pattern in icing conditions; October 31, 1994; all 68 on board fatal; Indianapolis, IN.

01/17–19/96; Gradecrossing collision, METRA express commuter train and a Crystal Lake school bus, in Fox River Grove, IL; October 25, 1995; 7 students fatal; Crystal Lake, IL.

06/02–05/97; Explosion in the Rio Piedras area of San Juan that destroyed a six-story commercial building and destroyed/damaged other buildings; November 21, 1996; 33 fatal, over 100 injured (the worst pipeline accident ever investigated by the Board); San Juan, PR.

02/17–18/99; Fire aboard the cruise ship *MS Ecstasy* as it was departing the Port of Miami on July 20, 1998; Miami, FL.

12/13–16/00; Crash of Alaska Airlines Flight 261, MD–83, into Pacific Ocean near Port Hueneme, CA; January 31, 2000; all 88 on board fatal; Washington, DC.

Public Forums

Chaired forums associated with the following safety issues:

03/06–07/96; Integrated Bridge Systems, to examine technological advances in maritime navigation and communications; Vienna, VA.

03/03–04/98; Transit Bus Operations; St. Louis, MO.

12/08–09/99; Amphibious Passenger Vessel Safety; Memphis, TN.

Legislative Testimony

02/13/92; Subcommittee on DWI, Committee on Criminal Jurisprudence, House of Representatives, State of Texas, Austin (Subject: Administrative License Revocation (ALR)).

04/08/92; Judiciary Committee, Senate, State of New Hampshire, Concord (Subject: ALR).

09/17/92; DWI Laws Subcommittee, Joint Interim Committee on Public Transportation, Arkansas General Assembly, Little Rock (Subject: ALR).

05/11/00 Committee on Commerce, Science and Transportation, U.S. Senate (Subject: Pipeline Safety).

Speeches

04/27/92; Addressed Southwestern/Western Regional Meeting, American Short Line Railroad Association; (Fort Worth, TX).

09/30/92; Addressed 61st Annual Meeting, National Association of State Aviation Officials (NASAO); (San Antonio, TX).

03/08/93; Addressed Airport Safety and Operations Specialist School (jointly sponsored by American Association of Airport Executives (AAAE) and Federal Aviation Administration (FAA)); (Portland, OR).

04/19/93; Addressed 43rd National Water Safety Congress, Professional Development Seminar; (Little Rock, AR).

06/28/93; Addressed 1st European/U.S. Airport Safety and Operations Specialist School (jointly sponsored by Irish Airports Authority, International Association of Airport Executives, AAAE, and FAA); (Shannon, Ireland).

03/02/94; Addressed Airport Safety and Operations Specialist School (jointly sponsored by AAAE and FAA); (Las Vegas, NV).

10/10/94; Addressed the 1994 Annual Transportation Conference, The Fertilizer Institute; (Tucson, AZ).

01/17/95; Addressed The Forum Club; (New York, NY).

08/12/95; Addressed American Trucking Associations' Safety Management Council's National Truck Driving Championships Awards Banquet; (New Orleans, LA).

02/28/96; Addressed Second International Helicopter Logging Safety Workshop; (Ketchikan, AK).

04/22/96; Addressed Southwestern/Western Regional Meeting, American Short Line Railroad Association; (Memphis, TN).

05/13/96; Addressed the Annual Assembly Meeting of the Radio Technical Commission for Maritime Services; (San Diego, CA).

10/08/96; Addressed 4th International Symposium on Railroad-Highway Grade Crossing Research and Safety; (Knoxville, TN).

03/06/97; Addressed Third International Helicopter Logging Safety Workshop; (Ketchikan, AK).

04/21/97; Addressed 1st International Boating & Water Safety Summit (jointly sponsored by National Water Safety Congress and National Safe Boating Council); (San Diego, CA).

08/11/97; Addressed IREI Air Safety Panel; (Uenomura Village, Japan).

11/21/97; Addressed Second Fishing Industry Safety and Health Workshop; (Seattle, WA).

04/28/98; Addressed National Convention of the Home Office Life Underwriters Association; (Washington, DC).

11/10/99; Addressed First Air Cargo Pilots Symposium; (Tunica, MS).

01/23/00; Addressed Helicopter Association International's Rotorcraft Roundtable; (Las Vegas, NV).

02/14/00; Addressed Airport Safety and Operations Specialist School (jointly sponsored by AAAE and FAA); (Miami, FL).

05/12/00; Addressed Annual E.H. Harriman Memorial Awards Ceremony (railroad safety); (Washington, DC).

09/11/00; Addressed 41st Annual Conference, National Association of State Boating Law Administrators; (Mackinac Island, MI).

NTSB Formal Training

08/16–26/93; Technical Aviation Training for Attorneys (Course No. 12031); FAA Academy; Oklahoma City, OK.

06/15–16/94; Hot Air Balloon Familiarization Course; AERCO Division of Albuquerque Balloon Center; Albuquerque, NM.

02/13–17/95; NTSB Advanced Aircraft Accident Investigation Course: Human Factors; Alexandria, VA.

02/24–27/97; NTSB Proficiency Flight Course; Florida Institute of Technology School of Aeronautics; Melbourne, FL.

Other Formal Training

Hold FAA-issued private pilot (airplane single engine land) airman certificate.

Represented the NTSB at the Following:

1991

Briefings/demonstrations by National Center for Atmospheric Research; (Denver and Boulder, CO; 07/24–25).

39th Annual Experimental Aircraft Association (EAA) Fly-in Convention and Aviation Exhibition (NTSB an exhibitor); (Oshkosh, WI; 07/26–28).

Briefings/orientation by FAA and The Port Authority of NY & NJ, JFK International Airport; (Jamaica, NY; 08/09).

Briefings/safety orientation aboard new cruise ship about to commence commercial service; (New York Harbor to Philadelphia; 08/10–11).

Briefings/systems review (re: heavy-truck brake systems), Rockwell International; (Troy, MI; 10/03).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (NTSB an exhibitor); (New Orleans, LA; 10/23–26).

1992

40th Annual EAA Fly-in Convention and Aviation Exhibition (NTSB an exhibitor); (Oshkosh, WI; 07/31–08/02).

Accompanied a delegation from the Public Works and Transportation Committee, U.S. House of Representatives, to a series of transportation-related briefings/demonstrations (Japan, People's Republic of China, Thailand, and Hong Kong; 08/23–09/08). Of note: met with China Premier Li Peng, in Beijing.

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit; (Las Vegas, NV; 10/10–14).

1993

Test run/demonstration of Amtrak's X–2000 high-speed train from Union Station in Washington, DC to 30th Street Station in Philadelphia, PA (01/08).

Heli-Expo '93 and the 45th Annual Meeting, Helicopter Association International (Miami, FL; 02/24–26).

Briefings/site review (flew Boeing 777 simulator), Boeing Commercial Airplane Group (Seattle, WA; 03/10).

NASA briefings/orientation of shuttle launch preparation (Kennedy Space Center, FL; 03/20–23).

Briefings/tour of the Airbus Training Center (Miami, FL; 03/24).

Briefing/demonstrations, Motor Coach Industries (MCI) Bus Assembly Plants (Winnipeg, Manitoba, Canada and Pembina, ND; 05/19–21).

Briefing/site inspection, Eurotunnel construction (Folkestone, England; 06/30).

Tour, magnetic levitation (mag/lev) test facility of Thyssen Henschel (Emsland, Germany; 07/01).

Tour/briefings, production facilities (electronic brake systems for trucks) at WABCO Westinghouse (Hannover, Germany; 07/02).

Tour, assembly plant, Deutsche Aerospace Airbus (Hamburg, Germany; 07/05).

Tour, InterCityExpress (ICE) high speed rail system Service Facility (Hamburg-Eidelstedt, Germany; 07/06).

Airshow Canada 1993, international aviation and aerospace exhibition (Abbotsford, British Columbia, Canada; 08/04–06).

1994

3rd National Leadership Conference on Increasing Safety Belt Use in the U.S. (Orlando, FL; 01/13–15).

Pipeline safety trip to natural gas operations, including tour of Tenneco's offshore gathering compressor platform (Dallas, TX, 06/01; Lake Charles, LA, and Gulf of Mexico, 06/02).

9th Anniversary Memorial Ceremony of the 08/12/85 crash of JAL Flight 123, a Boeing 747, including associated Air Safety Conference and dedication of the (former NTSB Chairman) Jim Burnett Monument along the trail to the crash site near top of mountain (near Uenomura Village, Japan; 08/11–12).

Briefings/tour, with FAA European Representatives, of the Air Accidents Investigation Branch (AAIB), U.K. Department of Transport, facilities; briefings by officials of Jetstream Aircraft Ltd. (British Aerospace), including Jetstream 31 & 41 cockpit orientation, and Airbus Industrie (Royal Aerospace Establishment, Farnborough, England; 09/08–10).

The Chicago Convention, that established the International Civil Aviation Organization (ICAO), 50th Anniversary Conference and Exhibition; and ICAO Council meeting (Chicago, IL; 10/30–11/01).

Fishing Vessels Expo 1994; (NTSB an exhibitor), and tour of factory trawler *S/T Alaska Ocean*; (Seattle, WA; 12/02–03).

1995

Southern California Safety Institute, Inc. & FAA Civil Aeromedical Institute's "12th Annual International Aircraft Cabin Safety Symposium" (Torrance, CA; 02/07–10).

