

**NOMINATIONS TO THE  
DEPARTMENT OF HOMELAND SECURITY,  
THE DEPARTMENT OF COMMERCE, AND NASA**

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**HEARING**

BEFORE THE

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

**ONE HUNDRED ELEVENTH CONGRESS**

FIRST SESSION

OCTOBER 15, 2009

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



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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**NOMINATIONS TO THE  
DEPARTMENT OF HOMELAND SECURITY,  
THE DEPARTMENT OF COMMERCE, AND NASA**

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**THURSDAY, OCTOBER 15, 2009**

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

The Committee met, pursuant to notice, at 2:47 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

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

The CHAIRMAN. The hearing will come to order. I want to welcome and congratulate those who are going to be giving statements and being questioned today, and entering the eye of the storm. I think it's very courageous, people who take positions like this and have to go through vetting and all kinds of waiting, and we're going to have our hearing on such-and-such a day, and then all of a sudden it's a week later and you're saying: What's going on here. We're actually trying to be as nice as possible, as nice as Senators can be.

We're going to start with Erroll Southers, but we're not going to just yet. So that cleared everybody. He will be the nominee to be Assistant Secretary of Transportation Security Administration of the U.S. Department of Homeland Security. I will just say, as if you were at the table, Mr. Southers, the Department's going to need very strong and stable leadership in the coming years. I've expressed to you my own personal dissatisfaction with the—that's fine, you stay there; I'm looking right at you—with the Department of Homeland Security, in a number of respects. I think it's probably the most important agency because it has to do with homeland security. It's also the least recognized. It always comes in after all those that are making TV, et cetera.

TSA's success is vital to our Nation's transportation, to all the people who use it, and also, most importantly, to our Nation's security. Should you be confirmed, I'm particularly interested in working with you and your colleagues to complete the Cargo and Surface Transportation Initiatives, to improve the security of general aviation—I want to talk about general aviation—and to discover and implement new technologies in commercial aviation security. So I look forward to your testimony.

Our second panel will feature Dr. Pat Gallagher, who is the President's nominee to be Director of the National Institute of Standards and Technology. NIST, through its measurement, research, and calibration services, is essential to keeping our country strong and competitive, particularly in issues important to me, such as energy, climate change, and cybersecurity.

You have served the organization well and honorably for many years and I know it remains in good hands with you at the helm.

Finally, we welcome Beth Robinson, Dr. Beth Robinson, Dr. Elizabeth Robinson, the President's nominee to be Chief Financial Officer at the National Aeronautics and Space Administration; and Mr. Paul Martin, nominated to be the Inspector General at the same organization. If confirmed, both of you will have your jobs cut out for you. NASA is a major agency, which is trailed around with a bit of public skepticism, as you well know, particularly on the question of fiscal responsibility, accountability, that kind of thing, which tends to be important.

Dr. Robinson, it will be your job to stabilize the agency's finances and, with your background, I'm confident you will make that happen.

Meanwhile, the agency has gone without an effective inspector general for too long. I like IGs. I serve on the Intelligence Committee and I really like IGs. They can bring it down and they tend to be independent and they tend to say things which are the truth, which some of their bosses may not appreciate. But that's the way we learn.

I think that there's a lot of waste, fraud, and abuse at NASA, and there is in Medicare, too. You're not alone. So those are very big organizations and it all has to be attacked very aggressively.

With respect to you, Mr. Martin—where's Mr. Martin? OK, well, back there. I expect him to lead the effort, not only in cleaning up the Office of Inspector General, but, I also want him to oversee this multi-billion dollar agency, allocating its resources efficiently and using them effectively.

So, thank you again for presenting yourself for public service. Many of you are already in it. All of your testimony will be, the full testimony, will be in the record, and then I have the honor to call on my colleague, Senator Kay Bailey Hutchison.

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

Senator HUTCHISON. Thank you, Mr. Chairman. I'm very pleased to be here. I won't reiterate the welcome that you have given to the four nominees, just to say that I have met with Mr. Southers in my office and I think that his experience in Los Angeles is certainly good experience for this job. I think it will be important to know his position on some of the key issues that might affect the Transportation Security Administration.

This is an agency that many travelers depend on, and they have done an excellent job so far in protecting American travelers. But I think that we are looking at issues that might arise, and, one of course, would be the collective bargaining issue of the employees of this agency. We are always very careful when we have security forces and police officers and agents of all kinds who protect our

security that we always protect against striking that might harm the public or disrupt the traveling public. So, I will want to know from Mr. Southers what his views are on that.

Certainly I think that I would have to say I hear from many stakeholder groups in TSA that—not in TSA, but who work with TSA—that maybe the cooperation between the stakeholders and the TSA could be improved. I would certainly want to hear more about that.

Dr. Robinson, I don't think anyone is skeptical about NASA. I think NASA is a great effort that this country has been committed to for a long time, and we just want to make sure that it is the best and that the financial reins that you will hold are used in a way that will make it as efficient as it can possibly be.

But it is very constrained in its operations by a limited budget, and it's hard to put a limit when you are exploring and trying to do the creative things and trying things sometimes that work and sometimes that don't. So, I will certainly be interested in knowing how you will approach that job; and hearing from the Inspector General as well, Mr. Martin.

Dr. Gallagher, for the Director of NIST, I will certainly look forward to hearing from you, and I appreciate all of you being willing to go through, as the Chairman said so well, the rigors of the vetting process to serve your country. So we appreciate that and we look forward to hearing more from you and having the ability to work with you as we go through this process. Thank you.

Thank you, Mr. Chairman.

[The prepared statement of Senator Hutchison follows:]

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

Thank you, Chairman Rockefeller, for convening the hearing today to review these important nominations. We have several capable nominees to consider.

On the first panel, we will consider Mr. Erroll Southers. Mr. Southers, we welcome you and appreciate your interest in being the next TSA Administrator. If confirmed, the job before you is extremely difficult and the decisions you make will have tremendous impact on the safety and economic viability of our national transportation system across all modes.

The challenges and threat assessments our intelligence and security community face every day are too numerous to mention, but there are a number of initial topics I would like to briefly highlight.

First is the issue of allowing transportation security officer's (TSO), or screeners, to collectively bargain. While *Federal law prohibits screeners from going on strike*, former TSA Administrators have argued that allowing screeners to collectively bargain could have dire consequences on TSA's fundamental security mission by degrading TSA's need for a flexible workforce that can react quickly to emerging threats. How you specifically intend to address the collective bargaining issue will be of great interest to this Committee.

Second, you are going to have to work very hard to re-establish a more cooperative and trusting relationship with industry across all modes. I repeatedly hear from constituents and stakeholder groups that TSA quickly turns a deaf ear to cooperation and partnerships with industry and too often uses blunt force in policy areas that need a more highly coordinated and agreed upon approach.

Third, the day-to-day management challenges of running and leading an agency of over 50,000 people is a difficult task for any manager. I will be interested to hear your thoughts on how you intend, if confirmed, to lead and manage the agency.

Congress and the traveling public put an enormous amount of trust in the TSA every day. The inherent need and economic implications of maintaining a safe and secure transportation system are an integral part of our national security.

I would also like to welcome our other nominees, who will appear on the second panel. Dr. Elizabeth Robinson has been nominated for the position of Chief Financial Officer at NASA. This is a very important position at NASA, and one of the

keys to providing confidence in NASA's financial management and effective use of taxpayer dollars in fulfilling its very complex and challenging mission.

I am also pleased that a nominee for NASA Inspector General has been selected. Mr. Martin appears well qualified for this position, which can and should serve as an important resource for both NASA and for the Congress.

NASA is challenged, as never before, with continuing to conduct its unique and vital missions in an environment of constrained resources. We have seen improvements in NASA's financial management in recent years, and it is important that relatively recent new initiatives in financial management, accounting and reporting be continued, improved where necessary, and brought to fruition as new and effective financial policies and practices. Both Dr. Robinson and Mr. Martin hold impressive background experience to equip them well to undertake the challenges and responsibilities of these positions.

I am also happy to welcome Dr. Patrick Gallagher, the nominee for the Director of the National Institute of Standards and Technology, here today. NIST is one of the key components to keeping America competitive. I believe that the Administration's selection of a career employee with more than fifteen years of experience at NIST will strengthen the agency and help further advance the goals and missions of NIST.

Mr. Chairman, thank you, I look forward to hearing from the nominees.

The CHAIRMAN. Thank you, Senator Hutchison.

Now I believe the distinguished Senator from the State of Washington has an introduction to make.

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

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for holding this hearing, and Ranking Member Hutchison and other committee members. It is important to get these nominees into positions that can help us work on these important policy issues.

I'm pleased to introduce today to the Committee, Dr. Elizabeth Robinson, the President's nominee to be the Chief Financial Officer of NASA. We are very proud in the State of Washington that Dr. Robinson is a Washingtonian. While she has spent many years here in this Washington, she comes with great Pacific Northwest values.

Currently Beth is the Director for Budget at the White House Office of Management and Budget, overseeing the development, enactment, and execution of President Obama's annual budget request, and she is the most senior career official at OMB. I want to thank Beth for her public service to date and her willingness to take on another challenging assignment.

Beth's Washington State roots run deep and I know her family is with her here today and she's going to introduce them. I know that there are others, her mother and brother and sister, who could not join us today in person, but are watching the hearing on streaming video back in Washington State. They should all be very proud of her as well.

The CFO of a technology agency needs to be very well versed in both budgetary and financial matters, needs to recognize the role Congress plays and not feel threatened by it, but should have the capacity to understand enough of the agency's technical issues to be able to ask the right questions. It's hard to find people with both of those skill sets.

After meeting Beth, I came away feeling that her unique experience and demeanor makes her a great fit to be NASA's next CFO. I am genuinely impressed with her resume. I have always been a

strong advocate for women who pursue degrees in math and science, and the first thing I notice is that Beth earned her Ph.D. in geophysics from MIT. Her thesis was about numerical modeling of the interior of the Earth, with comparisons to satellite data. Without needing to know any of the details, it tells me right away she has the ability to help keep NASA's program managers on their toes, and she understands numbers, but she also understands technology.

But in addition, Dr. Robinson also understands the Hill. Having worked here for Representative Gephardt for several years, as a project director at the former Office of Technology Assessment, where she cut her teeth, and later for George Brown as a staff member of the House Science Committee, she has had great interaction with us and our colleagues.

In the late 90s, Beth left the Hill to work at the Office of Management and Budget, and in 2003 she headed back to the Hill to serve as Deputy Director of the Congressional Budget Office. Among other duties, she oversaw the Management Division and reviewed signoff on all of its reports. After 2 years at CBO, Beth headed back to OMB to be the Assistant Director, where she remains today.

So, if confirmed as the CFO of NASA, Beth will oversee the agency's financial management, personnel activities and operations, and I consider her to be a really strong nominee. I hope my colleagues will vote her out of the Committee as soon as possible so we can get on with the important business that needs to be accomplished at NASA.

I thank the Chairman for this opportunity to introduce Dr. Robinson and I look forward to working with her and the other nominees that are on the docket today. I thank the Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

Dr. Robinson, if you can sort of trade places with Mr. Southers. Thank you very much, Senator Cantwell.

Senator Udall, do you have to make an introduction right now?

Senator UDALL. No.

The CHAIRMAN. You don't.

Senator UDALL. No. I'm happy to do it in the order you have it set up, Mr. Chairman.

The CHAIRMAN. All right.

The floor is yours, Mr. Southers. We're happy to see you.

**STATEMENT OF ERROLL G. SOUTHERS,  
ASSISTANT SECRETARY-DESIGNATE,  
TRANSPORTATION SECURITY ADMINISTRATION,  
U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. SOUTHERS. Thank you, Senator. Good afternoon, Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of this Committee. It is a privilege to appear before you today as President Obama's nominee to be Assistant Secretary of the Department of Homeland Security for the Transportation Security Administration. I am honored by the President's nomination and greatly appreciate Secretary Napolitano's support.

I look forward to this opportunity to address your questions as you consider my nomination. With the Committee's indulgence, I

would like to thank my parents, James and Thelma; my wife, Karen; and our children James and Maiya, for all their support during this process and throughout my career. I would also like to thank the fine men and women of the Los Angeles World Airports Police Department, some of whom traveled to join me here today.

I share the Secretary's vision that protecting our homeland from terrorism is a collective responsibility in which all Americans have a role to play. To protect our transportation systems, it is critical to work with all of our partners, including the other Federal agencies, State, local, and tribal governments, private industry, our international partners, and most important of all, our traveling public.

By engaging these partners, we will more effectively protect the Nation's vital transportation systems, to ensure the free flow of United States commerce and the free movement of the American people.

If confirmed, I know the honor of leading TSA will come with great challenges and responsibilities. TSA was created to respond to the threat of terrorism following the tragic events of September 11, 2001. I assure you that protecting our transportation systems from the ongoing threat of terrorism, while at the same time safeguarding the ability of all law-abiding citizens to travel freely, will remain my highest priority.

I have worked on public safety and counterterrorism matters at the Federal, State, and local level for 30 years, and if confirmed, I look forward to bringing valuable experience and perspective to TSA. Since 2007, I have served as an Assistant Chief, commanding the Office of the Homeland Security and Intelligence for the Los Angeles World Airports Police Department, LAWA, the largest aviation law enforcement agency and explosive detection K9 unit in the United States.

I understand well the challenges of securing the Los Angeles International Airport, one of the most complex airports in the United States, as well as general aviation airports in Palmdale, Ontario, and Van Nuys. And I fully recognize the importance of ensuring the security of surface transportation through a risk-based and intelligence-driven approach.

Since 2006, I also have served as the Associate Director for the Center for Risk and Economic Analysis of Terrorism Events, CREATE, at the University of Southern California, the Nation's first DHS center of excellence, where I developed the executive program in counterterrorism. This program is designed to challenge international counterterrorism leaders and enhance their analysis, coordination, and response capabilities.

Protecting America against an ever-evolving threat requires an innovative and interdisciplinary approach to security. My experience with LAWA and CREATE has afforded me the opportunity to collaborate with my international counterparts and other world experts in sharing best practices to combat terrorism. If confirmed, I will continue to draw on these relationships to benefit TSA's mission, understanding that a professional and effective workforce will help promote public confidence and lead to a more secure and resilient America.

Prior to joining the LAWA Police Department, I served as the Deputy Director of the California Office of Homeland Security for Governor Schwarzenegger. I was also responsible for post-9/11 counterterrorism policy and protection of California's critical infrastructure. While serving in this capacity, I also had the opportunity to participate in the national working group responsible for developing the national infrastructure protection plan.

Secretary Napolitano has emphasized a ground-up approach to homeland security, an approach which epitomizes my professional development. During my career I have served as a special agent with the Federal Bureau of Investigation. There I worked on foreign counterintelligence and terrorism investigations and served as a member of the Bureau's SWAT team. I began my law enforcement career as a police officer for the Santa Monica, California, Police Department and I have been a faculty member and tactical officer at the Rio Hondo Police Academy.

If confirmed, I am committed to providing the TSA workforce with the necessary leadership and support to ensure TSA's ability to protect the American public. I witnessed the great work of the transportation security officers every day and know firsthand the challenges they face to protect our aviation system. I admire their professionalism and dedication and would be honored to serve as their Assistant Secretary.

In closing, I have enjoyed the opportunity to meet with members of the Committee and your staffs over the past few weeks. I am fully aware that this committee had a leading role in creating TSA. I welcome this committee's expertise and partnership. If confirmed, I look forward to working closely with each of you to support TSA's mission. You have my commitment that I will work to strengthen TSA's ability to counter the terrorist threat to our transportation systems while also safeguarding and enhancing the travel of people and the flow of goods.

Mr. Chairman, Ranking Member Hutchison, I thank you for the opportunity to appear before you today and I look forward to answering your questions.

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

PREPARED STATEMENT OF ERROLL G. SOUTHERS, ASSISTANT SECRETARY-DESIGNATE,  
TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND  
SECURITY

Good afternoon, Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of this Committee. It is a privilege to appear before you today as President Obama's nominee to be Assistant Secretary of the Department of Homeland Security (DHS) for the Transportation Security Administration (TSA). I am honored by the President's nomination and greatly appreciate Secretary Napolitano's support. I look forward to this opportunity to address your questions as you consider my nomination.

With the Committee's indulgence, I would like to thank my parents, James and Thelma; my wife, Caryn; and our children, James and Maia, for all their support during this process and throughout my career. I would also like to thank the fine men and women of the Los Angeles World Airports Police Department, some of whom traveled to join me here today.

I share the Secretary's vision that protecting our homeland from terrorism is a collective responsibility in which all Americans have a role to play. To protect our transportation systems, it is critical to work with all of our partners, including other Federal agencies, state, local, and tribal governments, private industry, our inter-

national partners, and most important of all, the traveling public. By engaging these partners, we will more effectively protect the Nation's vital transportation systems to ensure the free flow of U.S. commerce and the free movement of the American people.

If confirmed, I know the honor of leading TSA will come with great challenges and responsibilities. TSA was created to respond to the threat of terrorism following the tragic events of September 11, 2001. I assure you that protecting our transportation systems from the ongoing threat of terrorism, while at the same time safeguarding the ability of all law-abiding Americans to travel freely, will remain my highest priority.

I have worked on public safety and counterterrorism matters at the Federal, state, and local level for 30 years and, if confirmed, I look forward to bringing valuable experience and perspective to TSA. Since 2007, I have served as an Assistant Chief, commanding the Office of Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, where I have enjoyed a valuable partnership with TSA in Los Angeles. I am currently responsible for all counterterrorism and security credential assets at the four airports under the LAWA organization. The LAWA Police Department is the largest aviation law enforcement agency in the United States and has the largest airport explosives canine detection unit in the Nation. I understand well the challenges of securing Los Angeles International Airport (LAX), one of the most complex airports in the United States, as well as general aviation airports in Palmdale, Ontario and Van Nuys, which is among the busiest general aviation airports in the Nation.

Protecting America against an ever-evolving threat requires an innovative and interdisciplinary approach to security. In my current position with the LAWA Police Department, I participated in the conceptualization of the pilot Assistant Randomized Motor Over Routes (ARMOR) program designed to detect and deter vehicle-borne improvised explosive devices (IED). I am also involved with two DHS Chemical/Biological Operational Technology Development Pilot and Preventative Radiological Nuclear Detection Programs.

Since 2006, I also have served as the Associate Director for the Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California (USC). I am responsible for the development and enhancement of education programs and special projects at CREATE, the Nation's first DHS Center of Excellence, and I developed the Executive Program in Counter-Terrorism, designed to challenge international counter-terrorism leaders and enhance their analysis, coordination, and response capabilities.

My experience with LAWA and CREATE has afforded me the opportunity to collaborate with my international counterparts and other world experts in sharing best practices to combat terrorism. If confirmed, I will continue to draw on these relationships to benefit TSA's mission, understanding, that a professional and effective workforce will help promote public confidence and lead to a more secure and more resilient America.

Prior to joining the LAWA Police Department, I served as the Deputy Director of the California Office of Homeland Security for Governor Schwarzenegger. I was responsible for post-9/11 counterterrorism policy and the protection of California's critical infrastructure. While serving in this capacity, I also had the opportunity to participate in the national working group responsible for developing the National Infrastructure Protection Plan (NIPP).

Secretary Napolitano has emphasized a "ground-up" approach to homeland security, an approach which epitomizes my professional development. During my career I have served as a Special Agent with the Federal Bureau of Investigation. There I worked on foreign counterintelligence and terrorism investigations, and served as a member of the Bureau's SWAT Team. I began my law enforcement career as a police officer for the Santa Monica, California Police Department and I have been a faculty member and tactical officer at the Rio Hondo Police Academy.

If confirmed, I am committed to providing the TSA workforce with the necessary leadership and support to ensure TSA's ability to protect the American public. I witness the great work of Transportation Security Officers every day and know firsthand the challenges they face to protect our aviation system. I admire their professionalism and dedication and would be honored to serve as their Assistant Secretary.

I also believe that a close working relationship with Congress and this Committee is essential. I am fully aware that this Committee had a leading role in creating TSA, and has encouraged TSA to enhance security in surface transportation, while never losing focus on the continuing threat to aviation and the flow of goods. I fully recognize and understand that improving surface transportation security is a work

in progress and one to be addressed with a strategy that is risk-based and intelligence-driven.

I have enjoyed the opportunity to meet with Members of this Committee and your staffs over the past few weeks. I welcome this Committee's expertise and important oversight function, and if confirmed I look forward to working closely with this committee to support TSA's mission.

In closing, I wish to again thank President Obama and Secretary Napolitano for their confidence in my ability to lead TSA. If confirmed, I will work to improve TSA's ability to counter the terrorist threat to our transportation systems, while also safeguarding and enhancing the travel of people and the flow of goods. Mr. Chairman, Ranking Member Hutchison, I thank you for the opportunity to appear before you today and I look forward to answering your questions.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Erroll Gregory Southers.
2. Position to which nominated: Assistant Secretary of Homeland Security (Transportation Security Administration).
3. Date of Nomination: September 17, 2009.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: Los Angeles World Airports Police Department, 9841 Airport Boulevard, Los Angeles, CA 90045.

Office: University of Southern California, 3710 McClintock Avenue, RTH 305, Los Angeles, CA 90089.

5. Date and Place of Birth: August 9, 1956; Elizabeth, New Jersey.
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).

Caryn S. Beck-Southers (Spouse), Literacy Coach, Los Angeles Unified School District; children: James E. Southers (Son—22 yrs.), Maia D. Southers (Daughter—9 yrs.).

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

Brown University, BA—1978.

University of Southern California, MPA—1998.

University of Southern California (I am currently a student in the doctorate program—DPPD expected in 2011).

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

##### *Management-level or related*

Assistant Chief of Homeland Security and Intelligence (2007 to present)—Los Angeles World Airports Police Department.

Associate Director (2006 to present)—CREATE (Center for Risk and Economic Analysis of Terrorism Events), University of Southern California (A Department of Homeland Security "Center of Excellence").

Deputy Director for Critical Infrastructure (2004–2006)—California Governor's Office of Homeland Security.

Chief of Protective Services (1991–1993/1995–1999).

Assistant Vice President/Chief of Protective Services (1999–2004)—Los Angeles County Museum of Art.

President and CEO (1997–2004)—Risk Management Consultants International.

Executive Director (1993–1995)—City of Long Beach, Citizen Police Complaint Commission—City Manager's Office.

##### *Other Employment*

Adjunct Professor of Homeland Security and Public Policy (2003 to present)—University of Southern California.

Special Agent (1984–1988)—Federal Bureau of Investigation.

Faculty and Tactical Officer (1982–1984)—Rio Hondo Police Academy.

Police Officer (1980–1984, 1988–1991)—Santa Monica Police Department.  
 Research Assistant (1978–1979)—Department of Endocrinology, Rhode Island Hospital, Rhode Island.

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

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

LAX Airport Security Advisory Committee (2005–2006).

DHS Center for Risk Economic Analysis and Terrorism Events (CREATE) Government Advisory Board (2004–2006) (This was not a Federal advisory committee).

U.S. Department of State Overseas Security Advisory Council.

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

Risk Management Consultants International, President and CEO, (1997–2004).  
 University of Southern California, School of Policy, Planning and Development Alumni Association—Co-Chair (2004–2007); Board Member Emeritus—honorary position (2007 to present).

Risk Management Solutions, Consultant (2007).

Contemporary Services Corporation, Consultant (2006).

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

*Current Memberships*

Society of Former Special Agents of the FBI, 1997 to present.

International Association of Chiefs of Police, 1991–1993/2008 to present.

University of Southern California School of Policy, Planning and Development Alumni Association, Co-Chair, 2004–2007; Board Member Emeritus, 2007 to present.

*Past Memberships*

International Association for Counterterrorism and Security Professionals, Member, 2007–2009.

Miracle Mile Chamber of Commerce, Member, 2004–2005.

University of Southern California Professional Development Mentor Program, Member, 2003–2005.

University of Southern California, School of Policy, Planning and Development Strategic Planning Group, Member, 2003–2004.

University of Southern California Alumni Advisory Committee, Member, 2003–2004.

LA Youth Newspaper Advisory Board, Member, 2003–2004.

International Foundation for Cultural Property Protection, Chair; Chair, 2001–2002; Member, 1996–2004.

American Society for Public Administration, Member, 1996–1998.

Western Museums Association, 1995–2004; Board of Directors, 1999–2004; Member, 1995–1998.

American Association of Museums, Security Committee, Member, 1992–2004.

American Society for Industrial Security, 1991–2004; Member, 1991–2004; Chair, Museum and Cultural Properties Committee, 1998–2000.

Brown University Alumni Schools Committee, (approximate dates) 1991–1995/2001–2004).

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

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

Yes. I was appointed Deputy Director for Critical Infrastructure and served from 2004–2006 in the California Governor’s Office of Homeland Security.

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

I served as a volunteer advisor to the Homeland Security Policy Group during Senator Obama’s Presidential Campaign. (2008)

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

USC Widney Alumni House Award (2007).

American Assembly of Columbia University Next Generation Fellow (2007).

UCLA School of Public Affairs Senior Fellow (2006–2009).

Certified in Homeland Security Program Top Achiever Award (2006).

Los Angeles Miracle Mile Civic Coalition Good Heart Award (2005).

USC School of Policy, Planning and Development Outstanding Alumni Award (2004).

International Organization of Black Security Executives Leading Edge Award (1999).

Police Department Medals for: Counterterrorism, 1984 Olympics, Professional Achievement and Marksmanship.

Rio Hondo Police Academy Outstanding Cadet Award (1980).

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

#### **Articles and Publications**

International Research Proposal: Peroxide-Based Explosives Detection Technologies and Risk Assessment—This was a grant proposal the University of Southern California submitted in 2007 to the Department of Homeland Security. I co-authored the proposal.

International Counter-Terrorism Conference (Herzliya, Israel) Abstract—In 2008, at the World Summit on Counter-Terrorism, I presented information on aviation related terrorism.

Nuclear Power Plant Conference Abstract—In 2007, at the National Radiological Emergency Preparedness Conference, I outlined a brief history of the lessons learned from a variety of international incidents, my studies abroad, and work undertaken by the Homeland Security Centers of Excellence.

Counter-Terrorism Tools and Approaches Abstract—In 2006, at the LA Terrorism Early Warning Group Conference, I presented information describing the beginning of an interdisciplinary response to the proposed implementation of the National Infrastructure Protection Plan (NIPP).

#### **Speeches**

*2009*

Joint Chiefs of Staff Level IV Antiterrorism Seminar, “Social Network Analysis and the Protection of Critical Infrastructure”, McLean, VA.

International Terrorism Intelligence (ITI) Conference, “Threat Categorization and Pro-Active, Intelligence-Led Preventive Security”, Washington, D.C.

Airport Security Coordinator Training Program, “Homeland Security and the Protection of the Aviation Domain”, Los Angeles, CA.

CPM 2009 West—Business Resilience Strategies, Keynote Speaker, Las Vegas, NV.

10th Annual California Tourism Safety and Security Conference, Keynote Speaker, Anaheim, CA.

Stanford University, Guest lecturer—“Dilemmas in Counter-Terrorism Decision-Making”, Palo Alto, CA.

Redondo Police Department Citizens Academy, "Counter-Terrorism 101", Redondo, CA.

2009 International AVSEC Conference, "Strategies Against Terrorism", Hong Kong, Hong Kong.

Joint Chiefs of Staff Level IV Antiterrorism Executive Seminar, "Social Network Analysis and the Protection of Critical Infrastructure", Tysons Corner, VA.

Federal Air Marshals International Group, "LAX Counter-Terrorism Brief", Los Angeles, CA.

Los Angeles Mayor's Office Retreat, "LAX Homeland Security and Intelligence", Los Angeles, CA.

The Boeing Corporation, "Industrial Security Counter-Terrorism Brief", Huntington Beach, CA.

El Segundo Law Enforcement Roundtable, "Social Network Analysis & The Protection of Critical Infrastructure", El Segundo, CA.

#### 2008

DHS and IBC Roundtable on Security and Liberty: Perspectives of Young Leaders, "Toronto, London and Madrid: Could it Happen Here?", Los Angeles, CA.

19th Annual ISAC Seminar, "Terrorist Networks and Protecting Critical Infrastructure", Long Beach, CA.

California Governor's Office of Homeland Security Training Conference, "Threat Briefing", Monterey, CA.

Chairman, Joint Chiefs of Staff Level IV Antiterrorism Executive Seminar, "Terrorist Networks and Protecting Critical Infrastructure", Washington, D.C.

Research Security Associates Seminar, "Analyzing, Mitigating, Responding and Managing Threats and Emergencies", Fountain Valley, CA.

World Summit on Counter-Terrorism, "Aviation Terrorism: Common Sense or Ticking Boxes", Herzliya, Israel.

Visit to California of British Columbia Officials, "Social Networking and Critical Infrastructure Protection", Los Angeles, CA.

Governor's Office of Homeland Security Annual Conference, "Social Networking and Terrorism", Palm Desert, CA.

Great Lakes Homeland Security Training Conference and Expo, "Keynote", Great Lakes, MI.

National Radiological Emergency Preparedness Conference, "The Terrorist Threat in America: What CNN Hasn't Told You!", Las Vegas, NV.

Chairman, Joint Chiefs of Staff Level IV Antiterrorism Executive Seminar, "Terrorist Networks and Protecting Critical Infrastructure", Washington, D.C.

2008 Beijing Olympics, Terrorism Update and Counter-terrorism Assessment, Beijing, Shanghai and Qingdao, China.

Homeland Security S&T Stakeholders Conference—West, Keynote Speaker, Los Angeles, CA.

#### 2007

Boeing National Security Briefing, "Counter-Terrorism Update", Huntington Beach, CA.

Greater LA ISAC Seminar, "The Terrorist Threat", Long Beach, CA.

LAX Chamber of Commerce Annual Protector's Breakfast, "Intelligence and Counter-Terrorism", Los Angeles, CA.

Center for Asymmetric Warfare Conference, "Terrorism Radicalization and Indoctrination", Los Angeles, CA.

Western Museums Association Annual Conference, "Counter-Terrorism Update", Oakland, CA.

USC Executive Management in Leadership Master's Program, "Guest Lecture—Leadership in Adversity", Los Angeles, CA.

Aviation Career Education Graduation, "Career Development", Los Angeles, CA.

Santa Monica Rotary Club, "LAX—Intelligence and Counter-Terrorism", Los Angeles, CA.

Sacramento Homeland Security Regional Training, "Counter-Terrorism High Rise Training Class", Sacramento, CA.

2007 American Council of Young Political Leaders—UCLA, “The Ethics of Decision Making”, Los Angeles, CA.

2007 University of Southern California Commencement, “Alumni Address”, Los Angeles, CA.

National Radiological Emergency Preparedness Conference, “Terrorism: The Threat, The Response”, Newport Beach, CA.

Chicagoland Chapter of Young Presidents Organization, “Terrorism: The Threat, The Response”, Chicago, IL.

Boeing Aerospace, “Reducing the Risks After 9/11”, Anaheim, CA.

University of Southern California Board of Trustees Annual Retreat, CREATE panel presentation, La Quinta, CA.

Whittier College Homeland Security Conference, “America at Risk: The Nexus of Homeland Security and Transportation Policy”, Whittier, CA.

Ottawa Law School, “Terrorist Targeting Methodology: Lessons Learned”, Ottawa, Canada.

Global Futures Forum, “An Interdisciplinary Perspective: Preventing and Contributing to Social Tension-The Paradox of Education in Multiculturalism”, Ottawa, Canada.

Los Angeles District Rotary Meeting, “Creating Networks to Counter Terrorist Networks”, Los Angeles, CA.

#### 2006

CALSAGA 2006 Annual Conference, “Report on California Homeland Security”, Temecula, CA.

17th Annual ISAC Seminar, “Critical Infrastructure: The Terrorist Threat—The Response”, Long Beach, CA.

LA Terrorism Early Warning Group Conference, “Counter-Terrorism Tools and Approaches”, Santa Monica, CA.

Long Beach Rotary Club, “Responding to the Terrorist Threat: Creating Networks to Combat Terrorist Networks”, Long Beach, CA.

CalTrans Response and Recovery Conference, “Responding to the Terrorist Threat: Creating Networks to Combat Terrorist Networks”, Rancho Cordova, CA.

The One Hundred Club of Contra Costa County, “Responding to the Terrorist Threat: Building Networks to Counter Terrorist Networks”, San Ramon, CA.

California Alliance for Response, “The Terrorist Threat—Building Networks to Fight Networks”, Los Angeles, San Diego, San Francisco and Sacramento, CA.

Irvine Police Department Public/Private Partnership, “Countering the Terrorist Threat”, Irvine, CA.

Los Angeles Police Protective League Annual Delegates Conference, “Homeland Security”, Rancho Mirage, CA.

Black Journalists Association of Southern California, “Homeland Security and the Terrorist Threat”, Los Angeles, CA.

