

**NOMINATIONS TO THE NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION, FEDERAL
RAILROAD ADMINISTRATION, CONSUMER
PRODUCT SAFETY COMMISSION, AND THE
METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY**

HEARING

BEFORE THE

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

UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

APRIL 12, 2005

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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CONTENTS

	Page
Hearing held on April 12, 2005	1
Statement of Senator Allen	33
Statement of Senator Hutchison	9
Statement of Senator Inouye	1
Prepared statement	1
Statement of Senator Lautenberg	24
Prepared statement	24
Statement of Senator Bill Nelson	4
Statement of Senator Pryor	31
Statement of Senator Stevens	10
Prepared statement	10

WITNESSES

Boardman, Joseph H., Nominee to be Administrator, Federal Railroad Administration	20
Prepared statement	21
Biographical information	22
Burr, Hon. Richard, U.S. Senator from North Carolina	8
Prepared statement	9
Cobey, Jr., Hon. William W., Nominee to the Board of Directors, Metropolitan Washington Airports Authority	41
Prepared statement	41
Biographical information	42
Dole, Hon. Elizabeth, U.S. Senator from North Carolina	7
Griffin, Dr. Michael D., Nominee to be Administrator, National Aeronautics and Space Administration	11
Prepared statement	13
Biographical information	15
Nord, Nancy A., Nominee to be Commissioner, Consumer Product Safety Commission	36
Prepared statement	37
Biographical information	38
Sarbanes, Hon. Paul S., U.S. Senator from Maryland	2
Mikulski, Hon. Barbara A., U.S. Senator from Maryland	4
Schumer, Hon. Charles E., U.S. Senator from New York	5
Prepared statement	6

APPENDIX

Johnson, Hon. Tim, U.S. Senator from South Dakota, letter dated April 4, 2005 to Hon. Ted Stevens and Hon. Daniel K. Inouye	47
King, David D., Deputy Secretary for Transit, NC Department of Transportation, letter dated April 7, 2005 to Hon. Ted Stevens and Hon. Daniel K. Inouye	47
Response to written questions submitted to Joseph Boardman by:	
Hon. Byron L. Dorgan	52
Hon. Daniel K. Inouye	53
Hon. Frank R. Lautenberg	53
Hon. David Vitter	51
Response to written questions submitted to Dr. Michael D. Griffin by:	
Hon. John McCain	48
Hon. Bill Nelson	50
Hon. David Vitter	49

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AIRPORTS AUTHORITY**

TUESDAY, APRIL 12, 2005

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

The Committee met, pursuant to notice, at 10:28 a.m. in room SR-253, Russell Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

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

Senator INOUE. At the direction and instructions of the Chair, I want to welcome all the nominees with us today and especially the families. You have a lot to be proud of, and I know that this is a very important day for all of you. And so I will place my statement on each nominee in the record, because I think we would like to expedite the hearings. I will have a few questions, but those, too, will be made part of the record.

[The prepared statement of Senator Inouye follows:]

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

I want to welcome Dr. Michael Griffin, the President's nominee to be the next Administrator of the National Aeronautics and Space Administration (NASA). Dr. Griffin brings with him an impressive resume and extensive experience in both the public and private sector. I am confident that Dr. Griffin will leverage this experience to get NASA back on track.

Dr. Griffin's major challenge will be returning credibility to NASA. There are issues with returning to flight, competition from other countries, and striking an appropriate balance in science, and with fiscal responsibility.

It has been over two years since the Columbia Shuttle disaster and NASA is still feeling the effects.

Dr. Griffin, you will take the reins at an agency that is dedicated to returning the shuttle safely to flight. However, in recent weeks, we have heard concerns from members of the Stafford-Covey team, NASA engineers, and other members of the NASA family. You are in the unenviable position of having to sign off on the safety of the flight without having had the opportunity to oversee the implementation of the Columbia Accident Investigation Board's recommendations. Space flight is never without risk, but I hope you will take the time to assure yourself that our astronauts face the minimum risk possible when heading into space.

NASA and the United States are facing competition from other countries looking to establish a presence in orbit. China recently put a man into space and plans to build a space station. Japan just announced a 20-year initiative to go to the moon.

In addition, we are already aware of Europe and Russia's space-faring capabilities. Our presence in space is not only a matter of national prestige, but of strategic importance. This is clearly an area where we not only have to compete, but lead, and the leadership will need to come from NASA.

As the agency pursues exploration, NASA should not sacrifice its scientific pursuits. NASA is one of this country's leading scientific agencies, which over the years has made major contributions to science and aeronautics. Robotic missions to Mars, the numerous space telescopes that beam back magnificent images of the universe, and Earth science satellites are all examples of how NASA can produce valuable discoveries without endangering human life. I hope that Dr. Griffin shares my view on the importance of NASA's commitment to basic science.

As I mentioned earlier, Dr. Griffin has several major challenges awaiting him at NASA. Fiscal responsibility and credibility is perhaps the most fundamental challenge. The agency has a dismal record when it comes to estimating costs. Auditors have been unable to certify the agency's accounting books in three out of the last four years, and Congress has been told not to expect a clean audit for Fiscal Year 2005. NASA needs to be on sound financial footing as it goes forward with the President's Vision for Exploration.

While Congress often focuses on the negative, I would be remiss in closing without saying that Dr. Griffin takes the helm of a great agency. The men and women of NASA are redefining what is possible. I look forward to working with you, Dr. Griffin, to help NASA respond to the challenges it faces.

I welcome Commissioner Joe Boardman here today as we consider his appointment as Administrator of the Federal Railroad Administration (FRA). Mr. Boardman presently heads the New York State Department of Transportation. I understand that Mr. Boardman is considered a leader on rail issues among state transportation officials and we look forward to learning more about him and working with him.

Several recent high profile railroad accidents have raised this Committee's concern and Mr. Boardman will have many challenges, including, strengthening the safety of our nation's railroads.

Amtrak faces yet another crisis this year, in part due to the Administration's proposal to zero-out Amtrak and bankrupt the railroad. We are all anxious to learn your thoughts on reauthorizing Amtrak and your opinion of the Administration's plans for radical restructuring or bankruptcy.

Senator INOUE. We have several of our colleagues here, so we would like to hear from them. May I call upon my dear friend, Paul Sarbanes? Senator Sarbanes of Maryland.

**STATEMENT OF HON. PAUL S. SARBANES,
U.S. SENATOR FROM MARYLAND**

Senator SARBANES. Well, thank you very much, Senator Inouye and Members of the Committee.

I have come with my esteemed colleague, Senator Mikulski, to introduce a highly respected leader in Maryland's scientific community, Dr. Michael Griffin, who is the President's nominee to serve as the next Administrator of NASA. We think this is just an outstanding nomination.

Dr. Griffin is a native of Maryland, born in Aberdeen, the home of Cal Ripken, Jr., I might note, for whatever relevance that has to the hearing.

[Laughter.]

Senator SARBANES. And he has been educated in some of our nation's finest academic institutions. He has his Bachelor of Arts degree in Physics from the Johns Hopkins University, and he has earned five master's degrees; Aerospace Science from Catholic University, Electrical Engineering from the University of Southern California, Applied Physics from Johns Hopkins, Civil Engineering

from George Washington University, and Business Administration from Loyola College of Maryland. He also earned his Ph.D. in Aerospace Engineering from the University of Maryland. So, as you can see, Dr. Griffin is literally, quite literally, a rocket scientist.

He is currently the Space Department Head of the Johns Hopkins University Applied Physics Laboratory in Howard County, Maryland. Johns Hopkins APL is a nonprofit division of the Johns Hopkins University, and, under the strong leadership of Dr. Richard Rocca, serves as one of the premier research and development institutions in the nation. For almost 50 years, APL's Space Division has played a central role in supporting our nation's civilian and military space programs. And they have carried out any number of very, very important scientific endeavors there.

The New York Times put it well in an editorial strongly supporting Dr. Griffin's nomination, entitled very simply but appropriately, "A Talented Leader." He has held a number of leadership positions during his long career in both the public and private sectors. They have demanded an extraordinarily high level of both scientific excellence and administrative capabilities. And he has met those challenges at a very high standard.

Currently the head of APL's Space Division, Mike Griffin oversees a staff of over 600 employees, and a budget well in excess of \$200 million. He has, of course, had very important experience at NASA in the upper echelons as both the Chief Engineer and the Associate Administrator for Exploration. He has held important management positions in the private sector. In addition to his administrative and research interests, he has continued to do important academic work. He continues to serve as an adjunct professor at Maryland and Hopkins.

I need not mention to this Committee the challenges faced in the space program. We think that the expertise and the passion that Mike Griffin brings to the job is exactly what is needed.

I am very pleased to come before the Committee today to very strongly endorse his nomination. And I very much hope the Committee can act expeditiously and favorably on this nomination.

Thank you very much.

Senator INOUE. Thank you very much, Senator Sarbanes.

I must apologize to my colleagues. I forgot to call upon them.

Senator McCain, do you have any statement?

Senator MCCAIN. No, thank you, Mr. Chairman.

Senator INOUE. Senator Lautenberg?

Senator LAUTENBERG. I would like to proffer some remarks after we have heard from our friends at—

Senator INOUE. All right. Senator Hutchison?

Senator HUTCHISON. I will also make remarks following the witnesses at the witness table. I would like to make an opening statement as Chairman of the NASA and—

Senator INOUE. OK. Senator Nelson of Florida?

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

Senator NELSON. Mr. Chairman, I just think Dr. Griffin is an outstanding choice. I think he is going to be a breath of fresh air. And not only does he, in fact, bring the credentials to the table that

he is, in fact, a rocket scientist, he carries himself with great humility. And I think that is going to fit very well with the NASA family.

Senator INOUE. Senator Mikulski.

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

Senator MIKULSKI. Thank you very much, Senator Inouye and to members of the panel.

I am here really under two flags: One, the proud flag of Maryland, talking about one of Maryland's favorite sons, Dr. Mike Griffin, to be nominated for the NASA Administrator, and then the other as the Ranking Member on the Senate Appropriations Committee who has responsibility for the funding of NASA programs.

I want to thank President Bush for nominating such an outstanding candidate to head up NASA at this time of great strategic importance for NASA's future and also the fact that the NASA Administrator has to deal with the long-range plans and the short-range crises that we are now facing.

Under the Maryland flag, as Senator Sarbanes said, Mike Griffin is really a hometown guy, coming from Aberdeen, the home of Cal Ripken, Jr. What is important about that is he brings those, what we call, those Ripken values, that Ripken way, to NASA. What does that mean? To be the best of what you best can be and to work hard at it, to concentrate with a high level and degree of competence, but at the same time to put values into action, playing by the rules, serving your community, and being an outstanding citizen. This is what Mike Griffin has done. He has gone to our local schools; Aberdeen High School, Johns Hopkins, Loyola, Maryland. He has five master's degrees in a variety of engineering and physics, and also even an MBA from Loyola College. Much has been made over the fact that he is a rocket scientist. Thank God that we are really going to have someone who understands what this is all about.

Because the very safety of our astronauts will depend on the quality of this NASA Administrator, as we get ready to return to flight. Much has been made over the fact that he worked at the Johns Hopkins Applied Physics Lab, heading their Space Department, knowing what earth science means, knowing what space science means, and knowing what it means to be a contractor and to meet the bottom line while serving the nation.

Dr. Griffin brings a variety of experiences from within government, within the Applied Physics Lab, as well as the private sector, with the Magellan Systems and the Orbiter Systems. And he even ran a nonprofit company for the CIA, when the CIA created a nonprofit venture capital firm, to search for new technologies that would serve the nation. He is a rare combination of a scientist, an engineer, and a manager.

Dear colleagues, as the Commerce Committee knows, NASA is facing enormous challenges right now; The need to return to flight safely. We need to send our astronauts not only back into space but to return them safely. We need to be able to finish that Space Station. I, of course, want to save the Hubble and hope that Dr. Griffin is an able partner in that. We need to see how they are going to

implement the Moon/Mars Initiative, at the same time revise aeronautics, which is so crucial. I am sick and tired of being beaten by Airbus. I want to win Nobel prizes. I want to win the markets. And I want a NASA Administrator who can do that.

This is what I think Mike Griffin will help be able to do, a framework where we meet the immediate crises facing us, but at the same time look to the long-range needs of our country.

So I am proud to introduce him as both a Marylander and the Ranking Member on the Senate Appropriations Committee now responsible. And also, I want to thank—while Dr. Griffin has served the nation, his wonderful wife, Rebecca, has been behind him. And we know that behind every great rocket scientist was the woman who provided the rocket.

[Laughter.]

Senator MIKULSKI. So thank you very much. And I hope that we send his nomination forward quickly.

Senator INOUE. How can we say no?

Senator SCHUMER?

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

Senator SCHUMER. Thank you, Mr. Chairman. And I want to thank the Members of the Committee. I am delighted and proud to introduce someone who is not a rocket scientist, but an expert on transportation and administration, to the Committee. And that is Joseph H. Boardman of New York.

He is currently the Commissioner of the New York State Department of Transportation. He is the nominee to be the next Administrator of the Federal Railroad Administration. I've known Joe for a long time. We have worked closely together on many transportation projects in New York State, and I think he will do a great job at FRA. And I recommend him wholeheartedly, as does my colleague, Senator Clinton, who could not be here today.

Joe has been the head of the New York State Department of Transportation for the last 7 years. He made a lifetime of working to make all modes of New York's transportation system safer and more efficient. He is a hometown boy, as well, for us. He is a life-long New Yorker. He worked his way up. He is from the Mohawk Valley in upstate New York, where my dad was raised. He has worked his way up from being manager of both the Transportation and Parking Authorities of Rome, New York, to Commissioner of Public Transportation in Broome County, in which Binghamton lies, to finally becoming the Commissioner of Transportation in 1997.

And New York has one of the largest and most complex transportation systems in the country. Throughout these experiences, Commissioner Boardman showed that he possessed the unique knowledge of how essential, safe, fast, and easily accessible transportation is vital to local communities and to economic growth of entire states, regions, and across the country. I am proud to say that, as Commissioner, Joe has expanded Amtrak service across New York, presiding over record growth in ridership. He has enhanced his department's ability to inspect and crack down on rail safety

violations and made safety a top priority. He is going to need these two traits.

Before I sat down with the Commissioner and spoke with him, he assured me he would fight hard for Amtrak. We all know that is going to be a big, big fight in the Senate this year and in the budget. And furthermore, with the recent revelations of safety lapses in our rail system, particularly our freight rail system, he has assured me he would focus on that. The FRA, I think, has a little bit lost its way in that area over the last few years. And I think Joe Boardman will bring it up to snuff.

So he is a thoughtful, knowledgeable, and dedicated transportation official. I look forward to working with him. I am proud to endorse his nomination and introduce him to this very, very special Committee.

Senator INOUE. Thank you very much, Senator Schumer.
[The prepared statement of Senator Schumer follows:]

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

Chairman Stevens, Ranking Member Inouye, and Committee Members, I am proud and delighted to introduce Joseph H. Boardman of New York, current Commissioner of the New York State Department of Transportation and nominee to be the next Administrator of the Federal Railroad Administration. I know that Commissioner Boardman will do a great job at the FRA and recommended his nomination wholeheartedly.

Commissioner Boardman has been head of NYSDOT for the last seven years, after a lifetime of working to make of New York's transportation system safer and more efficient. A lifelong New Yorker, born and raised on a dairy farm in Oneida County, Commissioner Boardman worked his way up from being manager of both the Transportation and Parking Authorities of Rome, NY, to Commissioner of Public Transportation in Broome County, to finally becoming Commissioner of Transportation in 1997 of one of the largest and most complex transportation systems in the country.

Through these experiences, Commissioner Boardman possesses unique knowledge of how essential safe, fast, and easily accessible transportation is to local communities and to the economic growth of entire states, regions, and across the country.

As Commissioner, Commissioner Boardman has expanded Amtrak service across New York, presiding over record growth in ridership, enhanced his Department's ability to inspect and crack down on rail safety violations, and made safety a top priority at both the state and national levels.

Rail safety and the preservation of Amtrak are the two most pressing issues confronting Commissioner Boardman as he takes the reigns of the FRA. I have full confidence that Commissioner Boardman will be an ally in the fight to make our rail lines safer, though the use of tougher regulation, heavier penalties for negligent railroad companies, and the expansion of available modern technology.

Commissioner Boardman is a thoughtful, knowledgeable, and dedicated transportation official and I look forward to working with him to make our nation's rail system the safest and most efficient in the world.

Senator INOUE. We were all pleased to see Senator Dole on Meet the Press. And I know that his book will be a best seller.

Senator DOLE. Thank you.
Senator INOUE. Senator Dole.

**STATEMENT OF HON. ELIZABETH DOLE,
U.S. SENATOR FROM NORTH CAROLINA**

Senator DOLE. Thank you very much.

Senator Inouye, distinguished Committee Members, it gives me great pleasure and it is indeed an honor to support this morning Bill Cobey, nominated to serve as a member of the Washington Air-

ports Authority Board. Bill has demonstrated a long and dedicated commitment to public service over the years for our Home State of North Carolina and our nation. Without a doubt, one of the most rewarding and challenging projects I chose to undertake while serving as Secretary of Transportation was the task of moving National and Dulles International Airports out of the Federal Government.