Airline Safety Action Partnership (ASAP) Conference (Irving, TX; 05/25–26).

Tour/orientation of the new Denver International Airport, including demonstration of firefighting equipment (Snuzzle) at Firehouse No. 2 (Denver, CO; 06/07).

Tour/briefings, Transportation Technology Center, including HAZMAT training exercise (Pueblo, CO; 06/08).

Orientations/briefings, NASA Ames Research Center; including vertical-motion simulator session re: ongoing accident investigation of USAir Flight 427, a Boeing 737 (Moffett Field, CA; 07/13).

Tour/briefings, Bay Area Rapid Transit (BART) System, including the operations control center (Oakland, CA; 07/14).

Santa Fe Railway: tour of Barstow, CA switching yard and control center; rode freight-train locomotive down the Cajon Pass to San Bernadino re: ATSF/UP freight trains accident on 12/14/94; (Barstow to San Bernadino, CA; 07/17).

American President Lines: operations briefing; toured Los Angeles Harbor facility, observed containerized ship loading/unloading procedures, reviewed shipboard safety aboard the *M/V President Lincoln*; toured intermodal rail transfer facility (San Pedro & Los Angeles, CA; 07/18).

Tour/briefings, Los Angeles County Metropolitan Transit Authority; including the operations control center and the soon-to-be-opened green line; (Los Angeles, CA; 07/19).

Northwest Arkansas Regional Airport "Cloudbreaking;" met with Regional FAA and local airport officials (Benton & Washington Counties, AR; 08/10).

American Trucking Associations' Safety Management Council's National Truck Driving Championships (New Orleans, LA; 08/11-12).

Tour/briefings, Burlington Northern Railroad's Network Operations Center (Fort Worth, TX; 08/14).

10 Airports Council International—North America (ACI-NA) 4th Regional Conference; Airports Council International 5th World Assembly & Exhibition (Washington, DC; 09/11-13).

5th International Federation for Automatic Control (IFAC) Symposium on Automated Systems Based on Human Skill—Joint Design of Technology and Organization; including tour/briefings, new Berlin DFS Air Traffic Control Centre at Tempelhof Airport; participated in Discussion Group on "Aircraft and Air Traffic Control" (Berlin, Germany; 09/25-27).

Inter Airport '95; including Crash Fire Rescue Workshop ("Are Current ICAO Firefighting Media Requirements Realistic?") and firefighting demonstration by the Frankfurt Airport Fire Service (Frankfurt, Germany; 09/29).

Briefing/tour of New Terminal construction site, including ATC tower, Washington National Airport (Arlington, VA; 10/30).

Federal Transit Administration, Office of Safety & Security's "Fire/Life Safety Training Seminar," including emergency response training exercise to a simulated multi-modal MARTA accident (Atlanta, GA; 12/03).

1996

Southern California Safety Institute International's "13th Annual International Aircraft Cabin Safety Symposium" (San Diego, CA; 01/29-02/02).

Briefings/orientation at Biscayne Bay Pilots Station and on the bridge of the cruise ship *Royal Majesty*, in preparation for upcoming NTSB public forum on "integrated bridge systems" (Miami, FL, and Atlantic Ocean; 02/16).

Heli-Expo '96 and the 48th Annual Meeting, Helicopter Association International; flew McDonnell Douglas Explorer/600N Notar helicopter (N9082Z) (Dallas, TX; 02/22-24).

Orientation/briefing, NTSB rudder-system testing on a retired Boeing 737 in Boeing Commercial Airplane Group hangar at Boeing Field re: continuing accident investigation of USAir Flight 427 (Seattle, WA; 02/26).

Annual Assembly Meeting of the Radio Technical Commission for Maritime Services (San Diego, CA; 05/12-16).

Burlington Northern Santa Fe Railroad's Network Operations Center, technology update (Fort Worth, TX; 05/22).

Site visit/briefing, ValuJet Flight 592 ongoing wreckage recovery activities (Everglades near Miami, FL; 06/05).

Tour of airside operations at Miami International Airport (Miami, FL; 06/06).

Tour/briefing/ship simulator exercises, Marine Institute of Technology and Graduate Studies (Linthicum Heights, MD; 06/26).

Site visit/briefing, TWA Flight 800 ongoing wreckage documentation/layout activities in large Grumman hangar (Calverton, Long Island, NY; 08/02).

44th Annual EAA Fly-in Convention and Aviation Exhibition (NTSB an exhibitor); (Oshkosh, WI; 08/03-05).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (San Jose, CA; 10/17-19).

Airports Council International-North America (ACI-NA) 5th Regional Conference (San Diego, CA; 10/20-22).

Site visit/briefing, TWA Flight 800 accident ongoing wreckage reconstruction and other investigative activities (Calverton, Long Island, NY; 10/28).

American Airlines-Flight Training: Advanced Aircraft Maneuvering Program, ground school (Alexandria, VA; 11/04).

NTSB Public Hearing on ValuJet Flight 592, DC-9-32, accident in the Florida Everglades; all 110 on board fatal (Miami, FL; 11/18-19).

“Canadian National Crossing Accident & Trespassing Strategy” presentation at Canadian National Railway Company (CN) headquarters by CN Safety & Regulatory Affairs personnel (Montreal, Canada; 12/19).

1997

Heli-Expo 1997 and the 49th Annual Meeting, Helicopter Association International; participated in “Rotorcraft Roundtable” session (Anaheim, CA; 02/01-02).

Tour/briefing, Applied Research Laboratory at the Florida Institute of Technology’s Space Coast Center for Human Factors Research (Melbourne, FL; 02/28).

Allied Signal Aerospace: tour/briefing, flight recorder technology; in-flight demonstration of Enhanced GPWS (Ground Proximity Warning System) aboard Beech King Air (Redmond & Seattle-area, WA; 03/07).

Tour/briefing, San Diego Trolley system (San Diego, CA; 04/18).

Technical briefing/in-vehicle demonstration of the Automated Highway System (AHS) prototype project, by the National AHS Consortium (San Diego, CA; 04/22).

Met with the Secretary of State of Puerto Rico, Hon. Norma Burgos, at the Department of State re: NTSB Public Inquiry into the 11/21/96 fatal explosion in San Juan; accompanied Ms. Burgos to the accident site for orientation/briefing (San Juan, PR; 05/29-30).

System-safety briefing aboard BNSF (Burlington Northern Santa Fe Railroad) high-rail vehicle future high-speed rail corridor (Seattle, WA, to Vancouver, WA; 06/26).

Tour of Washington National Airport’s new terminal building, ATC tower, and TRACON facility (Arlington, VA; 07/11).

Tour/briefings, Naval Safety Center and airfield operations facilities at Naval Air Station Norfolk (Norfolk, VA; 07/17).

Tour/briefings, aboard the nuclear-propelled aircraft carrier *USS Dwight D. Eisenhower* (CVN-69), including an arrested landing (trap) onboard the carrier and a catapult launch from the carrier, both in a C2 (Atlantic Ocean; 07/17-18).

45th Annual EAA Fly-in Convention and Aviation Exhibition (NTSB an exhibitor) and NTSB Board Meeting (Oshkosh, WI; 07/31-08/01).

Tour/briefing, magnetic levitation (mag/lev) test facility of HSST Development Corporation (Nagoya, Japan; 08/08).

13th Anniversary Memorial Events and Ceremony of the 08/12/85 crash of JAL Flight 123, a Boeing 747, including Air Safety Panel Discussion (near Uenomura Village, Japan; 08/11-12).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (Orlando, FL; 10/23-25).

Rail safety briefing/tour in high-rail vehicle: Port Terminal Railroad (Houston, TX; 11/04).

Orientation/safety briefing of Houston port pilot operations in the Houston Ship Channel, aboard oil tankship *Corelli* (Houston to Galveston, TX; 11/07).

Briefing at FBI New York Headquarters on TWA Flight 800 investigation, followed by press conference (New York, NY; 11/18).

NTSB Public Hearing on TWA Flight 800, Boeing 747-131, accident on July 17, 1996 off the coast of Long Island, NY; all 230 on board fatal (Baltimore, MD; 12/08-11).

1998

Heli-Expo 1998 and the 50th Annual Meeting, Helicopter Association International (Anaheim, CA; 02/15-16).

NTSB Public Hearing on Korean Air Flight 801, Boeing 747-300, accident on August 6, 1997 in Agana, Guam; 228 of 254 on board fatal (Honolulu, HI; 03/24-26).

19th International Air Cargo Forum & Exposition (Paris, France); Bureau Enquetes Accidents (Le Bourget, France); Eurostar system (Paris to London); Maritime Rescue International (Stonehaven, Scotland); Montrose Fire & Emergency Training Centre (Montrose, Scotland); Total Oil Marine plc’s Alwyn North offshore platform (North Sea); Maritime and Coastguard Agency, and the Royal National Lifeboat Institution (Aberdeen, Scotland) (05/06-15).

Latin American Aeronautical Association Annual Convention and Exposition (Miami Beach, FL; 07/15-16).

46th Annual EAA Fly-in Convention and Aviation Exhibition (NTSB an exhibitor) (Oshkosh, WI; 7/30).

Airports Council International-North America (ACI-NA) 7th Regional Conference (Orlando, FL; 10/05).

Dedication of the new Northwest Arkansas Regional Airport (Highfill, AR; 11/06).

1999

Briefing aboard cruise ship *MS Ecstasy* of circumstances of the 07/20/98 fire, in preparation for chairing upcoming public hearing on the accident (Miami, FL; 01/08).