Los Angeles County 2006 Commissioner’s Leadership Conference, “Luncheon Speaker”, Los Angeles, CA.

San Diego Regional Terrorism Threat Assessment Center Briefing, “OHS and the State of Critical Infrastructure Protection”, San Diego, CA.

CREATE—The Risks and Economic Impacts of Terrorist Attacks Conference, “Risk Based Decision Making Panel”, Los Angeles, CA.

Anti-Defamation League Advanced Security Training for Jewish Institutions, “Homeland Security—Keynote”, Los Angeles, CA.

Rotary GSE Forum, “Homeland Security”, Wilmington, CA.

Chemistry Industrial Council of California, “Critical Infrastructure”, Los Angeles, CA.

Office of Homeland Security Community College Briefing, “Critical Infrastructure”, Long Beach, CA.

The Security Network Seminar on the Protection of Critical Infrastructure, “Homeland Security”, San Diego, CA.

International Organization of Black Security Executives Annual Conference, “Status of Homeland Security”, Orlando, FL.

Project GRAD, “Careers in Justice: A Town Hall Meeting”, Van Nuys, CA.

UCLA Spring 2006 Lecture Series on National and Human Security Worldwide, "California Counter-Terrorism UNCLASSIFIED: Everything You Thought You Heard on CNN but Didn't", Los Angeles, CA.  
 California State University OHS Briefing, "State OHS Strategy", Long Beach, CA.  
 Research Security Administrators Seminar, "State OHS Role", San Ramon, CA.  
 Law Enforcement Leadership Management Symposium, "Law Enforcement's Important Role in Homeland Security", San Francisco, CA.  
 Aerospace Security Conference, "Critical Infrastructure Protection", El Segundo, CA.  
 Independent Cities Association Annual Conference, "Homeland Security", Santa Barbara, CA.  
 Office of Homeland Security Regional Conference, "Critical Infrastructure", Los Angeles, CA.  
 Office of Homeland Security Regional Conference, "Critical Infrastructure", San Jose, CA.  
 Chief Executive Forum—Criminal Intelligence Bureau, "Critical Infrastructure Protection", San Diego, CA.  
 HID Corporation Seminar, "Take Control in a Rapidly Changing Security Market", Houston, TX.

*2005*

Chief Executive Seminar, "Homeland Security and Infrastructure Protection", Monterey, CA.  
 International Association of Museum Facilities Administrators, "Homeland Security", San Francisco, CA.  
 San Jose Water District, "Terrorism Threat Update", San Jose, CA.  
 California State Conference of the NAACP, "Governor's Remarks", Los Angeles, CA.  
 USC Graduate Policy Administration Community, "Leadership Series", Los Angeles, CA.  
 Peace Officers Association of Los Angeles County, "Luncheon Keynote", Montebello, CA.  
 American College of Forensic Examiners Institute Homeland Security Conference, Homeland Security Keynote, San Diego, CA.  
 St. Mary's Medical Center Emergency Preparedness Forum, Critical Infrastructure and the Terrorist Threat, Long Beach, CA.  
 ASIS Law Enforcement and Security Officer Appreciation Day, Keynote Address, Studio City, CA.  
 Orange County Ready Disaster Conference, "Homeland Security and Emergency Preparedness", Garden Grove, CA.  
 MCI Security Conference, "Homeland Security", Santa Ana, CA.  
 Monterey County Chief Law Enforcement Officers, "California Critical Infrastructure Protection Strategy", Salinas, CA.  
 Orange County American Society of Safety Engineers Professional Development Conference, "California Homeland Security in 2005", Costa Mesa, CA.  
 Infragard 2005 Security Symposium, "The Terrorist Threat and Disaster Preparedness", Sacramento, CA.  
 California Fire Technology Director's Association, "Homeland Security and Emergency Preparedness", Sacramento, CA.  
 Chief Special Agents Association, "Homeland Security", Oakland, CA.  
 Miracle Mile Safety Summit, "Emergency Preparedness and the Local Community", Los Angeles, CA.  
 Long Beach Pipeliners Association, "Critical Infrastructure and the Terrorist Threat", Long Beach, CA.  
 MCI Security Conference, "Homeland Security and Buffer Zone Protection Plans", Sacramento, CA.  
 Southeast Region Community Awareness and Emergency Response Forum, "Buffer Zone Protection Plans and the Chemical Industry Sector", Whittier, CA.

LAPD Law Enforcement and Private Security Conference, "Homeland Security and Private Security", Los Angeles, CA.

Los Angeles Sheriff's Department University Graduation, "Commencement Key-note Address", Whittier, CA.

Chiefs Executive Seminar on Criminal Intelligence, "Critical Infrastructure Protection and the Buffer Zone Protection Plan", Monterey, CA.

California College and University Police Chiefs Association Conference, "Weapons of Mass Destruction and the Terrorist Threat", South Lake Tahoe, CA.

American Legal Institute—American Bar Association, "Preventative Planning and Emergencies, Including Terrorism", San Francisco, CA.

Computer Crime Conference, "Homeland Security", Los Angeles, CA.

Department of Justice—Criminal Intelligence for Executives, "Identifying Critical Assets and the Use of Criminal Intelligence to Analyze Pre-Incident Indicators", San Diego, CA.

South Bay Cities Council of Governments Task Force on Homeland Security, "Homeland Security and Buffer Zone Protection Plans", El Segundo, CA.

South Bay Industrial Security Meeting, "Homeland Security Update", El Segundo, CA.

National Conference on Cultural Property Protection, Keynote: "Homeland Security", Las Vegas, NV.

Independent Cities 17th Annual Winter Forum, "Homeland Security Forum: Be Prepared", Santa Barbara, CA.

Baaden, Hoy and Iannone 4th Annual Security Symposium, "Homeland Security", Torrance, CA.

California Community Awareness and Emergency Response Association, "Buffer Zone Protection Plans", Carson, CA.

USC Capitol Career Day, "Careers in Government", Sacramento, CA.

#### 2004

UCLA School of Public Affairs Homeland Security Conference, "Local and State Preparedness", Los Angeles, CA.

Fire Chiefs Leadership Seminar, "Homeland Security Strategy and Exercise/Training Programs", Monterey, CA.

Los Angeles Tenth Council District Public Safety Fair, "Emergency Preparedness", Los Angeles, CA.

International Foundation for Cultural Property Protection Conference, "Homeland Security Update", Las Vegas, NV.

Los Angeles Sheriff's Department Community Advisory Conference, "Homeland Security", Los Angeles, CA.

Los Angeles County Fire Chiefs Meeting, "Homeland Security", Los Angeles, CA.

USMC Antiterrorism and Critical Infrastructure Protection Conference, Closing Keynote for Governor Schwarzenegger, San Diego, CA.

Tri-Valley Human Resources Association, "Homeland Security", Pleasanton, CA.

Second Annual Bay Area Conference on Homeland Security, "Building State and Regional Preparedness", Oakland, CA.

Homeland Security Forum, "California Office of Homeland Security", Irwindale, CA.

Mayor James K. Hahn Homeland Security Leadership Summit, "California Roundtable: The State of Preparedness", Los Angeles, CA.

League of California Cities Conference, "Homeland Security and Emergency Preparedness", Long Beach, CA.

National Association of Emergency Medical Services Educators, Invited Speaker—Represented Governor Schwarzenegger, Hollywood, CA.

Release of Souls USA Tour—9/11 Salute to Uniformed Personnel, Guest Speaker, San Diego, CA.

Release of Souls USA Tour—9/11 Salute to Uniformed Personnel, Master of Ceremonies, Pasadena, CA.

Southern California Petroleum Club, "Homeland Security", Long Beach, CA.

California State University Police Chiefs, "Homeland Security", Long Beach, CA.

International Electronics Security Group, "The Governor's Office of Homeland Security", Santa Clara, CA.

General Accounting Office, "Terrorism in a Post-9/11 World", Los Angeles, CA.

Miracle Mile Residential Association Annual Meeting and 2151 Anniversary Celebration, "Emergency Preparedness for the Miracle Mile", Los Angeles, CA.

Independent School Association of the Southwest Conference, "How Big Is Your Security Blanket?", Dallas, TX.

Foundations Inc. Beyond School Hours Conference, "How Big Is Your Security Blanket?", San Diego, CA.

#### 2003

Culver City Rotary Club, "Terrorism in a Post 9/11 World", Culver City, CA.  
National Middle School Association Annual Conference, "How Big Is Your Security Blanket?", Atlanta, GA.

Los Angeles County Office of Education Regional Training, "Security and Safety for After-School Programs", Los Angeles and Long Beach, CA.

International Foundation for Cultural Property Protection, "Cultural Institutions and the Terrorist Threat", "Homeland Security" San Simeon, CA.

Mid-Atlantic Association of Museums Annual Conference, "Security in a Post-9/11 World", Newark, NJ.

RTK Architects/Risk Management Consultants International Seminar, "Rethinking Public Safety: Security Through Design", Santa Monica, CA.

California League of Middle Schools Annual Conference, "How Big Is Your Security Blanket?", San Diego, CA.

California League of High Schools/National High School Association, "How Big Is Your Security Blanket?", North Lake Tahoe.

#### 2002

University of Southern California, School of Policy, Planning and Development, "Intergovernmental Management", Los Angeles, CA.

California League of High Schools/National High School Association Annual Conference, "How Big Is Your Security Blanket?", Monterey, CA.

International Foundation for Cultural Property Protection Training Seminar, "Changing the Face of Security," "Emergency Preparedness/Evacuations", "Insider Theft", Dallas, TX.

International Foundation for Cultural Property Protection Training Seminar, Certified Institutional Protection Manager Training, Athens, GA.

Museum Association of Arizona Annual Conference, "Stealing Away: Preventing Theft Inside and Out", Camp Verde, AZ.

American Legal Institute-American Bar Association Annual Conference, "Safeguarding and Security of Museums, Visitors, Staff, Collections, and Facilities: Practical Issues", "Disaster Planning and Response", Los Angeles, CA.

National Conference on Cultural Property Protection, "The Pros and Cons of Contract Security", Charleston, SC.

California Association of Independent Schools Trustee/Heads Annual Conference, "The Independent School in a Changed World: Security Implications", San Francisco, CA.

Pueblo Grande Museum Regional Training Seminar, "How Big is Your Security Blanket?", Phoenix, AZ.

#### 2001

University of Southern California, School of Policy, Planning and Development, "The FBI and Local Government", Los Angeles, CA.

International Foundation For Cultural Property Protection Annual Conference, "Emergency Preparedness," "Workplace Violence," "Domestic Terrorism, Gangs and Subversive Groups", Keystone, CO.

Los Angeles County Museum of Art Docent Council, "Security—At Work and At Home", Los Angeles, CA.

Western Museums Association Annual Conference, "Threats in Museums", Palm Springs, CA.

American Association of Museums Annual Meeting, “Blockbuster Planning and Recovery”, St. Louis, MO.

Association of Art Museum Administrators Conference, “The Visitor Experience”, Los Angeles, CA.

Texas Association of Museums Annual Conference, “Preparing for the Inevitable: Emergency Preparedness and Response”, San Antonio, TX.

Los Angeles County Museum of Art Docent Training Session, “Security Awareness”, Los Angeles, CA.

National Conference on Cultural Property Protection, “Challenges in Managing the Blockbuster Exhibition: Designing a Visitor Services Plan”, Arlington, VA.

International Foundation for Cultural Property Protection Annual Conference, “Emergency Preparedness/Workplace Violence”, Denver, CO.

The Center for Early Education Parent Night, “Conceptual Protection Plan”, West Hollywood, CA.

#### 2000

Wildwood School Staff Orientation, “Security Awareness”, Los Angeles, CA.

ASIS International 46th Annual Seminar and Exhibits, “Assaults on Public Institutions”, Orlando, FL.

Federal Protective Service Regional Director’s Conference, “Tactical Ultraviolence: Preparing for Catastrophic Events”, Potomac, MD.

American Association of Museums, “Assaults on Public Institutions—Protecting Life and Valuable Assets in the New Millennium”, Baltimore, MD.

International Organization of Black Security Executives Annual Conference, “Lessons Learned from Schoolplace Violence”, Washington, D.C.

National Conference on Cultural Property Protection, “Preparing for Crisis—Assaults on Public Institutions”, Arlington, VA.

California Association of Independent Schools Trustee School Head Conference, “At Risk Youth and Schoolplace Violence”, San Francisco, CA.

#### 1999

International Foundation for Cultural Property Protection Annual Conference, “Assaults on Public Institutions: Lessons Learned”, “Subversive Groups, Gangs, Domestic Terrorists”, Denver, CO.

KTWV “Points of Light Program”, “Hate Crimes, Workplace and School Violence”, Culver City, CA.

ASIS International Annual Seminar and Exhibits, “Soft Targets and the Terrorist Threat”, Las Vegas, NV.

Western Museums Association Annual Meeting, “The Impact of Terrorism on Cultural Institutions”, Sacramento, CA.

International Organization of Black Security Executives Annual Conference, “Terrorism: The Real Threat”, San Francisco, CA.

The Human Resources Consortium of Cultural Institutions of Massachusetts, “Visitor Services/Emergency Preparedness and Response Seminars”, Boston, MA.

#### 1998

National Conference on Cultural Property Protection, “Customer Service Means Better Security”, Arlington, VA.

American Association of Museums 93rd Annual Meeting and Museum Expo, “And If the Creeks Don’t Rise: Preparing for and Recovering from Emergencies”, Los Angeles, CA.

Mashantucket Pequot Museum and Research Center, “Security Officer Basic Training Program”, Mashantucket, CT.

Museum of Fine Arts, “Emergency Preparedness in Museums”, Boston, MA.

Dallas Museum of Art, “Emergency Preparedness and Response in Museums”, Dallas, TX.

#### 1997

National Conference on Cultural Property Protection, “Gangs and Youth Violence”, Raleigh, NC.

American Association of Museums Annual Meeting, "Gangs and Youth Violence", Atlanta, GA.

African American Museum Association Conference, "The Role of Security in Visitor Services", Baltimore, MD.

American Society for Industrial Security, "Gangs and Youth Violence", St. Louis, MO.

Denver Crimestoppers, "Gangs and Extremist Groups", Denver, CO.

*1994*

Long Beach Rape Treatment Center, "Gang Recognition and Response", Long Beach, CA.

*1993*

Western Museums Association Conference, "Gang Awareness", Riverside, CA.

South Bay Security Directors Association, "Gang Recognition and Response", El Segundo, CA.

*1992*

Museum Security Directors Roundtable Meeting, "Gang Recognition and Response", San Marino, CA.

National Conference on Cultural Property Protection, "Recovering the Museum Collection from the 1992 Civil Unrest", Washington, D.C.

Hughes Aircraft Employee Awareness Training, "Gang Awareness", El Segundo, CA.

*1991*

Los Angeles County Museum of Art Docent Council, "Gang Awareness", Los Angeles, CA.

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

I provided testimony before the U.S. House of Representatives Committee on Homeland Security on May 6, 2008, at a hearing on the following topic—"The Resilient Homeland—Broadening the Homeland Security Strategy."

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

Over thirty years, I have worked at every level of government, in the private sector and in academia, engaged in efforts to protect the public safety and ensure our national security. As the Associate Director of the DHS Center of Excellence (COE), the Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California (USC), I am responsible for the development and enhancement of educational programs and special projects. In an effort to analyze the counter-terrorism challenges and best practices I have observed around the world, I conceptualized the Executive Program in Counter-Terrorism, which challenges international counterterrorism leaders and enhances their analysis, coordination and response capabilities to the evolving terrorism threat. CREATE has also become known internationally for the implementation of the ARMOR (Assistant for Randomized Motoring Over Routes) Program, a game theory, algorithm-based system, we piloted at the Los Angeles International Airport (LAX). As a result of its success, ARMOR has been adopted by DHS for use in other critical infrastructure targets throughout the Nation.

As Chief of the Office of Homeland Security and Intelligence for the Los Angeles World Airports Police Division, I am responsible for the security of one of the primary terrorist targets in the United States. I was recruited to join the police division, the largest in the nation, in order to advance the airport's counter-terrorism strategies. During my tenure, we have introduced a number of premier, interdisciplinary projects, garnering the attention of the national security and aviation community. CREATE and LAX have taken the lead in experimenting with solutions to critical infrastructure vulnerabilities, including several projects involving other nations, with long-standing experience with specific terrorist targeting methodologies.

I have also lectured internationally and as an adjunct professor of homeland security and public policy in the Master's Program at USC since 2003. It was a highlight

of my career, to be invited to Beijing, Shanghai and Qingdao to assess the proposed terrorism counter-measures before the 2008 Olympics. During my tenure as the Deputy Director for Critical Infrastructure in the California Governor's Office of Homeland Security, I was responsible in 2004 for the statewide rollout of Homeland Security Presidential Directive 7, the identification, prioritization and protection of critical infrastructure. I was also chosen to serve as the California representative for the Protected Critical Infrastructure Information (PCII) Program, an initiative piloted by DHS. I believe that my time at the FBI investigating terrorism and foreign counterintelligence matters and serving on the Bureau's SWAT Team, my 10 years as Chief of Protective Services at the Los Angeles County Museum of Art, and the start of my law enforcement career as a patrol officer in the Santa Monica Police Department are all important experiences that I can bring to DHS if I am confirmed.

Ultimately, I understand the importance of a strong work ethic and education. They are the cornerstones of my life and provide the foundation of my leadership style. I have a proven record of increasing education, working with people and providing successful leadership of organizations throughout my career. This is a historic time in our Nation's history and I would enjoy the opportunity to serve my country and add value to the achievement of our Nation's homeland security mission as a member of the administration.

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

Budgets and financial management systems are not only important tools for planning, prioritizing and operating organizational programs, but also serve as critical mechanisms for assuring accountability, control, and fulfillment of executive and legislative intent. If confirmed, my responsibility will be to both lead the agency toward a vision consonant with the President's strategic mandates and manage the organization effectively. Proper fiscal management techniques and accounting controls are critical to assuring managerial, and organizational, success. I have been responsible for budget execution, in several large organizations, with positive results. I achieved results by building confidence while maintaining a reputation for integrity and responsiveness.

During my tenure with the Governor's Office of Homeland Security, I was accountable for the distribution of resource allocations in the form of Department of Homeland Security grant funds. These financial resources were essential in addressing Homeland Security Presidential Directive 7. My office worked seamlessly with the Grant Management and Legislative sections to ensure the risk-based funding would be directed to infrastructure targets in direct response to their threat level, vulnerability and consequence of natural or man-enabled events. We were responsible for funding in the amount of more than \$250 million annually.

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

I believe the top three challenges facing the TSA exist within three areas: people, science and technology, and public confidence.

*People*—The TSA employs one of the most visible work forces in the Department of Homeland Security. The TSA must select the "best" people. It must invest the resources to identify these individuals, recruit them, train them, emphasize their importance to the success of the organization and retain them by providing opportunities for professional development. The accomplishment of this goal is dependent upon a very critical element—leadership. There is no time like the present to raise the level of expectation and performance, insisting on professional, motivated and enthusiastic employees.

*Science and Technology*—On April 15, 2008, the GAO issued a report entitled, "Transportation Security: Efforts to Strengthen Aviation and Surface Transportation Security Continue to Progress, but More Work Remains." The study concluded that the TSA had implemented a myriad of valuable security programs, policies and procedures designed to secure the Nation's transportation network, since the inception of the organization in 2001, but requires a strategic long-term plan as it relates to future enhancements. If confirmed, I look forward to working to ensure that TSA technology is used as effectively as possible.

*Public Confidence*—As Secretary Napolitano has noted, it is critical that we create a culture of preparedness in this country, not a culture of fear. The TSA has a key role to play in achieving this goal to ensure public confidence in the safety of air, rail and surface transportation. If confirmed, I look forward to promoting common-sense personal preparedness techniques that will significantly strengthen the security of all members of the public from the threats we face.

## B. POTENTIAL CONFLICTS OF INTEREST

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

I participate in a defined benefit retirement plan with the Los Angeles City Employees' Retirement System where I will receive monthly payments beginning at age 61; I participate in a defined benefit retirement plan with the California Public Employees' Retirement System where I will receive monthly payments beginning at age 55; I will maintain my current investments with the defined contribution retirement plan (403(b) and (401(c)) with the University of Southern California, but no further contributions will be made by either party if I am confirmed. These agreements/arrangements are reported on my nominee Public Financial Disclosure Report (Standard Form 278), which has been provided to the Committee.

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

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

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

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

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

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

I served as a volunteer advisor to the Homeland Security Policy Group during Senator Obama's Presidential Campaign. (2008)

I provided testimony before the U.S. House of Representatives Committee on Homeland Security on May 6, 2008, at a hearing on the following topic—"The Resilient Homeland—Broadening the Homeland Security Strategy."

In December 2007, I briefed officials at the Department of Homeland Security on ARMOR—Assistant for Randomized Motoring Over Routes.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee.

## C. LEGAL MATTERS

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

In 1988, I received a letter of censure from the FBI for using my official position to resolve a personal problem. I had asked a co-worker's husband, who worked for the San Diego police department, to run a database check on my ex-wife's new boyfriend. The boyfriend had moved in with my wife, from whom I had separated only a short time before, and I was concerned for the safety of her and my infant son, who was also living with them. The database search revealed an outstanding war-

rant for the boyfriend's arrest, about which I informed my ex-wife. I recognize that it was a mistake to have used my official connections to investigate the matter.

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

No, except as described in C1 above.

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

In 2003, I was the plaintiff in a small claims action in Los Angeles, California against a client for non-payment of services rendered as an expert witness. I was awarded a judgment by the court.

In the early 1990s, I was named as a defendant to a lawsuit in my official and administrative capacity as the Chief of Protective Services of the Los Angeles County Museum of Art. My understanding is that this was a personnel matter, and that there were no allegations of personal wrongdoing on my part. I was not interviewed or otherwise involved in the investigation, and I am not familiar with the details of the complaint or the case's disposition.

In 1992, as the Chief of Protective Services of the Los Angeles County Museum of Art, I was accused of discrimination based on race, by an African-American police lieutenant in Protective Services, who was unhappy with the force-wide policies that resulted in his receiving a work assignment he did not want. It is my understanding that he filed a suit against the Museum and me, but I do not recall participating in any legal proceedings. This was resolved in the Museum's favor, and he was required to perform the work assignment.

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

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

As described in Question 3 above, in 1992, as the Chief of Protective Services of the Los Angeles County Museum of Art, I was accused of discrimination based on race, by an African-American police lieutenant in Protective Services, who was unhappy with the force-wide policies that resulted in his receiving a work assignment he did not want. It is my understanding that he filed a suit against the Museum and me, but I do not recall participating in any legal proceedings. This was resolved in the Museum's favor, and he was required to perform the work assignment.

In 1996, as the Chief of Protective Services of the Los Angeles County Museum of Art, I was named, along with two members of my staff, in a sexual harassment/discrimination complaint by a contract security employee. Her supervisor denied her preferred choice of a work assignment and she claimed I failed to support her request because of a romantic relationship between us. Her allegations, both of the relationship and of retaliation, are entirely unfounded. An independent investigation was conducted by the Museum, and her complaint was determined to be unsubstantiated.

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

#### RESUME OF ERROLL G. SOUTHERS

##### Professional Experience

*City of Los Angeles, Los Angeles, CA—Assistant Chief, Los Angeles World Airports Police Department, 2007–present.*

Chief of the Office of Homeland Security and Intelligence, responsible for all counter-terrorism and security credential assets, for the 4 Los Angeles World Airports. Conceptualized the pilot ARMOR (Assistant Randomized Motor Over Routes) Program designed to detect and deter vehicle borne IEDs (Improvised Explosive Devices). Currently engaged in two DHS Chem/Bio Operational Technology Development Pilot Programs. The LAWA Police Department is the largest aviation law enforcement agency in the United States, with the largest airport explosives canine detection unit in the world.

*University of Southern California, Los Angeles, CA—Associate Director, Center for Risk and Economic Analysis of Terrorism Events (CREATE), 2006–present.*

Counter-terrorism and infrastructure protection expert responsible for the development and enhancement of the educational programs and special projects at CREATE, an interdisciplinary national research center, based at USC and funded by the Department of Homeland Security. Created the Executive Program in Counter-Terrorism, designed to challenge international counter-terrorism leaders and enhance their analysis, coordination and response capabilities to the evolving terrorism threat. Co-author on the “Peroxide-Based Explosives: Properties, Technologies and Risk Assessment” international research project, with Technion Israel Institute of Technology.

*State of California, Office of Governor Arnold Schwarzenegger, Sacramento, CA—Deputy Director, Office of Homeland Security, 2004–2006.*

Appointed by Governor Arnold Schwarzenegger to the Office of Homeland Security and responsible for post-9/11 counterterrorism policy issues, initiatives and projects developed to protect the critical infrastructure of the world’s fifth largest economy. Responsible for state oversight of the National Asset Data Base, Automated Critical Asset Management System, Critical Infrastructure/Key Resources, Buffer Zone Protection Plan and Protected Critical Infrastructure Information Programs (PCII), including several nation pilot programs. Served as a member of the National Infrastructure Protection Plan (NIPP) national working group, responsible for developing the NIPP. Appointed Deputy Director of the state’s Protected Critical Infrastructure Information (PCII) Program by the Department of Homeland Security.

*University of Southern California, Los Angeles, CA—Adjunct Professor, 2003–present.*

Professor of terrorism, homeland security and public policy in the Master’s Program of the School of Policy, Planning and Development.

*Risk Management Consultants International, Los Angeles, CA—President and CEO, 1997–2004.*

Founder and nationally recognized leader of a security consulting firm specializing in violence prevention, premises protection and emergency preparedness.

- Nationally recognized authority on policy development for security and safety measures designed to counteract potential losses produced by hostile actions or natural disasters.
- Violence prevention, premises protection and disaster planning consultant to major corporations, educational and cultural institutions throughout the United States.

*Los Angeles County Museum of Art, Los Angeles, CA—Chief of Protective Services / Assistant Vice President, 1991–1993, 1995–2004.*

Assigned to the Museum of Art as Chief of Police, having direct responsibility for public safety and security services at the Nation’s 4th largest art museum, with facilities spanning 22 acres, hosting more than one million visitors annually. Promoted to Assistant Vice President in 1998, with responsibility for three of the museum’s departments.

- Fiscal and management responsibility for a \$3.2 million budget and more than 200 personnel supporting exhibition planning, security, ticket sales and members’ on-site amenities.
- Using a zero-based budgeting approach, designed an institutional re-engineering plan resulting in a \$2 million annual budget reduction.
- Developed and implemented the museum’s emergency preparedness program, outlining policies and procedures for training and response to specific disasters and the appropriate recovery efforts.

- Designed and implemented the museum's Injury and Illness Prevention Program.
- Americans with Disabilities Act Coordinator.

*City of Long Beach, Long Beach, CA—Executive Director, 1993–1995.*

Executive Director for the City Manager of the City of Long Beach, California's 5th largest city, with more than 440,000 citizens.

- Executive Director, Youth, Education and Community Services Unit, recommending policies focused on community development and the suppression of youth violence/gang activity, resulting in a 38 percent reduction in gang related crime in less than one year.
- Executive Director, Citizen Police Complaint Commission, responsible for managing the investigation of allegations of police misconduct in the Long Beach Police Department.
- Represented the Office of the City Manager at community, educational and political events; coordinating and managing special projects and developing community consortiums.

*Federal Bureau of Investigation, San Diego, CA—Special Agent, 1984–1988.*

Assignments included: Foreign counter-intelligence/terrorism investigations, SWAT Team member and police instructor.

*Rio Hondo Police Academy, Whittier, CA—Faculty/Tac Officer, 1982–1984.*

Community college instructor responsible for the education of police cadets at a regional academy serving more than 36 law enforcement agencies.

Managed the training and evaluation of all aspects of cadet field performance, weapons proficiency and physical fitness.

*Santa Monica Police Department, Santa Monica, CA—Investigator/Police Officer, 1980–1984, 1988–1991.*

Assignments included: Gang Investigator, Background Investigator, Field Training Officer, Crime Impact Team Member, Shoot and K-9 Review Boards, Departmental Stress Management Instructor and Fitness Program Instructor.

#### **Professional Training**

2007—832 P.C. Aviation Security Training

2007—JTTF Education Session/West Point Combating Terrorism Center

2006—Consequence Management Training, Israeli Defense Forces' Home Front Command, Israel

2006—Homeland Security Counter-Terrorism Training, Ministry of Foreign Affairs, Israel

2002—Threat Assessment Seminar, U.S. Secret Service and U.S. Department of Education

1996—Museum Management Program, University of Colorado; Total Quality Management Program, National Safety Council

1995—ICMA Community Oriented Policing Seminar; Cambodian Cross-Cultural Training

1992—Disaster Response Training for Emergency Managers

1989—AIDS Education Instructor's Course

1985—Employee Assistance Training for Police Supervisors; Hearing Impaired (Sign Language) Program; Peer Counseling Training Program

#### **Accreditations/Certifications**

2007—Airport Security Coordinator (ASC) Certification

2006—Certified in Homeland Security—Level V, American College of Forensic Examiners Institute

2005—Protected Critical Infrastructure Information (PCII) Accreditation

1999—Certified Institutional Protection Manager (CIPM)

1993—California Peace Officers Standards & Training (POST) Executive Development Certificate

1992—California POST Management Certificate

1990—California Superior Court Qualified Gang Expert

1982—California Community College Teaching Credential

1980—California POST Basic, Intermediate and Advanced Certificates

**Security Clearance**

Top Secret/SCI—Active, granted 2009

**Education**

*University of Southern California*, Los Angeles, CA  
 Doctor of Policy, Planning and Development  
 Expected date of completion: 2011

*University of Southern California*, Los Angeles, CA  
 Master of Public Administration, 1998

*Brown University*, Providence, RI  
 Bachelor of Arts, 1978

**Affiliations**

CREATE Government Advisory Board

Society of Former Special Agents of the FBI

International Association of Chiefs of Police

LAX Airport Security Advisory Committee, Executive Board

U.S. Department of State Overseas Security Advisory Council

LA Youth Newspaper Advisory Board

American Society for Industrial Security

American Society for Public Administration

Brown University Alumni Schools Committee

Western Museums Association, Board of Directors

American Association of Museums, Security Committee

ASIS Library, Museum and Cultural Properties Committee

International Foundation for Cultural Property Protection Advisory Board

University of Southern California Professional Development Mentor Program

USC School of Policy Planning and Development Alumni Association, Founding  
 Co-Chair

**Honors and Awards**

USC Widney Alumni House Award

UCLA School of Public Affairs Senior Fellow

American Assembly of Columbia University Next Generation Fellow

Certified in Homeland Security Program Top Achiever Award

USC School of Policy, Planning and Development Outstanding Alumni Award

Los Angeles Miracle Mile Civic Coalition Good Heart Award

International Organization of Black Security Executives Leading Edge Award

Rio Hondo Police Academy Outstanding Cadet Award

The CHAIRMAN. Thank you very much, and right on time.

Let me just start with a few, then I'll turn to Senator Hutchison,  
 Ranking Member Hutchison.

As we discussed in our conversation, I was Chairman of the Intelligence Committee for a while and I'm still on it. One of the things that overwhelmed all of us and still does is the instinct not to share. I mean, it's one thing, the first law we passed after 9/11 was to make it legal for the CIA and the FBI to talk to each other. So it's on the books.

But if you infer from that there is a cooperative atmosphere among the agencies, I would find a lot of reason to disagree with that. We went a step further and appointed a Director of National Intelligence, sort of making him the admiral, the overseer of all. Even that has not been able to break down the shell of protectiveness, the tradition that's built up within some of these agencies over the years.

So I worry about that a lot. I worry about the lack of information-sharing and our ability to have the best intelligence analysis that we possibly can.

Now, as Chairman of the Commerce Committee, I need to know that the Department of Homeland Security, which has its own intelligence unit, and TSA officials are working together with other agencies to protect our security. I'll pick out a couple of examples. Recent press reports have raised questions about how well the TSA and the FAA vet individuals who receive airman certificates, which include pilot licenses, mechanic licenses, and everyone else who has direct access to aircraft. What steps is the agency taking to address this vetting issue? I might just ask you that; then I'll follow up.

You may not see it as a problem, in which case you need to say that.

Mr. SOUTHERS. Thank you, Senator. First I'd like to speak to the information-sharing component of your question, and I'll certainly draw on personal experiences. I'm currently living in Los Angeles. We, as most regions, have a fusion center, and we also have several joint terrorism task forces. All of our State, local, and Federal partners are members of those elements.

We meet routinely, share information routinely. We've also engaged all of the critical infrastructure elements in the region—rail, transportation, chemical, ports—and we sit on those committees several times a month, and that relationship has been quite seamless.

One of the beauties of it is actually having training exercises and forums where we get to meet quite frequently, and we are able to build on those relationships and we forward all grant proposals in a regionalized manner, which pulls everyone into the room as well. So our sharing capacity there has been quite successful and it has been something that I think has been very noteworthy.