National was a rather shabby, small gateway to the nation's capital. And following airline deregulation, Dulles was desperately in need of vast expansion. I will never forget the night in 1984 when my husband and I were having a little pillow talk, Senator Inouye. And I told him of my conviction that it was time for Uncle Sam to "free the airports." Bob's reaction? He said, "Forget it, Elizabeth. It has been tried eight times since 1949, and it never got out of committee." And he rolled over and went to sleep. As far as I was concerned, the gauntlet had been thrown down.

[Laughter.]

Senator DOLE. I later found that Bob was absolutely correct in predicting the journey to regional control would be a very tough one indeed. But after 3 years of dedicated effort from a very talented team and the help of you, Senator Inouye, and other Committee Members, it passed both houses of Congress and was signed into law by President Reagan.

In 1987, independent operation of Washington's two airports became a successful partnership. Our plan was working. The airports were able to raise the necessary funds through sales of tax-free bonds to provide for the capital improvements and expansions. Today, Washington's two airports serve 39 million passengers annually with 1,069 daily flights to over 100 destinations throughout the United States and 36 countries worldwide.

It is the responsibility of the Washington Airports Authority Board to oversee the airports and their security, safety, development and maintenance. I commend the board for their excellence in handling the more than 100,000 passengers who use the two airports on a daily basis. And I thank Senator Stevens for all his help in creating this board. He signed the cloture petition for the enabling legislation. And he "Hulk'ed" the provision through on an omnibus bill. Without his leadership, we would not be having this hearing today.

And Senator Inouye, I thank you for your hard work in making that bill a bipartisan effort, which has indeed made air travel to and from our nation's capital far easier and less expensive.

I know that Bill Cobey will be a wonderful asset, will do a great job as an addition to the Airports Authority Board. Bill has served his state and nation in many different capacities, and he has an outstanding list of accomplishments.

He received his undergraduate education from Emory University in Atlanta and then earned an MBA from the prestigious Wharton School of Business at the University of Pennsylvania and an M.Ed. in health and physical education from the University of Pittsburgh. Prior to representing North Carolina in the U.S. Congress, Bill served as Governor Jim Martin's Deputy Secretary of Transportation and later as Secretary of North Carolina's Department of Environment, Health, and Natural Resources.

A devoted husband, father and grandfather, Bill is a man I am proud to call my friend, a man of tremendous character, a man committed to making our country better. I am confident that the board and the country will benefit from his service.

I thank you for this opportunity to express my admiration and respect for Bill Cobey, Mr. Chairman, and to present him to the Committee. Thank you.

Senator INOUE. Thank you very much, Senator Dole.

And now I would like to welcome Senator Burr.

Senator Burr.

**STATEMENT OF HON. RICHARD BURR,
U.S. SENATOR FROM NORTH CAROLINA**

Senator BURR. Thank you, Chairman Inouye and Members of the Committee. I am proud to be here today representing North Carolina, the home of this year's collegiate basketball champions and, as of last night, Miss USA.

It is my pleasure today to introduce Bill Cobey of Durham, North Carolina. And I am here today to fully endorse his nomination to the board of the Metropolitan Washington Airport Authority. It should be noted that Bill was elected to the House of Representatives in 1984 and served with Senators McCain, Lott, Snowe, Dorgan, and Senator Boxer, all current Members of the Commerce Committee, as Members of the House in the 98th Congress.

While Bill's well-documented service to our state and country as a Congressman, cabinet secretary in Raleigh, and public university advocate qualify him for a position on the Authority's board, I believe it will be his background as an athletic director at one of the nation's most successful universities that will best serve the mission of the board. Athletic directors are known for their tenacity in raising money and support for capital improvement projects. And his success at the University of North Carolina and the success of the school's athletic program and what it enjoys today are the direct result of capital campaigns undertaken by the school during his tenure as athletic director.

His wealth of knowledge in these endeavors and deep reserve of people skills will position the Authority well as it prepares current and future capital improvements at Reagan and Dulles Airports.

Mr. Chairman, I look forward to the Committee favorably reporting on Bill's nomination. And I will be honored to cast my vote for him when the nomination is considered by the full Senate.

Thank you.

[The prepared statement of Senator Burr follows:]

PREPARED STATEMENT OF HON. RICHARD BURR,
U.S. SENATOR FROM NORTH CAROLINA

Chairman Stevens and Senator Inouye, it is my pleasure to introduce Mr. Bill Cobey of Durham, North Carolina, and I am here today to fully endorse his nomination to the board of the Metropolitan Washington Airport Authority.

It should be noted that Bill was elected to the House of Representatives in 1984 and served with Senator McCain, Senator Lott, Senator Snowe, Senator Dorgan and Senator Boxer, all current Members of the Commerce Committee, as Members of the House in the 98th Congress.

While Bill's well-documented service to our state and country (as a Congressman, Cabinet Secretary in Raleigh, and public university advocate) qualify him for a position on the Authority's board, I believe it will be his background as athletic director

at one of the nation's most successful university's that will best serve the mission of the board.

Athletic directors are known for their tenacity in raising money and support for capital improvement projects, and his success at the University and the success the school's athletic program enjoys today are the direct result of capital campaigns undertaken by the school during his tenure as athletic director. His wealth of knowledge in these endeavors and deep reservoir of people skills will position the Authority well as it prepares current and future capital improvements at Reagan and Dulles airports.

I look forward to the Committee favorably reporting out Bill's nomination and I will be honored to cast my vote for him when the nomination is considered by the whole Senate.

Senator INOUE. I thank you very much, Senator Burr.
And thank you, Senator Dole.

And now it is my pleasure to call upon the first panel, Dr. Michael Griffin, nominated to be Administrator of the National Aeronautics and Space Administration, and Mr. Joseph Boardman, nominated to be Administrator of the Federal Railroad Administration.

Senator HUTCHISON. Mr. Chairman, could I make an opening statement as the witnesses are coming forward? Could I make my opening statement?

Senator INOUE. Go ahead.

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

Senator HUTCHISON. As Chairman of the NASA and Science Subcommittee, I just want to say how pleased I am with the nomination of Dr. Michael Griffin, because I think having his leadership, his expertise, his knowledge at this time when we are trying to get the return to flight and set NASA on its mission for the next 50 years, I think having a leader such as Michael Griffin will enable us to get a clear focus of where we want NASA to go. And so I am very supportive of his nomination.

We are going to have several hearings in our Committee to talk about the importance of the Shuttle, and the Space Station. And I will have questions later for Dr. Griffin regarding some of those issues. But I do want to ask the Chairman and the Ranking Member to consider trying to get Dr. Griffin's nomination out of the Senate this week. We know that return to flight is on a time schedule. And having the, not permanent leader of NASA, but certainly the designated leader of NASA on board by Monday would help accomplish the return to flight on that timetable.

So Mr. Chairman, I hope that we can expedite his votes from the Committee and further have this on the Senate floor before we leave this week. That would be my request.

Senator NELSON. Mr. Chairman, I want to support Senator Hutchison's comment. NASA needs a leader, as we are coming back to flight. And if you can honor Senator Hutchison's request to expedite this nomination to the floor so that he could be in place the beginning of next week, I think it would serve the Nation well.

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

The CHAIRMAN [presiding]. Senator, if we have a quorum tomorrow, we will report the nomination.

Dr. Griffin, first let me say, I apologize. I was appearing before the Intelligence Committee to introduce my great friend, Ambassador Negroponte, to that committee for the confirmation to his new post as Director of National Intelligence. I want to put in the record without objection the statement I would have made had I been here to open the hearing.

[The prepared statement of Senator Stevens follows:]

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

The Committee will come to order.

Today the Committee will hear from four of the President's nominees and the Senators who will introduce them. On the first panel will be Dr. Griffin and Mr. Boardman.

Dr. Michael Griffin was nominated on March 14, 2005 to be NASA Administrator. Senator Mikulski will introduce him.

Joseph Boardman was nominated on March 17, 2005 to Head the Federal Railroad Administration. Senator Schumer will introduce Mr. Boardman.

The second panel will have Nancy Nord, who was nominated on February 28, 2005 to be a Commissioner of the Consumer Product Safety Commission. Ms. Nord is a South Dakota native, and I understand Senators Thune and Johnson support her nomination.

Former Representative Bill Cobey was nominated to the Metropolitan Washington Airports Authority on February 28, 2005. Senators Dole and Burr will introduce him.

I do not have a lengthy statement, but will just say that these nominees, if confirmed, will join important agencies.

NASA is in the process of returning the Space Shuttle to flight after the *Columbia* accident and re-organizing itself to pursue the President's vision for space exploration.

The authorization for the Federal Railroad Administration has expired, and the next FRA Administrator will have to work closely with this Committee to re-authorize that agency.

The authorization for the Consumer Product Safety Commission has also expired, and the Commission's authority to operate with a two member quorum expires at the end of this month.

Finally, the Metropolitan Washington Airports Authority will play an important role in the future of general aviation access in the Washington area.

Before I recognize my Co-chairman, let me ask the Committee to submit post-hearing questions as quickly as possible. All nominees are anxious to move forward. NASA in particular needs a new administrator as the Space Shuttle returns to flight next month.

The CHAIRMAN. Dr. Griffin, would you please introduce your family? I believe there are some of them here. Are there?

Dr. GRIFFIN. Yes, sir, there are. My wife Rebecca; my brother-in-law, Ray Hand; and one of my daughters, Allison Griffin are here with me today. I am very pleased.

As much as I dislike to correct any statement made by Senator Mikulski, I would have to say that Rebecca is actually the one who lights the fire, rather than bringing the rocket.

[Laughter.]

Senator HUTCHISON. It looks like you are going to have to expand on that comment.

The CHAIRMAN. Michael, I will be glad to hand her the torch.

[Laughter.]

The CHAIRMAN. Mr. Boardman, would you introduce your family, please?

Mr. BOARDMAN. Yes, Senator. My wife is with me, Joanne Boardman.

The CHAIRMAN. Thank you, Mr. Boardman.

Mr. BOARDMAN. And my kids are all watching.

The CHAIRMAN. Good.

Well, we are delighted to have these two nominees. First, Dr. Griffin, nominated to be Administrator for the National Aeronautics and Space Administration, we would be pleased to hear any statement you wish to make.

STATEMENT OF DR. MICHAEL D. GRIFFIN, NOMINEE TO BE ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Dr. GRIFFIN. Sir, I would like to enter my formal written statement for the record, if there are no objections at this time, and will just take a couple minutes for comments, if that would be OK.

The CHAIRMAN. We are happy to put all the nominees' statements in the record, as if read, and have your comments.

Dr. GRIFFIN. Thank you, sir. Thank you very much for the opportunity to appear at this hearing. Also, I would like to convey my thanks to Senator Sarbanes and Senator Mikulski for those introductions, which were certainly somewhat over the top for a simple aerospace engineer from a small town. So I am very grateful for the sentiments I have heard also from Senators Hutchison and Nelson. They are very gratifying.

We are here today at a time which is a watershed moment for the space program. The timing was brought to us in the saddest possible way by the loss of Columbia in February of 2003 and our efforts since then to regroup from that loss and to move on. The timing is forced upon us. But it does produce a watershed moment, and that watershed has been crossed.

In the wake of the failure investigation from Columbia, it has become clear that the United States needs to look in new directions and to look beyond where we have been with our program in the last several decades. In the words of the Columbia Accident Investigation Board, the United States is not going to abandon human space flight. But for the foreseeable future, it will be expensive, difficult, and dangerous. The goals that we seek out should be worthy of the cost and the risk.

I think it is now understood that a human space flight program focused only on the completion of the International Space Station and the servicing of that Station with the Shuttle does not qualify as a goal which is worthy of the expense, the risk, and difficulty of human space flight.

Now President Bush has seen beyond that and has proposed a new program. It is the right strategic program. It is the right strategic direction for the United States civil space program and I support it wholeheartedly. I have no doubt that the Members of this Committee have had access to some of my written record on this point and know that this topic is the one closest to my heart with regard to the direction of the program.

There are many who say that the proposals President Bush has made cannot be afforded. I did a little homework and I would point out something which may not be generally realized. We look back at the Apollo years as a time when NASA, received essentially all the money that it needed, all the money that it wanted even. I do not believe that that was actually the case, having looked at the

record. But that is the mythology of the time, was that NASA was in a funding-unlimited period for the Apollo program.

Well, the Apollo years, viewed more broadly, spanned the period from 1959 through 1974, at which time we had finished the Apollo-Skylab missions. So it is the early part of the Agency, its first 16 years, if you will. If you compare the funding received, the funding which was made available on behalf of the citizens to the Space Agency in that first 16 years, it is within a couple of percent of the funding which has been made available to the Agency in the last 16 years of its existence. You can mess around with that number a little bit, depending on which inflation adjustment you care to use, but it is not more than a couple of percent difference, no matter how you calculate it.

So NASA has been well funded by the Nation in the last 16 years of its existence, as well funded as it was in the first. If we continue to receive the President's budget allocations, we can do the program that the President has proposed. We know that we can do it, because we have done it.

The Apollo years are often looked at as the period when the agency had a single mission focus. That, too, is mythology. That, too, is incorrect. During the Apollo years, in addition to executing that program, which will forever remain as one of mankind's greatest achievements, we also executed a host of planetary missions in the Mariner, Ranger, Surveyor, Voyager, and Viking series. We executed earth science missions beginning with TIROS and Nimbus and moving on to ESSA and other weather and earth resources satellite programs.

We executed astronomy missions, such as the Orbiting Solar Observatory. We executed a robust, bold aeronautics program, which featured 199 flights of the X-15 with only one fatality. We did fundamental work in the development of airline transport propulsion and air safety management. We did the fundamental aerodynamics work that led to the ability to design and build the Space Shuttle. All the lifting body research done at Edwards Air Force Base to precede the development of the Shuttle was accomplished during the late sixties and early seventies.

So NASA has proved in its past that we can do more than one thing with the funding that you and your colleagues have provided to us, and I look forward to the opportunity to prove to you that we can do that again.

Thank you very much and I stand ready to take any of your questions.

The CHAIRMAN. Thank you very much, Doctor.

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

PREPARED STATEMENT OF DR. MICHAEL D. GRIFFIN, NOMINEE TO BE ADMINISTRATOR,
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Thank you, Mr. Chairman and Senators. I am honored to appear before you today as President Bush's nominee to be the next NASA Administrator. As you know, I have spent a long career in the aerospace business, and I believe that I will need all of that experience, and more, behind me if confirmed in this position. I look forward to the challenge.

If confirmed as Administrator, my priorities in executing the duties of that office, consistent with the President's Vision for Space Exploration, will be:

- Flying the Shuttle as safely as possible until its retirement, not later than 2010.
- Bringing a new Crew Exploration Vehicle into service as soon as possible after Shuttle retirement.
- Developing a balanced overall program of science, exploration, and aeronautics at NASA, consistent with the redirection of the Human Spaceflight Program to focus on exploration.
- Completing the International Space Station in a manner consistent with our International partner commitments and the needs of human exploration.
- Encouraging the pursuit of appropriate partnerships with the emerging commercial space sector.
- Establishing a lunar return program having the maximum possible utility for later missions to Mars and other destinations.

The aftermath of the tragic loss of the Space Shuttle Columbia on February 1, 2003 brought us to a watershed moment in the American civil space program. Choices had to be made. The President has put forth a choice, a strategic vision for the Space Program. That vision has been enunciated with exceptional clarity, and has been subjected to considerable public debate for over a year. I think it may be said that, while differences of opinion exist, the President's proposal has attained broad strategic acceptance. It is now understood that the International Space Station, supported by the Space Shuttle, cannot be the centerpiece of the Nation's Human Spaceflight Program. The strategic vision for the U.S. manned space program is of exploration beyond low Earth orbit.

It is a daring move at any time for a national leader to call for the bold exploration of unknown worlds, a major effort at the very limit of the technical state of the art. And it was the same way back in 1492, when Queen Isabella overrode King Ferdinand's reluctance and backed Columbus' voyage to "the New World," the first step in the creation of Spain's colonial empire. But few recall that 1492 was a key year in the history of Western civilization, entirely apart from the European "discovery" of the New World. The big news that year was the re-conquest of Granada after a ten-year siege by Spanish forces, an event which essentially marked the conclusion of an eight-century struggle against the Moorish occupation of Spain. With the Spanish treasury depleted, many—including King Ferdinand—believed that it was not the time for the nation to be embarking on what was, in that era, an effort right at the edge of what was technologically possible.

But whether or not the story of Queen Isabella pledging her jewels to back the voyage is true, it is a matter of record that Isabella, Queen of Aragon in her own right, understood that several other nations were capable of sponsoring Columbus, and likely would if Spain did not. England, France, and Italy had arisen as European powers while Spain had struggled against the Moors, and Spain's tiny neighbor, Portugal, had prospered through the growth of her maritime prowess under Prince Henry the Navigator. The "discovery" of the New World had happened before and would have happened again, whether or not Columbus had ever sailed from Palos. One way or another, European settlement of the New World was inevitable; however, it was Isabella's bold action that secured Spain's role in that future. If Columbus failed, she would be discredited, but if he succeeded, Spain would succeed, and would become preeminent among the nations of her time—and that was the way it happened.

And that is the way it is today. In the twenty-first century and beyond, for America to continue to be preeminent among nations, it is necessary for us also to be the preeminent spacefaring nation. Or are we willing to accept the world of a generation or two hence where other nations will be engaged in the development of the Solar System, and we are not? If not, then it is time to recognize that we have squandered a once-insurmountable lead in the arts and sciences of spaceflight. The best we can say for ourselves today is that our grounded Space Shuttle is much more sophisticated than the operational vehicles belonging to the two nations which have sent people into space since we have last done so.