Briefing/"hands-on" operational demonstrations at Parker Aerospace re: USAir Flight 427 accident investigation (Irvine, CA; 01/13).

Briefing/tour, Pacific Harbor Line railroad (Ports of Los Angeles and Long Beach, CA; 01/15).

Led group of senior NTSB technical specialists to Airbus Industrie and Aerospatiale, for technical training; to ATR, for technical discussions re: ongoing NTSB investigations (flew ATR42 simulator) (Toulouse, France); to Bureau Enquetes Accidents, technical training (Le Bourget, France) (02/01-05).

Heli-Expo '99 and the 51st Annual Meeting, Helicopter Association International (Dallas, TX; 02/23).

NTSB Bar Association Mid-Year Meeting (Dallas, TX; 02/24).

Briefings/simulator exercises re: USAir Flight 427 accident investigation, Boeing Commercial Airplane Group (Everett, Renton and Seattle, WA; 03/03-04).

Follow-up to NTSB Public Hearing on *MS Ecstasy* fire re: Carnival Cruises' training programs at RTM Star Center maritime training facility (Dania, FL); 1999 cruise ship conference (Miami Beach, FL) (03/09-12).

EAA International Sport Aviation Convention (Lakeland, FL; 04/16).

Latin American Aeronautical Association Annual Convention and Exposition (Miami Beach, FL; 07/15-16).

Briefings/meetings, command post for on-scene investigation of EgyptAir Flight 990, Boeing 767-300ER, accident on October 31, 1999 near Nantucket Island, MA; all 217 onboard fatal (Quonset Point, RI; 11/01).

Via government aircraft (N1) from DCA (with Sec. of Transportation, FAA Administrator, Egypt's Ambassador and others) to EgyptAir Flight 990 accident memorial service (Brenton Point State Park, RI; 11/07).

2000

Briefing, tour of terminal facilities, United Airlines ground safety program at Los Angeles International Airport (Los Angeles, CA; 01/10).

Briefing at Crane Co./Hydro-Aire Division re: continuing investigation of TWA Flight 800 accident (Burbank, CA, 01/10).

Inspection of wreckage from the August 1999 China Airlines MD-11 accident at Hong Kong International Airport, Boeing Commercial Airplane Group (Long Beach, CA; 01/11).

Aviation Safety Alliance Legislative & Executive Seminar (Miami, FL; 01/13-15).

Heli-Expo 2000 and the 52nd Annual Meeting, Helicopter Association International (Las Vegas, NV; 01/23-26).

Florida International Aero Expo (Miami, FL; 02/13).

Cruise ship inaugural activities; RTM Star Center maritime training facility (Ft. Lauderdale and Dania, FL; 02/15-16).

Briefing/tour, Wings Aviation Services re: proposed Safety Recommendation from investigation of uncontained turbine engine failure (Miami, FL; 04/12).

Transportation Safety Roundtable Discussion with U.S. Dept. of Transportation Secretary Slater (Little Rock, AR; 05/01).

Briefing, Ride the Ducks re: Safety Recommendation M-00-5 (Branson, MO; 05/19).

Briefing/tour, Trig Aerospace re: ongoing investigation of Alaska Airlines Flight 261 accident (Santa Ana, CA; 06/05).

Inspection of Alaska Airlines Flight 261 wreckage (Port Hueneme, CA; 06/06).

NTSB Bar Association Eastern Region Meeting (Howard Beach, NY; 06/08).

Briefing/tour, Boston Duck Tours re: Safety Recommendation M-00-5 (Boston, MA; 06/09).

Site visit to The Admiral re: ongoing accident investigation of the near breakaway of the moored vessel by drifting barges on 04/04/98; briefing by The Admiral and U.S. Coast Guard personnel (St. Louis, MO; 06/16).

Rail safety inspection trip aboard Burlington Northern Santa Fe intermodal freight train Z-CHCSSE2-11 (Shelby, MT to Seattle, WA; 07/13-14).

Briefing/discussion with Alaska Airlines senior management re: ongoing investigation of Alaska Airlines Flight 261 accident (Seattle, WA; 07/14).

Safety briefing and hands-on demonstration of new off-throttle steering system for Kawasaki personal watercraft, in response to NTSB Safety Recommendation M-98-85 (Lake Mead, NV; 09/18).

Airports Council International-North America's 9th Annual Conference and Exhibition (New York, NY; 10/01-03).

NASA STS-92 Mission: 100th Space Shuttle launch, including briefings (Kennedy Space Center, FL; 10/04-05, 10-11).

Alaska Airlines Base Maintenance Facility: observed MD-83 undergoing a C-check (in particular, the end-play check and lubrication process of the horizontal stabilizer's jackscrew assembly), in preparation for chairing public hearing on Alaska Airlines flight 261 accident (Oakland, CA; 10/18).

Alaska Airlines line-maintenance night operations at San Francisco International Airport re: upcoming public hearing (San Francisco, CA; 10/19).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (Long Beach, CA; 10/21-22).

Landing of Space Shuttle Discovery, NASA STS-92 Mission (Edwards Air Force Base, CA; 10/24).

Aviation Safety Alliance "Aviation Safety and Severe Weather Conditions" seminar; site visit to Bombardier Regional Jet Manufacturing Facility (Montreal, Canada; 11/02-03).

2001

Alaska Airlines Flight 261 accident memorial service—gave remarks (Naval Air Station Point Mugu, CA; 01/31).

U.S. Coast Guard commissioning ceremony, Cutter *Blacktip*, 87-Foot Coastal Patrol Boat (Port Hueneme, CA; 02/01).

Briefing, Angels Flight funicular railway accident site; 1 fatal on 02/01/01 (Los Angeles, CA; 02/02).

Meeting with Mr. Robert J. Gilliland, SR-71A Lockheed Skunk Works First Flight Test Pilot (Burbank, CA; 02/09).

2001 cruise ship conference; met with Executive Committee, International Council of Cruise Lines (Miami Beach, FL; 03/06-08).

Briefings/U.S. Coast Guard Group Key West and U.S. Coast Guard Station Key West (Key West, FL; 03/09).

Briefings/American Airlines Maintenance and Engineering Center re: ongoing investigation (Tulsa, OK; 04/12).

Briefing/vessel inspection, Ride the Ducks re: ongoing investigation (Branson, MO; 04/12-13).

Briefing/Boston Duck Tours maintenance facility re: ongoing investigation (Boston, MA; 06/01).

Briefings/FedEx Express re: upcoming air cargo public hearing (Memphis, TN; 06/14).

Briefing/vessel inspection, Ride the Ducks re: ongoing investigation (Branson, MO; 06/16).

Briefing/Alaska Airlines headquarters re: ongoing investigation (Seattle, WA; 06/28).

Briefing/The Boeing Company re: ongoing investigations (Seattle, WA; 06/28).

Special Assistant to the Chairman/Board Member

April 1985-June 1991. Duties: Acted as conduit for information-flow between Chairman and staff regarding matters internal and external to Agency, including: accident notifications (round-the-clock); status reports of investigations; briefings on safety situations of special concern.

Directed staff concerning Chairman's opinions, comments and recommendations for action in safety matters affecting all modes of transportation.

Represented and served as intermediary for Chairman at meetings, conferences, investigations, and functions.

Reviewed investigative reports, special studies, safety information and procedures, and advised the Chairman on these subjects for recommended actions.

Prepared correspondence, briefing material, and speeches for Chairman.

Attended Chairman's meetings with staff, and with representatives of other agencies and industry.

NTSB Experience as Special Assistant

Go-Team Launches

1985

05/15-17; Derailment of NYCTA subway train; Brooklyn, NY.

09/06-10; Midwest Express Airlines Flight 105, DC-9-14 crash, all 31 on board fatal; Milwaukee, WI.

09/29-30; Cessna 208 crash; all 17 on board fatal; Jenkinsburg, GA.

11/11-14; Midair collision of Falcon DA50 and Piper PA28; 6 fatal (including 1 on the ground); Fairview, NJ.

1986

02/21–24; Texas Eastern Gas Pipeline Co. rupture and fire; Lancaster, KY.
05/30–06/02; Intercity Tour Bus loss of control and rollover into West Walker River; 21 fatal, 20 injured; Walker, CA.

1987

02/06–10; Capsizing, U.S. Charter fishing vessel *Fish-N-Fool*; San Diego, CA.
11/16–22; Continental Airlines Flight 1713, DC–9–14 crash; 28 fatal, 54 survivors; Denver, CO.

1988

05/16; Piper PA28 non-fatal crash (Anchorage Field Office investigation); Wasilla, AK.

05/26; Gates Learjet 35A crash (“field major” investigation); W. Patterson, NJ.

1989

02/27–03/02; CSX train derailment of butane cars, release/fire of butane gas and evacuation of area residents; Akron, OH.

07/19–22; United Airlines Flight 232, DC–10 crash; 111 fatal, 185 survivors; Sioux City, IA.

07/23–25; CSX train derailment with release/fire of hazardous materials; Free-land, MI.

1991

02/02–11; Runway collision of USAir Flight 1493, Boeing 737 and Skywest Flight 5569, Fairchild Metroliner, LAX Airport; 34 fatal, 67 survivors; Los Angeles, CA.

04/12–13; Amtrak lite engine consist collision with Conrail coal train; Chase, MD.

Public Hearings

1985

07/16–19; Collapse of U.S. Highway 43 Chickasawbogue bridge spans near Mobile, AL; Atlanta, GA.