As it relates to FAA and the vetting of the airman certificates, I had reason a couple of weeks ago to meet with Acting Deputy Assistant, Lynne Osmus. We talked about working together. Hopefully, it's the beginning of a very positive relationship. I can say that the Department of Transportation some time ago left the safety component to FAA and the security component to TSA, and that vetting process now where TSA is vetting airmen is happening on a daily basis. Some 3.9 million people are being vetted each day against a database, a terrorism database.

That's a relationship—

The CHAIRMAN. I don't understand that, being vetted each day, 3.9 million people against a database? I mean, it sounds great, but I just don't understand it.

Mr. SOUTHERS. So each day those names that are in the database currently are placed against no-fly lists, the selectee lists, and the remaining components of the terrorism-screening database list to see, if in fact, if there's any anomaly from the previous day, where that name has changed or the status of that name has changed, and to ensure that everything is intact.

This is certainly a relationship that needs to grow. I look forward to working with the FAA on this issue and I look forward to working with the Committee as well.

The CHAIRMAN. It's anybody that has any contact with an airplane at all, mechanics, pilots, the whole deal?

Mr. SOUTHERS. Yes, sir.

The CHAIRMAN. General aviation is more or less not touched by these folks. Is that going to remain the same?

Mr. SOUTHERS. Actually, Senator, I'm not quite sure if general aviation is touched by these folks. I do have a general aviation responsibility currently, but it's not for vetting, so I'm unable to say whether or not that's actually happening.

The CHAIRMAN. Well, you would know if they were vetting for general aviation, and since you don't know, I think the answer is they're not vetting for general aviation, which is a problem we'll talk about a little bit more.

Just as a follow-up, what steps do you believe the agency needs to take to make sure that individuals receiving or holding airman certificates are not a legitimate threat to national security? Are you considering taking steps to review other criminal watch lists housed in the Department, in the government, for example at Treasury, that are not currently being used by the Department of Homeland Security, for airman vetting?

Mr. SOUTHERS. Senator, I think it's most efficient if we could have a compilation of the databases placed together, so that we have a very huge, if you will, consortium of names and have them all in one spot. I do know that in the vetting that does take place currently, the terrorism screening database is one that has a near-name matching algorithm that they use, as well as a date of birth matrix that's used, and it's quite efficient.

But the other databases need to be pulled in so that we can, in fact, make sure that we're looking at all sources and ensure that that person is not being placed in the environment and is a risk to our security.

The CHAIRMAN. I thank you. My time has expired and I turn to Senator Hutchison.

Senator HUTCHISON. Thank you, Mr. Chairman.

First, Mr. Southers, the Committee wants to be assured that in your important position that you would always be able to give us and would work with all the members of the Committee, Republicans as well as Democrats, with information, data, and anything that we rightfully need for our oversight responsibility.

Mr. SOUTHERS. Yes, Senator.

Senator HUTCHISON. Second, you, having been of course so involved in the Los Angeles Airport, would know that there are many times when stakeholders are concerned about cooperation with the TSA. Sometimes they think TSA oversteps. One example: They sort of miscommunicated to the general aviation community details of the large aircraft security program, that caused a lot of confusion and heartburn, if you will.

My question is what would you do to alleviate that non-cooperation when it occurs or how would you avoid it occurring?

Mr. SOUTHERS. What we have done has been quite collaborative in our approach. We've reached out to stakeholders, specifically in general aviation as it relates to the large aircraft security program. We're trying to, of course, look at best practices, and we're trying

to be risk-driven. We think that that is the appropriate response to this issue.

In addition to that, we've taken some steps to provide education and awareness to these groups, so that they can in fact be part of our security system. We are part of what's called the SARS program now, which is the Suspicious Activity Reporting. We now have persons in general aviation and at, for example, LAX, at our category X airport, where they are able to participate in the security system by providing us with information.

So, it has been a relationship, if you will, of education, awareness, and information flow back and forth. Communication has been the key to our success there in addressing those kinds of issues.

Senator HUTCHISON. Let me ask you. On the non-aviation side, you are still responsible for other modes. We talk about aviation the most because it is clearly the biggest job that you have. But there is concern about buses, trains, other modes of transportation, and the security there, including ports. What would you consider your number one non-aviation responsibility or area that needs addressing?

Mr. SOUTHERS. Senator, if we look at events as they occur around the world, and certainly trying to remain again risk-driven and intelligence-driven, it would appear that the non-aviation elements would certainly include buses and trains. We've seen Madrid, we've seen London. We've seen the introduction of peroxide-based explosives there. So those elements of the transportation system I think would be a priority.

It is for that reason that TSA, to my understanding, has been moving resources to those regions as the risk and threat dictates. We've seen VIPR units move to the rail system in Los Angeles. Our K9 units from the airport have supported rail systems and bus systems in Los Angeles.

Then we have several committees, as I mentioned previously, where we have critical infrastructure partners that meet regularly, that include the port, rail, and the airport. We work very closely together to ensure that we're all working on the same mission, with the same goal in mind, and actually maximizing the resources that we have available.

Senator HUTCHISON. Thank you.

Thank you, Mr. Chairman. I appreciate it.

The CHAIRMAN. Thank you.

Senator Cantwell's not here, so it would be Senator Udall, because you want to introduce Mr. Gallagher.

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

Senator UDALL. That's correct.

The CHAIRMAN. Shall we just do that right now?

Senator UDALL. I can wait until he comes forward on the panel and question Mr. Southers. That would be great, Chairman Rockefeller. Thank you very much today.

Mr. Southers, I appreciate our meeting before today's hearing and want to thank you again for your willingness to serve. The Transportation Security Administration has the difficult task of en-

sureing both security and the free movement of people and goods. In your testimony, you note that this will be your highest priority. I would like to follow up with a few questions related to how you would approach this challenge.

For example, *USA Today* recently reported that TSA plans to greatly expand its use of whole-body imaging, WBI, for primary passenger screening at airports. Albuquerque Sunport is one airport where the TSA piloted the use of these machines for primary passenger screening. Citizens and Members of Congress have expressed concerns about the privacy implications of using WBI as a primary screening device. Although TSA has voluntarily taken certain measures to protect passenger privacy, I believe several serious questions should be addressed before TSA deploys WBI machines more widely.

Last October TSA released a privacy impact assessment for whole-body imaging. That assessment outlined many of the policies TSA would use with WBI machines to protect passengers' privacy. Would you support a follow-up report either by GAO or the DHS Inspector General to assess whether those policies have been followed and that they adequately protect passenger privacy?

Mr. SOUTHERS. Senator, thank you. I would welcome any investigative or regulatory agencies or groups that would be willing to support us in having us be more efficient and effective. Whole-Body Imaging gives us the ability to detect metallic and non-metallic objects on travelers without any physical contact. The Whole-Body Imaging platform, if you will, still remains 100 percent optional, so our travelers still have the option to not participate.

It's my understanding that the privacy concerns—and that, of course, is the most important balance that we have to maintain here, one of security and civil liberties—has been ensured by a number of steps that are in place for the operators of Whole-Body Imaging.

Additionally, Senator, I'd like to mention, as whole-body imaging fits into another category, we've reached out to specific religious groups that have come to us in Los Angeles and expressed some concern that they might be singled out for this kind of technology. We've partnered with the Sikh community. They now participate in the training of our officers. We've partnered with the Muslim community and now we have several imams who vet our training material.

So we believe again reaching out to the stakeholders, reaching out to the persons who travel, forming and building very important relationships with people to explain, if you will, why we do what we do and what kind of impact it would have, I think is the way of going forward to ensure that we have their cooperation and the most secure system possible.

Senator UDALL. Thank you.

Now, no single technology is a cure-all for aviation security. Drug smugglers already swallow and insert packets of drugs into their bodies to avoid detection at airport security. News reports about an attempted assassination of a Saudi prince reveal that an al Qaeda terrorist detonated explosives hidden inside his body. He apparently avoided detection despite two sets of airport security and palace security.

My understanding is that WBI machines cannot detect explosives hidden inside of the body. Is that correct?

Mr. SOUTHERS. Senator, to my understanding that's correct.

Senator UDALL. If so, does it make sense to spend more than \$100,000 per WBI machine for a technology that we already know can be circumvented?

Mr. SOUTHERS. Senator, as risk would indicate, I know of that one instance that you refer to of the Saudi prince and I don't know of any others. It would seem that our greatest risk here is those prohibited items that are still being carried outside the body. One of the things that I think would be critical going forward is in fact to become more interdisciplinary in our approach. As you know, I am an Associate Director at one of the DHS centers of excellence, which is out of the Science and Technology Directorate. Technology will never be 100 percent, but it certainly can move us into addressing tomorrow's threat, which it appears internal improvised explosive devices may be tomorrow's threat. So it is something I look forward to, if confirmed, working on further, engaging with our science and technology community to see if, in fact, those kinds of countermeasures can be implemented.

Senator UDALL. Great. And we would like to work with you very carefully on that to see if any additional legislative changes or resources need to be put into that. Thank you very much.

Thank you, Mr. Chairman.

Mr. SOUTHERS. Thank you, Senator.

The CHAIRMAN. Thank you very much.

Senator DeMint is next up. Is he out? So then that will be Senator LeMieux, and welcome.

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

Senator LEMIEUX. Thank you, Mr. Chairman.

Mr. Southers, thank you for submitting yourself, again submitting yourself for public service. I enjoyed our conversation earlier today. I just want to talk about a couple of broad topics that you and I discussed.

There is obviously a balance between what you do in terms of protecting the public and then interacting, the folks at TSA, interacting with our citizens. We talked about the fact that most people in America don't have a lot of connection or contact with their government directly, but this is one place that they do.

So, I'd like for you to kind of repeat for the group here today and the other Senators on the panel some of the things that we talked about about the importance of treating people who come through TSA as customers, as well as looking to make sure that we have safe travel.

Mr. SOUTHERS. Thank you, Senator. My vision for TSA, if confirmed, would be no less than hoping to lead this organization to the next level so that it could become an international model for transportation security. The four law enforcement agencies that I have had privilege to work for, two in a chief capacity, I attended the training academies for those agencies. If confirmed, I would appreciate the opportunity to attend Transportation Security Officer training and Federal Air Marshall training so that I can have a full

understanding of what it is they understand, how they're trained, what they do, and how they're able to do such a good job.

It has been my experience that when we invest in our people they invest in the organization, they internalize the mission and our values, and everyone is the better for it. I'm very proud today to have two officers behind me who I happen to have sat on their promotional panels. We offer education incentives to our officers. We encourage professional development and leadership development. Both of these officers behind me got their master's degrees within the last year and one of them is a graduate of our executive program in counterterrorism at USC.

These are tomorrow's leaders, and I would hope that some day, Senator, that the nominee for this position as a result of professional development and leadership development would come from the ranks and perhaps is a screener today at a checkpoint somewhere in America.

Senator LEMIEUX. Thank you.

We also talked about the CLEAR program, which currently, as I understand it, is no longer in use or is in suspension. This is a program that allows frequent travelers to be able to circumvent some of the normal portions of the airport screening because they have been properly vetted. Can you talk about the CLEAR program, whether we're going to see it again? It's very important for businesspeople who are traveling around this country to be able to do so efficiently and effectively so they can do the work that they need to do to make sure that our country continues to have a strong economic engine. Can you talk about the CLEAR program and your thoughts about it?

Mr. SOUTHERS. Well, Senator, as you know, the CLEAR program was part of a registered traveler program where we had a vetted population that submitted biographical information and biometric information for a card that they would subsequently obtain. I would imagine that everyone here is a frequent traveler, and if we're going to be a risk-driven organization it would appear that moving forward, if confirmed, it's something I'd like to explore very heavily that if we could have a vetted population that we would never compromise security and it would still have to be submitted to the checkpoint for prohibited items, we could then focus on the risk, which in fact is the unvetted population or those travelers that remain.

I think it would be a very wise and efficient use of our resources, and I think it would make the expeditious throughput of our vetted personnel easier to attain.

Senator LEMIEUX. Thank you, Mr. Southers.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator LeMieux.  
Now Senator Thune.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman.

Mr. Southers, I want to also congratulate you and express my appreciation for your willingness to serve and that of your family as well. It's nice that you have many of them with you here today. We

appreciate the sacrifice that comes with public service and that certainly applies to families as well.

I appreciate also the extensive background that you have when it comes to matters of aviation security and law enforcement, and we look forward to having you serve at TSA.

There's one question I think in particular that we face in all of the challenges of dealing with terrorist threats and everything else. That is, how do we keep the country safe? We've done, I think, a good job of that. There are ongoing changing terrorist threats that we have to react to, and I think perhaps one of the biggest issues and challenges we have to deal with is just public complacency and a lack of understanding when it comes to some of the screening protocols that have been put in place.

I know that since 9/11, we've had a lot of heightened understanding by the public when it came to accepting some of these new security measures. But at the same time, it's still a challenge to help continue to educate the public about what all of these things mean, in particular, those who aren't frequent travelers.

But I'd be curious in knowing just what some of your thoughts might be about what you would do as the Assistant Secretary at TSA to address the issue of public complacency.

Mr. SOUTHERS. Thank you, Senator. TSA has embarked on a "Why" campaign. The "Why" campaign is explaining the everyday practices and protocols of our security procedures so that the public can understand the methodologies that we're engaging in. One of the things that I've noticed in societies where challenges or the risk is much greater, such as the Middle East, where I travel quite frequently, and in London, those societies seem to have become more resilient because they have educated and made their public more aware.

If confirmed, I would look forward to an education and awareness program that's attached to the "Why" campaign of TSA, so that we could make our society more resilient. I think if we have a public that internalizes our vision and understands what our mission is, they too become part of the security system.

Along with that, I think it's very important then to invest in our people at TSA. As I mentioned earlier, investing in our workforce, making sure they understand why they're so important to what we do, and they will again make the organization better and make us more efficient.

The last piece would be one of technology. In explaining why, it's important that people understand what the technology does, and what it doesn't do. We need to be engaged with the science and technology community in looking at the appropriate technology for the right environment with the skill sets of our workforce to provide the best security.

Senator THUNE. I want to follow up on that question. This certainly isn't any reflection on you, but earlier this year, I was alarmed by the treatment that a number of veterans from South Dakota received when they traveled to our Nation's capital as part of the honor flight program. You may be familiar with that. It's a program which allows World War II veterans from across the country to come and have the opportunity to visit our Nation's capital as a way of saying thank you to them for their service.

I think probably the most disturbing part of that visit were the reports that I received from some of those World War II veterans who expressed frustration with the way that they were treated by TSA screeners at Dulles Airport. There were about 118 veterans on the trip, and they passed through the security screening at Sioux Falls Regional Airport when they came to Washington without any trouble. But when preparing to return to South Dakota via Dulles, a number of measures were taken which subjected many of these brave men and women to what I would classify as disrespectful scrutiny.

Outside of being forced to wait through long lines, one veteran who utilized a cane was told to walk through the metal detector unassisted. It was also reported that another veteran had his oxygen tank taken away for screening and was forced to wait without oxygen while his tank was screened. A number of veterans reported that the TSA screeners were rude and unhelpful.

Now, these reports I know—as I said, the majority of TSA screeners are very professional. I, like most of my colleagues, travel a lot. But I think it underscores sometimes the disconnect that can exist between some of the guidelines and how those are carried out by TSA employees, and particularly with a population like that, which probably doesn't travel frequently and has some unusual, I would say, needs with regard to the screening process.

So, I know that the TSA employees don't always receive the recognition that they deserve when it comes to keeping the traveling public safe. But incidents like this that were reported by World War II veterans from South Dakota call for just a little different way of dealing with a flight like that and a population like that that, as I said before, is pretty extraordinary, many of whom are in their 80s, some of whom are in their 90s.

So my question in all this is for your thoughts about that. What ideas or policies would you suggest that might correct or remedy that situation or situations like that going forward?

Mr. SOUTHERS. Senator, first, although not confirmed, but at least as an American, you have my apologies for those men and women who served our country and were treated that way. It appears that we have perhaps two issues here. First is one of training, the appropriate training so that we can address populations like that in the future and do it in a sensitive way that ensures our security protocols are in place and we're able to have appropriate throughput.

Second is one of organizational values. That comes from leadership. I, as you know, command a police department. When we have instances like this, it's very important that we just not only address the citizen who might have felt the conduct was inappropriate, but we address our entire department using that as an example and we learn from it, because we don't want to repeat it.

But it starts with me as a Chief and it's filtered down and it's embraced by the entire organization that there are certain values, certain behaviors, that are appropriate and certain that will not be tolerated. I think that's a critical element to success in dealing with these kinds of issues in the future.

Senator THUNE. I would appreciate any steps you can take to make sure that that situation doesn't happen again. We've obvi-

ously got a lot of these honor flights. In fact, we have another one coming in from South Dakota tomorrow, and they are from all over the country and it is a very, very deserving group of people who we want to honor. Obviously, this experience, which was—I have to say we got a lot of feedback on that from folks on that trip.

So, I would appreciate any steps that you can take to make sure that that doesn't happen again.

Mr. SOUTHERS. Thank you, Senator.

Senator THUNE. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Thune.

Senator Udall, do you have further questions?

Senator UDALL. No. No, Mr. Chairman, I don't.

The CHAIRMAN. Do you feel badly about that?

Senator UDALL. Not at all, not at all. I want to move on to Dr. Gallagher.

Mr. SOUTHERS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very, very much.

Do you have anyone you want to introduce? What about those heroes of the future right behind you?

Mr. SOUTHERS. I'd like to introduce Sergeant Tarek Azmy, who was one of my intelligence officers prior to getting promoted, so he lost his privileges there and had to go back in uniform; and Sergeant William Hanley, who was in my dignitary protection unit and lost his suit and had to go back in uniform, two of our finest, and I'm happy that they traveled here today.

Thank you.

The CHAIRMAN. Thank you, sir.

Mr. Robinson—I mean, Mr. Gallagher.

[Pause.]

The CHAIRMAN. Senator Udall, if you would be prepared to introduce our nominee for NIST.

Senator UDALL. I am prepared, Mr. Chairman. Thank you very much, and other distinguished members of the Committee.

Today I'm pleased to recommend Dr. Patrick Gallagher for the position of Director of the National Institute of Standards and Technology. He's accompanied by his wife, Karen and, as he said, "my three sons."

Dr. Gallagher is highly qualified for this role and already serves as the agency's Acting Director. His curriculum vitae would be too long to recite here. Yet it is worth noting that he first joined NIST 16 years ago as a physicist and has since held numerous leadership positions at the agency. He earned his Ph.D. in physics at the University of Pittsburgh and has an undergraduate degree from Benedictine College in Kansas.

Patrick Gallagher began his academic career, however, in the Albuquerque public schools and earned his first diploma from St. Pius High School. So in addition to being an accomplished scientist and public servant, he is a New Mexican.

Dr. Gallagher's aptitude for science may come from his father, who came to New Mexico in the 1960s to work at Sandia National Laboratory. His parents, John and Clair Gallagher, raised young Patrick and three daughters in the Northeast Heights area of Albu-

querque, and I understand from Patrick that they're watching by webcast as we speak here.

As a young man in Albuquerque, Dr. Gallagher developed a strong commitment to public service that continues to this day. He joined the volunteer organization Amigos de los Omaticas and spent summers working on public health and sanitation projects in Ecuador, Honduras, and Mexico. After earning his bachelor's degree, he taught math and science to high school students in St. Joseph, Missouri.

Dr. Gallagher then decided to pursue his true passion for science and became a physicist, a career path that led him to the National Institute of Standards and Technology.

NIST is an often-unappreciated agency. Yet its work enhances our quality of life in many ways. Numerous products and services rely in some way on technology, measurement, and standards provided by NIST. Some examples include bank ATM machines, bulletproof vests worn by police, and medical diagnostic tools such as X-rays and mammograms.

The agency's scientists have won many awards, including Nobel Prizes, for their research. In addition, NIST manufacturing extension partnership centers in all 50 states have helped thousands of small businesses grow.

As NIST Director, Dr. Gallagher will be committed to enhancing NIST's role as an agency that promotes American innovation, industrial competitiveness, and trade. I share President Obama and Secretary Locke's confidence in Dr. Gallagher as a strong leader who can harness NIST's talented workforce and resources to advance this mission.

Chairman Rockefeller and members of the Committee, thank you for allowing me to recommend Patrick Gallagher to lead the National Institute of Standards and Technology. I look forward to working together with you on confirming Dr. Gallagher for this important position.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Actually, it would probably be a good idea at this point, Dr. Gallagher, Dr. Robinson, and Paul Martin, if you have any family, people that you're vaguely familiar with that you want to introduce, we would welcome that.

Dr. GALLAGHER. I'd be delighted to introduce my family, who is with me today: my wife Karen, my sons Devon, Sean, and Ryan, who were it seems happy to be out of school to support me today, and I appreciate that; and also my family who's watching and my many colleagues at NIST who are supporting me in cyberspace.

The CHAIRMAN. Dr. Robinson.

Dr. ROBINSON. I'd like to introduce my two children, Andrew and Dana, my niece Robin, and my significant other, Douglas Holzhaken. And I'd also like to say hi to my family and friends out in cyberspace, especially my mother.

The CHAIRMAN. Well done, well done.

Dr. ROBINSON. Especially my mother back in Seattle, who makes me very proud every day, and my sisters and brother and their families, who are just tops people, who are watching from my brother's house.

The CHAIRMAN. Otherwise you have no emotional feelings at all. [Laughter.]

The CHAIRMAN. Mr. Martin.

Mr. MARTIN. Mr. Chairman, I'd like to recognize my parents, Jean and George Martin, my in-laws Steven and Christine Liu. Two of my five siblings are here, Susan Brazill and Diane Murray, and their husbands, both named Tim; their children; several colleagues from the Department of Justice; and perhaps most importantly, my wife, Rebecca Liu, and my three daughters, Anna, Emily, and Grace.

The CHAIRMAN. Good. Why did you say "perhaps"? [Laughter.]

The CHAIRMAN. We have to have a little humor around here. All right. Dr. Gallagher, why don't you proceed.

**STATEMENT OF PATRICK GALLAGHER, PH.D., DIRECTOR-  
DESIGNATE, NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY, U.S. DEPARTMENT OF COMMERCE**

Dr. GALLAGHER. Chairman Rockefeller, thank you very much. Distinguished members of the Committee: It really is a great honor to appear before you today as the nominee for the position of Director of the National Institute of Standards and Technology. As Senator Udall noted in his wonderful introduction—and I appreciate that very much—I was born and raised in Albuquerque, New Mexico, went to school in Kansas to study physics and philosophy, and ended up teaching high school science and math for one year in St. Joseph, Missouri.

I returned to graduate school at the University of Pittsburgh to pursue my interest in physics. And this slow eastward drift, finally culminated in my arrival at NIST 16 years ago. Since then my entire professional career has been in public service as a Federal employee working at NIST, starting as a beam line research scientist at the NIST Center for Neutron Research and serving finally as the director of the center and most recently as Deputy Director for the agency.

I have had a wonderful, challenging career as a public servant. It is, therefore, a profound privilege and honor to have President Obama nominate me to serve as Director of NIST.

I also want to thank Secretary Locke for his tremendous support for NIST and for placing his trust in me by recommending me for this position. If confirmed, I look forward to working closely with each one of you on the Committee to ensure that NIST continues to support its essential mission.

Since its founding in the middle of the Nation's Industrial Revolution, NIST, or as it was known up until 1988, the National Bureau of Standards, had a clear mandate to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance our economic security and improve our quality of life.

For over 108 years NIST has carried out this role and made essential contributions to industry, science, public safety, and national security. Many of the technologies and measurements that we take for granted today are based on results of groundbreaking research at NIST and the transfer of that technology and know-

how into practice. Radio and telecommunications, radar, lasers, household smoke detectors, and computers are a few examples from a very long list.

Federal agencies depend on NIST for key measurements to support their missions. U.S. manufacturers depend on NIST to address critical measurement problems, to develop and promote new technologies, to disseminate data on best practices, and to ensure that there is a fair and equitable market and reliable supply chain through effective standards and a traceable system of measurements.

This is a remarkable history and it's one which I've been privileged to be a part of for the past 16 years. I believe that this outstanding legacy of achievement is built on a foundation of excellence, dedication, and integrity on the part of the entire NIST staff. The NIST reputation for getting it right, for impartiality, and for hard work are well deserved and have resulted in a remarkably productive national asset. NIST is a crown jewel of the Nation's science and technology enterprise.

Today's world is quite different from the one 108 years ago, but I believe that the critical importance of NIST to the Nation has grown. Today NIST is deeply engaged in some of the most urgent and critical challenges facing our country, including the smart grid, cybersecurity, electronic health records, climate change, and promoting manufacturing in this country. NIST expertise in measurement science and standards touches on these and many other sectors.

The President has emphasized that our economic prosperity depends on our ability to lead the world in innovation. It is the foundation for creating high-quality jobs for all Americans. Secretary Locke has focused the work of the Department of Commerce on this critical task to put the country back to work and build the foundation for long-term economic prosperity.

NIST is a key part of these strategies. In my view, NIST has never been in a more important position and it has never been so important to the country that NIST succeed. Building upon the foundations of its talented workforce, its world-leading capabilities, and its legacy of working closely with industry and other stakeholders, NIST is ready to meet these challenges. If confirmed, I look forward to leading NIST in that effort.

As you can tell, I am passionate about the work before us. I am deeply humbled and honored to be considered for this position, and if confirmed, I pledge to work in close cooperation with this committee and with all of Congress to develop effective solutions to these challenges.

I'm grateful for your consideration of my nomination and for the opportunity to address you, and I am looking forward to any questions you may have.

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

PREPARED STATEMENT OF PATRICK GALLAGHER, PH.D, DIRECTOR-DESIGNATE,  
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, U.S. DEPARTMENT OF COM-  
MERCE

Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of the Committee, it is a great honor to appear before you today as the nominee to be the Director of the National Institute of Standards and Technology.

With your permission before I begin my statement, I would like to introduce you to my wife, Karen, and my three sons, Sean, Devin, and Ryan, who graciously skipped work and school this afternoon to be with me today.

I am a life-long scientist. I believe in the power of both basic research and of standardization to propel economic growth and improve our standards of living. I am committed to public service. If confirmed as Director, I look forward to combining these passions and managing NIST as it enters a new era.

I was born and raised in Albuquerque, New Mexico, and went to college in Kansas to study Physics and Philosophy. After teaching high school science and math for one year in Missouri, I returned to graduate school at the University of Pittsburgh to pursue my interest in physics. This slow, eastward drift finally culminated in my arrival at NIST 16 years ago. Since then, my entire professional career has been in public service as a Federal employee working at NIST, first as a beam line researcher at the NIST Center for Neutron Research, then serving as the Director of that Center, and most recently serving as Deputy Director for NIST.

I have had a wonderful, challenging career as a public servant. It is, therefore, a profound privilege and honor to have President Obama nominate me to serve as Director of NIST. I also want to thank Secretary Locke for his tremendous support for NIST and for placing his trust in me by recommending me for this position. If confirmed, I look forward to working closely with all members of this Committee to ensure that NIST continues to perform its essential mission—and improves upon its core functions.

Since its founding in the middle of the Nation's industrial revolution, NIST—or as it was known up until 1988, the National Bureau of Standards—has had a clear mandate to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology that enhance economic security and improve our quality of life. For more than 108 years, NIST has carried out this role and made essential contributions to industry, science, public safety, and national security. Many of the technologies and measurements we take for granted today are based on the results of groundbreaking research at NIST and the transfer of that technology and know-how into practice: radio and telecommunications, radar, lasers, household smoke detectors, and computers. It is a very long list. Federal agencies depend on NIST for key measurement technologies to support their missions. U.S. manufacturers depend on NIST to address critical measurement problems, to develop and promote new technologies, to disseminate data and best practices, and to ensure that there is a fair and equitable market and a reliable supply chain through effective standards and a traceable system of measurements.

This is a remarkable history, and one which I've been privileged to be part of for the past 16 years. I believe that this legacy of achievement is built on a foundation of excellence, dedication, and integrity on the part of the NIST staff. The NIST reputation for "getting it right," for impartiality and for hard work are well deserved and have resulted in a remarkably productive national asset. NIST is a crown jewel of the Nation's science and technology enterprise.

Today's world is quite different from the one 108 years ago, but I believe that the critical importance of NIST to the Nation is not only undiminished, but has grown. Today, NIST is deeply engaged in some of the most urgent and critical challenges facing our country, including the Smart Grid, cybersecurity, electronic health records, climate change, and manufacturing. NIST expertise in measurement science and standards touches on these and many other sectors.

The President has emphasized that our economic prosperity depends upon our ability to lead the world in innovation. It is the foundation for creating high quality jobs for all Americans. Secretary Locke has focused the work of the Department of Commerce on this critical task to put the country back to work and build the foundations for long term economic prosperity. NIST is a key part of these strategies. Its mission is uniquely focused to provide critical expertise to address these particular challenges. In my view, NIST has never been in a more important position, and it has never been so important to the country that NIST succeed. Building upon the foundations of its talented work force, its world leading capabilities, and its legacy of working closely with industry and other stakeholders, NIST is ready to meet these challenges. If confirmed, I look forward to leading NIST in that effort.

As you can tell, I am passionate about the work before us. I am humbled and honored to be considered for this position and, if confirmed, I pledge to work in close partnership with Congress to develop effective solutions to these challenges.

I am grateful for your consideration of my nomination and for the opportunity to address the Committee. I look forward to any questions you may have.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Patrick David Gallagher.  
 2. Position to which nominated: Director, National Institute of Standards and Technology.

3. Date of Nomination: October 7, 2009.

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

Residence: Information not released to the public.

Office: 100 Bureau Drive, Gaithersburg, MD 20899-1000.

5. Date and Place of Birth: March 29, 1963; Albuquerque, NM.

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: Karen Jane Gallagher, Occupational Therapist, Potomac Valley Orthopaedic Associates, 3414 Olandwood Court, Olney, MD 20832; children: Sean Patrick Gallagher, age 17; Devin Scott Gallagher, age 14; Ryan Michael Gallagher, age 12.

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

1991—PhD, Physics, University of Pittsburgh, Pittsburgh, PA.

1987—M.S., Physics, University of Pittsburgh, Pittsburgh, PA.

1985—BA, Physics and Philosophy, Benedictine College, Atchison, KS.

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

1985–86—High School Teacher, Bishop LeBlond High School, 8529 Frederick Avenue, St. Joseph, MO 64507.

1986–1991—Graduate Student/Research Assistant, University of Pittsburgh, 100 Allen Hall, Pittsburgh, PA 15260.

1991–1993—Research Associate, Boston University, 590 Commonwealth Avenue, Boston, MA 02215.

1993–2004—Physicist, NIST, 100 Bureau Drive, Gaithersburg, MD 20833.

1998–present—Leader, Research Facilities Operations Group, NIST Center for Neutron Research.

1999–2001—Agency Representative, National Science and Technology Council, White House Office of Science Policy and Technology (detail).

2004–2008—Director, NIST Center for Neutron Research (SES).

2008–present—Deputy Director, NIST (and acting as Director).

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

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

Member, Math and Physical Sciences Advisory Committee, National Science Foundation (2008).

Chair, Interagency Working Group on Neutron Science, National Science and Technology Council, Office of Science and Technology Policy (2000–2008).

Chair, Interagency Working Group on Synchrotron Light Sources, National Science and Technology Council, Office of Science and Technology Policy (2002–2008).

Member, SNS Neutron Sciences Advisory Board (2007–2008).

Member, 2006 DOE/BES Committee on Visitors, Division of Materials Science and Engineering.

Member, 2007 DOE/BES Committee on Visitors, Scientific User Facilities Division.

Member, Neutrino Facility Advisory Committee, Board on Physics and Astronomy, National Research Council (2002–2003).

Member, Committee for an Assessment of and Outlook for New Materials Synthesis and Growth, Board on Physics and Astronomy, National Research Council (2007–2009).

Acting Chair, NIST Ionizing Radiation Safety Committee (2003–2008).

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

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

Organization	Dates	Restricted Membership Policy?
Tanterra (neighborhood) pool membership	Since 1993	No
USA Swimming (for officiating at meets)	Since 2007	No
American Association for the Adv. Of Science	Since 2000	No
American Physical Society	1991–2005*	No

\* Intermittent membership over period

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

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

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

Sigma Xi Honor Society, elected 1987.

Sigma Pi Sigma Honor Society, elected 1994.

2007 Department of Commerce Gold Medal.

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

#### Scientific Journal Articles

1. P. D. Gallagher and J. V. Maher, “Adsorption and Wetting on Moveable Walls” in *Festschrift for Michael E. Fisher*, eds. E. Domany and D. Jasnow, *Physica A* 177, 489 (1991).

2. P. D. Gallagher and J. V. Maher “Partitioning of Polystyrene Latex Spheres in Immiscible Critical Liquid Mixture”, *Phys. Rev. A* 46, 2012 (1992).