None of this is to say that the United States should necessarily plan to "go it alone" in space exploration. Great nations must be prepared to do so when necessary, but it is equally true that great nations need allies and partners. There is room for these relationships in the President's Vision for Space Exploration, and certainly we have benefited from the Russian capability to support the International Space Station during the two years in which the Shuttle has been grounded. But in the future, the United States should avoid dependence upon other nations for critical spacefaring systems.

Many who share the President's strategic vision for space exploration are nonetheless lukewarm in their support, believing it to be unaffordable or unsustainable.

This concern is understandable. Former Undersecretary of Defense for Acquisition, Technology, and Logistics, and Chair of the President's Commission on Implementation of United States Space Exploration Policy, Pete Aldridge, has pointed out that to be effective, the commitment to space exploration needs to be sustained over multiple Presidential Administrations and sessions of Congress.

The strategic vision for space must therefore be broadly inclusive, to enable a consistent and appropriate level of financial support without disruptive funding peaks and valleys. The decision to have a robust space program is like the decision to have a capable military force—it cannot be made in one year and un-made in the next. The nation does not debate, each year, whether or not it will have such forces. A similarly sustained bipartisan commitment to American leadership in space is required.

And, at least since the aftermath of the Challenger accident, 19 years ago, we have had exactly that commitment. In constant dollars, NASA has received approximately the same allocation of funding from the taxpayers in the last sixteen years—the Space Station Era—as it received in its first 16 years—the Apollo Era. If we are less attracted to the results of the Station Era than of the Apollo Era, then we need to reconsider our goals and our manner of pursuing them. But if funding levels continue in accordance with the President's plans, resources are sufficient to enable a U.S. return to the Moon, and, later, to go to Mars. The country has already demonstrated the consistent support that NASA must have over an extended period of time to execute a program of human exploration. We simply have been doing other things with that money.

The arts and sciences of spaceflight are not restricted to human spaceflight. Robotic spacecraft such as those of *Spirit* and *Opportunity* have taken us, by proxy, to the surface of Mars. *Galileo*, *Cassini* and *Voyager* have taken us to Jupiter, Saturn, and the outer reaches of the Solar System. *New Horizons* will shortly set sail for Pluto, the last remaining planet (so far as we know) not yet visited by any spacecraft from Earth. And, of course, the Great Observatories, including the *Hubble Space Telescope*, *Chandra*, *Spitzer*, and *Compton*, have allowed us to extend our gaze to the very edge of the Universe, and back in time almost to its beginning. The images and the knowledge returned to us by these, our surrogates, have shaped our culture, our view of the Universe, and our place in it almost as powerfully as if human explorers had been present. As we undertake to redirect our Human Spaceflight Program, it is crucial that we do it without damaging NASA's outstanding science programs, which have been among the crown jewels of the nation's achievements.

Those who claim that NASA cannot afford robust programs in both robotic science and manned spaceflight are mistaken. NASA in the Apollo Era was hardly the "single mission agency" in the simplified view that is often heard today. In addition to the manned spaceflight development programs of the time, NASA executed dozens of Explorer-class missions, a dozen Pioneer missions (including Pioneer 10 and 11 to Jupiter and Saturn), Ranger 1–9, Surveyor 1–7, Mariner 1–10, the Orbiting Solar Observatory, Orbiting Geophysical Observatory, and Orbiting Astronomical Observatory series, and paid for most of the Viking missions to Mars, which were launched in 1975. Communications satellite development was initiated with Telstar and Early Bird, while the TIROS, NIMBUS, and ESSA series did the same for weather satellites. In addition to these robotic science and technology development missions, NASA also executed 199 X–15 flights (which still hold the speed record for piloted flight within the atmosphere), and accomplished an otherwise vigorous program of aeronautics development, including the liftingbody research which enabled the development of the Space Shuttle. This hardly seems the record of a "single mission agency."

My conclusion is that we as a nation can clearly afford well-executed, vigorous programs in both robotic and human space exploration as well as in aeronautics. We know this. We did it. NASA can do more than one thing at a time.

The Nation is not going to abandon space exploration, human or robotic. Given this, the proper debate in a world of limited resources is over which goals to pursue. I believe that, if money is to be spent on space, there is little doubt that the huge majority of Americans would prefer to spend it on an exciting, outward-focused, destination-oriented program. And that is what the President's Vision for Space Exploration is about.

With that, I thank you, and stand ready to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name: Michael Douglas Griffin.

2. Position to which nominated: Administrator, National Aeronautics and Space Administration (NASA).

3. Date of Nomination: March 11, 2005.

4. Address: Residence; Information not released to the public, Office; Space Department Head, Johns Hopkins University Applied Physics Laboratory, 11100 Johns Hopkins Road, Laurel, Maryland 20723-6099.

5. Date and Place of Birth: November 1, 1949; Aberdeen, Maryland.

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

Spouse:	Rebecca Lee Hann Griffin	Homemaker
Daughter:	Allison Renee Griffin	23 years
Son:	Daniel Buchanan Griffin	20 years
Daughter:	Eileen Kathryn Griffin	15 years
Daughter:	Kathleen Michelle Griffin	5 years

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

George Washington University	M.S. Civil Engineering	1998
Loyola College of Maryland	M.B.A.	1990
Johns Hopkins University	M.S. Applied Physics	1983
University of Southern California	M.S. Electrical Engineering	1979
University of Maryland	Ph.D. Aerospace Engineering	1977
Catholic University	M.S.E. Aerospace Science	1974
Johns Hopkins University	B.A. Physics	1971

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

Johns Hopkins University Applied Physics Laboratory, Laurel, MD
Space Department Head (3/04-4/05)

In-Q-Tel, Inc., Rosslyn, VA

President & Chief Operating Officer (8/02-3/04)

Aerospace Consultant, Oak Hill, VA (8/01-8/02)

Orbital Sciences Corporation, Dulles, VA

Chief Executive Officer, Magellan Systems, Inc. (7/00-8/01)

Executive Vice President and Chief Technical Officer (1/98-7/00)

General Manager, Space Systems Group (8/95-8/97)

Space Industries International, Inc., Houston, TX

Senior Vice President, Program Development, and General Manager, Space Industries Division (2/94-8/95)

National Aeronautics and Space Administration, Washington, DC

Chief Engineer (2/93-2/94)

Associate Administrator for Exploration (9/91-2/93)

Strategic Defense Initiative Organization, Washington, DC

Deputy for Technology (1/89-9/91)

Consultant, Strategic Defense Initiative Organization, Washington, DC

Technical Director, Delta 183 Mission (11/87-1/89)

American Rocket Company, Camarillo, CA

Director, Vehicle Systems and Integration (10/86-11/87)

Johns Hopkins University Applied Physics Laboratory, Laurel, MD

Principal Professional Staff, Space Department (9/79-10/86)

Jet Propulsion Laboratory, Pasadena, CA

Supervisor, Control Systems Design Group (8/77-9/79)

Computer Science Corporation, Silver Spring, MD

Member of Technical Staff (4/74-10/74)

Link Division, Singer Corporation, Silver Spring, MD

Principal Engineer (1/72-4/74)

9. List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, other than those listed above, within the last five years.

Chair, Review Board, Hubble Robotic System Deorbit Mission, for NASA Independent Program Analysis Office. 12/2004-03/2005.

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

JHU Applied Physics Laboratory, Space Department Head, 03/2004-Present
 In-Q-Tel, Inc., President/Chief Operating Officer, 08/2002-03/2004
 STRATCOM, Consultant, 07/2002-08/2002
 Adroit Systems, Consultant, 03/2002-07/2002
 Musk Foundation, Consultant, 01/2002-03/2002
 Orbital Sciences Corp., Consultant, 10/2001-05/2002
 Interlune, Inc., Board of Directors, 1999-2005.
 Ecliptic Enterprises, Board of Directors, Consultant, 01/2002-08/2002
 Aerojet, Consultant 09/2001-09/2001
 Orbital Sciences, Chief Technical Officer, 08/1995-08/2001
 George Washington University, Advisory Board, Mechanical and Aerospace Engineering, 2000-2004.
 University of Maryland, Advisory Board, Aerospace Engineering, 1997-2004.
 University of Virginia, Advisory Board, System Engineering, 1999-2000.

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

Organization	Dates
American Institute of Aeronautics and Astronautics	1974-Present
Director-at-Large	1999-2004
President-elect	2004-2005
Institute of Electrical and Electronic Engineers	2004-Present
American Astronautical Society	1985-Present
International Academy of Astronautics	1996-Present
The Planetary Society	2003-Present
Hidden Creek Country Club	1998-Present
United States Golf Association	1999-Present
Aircraft Owners and Pilots Association	1988-Present

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

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

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

Bush for President, 2000, \$1000.
 Mikulski for Senate, 2004, \$2000.

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

Salutatorian, Aberdeen High School, 1967.
 Maryland State Senatorial Scholarship (competitive), 1967-1971.
 Outstanding Young Engineer, AIAA National Capitol Section, 1983.
 Distinguished Public Service Medal, Department of Defense, 1986.
 Aerospace Laurels Award (Delta 180), *Aviation Week & Space Technology Magazine*, 1986.
 Space Systems Medal, American Institute of Aeronautics and Astronautics, 1988.
 Nelson P. Jackson Award (Delta 181 Mission Team), National Space Club, 1989.
 Significant Technical Accomplishment Award (Delta 183 Mission Team), American Defense Preparedness Association, 1989.
 Exceptional Achievement Medal, National Aeronautics and Space Administration, 1994.
 Centennial Medal, University of Maryland College of Engineering, 1994.
 Fellow, American Institute of Aeronautics and Astronautics, 1994.
 Barry M. Goldwater Educator Award, AIAA National Capitol Section, 1999.
 Academy of Distinguished Alumni, Dept. of Aerospace Engineering, U. of Md., 1999.

Distinguished Alumnus Award, Clark School of Engineering, University of Maryland, 2000.

Fellow, American Astronautical Society, 2002.

Sustained Service Award, American Institute of Aeronautics and Astronautics, 2003.

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

Editorials

Space News, “The Right Program”, 1/19/04

Space News, “Heavy Lift on the Cheap”, 3/01/04

Space News, “Exploration and Commercial Space”, 5/17/04

Report

M.D. Griffin (co-author), “Extending Human Presence into the Solar System”, Planetary Society Study, July 2004.

Textbook

Michael D. Griffin and James R. French, *Space Vehicle Design*, American Institute of Aeronautics and Astronautics, Washington, DC, 1991; 2nd Ed., AIAA, Reston, VA, 2004.

Technical Publications

1. M.D. Griffin, J.D. Anderson, Jr., and R. Diwakar, “Navier-Stokes Solutions for the Flowfield in an Internal Combustion Engine”, AIAA Paper 76-403, AIAA 9th Fluid and Plasmadynamics Conference, San Diego, CA, 14-16 July 1976.

2. M.D. Griffin and J.D. Anderson, Jr., “On the Application of Boundary Conditions to Time-Dependent Computations for Quasi-One-Dimensional Fluid Flows”, *Computers and Fluids*, Vol. 5, pp. 127-137, 1977.

3. Michael Douglas Griffin, “Numerical Solutions for Two- and Three-Dimensional Non-Reacting Flows in an Internal Combustion Engine”, Ph.D. Dissertation, Department of Aerospace Engineering, University of Maryland, 1977; also, University Microfilms Order #7805028.

4. M.D. Griffin, R. Diwakar, J.D. Anderson, Jr., and E. Jones, “Computational Fluid Dynamics Applied to Flows in an Internal Combustion Engine”, AIAA Paper 78-057, AIAA 16th Aerospace Sciences Meeting, Huntsville, AL, 16-18 January 1978.

5. M.D. Griffin, R.T. Cunningham, and R. Eskenazi, “Vision-Based Guidance for an Automated Roving Vehicle”, AIAA Paper 78-1294, AIAA Guidance and Control Conference, Palo Alto, CA, 7-9 August 1978.

6. M.D. Griffin, E. Jones, and J.D. Anderson, Jr., “A Computational Fluid Dynamic Technique Valid at the Centerline for Non-Axisymmetric Problems in Cylindrical Coordinates”, *Journal of Computational Physics*, Vol. 30, pp. 352-360, March 1979.

7. M.D. Griffin and W.G. Breckenridge, “A Model for Testing Centerfinding Algorithms for Automated Optical Navigation”, AAS Paper 79-124, *American Astronautical Society Progress in Astronautical Sciences*, Vol. 40, Part 1, “Astrodynamics 1979”.

8. M.D. Griffin, J.D. Anderson, Jr., and E. Jones, “Computational Fluid Dynamics Applied to Three-Dimensional Non-Reacting Inviscid Flows in an Internal Combustion Engine”, *ASME Journal of Fluids Engineering*, Vol. 101, pp. 367-372, September 1979.

9. M.D. Griffin, J.R. Stevens, and J.L. Keirse, “Preliminary Inlet Design Studies for a Hypersonic Wide-Area Defense Missile”, Proceedings, 12th Naval Aeroballistics Symposium, NSRDC, Carderock, MD, 1981.

10. M.D. Griffin, “Calculation of Inviscid Air Capture and Additive Drag for 3-D Supersonic Inlet Flows”, Proceedings, 1983 JANNAP Propulsion Meeting, Monterey, CA, 14-18 February 1983.

11. M.D. Griffin, F.S. Billig, and M.E. White, “Applications of Computational Techniques in the Design of Ramjet Engines”, Proceedings, 16th International Aeronautical Congress, 6th International Symposium on Air Breathing Engines (ISABE), Paris, 6-10 June 1983.

12. Michael D. Griffin, “Computational Fluid Dynamics: A Tool for Missile Design”, *Johns Hopkins APL Technical Digest*, Vol. 4, July-September 1983.

13. M.D. Griffin, T.E. Strikwerda, and D.G. Grant, "Space Telescope System Study Report", JHU/APL Report SDO 6941, Laurel, MD, November 1983.
 14. M.D. Griffin, T.E. Strikwerda, and D.G. Grant, "Space Telescope Alternate Fine Guidance Sensor Design Study", JHU/APL Report SDO 7083, Laurel, MD, November 1983.
 15. M.D. Griffin, *et. al.*, "Polar BEAR Mission Program Plan", JHU/APL Report SDO/PAO-0816, Laurel, MD, March, 1984.
 16. M.D. Griffin, *et. al.*, "Satellite-to-Satellite Gravity Experiment (SAGE) Conceptual Design Study", Vol. 1, Technical Plan, JHU/APL Report SDO 7312.1, Laurel, MD, June 1984.
 17. M.D. Griffin, T.E. Strikwerda, and D.G. Grant, "The Space Telescope Alternate Fine Guidance Sensor", AIAA Paper 84-1850-CP, AIAA Guidance and Control Conference, Seattle, WA, 20-22 August 1984; also, *Johns Hopkins APL Technical Digest*, Vol. 6, Jan.-Mar. 1985.
 18. M.D. Griffin, *et. al.*, "Space Infrared Telescope Facility Pointing Control System Analysis", JHU/APL Report SDO-7434, Laurel, MD, October 1984.
 19. M.D. Griffin, *et. al.*, "Polar BEAR Mission Interface Control Document", JHU/APL Report SDO/PAO-0817, Laurel, MD, August, 1984.
 20. M.D. Griffin and J.H. Jerger, "Preliminary Design of the Industrial Launch Vehicle", Proceedings, AIAA/DARPA Meeting on Lightweight Satellite Systems, 4-6 August 1987.
 21. M.D. Griffin and M.J. Rendine, "Delta 180/Vector Sum: The First Powered Space Intercept", AIAA Paper 88-0161, AIAA 26th Aerospace Sciences Meeting, Reno, Nevada, 11-14 January 1988.
 22. M.D. Griffin and W.R. Claybaugh, "The Cost of Access to Space", *Journal of the British Interplanetary Society*, Vol. 47, pps. 119-122, 1994.
 23. Michael D. Griffin, "Managing the Exploration of the Moon and Mars", AAS Paper 95-476, *Strategies for Mars: A Guide to Human Exploration*, American Astronautical Society Science and Technology Series, Volume 86, 1996.
 24. M.D. Griffin and W.R. Claybaugh, "On the Economics of Staging for Reusable Launch Vehicles", 1st Conference on Commercial Development of Space, Space Technology and Applications International Forum (STAIF-96), Albuquerque, NM, 7-11 January 1996.
16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony.

Date	Committee	Subject
May 8, 2003	House Science Committee	NASA Orbital Space Plane Program
October 16, 2003	House Science Committee	The Future of Human Space Flight
March 10, 2003	House Science Committee	President's Vision for Space Exploration
April 7, 2004	Senate Commerce, Science, Transportation	Near Earth Objects

B. POTENTIAL CONFLICTS OF INTEREST

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

There is an existing private 457(b) Deferred Compensation Plan in connection with my present employer, the Johns Hopkins University Applied Physics Laboratory. As noted elsewhere, if confirmed by the Senate, I will resign my current position, and will at that time withdraw the funds currently held in this account.