10/28–11/01; Delta Airlines Flight 191, Lockheed L1011–385–1 crash at DFW Airport; 134 fatal, 29 survivors; Irving, TX.

1986

02/05–07; Henson Airlines Flight 1517, Beech B99 crash at Grottoes, VA; all 14 on board fatal; Harrisonburg, VA.

02/10–13; Northwest Utilities Service Co. natural gas explosion and fire, Derby, CT; Waterbury, CT.

02/18–21; Midwest Express Airlines Flight 105, DC–9–14 crash; Milwaukee, WI.
04/30–05/02; Texas Eastern Gas Pipeline Co. rupture/fire; Danville, KY.

12/02–05; Midair Collision of Aeronaves De Mexico, S.A., DC–9–32 and Piper PA 28 at Cerritos, CA; 82 fatal (including 15 on the ground); Los Angeles, CA.

1988

06/22–24 & 10/04; Engine room fire and loss of propulsion, cruise ship *Scandinavian Star* in the Gulf of Mexico; Miami, FL.

11/29–12/02; Delta Airlines Flight 1141, Boeing 727–200 crash at DFW airport; 14 fatal, 94 survivors; Irving, TX.

1989

06/26–29; CSX train derailment of butane tank cars, with release and fire of butane; Cleveland, OH.

1991

03/18–22; Northwest Airlines Flights 1482 (DC–9) and 299 (Boeing 727) runway incursion and collision, Detroit Metropolitan/Wayne County Airport; 8 fatal (all on board the DC–9); Detroit, MI.

NTSB Formal Training

1985

05/06–08; Survival Factors Training Seminar; Washington, DC.

1986

03/10–21; NTSB Accident Investigation School: Aviation Accident Investigation Course; Oklahoma City, OK.

09/17, 24; & 10/01; Report Writing for Managers Seminar; Washington, DC.

1987

06/17–19; Human Performance Seminar; Arlington, VA.

1989

01/12; Aviation Go-Team Investigator-in-Charge (IIC) and Group Chairman Training; Arlington, VA.

1990

03/07–08; Major Aviation Accident Investigation Procedures and Coordination (re: Airbus Industries Products) Training; Arlington, VA.

Other Formal Training

1989

02/21–04/11; FAA Flying Club Private Pilot Ground School; Washington, DC.
10/23–27; Hazardous Materials Advisory Council (HMAC) and Government Services Institute (GSI) “Transportation of Hazardous Materials and Dangerous Goods” basic course; Orlando, FL.

Represented the NTSB at the Following:

1985

19th Annual International Aviation Snow Symposium (Allentown, PA; 04/30–05/01).

Tour/briefing, FAA’s Washington Air Route Traffic Control Center (Leesburg, VA) and the new automated Flight Service Station at Leesburg; tour/briefing of control tower at Dulles International Airport.

Tour/briefing, U.S. Coast Guard’s National Response Center (Washington, DC).
Motor Vehicle Manufacturers Association & Western Highway Institute Industry/Government Motor Truck Research Symposium (Williamsburg, VA; 08/27–28).

1986

University of Southern California’s Institute of Safety and Systems Management’s “Drug Impact in Aviation Environment: Forum ’86” (Los Angeles, CA; 05/06–08).

International Northwest Aviation Council’s Aviation Safety Seminar (Whistler, British Columbia, Canada; 08/27–30).

Tour/briefing, General Motors assembly plant and Proving Grounds (Pontiac, MI; 10/02–03).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (San Antonio, TX; 10/29–11/01).

American Association of Airport Executives & FAA’s “Airport Safety Seminar” (Mesa, AZ; 11/03–04).

Tour/briefing, American Airlines headquarters, and Simuflight Corporation headquarters (Fort Worth, TX; 12/10–11).

Tour/briefing, NASA’s Kennedy Space Center, the NTSB’s reconstruction of the Space Shuttle Challenger wreckage, and launch facilities (Kennedy Space Center, FL; 12/12).

1987

Smithsonian Institution Seminar “Aviation Since WW II” (Washington, DC area; Patuxent Naval Air Test Center, MD; 01/11–17).

University of Southern California’s Institute of Safety and Systems Management’s “4th Annual International Aircraft Cabin Safety Symposium” (Las Vegas, NV; 03/02–06).

Tour/briefing, Bell Helicopter Textron Inc. headquarters (Ft. Worth, TX; 07/01).

FAA’s HOST Computer dedication at Houston AirRoute Traffic Control Center (Houston, TX; 07/27).

Allied Pilots Association’s “Airline Pilot Dialogue 1987” seminar (DFW Airport, TX; 07/29).

14th Annual Virginia Aviation Conference (Richmond, VA; 08/20).

Tour/briefing, Denver’s Stapleton Airport & Control Tower, the Doppler weather radar facility at nearby Buckley Field, and the National Weather Service (NWS) Facility at Stapleton. Outside the NWS Facility, observed actual microburst on airfield which was documented by photo (Denver, CO; 09/02).

Air Transport Association’s “Engineering and Maintenance Forum” (Cincinnati, OH; 09/30)

Tour/briefing, General Electric’s Aircraft Engine plant (Evendale, OH; 10/01).

Air Transport Association’s “1987 Airline Operations Forum” (Annapolis, MD; 10/19–20).

National Association for Pupil Transportation (School Bus) Annual Conference (Norfolk, VA; 11/02).

1988

Tour/briefing, Piper Aircraft Corporation headquarters and training center (Vero Beach, FL; 01/28).

FAA's Aviation Safety-Education Seminar (La Grange, IL; 01/30).
 Southern California Safety Institute, Inc. & FAA's "5th Annual International Aircraft Cabin Safety Symposium." Participated in live demonstration ("in the water") of survival equipment and wet ditching procedures (Oakland, CA; 02/22-25).

Safety and Health Council of Greater Omaha's "Expo 1988." Tour of Union Pacific Railroad's headquarters (Omaha, NE; 03/23-24).

22nd Annual International Aviation Snow Symposium (Buffalo, NY; 04/24-25).

FAA's "Second Annual Aviation Education Super Safety Seminar" (San Jose, CA; 05/07).

Tour/briefings/ship simulator training exercises, U.S. Merchant Marine Academy (Kings Point, NY; 05/25-26).

1989

Southern California Safety Institute, Inc. & FAA's "6th Annual International Aircraft Cabin Safety Symposium." Participated in live demonstration of survival equipment, wet ditching procedures, and ocean rescue by helicopter (Long Beach, CA; 01/23-26).

Hearing of the Standing Committee on Transport, Parliament's House of Commons (Ottawa, Ontario, Canada; 05/30).

Visit to the Canadian Aviation Safety Board (Hull, Quebec, Canada; 05/30).

"Hands-on" demonstration/briefing of the Saab (runway) Friction Tester (Dulles International Airport; 06/23).

Aircraft Owners and Pilots Association (AOPA) Annual Convention and Industry Exhibit (Orlando, FL; 10/18-21).

1990

Southern California Safety Institute, Inc. & FAA's "7th Annual International Aircraft Cabin Safety Symposium" (Napa, CA; 01/22-25).

Commercial Vehicle Safety Alliance 1990 Spring Conference (Charleston, SC; 04/23).

Liverpool and London P&I's Second International Conference, ship safety (Sliema, Malta; 04/24-26).

Paralysis Society of America's 6th "Access to the Skies" Conference (Phoenix, AZ; 09/09-11).

1991

Southern California Safety Institute, Inc. "8th Annual International Aircraft Cabin Safety Symposium" (Costa Mesa, CA; 02/06-07).

The CHAIRMAN. Mr. Hammerschmidt, thank you very much.

All four of you would actually be rendered unfit for Senate service, given the brevity of your statements, but frankly, we appreciate it. I have a number of questions. Let me begin, I will not go on at great length.

First, Dr. Runge. You and I had a chance to have a rather lengthy visit in my office, and I asked you, you know, do you want to assume this office for the purpose of being aggressive? Do you want to assume office for the sake of holding office, or do you want to grab this office and do good things with it. I told you that I, like many Americans, have lost a loved one to drunk driving and have spent a great deal of time worried about highway safety and drunk driving issues and so on. You told me that you wanted to come here with a mission to really get things done and accomplish some good things in these areas. Would you describe that for me publicly?

Dr. RUNGE. Yes, sir. I will be happy to. This is a mission for me. This decision to come to Washington was done at not only great personal sacrifice, but it also meant uprooting two teenage children from a very comfortable home in North Carolina. The opportunity to be at NHTSA is the chance to affect the globe, quite frankly.

When you have had the unfortunate opportunity to hold the hand of a grieving mother, it makes me realize that there is absolutely nothing more important than getting ahold of this epidemic of a crash injury. As an example, you mentioned impaired driving.

I think our Nation has to take a good, long hard look at itself with respect to this epidemic, quite frankly. Losing nearly 17,000 people per year to alcohol-related motor vehicle injury is just obscene, and I think it will take leadership, strong and unswerving leadership, to bring about a cultural change that will cause impaired driving as an example to become not something that we simply wink and nod at, and do if we can get away with it, but something that is absolutely culturally taboo in our society.