3. P. D. Gallagher, M. L. Kurnaz, and J. V. Maher, “Aggregation in Polystyrene-Sphere Suspensions in Near-Critical Binary Liquid Mixture”, *Phys. Rev. A* 46, 7750 (1992).

4. Sharon C. Glotzer, Rama Bansil, Patrick D. Gallagher, Mark F. Gyure, Francesco Sciortino, and H. Eugene Stanley, “Physical Gels and Microphase Separation in Multiblock Copolymers”, *Physica A* 201, 482 (1993).

5. P. Lambooy, T. P. Russell, G. J. Kellogg, A. M. Mayes, P. D. Gallagher, and S. K. Satija, “Observed Frustration in Confined Block Copolymers”, *Phys. Rev. Lett.* 72, 2899 (1994).

6. Huai Zhang, P. D. Gallagher, S. K. Satija, R. M. Lindstrom, R. L. Paul, T. P. Russell, P. Lambooy, and E. J. Kramer, “Grazing Incidence Prompt Gamma Emissions and Resonance-Enhanced Neutron Standing Waves in a Thin Film”, *Phys. Rev. Lett.* 72, 3044 (1994).

7. Thomas P. Russell, Peter Lambooy, John G. Barker, Patrick Gallagher, Sushil K. Satija, Gregory J. Kellogg, and Anne M. Mayes, "Small Angle Neutron Scattering Studies on Ultrathin Films", *Macromolecules* 28, 787 (1995).
8. Nagraj Koneripalli, Navjot Singh, Rastislav Levicky, Frank S. Bates, Patrick D. Gallagher, and Sushil K. Satija, "Confined Block Copolymer Thin Films", *Macromolecules* 28, 2897 (1995).
9. Huai Zhang, S. K. Satija, P. D. Gallagher, J. A. Dura, K. Ritley, C. P. Flynn, and J. F. Ankner, "Grazing-incidence neutron diffraction by thin films with resonance enhancement", *Phys. Rev. B* 52, 17501 (1995).
10. S. K. Satija, H. Zhang, P. D. Gallagher, R. M. Lindstrom, R. L. Paul, T. P. Russell, P. Lambooy, and E. J. Kramer, "Resonance Enhanced Neutron Standing Waves in Thin Films", *Mat. Res. Soc. Symp. Proc.* 376, 259 (1995).
11. Fragneto, J. R. Lu, D. C. McDermott, R. K. Thomas, A. R. Rennie, P. D. Gallagher, and S. K. Satija, "Structure of Adsorbed Layers of Tetraethylene Glycol Monododecyl Ether Adsorbed on Self-assembled Monolayers on Silicon: A Neutron Reflectivity Study", *Langmuir* 12, 477 (1996).
12. G. J. Kellogg, D. G. Walton, A. M. Mayes, P. Lambooy, T. P. Russell, P. D. Gallagher, and S. K. Satija, "Observed Surface Energy Effects in Confined Diblock Copolymers", *Phys. Rev. Lett.* 76, 2503 (1996).
13. S. Kent, B. J. Factor, Sushil Satija, Pat Gallagher, G. S. Smith, "Structure of Bimodal Polymer Brushes in a Good Solvent by Neutron Reflectivity", *Macromolecules* 29, 2843 (1996).
14. Yonglin Xie, Karl F. Ludwig, Jr., Rama Bansil, Patrick D. Gallagher, Cestmir Kaiak, and Guarionex Morales, "Time-Resolved Small Angle X-ray Scattering Studies of Spinodal Decomposition Kinetics in a Semidilute Polystyrene-Dioctyl Phthalate Solution", *Macromolecules* 29, 6150 (1996).
15. S. K. Satija, P. D. Gallagher, A. Karim, L. J. Fetters, "Neutron reflectivity study of a chemically end-grafted polystyrene brush in a binary solvent mixture", *Physica B* 248, 204 (1998).

**National Academy Reports (as a contributing member of the committee)**

*Neutrinos and Beyond: New Windows on Nature* (2003), Neutrino Facilities Assessment Committee.

*Frontiers in Crystalline Matter: From Discovery to Technology* (2009), Committee for an Assessment of and Outlook for New Materials Synthesis.

**Talks (given while acting as Director of NIST)**

The following general staff or public talks contained general remarks about NIST and its programs. All were given in the capacity of Deputy Director of NIST:

September 17, 2008—Safety at NIST, Blue Ribbon Commission on Safety—Gaithersburg, MD.

October 6, 2008—Improving Safety at NIST, Blue Ribbon Commission on Safety—Boulder, CO.

October 14, 2008—Welcoming Remarks, Combined Federal Campaign Kickoff—Gaithersburg, MD.

October 16, 2008—NIST "Town Hall Meeting"—Gaithersburg, MD.

October 20, 2008—Remarks, NIST/UMBI Conference on Biosciences—Gaithersburg, MD.

October 23, 2008—Remarks at World Standards Day—Washington, D.C.

December 3, 2008—Welcome Address, NIST Annual Awards Ceremony—Gaithersburg, MD.

January 26, 2009—Welcome to NRC Panel of Assessment, NCNR—Gaithersburg, MD.

February 3, 2009—Deputy Director's Overview, VCAT Meeting, Gaithersburg, MD.

February 23, 2009—Welcome to NRC Panel of Assessment, CNST—Gaithersburg, MD.

March 14, 2009—Welcoming Remarks, Adventures in Science—Gaithersburg, MD.

April 7, 2009—Introduction of Secretary Locke to NIST Staff—Gaithersburg, MD.

April 16, 2009—Welcoming Remarks, NIST Standards Alumni Association Annual Meeting—Willow Tree, Gaithersburg, MD.

April 20, 2009—Overview for the University-Federal Dialogue re: Responding to Energy and Environmental Challenges—Madison Hotel, Washington, D.C.

April 20, 2009—Welcome to NRC Panel of Assessment for EEEL—Gaithersburg, MD.

April 22, 2009—NIST “Town Hall Meeting”—Gaithersburg, MD.

April 23, 2009—NIST Boulder “Town Hall Meeting”—Boulder, CO.

April 28, 2009—Opening Remarks, First Workshop on Smart Grid Standards—Reston, VA.

May 14, 2009—Association Meeting on NIST Budget—DOC, Washington, D.C.

May 15, 2009—NIST: Promoting U.S. Innovation, Industrial Competitiveness, and Homeland Security—Gaithersburg, MD.

May 19, 2009—Opening Remarks, Second Workshop on Smart Grid Standards—National Harbor, MD.

June 9–10, 2009—Deputy Director’s Overview, VCAT Meeting—Gaithersburg, MD.

June 12, 2009—Remarks to the June ANSI Caucus—Washington, D.C.

June 25, 2009—Remarks, COMSCI Graduation—DOC, Washington, D.C.

June 29, 2009—Opening Remarks for Setting the Standards for Competing Globally Workshop—Gaithersburg, MD.

June 30, 2009—NIST’s Activities in Health IT—Cambridge, MA (MIT).

July 7, 2009—Welcome to TIP Advisory Board—Gaithersburg, MD.

August 3, 2009—Welcoming Remarks, Third Smart Grid Workshop—Chantilly, VA.

August 6, 2008—Welcome to Smart Grid Cyber Security Coordination Task Group—Gaithersburg, MD.

August 27, 2009—Supporting Economic Development With Metrology: NIST’s Experience, Opening of NIM Changping Campus, Beijing, China.

September 15, 2009—Scripps Groundbreaking Remarks—San Diego, CA.

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

Testified before the House Committee on Science and Technology on Monitoring, Measurement and Verification of Greenhouse Gas Emissions II: The Role of Federal and Academic Research and Monitoring Programs, April 22, 2009.

Testified before the Senate Committee on Energy and Natural Resources on the progress on smart grid initiatives authorized in the Energy Independence and Security Act of 2007, March 3, 2009.

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

I have over 16 years of experience at NIST, encompassing work as a research scientist, group leader, division chief, facility director, and as acting director of the agency. Fourteen of my sixteen years at NIST have been in supervisory and leadership positions. I have a passion for the work that NIST does and a deep understanding of the strengths and weaknesses of the agency. I also have 18 months of experience as a detailee to the Office of Science and Technology Policy (late 1999–mid 2001) and have since had an active role in promoting interagency coordination particularly in the area of major scientific user facilities. I believe that the President has articulated a compelling vision for the critical role that science and technology can play in addressing our most pressing national needs. I wish to serve as NIST Director because I believe that my background and experience make me well suited to see that NIST can effectively address the challenge laid out by the President.

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

My responsibilities as NIST Director are to ensure that NIST is effectively managed to: promote maximum efficiency; to ensure accountability over the use of all public resources—financial, information technology, and property; to develop and implement a strategic planning process to effectively focus the agency on the most urgent priorities; to implement the agency’s plans and ensure accountability for results; and to ensure that NIST is a safe, healthy and productive place to work. As

noted above, I have over 14 years of management and leadership experience at NIST, including 1 year acting in the capacity of NIST Director.

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

Over the past year, I have communicated three major goals to the NIST staff:

- Improve the focus of NIST programs and services so that they address the most urgent priorities and are properly coordinated with the work of other agencies, industry, and other institutions.
- Improve the effectiveness and efficiency of NIST programs through better planning, decision-making, execution, and assessment and review;
- Strengthen safety management at NIST.

These goals are essential to the agency for several reasons. NIST's broad mission and diverse, world-class technical capabilities represent incredible strengths for the organization. However, they also pose a problem: the NIST efforts can too easily become unfocused or too diffuse to achieve meaningful results. The breadth of NIST's work also means that it is seldom concentrated in any one particular area. This means that NIST researchers must work closely with other agencies, industries, or other organizations to amplify the effectiveness of our work. The challenge at NIST is not a lack of talent, rather it is the need to effectively plan, develop, and implement programs so that efforts are effectively focused and coordinated to maximize impact. It also requires that our NIST staff have access to the best facilities and equipment and that work is performed in a way to ensure their safety and health.

#### B. POTENTIAL CONFLICTS OF INTEREST

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

Only income is from Federal income and retirement is with FERS. (Spouse salary and 401(k) mutual fund information is included in financial disclosure forms).

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

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

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

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

As part of my responsibilities as Deputy Director of NIST I have participated in multiple meetings with senior Administration officials and Congressional staff on legislation affecting NIST. Similarly, from 1999–2001, as a NIST agency representative of the Office of Science and Technology Policy, I was a participant in preparing Administration responses to proposed legislation in coordination with the Office of Management and Budget.

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

N/A, none apply since they are part of my official duties.

#### C. LEGAL MATTERS

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

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

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

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

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#### RESUME OF PATRICK D. GALLAGHER

##### **Federal Employment History**

National Institute of Standards and Technology, U.S. Department of Commerce (since June 1, 1993).

Highest Grade: Senior Executive Service ES-1301 (since 2004).

##### **Education**

Ph.D. in Physics, 1991, University of Pittsburgh, Pittsburgh, PA 15260.

M.S. in Physics, 1987, University of Pittsburgh, Pittsburgh, PA 15260.

B.A. in Physics and Philosophy, 1985, Benedictine College, 1020 North St., Atchison, KS 66002.

##### **Professional Experience**

*Deputy Director, National Institute of Standards and Technology, 2008–present.*

I carry out the responsibilities of NIST's Director while the NIST Director position is vacant, including overall programmatic, management, and operational responsibility for NIST. The agency's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. NIST's FY 2009 resources total \$1.6 billion, including \$819 million in appropriations from the Omnibus Appropriations Act of 2009, \$610 million in funds from the American Recovery and Reinvestment Act, \$48 million in service fees, and \$125 million from other agencies. The agency employs about 2,900 scientists, engineers, technicians, support staff and administrative personnel at two main locations in Gaithersburg, Maryland and Boulder, Colorado.

*Director, NIST Center for Neutron Research, 2004–2008.*

Overall management, programmatic, and operational responsibility for the NIST Center for Neutron research, a 20MW nuclear reactor-based facility and the Nation's leading neutron research facility. Initiated a 5-year, \$100M project to expand the facility, increasing the research capacity by 30 percent and increasing cost-effectiveness. The Center had over 100 Federal employees, over 60 associate researchers, and an annual operating budget of approximately \$30M (excluding expansion project).

*Leader, Research Facilities Operations Group, NIST Center for Neutron Research, 1998–2004.*

Reporting directly to the Director of the NIST Center for Neutron Research, I had overall responsibility for all aspects of neutron scattering facility operations and neutron instrumentation development, including: design, fabrication, installation, operation and maintenance. The group had over 30 full-time employees and long-term guest researchers, and an annual budget of over \$13M.

*Agency Representative, National Science and Technology Council, Office of Science Policy and Technology (detail), November 1999–June 2001.*

Working under the Associate Director for Science at the OSTP, I represented the Administration on a number of issues in the area of national science policy,

including: radiation safety and standards, large-scale science facilities, the government-university partnership, Federal laboratory reform, and science budgets.

*Physicist, NIST Center for Neutron Research, 1993–1998.*

Hired originally as an instrument responsible for the horizontal neutron reflectometer, I was responsible for the routine operation, maintenance and improvement of the instrument. In addition to the instrument responsibilities, I maintained an active research program. Later, I supervised the technical support teams (engineering and electronic technicians) and was the Beam Experiment Coordinator. In this capacity, I was responsible for the successful development of all NCNR beamlines and instruments and for ensuring that all scattering activities received full and appropriate safety approval and review.

*Research Associate, with Rama Bansil, Boston University, 1991–1993.*

Research activities in phase separation kinetics in polymeric systems, interfacial instabilities in non-equilibrium systems, and technique development in small angle light scattering, microscopy, and small angle x-ray scattering.

*Research Assistant, with James V. Maher, University of Pittsburgh, 1986–1991.*

Research activities in wetting phenomena, phase behavior in binary critical mixtures and colloidal systems, and interfacial instabilities in driven systems. Technique development in dynamic light scattering and video microscopy.

#### **Other Experience**

*High School Teacher, LeBlond High School, St. Joseph, MO, 1985–1986.* I taught one year at a four year high school as a math and science teacher. The teaching load was six contact hours per day teaching Physics, Chemistry, and Geometry. I additionally served as Head Coach for the cross-country track team.

#### **Research Interests**

Neutron scattering instrumentation development, including: neutron guide systems, small angle scattering, neutron reflectometry, and high resolution inelastic spectroscopy. Neutron and x-ray diffraction of nanoscale structure, especially in soft condensed matter systems such as liquids, polymers and gels. Experimental study of non-equilibrium structure and processes in complex condensed matter systems. Examples include: wetting and adsorption phenomena; phase behavior of structured polymers including polymer brushes, and linear and dendritic copolymers; kinetics of phase separation; and interfacial instability.

#### **Selected Professional Activities**

Member, American Association for the Advancement of Science.

Member, Math and Physical Sciences Advisory Committee, National Science Foundation (2008)

Chair, Interagency Working Group on Neutron Science, National Science and Technology Council, Office of Science and Technology Policy (since 2000)

Chair, Interagency Working Group on Synchrotron Light Sources, National Science and Technology Council, Office of Science and Technology Policy (2002–2008)

Member, SNS Neutron Sciences Advisory Board (2007–2008)

Member, 2006 DOE/BES Committee on Visitors, Division of Materials Science and Engineering

Member, 2007 DOE/BES Committee on Visitors, Scientific User Facilities Division

Member, Solid State Sciences Committee, Board on Physics and Astronomy, National Research Council (2002–2004)

Member, Neutrino Facility Advisory Committee, Board on Physics and Astronomy, National Research Council (2002–2003)

Member, Committee for an Assessment of and Outlook for New Materials Synthesis and Growth, Board on Physics and Astronomy, National Research Council (2007–2009)

Acting Chair, NIST Ionizing Radiation Safety Committee (2003–2008)

Sigma Xi Honor Society, elected 1987

Sigma Pi Sigma Honor Society, elected 1994

#### **Scientific Journal Articles**

1. P. D. Gallagher and J. V. Maher, “Adsorption and Wetting on Moveable Walls” in *Festschrift for Michael E. Fisher*, eds. E. Domany and D. Jasnow, *Physica A* 177, 489 (1991).

2. P. D. Gallagher and J. V. Maher "Partitioning of Polystyrene Latex Spheres in Immiscible Critical Liquid Mixture", *Phys. Rev. A* 46, 2012 (1992).
3. P. D. Gallagher, M. L. Kurnaz, and J. V. Maher, "Aggregation in Polystyrene-Sphere Suspensions in Near-Critical Binary Liquid Mixture", *Phys. Rev. A* 46, 7750 (1992).
4. Sharon C. Glotzer, Rama Bansil, Patrick D. Gallagher, Mark F. Gyure, Francesco Sciortino, and H. Eugene Stanley, "Physical Gels and Microphase Separation in Multiblock Copolymers", *Physica A* 201, 482 (1993).
5. P. Lambooy, T. P. Russell, G. J. Kellogg, A. M. Mayes, P. D. Gallagher, and S. K. Satija, "Observed Frustration in Confined Block Copolymers", *Phys. Rev. Lett.* 72, 2899 (1994).
6. Huai Zhang, P. D. Gallagher, S. K. Satija, R. M. Lindstrom, R. L. Paul, T. P. Russell, P. Lambooy, and E. J. Kramer, "Grazing Incidence Prompt Gamma Emissions and Resonance-Enhanced Neutron Standing Waves in a Thin Film", *Phys. Rev. Lett.* 72, 3044 (1994).
7. Thomas P. Russell, Peter Lambooy, John G. Barker, Patrick Gallagher, Sushil K. Satija, Gregory J. Kellogg, and Anne M. Mayes, "Small Angle Neutron Scattering Studies on Ultrathin Films", *Macromolecules* 28, 787 (1995).
8. Nagraj Koneripalli, Navjot Singh, Rastislav Levicky, Frank S. Bates, Patrick D. Gallagher, and Sushil K. Satija, "Confined Block Copolymer Thin Films", *Macromolecules* 28, 2897 (1995).
9. Huai Zhang, S. K. Satija, P. D. Gallagher, J. A. Dura, K. Ritley, C. P. Flynn, and J. F. Ankner, "Grazing-incidence neutron diffraction by thin films with resonance enhancement", *Phys. Rev. B* 52, 17501 (1995).
10. S. K. Satija, H. Zhang, P. D. Gallagher, R. M. Lindstrom, R. L. Paul, T. P. Russell, P. Lambooy, and E. J. Kramer, "Resonance Enhanced Neutron Standing Waves in Thin Films", *Mat. Res. Soc. Symp. Proc.* 376, 259 (1995).
11. Fragneto, J. R. Lu, D. C. McDermott, R. K. Thomas, A. R. Rennie, P. D. Gallagher, and S. K. Satija, "Structure of Adsorbed Layers of Tetraethylene Glycol Monododecyl Ether Adsorbed on Self-assembled Monolayers on Silicon: A Neutron Reflectivity Study", *Langmuir* 12, 477 (1996).
12. G. J. Kellogg, D. G. Walton, A. M. Mayes, P. Lambooy, T. P. Russell, P. D. Gallagher, and S. K. Satija, "Observed Surface Energy Effects in Confined Diblock Copolymers", *Phys. Rev. Lett.* 76, 2503 (1996).
13. S. Kent, B. J. Factor, Sushil Satija, Pat Gallagher, G. S. Smith, "Structure of Bimodal Polymer Brushes in a Good Solvent by Neutron Reflectivity", *Macromolecules* 29, 2843 (1996).
14. Yonglin Xie, Karl F. Ludwig, Jr., Rama Bansil, Patrick D. Gallagher, Cestmir Konak, and Guarionex Morales, "Time-Resolved Small Angle X-ray Scattering Studies of Spinodal Decomposition Kinetics in a Semidilute Polystyrene-Dioctyl Phthalate Solution", *Macromolecules* 29, 6150 (1996).
15. S. K. Satija, P. D. Gallagher, A. Karim, L. J. Fetters, "Neutron reflectivity study of a chemically end-grafted polystyrene brush in a binary solvent mixture", *Physica B* 248, 204 (1998).

#### Proceedings

P. D. Gallagher and J. V. Maher, "Interaction of Colloidal Particles with Critical Liquid Mixtures", in *Structure and Dynamics of Strongly Interacting Colloids and Supramolecular Aggregates in Solution*, eds. Sow-Hsin Chen, John S. Huang, and Piero Tartaglia, (Kluwer Academic Publishers, Dordrecht, The Netherlands) 1992.

The CHAIRMAN. Thank you very much.

Dr. Robinson, would you like to give your testimony?

#### STATEMENT OF ELIZABETH (BETH) ROBINSON, Ph.D., CHIEF FINANCIAL OFFICER-DESIGNATE, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Dr. ROBINSON. Yes, thank you. Chairman Rockefeller and members of the Committee: Thank you for the opportunity to appear today while you consider—for me to appear today while you consider my nomination to be CFO at NASA. It's an honor to be here and to have been introduced by Senator Cantwell. I also appreciate

the time that members have already taken to meet with me, and, if confirmed, I look forward to working with you to continue the Nation's effort in pioneering space science and technology.

If I may ask, Mr. Chairman, I'd like to submit my entire written testimony for the record.

The CHAIRMAN. They're all in, yes.

Dr. ROBINSON. Excellent.

I'm privileged to have been nominated by the President to this post, more so because in many ways being confirmed for this position would be like coming home. After growing up in Seattle and earning my Ph.D. in geophysics, I started my career as a geophysicist working with NASA data. I eventually joined the staff of the House Committee on Science, Space, and Technology and worked for Chairman George Brown from California. Congressman Brown was a very wise man and someone I'm glad to have known before his untimely death. He loved science and he loved NASA. He was just thrilled every time he heard of a new NASA discovery, and his boundless optimism about the future of the Nation and its scientific underpinnings has remained with me to this day.

If confirmed, I would commit to improving NASA's strategic planning, budget, and financial performance to make that future vision more robust and attainable. I would work with NASA leadership and its dedicated professionals, especially those in the CFO office, who have been very ably led by Ron Spoehel, the current CFO.

I would also work with the Congress, the White House, the private sector, and other key constituencies to meet the President's and the Nation's objectives for NASA, all the time undertaking the mission in the most effective and efficient manner possible, especially during a time when there are competing demands for our Nation's resources.

I believe that public service is a duty and a privilege. I have served as a career staff member for over 20 years in the Executive and Legislative branches, most recently as the Assistant Director for Budget at the Office of Management and Budget, and before that as Deputy at the Congressional Budget Office.

I believe in the importance of creative and tenacious leaders in the Nation's government agencies, and I'm enthusiastic about the opportunity, if confirmed, to address the challenges of the position of NASA CFO and to bring my budget, financial, and leadership experience into the service of NASA and the Federal Government.

Mr. Chairman and members of the Committee, I thank you again for your consideration of my nomination and I look forward to working with you if confirmed. I also look forward to answering any questions you may now have. Thank you.

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

PREPARED STATEMENT OF ELIZABETH (BETH) ROBINSON, PH.D., CHIEF FINANCIAL OFFICER-DESIGNATE, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Chairman Rockefeller, Ranking Member Hutchison, and members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination for the position of Chief Financial Officer at the National Aeronautics and Space Administration (NASA). It is an honor to be here. I also appreciate the time Members of this Committee already have taken to meet with me, and, if confirmed, I look forward to working with the Committee to address the chal-

allenges of maintaining the Nation's critical efforts to pioneer space science, technology, and exploration and aeronautics, while also undertaking key research programs to advance our knowledge and understanding of our own planet.

I am privileged to have been nominated by the President to this post, more so, because, in many ways, being confirmed for this position would be like "coming home" for me. After growing up in Seattle, Washington, studying at the University of Washington, graduating from Reed College, and earning a PhD from the Massachusetts Institute for Technology, I started my career as a geophysicist, working with NASA data. I eventually joined the staff of the House Committee on Science, Space and Technology, where I worked for Chairman George E. Brown of California. Congressman Brown was a very wise man and someone that I am very glad I came to know well before his untimely death. He loved science, and he loved NASA. And he was just thrilled every time he heard of a significant new NASA discovery. His boundless optimism about the future of the Nation and its scientific underpinnings has remained with me to this day, as I am honored to be considered for the position of NASA Chief Financial Officer.

If confirmed, I would commit to improving NASA's strategic planning, budget and financial performance to make that future vision more robust and attainable. Working with Administrator Bolden, Deputy Administrator Garver, NASA's dedicated professionals, Congress, the White House, the private sector, and other key constituencies, I would strive to meet the President's and Nation's objectives for NASA, while undertaking the mission in the most effective and efficient manner possible, especially during a time when there are other competing demands for our Nation's resources.

The position of Chief Financial Officer in any organization carries a tremendous responsibility as the pivotal point where budget, accountability, evaluation, and sound fiscal management all reside. Moreover, NASA has faced challenges in the performance of its financial and project management functions that must be addressed as quickly as possible. If confirmed, I would build upon the progress that NASA has already made, while continuing to improve the management, performance, and results for the Agency.

Over my career, I am fortunate to have gained broad experience in strategic planning, budget, financial management and leadership. At the Office of Management and Budget, I enjoyed a unique perspective from which to learn about, and participate in, the planning, budget, financial and evaluation process of the Federal Government. At the House Science Committee and Congressional Office of Technology Assessment, I gained valuable expertise in research and development workforce issues, project planning and execution, and program oversight, and, more importantly, how to work with the Congress on those issues. My executive experience in several agencies also has provided direct experience in the leadership of complex organizations. If I am confirmed, I would bring to NASA broad experience within budget, finance and general management, as well as particular experience in coordinating the President's Budget and related products.

If confirmed, I would make it a priority to work closely with NASA leadership and each of the constituencies with which NASA's CFO organization interfaces to understand the current key challenges which NASA and its CFO organization face. I would work with the CFO staff to focus appropriate attention and resources to ensure Agency success in meeting these challenges. I would also make it a priority to work with the staff to support Agency efforts to achieve unqualified audit opinions and be a first-class management organization.

I believe public service is a duty, a privilege and an honor. I have served as a career staff member for over 20 years in the Executive and Legislative branches of government, and I believe in the importance of creative and tenacious leaders in the Nation's government agencies. I am enthusiastic about the opportunity, if confirmed, to address the challenges of the position NASA Chief Financial Officer and to bring my budget, financial and leadership experience into the service of NASA and the Federal Government.

Mr. Chairman and members of the Committee, I thank you, again, for your consideration of my nomination, and I look forward to answering any questions you may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (include any former names or nicknames used): Elizabeth M. Robinson (nickname: Beth).
2. Position to which nominated: Chief Financial Officer, NASA.
3. Date of Nomination: September 21, 2009.

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

Residence: Information not released to the public.

Office: EEOB, Rm. 207, Executive Office of the President, Washington, DC 20515.

## 5. Date and Place of Birth: June 12, 1964; Chapel Hill, NC.

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).

Son: Andrew R. Leinbach, 18; Daughter: Dana R. Leinbach, 15.

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

Ph.D. in Geophysics, Massachusetts Inst. of Technology (1987).

BA in Physics, Reed College (1982).

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

Research Assistant and NSF Fellow, MIT., (1982–1987).

Post-doctoral fellow/Assistant Professor, Stanford Univ. (1987–88).

Congressional Science Fellow, Geological Society of America, Office of Cong. Gephardt (1988–89).

Project Scientist and Project Director, Office of Technology Assessment (1989–1994)—while Project Director, led a team of three over the course of more than a year.

Professional Staff Member, House Science Committee (1994–1998).

Office of Management and Budget (1998–2003)—became Branch Chief (managing 15 people) in 2000; Deputy Asst. Director (managing 30 people) in 2002.

Congressional Budget Office (2003–2005)—Deputy Director for an institution of 235 people.

Office of Management and Budget (2005–Present) Assistant Director for Budget, managing 67 people and leading the development of the Federal Budget.

Adjunct Professor, George Washington University (2009).

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

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

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

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

Unitarian Universalist Church of Arlington (Member).

National Academy of Public Administration (Fellow, member of the finance board).

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: None.

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

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

Congressional Science Fellowship, Geological Society of America (1988).

National Science Fellowship (1982–1985).

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

Robinson, E. M., Impact of the Americans with Disabilities Act on Bus Service, *TR News*, September-October 1993, pp. 22–23.

Preparing for an Uncertain Climate, October, 1993; U.S. Congress, Office of Technology Assessment, Principal Analyst.

Access to Over-the-Road Buses for Persons with Disabilities, May, 1993; U.S. Congress, Office of Technology Assessment. Project Director.

Chubin, D. E. and E. M. Robinson, Human Resources for the Research Work Force, *Science and Public Policy*, vol. 19, #6, December 1992, pp. 334–342.

Chubin, D. E. and E. M. Robinson, Accounting for the Costs of Research: Some Policy Rethinking, *Science and Public Policy*, vol. 19, #3, June 1992, pp. 181–186.

Robinson, E. M., Know thy Sponsor: Project Selection Methods at Federal Research Agencies, *BioScience*, vol 41, #8, September 1991, pp. 575–577.

Chubin, D. E. and E. M. Robinson, Sound Science Policy Requires Better Data Management, *The Scientist*, vol. 5, #18, September 1991, pp. 11–13.

Chubin, D. E. and E. M. Robinson, Data on the Federal Research System: What is Known and What's Not?, *Knowledge: Creation, Diffusion, Utilization*, vol. 13, September 1991, pp. 49–78.

Chubin, D. E., E. M. Robinson, N. Carson and J. Andelin, Research Priority Setting and the U.S. Congress, *Science and Technology Policy*, August 1991 pp. 9–13,

Chubin, D. E. and E. M. Robinson, Setting Priorities is Imperative If We Are to Develop a Successful Federal Research Portfolio for the 1990s, *The Chronicle of Higher Education*, vol 37, June 5, 1991, pp. B1-B2.

Federally Funded Research: Decisions for a Decade, May, 1991 U.S. Congress, Office of Technology Assessment. Principal Analyst.

Robinson, E. M., Science and Engineering Indicators: What They Do (and Do Not) Tell Policymakers, proceedings of the R&D Colloquium of the American Association for the Advancement of Science, April 11–12, 1991.

Robinson, E. M., Inside Congress, a series of news articles for *News and Information of the Geological Society of America*, March-September, 1989.

Robinson, E. M., The topographic and gravitational expression of density anomalies due to melt extraction in the uppermost oceanic mantle, *Earth and Planetary Science Letters*, 90, 221–228, 1988.

Robinson, E. M., B. Parsons and M. Driscoll, The effect of a shallow low viscosity zone on mantle convection and geoid and topography anomalies at fracture zones, *Geophysical Journal*, 93, 25–43, 1988.

Robinson, E. M. and B. Parsons, The effect of a shallow low viscosity zone on the formation of mid-plate swells, *Journal of Geophysical Res.*, 93, 3144–3156, 1988.

Robinson, E. M. and B. Parsons, The effect of a shallow low viscosity zone on small scale convective instabilities under the cooling oceanic plates, *Journal of Geophysical Res.*, 93, 3469–3479, 1988.

Robinson, E. M., B. Parsons and S. F. Daly, The effect of a shallow low viscosity zone on the apparent composition of mid-plate swells. *Earth and Planetary Science Letters*, 82, 335–349, 1987.

Robinson, E. M., L. Shure and R. L. Parker, Recovering seamount magnetism: An inverse approach, *EOS*, 65, 198, 1984

Robinson, E. M., M. K. McNutt and R. Batiza, Paleomagnetism of Cocos plate seamounts: Revisited, *EOS*, 64, 218, 1983.

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

House Science Committee, April 1990, on the OTA report, *Federally Funded Research: Decisions for a Decade*, with Daryl Chubin.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for ap-

pointment to the position for which you have been nominated, and why do you wish to serve in that position?"

I believe that I am qualified to become the Chief Financial Officer for NASA for three reasons. First, my experience in the Office of Management and Budget as the senior-most career civil servant and manager of the policy process to develop the President's Budget has prepared me for the day-to-day work of the NASA CFO. My OMB position has provided a unique opportunity from which to learn about, and participate in, the entire budget and financial process in the Federal Government; and, in addition to working in the process at the White-House level, my current position also oversees the development of budget formulation, execution and financial management rules and procedures for all Executive Branch agencies, including NASA.

Second, I am experienced in the research and development issues facing NASA. Through my work at the Office of Technology Assessment, the House Science, Space, and Technology Committee, and OMB, I have expertise in R&D workforce issues, project planning and execution, and program oversight.

Finally, I have extensive experience working in—and with—the Congress, especially on R&D issues. I understand the information needs of the Authorizing and Appropriations Committees, and the schedules and timetables they must keep.

Because of this experience and my long-time interest in satellites and space (*e.g.*, my Ph.D. thesis, over 20 years ago, used satellite data extensively), I am very much interested in serving at NASA to help improve the agency's ability to create—and maintain course in—its strategic plan and to provide solid budget and financial reporting and accountability.