As noted elsewhere, I own interests in certain companies as part of the In-Q-Tel Employee Investment Plan. The companies in which I own such an interest are itemized in Section B, Paragraphs (3) and (6), below, and in Section E, Paragraph 1.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation or practice with any business, association or other organization during your appointment? No such commitments or arrangements exist.

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

The following securities holdings present a potential conflict of interest under 18 U.S.C. § 208(a), although it has been determined that it is not necessary at this time for me to divest these interests: DuPont, Electro Energy Incorporated, General Electric, Eastman Kodak, Exxon Mobil, Honeywell, Nanosys, and Verizon.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

JHU Applied Physics Laboratory, Space Department Head, 04/2004—present
 In-Q-Tel, Inc., President/Chief Operating Officer, 08/2002–03/2004
 STRATCOM, Consultant, 07/2002–08/2002
 Adroit Systems, Consultant, 03/2002–07/2002
 Musk Foundation, Consultant, 01/2002–03/2002
 Orbital Sciences Corp., Consultant, 10/2001–05/2002
 Ecliptic Enterprises, Consultant, 01/2002–08/2002
 Aerojet, Consultant, 09/2001–09/2001
 Orbital Sciences, Chief Technical Officer, 08/1995–08/2001
 George Washington Univ., Advisory Board, Aerospace Engineering, 2000–2004.
 University of Maryland, Advisory Board, Aerospace Engineering, 1997–2004.
 University of Virginia, Advisory Board, System Engineering, 1999–2000.

5. Describe any activity during the past 5 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy: There have been no such activities.

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

If confirmed as NASA Administrator, I will resign my position as Space Department Head at the Applied Physics Laboratory (APL), a University Affiliated Research Center operated by Johns Hopkins University (Hopkins). Furthermore, pursuant to 5 CFR § 2635.502, for one year after I terminate that position, I will not participate in any particular matter involving specific parties in which Hopkins is a party or represents a party, unless I am authorized to participate.

If confirmed, I will also resign my position on the board of directors of, and will not serve as President of, the American Institute of Aeronautics and Astronautics (AIAA). Pursuant to 5 CFR § 2635.502, for a period of one year after the termination of these positions, I will not participate in any particular matter involving specific parties in which AIAA is a party or represents a party, unless I am authorized to participate.

In addition, AIAA is the publisher of a textbook, Space Vehicle Design, which I co-authored and which is in its second edition. I continue to receive royalties for this work. For so long as this arrangement is in effect, I will have a covered relationship with AIAA under 5 CFR § 2635.502. Therefore, I will not participate in any particular matter involving specific parties in which AIAA is a party or represents a party, unless I am authorized to participate. I will not write any future revisions to this textbook while serving as Administrator.

Finally, as required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the following securities holdings present a potential conflict of interest under section 208(a), although it has been determined that it is not necessary at this time for me to divest these interests: DuPont, Electro Energy, General Electric, Eastman Kodak, Exxon Mobil, Honeywell, Nanosys, and Verizon.

C. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged, or held by any federal, state, or other law enforcement authority of any federal, state, county, or municipal entity, other than for a minor traffic offense? No.

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

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

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: There is no such information.

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

D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Your predecessor served my assistant at the Defense Appropriations Subcommittee. In the past year, as Chairman of the Appropriations Committee, I have traveled around the NASA area considerably. When we heard that he was going to step down, I have to say that everywhere I went, people told me I should look you up and make certain that you were interested and would take the position, if we could convince the President to appoint you. So we welcome your appointment.

I will say to the Members of the Committee, we just checked with the floor, and if the members will agree and meet with us off the floor after the first vote, we will take the emergency action of reporting Dr. Griffin's nomination right away, because of the time-frame that we have heard exists for getting Dr. Griffin confirmed in order to proceed with the difficult job that he has.

May I ask, Mr. Boardman, if you would make your opening statement? Then we will ask questions, let each member ask questions, of each one of you as we go through the Committee.

STATEMENT OF JOSEPH H. BOARDMAN, NOMINEE TO BE ADMINISTRATOR, FEDERAL RAILROAD ADMINISTRATION

Mr. BOARDMAN. Thank you, Chairman Stevens and Ranking Member Inouye, for the opportunity to speak with you this morning in the Committee. I would also like to thank Senator Schumer from my home state for a very gracious introduction.

I am honored to be nominated to be nominated for this position by President Bush and if confirmed as Federal Railroad Administrator, I look forward to adding value to Secretary Mineta's team at the U.S. DOT.

I am pleased that I have Joanne with me. And I am not the rocket scientist up here, Michael, but it is the support of my wife and family that are watching that makes my life worthwhile.

Senator LAUTENBERG. You can check her out as an engineer on the railroad.

[Laughter.]

Mr. BOARDMAN. If confirmed as the Federal Railroad Administrator, I would like to work with this Committee, other Senate committees, House committees, and those interested in railroad transportation, to further the security, safety, reliability, environmental

improvements, and economic competitiveness of the railroad industry and of this nation.

If confirmed, there are three areas that I would like to work on specifically and begin to concentrate on. The first one is safety. And while we are not doing rockets, a railroad system is a very complex operation, whether it is freight or whether it is a passenger operation. You cannot be complacent about safety.

Constant attention to detail is necessary and is required both in the technical and in the operational sense of the railroad. And I believe that we also have to pay attention to the ergonomics and the human factors in railroad transportation in order to ensure a safe operation. And I will be paying attention to that.

Second is intercity passenger service, Amtrak, commuter lines, corridor services. Congress and the Administration need to work together on those existing services to make improvements, to restructure, to reform, to maintain intercity passenger rail across this nation today. By working together, we will demonstrate our desire to have a workable and publicly valued passenger transportation service for our nation.

I do not believe that a current one-size-fits-all model works for our nation in intercity passenger rail. And if confirmed, I will spend my time and my energy working to bring about a new era for America's intercity passenger rail service.

And finally, I will concentrate on the human factors and staff development at DOT, and the FRA. If we are going to reform passenger rail and develop a safety strategy that will meet and exceed—and I think we need to exceed—the public's expectations on safety, then I will need to concentrate on building an organization that will both support and be supported to accomplish those changes.

Thank you again for the opportunity to be here.

The CHAIRMAN. Thank you very much.

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

PREPARED STATEMENT OF JOSEPH BOARDMAN, NOMINEE TO BE ADMINISTRATOR,
FEDERAL RAILROAD ADMINISTRATION

Thank you, Chairman Stevens and Ranking Member Inouye, for giving me the opportunity to visit with the Committee. I would also like to thank Senator Schumer, from my home State of New York, for that gracious introduction.

I am very honored to have been nominated for this position by President Bush. If confirmed as Federal Railroad Administrator, I look forward to adding value to Secretary Mineta's team at the U.S. Department of Transportation.

I am also pleased to introduce Joanne Boardman to you, as my wife and partner for over 30 years. I know that my children Joe, Kathryn, Emily and Philip are watching this if they can find a location to do so, along with my other family members and friends. It is through their encouragement and support that I am here.

If confirmed as Federal Railroad Administrator, I plan to work closely with this and other Senate and House committees to improve railroad safety and security, reliability, environmental impacts, and economic competitiveness.

There are three initial issues that deserve my attention from the start.

First and foremost, safety. I believe that we, as a society and as an industry, can never be complacent about safety. Railroads are among the most complex enterprises operated in the world today. Constant attention to detail is required, both in the technical and operational sense. I believe in understanding human factors and the environment within which they work, and making subsequent improvements, based on that understanding, that lead to safer performance.

Second, intercity passenger rail. Congress and the Administration must work together to reform the existing, failing system. By doing so, we will demonstrate our desire to have a workable and a publicly-valued passenger rail service in our nation.

I do not believe that the current one-size-fits-all model works. If confirmed I will work tirelessly to bring about a new era for America's intercity passenger rail.

Finally, FRA staff development. If we are looking to reform passenger rail and working to develop a safety strategy that will meet and exceed the public's expectations, then I will need to concentrate on building an organization that will both support and be supported to accomplish those changes.

Thank You. Again, I appreciate the opportunity to be here and I am happy to answer any questions you may have of me.

A. BIOGRAPHICAL INFORMATION

1. Name: Joseph H. Boardman.
2. Position to which nominated: Federal Railroad Administrator.
3. Date of Nomination: March 17, 2005.
4. Address: Residence; Information not released to the public, Office; 50 Wolf Rd. Albany, NY 12232.
5. Date and Place of Birth: December 23, 1948; Rome Hospital, N. James St. Rome, NY 13440.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
Spouse: Joanne R. (Griffith) Boardman, Homemaker. Children; Joseph Jr. 27; Emily Beth 23; Philip James 21.
7. List all college and graduate degrees. Provide year and school attended.
BS Cornell University, Ithaca NY May 1975; MS Binghamton University, Binghamton NY May 1983.
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
Manager of the Rome NY, Transit Dept; Manager Rome Parking Authority and General Manager, Utica Transit Authority December 1975–July 1981 (Rome Transit position began in 1975, Parking 1979, Utica 1980) Commissioner of Public Transportation, Broome County, NY Jul. 1981–Dec. 1988; Chief Operating Officer and Principal, Progressive Transportation Services Inc., Dec. 1988–Feb. 1995; Commissioner, First Deputy Commissioner, and Assistant Commissioner for NYS Department of Transportation, Feb. 1995–Present.
9. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above, within the last five years: None.
10. List all positions held as an officer, director, trustee, partner, proprietor, agent representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last five years.
Member of the Executive Board for the Transportation Research Board (TRB), and currently 2005–2006 Chairperson; Member of the Board of Directors, and currently Chair of the Standing Committee on Rail Transportation for American Association of State Highway and Transportation Officials (AASHTO).
11. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.
Lifetime member of the Roman Catholic Church (St. Patrick's, Taberg, NY); Life member of the VFW Post #2246 (Rome, NY) since 5/19/04.
12. Have you ever been a candidate for public office? No.
13. itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.
I have contributed \$1,000 to George Pataki (Candidate for Governor, New York) every year for the past 10 years for his annual April Fund raiser.
14. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements.
United States Air Force Good Conduct, Marksmanship, and Viet Nam Service awards; Governor Alfred E. Smith Award for Public Administration 2003; New York State Society of Professional Engineers President's Award of Excellence–June 2001; Empire State Passengers Association President's Award–Feb. 1999; AASHTO Award

for Environmental Excellence–1999; AMTRAK State Partner Award–1999; March of Dimes Service to Humanity Award–Oct. 1998.

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

I have authored no articles, columns, or books relating to the position to which I have been nominated; I give speeches nearly every week; sometimes, several times a week. I generally do not have written speeches that I use. All presentations are based on my responsibilities as Commissioner of Transportation for the State of NY; and, at times, those speeches would include subjects that would be relevant to railroads. The speeches that are written are maintained by the Department Public Relations office.

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

I have never testified to Congress in a non-governmental capacity.

B. POTENTIAL CONFLICTS OF INTEREST

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

New York State Deferred Compensation account; please refer to my financial disclosure report.

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

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

Upon confirmation, I would resign from my position of Commissioner New York State Department of Transportation, and from AASHTO and TRB. Please refer to my Ethics Agreement.

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

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

As Commissioner, New York State Department of Transportation, I have been active in the debate on the future of intercity passenger rail in New York State; in the Northeast Corridor, and nationally. I have also been active in Freight Rail issues as a part of the AASHTO “Bottom Line of Reports” that were produced to educate Congress and the Administration of the need for policy development in the area of freight movement on the trade routes of the United States and North America.

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

If it is found that I have a conflict of interest, or an appearance of such a conflict, I will remove myself from the conflict if that is possible, or mitigate, satisfy or otherwise resolve the conflict or appearance of conflict to the satisfaction of the Committee and the Administration.

C. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged, or held by any federal, state, or other law enforcement authority of any federal, state, county, or municipal entity, other than for a minor traffic offense? No.

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

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

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

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? If so, please explain.

There have been various labor grievances (some racial, some sex based) where I have responded for my employer as the official in charge of and accountable for management decisions that resulted in those grievances. I recall no instances that resulted in a finding of discrimination. In none of these instances has there been any personal accusation of discrimination.

D. RELATIONSHIP WITH COMMITTEE

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

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

The CHAIRMAN. Senator Inouye, do you have any questions of the witness?

Senator INOUE. If I may, I would like to yield to Senator Lautenberg because of the special hearing.

The CHAIRMAN. Senator Lautenberg is recognized.

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

Senator LAUTENBERG. Thanks, Mr. Chairman. And I ask, first of all, unanimous consent that my full statement would be put in the record.

The CHAIRMAN. Without objection, and Senator Schumer's statement introducing Mr. Boardman will appear, too.

[The prepared statement of Senator Lautenberg follows:]

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

Mr. Chairman:

Good morning and thank you for holding this hearing on the nominees to fill these important positions.

NASA is an agency that faces many challenges, ranging from documented problems with financial management to accusations of waste and abuse. And these are credible charges made at the former head of the agency. Despite these concerns, the President's 2006 budget proposal would increase funding for NASA while cutting many other agencies.

On the other hand we have Amtrak. Under new management, Amtrak has overhauled its financial accounting system and trimmed its workforce by 20 percent—while adding 20 percent more trains and reaching record ridership nationwide.

Yet the President proposes to bankrupt our passenger rail system. Killing Amtrak would strand the 25 million passengers who chose inter-city rail service last year—the equivalent of 125 thousand fully-booked 757 airplanes.

Of course, Amtrak not only provides inter-city rail service. It also provides infrastructure and operational assistance to commuter rail lines that carry 850 thousand American workers every weekday. If we kill Amtrak, we will cut off these workers from their jobs—or force them onto already crowded roads, bridges and tunnels.

Americans need Amtrak every day. But we needed it most when our nation was attacked on September 11, 2001. When our commercial aviation system was shut down on 9/11, stranded passengers turned to Amtrak to reunite them with their

families. Thank goodness they had that choice. That tragic day reminded us that our nation cannot depend entirely on one mode of transportation.

Mr. Boardman made this argument himself as chairman of the rail committee of the American Association of State Highway and Transportation Officials. In their intercity rail report, he wrote, "In normal times passenger rail service was important. In the 'new normal' times it is critical."

Since the Federal Government created Amtrak 34 years ago, we have invested less than an average of one billion dollars a year in rail infrastructure and operations—not nearly enough for a world-class system. Germany, which has a modern, high-speed rail system, invested nine billion dollars in passenger rail in 2003 alone. Instead of trying to kill Amtrak, we must build a passenger rail system that is as good as any in the world.

Of course, oversight of Amtrak's finances is just one of the duties of the Federal Railroad Administrator. The primary job is to carry out and enforce the laws relating to rail safety, and I hope Mr. Boardman is up to that task.

I want to thank all of these nominees for being here today to share their views and ideas with us, and I look forward to working with them throughout the confirmation process.

Thank you, Mr. Chairman.

Senator LAUTENBERG. Just in a short word, Mr. Chairman, we are fortunate to have the kind of candidates for these lofty positions that we do have. And I think fair to say that Amtrak and passenger rail service is a primary concern of mine, not the only one. But I am worried, Mr. Boardman, what might happen if Amtrak, for instance, stopped running the Empire service from New York City to Niagara Falls or the Adirondack trains from New York City to Montreal.

Now, would—the city of New York—you have experience there—be prepared to pick up the costs to continue those operations?

Mr. BOARDMAN. Let me answer, Senator, if I could, we right now financially support the Adirondack service that goes into Montreal. And we have increased that support substantially, almost four times, in just the last few years. So there is strong support for passenger transportation. The Empire service was created under the original Amtrak in 1971. Which means that the State of New York is not required to actually support that service at this time.

However, New York provides over \$1,400,000,000 a year to support public transportation, including New York City, and has a long history of doing so. That said, I do not think any state or any organization today will voluntarily step up and add more dollars unless called upon. And I think that what is important to understand in New York, and we have been trying to do that, is that it is critical that we have intercity passenger transportation on the Empire corridor, on the Adirondack corridor to Montreal, and on the Northeast corridor. We are financially committed, on the state level, to ensuring that service.

Senator LAUTENBERG. Yes, but Mr. Boardman, you are aware of the fact that the recommendation by the President would abolish much, if not all, of Amtrak's services. And I asked you the question deliberately about the service on the two lines we were just discussing. Is New York State—and you said that, you know, you said that no state is going to step up voluntarily to do it. The question is: With your unique experience in New York State and in railroading for such a long time, transportation, will New York State be able to fully take over the responsibility of running the railroad from New York City on north in these two lines?

Mr. BOARDMAN. I do not know whether they will fully take over that responsibility, but they will be committed to supporting intercity passenger rail.

Senator LAUTENBERG. Well, is supporting with the money included or supporting it in a philosophical kind of thing? Because what we are looking at is a question of whether or not we have the resources to continue to provide this intercity passenger rail service.

Mr. BOARDMAN. No, support in the sense of money support.

Senator LAUTENBERG. So New York State, it is in your belief that New York State would step up and provide all of the services that are presently there on their own, without assistance from Amtrak.

Mr. BOARDMAN. I would not say it that way.

Senator LAUTENBERG. I know you would not, but I want you to. [Laughter.]

Mr. BOARDMAN. I know you do. I can use the rocket—

Senator LAUTENBERG. We are going to get along fine, no matter—

Mr. BOARDMAN. I can use the rocket scientist line again here, but—

Senator LAUTENBERG. No.

Mr. BOARDMAN. I understand.