The CHAIRMAN. Dr. Runge, I passed a piece of legislation here in the Congress. It is now federal law, that requires all states to prohibit open containers of alcohol in vehicles. Eighteen states have yet to comply. Unforgivably, there are a few states remaining in this country in which you can put one hand on the key and put it in the ignition to start the engine and you can put the other hand around the neck of a bottle of Jim Beam and you can drink whisky and drive off and you are perfectly legal. It is unforgivable that should the case anywhere in this country and if someone thinks it is heavy-handed for us to believe that no intersection in America should be an intersection where you meet someone who is drinking and driving legally, then it is a heavy-handed suggestion, but I fully intend to pursue this. We have a law that apparently has penalties that are not significant enough because there are 18 states that have not complied with the prohibition of open containers of alcohol. I hope that you will work with me to convince the states that is the important thing to do. It is the law. If we need to tighten the penalties, that is something we should do together.

Dr. RUNGE. Yes, sir. I would be more than happy to work with you on that issue. As you know, NHTSA is prevented from directly lobbying states and providing information. I would appreciate that.

The CHAIRMAN. Just one additional question for you, Dr. Runge. You are subject in that position to a lot of very powerful influences back and forth. Some child is dead because someone has a product that is unsafe. Tread separates on tires and it does it again and again and again and again at 150 times. And someone says we need to step in and do something here. We need to call attention to this. There are powerful influences that want agencies to step aside, let us study, and let us think. Again, I am hoping that you will be an aggressive advocate for using this office for the purpose for which it was created.

Dr. RUNGE. Thank you, sir.

The CHAIRMAN. Let me say again, I am pleased to support your nomination. I think President Bush has chosen well. Let me, in the few minutes I have remaining, ask additional questions.

Mr. Hammerschmidt, you have, I think, served this country well. I had the privilege of serving with your father when he was a Member of the U.S. House of Representatives, and both he and you have provided great service to this country, and I have great respect for you, and I am pleased to support your nomination. Mr. Wolff, we have something called CAMS [Commerce Administrative Management Systems], I believe over in the Commerce Department. It is one of these, it appears to be almost bottomless pits that consumes a great deal of money and produces very little for it. We have these in other areas. The Internal Revenue Service is one. The FAA is another, where we put together all these programs,

spend a lot of money and do not get what we expect. What's your assessment about that? What are we going to do about that?

Mr. WOLFF. Senator, indeed it is consuming an awful lot of resources both in terms of money, people, and time. CAMS was procured as a COTTS system in 1994 through Andersen Consulting, and the subsidiary Reltech or subcontractor Reltech. I am not saying it was the wrong decision at the time. I wasn't there to make those decisions, but I do know that the product that was delivered by the subcontractor was imperfect. It had some flaws, and I think there were some management problems attendant to the implementation of the system. I have gotten into it. I have been briefed several times on it. I am still in the middle of sorting through what we need to do, and I pledge to work with this Committee on putting a good financial system into the Department of Commerce.

The CHAIRMAN. Mr. Wolff, you have had experience, I believe, both in the Commerce, in the Commerce Department previously, now back to the Commerce Department, and I am pleased to support your nomination and hope that you will work closely with us in a range of issues.

Let me ask a final question of Ms. Victory, if I might. The post that you assume is going to be very important. NTIA is a very important post. Let me harken back to Larry Irving, who I work closely with. Every time the FCC attempted to talk about lifting ownership limits on radio and television stations, Larry Irving, as the head of the NTIA, was aggressively filing missives over at the FCC on behalf of his Administration, of course, to urge the Commission not to liberalize ownership limits. I happen to have agreed very strongly. I think it is very important to do. I will not ask you specifically about your views about that. I do want to meet with you and talk to you about that at some point. But are you intending to be an activist over there in grabbing some of these issues? My intention is that NTIA is a very important post that needs a very activist administrator at this point. Tell me how you view that role and what your intentions are?

Ms. VICTORY. Well, I do agree. I hope that I get an opportunity to be an activist over there. I think this is an extremely important time for the telecommunications industry. The importance of the telecom information industry to our country and in terms of the economic growth of our country is extremely significant, and with new technological developments arising every day, we certainly want to make sure that they are deployed to all Americans as quickly as possible, and as effectively and efficiently as possible so that they can participate and ensure that we remain a leader.

There are a number of issues that are teed up initially for me to get involved in. I think the big one is the spectrum issue. We are increasingly seeing more and more uses for the wireless spectrum, and unfortunately, it is a finite resource. On the positive side, there are always spectrum efficient technologies being deployed, but once you already have uses of the band, you have quite a complex question of how do you get these new uses into play when there are already uses in the spectrum.

One of the things I hope to take a look at is the spectrum allocation process. Are there ways to make it more efficient and effective?

Are there ways to increase our effectiveness on the international arena in terms of being able to advance national interest.

On the broadband side, as well, I know that is another issue that is teed up. I am a believer of the goals of the Telecom Act of 1996 in terms of competition being the best way of ensuring that services are deployed, however, there may be areas such as rural areas where a little extra attention may be warranted, and I know there are several legislative proposals and certain other options that people are considering for purposes of helping to spur that. Those are things that I hope to look at and hope to talk to you all about if I am confirmed.

The CHAIRMAN. With the indulgence of my colleagues, the one last question I will ask, Ms. Victory, I ask I think for your benefit, because I think it should be asked here.

You have worked with the Office of Government Ethics, I think, to deal with the potential questions of conflict of interest inasmuch you have represented telecommunications firms, and I believe your husband has as well, and because questions have been raised about it, I informed you before the hearing that I was going to ask you simply to respond to the question of how you have worked with the Office of Government Ethics so that you are able to resolve the questions. I notice there was, I think, a *Wall Street Journal* story today about that subject, so I think it would benefit the Committee. I intend to support your nomination, but I think for your benefit and the Committee's benefit, it is important for you to address that.

Ms. VICTORY. Well, I do welcome the question. I do appreciate the opportunity to respond to the article and to be able to make statements in correcting certain information in it. I take ethics and the conflict of interest rules extremely seriously and that is why as part of this nominations process very early in the process, I sat down with the Office of Government Ethics with the General Counsel's office at the Department of Commerce and with the ethics folks in the White House Counsel's office as well, and I went through in detail with them my personal assets, my personal business relationships, my husband's personal assets, his personal business relationships. Based on those very detailed discussions, those ethics experts made certain suggestions as to what we should do in order to avoid a conflict of interest.

I have either implemented or promised to implement all of those directives from those ethics experts. I know that the article this morning mentioned that I do own some stock in telecommunications companies. The three companies that are mentioned, I no longer own that stock. I actually sold it quite a while ago. To the extent there are any other stocks that I need to sell, I have made a commitment to sell those either immediately prior to, or immediately after I am confirmed in order to take care of that problem.

Further, I went through with the ethics experts whether or not I would need to be recused from too significant a number of matters, and we went through a list of NTIA matters that the Assistant Secretary would typically work on and looked at those based upon our assets and business relationships. Based upon that discussion, we have only been able to identify one matter in which I might need to be recused absent a waiver. That matter is not 3G,

so it would seem to me that there would not be a significant block in moving forward. This is an issue that I am very, very sensitive to, something that I will have to have a continuing dialog with the ethics experts about the types of concerns that were raised in the *Wall Street Journal* article this morning. I think I can address those.

The CHAIRMAN. Would you submit to the Committee information on the matter that you would be required to recuse yourself on so that we have that information prior to tomorrow?

Ms. VICTORY. I can tell you right now, it would be the ultra wideband proceeding, looking at the deployment of ultra wideband services.

The CHAIRMAN. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman. My only questions are to Ms. Victory. You actually answered some of the questions, or addressed some of the questions I was going to ask you questions about. The one is broadband. The other is 3G. Let me follow up a little more with it and see, if you are willing. You may feel it is not appropriate to comment at this time. But on the broadband deployment, I know the concern of the two Senators here, Chairman Dorgan and Senator Burns, as far as getting broadband, especially to rural areas. As my good friend, Senator Burns will say, there is a lot of dirt to dig if you are using fiber-optics as a way of doing it. I am a co-sponsor of Senator Rockefeller's bill, S. 88, which is a broadband tax credit for deployment. What would your view be of making it more, let us say technology neutral, in that the incentives are there as well for wireless, which may be a more practical way of getting broadband capabilities to rural areas and mountain hollers and so forth?

Ms. VICTORY. Well, as I mentioned, I do agree that looking at how to speed deployment of broadband to rural areas, and even some suburban areas, because I can't get it out in my suburb either, is definitely a goal that I will be looking at. There are a number of legislative proposals, including the one that you mentioned. I don't believe at this time the Administration has taken a position on any of the legislative proposals yet. At this time, I do not have a personal view, but I do agree with you that any, any incentives that we decide are necessary should be technology neutral.

One of the wonders of the telecommunications industry is there often is not just one way to provide a service, and if there is one way, it is not one way for long, because technology continues to develop. So I very much agree with you that whatever, whatever incentives are pursued should be technology neutral, and that is something that I, if confirmed, hope to dive into right away and take a look at what are the best options for doing so.

Senator ALLEN. Thank you. I do suspect that fiber will be important, and wireless will be, as well as satellite, in that mix. On the issue that everyone is talking about, 3G, we all know that this is the next step. It will be very, very important. However, there is a great deal of concern about the timing of this, when it should go forward, and obviously in some regards, depending upon which part of the spectrum is allocated, national security matters as well.

At this point, would you be willing to identify the most promising chunks of the 1755 to 1850 megahertz spectrum that could be available in the short term for commercial 3G use?

Ms. VICTORY. That is a loaded question.

Senator ALLEN. It sure is. I did phrase it, would you be willing to?