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

The CFO of any organization is directly responsible for the quality and accountability of the organization's management, budget, and accounting controls. NASA faces challenges in this area, but has made improvements in recent years. It would be my job to continue to build on those improvements and institute new ones with the ultimate goals of producing a solid multi-year budget plan and financial reports with a clean audit.

My experience in managing large organizations includes: (a) Deputy Director of the Congressional Budget Office, where I was responsible for the day-to-day management of the organization, which employed 235 civil servants; and (b) Assistant Director for Budget, where I directly managed the Budget Review Division (62 staff and 30 contractors) and oversaw the development of the Federal Budget, which required that I indirectly manage the work of 400 other OMB staff for portions of each year.

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

First, beginning this Fall, NASA must implement the decision of the President on the future direction of human space flight, following the final report of the Augustine Commission. That reorientation will involve the development of a new strategic plan, a long-term budget plan that is executable, and strong management initiatives to ensure that the program can deliver. At the same time, NASA must also balance its R&D portfolio to ensure that important earth science, aeronautics, and other areas are vibrant and meet the needs of the Nation.

Second, NASA must earn the Congress' respect by improving its ability to cost and deliver projects on time and within budget. Too many NASA projects have exceeded their initial cost estimates and been delayed for internal reasons, which has undermined the trust of policymakers in the ability of NASA to execute its long-term plans. While NASA has made improvements in recent years, there is much yet to be done.

Third, NASA has not yet earned a clean audit on its financial books, which also undermines confidence in the day-to-day controls at NASA. To do so, it must improve its financial control and property management systems. Multi-year efforts are underway, but here too much work remains.

#### B. POTENTIAL CONFLICTS OF INTEREST

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

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

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

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

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

None (except in the course of my job to provide information on the budget and Presidential initiatives to Congress and the Administration).

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 know of none; however any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with NASA's designated agency ethics official and that has been provided to this Committee.

#### C. LEGAL MATTERS

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

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

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

Divorce proceeding, divorce granted on Nov. 22, 2006 in the state of Virginia.

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

#### RESUME OF ELIZABETH (BETH) ROBINSON, PH.D.

##### Experience

*Office of Management and Budget*, Assistant Director for Budget.

Primary responsibilities include overseeing the development of the President's Budget and implementation of the President's policies through legislation, budget execution and financial reporting; leading the Budget Review Division, which operated with seven managers in the Senior Executive Service and includes units that control and oversee the President's budget data base, develop and maintain the U.S. Federal budget system (and the collaborative MAX Community), set and implement budget execution policy, provide budget analysis and alternatives to OMB leadership, implement Federal credit policy, and run a large number of ad hoc activities to address the policy needs of the OMB Director and Deputy. September 2005 to the present.

*Congressional Budget Office, Deputy Director.*

Primary responsibilities included substituting for the Director, when absent; reviewing and signing cost estimates; reviewing all reports, pre-publication; overseeing the Management Division, including all pay and finance actions; leading the development of a replacement budget system; and presenting CBO findings at conferences and to Congressional staff. Additional responsibilities included serving as the agency's representative on the Federal Accounting Standards Advisory Board. August 2003 to September 2005.

*Office of Management and Budget, Deputy Assistant Director for Budget Review and Concepts.*

Primary responsibilities included overseeing development of: the database supporting the President's annual budget and production of other budget documents; revisions to Circular A-11 and scorekeeping rules; budget execution and financial reporting issues; proposals for, and monitoring Congressional action on, appropriations legislation; discretionary spending estimates for "fast numbers" exercises; and a wide variety of policy analysis projects. Early in the period, served as the Branch Chief for Budget Review. November 2000 to August 2003.

*Office of Management and Budget, Program Examiner, Energy Issues.*

Budget and management responsibilities included at various times the defense, intelligence, fossil energy, and science programs at the Department of Energy. Specific projects included creation of the National Nuclear Security Administration, determination of the disposition of U.S. Enrichment Corporation assets, and planning for the development of the Next Linear Collider. From May-August, 2000, I rotated to the National Reconnaissance Office to work on a joint study with the National Security Agency. May 1998 to November 2000.

*Committee on Science, U.S. Congress, Principal Minority Staff Member, Subcommittee on Energy and Environment.*

Budget and legislative responsibilities included all research and development and civilian clean-up programs at the Department of Energy, the National Earthquake Hazards Reduction Program, and various science policy issues. Investigatory responsibilities included oversight of all agencies under Committee jurisdiction. January 1995 to May 1998.

*Committee on Science, Space, and Technology, U.S. Congress, Professional Staff Member.*

Budget authorization and legislative responsibilities included the physics budgets at the Department of Energy, the National Science Foundation, university research expenditures, international collaboration in big-science projects, the National Earthquake Hazards Reduction Program, academic earmarking, and various science policy issues. 1994–1995.

*Office of Technology Assessment, U.S. Congress, Project Director.*

Expert on research and development activities, agency budget issues, and transportation policy. Responsibilities included research, writing, crafting policy options, and supervising a research team. I directed the assessment, *Access to Over-the-Road Buses for Persons with Disabilities*, and was the Principal Analyst on the reports, *Federally Funded Research: Decisions for a Decade*, and *Preparing for an Uncertain Climate*. 1989–1994.

*Office of Representative Richard A. Gephardt, U.S. Congress.*

Legislative Assistant and Congressional Science Fellow (from the Geological Society of America) for environment, science, and technology issues. 1988–1989.

*Stanford University, Geophysics, Post-doc and Assistant Professor.*

I investigated fluid flow in the interior of the Earth and in hydrogeologic settings, taught ATectonophysics and Geodynamics, and participated in the Values, Technology, Science, and Society Program. 1987–1988.

## **Education**

*Ph.D.—Massachusetts Institute of Technology, Cambridge, MA.* Degree awarded in Geophysics jointly with the Woods Hole Oceanographic Institution, September, 1987—thesis on numerical modeling of the interior of the Earth with comparisons to satellite data. 1982–1987.

National Science Foundation Fellow, 1982–1986.

B.S.—*Reed College*, Portland, OR. Degree in Physics, June 1982. Broad curriculum in physics, math, and the humanities. Editor of the school newspaper (the Quest) and Senator on the Student Senate. 1980–1982.

*University of Washington*, Seattle, WA. Majors in Physics and Math, with an English minor. Participated in the Early Entrance Program. 1978–1980.

#### Publications

Robinson, E. M., Impact of the Americans with Disabilities Act on Bus Service, *TR News*, September–October 1993, pp. 22–23.

Preparing for an Uncertain Climate, October, 1993; U.S. Congress, Office of Technology Assessment. Principal Analyst.

Access to Over-the-Road Buses for Persons with Disabilities, May, 1993; U.S. Congress, Office of Technology Assessment, Project Director.

Chubin, D. E. and E. M. Robinson, Human Resources for the Research Work Force, *Science and Public Policy*, vol 19, #6. December 1992, pp. 334–342.

Chubin, D. E. and E. M. Robinson, Accounting for the Costs of Research: Some Policy Rethinking, *Science and Public Policy*, vol 19, 43, June 1992, pp. 1.81–186.

Robinson, E. M., Know thy Sponsor: Project Selection Methods at Federal Research Agencies. *BioScience*, vol. 41, 08, September 1991. pp. 575–577.

Chubin, D. E. and E. M. Robinson, Sound Science Policy Requires Better Data Management, *The Scientist*, vol 5, #18, September 1991, pp. 11–13.

Chubin, D. E. and E. M. Robinson, Data on the Federal Research System: What is Known and What's Not?, *Knowledge: Creation, Diffusion, Utilization*. vol. 13, September 1991., pp. 49–78

Chubin, D. E., E. M. Robinson, N. Carson and J. Andelin, Research Priority Setting and the U.S. Congress, *Science and Technology Policy*, August 1991, pp. 9–13.

Chubin, D. E. and E. M. Robinson, Setting Priorities is Imperative If We Are to Develop a Successful Federal Research Portfolio for the 1990s, *The Chronicle of Higher Education*, vol. 37, June 5, 1991, pp. B1.-B2.

*Federally Funded Research: Decisions for a Decade*, May, 1991; U.S. Congress, Office of Technology Assessment. Principal Analyst.

Robinson, E. M., Science and Engineering indicators: What They Do (and Do Not) Tell. Policymakers, proceedings of the R&D Colloquium Of the American Association for the Advancement of Science, April 11–12, 1991.

Robinson, E. M., Inside Congress, a series of news articles for *News and Information of the Geological Society of America*, March–September, 1989.

Robinson, E. M., The topographic and gravitational expression of density anomalies due to melt extraction in the uppermost oceanic mantle, *Earth and Planetary Science Letters*, 90, 221–228, 1988.

Robinson, E. M., B. Parsons and M. Driscoll, The effect of a shallow low viscosity zone on mantle convection and geoid and topography anomalies at fracture zones, *Geophysical Journal*, 93, 25–43, 1988.

Robinson, E. M. and B. Parsons, The effect of a shallow low viscosity zone on the formation of mid-plate swells, *Journal of Geophysical Res.*, 93, 3144–3156, 1988.

Robinson, E. M. and B. Parsons, The effect of a shallow low viscosity zone on small scale convective instabilities under the cooling oceanic plates, *Journal of Geophysical Res.*, 93, 3469–3479, 1988.

Robinson, E. M., B. Parsons and S.F. Daly, The effect of a shallow low viscosity zone on the apparent composition of mid-plate swells, *Earth and Planetary Science Letters*, 82, 335–349, 1987.

Robinson, E. M., L. Shure and R.L. Parker, Recovering seamount magnetism: An inverse approach, *EOS*, 65, 198, 1984.

Robinson, E. M., M. K. McNutt and R. Batiza, Paleomagnetism of Cocos plate seamounts: Revisited, *EOS*, 64, 218, 1983.

The CHAIRMAN. Thank you.  
Mr. Martin.

**STATEMENT OF PAUL MARTIN,  
INSPECTOR GENERAL-DESIGNATE,  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

Mr. MARTIN. Thank you, Mr. Chairman, members of the Committee. I'm honored to be nominated to serve as the Inspector General at NASA. If confirmed, I look forward to working closely with this committee to provide timely, accurate, and aggressive oversight of NASA operations.

In addition to my family and friends that I recognized earlier, I'd like to recognize the staff at the NASA OIG, and in particular Deputy Inspector General, Tom Howard, who has ably managed the office during the past 6 months.

I've spent the bulk of my professional life in Washington, D.C., working at two important Federal agencies, the U.S. Sentencing Commission and the U.S. Department of Justice. The former, I was privileged to help establish, while at the latter, I was honored to be part of a team that conducted vigorous oversight of the FBI, the DEA, and other Department of Justice components during a specially trying period in our Nation's history.

Most relevant to today's hearing, I joined the Department of Justice OIG in 1998. During my time there, I have served in a variety of positions, including Deputy Inspector General for the past 6 years under Glenn Fine, who to me and many others in the oversight community, epitomizes the kind of leader any inspector general should strive to emulate. Glenn and my colleagues at the DOJ OIG are some of the brightest, hardest working, and most dedicated public servants on the planet.

As the Committee considers my nomination as Inspector General, I am energized by the prospect of working with NASA Administrator Bolden, Deputy Administrator Garver, and NASA leadership across the country to help ensure the integrity, efficiency, and effectiveness of NASA programs. One meeting with the Administrator and Deputy and I am convinced that they understand and appreciate the independent oversight role played by the Office of Inspector General.

From my outsider's vantage point, I see three primary challenges facing the NASA OIG in the months ahead. Number one, the OIG must conduct timely reviews of NASA's top management challenges. Number two, the OIG must maintain a professional, cooperative, yet independent, working relationship with NASA managers, employees, and contractors. Number three, the OIG must help to ensure the integrity of NASA programs and personnel through investigations of serious allegations of waste, fraud, abuse, or mismanagement.

I am thankful for this nomination and the opportunity, if confirmed, to serve alongside the men and women of the NASA Office of Inspector General as we work together to help NASA achieve its challenging and important mission.

Thank you very much.

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

PREPARED STATEMENT OF PAUL MARTIN, INSPECTOR GENERAL-DESIGNATE,  
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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

Thank you for holding this hearing today. I am honored to be nominated to serve as the Inspector General at the National Aeronautics and Space Administration (NASA). If confirmed, I look forward to working closely with this Committee to provide timely, accurate, and aggressive oversight of NASA operations.

At the outset, I would like to recognize my family who are here today: my parents, Jean and George Martin from Pittsburgh; my in-laws, Stephen and Christine Liu from Potomac (by way of Ann Arbor); several siblings and their families; and my colleagues from the Department of Justice Office of the Inspector General (OIG), including Inspector General Glenn Fine. I am honored that all of these family and friends are here today, but I am especially gratified that I can share this day with my wife, Rebekah Liu—an attorney at the SEC—and my daughters Anna, Emily, and Grace.

In addition, I would like to recognize the staff at the NASA OIG, and in particular, Deputy Inspector General Tom Howard, who has ably managed the office during the past 6 months when the Agency has been without a confirmed Inspector General.

I have spent the bulk of my professional life in Washington, D.C., working at two important Federal agencies—the U.S. Sentencing Commission and the U.S. Department of Justice. The former I was privileged to help establish, while at the latter I was honored to be part of a team that conducted vigorous oversight of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Federal Bureau of Prisons, and other Department of Justice components during an especially trying period in our national history.

I moved to Washington, D.C. in 1985, fresh from a 3-year stint as an investigative reporter at a South Carolina newspaper. At that time, President Reagan had appointed then-Federal district court Judge William W. Wilkins, Jr. as Chairman of the newly formed Sentencing Commission, and I was fortunate enough to be one of the agency's first three employees. I worked alongside Judge Wilkins, then-Judge Stephen Breyer, five other Commissioners, and a handful of staff to create a new Federal agency and, at the same time, develop the initial set of Federal sentencing guidelines. I served first as a Special Assistant to the Staff Director, then as the Commission's Communications Director, and finally as the Commission's Deputy Staff Director where I helped supervise a staff of more than 100 lawyers, researchers, guidelines trainers, and data technicians. Along the way I attended evening law school at Georgetown University where I received a Juris Doctor but, much more significantly, where I met my wife, Rebekah.

I moved to the Department of Justice OIG in 1998. During my time at the Justice Department, I have served in a variety of positions, most recently as Deputy Inspector General for the past 6 years under Glenn Fine, who to me and many others in the Inspector General community is the epitome of the kind of leader any Inspector General should strive to emulate. Glenn and my colleagues at the DOJ OIG are some of the brightest, hardest working, most dedicated public servants on the planet.

As the Committee considers my nomination as Inspector General at NASA, I am excited and energized by the prospect of working with NASA Administrator Bolden, Deputy Administrator Garver, and NASA leadership across the country to help ensure the integrity, efficiency, and effectiveness of NASA programs. One meeting with the Administrator and Deputy Administrator and I am convinced that they understand and appreciate the independent oversight role played by the Office of Inspector General.

From my vantage point outside of NASA, I see three primary challenges facing the NASA OIG in the months and years ahead:

- The OIG must conduct timely audits and reviews of NASA's top management challenges that: (1) are helpful to NASA managers and contain practical recommendations for improvement; (2) provide substantive and timely information to Congress in its oversight role; and (3) ensure transparency and accountability to the public about how NASA spends its funds;
- The OIG must maintain a professional, cooperative, yet independent working relationship with NASA managers and employees; and
- The OIG must help to ensure the integrity of NASA programs and personnel and the proper use of taxpayer funds through criminal and administrative investigations of allegations of waste, fraud, abuse, or mismanagement.

I am thankful for this nomination and the opportunity, if confirmed, to serve alongside the men and women of the NASA Office of Inspector General as we work together to help NASA achieve its challenging and important mission.  
Thank you.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Paul Kenneth Martin.
2. Position to which nominated: Inspector General, National Aeronautics and Space Administration.
3. Date of Nomination: October 1, 2009.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

Office: 950 Pennsylvania Avenue, NW, Suite 4706, Washington, DC 20530.

5. Date and Place of Birth: December 31, 1959; Pittsburgh, PA.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Wife: Rebekah C. Liu, Special Counsel, Securities and Exchange Commission; children: Anna Martin—age 15; Emily Martin—age 13, Grace Martin—age 7.

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

The Pennsylvania State University, 1978–1982, Bachelor of Arts—Journalism (May 1982).

The Georgetown University Law Center, 1987–1990, Juris Doctor (December 1990).

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

Deputy Inspector General, U.S. Department of Justice Office of the Inspector General (Washington, D.C.), 2003–present.

Counselor to the Inspector General, U.S. Department of Justice Office of the Inspector General (Washington, D.C.), 2001–2003.

Special Counsel to the Inspector General, U.S. Department of Justice Office of the Inspector General (Washington, D.C.), 1998–2001.

Deputy Staff Director, United States Sentencing Commission (Washington, D.C.), 1991–1998.

Communications Director, United States Sentencing Commission (Washington, D.C.), 1987–1991.

Special Assistant to the Staff Director, United States Sentencing Commission (Washington, D.C.) 1985–1987.

Newspaper reporter, *The Greenville News* (Greenville, SC), 1982–1985.

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

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

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

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

Elder, The National Presbyterian Church, Washington, D.C. (various times from 1998–present) (although membership at The National Presbyterian Church is open to those who profess their Christian faith, church services are open to all regardless of their faith tradition, and the church has a variety of other programs open to all).

Member, Board of Directors, Thurgood Marshall Child Development Center (various times between 1995–1998).

Treasurer, Shamrocks WAGS U–13 soccer team (2007–2009).

Member, Virginia State Bar.

Member, District of Columbia Bar.

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

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

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

Variety of performance and other awards during government career.

Scripps Howard Journalism Scholarship (college).

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

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

March 10, 2005, appearance before the House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, concerning “Interior Immigration Enforcement Issues.”

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

My qualifications for this position include my 23 years of Federal service, including my 11 years in senior management positions in the Department of Justice Office of the Inspector General, in particular my service during the last 6 years as Deputy Inspector General of a 425-employee agency. I am excited for the challenge of bringing my management and organizational skills to the NASA OIG and working with OIG staff to improve the quality and timeliness of the office’s work products.

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

As noted previously, I have served for the past 20 years in senior leadership positions in two Federal agencies. As such, I have successfully managed the agency’s personnel and resources to achieve the mission of each organization in a cost effective manner. If confirmed as Inspector General, my office would conduct audits and reviews of NASA programs to ensure that proper internal controls have been established and are being followed. In addition, the OIG oversees NASA’s annual financial statement audit and I would work closely with NASA management to develop strategies to reduce any material weaknesses or significant deficiencies, and to improve the agency’s internal controls.

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

1. Conduct timely audits/reviews of NASA’s top management challenges that: (a) are helpful to NASA managers and contain practical recommendations for improvement; (b) provide substantive information to Congress in its oversight role; and (c) ensure transparency and accountability to the public about how NASA’s budget is being spent.

2. Establish a professional and cooperative working relationship between OIG managers/employees and agency managers/employees.

3. Ensure the integrity of NASA programs and the proper use of Federal funds through criminal and administrative investigations of allegations of waste, fraud, abuse, or mismanagement.

## B. POTENTIAL CONFLICTS OF INTEREST

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

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: N/A.

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: N/A.

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

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

In my role as legislative liaison for both the Department of Justice Office of the Inspector General (and previously the U.S. Sentencing Commission), I have frequently interacted with Congressional staff to provide input on proposed directives that affect the activities of the OIG. In addition, I interact periodically with staff from the House and Senate Appropriations Committees regarding the OIG's budget.

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 know of no potential conflicts of interest. Nevertheless, any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the designated agency ethics official and that has been provided to this Committee.

## C. LEGAL MATTERS

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

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

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

I am a defendant (in my individual capacity and in my capacity as treasurer of daughter's former soccer team) in a dispute between my daughter's former soccer team and the team's former paid soccer coach. The amount in dispute is between \$400-\$850 and the matter is currently in negotiations between an attorney for the team and an attorney for the coach. The civil action was filed in June 2009 in the District Court of Maryland for Montgomery County.

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

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

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

## D. RELATIONSHIP WITH COMMITTEE

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

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

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

**Professional Experience**

Office of the Inspector General, U.S. Department of Justice, Washington, D.C., *Deputy Inspector General*—June 2003 to Present.

Assists the Inspector General in managing all aspects of 415-employee agency with \$74 million annual budget and nationwide audit and investigations field office structure; reviews and edits major agency products, including sensitive and highly classified reviews of Department of Justice programs; developed agency's 5-year strategic plan; reviewing official for agency's eight senior executive/senior level managers; primary agency liaison to Congress.

*Counselor to the Inspector General*—December 2001 to June 2003.

Served as senior advisor to the Inspector General on matters of management and policy; conducted and oversaw special projects of a sensitive and high-profile nature; reviewed and edited major agency work products; drafted congressional testimony; served as agency's legislative and media liaison.

*Special Counsel to the Inspector General*—March 1998 to December 2001.

As part of four-person Front Office management team, participated in legal and policy decisions on agency work products and investigations; edited major agency work products, including Special Investigative Reports; drafted congressional testimony; served as agency's legislative and media liaison.

United States Sentencing Commission, Washington, D.C., *Deputy Staff Director*—January 1997 to March 1998.

Served as second-ranking staff member of independent Judicial Branch agency; responsible for day-to-day management of \$9.24 million agency with 100 employees; primary editor of agency publications, including special reports to Congress; speaker on Federal sentencing guidelines at national conferences.

*Communications Director*—April 1987 to January 1991.

Managed the Commission's publications and communications unit; coordinated drafting and editing of Commission documents, including agency's annual report; served as agency public information officer; drafted congressional testimony; member of training team that provided guideline application assistance to judges, assistant U.S. attorneys, Federal defenders, and private defense attorneys.

*Special Assistant to the Staff Director*—November 1985 to April 1987.

As one of three original Commission staff members, helped develop initial set of Federal sentencing guidelines; served on Commission's guideline training team that taught guideline application to judges, prosecutors, defense attorneys, and probation officers.

*The Greenville News*, Greenville, SC, *Special Assignment/Investigative Reporter; Court Reporter; Police Reporter*—November 1982 to November 1985.

Highlight: 7-month investigation revealing illegal steroid distribution to student athletes at Clemson University.

**Education**

Georgetown University Law Center, Washington, D.C.

*Juris Doctor*—December 1990

Admitted to the Bar in Virginia and the District of Columbia

The Pennsylvania State University, State College, PA

*Bachelor of Arts, Journalism*—May 1982

The CHAIRMAN. Thank you.

There are two of us and we will—I would like to start with you, Dr. Robinson. A lot of NASA is in Texas, but I still think it's generally fair to say that NASA has been given a lot of scrutiny over really a decade or more. Part of it may be based upon memories of 1962, and nothing can ever match that. Others are more severe in their questioning. Where this is leading us is where we should be spending our money.

So with that gentle opening, you can conclude that I don't think that NASA has a particularly good, from my point of view, track record when it comes to financial management, which is what you're going to fix. If the agency were failing a financial audit, I would, of course, highlight that. But the fact of the matter is that NASA can't even prepare its financial statements to allow auditors to do their job. As a result, I want to know what steps you intend to take to remedy this situation. And just pointing out, because Ernst & Young is a very well-known accounting firm. They literally couldn't put together an audit, because what they were looking at in the budget process in NASA wasn't something they could work with, and that is their job.

So, my question is, how are we going to fix this?

Dr. ROBINSON. This is a very important challenge that faces NASA, and it has been going on for a number of years, as you have noted. The GAO has done a number of reports. Previous IGs have done reports as well, and Mr. Martin I think will continue that great tradition.

There are significant challenges. There are a number of root causes, and this is definitely tops; this is my top priority, if confirmed at NASA, trying to uncover the root causes, trying to put in place mechanisms that will improve and lead to success, successful financial performance and database and a clean audit eventually.

It's very important to any organization, much less a government organization like NASA, to have confidence in its financial transactions, to gain support from the public and others.

The good news is that in my meetings with the Administrator and the Deputy they fully understand the challenge that NASA faces and are very committed to steps going forward to fix those. Also, in my briefings on what NASA has done already, they've taken a number of very good steps that have already produced some improvements in the data integrity as far as I can tell from afar, and they are poised to continue that.

So, my job getting there will be to accelerate—to continue this improvement and to accelerate it if possible. I take it very seriously. This is a very important challenge for the agency.

The CHAIRMAN. Agreed, and I'm glad that they have taken these steps. I mean, you're a professional. Good grief, if you're number two at OMB you're better than anybody in town except I guess the guy who runs OMB. You need to have some sense of what you want to do about this, other than saying that you are intending to do it and others have taken steps toward doing this or are committed to doing this. There has to be a harder edge, I think, to your answer.

Dr. ROBINSON. I'm not in the position yet, so I do not know all of the details. From afar, GAO and the IG have pointed to issues of data integrity, making sure that as the program—as programs execute their financial transactions and record them, that errors are immediately noted. NASA just last year put in a continuous monitoring program where every night they go through and try to detect anomalies. That's new for the agency. Other agencies have done that and seen very good success from it.

NASA has also been challenged in terms of valuing its property, everything from desktops to what is the current value of the Space Station. All those face different challenges, but again NASA is systematically going through and collecting the data on which you would do that.

NASA about 5 or 6 years ago went through a major reorganization of its financial system. NASA is one of the few agencies that actually has a central headquarters, but has ten major centers that are operated by, except for one, by Federal civilians. So that means that the financial systems at those centers have to be integrated with the central system. Most are just not as diffuse as NASA is.

So trying to get everybody onto the same system was a very big task, and when NASA undertook it, it didn't go well for a while. Things as far as I can tell are getting much, much better, and it'll take sort of a laser-eye focus now on each of those reports, each of the kinds of data that are going into it, to make sure that people in these far-flung enterprises who are doing their best are understanding what they're supposed to be doing with the financial system.

So there are no magic bullets to solving these kinds of problems, where you have a new financial system, lots of people trying to fit projects that are not normal projects—they aren't building widgets; they're building very specialized pieces of equipment—into systems where they have to figure out how to allocate costs.

I don't want to sound like I'm just saying, oh, it's just going to take time. But it will take a lot of effort, and NASA is putting that effort forward. We just need to make sure that that continues.

The CHAIRMAN. Thank you. I'll have more to ask later.

Senator LeMieux.

Senator LEMIEUX. Thank you, Mr. Chairman.

Thanks to each of you for submitting yourself to public service. I want to first say, Dr. Gallagher, I too, am the father of three sons. They are much younger. You and your wife give me hope. So thank you. Again, thanks to everyone for submitting yourself to public service. I know the sacrifices that you're making to do so.

I want to first talk about NASA, if I can. Being a Senator from Florida, NASA is extremely important to Florida. It's extremely important to this country. Florida is literally the place where America has reached for the stars, and the program's viability, its continued viability, and the necessity in my mind that NASA and this country continue to explore manned space travel and not let this precious resource of the human capital of our scientists go to waste.

I'm very concerned—and this is a little bit outside your ambit, but I want to make sure that you know of my concern—that we are going to lapse in our scientists, that they are not going to have something meaningful to work on for a number of years, if we do not get to the mission of human space travel.

We have these wonderful literally rocket scientists who have made their life in Florida, and if there is not something for them to work on they're going to be dispersed. The cost of bringing them back together or finding new ones if we don't get to the business of the Orion project and others is going to be immense to the country and to Florida. So I wanted to make that point.

But I want to ask my first question to Dr. Robinson. As the Chairman has indicated, there have been irregularities at NASA, and you are going into a very difficult and challenging job. It seems to me there are two components of it. There's one, there's the financial accounting side, the audited financials, if you will. The other is just making sure, as you said, that there is an effective and efficient administration, that we're getting 100 cents worth of every dollar.

I want you to speak to what your vision is for that type of management, what metrics that you might impose to make sure that we are managing well the dollars that we are spending at NASA. I'm a big believer if you cannot measure it, you cannot manage it. So, I'd like for you to talk about that for a minute, and then I have a question for Dr. Martin—or Mr. Martin, rather.

Dr. ROBINSON. Well, two thoughts on your question. One is that, as all agencies are, NASA is developing a new strategic plan. It's that part of the cycle where a new one is due. In that, I know they are developing goals and then the objectives and metrics will follow. I think that the CFO's office plays an important role in developing those metrics, especially if they're related to financial and project and budgetary performance.

In terms of the areas of project management, that's where NASA has some of the—in addition to the financial management, there's concern about NASA's ability to manage projects to cost and schedule. NASA has recently put new checks in place to allow projects to go forward. In particular, they've added cost and scheduling requirements at each of those that are much more rigorous. They intend to match those, the development of those projects, against those original cost and schedule estimates.

I think that will be very important to watch as we go forward, but whether the new system, whether the new checkpoints and the rigor in that data, then matches performance. If not, we're going to have to work on that very quickly because an agency that can't manage its project portfolio, or at least appears to have that, again that's another place that erodes confidence. NASA's workforce is too good for that. Like you said, NASA's workforce is one of the best in the Nation and they all want to succeed. That is their driving thought every day. So we have to make sure that the systems, financial and project management and others, let them do that.

Senator LEMIEUX. Thank you.

Mr. Martin, you have an equally difficult challenge ahead of you, an important challenge. I looked at your background and your extensive service working in inspector general-type roles, in those roles in fact with the Department of Justice and, like you said, with the Sentencing Commission. It seems to me in the IG role there are sort of two functions. There's process—it's knowing the IG procedure and the techniques, and you obviously are very expert in that—and then there is the substance of what you are being an inspector general over. This is truly different than lawyers and crime fighters, which is what you work with now. This is, as I said before, rocket science and all those difficult, complex issues that are different than your prior experience.

So I would like for you to speak, if you would, how you think you'll be able to adapt and use your skills that you've developed at

the Department of Justice and your other previous roles to this new subject matter.

Mr. MARTIN. Thank you, Senator. Again, as you indicated and I have remarked on in my opening remarks, I've had 11 years experience in the Inspector General's Office at the Department of Justice, one of the, I think, premier Inspector General's offices. While that is a 122,000-person agency and primarily a law enforcement focus, we still have a lot of the same issues and concerns that any Federal agency does: contract oversight, contract fraud, going in and looking at whether or not the taxpayers are truly getting what they are paying for, for be it a Space Shuttle or be it a smaller dollar program.

Also, obviously, I would rely on the current workforce in the Inspector General's Office, who do have deep roots and are long-time Inspector General employees in NASA and have that background in science and NASA programs. If we didn't have the expertise in the Inspector General's shop, we would hire it.

Senator LEMIEUX. That's all I have, Mr. Chairman. Thank you. Thank you, everyone.

The CHAIRMAN. Thank you. And again, welcome to at least my first meeting with you here at the Commerce Committee.

Senator LEMIEUX. It's an intimate setting today.

The CHAIRMAN. Yes, it is.

Senator LEMIEUX. Thank you, Mr. Chairman.

The CHAIRMAN. Do you have any family members you'd like to introduce?

[Laughter.]

Senator LEMIEUX. Not at this time.

The CHAIRMAN. Not at this time, OK.

I feel badly about poor Mr. Gallagher, Dr. Gallagher. Nobody's asked him anything. It's interesting to me that you made the statement that NIST—or maybe one of us made the statement—that NIST has been a little bit in the background. Now you're so much in the foreground it's almost like you're an adjunct of the White House.

That is because of two things. One of those is "cybersecurity" and the other is something called "climate change," both of which this committee are intimately involved with. So, I'd like to ask you about that. First of all, when I just say "cybersecurity" and "NIST," what goes through your head?

Dr. GALLAGHER. Well, thank you, Mr. Chairman. As you know, NIST has 30 years of experience sort of working in cybersecurity, and I think what that has meant to the agency has evolved just as the technology has evolved over that period.

The CHAIRMAN. What did it mean before the computer?

Dr. GALLAGHER. Well, I think originally we tended to look at computers as stand-alone devices, and the idea was that you could design them secure, make sure that you had built it the way you designed it, and then you would be done. I think there's no question that that's not the environment we're in today.

There simply will be vulnerabilities in systems, and as we interconnect these systems and they talk to each other and you're starting now to deal with a worldwide computing system, it becomes now a very different type of environment to work in.

For me, the activities at NIST, what goes through my mind when we talked about cybersecurity is the fact that NIST has a special role. There are many agencies that will work in the realm of securing the Nation's information network, but NIST has a special role for two reasons. One is that as part of the Department of Commerce we are interested not only in just securing, locking down, a system, but also in the use of that system.

Fort Knox is probably a very secure bank, but it may not be a particularly useful one to use. So we're very interested in making sure and working with service providers, software developers, and everybody involved in this enterprise to develop a system of standards, of protocols, where this system is also useful.

The other reason I think it has been very important for NIST is that we have a deep technical capability. We have primary responsibility for developing the standards that the civilian side, the non-national security agencies, use to protect Federal computer systems. That has led over 30 years to a very effective and very well-known capability at NIST in cryptography, in cybersecurity, in surty testing for software systems and platforms.