Senator LAUTENBERG. You might be able to run all kinds of things, but without the appropriate amount of fuel and resource, it cannot happen. Now as Chairman of AASHTO's Standing Committee on Rail Transportation, you are responsible for the report that stressed the primary role of the Federal Government to ensure adequate funding for passenger rail. Now, we have a zero proposal, a proposal of zero level for funding on passenger rail in this Fiscal Year 2006 budget. If confirmed, how do you square your position that AASHTO with the administration's view?

Mr. BOARDMAN. If confirmed, I believe we have to work in collaboration. And there will not be zero. If we can reform and make the changes necessary to support rail transportation, that will not occur.

Senator LAUTENBERG. So you include reform as a condition for funding. Now, we do not have time to discuss this. We will—you and I will discuss it personally, privately. But when you throw in a condition like that, when there has been so much cost reduction, personnel reduction and so forth. Mr. Gunn has led a very successful attempt to reduce the costs there.

Now, that constitutes a manner of reform. But we have never provided the capital to Amtrak that is required. If we spent \$1 billion a year on average, it was a lot. In Germany, they spent \$9 billion in 1 year. And if you see the product that they have, it is not just money, it is will also.

How do you ensure that the freight railroads, for instance, will give reasonable scheduling priority so that the freight delays will not hamper passenger service, which often occurs? Do you have a view on that?

Mr. BOARDMAN. Well, I think that the freight railroads have been supportive and have to be supportive and have to be supportive of passenger rail under the law at this point in time. I think that this Congress has been helpful to the freight industry with the 4.3 cent

tax that it gave back to the freight industry. I think that we need to expect that the freight industry is going to support what we need as public policy.

Senator LAUTENBERG. So might we suggest that the same thing should be done with Amtrak, to give them the kind of support that they need? If it was a significant assist for the freight service, then why should we not try to duplicate that for passenger rail service?

Mr. BOARDMAN. I can understand and I think in collaboration, we will.

Senator LAUTENBERG. Thanks, Mr. Chairman. Thanks for the courtesy, Senator Inouye.

The CHAIRMAN. I am informed that we are now on the defense supplemental, and Senator Inouye and I may be called. We will continue the hearing, though. If we do, I hope the others will stay here. We have not been called yet.

Let me ask a couple questions right now.

Dr. Griffin, NASA currently takes a series of photographs from space to deal with the training of pilots, particularly in order to get through some of the mountain passes in our state. Until recently, one out of 11 pilots in Alaska died in plane crashes. And we have established what we call a Five Star Medallion Safety Program. We would like to have you come up and take a look at that and see what you might do to further the goal of reducing that death rate. Are you willing to come up to do that?

Dr. GRIFFIN. Sir, as a general aviation flight instructor and pilot, if confirmed, I would absolutely love the opportunity to come up and see that.

The CHAIRMAN. Thank you very much.

Now, Mr. Boardman, we had a substantial conversation yesterday. And I appreciate your courtesy in discussing with me some of the problems of the railroads. But I understand, and I do not want to embarrass Mrs. Boardman, but I understand that when you asked for her hand, you asked not only for a marriage but also for her to go to Alaska to homestead. And she accepted one and refused the other.

[Laughter.]

The CHAIRMAN. Obviously it is time now, I think, perhaps you should take a trip to Alaska and bring Mrs. Boardman, so she can see what she missed, when you come to inspect the Alaska Railroad. Are you willing to make such a trip?

Mrs. BOARDMAN. For thirty years.

[Laughter.]

The CHAIRMAN. The answer is yes, now, thank you.

[Laughter.]

The CHAIRMAN. Thank you very much.

Mr. BOARDMAN. Whether I am confirmed or not, it seems.

[Laughter.]

The CHAIRMAN. Well, I would like to accelerate your confirmation, too, but I do not think we have the ability to do so, because we can only do this on an emergency basis.

Senator Nelson?

Senator NELSON. Thank you, Mr. Chairman. Mr. Chairman, in the interest of time, I am going to be brief, because our nominee for NASA is obviously the right person at the right time of leader-

ship. I am going to submit, with your permission, a number of detailed questions that I would like to have for the record, as we, well, as Dr. Griffin leads this agency out of the wilderness. It has been wandering in the wilderness for a period of years. And it needs the strong leadership that I think that he is going to offer.

I want to, if I may, just take a couple of moments here to have you state for the record what we have already talked about in private—which I find your views compelling—on such as using your ability in your new position to enable NASA to improve its decision-making process on, example, accepting certain risks before we return to flight. Would you comment for the record on that?

Dr. GRIFFIN. Yes, sir. Obviously, if confirmed, the very first issue on the plate, superceding all others, is to look into the return to flight work which has gone on in the more than 2 years since we lost Columbia, to understand it, to understand who has done it, what has been done, to understand what the areas of concerns still are. I have been in the unfortunate position of having chaired accident boards, fortunately that did not involve people. But when a lot of money is at stake, one equally well takes such things seriously. And I am very aware that accident boards make recommendations that seem good to them at the time, but which may not in all cases be capable of implementation.

We will, of course, face that same thing with the return to flight. And in fact, those who pay attention to the space media note that there is a certain amount of contentiousness ongoing right now as to exactly what state of completion our Shuttle return to flight exercise can reach before we decide to go and accept the risk remaining.

So nothing will be more important to me than looking into all that. Also, as the Columbia Accident Investigation Board so thoroughly elucidated, one of the things we want to make sure is that we hear from all parties, that there is no information that needs to reach the top that fails to reach the top. And that will be a huge priority.

Senator NELSON. And I confirm your concern as a leader, that I have often felt that the last two tragedies that we have had in NASA, first Challenger and then Columbia, although destruction for different technical reasons, really, it was a common theme. And that is that the top level management was not listening to the engineers on the line. And that was in fact the case with Challenger in 1986 and again with Columbia. So I thank you for that.

Share with the Committee your concern about the potential hiatus where we would be without an American vehicle for human access to space perhaps in a situation for years relying upon the Russians and where the geopolitics would take us in those years, that suddenly Russia might not be a reliable person, a reliable partner, for access to space, for human access to space. Share your thoughts about that hiatus between the schedule of 2010, shutting down the Shuttle, and several years later possibly before we would have the crew exploration vehicle ready to go.

Dr. GRIFFIN. Thank you, Senator. As a matter of fact, my second priority, if confirmed, would be to address exactly the gap to which you refer. Because I think this is an area that means a lot to me. As a matter of what it takes to be a great Nation in the 21st cen-

ture, I do not believe that we would wish to see a situation where the United States is dependent upon any partner, reliable or unreliable, at any time, for human access to space or, for that matter, any access to space.

We need our own capabilities. Two Nations have now put people into space since the United States has last done so. I do not like that. The program that NASA has outlined so far features a new crew exploration vehicle. We can call it what we will. And it nominally comes on line in 2014. I think that is too far out. President Bush said not later than 2014. He did not say we could not be smart and do it early. And that would be my goal.

I would call the Committee's attention to the fact that when the United States developed its Gemini spacecraft, it did so from contract award to first flight in a period of something like 38, 39 months, a little over 3 years. Even the Apollo spacecraft, a much more challenging development, whose development was in fact interrupted by a fatal fire that killed three astronauts, even the Apollo spacecraft was brought from contract award to fruition in no more than 6 years.

It seems unacceptable to me that it should take from 2005 to 2014 to do the same thing when we already know how.

The CHAIRMAN. Your time has expired. I am sorry.

Senator NELSON. Mr. Chairman, I would only ask at some point in the nominee's testimony, if he might share his vision for the future of NASA, because I think we will hear a refreshing statement.

The CHAIRMAN. Thank you very much.

It is my understanding that the Senator's questions as submitted for the record would not be intended to hold up the confirmation process.

Senator NELSON. Oh, absolutely not. Absolutely not.

The CHAIRMAN. Senator Hutchison?

Senator HUTCHISON. Thank you, Mr. Chairman. Mr. Chairman, I have been trying to work on the priorities of the Subcommittee. And one of the priorities was the question that was just asked by Senator Nelson. It has, as I have discussed with Dr. Griffin, been of great concern to me that we would have a 5-year hiatus on the books in which we would be able to put our own people in space. And I appreciate that that is also a concern of yours.

I think it is, in addition to a potential problem in stopping the science that is done at the Shuttle, I mean at the Space Station, I think it is a security issue for our country when we are seeing, as you pointed out, other countries going into space.

So I will be looking. And we will be holding hearings. And certainly when I am able to hold our Subcommittee hearings, I will have you back, and we will be able to discuss these things more fully. But of the priorities that I have after return to flight, the 5-year hiatus is the biggest. We have a commitment to international partners in the Space Station. You said something in your opening statement that you support the Space Station, but we have to make sure that putting people in space is for a mission worthy of the risk.

And I agree with you, of course, that going to Mars should be the next vision. But I want to make sure that we also have the commitment to our international partners to finish the Space Station and

that we look for the ways to enhance the science so that it is worthy of the efforts that we are making, both in the medical research, which we are now doing, and potentially with geophysical research, from what we might get on the moon and then maybe into the long-term future, Mars.

And I just wanted to ask you if you are committed to finishing the Space Station and if you have other ideas about the kinds of science that we can do that would be worthy of the risk of manned space flight.

Dr. GRIFFIN. Yes, Senator. Let me assure you first that your priority to, as I just said in response to Senator Nelson's question, your priority to reduce any gap in access to space by our Nation after the Shuttle retirement is also my priority. We are of like mind. It remains to find ways and means. But we are of like mind on that.

With regard to the International Space Station, yes, the President is pledged, and I, as his nominee, am pledged, if confirmed, to bring the International Space Station to a level of completion consistent with our obligations to our international partners. The faith and credence of the United States in meeting its obligations means something to me. It means quite a lot to me. We have undergone a trauma in our space program, as you know all too well. We are still recovering from that and there has been damage to the program, and there have been delays to the program. But we are committed to meeting our obligations to our partners.

With regard to the science that can be done on the Station, as I know that you are aware, it consists, of course, first and foremost, life science research in connection with the effect of zero gravity on the human body in preparation for longer voyages. It also serves, or can serve, as a test bed for engineering development hardware before that hardware is subjected to long journeys far from home. It can possibly serve, as you indicated, in observation or other type of scientific platform.

You know, the utilization of it remains yet to be fully fleshed out. But certainly having built it, it would be my commitment to use it for whatever makes sense to use.

Senator HUTCHISON. So you can foresee that there could be equipment testing, as perhaps we go back and forth to the moon, that could—I mean, to—I am sorry, to the moon that could also eventually help us in knowing what it would take to go to Mars?

Dr. GRIFFIN. I have often thought that the most valuable application of any space station would be simply a place to check out hardware that is in nascent stages of development, not fully understood. It provides a lot more opportunity for interaction with that hardware than aerospace engineers usually get. Most of the time we design it, we build it, we launch it, and we hope we did it right.

Senator HUTCHISON. Thank you.

With my last minute I would like to just ask a question to Mr. Boardman. Senator Dorgan and I have just introduced legislation. And I was very pleased to work on this with him because of a situation that happened in San Antonio, Texas, last year where—and it just—it happens in other parts of the country as well. It just happened that we had a huge wreck and it was going through a major metropolitan area. And we know that hazardous materials

carriage going through metropolitan areas is an issue that affects many communities.

Our bill would require railroads to improve inspections of welded track, develop tank car safety standards, and ask, or actually direct, the FRA to do a relevant rulemaking. And I just wanted to ask you if you are familiar with this issue and if you are committed to better inspection capabilities by the railroads and better oversight from the FRA and also the issue of tank car integrity.

Mr. BOARDMAN. Senator, I am familiar with at least part of the issue. And I will, if confirmed, pay attention to the HAZMAT issue, not only in terms of the technical characteristics of the cars, but also in some of the balance of how we are going to notify and operate those cars.

Senator HUTCHISON. And working with the communities involved.

Mr. BOARDMAN. Absolutely.

The CHAIRMAN. Thank you, Senator.

Senator HUTCHISON. Thank you.

The CHAIRMAN. Senators, I have urged the staff to notify absent Senators, but we will meet in the President's room right after the next vote or at 2:15 today, whichever occurs first, on the nomination.

I now recognize Senator Pryor.

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

Senator PRYOR. Thank you, Mr. Chairman.

My time is short here so, Mr. Griffin, I would like to focus some questions with you first. Something that has been in the news recently is the Hubble Spacecraft, or the Hubble Telescope. And I am hearing, I guess, conflicting reports, or maybe I do not understand exactly what is going on. I think that some are saying we should just pretty much abandon it and let it die, and others are saying no, we can send up some sort of robotic spacecraft and get it, you know, reworked for a longer life.

Tell me the status of that and tell me the value of the Hubble Telescope, if you can.

Dr. GRIFFIN. Let me comment on the second issue first, the value of the Hubble. I guess the shortest way in which I could express it is that the Hubble almost by itself is the instrument which allowed us, as a race of people, but our scientists in particular, to understand that it is quite literally true that we know nothing about 95 percent of the known universe. Seventy-five percent of it is dark energy, 20 percent of it is so-called dark matter, and the remaining 5 percent is what we can see.

That is an understanding so profound as to rival with Einstein's development of the theories of relativity and so forth. So it has been an extraordinarily valuable instrument.

Senator PRYOR. And is it your opinion that it would have value in the future?

Dr. GRIFFIN. If it were working right, of course it would continue to have value in the future. Yes, sir, and the issue remains as to what we do. To answer now your first question second, sir—

Senator PRYOR. Right.

Dr Griffin.—the ability to deal with it. A robotic mission has been studied. Actually, until I was nominated by the President to be his choice for Administrator, I was the independent chair of the Robotic Servicing Mission design review committee. As you know and as was in the news very recently, that committee, now without me as its head, that committee has concluded that the Robotic Servicing Mission is not feasible within reasonable amounts, for reasonable amounts of money, and within the time we have available before the Hubble wears out, if you will.

So I would like to take the robotic mission off the plate. I believe that is a correct assessment and so I believe that the choice comes down to reinstating a Shuttle servicing mission or possibly a very simple robotic deorbiting mission. The decision not to execute the Shuttle, the planned Shuttle servicing mission, was made in the immediate aftermath of the loss of Columbia. When we return to flight, it will be with essentially a new vehicle which will have a new risk analysis associated with it and so on and so forth.

At that time, I think we should reassess the earlier decision and in light of what we learn after we return to flight, we should revisit the earlier decision.

Senator PRYOR. OK.

Dr. GRIFFIN. Did I answer responsively? I mean, I was rather long-winded and I am sorry.

Senator PRYOR. Yes. That is good. Now let me ask you about NASA as an agency. I know there has been some financial management issues there. In fact, as I understand it, NASA's auditors have not been able to conduct an audit for three of the last 4 years. And there may not be a clean audit in FY05. Is that your understanding?

Dr. GRIFFIN. Yes, sir, that is my understanding.

Senator PRYOR. And what is the cause of that? And why is that happening in this Agency? And understandably, Congress has a lot of concerns about that. And, you know, frankly, you need to get your fiscal house in order. But tell me the cause of that and what you plan on doing to fix it.

Dr. GRIFFIN. Sir, I in no way have the appropriate knowledge at this time to comment on the cause. So I will have to—and if confirmed, I absolutely look forward to getting back to you to explain what we have found when we know. But right now, I do not know.

Senator PRYOR. I think that has got to be one of your top priorities, though.

Dr. GRIFFIN. It is. It absolutely is. I have, as was pointed out in my introduction, I have been at NASA. I have been a contractor to NASA. When I was in the Defense Department, I have been a customer for NASA. Since I have been a contractor, I have been held to demanding accounting standards for how we spent our money, as should be the case. It is not acceptable for NASA to do less well in accounting for its expenditures to the Congress.

I am given to understand that there is an excellent Chief Financial Officer in charge at NASA. I just met her this morning. I am also given to understand that it may well be true that she has not received all of the resources necessary to accomplish her job. I plan to meet with her literally on my first day and understand what she needs to accomplish her task and to see to it that she can do that.

It is unacceptable that we cannot pass an impartial audit and account to you for how we have expended our funds.

Senator PRYOR. Yes. I agree with that. And I am glad you are going to make that such a high priority.

And the last question I wanted to ask is not so much about space flight or even agency but science and education. And you have the EPSCoR program. Are you familiar with EPSCoR?

Dr. GRIFFIN. I am not, sir.

Senator PRYOR. Experimental Program to Stimulate Competitive Research.

Dr. GRIFFIN. I am not familiar with it, I am sorry to say.

Senator PRYOR. OK. Well, I tell you what, I will just write out a question for you for the record, and not to hold up the confirmation, but I would like your thoughts on that.

Thank you.

Dr. GRIFFIN. I would welcome the opportunity.

The CHAIRMAN. Senator Allen?

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

Senator ALLEN. Thank you, Mr. Chairman.

I am going to focus my comments to you, Dr. Griffin. And it has to do with the NASA budget. I intend to support you. But let me tell you, every time you come before this Committee, I am going to voice concern about the Aeronautics Industry. I am a competitive person. I think everyone in this Committee, whether they are from Alaska or from Virginia or from Texas or from anywhere else, are concerned about the aeronautics funding because air travel affects us all.

One of the great strengths in the 20th century, of America and its leadership, was in aeronautics. We have fallen behind. For the first time ever, going from 90 percent of the commercial aviation market in the 1940s, we for the first time have come in second last year, down to 45 percent of global sales.