Ms. VICTORY. This is an inordinately complex question, and one where there are tremendous emotions on all sides, understandably, but there are very significant concerns at stake. I think my goal in this process at this time, I don't think I could identify for you what is the best option, what are the most likely bands for 3G or to reallocate certain bands from government use over to commercial use.

I think my role in this whole debate is going to be trying to create a climate where the parties are engaged in a constructive dialog in the spirit of accommodation. There are valid concerns on both sides. I think, I want to set up a process where we really can get to what are the real concerns. What are the real problems? There are a lot of options that have been presented. Each option carried with it certain pitfalls, certain timeframes in terms of viability, and what I would hope to do is to participate and help to set up a process where we can go through the options that have been identified so far, go through perhaps some additional options, being a little bit creative and trying to take a real assessment of what costs are involved, what, what spectrum can some of these uses be reallocated for? Could some of them potentially be relocated to existing commercial uses or cannot they? Or cannot they be relocated at all? And what are the timeframes for doing so? And then after we identify those things, we can make an honest assessment as to what is the most viable option in the timeframes if the folks need it. But the most important thing is it is got to be a conversation with all of the sides coming to the table in the hopes of resolving this issue cooperatively, and that is what I will be trying to foster.

Senator ALLEN. That seems like a reasonable strategic plan. Hopefully you will be able to do it. Now, in the short term, there is going to be an auction, or there may be an auction on the 1710 to 1755 megahertz chunk of the spectrum to release that. There is an auction at least for this moment set for 2002. There was discussion about waiting on that with concerns that many in the commercial industry are not ready to utilize it, but others will say gosh, we have to get involved in it, otherwise we will be left out whenever that arises. What is your, if you do have a view, or if the Administration has a view, on the timing of that auction?

Ms. VICTORY. I do not know if the Administration has expressed a formal view on that. Clearly with respect to getting back into the, back to the table on 3G, that process should occur long before that date and perhaps there should be some answers so we know what direction to go on that auction date, but at this point, I cannot give you a specific answer on that.

Senator ALLEN. That is going to be probably one of the first decisions working with Dr. Powell, but you'll all have to determine, I believe, on that issue. I have no further questions, Mr. Chairman.

Thank you for your eloquent knowledgeable answers. I look forward to voting for your confirmation.

The CHAIRMAN. Senator Burns.

Senator BURNS. Thank you very much, Mr. Chairman. I just have one question, I guess, of Ms. Victory. It is pretty obvious from yesterday when we had the hearing on spectrum that we are not using the spectrum that we have allocated now that is already in use efficiently. In other words, there are new technologies that would allow us to do a lot more with the spectrum that has already been allocated. Do you have a feeling toward that?

Ms. VICTORY. One of the things I would certainly like to look at is whether there are certain incentives that we could implement that would encourage existing licensees of the spectrum to implement more spectrum efficient technology. I do not know what those mechanisms will be at this time. But I do agree with you that once licensees are given their spectrum, as long as they meet certain buildout requirements, pretty much it is theirs, and I think that you do need to try to figure out what are some of the incentives we can use in order to encourage licensees to implement new technology that would allow them to provide perhaps the same services in half the bandwidth that they are currently using. With spectrum efficient technologies increasingly being developed, I think those sorts of incentives do need to be in place, and I am going to look forward to trying to discover what they might be.

Senator BURNS. Well, it will always be obvious that the industry will always say we need more spectrum, we need more spectrum. There will always be a demand for more spectrum. Whenever we start down this road of trying to pass any kind of legislation that deals with management of that spectrum, if you think there was a lot of moving parts in the 1996 Act, you wait until we start down this road of performing this. There will be a lot of moving parts. And I would suggest that, I think the role that you will play as the liaison between Congress and the Administration, or putting forth the Administration's approach to how they would like to see their policies with regard to telecommunications. The FCC, you have two different roles, I think, and now we have heard suggestions that we should, some of the functions, they should be put together and function together—NTIA and FCC.

I am not one of those. I think your function is primarily in the area of policy and how the Administration views telecommunications and where you want it to go. It was fairly obvious yesterday that if we do not allocate more spectrum, then the technologies to use the present spectrum—in other words, putting a lot more in a bushel basket than just a bushel—that those technologies will continue to be developed. That is what I drew from the hearing yesterday.

Now I am just going to ask you, what do you think the wireless industry will look like in 5 years, in 10 years from now? What kind of a vision do you see the role that it plays and can you, not right now, but I would say our next visit, advise us on how we can get there?

Ms. VICTORY. Senator, I knew what the wireless industry, if I was confident what the wireless industry would look like in 5

years, I don't think I would be applying for this post. I think I would be investing in the stock market. It is hard to tell.

One of the problems with trying to have a long-range planning process in the spectrum allocation process is you do not know what technology is going to develop tomorrow, and you certainly do not know what consumers are going to want. You know I think one of the great things or one of the good ways to try to figure out what consumers might be using a couple of years is look at what the kids are doing now. I am always amazed with my stepkids as to how they are using technology. They are using it in ways that I would not have even imagined, and that tends to be what adults will pick up on then in a couple of years. We seem to be a little bit behind them.

I think the uses are going to be much, many more capabilities through wireless handsets. Of course, it will be constrained by the spectrum that is available and that is why I think some of the policies that NTIA will be working with at the FCC are critically important. But I do think that we are going to be having much, much more information going to wireless handsets. They are going to be much more ubiquitous, service is going to be better and hopefully more capabilities. But it is very, very hard to predict just because the technology develops so quickly, and the whims of the consumer changes very, very fast as well.

Senator BURNS. Dr. Runge, I think you are taking over a very important post, and I appreciate you coming by the office and visiting. I just want to tell you that we have all had our experiences in an emergency room, and so I am very aware of your work, and the importance of your work, and also the importance of your vision of what you are taking on here. Mr. Wolff and Mr. Hammerschmidt, of course, I know Mr. Hammerschmidt's father, too, and so we welcome you all to public service.

We are very fortunate in this country to have people who are willing to go through and jump through all of these hoops, fill out all this damnable paperwork. I wouldn't do it. And I just head back for the hills and this is the last time you would ever see this old cowboy. I would be gone.

But nonetheless, it proves to me that there are people who sincerely want to serve this country. And have an idea, and a vision of where we want to go, and I applaud you for that because it is a work—it is a labor of love. It is not a labor—you are not going to get rich. I will tell you that. And so we welcome you here. I plan to support all four of these nominees. Thank you, Mr. Chairman, for this hearing today.

The CHAIRMAN. Thank you very much. Just two additional questions. Dr. Runge, as you know, as part of the TREAD Act, NHTSA was given some very substantial tasks, and I think there are upwards of a dozen rulemaking processes going on. Some of them are very large undertakings, tire pressure. I think the tire pressure rulemaking was just released, but tire standards, rollovers and others. If you need more resources, are you committed to moving forward on all these fronts, and if you need more resources, will you come to us for more resources?

Dr. RUNGE. Yes, sir. I am not sure I have ever been asked that question before.

Senator BURNS. Well, you just were.

Dr. RUNGE. Thank you very much. I will say that I have been briefed to the extent that the agency is very proud that they are on time with all of the rulemaking for TREAD, and, should I be confirmed, I will keep you very much informed of that, and yes, I will be back.

The CHAIRMAN. We have asked that question because a lot of rulemakings are under way. We are all aware of the substantial controversy dealing with the tire issues. And you know, substantial number of deaths are involved in those issues. I think that it requires very aggressive action on the part of the agency, and it is an agency that is critically important at this point. There is a lot to do. I am just asking that you be active and aggressive.

I would hope that we would not see slippage of the rulemakings because we are told that resources do not exist to do that. It seems to me in that circumstance, we would want to go into the larger industry and move resources around. That is my point.

Second, Ms. Victory, you indicated that you are unable to get broadband DSL at your home. Did I hear you say that?

Ms. VICTORY. I did.

Senator BURNS. I can't either.

The CHAIRMAN. Let me ask you, why are you unable, in your judgment, to get broadband or DSL broadband service in your home? You live in a suburb of Washington, DC?

Ms. VICTORY. Well, I live in a fairly rural suburb. I live out in Great Falls, Virginia. My understanding is because of the rural nature, and because we are so far from a central office at this point, it is unable to be deployed.

The CHAIRMAN. Who told you that?

Ms. VICTORY. I have tried to see if the service was available. The service was not available when I inquired about it some months ago.

The CHAIRMAN. Did it make you angry?

Ms. VICTORY. It would make life easier for me if I was able to obtain the service. Yes.

The CHAIRMAN. Were you just a little upset?

Ms. VICTORY. I guess it saved me some money.

The CHAIRMAN. The reason I am asking you this question, I think this is the bull's eye of some policy issues dealing with the job that you aspire to have, and I will tell you that if you lived in Minot, North Dakota, today, no matter where you lived in that city or outlining rural areas, including small towns, you would have that service from Source River Telephone Company. Now why? Because that telephone company bought from the old Northern States Power, the telephone system, and it is a co-op and it decided that it was going to make broadband universally available to its entire service system. It has done that. Senator Burns lives in a suburb of Washington, DC.

Senator BURNS. Three miles.

The CHAIRMAN. And does not have broadband. Why doesn't Senator Burns have broadband? Because the provider that normally would do that has simply decided they are not going to do it. And he does not, I assume, have competition for his local service. I assume nobody is knocking on his door saying we have got a deal for

you. You have got a monopoly of local service, and we have competition. No competition, monopoly service, no buildout of DSL, because they designed not to do so.