I think when you bring together that capability and that particular viewpoint of working as a non-regulatory agency to support this enterprise in a secure way, it makes us a very essential player in this.

The CHAIRMAN. Let me hone in a little bit more. Both Presidents—the second President Bush's Director of National Intelligence and then a couple years later President Obama's Director of National Intelligence, in what they call, "a world threats hearing," which is held once a year, both of them said that the number one threat to this country's national security is cybersecurity.

So that lifts it above dirty bombs and everything else. We all know that a 14-year-old youngster in Indonesia can sit down at his computer—he's got to have a pretty good ticker upstairs—and can do whatever he wants. He can shut down sections of grids, he can shut down hospitals, he can select targets at random around the world, and nobody will ever know.

It is an utterly terrifying and utterly realistic proposition. In other words, it's bound to happen in a big way in our country.

Now, to me this takes cybersecurity something from a matter that we need to be concerned about to a major, major focus of government attention. All of this should come with the understanding that as we are building our firewalls to better protect our Federal and other systems, others are increasing theirs. And then we try to increase ours. And since we're likely to be a major target, perhaps more than al Qaeda, for example, more sort of devastating, obvious attack, these subtle attacks are what can destroy the psyche of America, of middle America, all America, faster than anything else in the world, because we're defenseless against it.

So you sit on something, not alone, as do we, which we ought to be talking about almost literally nonstop, having hearing after hearing after hearing after hearing. I would assume that that's what's taking place at NIST, that you have a lot of very smart people who are very, very scared about what is going on in the world, are not sure how to handle it, and are working as fast as possible

to do—and then I want you to lay out three or four or five things for me.

Dr. GALLAGHER. I think you've just given a beautiful summary of the situation. It is frightening. Anyone who has heard one of these threat assessments cannot help but be very sobered by the threat environment that our computer systems are in. And it's evolving and growing every day.

I also think you touched on something that points to your first question, which is why NIST is suddenly in the limelight. One of the reasons these threats are so scary is that we are so dependent on this technology now. This infrastructure now has become literally embedded into our economy, into our national security, into how we move not only goods, but how we take care of people, how we move electricity, how we move supplies around the country.

So, our dependency on this technology is now profound, and therefore, a vulnerability in that infrastructure becomes a very profound vulnerability. In some ways it's a side effect of our success. These same tools that are so powerful—we look at smart grid technologies as a way of enabling new functionality in the way we move electricity, which are essential if we're going to have widespread renewable energy. But the same technology we have to do that can increase our vulnerability because it's based on information technology.

Our computer security experts do worry about this. This is not going to be solved by NIST alone. One way we're doing this is—as you know, the White House has been very active in this since the conclusion of the 60-day cyber review. Congress is very interested in this and there's a lot of legislation being looked at that we're very interested in.

One of the things I think that's most essential is that we have a number of different agencies involved in this area. We need to make sure that they fit together and work very effectively together, because we actually need each other and we don't want to overlap unnecessarily.

So one of the things that I've been doing as Deputy Director is fostering close interaction, particularly with DHS and NSA, in coordination with the NIST cybersecurity effort, both at the working level and at the leadership level, so that we can coordinate very closely on this work. That's only a starting point. This is a big task.

I think one of the things that, if confirmed, I'd really like to focus on is improving our ability to assess and measure this threat environment. We know of attacks and we try to look at specific vulnerabilities and put patches and fixes to them and address standards that can reduce our vulnerability, but we have a very difficult time measuring the risk that our systems are in or measuring the security of the performance of these systems after they've been—and you manage what you measure, and I think if NIST can help support an effective way of assessing security performance and assessing the risk environment of these systems, we will really enable Federal IT managers to do a much better job.

The CHAIRMAN. Good luck on that. The agencies that you've picked out, NSA and the Department of Homeland Security, to be honest, are two of the toughest nuts to crack in the raw world of

intelligence. NSA, if you can get them to share anything you've really done well.

Now, the leaders are all there for you, but down to where the sharing has to take place old habits prevail. It's a little bit like the CIA, which loves to surveil, and the FBI, which carries around yellow pads so they can arrest. Now they're told, the FBI is told, to be an intelligence agency and it's a very, very hard business to change people from arresting to surveiling.

So I'm really interested. I don't mean to push the point too far, but this cooperation is going to have to be a whole new kind of cooperation in government. Senator Snowe, who sits right there, and I have put in a bill on this, and others have too, and I know the President is tremendously concerned about it.

But this is something which is constantly imminent. Your other big subject is climate change. But to be quite frank about it, in the short term it's much less of a threat than cybersecurity. Cyber security is potentially next week, tomorrow, a year from now. Climate change is not. For the long term, if we don't do climate change fixing then none of the rest will make any difference.

But I really hope that you will drill on that. If NIST is in a certain place in the pecking order, don't accept that. Play rough. Be aggressive, not just within your agency, but across the government, because everybody is so overwhelmed with working problems and your bureaucracy that it takes sometimes a relatively small agency, just like the Department of Energy in the whole question of weapons of mass destruction, on certain critical parts of that, had by far the best intelligence, even though they had a tiny little intelligence unit. But they were accurate, they were right, and others were wrong.

So I think NIST has an extraordinary opportunity on the cybersecurity business. I just wanted to say that.

Mr. Martin, I wanted to ask you two questions and then I think we need to wrap up, although I have a lot more. I'm sorry to be on the criticism edge of all of this, but when you're sizing somebody up for putting them into a position you need to ask hard questions.

NASA, I've already done the budget part. But the budget is larger than just the budget, the problem. It's the combination of the budget and seemingly endless projects which NASA wants to undertake, this kind of ambition which is fostered all the way from 1962 forward, which is, from at least my point of view, trying to do too much. Now, you can disagree with that.

I think tough economic times are going to require NASA, along with everybody else, to have to pull back. It's nice that the stock market went over 10,000 the other day, but it doesn't have anything to do with the general perception of the health of the economy and the well-being of our future yet. It hopefully will before too long.

But NASA is going to have to accomplish what it really needs to with limited resources. So then comes the question of what does the IG do with something which most people hear and then sort of brush to the side as being, well, they couldn't think of anything else to say, waste, fraud, and abuse. There are a lot of seniors all around America who are terrified today because they think because

the Senate Finance Committee has said there'll be a \$500 billion cut in Medicare, that they're going to have their benefits cut.

They will not. It's not going to happen. But there is within the health care system that affects or deals with Medicare—there are providers, hospitals, and all the rest of it—there is that kind of waste, fraud, and abuse that reaches that level. If you cut that \$500 billion out, then seniors will stop worrying. I'm just making that as a comparison.

It is real in Medicare. It is real, I would choose to believe—and you had some taste of that with the Augustine review: You need an additional \$3 billion to do meaningful human space exploration; however, can you do that? Are you really in a position to do that?

I think this is where an IG along with the person who runs the finances really comes in. The NASA Office of Inspector General has not in this Senator's view been overwhelmingly effective over the years. For example, the GAO found that NASA OIG recovers less than 40 cents for every budget dollar it receives. Well, so what? So what? It's not just a matter of how much you recover.

Well, it does mean something. This is far below the Federal average of over nine dollars that other agency IGs as a rule recover. So how do you intend from that measurement to increase NASA productivity from the IG's office?

Mr. MARTIN. Thank you, Mr. Chairman. It's going to be a challenge. This is an agency, an incredibly important agency, NASA, and they need an effective and aggressive Inspector General's Office. I think the first thing you need to do as an effective Inspector General's Office is choose the important projects, look at the important contracts, and dig deep in the important programs. They tend to be the high-dollar programs.

As you know, Mr. Chairman, it's an \$18 billion plus-a-year agency. A lot of that is in contract dollars. So, what I would hope to do, if confirmed, is to assess the auditors and assess the investigators we have within the Inspector General's Office. If we need to reprioritize or reposition people, we will do that; but to go after the important issues and the high-dollar issues.

The CHAIRMAN. OK. I can't challenge your answer. I mean, you're committed to it and I believe you. I think it's going to be hard. But then again, you know, I think it will be a lot harder with the \$500 billion in Medicare. But I believe you and I'm for you.

An interesting statement was made earlier and I should have said it while the Senator was still here. I think we're past the point in this country when we can say because people are in an area and are trained to do a certain kind of job, that that job necessarily has to exist, that agency has to continue to exist, because people are available to work in it. That's not an inhuman thing to say. From a government point of view, with limited dollars, with everything being ratcheted back, it's a necessary thing to say.

Now, that can be disagreed with from a humane point of view. But from running an efficient government, it can't be disagreed with. So that's the whole question of the role that both of you will play very strongly in terms of being efficient with what you have, not trying to overreach. Constituencies in the world of NASA are very ambitious for NASA. You know, this pay a million dollars and

travel to the moon type of thing. I hear that and I just go blooey. I don't know how to react.

But there are a lot of things like that that go on in the world of space. Some of them are strongly in America's national interest. Some of them may not be. I think that the two of you together will be the ones who help decide which are which.

This is a little bit of a negative way to end a hearing and I apologize for that, but I don't really, because this is incredibly important stuff. You're talking about cybersecurity and you're talking about reaching out into space and how long can you continue to do this, this project, that project, whatever. It's all very important, which is why you are courageous to take on the work that you do, and why I will support all of you.

Thank you very much. Thanks to your families. Thanks to the watching audiences that have admired you from across the world.

I don't know about you, Dr. Gallagher. Did you have anybody watching you on television? Yes, your colleagues.

Dr. GALLAGHER. My colleagues.

The CHAIRMAN. I bet they were all nervous.

Dr. GALLAGHER. And my parents back in Albuquerque.

The CHAIRMAN. All right. Well, that's good then.

So on that good note, this hearing is adjourned.

[Whereupon, at 4:26 p.m., the hearing was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF HON. JANE HARMAN,  
U.S. REPRESENTATIVE FROM CALIFORNIA, 36TH DISTRICT

I'm honored to introduce this Committee to Erroll Southers, nominated to serve as Assistant Secretary for the Transportation Security Administration, and to welcome him back into the Federal Government. But this opportunity is bittersweet. Erroll Southers was one of the best-kept secrets in the homeland security community, and many of us in Los Angeles might have preferred to keep him for ourselves.

Mr. Southers has a record of service as a security officer that spans three decades. He's worked as a police officer, an FBI Agent, a state-level homeland security administrator, and most recently as Chief of Counterterrorism and Intelligence for the world's largest airport police force. Clearly he is a skilled and experienced practitioner. But that's only half the story.

Mr. Southers brings a formidable intellectual component to his work as well. In his role at the University of Southern California's Center for Risk and Economic Analysis of Terrorist Events or CREATE, he has sought to challenge and advance the thinking of the international counterterrorism community.

And Mr. Southers' abilities as a do-er have yielded impressive results in his nearly 3 years at Los Angeles World Airports (LAWA). Always one to make decisions based on fact and a thorough assessment of risk, Chief Southers has proven critical in the transformation of the LAWA Police Department into one of the best trained, most professional and adaptable airport police departments in the world. Moreover, he oversaw the implementation of several cutting-edge pilot programs, including a randomized vehicle screening system designed to detect and deter IEDs.

To paraphrase Southers himself, LAX has been transformed from the top airport terrorist target in the country into an operational think tank capable of defending itself. It is precisely his ability to blend theory and practice that makes Mr. Southers a superb choice to oversee the Transportation Security Administration. It is a complex and vital Federal agency that is often in the public spotlight.

At LAX, Southers' challenge was to allow business and travel to continue undisturbed by fear of disruption, either from terrorist attack or onerous security operations. Paradoxically, the better a job he did, the less noticeable his efforts were. Hopefully, TSA will follow the same path under his leadership—it will make the traveling public secure while making its footprint less disruptive.

As I run through airports, I always take a moment and thank TSA workers for their service. Mr. Southers takes the reigns of a dedicated agency, and deserves prompt confirmation.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
ELIZABETH ROBINSON

*Question 1.* You note in your remarks to the Committee that NASA has already taken steps to improve its financial statements. Given that outside firms are incapable of even auditing NASA's statements, the Agency's efforts to date appear to be completely inadequate.

What specific steps will you take as Chief Financial Officer to fix this problem? While I have been told that NASA has been working hard to address this problem, it can and must do better. In order to address several underlying problems in financial data integrity, it is my understanding that NASA employed a new approach in Fiscal Year 2008, including implementation of a Continuous Monitoring Program (CMP). GAO and others have agreed that the implementation of these new processes and policies have improved NASA's ability to meet financial reporting and internal control standards required for a clean audit. NASA has also reported that due to a recently adopted Federal accounting rule change, it may soon resolve its long-standing property audit issue related to proving the historical accounting book values used for the Space Shuttle and International Space Station.

Answer. If confirmed, I would continue NASA's efforts to institute CMP and other programs, with adjustments as necessary to achieve the objective. In addition, I would thoroughly investigate—and implement corrective actions—for any other problems that may threaten the completeness and integrity of NASA's financial system and data.

*Question 1a.* Will you commit to this committee that NASA's financial statements will be auditable?

Answer. Yes; that is our mutual goal.

*Question 1b.* Will NASA's financial management system under your leadership generate timely, accurate, and useful financial information for outside review?

Answer. Yes; that is our mutual goal.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO ELIZABETH ROBINSON

*Question 1.* As you undertake this position, and from the perspective of your previous positions at the Office of Management and Budget and the Congressional Budget Office, what are the most significant financial management issues facing NASA, and what ideas and experience do you intend to bring to bear to meet them?

Answer. NASA has been unable to obtain a clean financial audit for several years. While the agency has been working hard to address this problem, it can do better and I will not simply trust but verify its actions. If confirmed, one of my first priorities will be to review existing activities to address this serious challenge and develop new specific actions where required.

My experience at OMB provides a unique perspective, as I was the senior career official overseeing the development of the president's budget and its implementation, including budgetary execution. As part of that role, I was in charge of revisions to Circular A-11 and led collaborative efforts with Treasury to improve government-wide collection of budgetary and accounting data. At CBO, I was the agency's representative to the Federal Accounting Standards Advisory Board and participated in the development of new and revised Federal accounting procedures and requirements. Both experiences will serve me well, if confirmed, as NASA's CFO.

*Question 2.* Do you anticipate, at this stage, any specific procedural or institutional changes in NASA's financial analysis or management processes or procedures? (If so, what might they be?)

Answer. In order to address the underlying problems preventing the Agency from regularly obtaining a clean audit opinion, it is my understanding that NASA took a new approach in Fiscal Year 2008 to resolve weaknesses and improve financial reporting. The implementation of these changes are reported to have improved NASA's ability to meet financial reporting and internal control standards. NASA has also reported that, due to a recently adopted Federal accounting rule change, it is closing in on resolving its long-standing property audit issue related to proving the historical accounting book values used for the Space Shuttle and International Space Station. Assuring that NASA focuses on these issues will be my top priority if confirmed.

*Question 3.* Do you agree that the President and the Congress have a shared role and responsibility in establishing the Nation's policy goals in civil space? If so, once those policy goals are established, is it then the role of functions such as the Office of Management and Budget, in the White House, and the Chief Financial Officer at NASA, to reflect and adhere to those policy decisions and work to ensure they are properly funded and effectively implemented?

Answer. Yes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO PAUL MARTIN

*Question 1.* To what extent are you aware of the issues and concerns that have been raised regarding the Management of the NASA Office of Inspector General over the past several years?

Answer. I have no first-hand knowledge and therefore cannot speak to the specific issues that transpired during the tenure of the previous NASA Inspector General. However, I am aware of concerns raised about low staff morale in the Inspector General's Office as well as congressional concerns that the former IG lacked the appropriate degree of independence.

*Question 1a.* What steps do you intend to take, if confirmed, to address those concerns?

Answer. If confirmed, I would bring to NASA 11 years experience helping manage a large and successful Office of Inspector General. Our management philosophy at the Department of Justice OIG is simple—we treat all employees professionally and with respect. We work hard, we work as a team, and we produce high-quality products. If confirmed, I would hope to instill the same philosophy and work ethic at the NASA OIG.

In addition, I am confident after one meeting with Administrator Bolden and Deputy Administrator Garver that they understand and appreciate the independent role played by the Office of Inspector General.

*Question 2.* What is your view of the appropriate working relationship between the Office of the Inspector General and the NASA Administrator? Between the Office of the Inspector General and the NASA General Counsel office?

Answer. I believe the proper relationship between the NASA OIG and the NASA Administrator is one of open communication and coordination, but founded on a clear understanding of the differing roles and responsibilities of each office. The NASA Administrator decides the agency's policy and operational direction; the OIG is not part of NASA management, but rather is charged with overseeing the effectiveness of NASA programs and investigating allegations of criminal and administrative misconduct against NASA personnel, and reporting its findings both to the Administrator and Congress.

Similarly, I would envision open communication between the OIG and NASA's Office of General Counsel. However, because the OIG has its own General Counsel, the OIG would rely on its in-house counsel for legal advice as it relates to OIG operations.

*Question 3.* How and where would you draw the line between the appropriate level of consultation with senior NASA leadership and the maintenance of independence and objectivity in the conduct of your duties and Inspector General?

Answer. I believe it proper and helpful for the OIG to consult with agency leadership to inquire about what areas of agency operations they believe would most benefit from an OIG review. That said, the OIG would independently decide which audits, inspections, investigations, and review to initiate and how to conduct these reviews.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO ERROLL G. SOUTHERS

*Question 1.* The GAO recently reported that TSA has, until recently, suffered from an attrition rate for senior-level staff at a rate higher than all other cabinet-level departments. What would you do differently? If confirmed, what steps will you take to ensure that TSA recruits only highly qualified people to fill Transportation Security Executive Service positions?

Answer. Investing in the TSA workforce is one of my top priorities for the agency. It has been my experience that when an organization invests in its people, they invest in the organization and everyone benefits. In my experience, education incentives, professional development, and leadership development have been key not only to attracting but also to retaining a quality work force. If confirmed, I look forward to using these tools to recruit and develop tomorrow's leaders within TSA.

*Question 2.* The Visible Intermodal Prevention and Response (VIPR) program works with local law enforcement to serve as a deterrent to potential terrorist attacks. However, a recent GAO report found that some VIPR teams do not have sufficient training or enough radios and other communication equipment to coordinate effectively with local law and surface transportation officials. If confirmed, what will you do to make sure that TSA provides sufficient training and resources so that VIPR teams can help protect our transportation networks?

Answer. My current experience with VIPR teams at Los Angeles International Airport has been positive, as TSA has gone to great lengths to include local teams and work with them on deployment based on risk. I believe VIPR teams enhance TSA's ability to leverage resources quickly to increase visible security in any mode of transportation anywhere in the country. As a former law enforcement academy instructor, I understand the importance of providing the proper training so that officers can fulfill their duties and execute their mission. I recognize the importance of continuing to provide training and resources to all TSA employees, including VIPR teams.

It is essential to integrate local law enforcement into the deployment VIPR teams. If confirmed, I will work with these key stakeholders to ensure that VIPR teams are helping to make our transportation systems the best in the world.

*Question 3.* Improving the security of our mass transit and intercity passenger rail systems is especially critical following the terrorist train bombings in Mumbai, India and Madrid, Spain. The 2007 Implementing the Recommendations of the 9/11 Commission Act included many provisions to better protect our Nation's mass transit and intercity passenger rail systems, but TSA has not met the deadline for many of these requirements. If confirmed, what actions will you take so that TSA completes all of the requirements established under the 9/11 Act, including the comprehensive risk assessment and national security strategy for the rail sector?

Answer. I understand that many of the outstanding requirements of the 9/11 Commission Act relate to the issuance of regulations through the notice and comment rulemaking process. This is a time consuming process that requires careful thought and consultation with all relevant stakeholders as the regulations are developed. I have been told that these rulemaking projects are underway, and that TSA continues to work with stakeholders on interim voluntary risk reduction measures.

Additionally, the requirement to complete a comprehensive risk assessment for the rail sector, as required by Section 1511 of the 9/11 Commission Act, is being incorporated into TSA's Transportation System Security Risk Assessment (TSSRA). When complete, the TSSRA will provide the context for TSA to compare railroad risks with risks in other modes of transportation. The national strategies, also required by the 9/11 Commission Act, will be incorporated into the corresponding annexes of the upcoming update of the Transportation System Sector Security Plan (TSSSP). The TSSSP, a comprehensive unifying plan, will supersede separate interim strategies and plans for each mode of transportation. If confirmed, I will support this approach, to increase effectiveness in assessing risk and in informing and guiding mitigation efforts.

*Question 4.* What do you believe is an appropriate balance between using a risk management framework such as DHS's National Infrastructure Protection Plan and intelligence reports in terms of how TSA makes strategic decisions on allocating resources?

Answer. Both risk and intelligence are very important, and I believe that we do not need to choose between the two. In my experience as Assistant Chief for Homeland Security and Intelligence at Los Angeles World Airports Police Department, intelligence not only drives tactical decisions on a daily basis, it also feeds threat assessments, which are an important component of the risk equation. Risk management frameworks, such as the National Infrastructure and Protection Plan, improve analytic depth and efficiency of decision-making processes.

*Question 5.* State and local governments operate the majority of mass transit systems and intercity passenger rail systems in this country, but securing these systems is a shared responsibility between Federal, state, and local partners. What would you do to improve mass transit agencies' and intercity passenger rail systems' contingency plans and their ability to handle relatively minor, as well as major emergencies? How would you use the tools, procedures, and training the TSA currently provides to transit agencies and intercity passenger rail systems to help them prepare to respond to and recover from emergencies?

Answer. I understand that TSA partners closely with law enforcement, security, and emergency response professionals in order to achieve the important goals you asked about. This multi-faceted effort includes:

- Comprehensive security assessments that evaluate the effectiveness of security and emergency management plans as well as coordination and integration with regional security and emergency response partners;
- Targeted grant investments, driven by these assessments, that address security vulnerabilities and enhance capabilities to prevent acts of terrorism and respond to threats, security incidents, and other emergencies;
- Cooperative outreach with the Federal Transit Administration (FTA) and the Federal Emergency Management Agency (FEMA) that brings mass transit and passenger rail agencies' security and safety officials together to discuss specific challenges in prevention, response, and recovery; share effective practices; and collaborate in developing effective solutions; and
- Training and exercise programs that integrate mass transit and passenger rail agencies, local and State law enforcement departments, emergency responders, and area Federal security partners to expand the scope and enhance the effectiveness of collaborative efforts in prevention, response, and recovery.

If confirmed, I will look to build upon these initiatives. I am committed to maintaining direct communications with officials in the mass transit and passenger rail systems.

*Question 6.* TSA continues to be ranked overall as one of the worst government organizations to work for. What do you see as the major reason for the poor morale in the agency? What impact do you think it is having on the agency's performance? What actions will you take to immediately address the issue?

Answer. In my current position at Los Angeles International Airport with the Los Angeles World Airports Police Department, I have witnessed firsthand the commitment of the TSA work force. If confirmed, the TSA workforce will be a top priority. Throughout my career, I have focused on effectively utilizing my workforce and training and preparing them for new challenges. I understand TSA has enacted a series of workforce initiatives to reward and incentivize employees for their work, including full-time benefits for part-time employees, a peer review program, career progression opportunities, and enhanced training. In my experience, education incentives, professional development, and leadership development have been key not only to attracting but also retaining a quality work force. If confirmed, I look forward to using these tools to recruit and develop tomorrow's leaders within TSA.

*Question 7.* Over the past several years Congress and the GAO have made recommendations and set requirements for TSA to resolve credentialing issues. The process has taken much longer than is expected and has been far more expensive than estimated. The original deadlines have passed and there are still problems with issuing, activating and reading the TWIC. What assurances can you give us that this long awaited program will be fully functioning in the near term? Stakeholders, pilot participants, and GAO have been very critical of the TSA's efforts to effectively conduct a Congressionally mandated card reader pilot project to test card reader technology in a variety of geographic areas with varying environmental conditions to test the performance of card reader technology in the harsh maritime domain. What steps will you take to establish consistent metrics across the port pilot areas and vessel participants to establish validity of the pilot program and reliability of the pilot's performance outcomes? Are you testing card reader technology that is capable of reading other certified Federal credentials?

Answer. I understand that TSA is currently working with the Coast Guard to test TWIC reader technology in different environments across the country before the Coast Guard moves forward with a card reader rule for nationwide deployment. If confirmed I will work with the Coast Guard, port and industry partners, and this Committee, to deploy card reader technology as expeditiously as possible.

*Question 8.* With the proliferation of credentialing programs within the Department of Homeland Security and within the Federal Government generally, how is TSA working to modernize their vetting process and better coordinate mutual recognition of government issued credentials that have similar background checks and disqualification standards such as the TWIC, SIDA and FAST credentialing programs? Is TSA taking steps to engage the Department of Defense to establish coordinated background check or mutually recognizes credential systems to facilitate transportation between the commercial transportation systems into DOD facilities?

Answer. It is my understanding that TSA continues to harmonize many of its vetting and credentialing programs, both internally and with other government authorities, to the extent that it is permitted by law. If confirmed, I will work with the DHS Screening Coordination Office and other agencies, both within and outside of DHS, to modernize the use of threat assessment and credentialing programs, generate efficiencies, and enhance interagency cooperation.

*Question 9.* TSA program managers have repeatedly raised concerns to GAO about the limited staff resources available to carry out essential program functions related to securing surface transportation modes, such as monitoring the implementation of security initiatives and evaluating the effectiveness of programs. What efforts will be made to ensure the effective allocation of staff resources across transportation modes, and what underlying principles will guide priorities for allocating staff resources among the various modes of transportation and threat scenarios?

Answer. It is critical that we maintain a sustainable capability to support security enhancements in surface transportation.

Congressional actions have enabled TSA to expand its capabilities in surface transportation security. Surface Transportation Security Inspectors conduct security assessments to identify potential vulnerabilities and subsequently apply the results to inform the development of security enhancement programs and allocations of resources, most notably transportation security grants. Congress provided the means to establish this program in FY 2005 and has continued to invest each year since.

Congress has also acted to expand TSA's capabilities to augment security in surface modes through Visible Intermodal Prevention and Response (VIPR) team deployments, appropriating funds that enabled the present deployment of 10 standing teams in metropolitan areas around the Nation. I understand the FY 2010 DHS appropriations bill would support creation of up to 15 more standing teams.

I believe effective deterrence is dependent upon variability, randomness, and unpredictability in security activities at and near surface transportation systems. Coupled with the capabilities of Federal Security Directors and Federal Air Marshal Special Agents-in-Charge across the country, TSA can potentially expand the scope of the deployments described above to sustain a higher operational pace and in turn more effectively deter threats.

*Question 10.* Intelligence demonstrates that the transportation network continues to be a key and attractive target for those wishing to harm U.S. interests and that the terrorist threat continues to evolve. DHS has made considerable progress in strengthening the security of commercial aviation since September 11, 2001, but must continue to adapt security measures to counter evolving threats, balance resources across missions, and enhance technologies to strengthen security. Since its creation following the events of September 11, 2001, TSA has focused much of its efforts and resources to strengthening commercial aviation security. TSA has more recently placed additional focus on securing surface modes of transportation, which includes establishing security standards and conducting assessments and inspections of surface transportation modes. In your view, what are the most significant challenges facing the department in its efforts to secure the Nation's aviation, passenger rail, bus, and mass transit system? What short-term and long-term actions need to be taken to strengthen the security of the Nation's transportation systems mentioned above?

Answer. There are a number of challenges facing the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) as the Department works with stakeholders and the public to strengthen security across all modes of transportation.

I understand that perhaps the most significant challenge facing TSA in surface transportation security is uncertainty. We must continuously pursue efforts to expand our awareness and understanding of a dynamic threat environment and ensure we share accurate intelligence and security information with our partners—the owners and operators of surface transportation systems, law enforcement and security officials, and local, tribal and Federal Government partners—in a timely and effective manner. True collaboration is essential to maintaining a unified approach that integrates the broad range of people, institutions and organizations involved in surface transportation security and emergency management. I understand a foundation has been developed through joint security activities, exercises, training, and public awareness efforts, but more must be done.

*Question 11.* Within the Nation's surface transportation system, what security priorities would you focus on as Assistant Secretary?

Answer. As we have seen from attacks around the world in Madrid, London, Mumbai and elsewhere, transit systems and other soft targets have significant vulnerabilities. If confirmed, I will focus on the following surface transportation priorities: the reduction of risk, intelligence- and information-sharing, developing best practices, security training for frontline employees, a robust exercise program, focused use of new technology, and deployment of random, unpredictable security assets. Going forward, it will be critical that TSA and surface transportation providers also focus on developing resilient systems that can recover quickly.

My experience with the California Office of Homeland Security and the Los Angeles World Airports Police Department has shown me coordination with all of the appropriate stakeholders, in both the public and private sectors, is a key element in strengthening our Nation's ability to prevent and recover from attacks on surface transportation systems.

*Question 12.* What key steps would your experience suggest that the department and TSA might take to define and implement a strategy to strengthen security in these non-aviation modes?

Answer. Based on my thirty years in law enforcement and the position I held with the State of California, I strongly believe that it is essential for TSA to work closely and increase communication with law enforcement personnel to share best security practices and innovations. The dialogue must be two-way so that there is a cross-fertilization of ideas between TSA and state, local, tribal and territorial governments, and the private sector. I understand that TSA is implementing a transportation security Information Sharing and Analysis Center that will provide for the information-sharing and best practices. If confirmed, I look forward to implementing

this and other innovative strategies to strengthen our transportation security efforts.

*Question 13.* What do you believe the Department's role should be in ensuring the security of mass transit and passenger and freight rail systems, and what obstacles, if any, hinder the Department from successfully performing such a role?

Answer. The Department of Homeland Security and the Transportation Security Administration play a leading role in identifying current threat scenarios and communicating them in a timely manner to affected security partners at private sector, Federal, State, tribal, and local levels. In partnership with transportation and critical infrastructure/key resources owners and operators, we can develop and implement comprehensive, measurable, and effective risk-based security programs and ensure resiliency in our transportation networks. If confirmed, I will work to identify and overcome any potential obstacles to achieving this goal.

*Question 14.* Since 9/11, there have been several terrorist attacks around the world on mass transit systems such as the attacks in Spain (2004), London (2005), Mumbai (2006), and most recently in China (2008). These attacks suggest that mass transit systems could be a target of future terrorist action. In addition, freight rail is the primary mode by which hazardous materials are transported throughout the nation, with railroads typically carrying about 1.8 million carloads of hazardous materials annually. These materials also serve as a potential target for terrorists. What changes, if any, do you envision making in TSA's current organizational approach for addressing the security needs of the surface transportation and aviation modes in a limited resource environment?

Answer. If confirmed, I would like the opportunity to carefully study TSA's current organizational structure before determining what changes, if any, are necessary.

I will certainly ensure that TSA continues collaboration with its security partners to reduce the vulnerability of all modes of transportation. As an example, I understand that collaboration with the Nation's freight railroads has already realized a measured risk reduction of nearly 74 percent associated with the transportation of hazardous materials through high threat urban areas since tracking began in 2006.

*Question 15.* TSA has a number of programs assessing different assets within the transportation sector, such as mass transit, passenger rail, pipelines and highway infrastructure. Do you think TSA would benefit from conducting a risk assessment of the transportation sector as a whole?

Answer. Yes, I believe that TSA would benefit from conducting a risk assessment of the entire transportation sector. I understand that TSA is currently in the process of conducting such an assessment in accordance with the Fiscal Year 2009 DHS Appropriations Act.

*Question 16.* Through its ENGAGE training for Transportation Security Officers and its Screening of Passengers by Observation Techniques (SPOT) program, TSA has taken steps to expand its security efforts to screen for passengers with suspicious behaviors in addition to screening for prohibited items. What is your vision for expanding TSA's behavior-based programs? How will you gauge the success of this new security paradigm?

Answer. If confirmed, I would like to carefully study TSA's behavior-based screening programs, such as ENGAGE! and SPOT, before determining how to expand these programs or committing to a method for gauging their success.

*Question 17.* With the shift of grant programs to FEMA, stakeholders have raised concerns that TSA now lacks the ability to appropriately assess the benefits of Federal investment in the reduction of risk that such grant programs are intended to address for our transportation sectors. How can TSA become more involved in assessing the lessons learned from the allocation of grant funds through the various transportation security grants programs into the TSA's programmatic management and risk management overall?

Answer. If confirmed, I will work closely with FEMA to ensure that the Transit Security Grant Program is functioning as efficiently as possible. I understand that TSA is already involved in assessing lessons learned, and I see that role expanding through, for example, continued and greater involvement of the Transportation Security Inspectors in conducting Baseline Assessment for Security Enhancement reviews. This should allow TSA to glean lessons learned from more grant recipients more frequently.

*Question 18.* Recent press reports have raised questions about how well the TSA and the FAA vet individuals who receive airman certificates, which include pilot licenses, mechanic licenses, and everyone else who has direct access to aircraft. What

is the status of efforts the agency is taking to address this vetting issue? What is the timeline for the anticipated completion of these efforts?