I have looked at the funding for the aeronautics aspect of NASA. In the previous administration, research and development was cut in half. This current administration and this proposed budget proposes another cut in half, which is forcing some of our research centers to lay off capable, uniquely skilled individuals, who are not readily found in the market.

Moreover, there is a concern about young people in engineering, particularly aeronautical engineering. This certainly does not send a positive message, if we care to be a leader in aeronautics, which I think is important for our security and for prosperity in this country.

When one looks at all the developments and the improvements in aviation over the years, many of those, whether it is civilian or for military aircraft, came from the R&D, the high-risk research that was done at our research centers, NASA research centers, around the country.

Now I understand that you have yet to be confirmed as Administrator, but I would like for you to explain to me and to our Committee the rationale behind the dramatic cuts in the new vehicle systems program, which is conducting research on the feasibility of

hypersonic flight. Hypersonic flight is that of the speed above Mach 5. They are also researching the development of zero emissions aircraft.

Could you share with me and our Committee the rationale for these further drastic cuts in aeronautics and, moreover, why the cuts in the new vehicle systems?

Dr. GRIFFIN. Senator Allen, I cannot share that rationale with you, because I do not know it. If confirmed, I will take it as an action to study that, those issues, and to get back to you, to work with you and your staff in explaining our rationale. But as of today, I do not have it.

I share your view as to the cruciality of aeronautics research. Like you, I am a competitive person and also find it more than somewhat worrisome that last year we were below 50 percent of the market share, having once had 90 percent. We also have a statement on the record in the European Union that the goal of Airbus is to dominate the world market in air transport. I think that the United States should be worried about that. And I am.

But with respect to your question today, with what I know at this moment, I cannot answer.

Senator ALLEN. Well, in the event that we are going to address the concerted plan, which they are effectuating in Europe to dominate by the year 2020, and they are investing a great deal, billions of dollars, in research and development, and producing quality aircraft, do you see cutting research and development for new vehicle systems in aeronautics as a way of addressing that competitive challenge that we are facing, which is important, again, for our military, for civilian aircraft and it actually is also good for our balance of trade. And most of our balance of trade is not very good these days.

So do you see cutting research and development by half again, so it is about one-quarter of what it was 10 years ago, do you see that as a logical, rational way of handling this or addressing it?

Dr. GRIFFIN. Well, sir, as I do not have to explain to you, I am the President's nominee and I support the President's program. However, the President understands that the determination of the budget in the final analysis is an iterative process. I look forward to working with you and your staff on those iterations to arrive at an approach which is acceptable to all parties.

Senator ALLEN. Well, I look forward to working with you. Understand, in our private conversation we discussed this as well, how important I feel this is for the future of our country. I feel that we ought to be concerned that, for example, the most advanced fighter must be tested overseas in wind tunnels in Europe, because our own country has failed to invest in our own wind tunnels.

And so it is my view that—I know there are a lot of priorities and we do need to be in the lead in space, but we also need to be paying attention to the very practical, beneficial aspects of research and development here in this country, working with the private sector, working with defense, in aeronautics. And I just cannot countenance seeing the atrophying of a very capable skilled work force plus the encouragement for the future with these, I think, penny-wise-and-pound-foolish proposals.

And so as the legislative branch disposes of proposals—and I know that. And as a Governor, I appreciate agency heads who follow the executive. However, I am glad you understand the legislative process. And I hope to work with my colleagues to improve the aeronautics funding, particularly for the new vehicle system, which is important for the future.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator, I will be happy to discuss with you sometime the availability of money for that research and the redundancy of the current research.

Senator Inouye?

Senator INOUE. Mr. Chairman, I will be submitting my questions. But I would like to ask Dr. Griffin to do his very best to keep Hubble alive.

And to Mr. Boardman, as you may know or may not know, we in Hawaii have one narrow-gauge railroad. It is about two miles long. So we are not quite ready for Amtrak. But I will be supporting you.

Mr. BOARDMAN. Thank you, Senator.

Dr. GRIFFIN. Thank you, Senator.

The CHAIRMAN. Thank you very much. In other words, you do not have an excuse to go to Hawaii.

[Laughter.]

Mr. BOARDMAN. We will make one up.

[Laughter.]

The CHAIRMAN. Thank you very much, gentlemen. And I hope you will respond to the questions that we may submit to you.

And Dr. Griffin, we look forward to contacting you later.

Mr. Boardman, we will determine how quickly we can get your nomination out. We will have a hearing markup tomorrow—no, Thursday, Thursday. And we will do our best to have it ready for that time.

I will now turn to the next panel. Thank you very much, gentlemen.

Dr. GRIFFIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thanks to your family.

Mr. BOARDMAN. Thank you, Mr. Chairman, Committee.

The CHAIRMAN. We will take a 2-minute break.

[Recess.]

The CHAIRMAN. I would ask Ms. Nancy Nord and Mr. William Cobey to come to the table, please.

[Pause.]

The CHAIRMAN. Senator Hutchison.

Senator HUTCHISON. Mr. Chairman, I have been called to respond to an amendment by Senator Cochran, but I did want to say that I have known Nancy Nord for longer than I even want to say, at least 30 years. And she is the most qualified person for this position. I know she will do a wonderful job.

And I hope that our Committee will expedite her approval, as well. Thank you.

The CHAIRMAN. Thank you very much.

[Pause.]

The CHAIRMAN. Please close the doors.

[Pause.]

The CHAIRMAN. Ms. Nancy Nord has been nominated to be Commissioner of Consumer Products Safety Commission. The Honorable William Cobey is nominated to be a member of the board of directors of the Metropolitan Washington Airports Authority. Let me ask you if you have family with you today that you wish to introduce for the record, either of you?

Mr. COBEY. No, sir.

Ms. NORD. No, sir.

The CHAIRMAN. Senator Inouye and I are pleased to be able to consider the nomination. Do you have any opening statement to make on these nominees?

Senator INOUE. Fine candidates.

The CHAIRMAN. And my opening statement, which I placed in the record, I identified your backgrounds, each of you. And we understand that Senator Thune and Senator Johnson support Ms. Nord's nomination. Senator Dole and Senator Burr support Mr. Cobey. And their statements will be placed in the record.

The CHAIRMAN. We are pleased to consider your nomination.

Ms. Nord, do you have a statement that you would like to make?

**STATEMENT OF NANCY A. NORD, NOMINEE TO BE
COMMISSIONER, CONSUMER PRODUCT SAFETY COMMISSION**

Ms. NORD. Yes, sir. Although I do not have family with me this morning, I would like to acknowledge Commissioner Thomas Moore, who will be my colleague on the CPSC, if confirmed. Commissioner Moore is well known to this Committee. And I wanted to acknowledge his presence.

The CHAIRMAN. Thank you. We are pleased to have you here, Commissioner.

Ms. NORD. Thank you. The biographical information I submitted to the Committee for the record outlines my personal and professional background. This morning I wanted to just briefly tell you why I would like to be on the Consumer Product Safety Commission and give you a sense of the things I would like to accomplish, if confirmed.

I am eager to be a CPSC Commissioner for several reasons. First of all, I strongly believe in the mission of the agency. American consumers have every right to expect that the products that they purchase will be safe and will not pose an unreasonable risk of injury to themselves or their families.

Second, I am pleased to have been chosen for this position, because I have a long interest in the activities of the agency. As a young lawyer right out of law school, one of the very first issues I worked on was the legislation creating the Consumer Product Safety Commission. Later, as a Hill staffer, I worked on consumer protection matters, including oversight and authorization legislation for the agency.

In the 30 years since it was established, the agency has built up an impressive record of accomplishments. And I am eager to do what I can to push forward the mission of the agency.

With respect to priorities, the Commission has a special responsibility to vulnerable population groups such as the elderly and especially children. While the Commission has made significant strides with respect to the safety of toys and other children's products,

there is always more to be done. This is an area of special concern to me and if confirmed, is an area where I will give strong emphasis.

On a related matter, it is critical that once a product —unsafe product—has been recalled, that we assure ourselves that the product is really out of consumers' hands. We should continue to explore a variety of ways to track and measure product recall effectiveness, including the use of new technologies.

While I believe that American manufacturers generally have an excellent record in producing safe products, I also recognize that many products on our store shelves are manufactured overseas. Under the leadership of Chairman Stratton, the Commission has begun work with safety officials in other countries to harmonize safety regulations and to assure that products manufactured outside the U.S. meet our high standards. I look forward to supporting this important work that the Commission has begun.

Before I close, I want to mention to you the importance that I place on open communication. If confirmed, I am committed to establishing an open communication process to assure that I have the benefit of rigorous debate and all points of view before reaching a decision. Consumer groups, business entities, the standard-setting bodies can be assured that I strongly believe in an open-door policy and will be proactively looking for their input on issues before the Commission.

Serving as a CPSC Commissioner is a high honor and a tremendous responsibility. If confirmed, I commit that I will undertake this responsibility with integrity, enthusiasm, and full dedication. Thank you, sir.

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

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

PREPARED STATEMENT OF NANCY A. NORD, NOMINEE TO BE COMMISSIONER,
CONSUMER PRODUCT SAFETY COMMISSION

Mr. Chairman and Members of the Committee, it is an honor to appear before you today as the President's nominee to be a Member of the Consumer Product Safety Commission ("CPSC"). I welcome the opportunity to talk with you about the Commission and to answer any questions you may have.

To give you an overview of my background, I was born and raised in Sioux Falls, South Dakota, where most of my family still lives. I graduated from the University of Nebraska and then attended George Washington University Law School at night, while working during the day as a Senate staffer. Twenty-one years ago, I married James S. Halpern, a Judge on the United States Tax Court. We have an 18 year old daughter, who is a freshman in college.

My professional background includes service as counsel to the House Commerce Committee (where I handled consumer protection issues, including those relating to the CPSC), general counsel to the President's Council Of Environmental Quality, private law practice, starting and leading a professional association, and managing the Federal Government relations function of a large consumer products company.

I have long had an interest in the activities of the CPSC. One of the first issues I worked on as a young lawyer, thirty years ago, was the original legislation establishing the Commission. As a hill staffer, I worked on authorizing legislation and oversight of the agency. I believe that the mission of the agency is of vital importance to the lives of every person in this country and I am committed to working aggressively to assure that the Commission carries out its statutory mission.

From my experience in both the public and private sectors, I firmly believe it is critical that the agency involve in its deliberations all stakeholders, including private industry, consumer groups, state public health and law enforcement officials, and other federal agencies. If confirmed, I am committed to establishing an open

communications process to assure that I have the benefit of vigorous debate and all points of view before reaching a decision on an issue. I also understand that Congress, and especially this Committee, is vitally interested in the Commission's activities. If confirmed, I will assure that there continues to be open and full communication with you and your staff, and that the agency is fully responsive to any questions or issues you may have.

The activities of the agency break down into three main areas, (1) identifying products that present unreasonable risks and developing uniform safety standards to protect against those risks, (2) educating consumers about the relative safety of consumer products and about compliance actions taken by the Commission, and (3) a law enforcement function, which assures compliance with the statute. I would like to outline my priorities with respect to each of these activities.

With respect to the standards setting process, the Consumer Product Safety Act is unique in its direction to the Commission to work with interested parties to develop voluntary safety standards if such standards would be adequate to address a particular risk. The voluntary standards mechanism that Congress built into the Act assures that the standards-setting process is a collaborative one involving all stakeholders. It gives incentive to manufacturers to design for safety. The commission should encourage product manufacturers, working cooperatively with consumer and standard setting groups in appropriate situations, to design safety into products so that regulatory action by the commission is a rare occurrence.

With respect to consumer education and outreach, I believe that much needs to be done to alert consumers about potential safety issues. In addition, we need to continue developing more imaginative ways to get unsafe products out of the hands of consumers. However, this is not something the agency can do alone. It is vital that the agency work closely with the states' attorneys general, state and local public health officials, educators, and community organizations, especially those serving consumers who are less fortunate economically and consumers who do not speak English as their first language, to assure that those closest to the people have information about safety issues and product risks.

With respect to the agency's law enforcement function, I am committed to vigorously enforcing the law: Those who do not comply with the statute should be punished. As our world gets smaller and manufacturing becomes global in scale, it is important that we assure consumers that consumer products coming into this country are safe and meet U.S. safety standards. Counterfeit products pose a special problem. Not only do counterfeit products impose unfair competitive burdens on American manufacturers, but they also can pose real safety hazards for American consumers.

Finally, the Commission has a special obligation to protect vulnerable population groups, especially the elderly and the young. You have my full assurance that I will work tirelessly to assure that consumer products posing unreasonable risks to children and the elderly are dealt with quickly and efficiently.

Serving as a CPSC Commissioner is a serious responsibility and a tremendous opportunity to work with a talented and dedicated staff. If confirmed, I commit to you that I will undertake the job of Commissioner with enthusiasm and integrity.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Nancy Ann Nord.
2. Position to which nominated: Commissioner, Consumer Product Safety Commission.
3. Date of Nomination: February 28, 2005.
4. Address (List current place of residence and office addresses): information not released to the public.
5. Date and Place of Birth: September 14, 1946; Sioux Falls, SD.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
James S. Halpern, Judge, United States Tax Court, Washington, DC (spouse); Hilary Ann Halpern, 18 (daughter).
7. List all college and graduate degrees. Provide year and school attended.
JD—George Washington University National College of Law, 1971; BA—University of Nebraska, 1968.
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Director of Federal Government Relations, Eastman Kodak Company;
Of Counsel, Verner, Liipfert, Bernhard, McPherson and Hand Law Firm;

Counsel, Jellinek, Schwartz & Connolly;
 Executive Director, American Corporate Counsel Association;
 General Counsel, Counsel on Environmental Quality, Executive Office of the President;
 Counsel, Commerce Committee, U.S. House of Representatives;
 Director of Consumer Affairs, U.S. Chamber of Commerce;
 Attorney-Advisor, Federal Communications Commission.

9. List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, other than those listed above, within the last five years: Advisory Neighborhood Commissioner, Washington, DC.

10. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last five years: Better Business Bureau Online, Board Member.

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

District of Columbia Republican Committee, 1995–present, general counsel, treasurer, executive committee member;

Republican National Lawyers Association, 1985–present, board of governors, executive director, president;

American Corporate Counsel Association, 1999–2003;

District of Columbia Bar Association (retired member);

Big Sisters of Metropolitan Washington, 1996, Board of Directors;

Temple Micah Jewish Congregation, 2001–present;

Bethesda Jewish Congregation, 1995–2001.

To my knowledge, none of these organizations restricts its membership on the basis listed in the question.

12. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

In 2002 and in 2004, I was a candidate for and was elected to be an Advisory Neighborhood Commissioner in Washington, DC. No debt was incurred.

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

District of Columbia Republican Committee, 2005, \$500;

DC Republican Committee, 2004, \$550;

DC Republican Committee, 2002, \$500;

DC Republican Committee, 2000, \$500;

Bush-Cheney 2004 (Primary) Inc, 2003, \$2000;

Bush for President, 1999, \$1000;

Elizabeth Dole for President Exploratory Committee, 1999, \$1000;

KPAC, 2001, \$500.

In addition, from 1997 through 2003, I was a regular contributor to the Eastman Kodak Employees Political Action Committee in varying annual amounts between \$500 and \$800.

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

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

“Sentencing Guidelines Up the Ante for Corporate Compliance Programs”, ACCA Docket, Fall, 1991;

“The New Lobbying Disclosure Act: What You Need to Know to Comply”, ACCA Docket, Summer, 1996.

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

B. POTENTIAL CONFLICTS OF INTEREST

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

Under the terms of my deferred compensation agreement with Eastman Kodak Company, I will receive deferred compensation payments in 2005 and 2006. In addition, I hold a small number of Eastman Kodak stock options.

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

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated: See No. 1 above.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

During the past 5 years, I was an employee of the Eastman Kodak Company, which manufactures consumer products regulated by the Commission.

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

During the past 5 years, I served as Director of Federal Government Relations for the Eastman Kodak Company. In that capacity, I oversaw all the company's legislative activities and was registered as a lobbyist for the company.

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

I have signed an Ethics Agreement under which I agree to recuse myself from any matter that will effect my personal financial interests or that of my family. In addition, I have agreed to recuse myself from any matter that may effect the financial interests of Eastman Kodak Co.

C. LEGAL MATTERS

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

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

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

I was a defendant in civil litigation involving the construction of a personal residence for my family. The case was settled before trial, in October, 2003.

In 2004, I participated with the other former Chairs and General Counsels of the Counsel on Environmental Quality in an amicus brief in the U.S. Supreme Court in *Norton v. Southern Utah Wilderness Alliance*.

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

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

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

D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Do you agree if requested to appear before this Committee you will come without a subpoena?

Ms. NORD. Absolutely, sir.

The CHAIRMAN. All right. Mr. Cobey, we are pleased to have your opening statement.

**STATEMENT OF HON. WILLIAM W. COBEY, JR., NOMINEE TO
THE BOARD OF DIRECTORS, METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY**

Mr. COBEY. Thank you, Mr. Chairman, Senator Inouye. I was certainly honored to have my home state Senators, outstanding leaders, Senators Dole and Burr, introduce me. And I have submitted a statement for the record. I appreciate this hearing, consideration of my nomination by the President. And I would be glad to answer any questions you might have for me at this time.