Senator BURNS. No. If the Senator would yield, I just got this last week, got a little flyer and I have been poking around and looking for it. I have got a wireless provider now where we live down there. We live in a low-rent, high-crime area down here.

Senator ALLEN. It is in the District.

Senator BURNS. No. It is in Virginia.

Senator ALLEN. No. It is not. I normally like your stories. This one is too tall.

Senator BURNS. There is some wireless services that are coming in now, are being deployed, and we are going to look into those situations, but there is some competition coming, and now, when it wakes up the local loop guy, I do not know. But sometimes they just never wake up.

The CHAIRMAN. You sound like Reverend Mike talking about the sweet by and by here. The service is coming. The reason I asked the question is because you and Ms. Victory and I and virtually everyone else are subject to the whims of an incumbent carrier who decides whether they will or will not build out DSL. There are many areas of this country where you ought to have DSL service, they say we are not going to do that. You have a digital divide. Some of the digital divide is in America's cities. Most likely it is in the far rural reaches. And the bull's eye of public policy in my judgment for you in a wide range of areas is to make sure we have communications capability in this country that are universal, and that includes not just a telephone, but it includes advanced services which we wrote in the 1996 Act. The only way that is going to happen is if it is supported by the universal service fund if the FCC is capped contrary to the law we wrote, Senator Burns and I, and others actually helped write those provisions.

You have got a lot on your plate. My hope is that every day when you go to work you understand that I couldn't get DSL at my home and I am a little upset by that and I am going to change public policy that provides robust competition, but provides stimulus to those incumbent carriers so we get rid of this digital divide. You want to respond to that, colleagues, I think the President has chosen well, and I would echo the comments by Senator Burns. It is important to ask men and women to present themselves for public service to serve our country and you and your families I hope are proud of your willingness to do that. This hearing is adjourned.

[Whereupon, at 3:25 p.m., the hearing adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO DR.
JEFFREY WILLIAM RUNGE

Highway Epidemic

Question 1: You indicate in your biographical and financial information questionnaire that traffic injuries should be treated the same way we treat infectious diseases in this country. Would you expand on what you meant by this statement?

Answer: In the United States, injury is the leading cause of traumatic death of persons of every age from 6 to 33 years and motor vehicle injury is the number one cause of death from injury. By nearly every measure, the injuries and deaths associated with motor vehicle crashes should rank as one of the nation's most pressing public health priorities. The economic cost alone of motor vehicle crashes in the United States is estimated to be more than \$150 billion each year.

I believe that NHTSA must continue to address motor vehicle crash injury and death as a major public health problem. In the public health community, advances are made in the control of disease by understanding the root causes and spread of the disease and its cures. In the case of motor vehicle crash injury, this understanding is the result of contributions from many disciplines, including epidemiology, engineering, research and analysis, and the biomedical and social sciences. It thereby necessitates the cooperation of officials at the Federal, State, and community levels to be successful. This comprehensive approach involves the prevention of crashes from occurring, mitigation of the severity of the injuries once a crash has occurred, and provision of timely treatment of these injuries in the post-crash phase. It also involves the reduction of hazards (environmental, vehicular, and behavioral) and control of the vectors of spread of injury (impaired, arrogant, and drowsy drivers).

This conceptual framework for addressing traffic injury control is critical to the success of reducing the traffic injury toll. As NHTSA's Administrator, I will use this comprehensive approach to focus the agency's resources to develop and implement innovative, thoroughly evaluated, effective safety programs.

Lessons from Firestone Tire Recall:

Question 1: You have observed the Firestone tire investigation as most Americans have, that is, as it played out on the front pages of newspapers and on TV. As an outside observer, what lessons do you think NHTSA can learn from this?

Answer: One of the most important lessons is that NHTSA must identify potential safety-related defects earlier. To do this, the agency needs to access information in the possession of vehicle and equipment manufacturers that previously has not been available to the agency. Congress recognized this problem and has helped to ensure its solution by enacting the TREAD Act.

Office of Defects Investigation (ODI):

Question 1: There is evidence that NHTSA's Defect Information Management System (DIMS) may be inadequate. DIMS, for example, did not capture information about the tread separations on Firestone tires. Last year, I asked the DOT Inspector General, Ken Mead, to conduct an analysis of the Office of Defects Investigation, to include a review of the DIMS system, and this report should be completed shortly. Do you envision a better way of collecting and storing consumer complaints than is currently in place? What approach beyond posting information on NHTSA's website do you recommend for alerting consumers of safety defects?

Answer: The current Defects Information Management System, utilized by NHTSA's Office of Defects Investigation (ODI) to store all of its data, which includes information on consumer complaints, investigations, and recalls, has remained essentially unchanged since it was initially developed in the mid-1980s. Over the years, ODI has become increasingly aware of several serious inadequacies in that data system, some of which were highlighted during the Firestone tire investigation. As a result, ODI requested and received additional funds to design and implement a new system to identify potential defects in a more timely manner. The development of this system is particularly critical in light of the significant amount of additional information that ODI will be receiving under the "early warning" provisions of the TREAD Act.

With respect to alerting consumers about safety defects, because vehicle registrations are required in all states, virtually all motor vehicle owners receive recall no-

tices directly from the vehicle manufacturers. Unfortunately, there is no similar mandatory system in place for capturing the names and addresses of owners of motor vehicle equipment, such as child safety seats, tires, or aftermarket equipment. The result is that owners of the unregistered seats, as well as owners of other aftermarket equipment, do not receive direct notification from the equipment manufacturer that there has been a safety-related recall. I believe that NHTSA can do more to distribute information about recalls, and I will work to accomplish this.

Updating Obsolete Standards Not Required in TREAD

Question 1: While the TREAD Act directs NHTSA to initiate a rulemaking to revise and update tire standards that have not been updated in 30 years, the Act does not require NHTSA to revise other, equally old and probably obsolete standards such as the roof crush standard despite 10,000 deaths/year in rollover accidents. What action will you take to ensure that NHTSA adequately revises the roof crush standard?

Answer: I will do all I can to reduce the number of fatal and serious injuries caused by rollover crashes. Regarding the roof crush standard, I will carry out Deputy Secretary Michael P. Jackson's commitment, made at the House Energy and Commerce Committee's joint subcommittee hearing on June 19, 2001, to publish a notice this summer in the Federal Register to request comments on NHTSA's roof crush research. Upon receipt of those comments, I will make the analysis and the determination of a sensible and meaningful upgrade to Federal Motor Vehicle Safety Standard (FMVSS) No. 216, "Roof crush resistance," one of my highest priorities.

Question 2: Should NHTSA undertake to review regularly and update all of its motor vehicle safety standards?

Answer: I intend to establish a new review process that will lead to systematic reviews of all the safety standards on a regularly scheduled basis. The agency is developing a plan to implement this process. After completing the review process, which will examine all the available data to determine safety need, technology developments to ensure the standards are still testing appropriately, and other factors, NHTSA will decide if the particular safety standard needs to be updated. I plan to involve the public in this process by seeking public input during the review and advising the public of the agency's decision about whether to update the standard after we complete the review.

Question 3: An article that appeared recently in *The New Yorker* suggested that past decisions by NHTSA to emphasize passive-restraint systems, rather than increasing seatbelt usage, may have been wrong. The article suggested that, while passive restraint systems have undoubtedly saved lives, European countries that focused more on educating their citizens about the benefits of seatbelt use have surpassed the U.S. on highway safety. Do you believe that NHTSA has over-emphasized passive restraints and under-emphasized seat belt use?

Answer: No, I believe that NHTSA has neither over-emphasized passive protection nor under-emphasized seat belt use; both are important. My attention as Administrator is on the future rather than the past. NHTSA will continue to take a balanced approach, focusing on both human factors and vehicle design to optimize motor vehicle passenger safety. The goal is for the safest possible vehicle fleet to be driven in the safest possible manner. Clearly, the immediate use of seat belts by all Americans would bring about a rapid reduction in death and injury on the highways, and I deem it a top priority to work toward that goal. More primary seat belt laws are needed at the state level, and enforcement must be enhanced. I will ensure that the agency does all that it can, within the limits of its statutory prohibitions, to provide assistance to the states with the provision of scientific information to make those legislative decisions and support enforcement of those laws.

Passenger Vehicle Compatibility

Question 1: In collisions between small passenger vehicles and light trucks or vans, including SUVs, passengers in the small passenger vehicles are more likely to be seriously injured or killed. The increase in the overall number of light trucks and vans on the road could compound this problem, though some manufacturers are addressing this issue, such as Ford, which recently said that over the next several years it will lower the steel beams inside the front ends of all Ford sport utility vehicles and pickups to the same height as in cars. Do you think the market alone will take care of this compatibility problem?

Answer: It is too early to say whether the market alone will take care of the compatibility problem. The increased popularity of light trucks and vans (LTVs) pickups, SUVs, and minivans presents a growing safety problem that needs to be addressed.

NHTSA's immediate research goal in this area is to generate knowledge that the government and industry can use to reduce the hazard posed by vehicle incompatibility. However, I believe that manufacturers have the responsibility to test their vehicles thoroughly to ensure that they are not overly aggressive before introducing them into the fleet. I will closely monitor progress in this regard, and take decisive action if Federal requirements are needed.