Answer. I understand fully the importance of this issue, and recently met with FAA Acting Deputy Administrator Lynne Osmus and DHS Deputy Assistant Secretary for the Screening Coordination Office (SCO) Kathy Kraninger to learn more about it. If confirmed, I will work with FAA, SCO, and this Committee to ensure TSA is vetting against the correct lists and that FAA Airman Certificates are not issued to the wrong people or retained by people who should not have that privilege.

*Question 19.* Is TSA taking steps to review other criminal watch lists housed in the government (e.g., Treasury Department) that are not currently being utilized by the Department of Homeland Security (DHS) for Airman Certificate vetting?

Answer. I understand that the topic of vetting against other criminal watch lists is one of the items being discussed by a TSA/FAA working group. If confirmed, I will work with FAA, the Screening Coordination Office, you, and the Committee to make sure TSA is vetting against the correct lists and that FAA Airman Certificates are not issued to or retained by the wrong people.

In response to your related question at the hearing, I followed up with TSA staff about general aviation and airman certificate vetting and was informed that TSA's vetting of airman certificate holders does, in fact, include general aviation pilots. TSA is checking all 3.9 million FAA certificateholders daily (perpetual vetting) against the full Terrorist Screening Data base (TSDB), which includes the No Fly/Selectee Lists. The 3.9 million figure includes both general aviation and commercial pilots, as well as mechanics, flight engineers, navigators, flight attendants, and others who are granted airman certificates.

*Question 20.* Will TSA be incorporating the use of biometric identifiers in either Airman Certificate or watch list data bases?

Answer. If confirmed, I will work with the Terrorist Screening Center and DHS Screening Coordination Office to enhance the effectiveness of watch list data bases. It is my understanding that TSA continues to harmonize many of its vetting and credentialing programs within DHS and with other government authorities, and I look forward to continuing that effort.

*Question 21.* GA security has received relatively little attention since 9/11. There are a number of voluntary GA security guidelines, but few requirements are currently in place for this segment of the aviation industry. Would you consider developing a national strategy to address GA security? What concepts do you believe should be mandated to strengthen the GA security regime?

Answer. Yes, I believe that General Aviation (GA) should be included as part of a national strategy for transportation security. I understand that the effort to update the Transportation Systems Sector Specific Plan (TSSSP) is well under way and will include an Annex on aviation that addresses GA. I've also been informed that DHS anticipates issuing the TSSSP with its accompanying modal Annexes in 2010.

In my current position as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LA WA) Police Department, I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented.

If confirmed, I look forward to working with you on strengthening GA security efforts.

*Question 22.* In your experience with advanced screening technologies, such as backscatter and millimeter wave (new imagery technology) have you found them a useful tool? What do you believe is the future for such technologies?

Answer. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LA WA) Police Department, I believe we need a multilayered approach that incorporates technology. Advanced imaging technology (AIT) helps mitigate known and evolving threats and provides the ability to detect metallic and non-metallic objects on travelers without physical contact.

*Question 23.* What do you believe needs to be done to speed the deployment of such technology to the field?

Answer. It is my understanding ARRA funds have been used to advance the deployment of new technology to airports across the country. If confirmed, I will work within the President's budget to maximize resources and deploy appropriate technology to provide the best security for the traveling public.

*Question 24.* The requirement to rescreen all checked bags inbound from Canada has been expensive from both a TSA and individual air carrier perspective. With the Olympic games moving to Vancouver in 2010, air traffic between our nations will increase substantially. Do you believe the TSA will be able to effectively address this sustained increase in traffic? Will TSA consider conducting a pilot program with the Canadian government to screen all bags with 100 percent Explosive Detection System (EDS) for the period covering the Olympic games.

Answer. It is my understanding that TSA is well positioned to meet the challenges associated with increased travel between the United States and Canada during the 2010 Vancouver Olympics. If confirmed, I will continue to work with my Canadian counterparts to ensure a solution that generates efficiencies for passengers and meets both nations' security responsibilities.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO  
ERROLL G. SOUTHERS

*Question 1.* You mentioned that an accurate registered traveler program would help TSA to focus on higher risks. Earlier efforts reportedly stalled in part because TSA did not provide clear direction on what information was needed in order for pre-screened travelers to be accelerated through security. Are you committed to working with registered traveler programs to identify this information in order to facilitate a safe, sound process, while assuring that personal information is kept private and secure?

Answer. If confirmed, I would like to explore a Registered Traveler concept further. I look forward to working with you and this Committee on ways to efficiently allocate our resources to bolster security, focus on risk, and enhance the passenger experience.

*Question 2.* It is vital that general aviation is secure. However, many rules written for commercial aviation do not effectively apply to general aviation in the way they are intended, or do not take into account key differences between the two. When implementing safety and security policies for general aviation, will you work with the GA community to ensure that rules are effective and sound?

Answer. Yes. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I understand the challenges of securing both commercial and general aviation airports. The balance between ensuring the free flow of commerce and protecting our Nation's vital transportation systems is critical to TSA's mission.

In my current position, I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented. I look forward to the opportunity to work with you and the Committee on this issue moving forward.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
ERROLL G. SOUTHERS

*Question 1.* Mr. Southers, as you know, there is a one-hundred percent screening requirement for all cargo placed on commercial passenger flights that goes into effect next August. In some instances, meeting this mandate without causing undo economic harm is going to be challenging.

Let me give you an example. In Washington State, the fresh cherry season is very short and cherries need to be picked, packed and shipped within 24 hours. During the season, fresh cherries are flown from SeaTac to Asian markets on anywhere between eighty to one hundred dedicated freight aircraft flights as well as in the cargo hold of numerous commercial passenger flights.

To help the cherry growers meet the current fifty percent inspection requirement, this summer TSA provided K-9 units to scan the cherries shipped on these commercial passenger flights. And I thank TSA for doing that. But everyone recognizes this is not a viable long term solution to meet my growers' need to have cherries shipped on commercial passenger flights and TSA's need to ensure the security of our skies.

I have been told that equipment is being tested that would allow freight forwarders to scan full pallets and containers at airports before they are loaded onto planes. The availability of this technology would greatly improve the ability of our cherry growers to get their highly perishable product to Asian markets quickly and efficiently, and eliminate the need for dogs. Based on your experience at LAX, what is the status of the testing of this technology?

Answer. I strongly support deployment of advanced technology to assist in meeting the air cargo screening requirements in the 9/11 Commission Act. I understand that TSA is evaluating technologies that can be used for screening perishables on skid level (48 x40) material handling devices. I further understand that TSA intends to commence the laboratory evaluation of this technology before the end of CY 2009, operational testing is being planned at Miami and Boston facilities, and TSA anticipates that this technology will be added to its list of approved technologies in the first quarter of CY 2010.

*Question 1a.* When do you believe freight forwarders be able to begin utilizing these scanners?

Answer. Once approved by TSA and added to the approved products list, availability from the manufacturers will dictate when freight forwarders will be able to install and operate this equipment.

*Question 1b.* If confirmed, will you consider accelerating the rollout of these scanners?

Answer. I understand that TSA is expediting its schedule to fully evaluate this and other technologies in support of the 100 percent screening mandate. Once approved by TSA, the timeline for rolling out these scanners will be dependent on the availability of the technology from the manufacturers.

*Question 2.* Mr. Southers, passengers flying in from Canada who have a connecting flight to other destinations within the U.S., have to get their baggage screened twice—first at the Canadian airport and then at the port-of-entry U.S. airport. This causes needless delays without necessarily increasing security. I imagine this situation occurs at LAX just as it does at airports in Washington State. Why do you think this type of baggage is being screened twice? Do you see a need for the U.S. and Canada to harmonize procedures and/or standardize on equipment? If confirmed, do you see this as an issue that you can help resolve?

Answer. It is my understanding that Federal law requires all baggage arriving from foreign nations be screened by TSA prior to departing on a connecting domestic flight. TSA may only accept baggage screened in Canada if Canadian screening methods provide the same or a superior level of security than U.S. procedures. I understand that TSA and its Canadian counterparts continue to exchange information in furtherance of this goal. If confirmed, I will continue to work with my Canadian counterparts to achieve a solution that generates efficiencies for passengers and satisfies both nations' security responsibilities.

*Question 3.* Mr. Southers, roughly seventy percent of container ship traffic entering the Port of Seattle and the Port of Tacoma is discretionary. That is, only thirty percent of the contents of these containers get consumed in Pacific Northwest, the remainder gets transported to points east.

Washington Ports compete with Canadian ports in Vancouver and at Prince Rupert for discretionary container traffic. Asian shippers decide where to ship to, based on price and schedule. I understand that there is a statutory mandate to scan all U.S.-bound containers with non-intrusive equipment at overseas port of loading by July 2012.

Do you know if container ships bound for Canadian ports will have similar scanning requirements for in-bound containers? If that is not the case, do you think that this difference in law will place U.S. west coast ports at a competitive disadvantage? Do you see a need to harmonize policies and practices with respect to ensuring the security of in-bound containers across North America?

Answer. I understand that issues relating to in-bound maritime containers are the responsibility of U.S. Customs and Border Protection (CBP) and are not within the scope of TSA's responsibilities. If confirmed, I will work to coordinate with CBP to ensure DHS provides the answers to your questions.

*Question 4.* Mr. Southers, the original Notice of Proposed Rule Making (NPRM) for Large Aircraft Security Program (LASP) would have required all U.S. operators of aircraft exceeding twelve thousand pounds maximum take-off weight to imple-

ment security programs that would be subject to compliance audits by TSA. As you know, there was considerable controversy regarding the proposed rulemaking within the general aviation community, general aviation airports, and those who rely on general aviation for transportation. The original LASP NPRM was rescinded earlier this year for revisions. In recent days, published reports indicate that TSA intends to issue a supplemental NPRM for LASP early next year. My understanding is that at LAX, you work with nearby general aviation airports on security matters. If confirmed, based on your experience, what is your general approach to risk management at general aviation airports?

Answer. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LA WA) Police Department, I understand the challenges of securing both commercial and general aviation airports. The balance between ensuring the free flow of commerce and protecting our Nation's vital transportation systems is critical to TSA's mission.

*Question 4a.* Generally speaking, what do you think are the most serious vulnerabilities at general aviation airports?

Answer. As you note, I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented. I look forward to the opportunity to work with you and the Committee on this issue moving forward.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
ERROLL G. SOUTHERS

*Question 1.* Our transportation security efforts have largely focused on aviation. As TSA Administrator, how will you protect the millions of Americans who travel by mass transit and passenger rail?

Answer. If confirmed as Administrator, I will pursue advancing a collaborative security strategy that integrates key stakeholders from mass transit and passenger rail systems, local law enforcement departments, the emergency response community, and our state, local, tribal and Federal Government partners. I will continue to use TSA's Visible Intermodal Prevention and Response (VIPR) teams to expand the scope of resources applied to deterrent security activities. I understand from briefings with the TSA officials that a five-pronged strategic approach is in place and these priorities are:

- Protect High Risk Assets and Systems;
- Elevate the Security Baseline;
- Build Security Force Multipliers;
- Assure Information Flow; and
- Expand Partnerships for Security Enhancement.

If confirmed, I will review this approach carefully, with the specific purpose of identifying opportunities to enhance our effectiveness, including the sustainability of our efforts, in this important area.

*Question 2.* As Administrator, what actions will you take immediately so that TSA meets all deadlines set by Congress in the Implementing Recommendations of the 9/11 Commission Act, including the comprehensive risk assessment and national security strategy for the rail sector due this year?

Answer. I understand that many of the outstanding requirements of the 9/11 Commission Act relate to the issuance of regulations through the notice and comment rulemaking process. This is a time consuming process that requires careful thought and consultation with all necessary stakeholders as the regulations are developed. I have been told that these rulemaking projects are underway, and that TSA continues to work with stakeholders on interim voluntary risk reduction measures.

Additionally, the requirement to complete a comprehensive risk assessment for the rail sector, as required by Section 1511 of the 9/11 Commission Act, is being incorporated into TSA's Transportation System Security Risk Assessment (TSSRA).

When complete, the TSSRA will provide the context for TSA to compare railroad risks with risks in other modes of transportation. The national strategies, also required by the 9/11 Commission Act, will be incorporated into the corresponding annexes of the upcoming update of the Transportation System Sector Security Plan (TSSSP). The TSSSP, a comprehensive unifying plan, will supersede separate interim strategies and plans for each mode of transportation. If confirmed, I will support this approach, to increase effectiveness in assessing risk and in informing and guiding mitigation efforts.

*Question 3.* Now that the deadline for workers to obtain these TWIC cards has been met, TSA must now focus on deploying technology that can be used to accurately read the cards. How long will it be before our ports have the technology in place to read TWIC cards?

Answer. I understand that TSA is currently working with the Coast Guard to test TWIC reader technology in different environments across the country before the Coast Guard moves forward with a card reader rule for nationwide deployment. Like you, I am eager to see this technology deployed. Though I am not currently aware of the details of the pilot and the Coast Guard's rulemaking work, if confirmed I will work with the Coast Guard, port and industry partners, and this Committee, to expedite card reader technology deployment.

*Question 4.* As Administrator, will you commit to setting the number of airport screeners based on an analysis of risk and need?

Answer. If confirmed as TSA Administrator, I will explore the most effective method to staff screening checkpoints. I understand that TSA currently uses a Screening Allocation Model to determine the staffing of Transportation Security Officers at commercial airports. This model uses available resources provided by Congress to staff screening checkpoints based on a number of factors, including risk, airline schedules, and passenger volume.

*Question 5.* A recent GAO report found that some of these VIPR Teams do not have sufficient training or enough radios to coordinate effectively with local law enforcement and surface transportation officials. How will you provide adequate training and resources so VIPR can protect our transportation networks?

Answer. My current experience with VIPR teams at Los Angeles International Airport has been positive, as TSA has gone to great lengths to include local teams and work with them on deployment based on risk. I believe VIPR teams enhance TSA's ability to leverage resources quickly to increase visible security in any mode of transportation anywhere in the country. As a former law enforcement academy instructor, I understand the importance of providing the proper training so that officers can fulfill their duties and execute their mission. I recognize the importance of continuing to provide training and resources to all TSA employees, including VIPR teams.

It is essential to integrate local law enforcement into the deployment VIPR teams. If confirmed, I will work with these key stakeholders to ensure that VIPR teams are helping to make our transportation systems the best in the world.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
ERROLL G. SOUTHERS

*Question 1.* Are you aware of the persistent problems associated with the terrorist watch lists, whereby innocent travelers experience unnecessary delays or inconveniences as a result of their names being mistaken for individuals on the "Selectee" or "No-Fly" lists? Could you provide an update on the progress the Secure Flight program is making in reducing the number of watch list misidentifications?

Do you believe that the Secure Flight program, once it is fully operational, will effectively address the problems of watch list misidentifications? Are there additional authorities or resources Congress could provide that would enhance the ability of TSA to address these problems?

Do you believe that TSA will be able to meet its current goal of having Secure Flight fully implemented for all domestic flights by early 2010, and for all international flights by the end of 2010?

Answer. I share your concerns about travel delays and watch list misidentifications. The additional information provided by passengers to the Secure Flight program will significantly reduce the number of watch list misidentifications, while applying the most advanced technology to passenger vetting. As a result, incidents where passengers must go to the ticket counter to resolve potential misidentifications will be greatly reduced.

It is my understanding that TSA is well positioned to complete implementation of the Secure Flight program. TSA is working with the air carriers to implement Secure Flight in phases, with each airline incorporating the necessary changes into their systems. The key to success for this program is collaboration; if confirmed, I will continue to work with the airlines and other stakeholders to achieve timely implementation.

*Question 2.* It is my understanding that TSA officials are engaged in ongoing discussions with Canadian authorities to put in place new baggage screening technologies and procedures at Canadian airports that will meet U.S. baggage screening standards. Such an agreement could negate the need for current regulations that require checked luggage screened at Canadian airports to be rescreened before transfer to a U.S.-based connecting flight, requirements that pose significant logistical and cost challenges to U.S. airline and airport operators. Could you provide an update on the current status of discussions between TSA and Canadian authorities regarding this issue? Could you provide an estimate of the timeline for final resolution of this issue?

Answer. I understand that TSA and its Canadian counterparts continue to exchange information in pursuit of this goal. If confirmed, I will continue to work with my Canadian counterparts to achieve a solution that generates efficiencies for passengers and satisfies both nations' security responsibilities.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
ERROLL G. SOUTHERS

*Question 1.* In your confirmation hearing, you stated that, "The whole body imaging platform still remains 100 percent optional, so our travelers still have the option to not participate." The TSA website states, "Use of whole body imaging technology is always 100 percent optional to all passengers." As Administrator, will you maintain this policy and ensure that passengers always have an alternative screening method to whole body imaging?

Answer. Yes, if confirmed I will maintain TSA's current policy that passengers may request alternative screening procedures. If a passenger opts to not use imaging technology, they will receive equivalent screening, which will include use of a walk through metal detector and a pat-down.

*Question 2.* The TSA's website claims that, "Many passengers prefer advanced imaging technology. In fact, over 98 percent of passengers who encounter this technology in TSA pilots of technology prefer it over other screening options." Do you believe that the public has been adequately informed about whole body imaging technology and the images it produces?

Answer. I understand that TSA has provided information to the public and the media on the deployment and use of imaging technology to assist in screening passengers. However, I agree that continued and extensive education of the traveling public and affected stakeholders is critical to TSA's mission.

*Question 2a.* Would you support providing more information about the technology to passengers before they reach the point of screening, such as signs placed in the terminal and at the beginning of security lines?

Answer. Yes. It is my understanding that TSA has reached-out to aviation stakeholders and passengers during the technology's pilot phase, and that TSA has signs informing passengers about the technology, including sample images at airport security checkpoints, in front of the machine, and on the machine itself. If confirmed, I will ensure that adequate signage is in place and also continue to build upon the agency's current "Why?" campaign so the public can better understand everyday practices and protocols of our security, including imaging technology.

*Question 3.* TSA pat-down inspections are done by a TSA officer who is the same sex as the passenger. The images produced by whole body imaging technology are very detailed and the sex of the passenger is easily identifiable.

In order to enhance passenger privacy, would you support a policy to require that the TSA officer who views the images produced by whole body imaging machines be the same sex as the passenger being screened?

Answer. I believe the effort to provide effective aviation security requires a balance between technology, privacy and security. It is my understanding that TSA's current protocol requires that all images generated by imaging technology are viewed in a walled-off location that is not visible to the public. The officer assisting the passenger cannot view the image, and as an additional precaution, the officer viewing the image never sees the passenger. The image that is displayed uses the most advanced privacy filters currently available and I support TSA's long-term goal

to advance the technology so the human image is stick-figure like while still displaying anomalies. It is my understanding that TSA is actively working with vendors to achieve this capability. If confirmed, I will work to ensure the privacy of the traveling public is protected while providing the necessary security to protect them.

*Question 4.* Members of the general aviation community have expressed concerns about TSA's Large Aircraft Security Program (LASP) proposed rulemaking. My understanding is that TSA plans to respond by issuing a supplemental Notice of Proposed Rulemaking (NPRM) to address some of these concerns. Could you share how TSA under your leadership will engage and work with the general aviation community when developing and promulgating aviation security requirements?

Answer. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I understand the challenges of securing both commercial and general aviation airports. I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented.

With regard to the issuance of TSA's Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking, I understand that after receiving more than 8,000 public comments and holding public meetings and comment sessions with stakeholders throughout the country, TSA is developing a supplemental Notice of Proposed Rulemaking for the LASP program that will address many of the concerns. If confirmed, I look forward to the opportunity to work with you and the Committee on this issue moving forward.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK WARNER TO  
ERROLL G. SOUTHERS

*Question 1.* It is my understanding that, with Richmond International Airport's plans to rebuild its terminal in 2004, TSA asked them to install TSA's in-line explosive detection system during the reconstruction work. Completing the installation during the process of rebuilding Richmond's terminal would, in fact, be more cost effective than completing the installation on its own at a later date. Although TSA did not have funds available at the time, an April 28, 2005 letter from TSA stated it would continue to work with the airport and would include the airport's request in future budget deliberations. Richmond agreed to cooperate and built TSA's explosive detection system, completing the work in 2007. Although the Richmond Airport completed the installation work 2 years ago, TSA has yet to provide reimbursement. Can you commit in a timely manner to making it a priority that TSA fulfills its commitment to reimburse Richmond International Airport for the \$3.6 million expense of installing the in-line explosive detection system?

Answer. If confirmed, you have my commitment to look into the Capitol Region Airport Commission's \$3.6M request for reimbursement of the checked baggage in-line explosive detection system (EDS) installed at Richmond International Airport (RIC). I look forward to working with you, the Committee and officials at the Capitol Region Airport Commission and RIC on this issue.

*Question 2.* The Transit Security Grant Program is intended to address the security needs of bus and rail systems including both capital projects and operating initiatives. Transit systems should be the primary decisionmakers on the allocation of funds toward specific security measures; they are the ones directly accountable to their employees, customers and the general public for the security of their systems and riders on a daily basis. Will you commit to implementing the TSGP so that transit agencies can use those funds to meet their unique and urgent security needs, including measures that mitigate the impacts of a terrorist attack and reduce recovery times (*i.e.*, detection capability, fire suppression, emergency evacuation and decontamination), particularly where these measures are specified in agency risk assessments?

Answer. If confirmed, I will support the TSGP to address all of the elements of resiliency: prevention, protection, response, and recovery. I recognize each transit agency is unique and the TSGP must fund security measures that are best suited

to enhance specific systems. If confirmed, I will work to ensure that the projects proposed and funded are tied to agency security assessments, as required by the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53).

*Question 3.* A new, larger security mezzanine with 24 screening points was recently opened at Dulles International Airport. This new security checkpoint was constructed to TSA standards and touted by TSA as the “checkpoint of the future”. Yet, from day one, TSA has failed to adequately staff this new checkpoint, resulting in long lines for travelers trying to make it on time for flights. TSA has now moved to permitting screeners to work 4 days-a-week, plus one day with double shifts, which is hardly a sustainable solution. Can you provide a plan that shows how the new Dulles security mezzanine will be adequately staffed in the future?

Answer. It is my understanding that the new Mezzanine Checkpoint at Washington Dulles International Airport has the same number of screening lanes as the previous Terminal Level configuration, and that TSA has previously committed to ensuring that the new checkpoint would be fully equipped and staffed for its opening. If confirmed, I will continue to work with the Office of Security Operations to ensure that all airports, including Dulles, are properly staffed to minimize wait times and maximize throughput.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARK BEGICH TO  
ERROLL G. SOUTHERS

*Question 1.* The Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking was introduced by the TSA at the end of the last Administration and generated a sizable negative response during the public comment period.

Since then, the TSA has worked toward a new Supplemental NPRM which would take into consideration the comments filed to the original proposal as well as through direct TSA engagement with industry and stakeholders. If confirmed, will you work to move forward on this Supplemental NPRM? What general approach would you take with respect to engaging constructively with stakeholders on new security requirements? If confirmed, would you ensure these proposals are targeted toward specific risks and fully consider the practical implementation of these proposals?

Answer. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I understand the challenges of securing both commercial and general aviation airports. The balance between ensuring the free flow of commerce and protecting our Nation’s vital transportation systems is critical to TSA’s mission.

In my current position, I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented.

I understand the need to have collaborative discussions with affected stakeholders before new security requirements are issued, when time and situation permit, and in a setting that respects the sensitivity of certain information. If confirmed, I intend to work with our partners in private industry, the traveling public and at all levels of government in formulating and issuing new security requirements.

With regard to the issuance of TSA’s Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking, I understand that after receiving more than 8,000 public comments and holding public meetings and comment sessions with stakeholders throughout the country, TSA is developing a supplemental Notice of Proposed Rulemaking for the LASP program that will address many of the concerns. I look forward to the opportunity to work with you and the Committee on this issue moving forward.

*Question 2.* If confirmed, what steps would you take to reconcile items prohibited by the TSA with necessary survival equipment required under state law?

Answer. I understand your concern about the unique circumstances involving air travel in Alaska, and I share your view that it is important that we reexamine the prohibited items list with respect to rulemaking for general aviation. We should

strive to ensure not only the safety of the traveling public, but also that we are taking a commonsense approach to security that Americans can easily understand.

*Question 3.* The TSA has used Security Directives to expand existing requirements even though a May 2009 report by the DHS Inspector General found “General Aviation presents only limited and mostly hypothetical threats to security.”

Our most recent experience involves the expansion of security credentialing requirements to tens-of-thousands of pilots and employees at airports and aviation manufacturers. This resulted in Security Directive–8F (revised as SD–8G) which was developed this summer. There is still considerable confusion and misinformation in the aviation community on the actual rules and facilities impacted by this Security Directive. Under what circumstances should TSA use Security Directives instead of going through the rulemaking process?

Answer. As noted above, I understand the need to have collaborative discussions with affected stakeholders before new Security Directives or emergency regulations are issued, when time and situation permit, and in a setting that respects the sensitivity of certain information. If confirmed, I intend to work with our partners in formulating and issuing new security requirements.

*Question 4.* After the September 2001 terrorist attacks, Anchorage International Airport (ANC) was required by the TSA to invest in Explosive Detection Systems (EDS) with the understanding the TSA would reimburse the airport for at least 75 percent of the allowable costs. After installation of the EDS was complete the TSA determined there was insufficient funding and withdrew its commitments to reimburse ANC, as well as several other airports. Congress tried to address this with passage of a law implementing the recommendations of the 9/11 Commission, which clarified airports should be reimbursed.<sup>1</sup> ANC has still not been reimbursed because installation of the EDS was completed before implementation of this Act. Are you aware of this problem? If confirmed, what will you do to address the commitment for reimbursement originally made by the TSA to airports such as ANC?

Answer. I am aware of this issue. If confirmed, I plan to study TSA’s reimbursement criteria and process for cost-data collection, review and validation. You have my commitment to look into the Anchorage International Airport (ANC) request for reimbursement for the checked baggage in-line explosive detection system. I look forward to working with you, the Committee and officials at the ANC on this issue.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
ERROLL G. SOUTHERS

*Question 1.* TSA recently initiated an oversight change to the Principal Security Inspector (PSI) position. If confirmed, will you commit to initiating and completing a review of the PSI position responsibility changes and its implication on airline oversight and compliance before changing the role and responsibilities of PSIs?

Answer. Yes. If confirmed, you have my commitment to look into the PSI matter.

*Question 2.* I have attached a letter from a Sheriff in Harris County, Texas who has sought TSA’s approval to utilize armed reserve deputies on commercial aircraft for the purposes of extradition cases. Federal law clearly states that the TSA Administrator is authorized to approve such requests; however, the Sheriff’s office has been unable to gain authorization. As TSA Administrator, if confirmed, will you review this matter and report back to the Committee on your findings and intentions regarding the Harris County request and others like it? (Letter enclosed)

Answer. Yes. If I am confirmed, I will review this matter. I look forward to working with you to resolve the Sheriff’s concerns and engaging the Committee on the overarching policy. I believe my extensive law enforcement background will facilitate and enhance the potential for a collaborative working relationship.

*Question 3.* In the face of declining passenger numbers and reduced traffic at screening checkpoints, Transportation Security Officers (TSO) are reportedly being diverted to other missions beyond the screening checkpoints. Many other TSOs appear to be transitioning to new job assignments, including behavior detection officers, a move that reduces the overall number pool of trained screening personnel. As more TSA personnel are moved to roles other than the core checkpoint screening mission, one could argue TSA is creating two cultures of “screeners” and “non-screeners” that, from a staffing perspective, could make it difficult to respond to traffic growth and threats that require more personnel at the checkpoint. As TSA Administrator, if confirmed, how would you address the dilution of available TSO staff at checkpoints, while taking into account yearly budget constraints?

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<sup>1</sup>Public Law 110–53, Section 1604.

Answer. I appreciate your concern. If I am confirmed, you have my commitment to assess the impact of TSO and Behavior Detection Officers (BDO) staffing on checkpoint screening.

My own experience at Los Angeles International Airport is that BDOs provide value by adding an important layer of security. This layer of expertise ensures the safety of the traveling public, as well as the reduction of delays.

*Question 4.* Given your previous experience working in an airport environment, what are your thoughts and concerns regarding the implementation of 100 percent physical screening of airport employees, and what solutions would you propose considering existing budget constraints and risk based security models?

Answer. Theoretically, the implementation of 100 percent physical screening of airport employees is a desirable protective protocol. Unfortunately, many airports, including LAX, are not configured to support the logistics of such a security process. As an example, at LAX, the entire perimeter of our 3,500 acre site would have to be secured, with pre-determined access points for employees. Second, all of the perimeter tenants would have to implement 100 percent screening inside their respective facilities. Other airports throughout the country would face similar challenges at a great cost.

Acknowledging the different logistical scenarios present at our Nation's airports, the best scenario would include the "random" checkpoint screening of employees, as we have implemented at LAX. In those situations, unannounced, random checkpoints are established at employee entrances and 100 percent screening takes place. This process entails the check of employee identification cards and personal items, in order for the employee to be granted access to any restricted area. Given limited resources and budgetary constraints, this is often the most efficient model we have identified to address security while ensuring continuity of operations.

*Question 5.* Since the inception of TSA, many stakeholders have consistently had concerns regarding the technology acquisition and procurement procedures. Stakeholders point to the lack of focus, clarity, communication and standardization of the technology acquisition and procurement process. As TSA Administrator, if confirmed, will you commit to reviewing the existing acquisition process and reporting back to the Committee on suggested improvements you intend to implement?

Answer. Yes. I share the Secretary's vision for transparency and efficiency for the Department. If confirmed, I look forward to working with you and the Committee to ensure the agency provides a streamlined process for potential vendors to discuss technology products and issues and to bid on TSA procurements.

*Question 6.* TSA's passenger pre-screening program Secure Flight is currently in the process of being launched over the next year. As that process moves forward, it is important the transition is smooth but also does not create any market based competitive advantaged or disadvantages on any one air carrier, solely based on early or late adoption into the program. As TSA Administrator, if confirmed, will you commit to making sure the transition to Secure Flight does not impact the competitive landscape of the airline industry by creating potential flight booking advantages or disadvantages on any one air carrier?

Answer. If confirmed, I look forward to working with you, the Committee, the Secure Flight team at TSA, and stakeholders to ensure smooth integration of Secure Flight into the airlines' individual systems.

*Question 7.* In August, along with several colleagues on the Committee I signed a letter to FAA Administrator Babbitt and Acting TSA Administrator Rossides regarding reported weaknesses in the existing vetting system of Airman Certificates. As TSA Administrator, if confirmed, will you commit to implementing and executing a plan to eliminate existing weaknesses in the vetting system and to work with the FAA to make sure no national security threats are allowed to maintain Airman Certificates?

Answer. I understand fully the importance of this issue, and recently met with FAA Acting Deputy Administrator Lynne Osmus and DHS Deputy Assistant Secretary for the Screening Coordination Office (SCO) Kathy Kraninger to learn more about it. If confirmed, I will work with FAA, SCO, and this Committee to ensure TSA is vetting against the correct lists and that FAA Airman Certificates are not issued to the wrong people or retained by people who should not have that privilege.

*Question 8.* In the 9/11 Act, TSA was directed to review ways to enhance security by identifying airline flight crew members and giving them expedited access through security. I understand that TSA has cooperated with stakeholders on several demonstration projects to test different methods for enhanced aircrew identification. As TSA Administrator, if confirmed, how do you intend to implement an expedited access program to sterile areas for aircrew and what type(s) of identification capabilities would be necessary in order to implement such a program?

Answer. I understand that TSA has been piloting an expedited access program for airline flight crew members called CrewPASS. If confirmed, this is a program I would be willing to explore. Having a vetted population like this would allow us to focus on the risk presented by the unvetted population and may be a wise and efficient use of our resources. I look forward to working with you, this Committee, and stakeholders on innovative solutions that enhance security.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JIM DEMINT TO  
ERROLL G. SOUTHERS

*Question 1.* Mr. Southers, in your response to my letter asking whether you will enter into a collective bargaining agreement with screeners you state, "My experiences with the bargaining units in those agencies have been productive, collaborative and challenging." This seems to indicate that you think unionization of screeners is not inconsistent with maintaining the highest levels of aviation security. Is this accurate?

Answer. My statement applied to my current experience at the Los Angeles World Airport Police Department, where I have a manager's understanding of the security work force, environment and challenges, not to the TSA. As I mentioned in my letter to you, I would like an opportunity to assess operational and organizational issues and to talk with stakeholder groups before making a recommendation to the Secretary. If confirmed, it will be my duty and obligation to protect the Nation's transportation systems to ensure freedom of movement for people and commerce.

*Question 2.* Mr. Southers, in my letter to you I asked for an answer that began with a Yes or No. Unionization of TSA screeners is one of the three or four highest profile public policy issues facing the agency you wish to lead. Do you expect the Committee to believe that you don't actually have an opinion on such an important public policy issue?