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

PREPARED STATEMENT OF HON. WILLIAM W. COBEY, JR., NOMINEE TO THE BOARD
OF DIRECTORS, METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Mr. Chairman and Members of the Committee:

I am Bill Cobey, the President's nominee to the Metropolitan Washington Airports Authority. I would succeed the Honorable John Paul Hammerschmidt, who has been closely involved with Washington's two airports since the Congress agreed to turn them over to a public regional authority in 1986.

As you can see from the Committee's record, my principal qualifications for this appointment are found in my years of governmental service. I was introduced to airport politics and policies when I had responsibility for the airports in North Carolina as Deputy Secretary of the North Carolina Department of Transportation, and later as Town Manager of Morrisville, North Carolina which is located immediately adjacent to the Raleigh-Durham Airport.

I have long been involved with the Republican Party in North Carolina, and I am proud to have actively supported the election of the two outstanding Senators who introduced me this morning. I had the honor of representing the good people of the fourth district of North Carolina as a Member of the House of Representatives for one term in the mid 1980s when the Airports Authority was established under the visionary leadership of then Secretary of Transportation Elizabeth Dole.

The Airports Authority customarily invites nominees to attend its meetings, and I have already attended a Board meeting and five committee meetings. The Board is very active and its members are well informed. I very much look forward to working with my colleagues there.

As you may know, the Metropolitan Washington Airports is a public agency created by interstate compact between the Commonwealth of Virginia and the District of Columbia solely to operate Ronald Reagan Washington National Airport and Washington Dulles International Airport under lease from the United States. It is governed by a Board of 13 Members. Five are appointed by the Governor of Virginia, three by the Mayor of the District of Columbia, two by the Governor of Maryland and three by the President.

I am told that the Presidential members are among the most active and have the best attendance records. They are also mindful of the statutory direction, in the federal Metropolitan Washington Airports Act, to "ensure adequate consideration is given to the national interest." I can assure the Committee that this record will continue if I am confirmed.

I appreciate your consideration of my nomination. I would be happy to answer any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): William W. (Bill) Cobey Jr.

2. Position to which nominated: Member ("Director"), Metropolitan Washington Airports Authority.

3. Date of Nomination: February 28, 2005.

4. Address (List current place of residence and office addresses): information not released to the public.

5. Date and Place of Birth: May 13, 1939, Washington, DC.

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

Nancy Lee Cobey, Fitness Instructor, Self Employed, spouse; Catherine Cobey Culton, 39, daughter; William W. Cobey IV, 32, son.

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

Emory University, BA, Chemistry, 1962; University of Pennsylvania, MBA, Marketing, 1964; University of Pittsburgh, M Ed, Health and Physical Education, 1968.

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

Deputy Secretary, North Carolina Department of Transportation—State Aviation Program under this position. In a broader sense, my experiences as a Member of the U.S. House of Representatives, Secretary of the North Carolina Department of Environment, Health and Natural Resources; Director of Athletics at the University of North Carolina; and Town Manager of Morrisville, North Carolina are also relevant.

9. List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, other than those listed above, within the last five years.

Served on the transition team for new State Auditor of North Carolina earlier this year.

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

Chairman of the Board, Trinity School of Durham and Chapel Hill; Member of the Board of the Jesse Helms Center; Senior Consultant, Capitol Link; President, Cobey, Inc.

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

The Chapel Hill Bible Church, 1978 to the present, deacon and elder; The North Carolina Republican Party, Executive Committee since 1985, Chairman 1999–2003; Republican National Committee 1999–2003; National Rifle Association, 2003–2005; current member, Educational Foundation at the University of North Carolina at Chapel Hill, have been a member off and on since 1976.

12. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: Yes.

My last campaign, which was for Governor of North Carolina, owes me \$90,000. There are no other debts from this campaign or other campaigns.

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

Cobey for Governor, \$4,000, 2003; North Carolina Republican Executive Committee, \$1,000, 1999; Richard Burr for U.S. Senate, \$500, 2003; Jo Bonner for Congress, \$1,000, 2002.

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

Order of the Gimgoul and Bell Tower Society at UNC at Chapel Hill; Order of the Long Leaf Pine, State of North Carolina; Presidential Citation of the North Carolina Association of Local Health Directors; Distinguished Service Award, Chapel Hill-Carrboro Jaycees.

15. Please list each book, article, column, or publication you have authored, individually or with others, and any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed: None.

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

B. POTENTIAL CONFLICTS OF INTEREST

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

Cobey, Inc. is paid by Capitol Link for my consulting services. Capitol Link is a Washington-based Federal Government relations firm headed by Mick Staton, a former Member of Congress, specializing in municipal and county government matters. I am paid a percentage of the fees paid by clients in North Carolina to Capitol Link.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation or practice with any business, association or other organization during your appointment? If so, please explain: Yes, see No. 1.

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

My Executive Branch Confidential Financial Disclosure Report identifies several financial interests in firms that have contracts with the Metropolitan Washington Airports Authority. They are: Dell Computer Corp., Motorola Inc., Cisco Systems, Inc., Oracle Corp. and Wachovia Corp.

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

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

Lobbied Congress and federal agencies for non-profit organization's investments in contaminated sites cleanup to be specifically exempted from unrelated business income. Contacted state legislators to oppose proposed state lottery for North Carolina and to influence the redistricting of state senate and house seats. As North Carolina Republican Chairman and Candidate for Governor of North Carolina, I spoke out on numerous issues.

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

I will do my best to avoid any conflicts of interest. If I have one, consistent with the Airports Authority *Code of Ethical Responsibilities for Members of the Board of Directors*, I will disclose my conflict to the Board and not speak to the issue either privately or publicly and of course, not vote.

C. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged, or held by any federal, state, or other law enforcement authority of any federal, state, county, or municipal entity, other than for a minor traffic offense? No.

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

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

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

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

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes, to the best of my shared authority.

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

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

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

The CHAIRMAN. Do you also agree that you will come before this Committee if requested, without a subpoena?

Mr. COBEY. Absolutely.

The CHAIRMAN. Thank you. We appreciate that each of you agreed to meet and discuss your nominations before this hearing. The questions that we had were satisfied, I believe.

Senator Inouye.

Senator INOUE. Thank you, Mr. Chairman. I have just two short questions.

What are your views, Mr. Cobey, on adding a few more long-distance flights from Reagan?

Mr. COBEY. Certainly I am open to that, Senator. I understand that that has to be—at least my understanding is it has to be done in statute at this point in time. But I am certainly open to more flights beyond the perimeter.

Senator INOUE. And to Ms. Nord—thank you very much, Mr. Cobey.

Mr. COBEY. Yes, sir.

Senator INOUE. Currently the agency has a cap on the fines, \$7,000 per product with a ceiling of 1.65 million.

Ms. NORD. Yes, sir.

Senator INOUE. We have been receiving letters and e-mail from other interested parties citing, for example, that on June 2003 Endovascular Technologies was fined over \$92 million in civil and criminal penalties by FDA. Consumer groups would like to see the caps removed entirely. They argue that low caps are no deterrent. And large corporations can factor certain civil penalties into their cost of doing business.

What are your thoughts on raising the cap or eliminating the cap?

Ms. NORD. I am aware, Senator, that the agency recently has imposed fines of record proportion for the CPSC. And they have been well publicized in the newspapers. I think you raise an interesting question. I do not have a strong view that the caps are either appropriate or inappropriate, sir. I would like to take a look at that and come back to you and your staff. I am certainly very open to considering that, if that would be a more effective deterrent.

Senator INOUE. Thank you very much.

Mr. Chairman, I favor all of the nominees.

The CHAIRMAN. Thank you very much, Senator.

Ms. Nord, I have been reminded that the Consumer Product Safety Commission keeps track of snow machine and four-wheeler accidents—

Ms. NORD. Yes, sir.

The CHAIRMAN.—by surveying hospitals.

Ms. NORD. Yes, sir.

The CHAIRMAN. Most of these machines are used in rural areas, particularly in my state. And of the 230 rural villages, most of them do not have hospitals. They have very small clinics staffed by community health aides. Would you ask the Commission to consider expanding the accident survey program to cover these rural areas by contacting the entities that these people go to when injured? Hospitals are in major cities in my state. Clinics are in hundreds of places. And I do not think you are getting really a good sampling, a good survey, of accidents under the current procedure. I would urge you to ask the Commission to expand the concept, so that you ask the clinics for information, as well as hospitals. Are you willing to do that?

Ms. NORD. Sir, I strongly believe that the more information you have about products and accidents, the better off you are going to understand the risks. So absolutely I would be happy to do that.

The CHAIRMAN. We thank you very much. Senator Inouye and I both want to indicate for the record we intend to recommend that the Committee report favorably the nominations before the Committee now. And we look forward to working with you in your new capacity, as soon as you are confirmed.

Thank you very much.

Ms. NORD. Thank you.

The CHAIRMAN. Thank you.

Mr. COBEY. Thank you, sir.

The CHAIRMAN. Thank you all.

[Whereupon, at 11:53 a.m., the hearing was adjourned.]

A P P E N D I X

APRIL 4, 2005

Hon. TED STEVENS,
Chairman,
Hon. Daniel K. Inouye,
Ranking Minority Member,
Commerce, Science, and Transportation Committee,
Washington, DC.

Dear Senators Stevens and Inouye:

This letter is to support the nomination of Nancy A. Nord to be a Commissioner of the Consumer Product Safety Commission. I request that it be made part of the Committee's hearing record.

Nancy was born and raised in South Dakota and I have known her and her family for many years. I believe that she would bring thoughtful and evenhanded leadership to the Commission. She has both management experience and substantive expertise on issues before the CPSC and would make a valuable contribution to the Commission.

Nancy has my full support for this position. I hope that the Committee will move quickly to favorably report out this nomination.

TIM JOHNSON,
U.S. Senator.

NC DEPARTMENT OF TRANSPORTATION
Raleigh, NC, April 7, 2005

Hon. Ted Stevens,
Chairman,
Hon. Daniel K. Inouye
Co-Chairman and Ranking Minority Member,
Commerce, Science, and Transportation Committee,
Washington, DC.

Dear Senators:

The purpose of this letter is to indicate our enthusiastic endorsement of Commissioner Joseph H. Boardman of New York for the position of Administrator of the Federal Railroad Administration (FRA).

Since 1997, it has been our privilege to work with Commissioner Boardman as a State Department of Transportation colleague on a wide range of transportation matters. The Commissioner has demonstrated extraordinary intelligence, leadership and dedication to public service principles through his chairmanship of the American Association of State Highway and Transportation Officials' Standing Committee on Rail Transportation (SCORT).

As Chairman of SCORT Commissioner Boardman coordinated rail policy development by the several states. These policies have included federal legislation, intercity passenger rail and Amtrak, development of Class I, II and III railroads, freight rail and labor issues, safety, intermodalism, security and other matters. His grasp of these issues is profound yet he also has the interpersonal skills to listen to the views of others in order to achieve consensus.

I have personally observed the strengths of character and experience in Commissioner Boardman, and am confident that he will serve the nation well as Administrator of the FRA. Therefore I ask for your vote in consent of this confirmation.

Sincerely,

DAVID D. KING,
Deputy Secretary for Transit.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO
DR. MICHAEL D. GRIFFIN

Question 1. Most recently, there have been many claims by government and industry scientists that the Administration is ignoring the facts concerning climate change science and has been filtering some of the data that makes it into final reports. What are your thoughts on the state of climate change science?

Answer. I think that the President's Climate Change Research Initiative is the right approach—there are questions that we can answer in a relatively short amount of time that can directly inform the policy debate. My understanding is that, through the agencies participating in the Climate Change Science Program, we are developing a suite of assessments to update our state of knowledge on some of those key climate questions. These assessments are supported by NASA observations and research, a responsibility I take very seriously.

Question 1a. How do you plan to deal with such accusations and ensure that the research results are accurately represented in final reports?

Answer. NASA's role is to produce the best science possible to inform policy—not to make policy. As Administrator, I will work to ensure that only the highest quality science is accomplished, and that all research results which have been *technically* reviewed and found to be sound, are made available. The scientific process mandates that data and analyses be disseminated and that technical review and challenges be conducted. This is the way science advances. NASA will not filter research for political expediency.

Question 2. NASA is planning to return the Shuttle to flight next month. The Committee last year passed a NASA authorization bill that required NASA to certify to the Congress that the safety recommendations, identified as "Return-to-Flight" by the Columbia Accident Investigation Board, have been satisfied before returning to flight. Can you support such an action?

Answer. It does not appear to be technically possible to satisfy the full scope of the CAIB recommendations for return to flight. For example, the CAIB recommended NASA develop a comprehensive inspection and repair capability to cover the widest possible range of damage scenarios, but we still do not know how to repair a hole in a wing such as that which is believed to have been responsible for the loss of Columbia. Thus, my first efforts as I assume the leadership of NASA will be to understand fully what can be, and has been, done to assure that the Shuttle will fly, for the remainder of its service, as safely as the technical state of the art permits. If I find the Shuttle to be unsafe, I will not give the go-ahead for it to fly until all necessary corrective actions have been taken. These are the actions that I can and will support.

Question 3. In a recent article concerning the Space Shuttle's return-to-flight, Commander Eileen Collins and other crew members indicated that they would fly only if the Stafford-Covey Group and the agency's leadership agreed that Columbia Accident Investigation Board's "Return-to-Flight" recommendations have been met. The Stafford-Covey Group recently cancelled a meeting to discuss NASA's work on these recommendations because of a lack of information from NASA. Does this situation cause concern for you?

Answer. This situation will be of concern to me if it has been accurately reported by the media, a matter into which I will probe at my first opportunity. If NASA is withholding information necessary for analysis by the Stafford-Covey group, I will deal swiftly and surely with that situation. If, however, the information is unavailable or simply not yet available, this would be a matter leading to a different outcome. Summarizing, I will deal with the entire return-to-flight issue as immediately and thoroughly as possible after confirmation.

Question 4. According to a recent General Accountability Office report, the Space Shuttle program has made limited progress toward developing a detailed long-term strategy for sustaining its workforce through the Space Shuttle's retirement. What are your plans for addressing workforce issues while also considering safety and the development of a replacement vehicle for the Shuttle system?

Answer. I do not yet have such plans. After confirmation, I will develop a full understanding of the existing situation, and develop a strategy for the required workforce transition. I will share this strategy with the Congress as it becomes available.

Question 5. You previously served as President and Chief Operating Officer of In-Q-Tel, a CIA supported organization that invests in private companies to ensure

greater availability of intelligence-related technologies for the government. Do you think this approach or model is useful in other parts of the government?

Answer. Though I can take no credit for the invention of the In-Q-Tel model, I believe it to be a thoroughly excellent approach for achieving “spin in” of the latest and best results of the high-tech community into government agencies, including NASA. I plan to support the furtherance of this model at NASA.

Question 6. Will NASA perform an astronaut servicing mission to the Hubble Space Telescope, as recommended by the recent National Academies report on the “Assessment of Options for Extending the Life of the Hubble Space Telescope”?

Answer. I cannot say whether NASA will support such a mission without further review, after we have completed our initial return-to-flight mission, STS-114. Immediately after this is accomplished, I will commission a thorough, impartial review of the operational and financial factors involved in making such a decision, will bring it to a speedy conclusion, and will fully share the results of this review, my decision, and the rationale for this decision, with the Congress.

Question 7. How will cost overruns in the Shuttle program and the development of the Crew Exploration Vehicle be kept in check? Do you foresee robotic missions and research programs in the Science Mission Directorate shouldering the burden for overruns in the manned program, as has happened in recent months?

Answer. I believe that NASA has the ability to improve its execution of the basic “blocking and tackling” of program management. I will make this a major effort after confirmation; there is no reason why NASA should not be the leader in the cost-effective execution of government aerospace programs. I will endeavor to avoid having scientific or aeronautical research programs “shoulder the burden” for overruns in the manned spaceflight program.

Question 8. What do you see as the role of science in NASA’s Vision for Space Exploration?

Answer. Science is one of the fundamental goals of the Vision for Space Exploration. Opportunities to perform new and interesting scientific investigations, in new ways and at new destinations, will be an integral part of the Vision for Space Exploration. I am committed to the preservation of a robust science program at NASA.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO
DR. MICHAEL D. GRIFFIN

Question 1. With the ongoing war on terror and budget, CAN the country afford a new launch system to meet the Exploration vision in the near future?

Answer. Yes, the country can afford a new launch system if one is needed to support the Vision for Exploration. It is likely that any new launch system would be based on existing components, which would probably cost less than the development of an entirely new vehicle. The President is not seeking major increases in NASA funding; rather, the Vision sets a new direction for the use of funds presently allocated for NASA’s human spaceflight program.

Question 2. What transition or gap roles do you see for the Michoud Assembly Facility? As the new NASA Administrator how will you ensure there will be sustained funding for Michoud between the Shuttle retirement and Exploration start up?

Answer. It is likely that NASA will need a heavy-lift vehicle to support the vision for space exploration. An analysis of future space launch requirements is called for in the National Space Transportation Policy. The policy further calls for NASA and the DoD to work together to develop a roadmap to meet these requirements and until that roadmap is complete, it is not clear exactly what type of launch vehicles will be used to support exploration. However, NASA cannot implement the development of a heavy-lift launch vehicle without the skills, tooling, and handling equipment necessary for large system components. Critical facilities and skills necessary for these capabilities exist at Michoud. Such facilities and skills at Michoud and elsewhere in the program will be identified and transition plans to preserve them will be developed.