Rollovers

Question 1: NHTSA recently issued comparative rollover ratings for passenger vehicles based on a static test. Some consumer groups and manufacturers have criticized the adequacy of this rating, however, and urged instead that NHTSA develop a dynamic rollover test that could, they claim, more accurately predict a vehicle's propensity to roll over. The TREAD Act requires NHTSA to develop such a test by 2002. Will NHTSA meet this deadline?

Answer: Yes, NHTSA will meet this deadline. NHTSA has been doing testing since May to develop a driving maneuver based test for rollover resistance. The agency published a request for comment on this research activity on July 3, 2001, and is awaiting public comments. A final notice will be published on the dynamic maneuver test ratings in November 2002.

Driver Distraction by In-vehicle Displays

Question 1: Concern about the relationship between driver distractions and accident rates have led some state and local governments to try to restrict drivers' use of cell phones. Even as this is occurring, manufacturers are introducing or proposing to introduce cars that contain interactive video and audio devices, Global Positioning Satellite displays, and fax machines. What should, if anything, NHTSA do to ensure that these devices don't compromise safety?

Answer: I understand that NHTSA has been researching the relationship between distractions and driving performance since 1991. NHTSA has been studying the relative demands of different types of systems, including cell phones, navigation systems, and audio system controls, etc. NHTSA will continue its research to understand how drivers' use of technology affects their safety-related performance. This research will utilize the capabilities of the new National Advanced Driving Simulator. The agency intends to work with industry to support the development of test procedures and guidelines to design equipment that minimizes or eliminates driver distraction. I also believe that manufacturers have the responsibility to understand the ramifications of introducing these systems on the driving task before introducing them into the fleet. It should be expected as a demonstration of corporate citizenship not to depend solely on the regulatory efforts of the Federal Government to ensure that their products are safe. The agency will nevertheless be as vigilant as possible in monitoring the introduction of these products and their impact on safety.

CAFE Standards

Question 1: Because of appropriations bills riders, the Corporate Average Fuel Efficiency (CAFE) Standard for light trucks has remained frozen at 20.7 miles per gallon since model year 1996. You mention in your biographical and financial information questionnaire that lifting the freeze would enable NHTSA to quickly address this issue. Does this mean you are in favor of raising the CAFE standard for light trucks?

Answer: I have no preconceived position on whether the light truck standard should be raised, only that the standard be established based upon sound science. Determining fuel economy standards requires difficult trade-offs among environmental benefits, vehicle safety, cost, oil import dependence, and consumer preferences, issues discussed in the recent report of a National Academy of Sciences panel. Assessing these trade-offs requires detailed analyses and scientific studies. Consequently, I believe the rider should be lifted so NHTSA can address the issue analytically and through the administrative process.

Question 2: The Alternative Motor Fuels Act of 1988 gave manufacturers of vehicles that run on alcohol or natural gas, either exclusively or in addition to gasoline, a credit toward the manufacturers' corporate average fuel efficiency standard. The Act required the Secretary of Transportation, in consultation with the EPA Administrator and the Secretary of Energy, to submit a report to Congress by September 2000 on the success of the CAFE credit in promoting alternative fuel use, and for the DOT to decide by the end of this year whether to continue the credit until 2008 or end it in 2004. When do you expect the DOT to submit the report to Congress?

Answer: DOT, working with EPA and DOE, has drafted the report. I expect that this report will be submitted to Congress before the end of summer.

Vehicle Importation

Question 1: I understand that NHTSA is proposing to relax requirements that registered importers post a bond and certify a vehicles' compliance with U.S. safety standards before the imported vehicle can be sold in the United States. Some have suggested that these and other proposed relaxations of import restrictions will not only compromise safety, but will make it more difficult to identify stolen vehicles. I understand that NHTSA's Office of Vehicle Safety Compliance has justified its proposal in part on the lack of available resources, which, according to some re-importers, has led to undue delay in the importation process and uneven application of the law. Do you believe that the importation requirements should be relaxed as NHTSA has proposed?

Answer: NHTSA's Notice of Proposed Rulemaking was issued on November 20, 2000. The agency is currently reviewing the comments, which were due by February 1, 2001. NHTSA does not believe that the proposal would compromise safety in any way. NHTSA also does not believe that the proposed rules would make it more difficult to identify stolen vehicles. Nevertheless, I assure you that the agency will carefully consider all comments before a final action is taken.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO DR. JEFFREY RUNGE

Lead-in:

Throughout my tenure in Congress, I have been a staunch advocate for efforts to enhance highway safety. NHTSA is a key agency in the fight to reduce fatalities and enhance safety on our roads and highways, in a whole range of different ways. For example, NHTSA investigates safety defects in motor vehicles, sets and enforces fuel economy standards, helps states and local communities reduce the threat of drunk drivers, promotes the use of safety belts, child safety seats and air bags, investigates odometer fraud, establishes and enforces vehicle anti-theft regulations and provides consumer information on motor vehicle safety topics. In the wake of the Firestone tire recall, I believe that NHTSA's role will become even more important, and we must continually re-evaluate the agency's funding and authority in order to ensure that it has all of the tools it needs to accomplish its important mission.

Question 1: What will your highest priority be, if confirmed to this position?

Answer: My highest priority for the duration of my tenure as Administrator will be to engage the American public in our mission, to reduce death and injury on our nation's streets and highways. It is imperative to bring into focus for the American people the fact that traffic injury is a disease that requires the cooperation of every American citizen to control it. It is the leading killer of children over age 3 and of adults to age 35. It can be controlled in the same way we have controlled infectious diseases in this country, but it will require leadership at the very highest levels to accomplish it. Careful attention to immunizing the public against traffic injury through the use of seat belts and child restraints, responsible driving, and the use of safe and crashworthy vehicles is a top priority. By nearly every measure, the injuries and deaths associated with motor vehicle crashes should rank as one of the nation's most pressing public health priorities. The economic cost alone of motor vehicle crashes in the United States is estimated to be more than \$150 billion each year.

Operationally, my more immediate goal is to ensure that the agency's programs and resources are focused solely on the mission of decreasing traffic crash injury and death. This will entail the use of a balanced program that focuses on driver behavior and safe vehicle design. All programs should be subject to thorough evaluation, so that resources can be focused on those with demonstrated effectiveness. Strategically, the agency will re-examine its long-term goals, its strategic plan, and short-term performance objectives to ensure that they are reasonable, scientifically sound and designed to enhance the mission.

Question 2: What will you do to ensure that we do not get caught off guard again, as we did in the case of the Firestone recall?

Answer: First and foremost, I will ensure the prompt and effective implementation of each of the requirements of the TREAD Act. Accordingly, NHTSA already has taken a number of actions to improve its ability to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment and effectively investigate potential defects. In addition, under the early warning provisions of the TREAD Act that will be implemented by the statutory deadline of June 2002, NHTSA will routinely receive a wide variety of relevant information in the manufacturers' possession, such as claims and lawsuits, consumer complaints, field reports, warranty data, and foreign recall actions.

Question 3: What is the status of NHTSA's investigation into design defects in the Ford Explorer, and when does the agency expect to issue its findings?

Answer: There is no pending investigation of this issue at the present time. NHTSA has received a letter from Bridgestone/Firestone, Inc. (Firestone) requesting that the agency open an investigation into the performance of the Ford Explorer following a tread separation on a left rear tire. Although Firestone did not submit the letter as a formal petition to open a defect investigation, the agency is treating it as a formal petition. The consultant hired by Firestone to conduct stability and handling tests of the Explorer and other sport utility vehicles has not completed these tests. NHTSA expects to receive this test data later this month. After receiving this data, the agency will decide whether to grant Firestone's request for an investigation.

Question 4: Does the Ford Explorer roll over more frequently than other SUVs following tread separation?

Answer: The analysis performed by NHTSA of incidents involving claims of tread separation on Firestone tires showed no statistical difference between the rollover rates for the Explorer in those incidents as compared to a peer group of SUVs.

Question 5: What criteria does NHTSA use to determine whether a specific tire line is defective?

Answer: NHTSA looks at a variety of factors in deciding whether a safety-related defect exists in a tire. These factors include, among other things, the design of the tire, its failure experience, the results of testing performed by the agency and others, and the severity of crashes associated with failures of the tire.

Question 6: It is my understanding that NHTSA considers many different factors before making a tire defect determination, and that one of those factors is the "claims" rate for a particular model of tire. Is this accurate, and if so, can you elaborate on what "claims" rates are, how they are defined and used, and whether NHTSA should establish a uniform definition of "claims" for this purpose?

Answer: Tire manufacturers define a "claim" as a request for remuneration above the cost of replacing the tire. Thus, claims include those requests for reimbursement for minor damage to the vehicle, damage to other property, as well deaths and injuries. A claims rate for a tire model or size is simply the calculation of the number of claims divided by the number of tires produced. As part of its early warning regulations under the TREAD Act, NHTSA will provide a specific, uniform definition of numerous terms, including "claim."

Question 7: Can you share what the status of NHTSA's research is into how drivers react under circumstances such as tread separation?

Answer: NHTSA is developing research into the question of driver reaction to tire failures using its newly developed National Advanced Driving Simulator (NADS). A comprehensive study of how drivers react to various emergencies will be initiated later this year.

Question 8: Are tread separations common occurrences? Please elaborate on this matter.

Answer: Tread separations of passenger car or light truck tires are a relatively uncommon occurrence. The vast majority of these tires in the United States wear out and are replaced before they fail. Most failures are caused by road hazards, such as a nail puncture, or substantial owner misuse.