Question 3. Tell us your thoughts on HLLV and SDV. What role will Michoud play?

Answer. Any heavy-lift launch system for the Vision for Exploration will, if it is to be efficient and cost effective, involve large components. The largest system component available in the world today and which is applicable to the heavy-lift requirements of Exploration is the Shuttle External Tank. In one form or another, I would expect the fabrication and handling facilities and the skills resident at Michoud to be essential to the Exploration vision.

Question 4. How will NASA transition the human capital on STS/ISS to Space Exploration projects?

Answer. My intention is to define the architectural elements and program plans for the Vision for Exploration on a timetable that allows us to transition the human capital with the requisite skill sets from the Shuttle/ISS programs as these programs wind down.

Question 5. I have been watching the progress of NASA over the past year in moving to establish a centralized Shared Service Center for administrative processing for the Agency. My understanding is that final selection of a site for the NSSC is imminent. Are you prepared to move ahead promptly with this cost-savings/one NASA initiative? How will you ensure that your final selection of a site for the NSSC provides the most savings of FTE and dollars for the Agency?

Answer. It is my understanding that an impartial source selection board has studied this issue and is prepared to announce its final selection shortly. After a review of the concept and its implications, I will commit to implementing this cost-saving initiative. I will review the selection results before any announcement is made, and will ensure that the most globally beneficial solution has been chosen.

Question 6. Establishing and staffing a new center to execute the NSSC appears contrary to the much publicized 2006 targeted reductions at some of the centers, are you prepared to support this transformation? (Distinction between Administrative jobs (NSSC) vs. aeronautical/exploration/engineering type jobs.)

Answer. I will review the plans for this transformation to ensure that it truly delivers the expected cost-saving benefits and, if so, will support it. Reductions in administrative positions at individual Centers will be tolerable if they help NASA achieve greater overall efficiency.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
DR. MICHAEL D. GRIFFIN

Question 1. There is a possibility that Stafford-Covey may decide that one or more of the Return to Flight Recommendations have not been completed to their satisfaction. What action will you take if this scenario occurs?

Answer. In such a case, I will examine the issue to determine whether the NASA shuttle program managers agree, or differ, with the Stafford-Covey assessment. If they do differ, I will determine whether it is believed that there is any possibility of meeting the intent of the recommendation(s) within the limits of existing technology and the available financial means. If the problem cannot be solved, or cannot be solved within a budget and timeframe which is useful to the continued support of the ISS, it will be necessary to make a determination as to whether or not to accept the risk of flying with the known deficiency, relative to the CAIB recommendations. This will be done in a full and open manner, with all stakeholders involved.

Question 2. What qualities will you look for in potential Senior Level Managers at NASA?

Answer. Potential senior managers at NASA must have unimpeachable integrity, high intelligence, appropriate experience with operational space programs, prior senior management experience, excellent "people skills," high energy, total commitment, and a proven ability to "get things done" in the real world.

Question 3. Can you provide assurances that NASA will do what it can, as a matter of priority, to assure that crew survivability in a wide range of scenarios is considered, and implemented to the extent feasible, during the design and development of the next generation NASA Human Space Vehicle?

Answer. No issue is more important to me than to assure that the fullest possible range of crew survivability options is considered in the next generation of manned space vehicle design.

Question 4. NASA is hoping to embark on an ambitious journey into Space using a Crew Exploration Vehicle. America is well aware of NASA's history of cost overruns. So, it is especially crucial, that NASA make marked improvements over previous programs in the area of cost estimation and life cycle costing. Do you have some ideas on how NASA can improve in this area?

Answer. It is my opinion that the discrepancy between predictions and achievements in regard to the cost estimation of aerospace programs generally, whether executed on behalf of DoD or NASA, is more a matter of improper program execution than it is a matter of incorrect estimation. We have only to consider the commercial communications satellite sector to realize that it is quite possible, when profits are at stake, for aerospace companies to produce complex yet reliable spacecraft on time

and on budget. The establishment of greater discipline in program management within government-sponsored space programs will be the more fruitful path for us to pursue. Improved cost estimating techniques are certainly desirable, but more accurate estimates of unacceptable results is hardly the result we need.

Question 5. Do you have any comments about the importance of lessons learned for NASA's future?

Answer. I prefer to think of these as "lessons applied" rather than "lessons learned," as only the *application* of a "lesson learned" will really yield a different outcome. Such lessons are the only means by which we add to the accumulated body of knowledge, both art and science, that is required for the United States to be the preeminent spacefaring nation. Nothing is more important for NASA's future than effectively incorporating such knowledge.

Question 6. Are you familiar with the Plasma Rocket? Once you have been confirmed, will you look into it as an option for the next generation human rated spacecraft, and for other applications?

Answer. I am familiar with the plasma rocket in general terms, and consider it to be an excellent possible option for use in helping to implement the Vision for Exploration. It is likely, however, that the most effective use of the plasma rocket in the future will be in the shipment of cargo, rather than on crewed vehicles.

Question 7. The same logic applies that NASA is using for Space Shuttle missions—if the "Crew Exploration Vehicle" has a problem, the ability to dock with the space station could be a life saver. What will you do to assure that the next generation human rated spacecraft can dock with the Space Station?

Answer. The primary purpose of the CEV is to support exploration, an objective I fully support. The recent Request for Proposal (RFP) released by NASA does not require the Crew Exploration Vehicle (CEV) to go to the International Space Station (ISS). Rather it is a capability that the contractors are asked to assess. The final requirements for the CEV are planned to be established next year during the Systems Requirements Review and will be informed by the analyses and trades made by the contractor teams. I plan to work with the Exploration Directorate to understand the rationale for this capability being optional and see whether this "option" should be made a "requirement."

Question 8. Would you like to comment on orbital debris and its danger to human spaceflight?

Answer. This is a topic with which I have had to become conversant with in recent years, and which is treated in some detail in my textbook, *Space Vehicle Design*. Briefly, we are now aware that space debris, even that consisting of very small particles (*e.g.*, 1 millimeter in size) can be very damaging, even fatal, to space vehicles of any kind, manned or unmanned. The generation of orbital debris must be strictly controlled. Numerous internationally accepted guidelines for space operations to minimize debris generation exist, and I believe these guidelines should be followed by the United States and all spacefaring nations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO
JOSEPH H. BOARDMAN

Question 1. As you know, Louisiana has experienced four train car collisions earlier this year. How has the Federal Railroad Administration responded to these collisions?

Answer. I am aware of your unfortunate experience. I understand that the FRA is working with the State of Louisiana to develop a State Action Plan focusing on crossing safety. If confirmed, I will make every effort to foster cooperation between the FRA and the State to ensure the safety of Louisiana's citizens.

Question 2. Louisiana on average per year has received \$3.2 million from the Federal STP Railroad Hazardous Elimination Fund since 1987. Each year the Louisiana Department of Transportation and Development spends an additional \$7 million on railroad safety. Why has the federal portion stayed the same for 18 years?

Answer. I do not currently know the answer. If confirmed, I will examine this issue and follow up with you.

Question 3. I understand Secretary Mineta will retransmit the Bush Administration's rail safety reauthorization bill in the near future. How will this proposed piece of legislation address the recent automobile train collisions that have occurred in Louisiana?

Answer. I understand the Administration's rail safety bill is in the process of being drafted, and it would be inappropriate to comment on it prior to introduction.

However, if confirmed, I pledge to work with you to ensure that Louisiana's recent crossing accidents are considered in the drafting process.

Question 4. Louisiana has 3,000 miles of railroad tracks and 6,017 rail crossings: 3,017 public crossings and 3,000 on private property. As the new Federal Railroad Administrator how will you assist states who would like to consolidate and/or close railroad crossings? There is very strong opposition from local communities about closing railroad crossings. Will the Federal Railroad Administration work with states to provide incentives to the states/local communities regarding railroad crossing closures?

Answer. I know that the FRA has been a strong advocate for closing highway-rail crossings. FRA headquarters and field staff will work with states to explore the options and explain to communities the benefits from closing crossings. In addition, Section 130 program funds are available—up to \$7,500—for each crossing closed if matched by the railroad that maintains the highway-rail crossing to be closed. Since having fewer crossings is in the interest of railroads, they will often provide much more than \$7,500 to assist communities in the closing of a highway-rail crossing. If confirmed, I will ensure that FRA staff is made available to help advise communities of their options.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON L. DORGAN TO
JOSEPH H. BOARDMAN

Mr. Boardman, in my state of North Dakota, the community of Fargo/Moorhead has been working with Burlington Northern Santa Fe Railroad (BNSF) to implement a quiet zone so that BNSF will stop blowing its horn when its trains go through town, while insuring the safety of the citizens and rail travelers. The communities have, and continue to expend significant funds and time to have this quiet zone go into effect, and the delays by the FRA stand to jeopardize these efforts.

Question 1. The Swift Rail Development Act of 1994 contemplated a rule-making process for quiet zones to be completed years ago. Every supplementary safety measure (SSM) is believed to reduce the possibility of accidents at grade crossings substantially—some by as much as two-thirds. It can be argued that the delay in the adoption of a final rule could cost lives. Are you committed to the adoption of a final rule as quickly as possible?

Answer. I am happy to report that the Department of Transportation issued the Final Rule on the Use of Locomotive Horns at Rail-Grade Crossings on April 22, 2005.

Question 2. On April 12, 2005, I introduced the Welded Rail and Tank Car Safety Improvement Act with my colleague Senator Kay Bailey Hutchinson, to direct the FRA to implement the track and tank car safety measures recommended by the NTSB after a terrible derailment that took place in Minot, ND in 2001. If you are confirmed to the Federal Railroad Administration will you commit to move ahead with implementing the recommendations with utmost expediency?

Answer. I understand that the FRA is actively working to address the recommendations made by the NTSB in the wake of the Minot derailment. If confirmed, I will ensure that this effort is given high priority.

Question 3. Do you feel that FRA has all of the resources it needs to operate? Does the FRA need more inspectors in order to effectively carry out its duties?

Answer. I believe that the FRA's budget is adequate and reflects its current level of responsibility. If confirmed, I will engage in an evaluation of how FRA resources are used, and how they might be used in the future. I will also look at how risk is measured now, and how we might do that job differently so that we can target our resources to improve rail safety.

Question 4. I understand that you have experienced several serious grade crossing accidents and other safety incidents in New York State over the past 2 years. As Commissioner, please describe your experiences in dealing with the FRA. Did you feel that the FRA had all the resources it needed to effectively achieve its mission in regard to those instances?

Answer. During my time as Commissioner, the New York State Department of Transportation (NYSDOT) and the FRA have been partners under the Federal Railroad Safety Program for State Participation Agreement. This partnership existed before my time as Commissioner. Under this agreement, FRA conducts inspections and investigations in concert with NYSDOT. FRA's participation with us helps both agencies maximize our resources, and our partnership works well. The grade crossing accidents and other safety incidents that occurred in New York in the past 2

years were unfortunate, but I believe that both NYSDOT staff and FRA staff were effective in their responses.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
JOSEPH H. BOARDMAN

Question 1. What is your opinion of the Administration's calls for Amtrak's bankruptcy? Do you believe that bankruptcy is a prudent or feasible way to restructure Amtrak?

Answer. I believe that Secretary Mineta has stated that the President's budget is a "call to action." I understand that the budget raises the possibility of bankruptcy as a consequence of a failure to enact meaningful reform.

I am firmly committed to enhancing intercity passenger rail in the United States. If confirmed I will work with this and other congressional committees, states, and stakeholders to find a reasonable solution for reforming passenger rail service in the United States.

Question 2. Many have characterized the Federal Railroad Administration (FRA) as an agency "adrift" because of a series of senior-level management changes over the past year. What will you do as Administrator to help focus and reinvigorate the FRA?

Answer. I have never led an organization that did not contain good people, good ideas, and the seeds for excellence. This means that I will first look within the FRA for the answer. Starting from the inside, I will encourage necessary developmental activities and training. I will not forget that I will be held accountable by the President and Congress for a clear direction for the FRA, and if confirmed, I will accept that accountability.

Question 3. What will your top priorities be as FRA Administrator?

Answer. If confirmed, I will focus my efforts first and foremost on safety. I am also committed to reforming the nation's intercity passenger rail service. Finally, I believe it is imperative to properly develop staff within the FRA.

Question 4. Do you believe the Federal Government should play a role in the financing and development of rail infrastructure and service?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO
JOSEPH H. BOARDMAN

Question 1. What do you perceive as the railroad industry's biggest safety problem?

Answer. I believe that, because of several recent high-profile accidents, the public is beginning lose confidence in the railroad industry's safety record. The industry must demonstrate that they are willing to exceed safety expectations, not just meet the minimums. Safety must be treated as the most important issue to every railroad company, without as much as a hint of complacent behavior.

Question 2. Do you feel that security is adequately provided for in today's rail-roading environment?

Answer. I do not have that answer at this time. If confirmed, I will partner with the Department of Homeland Security and the Transportation Security Administration to secure our railroad environment.

Question 3. As Commissioner of Transportation for the State of New York, do you agree with the Administration's plan for Amtrak, as it wants to place most of the responsibility for passenger rail funding with states?

Answer. My experience as Commissioner of Transportation has convinced me that intercity passenger rail is critically important to both New York State and the Northeast region of the United States. In the Northeast, states already play a large role in intercity passenger rail. We have at least eight northeastern non-Amtrak passenger rail providers, and each operates cooperatively. However, even though the provider cooperation belies a "system" for all intents and purposes, they each consider themselves to be independent operators. Based upon this experience, I believe it is possible for states to come together to develop an intercity rail system. At the same time, the Federal Government must play a significant role in state-based intercity passenger rail.

Question 4. You stated in your preface to AASHTO's Standing Committee on Rail Transportation Intercity Passenger Rail Transportation report that "rail passenger service provides much needed capacity and redundancy to the transportation sys-

tem.” Given the events on September 11, 2001, and the possibility of future terrorist acts in the United States, do you feel that passenger rail service is a necessary component of our national transportation system?

Answer. Yes.

Question 5. As Commissioner of Transportation in New York, did you interact with passengers who used Amtrak on September 11, 2001, and the week following, when aviation was entirely shut down? If so do you feel their reliance on Amtrak, even if it was the only time they rode Amtrak, justifies such service?

Answer. I have had interaction with passengers who used Amtrak as a result of the attack on 9/11/01. I believe that there is clear emotional support by those who used passenger rail to complete their trips during the aftermath of the terrorist attack on New York. I think having intercity passenger service available as a redundant mode for use is certainly a factor to be evaluated in support of intercity passenger rail, but I do not believe that it is the sole or primary factor.

Question 6. The Administration is proposing a massive shift of funding responsibility from the Federal Government to the states. As Chair of AASHTO’s Standing Committee on Rail Transportation, do you agree with the Administration’s plan for Amtrak?

Answer. I believe that reform is needed. Stable intercity passenger rail is important to the states. The states believe that it is time to resolve future funding assistance for all modes of transportation, including rail passenger service. AASHTO has called for the enactment of long-term legislation assuring that the nation’s travelers will have efficient and dependable intercity passenger rail service.

Question 7. If Amtrak does not continue to operate as a railroad, as proposed in the Administration’s reform proposal, what effect do you feel there will be on the safety of Amtrak’s rail operation and coordination between infrastructure?

Answer. Infrastructure safety must be provided for under any model, and the Federal Government will maintain a strong hand to ensure that safety is the first priority. I believe that any intercity passenger rail reform will require that the Federal Government bring infrastructure up to a standard of good repair (SOGR) for those assets under its control and accountability. The states should have a stake in any SOGR decision.

Question 8. Are you familiar with Great Britain’s experience in separating infrastructure management responsibilities with operating responsibilities on a massive scale? Given the safety implications of that experience, do you feel it was a wise move? Do you feel such a move is wise for the Northeast Corridor management responsibilities?

Answer. My understanding is that Great Britain’s experience with separating rail infrastructure management responsibilities from rail operations involved dividing passenger services into 25 operating units, and infrastructure maintenance into seven maintenance companies and six track renewal companies. The British approach was far too complex. We have learned a great deal from Britain’s experiences. Thus, I don’t think anyone envisions the U.K.’s controversial approach being applied to the NEC. Rather, separation of infrastructure from operations on the NEC could emphasize clarity of responsibility, built-in incentives that support rather than undermine the underlying goal of cost-effective public transportation, and transparency of costs and their allocation. This approach could enable each entity to focus more clearly on its specific goal and responsibility.

Question 9. Amtrak is the only carrier that runs the length of the Northeast Corridor, and therefore is the only entity with an interest in ensuring infrastructure standards are constructed and maintained on a level of safety and engineering to support high-speed rail service. In fact, on many segments, Amtrak runs the only passenger rails. Given these facts and the myriad regional interests of the commuter rail users of the Northeast Corridor, do you believe that the Northeast Corridor can be equitably run with the leadership of Amtrak?

Answer. Integral to any restructuring solution for the Northeast Corridor would be effective coordinating mechanisms for such joint tasks as scheduling, dispatching, accounting, and engineering. I believe that the states would have a strong interest in making sure these coordinating mechanisms are efficient and effective, and that the intercity operations maintain their relatively high quality of service, thereby making the highest possible contribution to the bottom line of the whole operation. Accordingly, there is every reason to expect that a new, intelligently-designed structure would be capable of managing the Northeast Corridor equitably.