Answer. Forming an opinion at this time would be premature and would not allow me the opportunity for research and discussions with impacted parties. I reiterate the commitment I gave you in our meeting and in my recent letter: as a 30-year law enforcement officer, the mission comes first with me. If confirmed, I will never compromise on ensuring the highest levels of security possible for the traveling public.

*Question 3.* Mr. Southers, in your letter you state, "While the responsibility to recommend that we modify or maintain the status quo rests with the TSA Administrator, the Secretary inherently retains the statutory authority to act upon my recommendation." Additionally during the campaign the President stated, "If I am elected President, I will work to ensure that TSOs have collective bargaining rights and a voice at work to address issues that arise locally and nationally." Mr. Southers, it seems to me that the political leadership at the highest levels has indicated the fix is in on this issue. In your discussions with the White House and the Secretary have you been assured that you will have free reign to implement the policy you believe best protects the public, even if that policy would prohibit collective bargaining?

Answer. The Secretary has said that she would like a TSA Administrator in place before any decision on this topic is made. If confirmed, I will carefully study the issue, review relevant information, reach out to stakeholder groups, and then make a recommendation to the Secretary. Before I can make that recommendation, I must have a thorough understanding of TSA's operations and work force.

*Question 4.* Mr. Southers, was Kip Hawley (previous TSA Administrator) wrong to continue to prohibit collective bargaining?

Answer. If I am confirmed, you have my commitment to review relevant information, meet with stakeholder groups, work with all impacted parties, and thoroughly review this matter. I was not privy to information that Mr. Hawley had access to in his time as Administrator. I commit to you that I will talk to former TSA Administrators for their input and counsel as part of my review process.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
ERROLL G. SOUTHERS

*Question 1.* Mr. Southers, with your responsibility for security at LAX and general aviation airports in Palmdale, Ontario and Van Nuys, what do you see as TSA's role when it comes to general aviation—including smaller airports in South Dakota? I pose this question because a number of general aviation users in South Dakota have inquired about recent actions by TSA when it comes to what they believe are con-

troversial Security Directives that mandate commercial airports conduct security threat assessments on all general aviation users that have access to the airport. While I can understand the need to conduct threat assessments to improve security at commercial airports, what balance would you strive for to ensure that general aviation users aren't impeded when it comes to the freedom they currently enjoy when traveling from one airport to another?

Answer. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I understand the challenges of securing both commercial and general aviation airports. The balance between ensuring the free flow of commerce and protecting our Nation's vital transportation systems is critical to TSA's mission.

As you note, I am responsible for security at Van Nuys Airport, one of the busiest general aviation airports in the country. What I have seen in my experience is that as we worked to harden security at LAX, there was concern that the risk might be pushed out to our other three general aviation airports. As we worked to mitigate that risk, we engaged and educated our stakeholders so that they were a part of our mission and were empowered to report suspicious activity. I believe in collaborative approaches like this one, and if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation community, to build on their partnership with TSA to ensure best practices and risk-based solutions are implemented.

With regard to the issuance of TSA's Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking, I understand that after receiving more than 8,000 public comments and holding public meetings and comment sessions with stakeholders throughout the country, TSA is developing a supplemental Notice of Proposed Rulemaking for the LASP program that will address many of the concerns. If confirmed, I look forward to the opportunity to work with you and the Committee on this issue moving forward.

*Question 2.* What do you see when it comes to the future of Security Directives, especially as it relates to the manner in which they are issued and whether or not you believe that such measures should be subject to public comment and review?

Answer. I understand the need to have collaborative discussions with affected stakeholders before Security Directives or emergency regulations are issued, when time and situation permit, and in a setting that respects the sensitivity of certain information.

If confirmed, I intend to work with our partners in formulating and issuing Security Directives and emergency regulations.

*Question 3.* Should airports be reimbursed for costs related to implementation of security directives?

Answer. In my current role as Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports Police Department, I understand the need to implement directives quickly, based on intelligence. However, at this time I do not have enough information to make an informed decision about the long-term costs to the airports. This is an issue I would like to look at carefully if confirmed in coordination with airport partners.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO  
ERROLL G. SOUTHERS

*Question 1.* The FY2010 DHS appropriations conference report puts an emphasis on controlling the growing maintenance costs of the agency's screening technologies. It is my understanding that TSA is working with vendors to develop equipment with greater throughput and lower maintenance costs. What planning is in place to reduce Operational and Maintenance costs associated with Explosive Detection Systems (EDS)?

Answer. In the current economic environment, I appreciate the need to control costs. I have been briefed that TSA is in the midst of a competitive procurement for EDS equipment that will use total ownership cost as one of the evaluation factors. For example, the Transportation Systems Integration Facility (TSIF) at Ronald Reagan Washington National Airport is dedicated to testing and refining airport security equipment and processes, a critical link to the identification of more efficient systems. It is believed that testing at TSIF may yield impressive savings. If confirmed, you have my commitment to review this effort in detail and to work closely with TSA's Office of Security Technology and the Department of Homeland Security's Technology Security Laboratory to ensure that TSA continues to maximize cost and efficiency.

*Question 2.* How can funding for Inline Baggage Handling Systems be reduced while accommodating future passenger growth?

Answer. This is a challenging problem—as Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I have worked in an airport that experiences large passenger volume and a significant terrorist threat. In the current economic environment, the optimal investment in airport security would be in technology that could accommodate future passenger growth. Since I have seen first-hand the benefits of a collaborative approach to security, if confirmed, I will make sure the TSA works with stakeholders to understand particular airport configurations and review assessments about future passenger growth prior to making procurement decisions about technology.

*Question 3.* The President's budget request for Fiscal Year 2010 included \$856 million for Explosives Detection Systems (EDS), which is an increase from the previous enacted level in Fiscal Year 2009 of \$294 million. Even with the large increase for EDS that will soon be passed by Congress, the need of airports across the country to recapitalize checked baggage screening equipment and accelerate the deployment of in-line systems remains of the upmost importance. Some argue that without continued funding it will be impossible to provide the latest, cutting-edge technology necessary to keep the aviation sector secure from the threats of terrorism.

As you know, many of these checked baggage screening systems that were deployed immediately after September 11, 2001, have reached the end of their life cycles and the costs to keep these older technology systems functioning with minimal down time is becoming prohibitive. Will you support maintaining the Fiscal Year 2010 EDS procurement and installation funding levels at our Nation's airports in Fiscal Year 2011 necessary to maintain the Electronic Baggage Screening Program (EBSP)?

Answer. If confirmed, I will work within the President's budget to maximize resources and deploy appropriate technology that provides the best security for the traveling public.

*Question 3a.* With the threat of new explosives evolving rapidly how do you see this factoring into the replacement of older equipment such as Explosive Trace Detection (ETD) with newer equipment that is equipped to change with these continued new threats?

Answer. I am deeply concerned about the threat of new explosives. It is my understanding that ARRA funds have been used to advance technology at airports across the country and that newer equipment has the adaptability to meet the emerging threats. If confirmed, I will work to continue to maintain and improve security against new and evolving explosives.

*Question 4.* In knowing that there is a need for airports across the country to recapitalize checked baggage screening devices and accelerate deployment of in-line systems, the Congress has, over the past several years, continued to see a proposal in the president's budget for a temporary, four-year surcharge in the passenger security fee, to have the taxpayers pay for this program. Do you anticipate building a budget based upon a passenger security fee and, if so, how much would the fee be and how much is TSA estimated to collect by a passenger security fee?

Answer. I understand that the President's FY2010 budget assumes that a passenger security fee adjustment will be phased in over 3 years, beginning in FY2012. The current security fee of \$2.50 per passenger enplanement would rise to \$3.50, \$4.50 and \$5.50 in FY2012, FY2013 and FY2014, respectively. This should increase revenue collections by approximately \$850 million in each of the 3-years, to a total increase of \$2.6 billion in FY2014. In 2014, collections would offset about 86 percent of discretionary passenger and property screening costs.

*Question 5.* I applaud any effort by the Transportation Security Administration to enhance security at our Nation's largest airports, but we cannot forget the fact that a significant majority of passengers begin their trips at medium and small airports.

Specifically, according to figures from the Department of Transportation's Bureau of Transportation Statistics, 54 percent of the passengers begin their trips at the Nation's top 25 airports, while 46 percent of the passengers begin their air travel at the next 225 airports. Therefore, since checked baggage is screened at originating airports, medium and small airports cannot be neglected if aviation security is truly to be enhanced. In is a direct result of this fact that Congress has set aside funding for medium and small-sized airports for the past two Fiscal Years. In knowing that two of the highjackers on 9/11 began their flight at a small airport in Bangor, Maine, would you agree that the need for medium and small airports to receive the latest explosives detection systems is as important as the Category X airports?

Answer. I believe that we must continue investing in the security of medium and small-sized airports. Adding Explosives Detection Systems where feasible greatly enhances security and defends against the diversion of risk to these locations. If confirmed, I look forward to working with you and the Committee on examining ways to enhance the overall aviation security network.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHNNY ISAKSON TO  
ERROLL G. SOUTHERS

*Question 1.* It seems that our philosophy regarding airport security remains focused on intercepting bad things (such as guns, knives, explosives, liquids). It is a reactive policy, aimed at preventing the last terrorist plot from being repeated. Boxcutters were used on 9/11, so we banned them from being allowed on airplanes. The British foiled a plot to blow up airliners using liquids, so we limit carry on liquids to 3oz. containers that can fit in a 1 quart bag. A shoe bomber tries to destroy an airplane en route from Paris to the U.S., so we now take off our shoes going through security.

1. These things don't hijack planes, however the terrorists who use them do. So it would seem to me that the best way to detect terrorists is to focus on intercepting not the boxcutter they may use, but the actual person who may use it. Bad people, not bad things necessarily, should be stopped.
2. It is a cliché to point to El Al and Israeli airport security, and in many instances their system will not work in the U.S. given that Israel on an annual basis has a fraction of the number of passengers that travel in the U.S. However, as you know, the Israelis are constantly monitoring behavior.
  - a. They look for things out of the ordinary that do not fit, and may indicate a threat.
  - b. Their airport security agents are constantly interacting with passengers, asking questions, engaging in dialogue.
3. As I am sure you know being the Assistant Chief for Homeland Security and Intelligence at LAX, Israeli security depends greatly upon good intelligence.
4. One of the other interesting things about Israeli security is that security is the first thing the passenger encounters. Unlike here where passengers go through security after checking in for their flights and checking their bags, only when Israeli security is satisfied that a passenger is not a threat are they allowed to proceed to the check-in counter. By that point, there is no need to make a passenger remove their shoes, or to confiscate a water bottle.
5. I understand that TSA is training some officers to notice facial expressions, body language, and speech patterns, but by and large it seems to me that our philosophy remains the same as it always has.

I'm not advocating for profiling but I wonder if, given the finite security resources we have, if this is the best approach. I would be curious to hear your thoughts on this.

Answer. TSA's and the Department of Homeland Security's consistent policy has been that racial, ethnic, or religious profiling is counterproductive to the mission of providing aviation security and to the larger counterterrorism responsibilities of the Department and the Federal Government. I share that view.

I also share your concern that we must maintain our efforts to be proactive in our security approach and to anticipate potential security threats. One important way to implement effective counterterrorism initiatives and procedures to counter the evolving terrorist threat is to do more to educate the public and increase awareness in our society. The prospects of success for any policy initiatives that we implement are likely to be significantly enhanced if we adopt a concerted effort to explain our initiatives and the reasoning behind them. An engaged and empowered community creates the potential for an understanding and loyal ally in our security mission. The development of this partnership will require a sustained and significant commitment to public outreach. TSA's "Why" campaign, designed to answer the public's security-related procedural concerns, is a step in the right direction.

*Question 2.* With regards to intelligence, from your experience at LAX do you believe that TSA does a sufficient job in sharing intelligence with the airports? Is there room for improvement on that front?

Answer. As a law enforcement officer, I believe that there is always room for enhancing information sharing. I recognize that there is a need to maintain operational security and the classified nature of the intelligence, but the sharing of this

information with those at the local and state level is vital to facilitating increased collaboration and the appropriate allocation of resources to counter threats. If confirmed I will work with the Secretary to push forward her information sharing initiatives with state, local, tribal and territorial governments, and with private sector stakeholders.

*Question 3.* After 7 years, we finally feel like we have the appropriate TSA staffing, checkpoint setup and management in place at Hartsfield.

1. Communication between TSA, the airport officials, and the major tenants (Delta and Air Tran) is finally consistent.
2. We remain concerned with wait times at the E Concourse recheck, but understand TSA is working to mitigate those times and thus far has done a good job.
3. Hartsfield is a unique layout, unlike any other in the country. It is the only airport of its size where every airlines' passenger goes through the same checkpoint (unlike LAX, JFK, etc. where there are individual terminals for each airline).

Please "do no harm" as it relates to Hartsfield. Things are going well there, and complaints on flow and wait times are down.

- a. We would also urge you and your staff to keep us apprised on a regular basis of what is going on at Hartsfield as it relates to staffing and wait times.
- b. Finally, will you commit to visiting Hartsfield during the first 6 months of your tenure?

Answer. I am pleased to hear that TSA is currently providing quality security and customer service to Hartsfield International Airport. In my current position, I and my colleagues frequently look to Hartsfield for best practices. If confirmed, I will work diligently to ensure that TSA continues to deliver both world-class security and customer service at Georgia's airports and at airports across the country. If confirmed, you have my commitment to visit AtlantaHartsfield, along with other airports of varying sizes and security and operational challenges in my first 6 months.

*Question 4.* We had an unpleasant issue with TSA's handling of Delta's application for TSA approval for launch service to Nairobi, Kenya; Abuja, Nigeria; Monrovia Liberia; Luanda, Angola; Malabo, Equatorial Guinea; and Sal, Cape Verde Island.

1. Delta was forced, on the day service was to commence, to cancel their Nairobi service at significant cost to themselves. The flights were sold out for the first 4 weeks of service.
2. Given the nature of U.S. industry expansion, we would urge you to look at expanding the capacity of the office that oversees these approvals. There is going to be more expansion once the economy rebounds, and having the necessary staffing in place is going to be crucial.

Will you commit that, once confirmed, you will look into staffing issues at this office and report back (in a classified manner if necessary) on whether staffing is sufficient and on ways to ensure the process guarantees some certainty for airline applicants?

Answer. In my experience, communication has been key to addressing the issues you raise. If confirmed, you have my commitment to look into the matter, report back, and build upon the steps taken to ensure information flow.

*Question 5.* As you will recall this past June Clear, a registered traveler program, ceased operations. Clear operated lanes at 20 airports nationwide including Atlanta.

1. Clear customers were prescreened before receiving a special ID card that allows them to access designated security lanes. As part of this prescreening process, Clear collected personal credentialing information from its customers such as name, Social Security number, passport information, date of birth, address and other personal identifying information.
2. Clear collected this information on both its website, and at laptop computers located at its kiosks at airports and at Grand Central Station in New York. Clear also collected biometric information in the form of facial photographs, iris scans and fingerprint scans. Once approved, customers accessed express lanes at participating airport security checkpoints.
3. In our State of Georgia alone Clear signed up and collected personal and biometric data for over 20,000 customers. Clear collected the same data on an additional 240,000 customers nationwide.
4. According to the Clear website, "applicant and member data is currently secured in accordance with the Transportation Security Administration's Security,

Privacy and Compliance Standards. Verified Identity Pass, Inc. will continue to secure such information and will take appropriate steps to delete the information.”

5. As Clear winds down its operation, we need to know that the deletion of this credentialing and biometric data remains a top priority. We are also concerned that the personal and biometric information of our constituents could be compromised.

Will you commit to us that once confirmed he will undertake a review of the process by which this biometric data is being deleted, and report back to the Committee on its progress?

Answer. If confirmed, I will ensure an appropriate review process is implemented to determine the status of the biometric data and report back to the Committee.

*Question 6.* What are your thoughts on registered traveler programs? Do you believe that TSA should continue to pursue such programs with private vendors?

Answer. If confirmed, a Registered Traveler concept is something I would like to explore. I look forward to working with you and this Committee on ways to efficiently allocate our resources to bolster security, focus on risk, and enhance the passenger experience.

*Question 7.* We hear regularly (one or two phone calls a week) complaints on the following issue. TSA had announced last year that technology would be in place to allow passengers to carry liquids of any quantity on board airplanes (eliminating the 3 oz. restrictions that are in place). Will you review that process and report back on its progress to the Committee?

Answer. It is my understanding that TSA is working closely with the Department of Homeland Security’s Science and Technology Directorate to automate the detection of dangerous liquids. If confirmed, I will do everything possible to facilitate the development of such technologies and to build upon my established relationships with the U.S.’s international partners to ensure a consistent approach to the liquids threat and other emerging explosives detection technology.

*Question 8.* TSA employees at security checkpoints have been telling some of our constituents that their roll aboard bags do not fit in the airline “size wise” containers, and therefore they need to return to the ticket counter to check them. We have had constituents complain that this has happened to them at Atlanta, LaGuardia, and Phoenix. As one constituent said “TSA is there to enforce security laws, not to enforce carry on rules. I was especially angry because the airline agent told me my bag was ok to carry on. Do you believe this is a core TSA function?”

Answer. TSA’s core mission is to protect the Nation’s vital transportation systems to ensure the free flow of commerce and the American people. If confirmed, I will look into the matter further to ensure the TSA and the air carriers are carrying out their proper roles and responsibilities.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SAM BROWNBACK TO  
ERROLL G. SOUTHERS

*Question 1.* The Large Aircraft Security Program (LASP) Notice of Proposed Rule-making (NPRM) was introduced by the TSA at the end of the last Administration and elicited more than 7,000 negative public comments because it did not address security issues in an effective, practical manner. Since then, the staff at the TSA has worked toward a new Supplemental NPRM which would take into consideration the comments filed to the original proposal as well as through direct TSA engagement with industry. Stakeholders have reached out to the TSA actively with constructive proposals and a willingness to work to address clearly identified security risks for general aviation.

I’ve been told that TSA is making changes to the original proposal. Are you committed to working with the GA community on this and other issues in the future to develop reasonable and effective security measures?

Answer. Yes. As someone who has worked on counterterrorism matters at the Federal, state, and local level for 30 years, and most recently as an Assistant Chief for Homeland Security and Intelligence for the Los Angeles World Airports (LAWA) Police Department, I understand the challenges of securing commercial and general aviation airports. My current responsibilities include the protection of three General Aviation airports, including Van Nuys Airport, which is one of the Nation’s busiest. I believe in a collaborative approach and, if confirmed, I am committed to reaching out to stakeholders, particularly those in general aviation, and building on the community’s partnership with TSA to ensure best practices and risk-based solutions are implemented.

*Question 2.* The 2003 FAA reauthorization bill required the TSA to conduct security audits of all FAA certificated foreign repair stations. However, the TSA never fulfilled this requirement, and as a result Congress again required an audit in the 9/11 Recommendations bill and prohibited the FAA from certifying any new stations until the rule was finalized. TSA missed a 2008 deadline for completing the rule and as a result maintenance providers have been unable to open any new foreign repair stations. TSA is now in the process of finalizing a notice of proposed rule-making (NPRM) on foreign repair station security rule, having sent it to OMB for review.

Are you familiar with this issue? Will you work to get this NPRM through OMB as quickly as possible when you are confirmed, and will this be a priority for you? Will you allow for adequate stakeholder input and FAA coordination to ensure effective implementation of the final rule?

Answer. I recognize TSA has a legal obligation to issue a final rule with respect to the security of foreign repair stations and that this is an important issue to this Committee. If confirmed, I will work to move the NPRM forward. It is my understanding that in advance of the publication of the NPRM, TSA has already conducted hundreds of voluntary inspections both in the United States and internationally. I recently had the opportunity to meet with FAA Acting Deputy Administrator Lynne Osmus and if confirmed, I look forward to strengthening the TSA-FAA partnership and building upon the work currently being done to analyze both foreign and domestic repair station security practices.

*Question 3.* The TSA repeatedly uses Security Directives (SD) to vastly expand existing requirements without a compelling, emergency security threat. TSA needs to do a better job of identifying immediate threats that require emergency action and those actions that should be implemented through rulemaking. The most recent example involves the expansion of security credentialing requirements to tens-of-thousands of pilots and employees at airports and aviation manufacturers without due consideration and process of the Administrative Procedures Act. This resulted in SD-1542-8F (followed by -8G) which was developed this summer.

When should TSA use Security Directives instead of rulemaking under the Administrative Procedures Act (APA)? What criteria would you use to make these decisions?

Answer. I understand the need to have collaborative discussions with affected stakeholders before Security Directives or emergency regulations are issued, when time and situation permit, and in a setting that respects the sensitivity of certain information. If confirmed, I intend to work with our partners in formulating and issuing Security Directives and emergency regulations.

*Question 4.* The Department of Homeland Security is currently undertaking a comprehensive threat, vulnerability and consequences study of the transportation industry to ensure that future resources are properly targeted. The Transportation Sector Security Risk Assessment (TSSRA) is scheduled to be presented to Congress on January 10, 2010.

Are you aware of this assessment? Have you been briefed on it yet? What is the advantage of this exercise? How will it help you set priorities particularly for an agency that has been almost solely focused on addressing the security risks from aviation?

Answer. I am aware of the assessment, but I have not received a briefing on the TSSRA effort. I believe that protecting the traveling public against the evolving terrorist threat requires an innovative approach to security based on intelligence and risk and these assessments help inform where resources should be allocated.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO DR. PATRICK GALLAGHER

*Question 1.* What can you tell me about this proposal to reorganize the Cybersecurity Division?

Answer. The Information Technology Laboratory has had some internal discussions about the structure of the Laboratory and is seeking input through our Advisory Committees and key external stakeholders. The discussions are still in the formative stage. Nothing has been presented to me for my consideration. Cybersecurity is a vital, central mission of the laboratory. Given the increasing importance and complexity of cybersecurity, ITL has undertaken an internal assessment of its operational structure to ensure that its programs fully reflect the important and complex, interdisciplinary nature of today's threats.

*Question 2.* Do you think this is a good idea?

Answer. I think the discussions, as I understand them, have been focused on the structure and demands of the Lab given the challenges to be addressed. They are asking: "Is the organization aligned well?" This and other questions are worthy of discussion. A reorganization is a long and involved process. If confirmed, I look forward to having discussions with the Congress, the Lab Director and others on how best NIST can fulfill its mission critical responsibilities in the area of cybersecurity. My overall mission for NIST is that resources and objectives be fully aligned.

*Question 3.* What about all the criticism about eliminating cybersecurity and how this reorganization is a step backward?

Answer. There is absolutely no effort to diminish the importance of cybersecurity or eliminate cybersecurity work at NIST. I can assure you that whether or not changes are ultimately proposed for ITL, NIST is committed to strengthening not diminishing its critical role in cybersecurity. NIST takes very seriously its cybersecurity mission to work efficiently and effectively on the many challenges associated with ensuring a robust system of cybersecurity standards, guidelines and protocols. As the internal draft documents made their way outside of NIST, NIST has received reactions across the spectrum. We look forward to the input of others including our Visiting Committee, other key external stakeholders, as well as the Congress as discussions proceed.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
AND HON. KAY BAILEY HUTCHISON TO DR. PATRICK GALLAGHER

*Question 1.* Can you describe the morale of the police force at NIST? Are the officers satisfied with their leadership?

Answer. Morale within the NIST Police Services Group has suffered in the past months as a result of concerns about their management and work environment. Once those concerns were brought to the attention of NIST leadership, a number of actions were taken (detailed below) that I believe have contributed to a visible improvement in the overall work climate since then.

The officers know that their leadership now reports to a higher official within the agency, who is in personal contact with the group and has shared her plans for changes with them directly on several occasions.

*Question 2.* I understand that there have been allegations about the safety and security of NIST facilities. What is the state of security at NIST facilities, and what are you doing to address the issues that have been raised?

Answer. I would like to assure the Committee that security at all of the NIST facilities continues to be maintained at the highest level.

The Department of Commerce Office of Security in its most recent risk assessment of the Gaithersburg campus (August 2008) identified the numerous physical security and police functions that constitute the agency's security posture. Several recommended improvements have been or are in the process of being implemented, including significant infrastructure improvements.

The NIST Center for Neutron Research (Building 235), was recently re-licensed by the Nuclear Regulatory Commission. Demonstrating full compliance with all necessary security requirements was a prerequisite for that licensing as is on-going assurance of compliance for continued operations.

As we have looked into the operations of the Police Services Group, we have taken several measures to strengthen the group, including additional training and equipment, as well as issuance of several policies and procedures. Additional resources will be made available this year as part of a plan to continue enhancing the safety and security of our facilities.

*Question 3.* Please detail the steps you or your office has taken to address the complaints by the NIST police officers.

Answer. Upon receipt of the initial concerns from the police officers, the senior official overseeing the Emergency Services Division and the Police Services Group (PSG) personally took charge of oversight of the group. NIST received the cooperation of NOAA to detail a senior law enforcement official to directly oversee the PSG. He focused on immediate improvements, including policies, training, and space and facilities.

At the same time, NIST conducted two assessments of the PSG to obtain an independent evaluation of the police operations and the issues raised by some of the Police Officers. Independent third parties conducted both assessments. The first assessment focused on concerns raised by some of the Police Officers and the second focused on an organizational diagnostic of the NIST Police Services Group. The re-

sults of the first assessment are being reviewed. The second, organizational diagnostic focused on the Police Services Group's mission, resources, and leadership.

NIST is taking steps to implement several of the recommendations identified in this report. These include changes within the leadership of the Police Services Group, including a new higher-graded Police Chief, additional staffing and equipment resources, and restructuring of the Police Services groups to better align the access control, emergency response and other law enforcement functions. We have established a PSG Advisory Team to assist senior management as we go forward with the report's recommendations. This team consists of representatives from the Police Services Group and will be chaired by the Deputy Director of the NOAA Office of Law Enforcement.

In the meantime, the senior manager responsible for Emergency Services Division remains personally in contact with the PSG and supervises the current Police Chief until a new recruitment can be completed. Finally, NIST and the DOC continue to investigate the EEO complaints, and issues of misconduct. These are being addressed through the appropriate channels.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. FRANK R. LAUTENBERG TO  
DR. PATRICK GALLAGHER

*Question.* In 2005, NIST issued its report on the collapse of the World Trade Center towers. The report made 30 recommendations for the building industry to improve the fire protection and structural integrity of our buildings. Has the building industry adopted these recommendations? As the Director of NIST, how will you work with industry to fully implement these recommendations?

*Answer.* In 2008, 23 major and far-reaching building and fire code changes were approved by the International Code Council (ICC) based on recommendations from NIST.

The changes were incorporated into the 2009 edition of the ICC's I-Codes (specifically the International Building Code, or IBC, and the International Fire Code, or IFC), a state-of-the-art model code used as the basis for building and fire regulations promulgated and enforced by U.S. state and local jurisdictions. Those jurisdictions have the option of incorporating some or all of the code's provisions but generally adopt most provisions.

The new codes address areas such as:

- increasing structural resistance to building collapse from fire and other incidents;
- requiring a third exit stairway for tall buildings;
- increasing the width of all stairways by 50 percent in new high-rises;
- strengthening criteria for the bonding, proper installation and inspection of sprayed fire-resistive materials (commonly known as "fireproofing");
- improving the reliability of active fire protection systems (such as automatic sprinklers);
- requiring a new class of robust elevators for access by emergency responders in lieu of an additional stairway;
- making exit path markings more prevalent and more visible; and
- ensuring effective coverage throughout a building for emergency responder radio communications.

There are additional proposed changes to building codes to be considered by the ICC in the future.

If confirmed, I look forward to working with our partners in industry and the standards development organizations and building code organizations to foster adoption of standards to help make the Nation's buildings safer.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
DR. PATRICK GALLAGHER

*Question 1.* Dr. Gallagher, you note in your testimony that "our [nation's] economic prosperity depends upon our ability to lead the world in innovation. It is the foundation for creating high quality jobs for all Americans."

The Manufacturing Extension Partnership (MEP) program is one area where NIST can help spur innovation and job growth. Created during a time of concern about American competitiveness with Japan, the MEP program has centers in all 50 states that provide training for "lean manufacturing" and business efficiency

tools such as Six Sigma. While still valuable, this type of training is hardly cutting edge for today's economy. Moreover, the MEP program today seems to exist in a silo separate from NIST's research labs.

In New Mexico, Los Alamos and Sandia National Laboratories actively promote technology transfer, and the New Mexico MEP center has been able to partner with the labs to help small manufacturers across the state. It appears to me that NIST could do more to seek out such partnerships with other Federal agencies for MEP centers across the country.

Moreover, NIST could probably do much more to promote technology transfer and industrial competitiveness if the research capabilities on NIST campuses more directly support the work of local MEP centers.

What are your thoughts on how to revitalize the Manufacturing Extension Partnership program?

Answer. As part of the MEP Next Generation strategic plan, the program has outlined a framework of four interdependent areas that are key for manufacturers' growth and global competitiveness. The framework includes continuous improvement activities necessary for a strong and stable foundation along with identifying and implementing opportunities focused in the areas of

- supplier development
- environmental sustainability
- technology acceleration, and
- workforce.

NIST/MEP will work strategically with companies coordinating activities and opportunities across these areas to provide an environment for firms to create new sales, enter new markets, and adopt new technologies to build a competitive advantage globally.

NIST/MEP is actively working to support the acceleration of technology into new manufactured products, processes and services. NIST/MEP has been working with university and Federal research facilities—including the NIST Labs—in the development of new programs and services focused on transforming technologies from the research into the marketplace.

NIST/MEP has held workshops with researchers in universities and Federal labs to identify opportunities for manufacturers in terms of both the adoption of new technologies into existing products and processes as well as opportunities for the development of completely new product ideas. The translated technologies are key elements in the recently launched National Innovation Marketplace (NIM) ([www.usainnovation.org](http://www.usainnovation.org)).

The NIM connects manufacturers to technology and business opportunities by facilitating connections between original equipment manufacturers (OEMs) and potential suppliers, encouraging technology translation and adoption, and estimating business growth potential.

NIST/MEP and its nationwide network of MEP centers and partners will use NIM as a clearinghouse for building technology-based supplier networks. While still in the development stage, a fully implemented NIM combined with the NIST/MEP network of thousands of innovation experts will support manufacturers' efforts to connect with opportunities and access a range of product development and commercialization assistance services to help rapidly move ideas from concept to investment, manufacturing, commercialization and distribution.

We are pleased to have high-level support for these activities within the Commerce Department. Secretary Locke, I know, has personally lent his support to successfully launching NIM.

*Question 2.* President Obama has called for creating more "green energy" jobs and improving the energy efficiency of Federal buildings and American homes. The American Recovery and Reinvestment Act provided resources to the Dept. of Energy to address this issue.

Many small firms in the construction industry, however, lack the know-how and trained personnel who can apply new manufacturing techniques to build high performance or "green" buildings and homes.

Is this an area where NIST MEP centers could potentially work with NIST labs, such as the Building and Fire Research Laboratory, and the Dept. of Energy to promote technology transfer and commercialization of "green energy" ideas?

Answer. NIST/MEP is focused on helping companies gain a competitive edge by: (1) reducing environmental costs and impact, and (2) developing new environmentally-focused materials, products, and processes. Over the past few years, NIST/MEP has developed strong partnerships with Department of Energy (DOE) and Environmental Protection Agency (EPA) focused on helping manufacturers reduce en-

ergy costs and environmental impact. These partnerships have focused on hands-on support for manufacturers including energy and environmental assessments through the Industrial Assessment Centers (IACs) and the Green Suppliers Network.

Most recently NIST/MEP has expanded partnerships with DOE and EPA along with the Small Business Administration and the Department of Labor on the E3 (Economy, Energy, Environment) initiative. This joint collaboration works directly with local utilities, local government, and small- and medium-sized manufacturers, leveraging existing resources to generate and provide direct customized assistance to strengthen manufacturers. The E3 effort begins with a comprehensive assessment of a process or facility in lean manufacturing, energy and environment to identify target opportunities for environmental improvements and cost reductions. With a focus on continuous improvement, the team then works with the company to identify resources, available financing options, training and capacity building to support the implementation strategy.

Upon completion of two pilot projects this summer in Columbus, Ohio, and San Antonio, Texas, partner agencies will look to expand the E3 program in other states that have expressed interest.

NIST/MEP continually seeks opportunities to leverage the work of the NIST labs in support of the smaller manufacturer. It has worked with NIST's Building and Fire Research Laboratory (BFRL) to promote tools to aid manufacturers such as BFRL's Building for Environmental and Economic Sustainability (BEES) program, which is focused on measuring the life-cycle performance of building products. As NIST/MEP and the NIST Labs move forward in supporting the President's efforts in creating green jobs and promoting energy efficiency, we will explore other collaborative opportunities.

The National Innovation Marketplace will also serve as a tool to: (1) move technologies focused on reducing the environmental impact of manufacturing processes into practice, and (2) identify technologies that will create of new environmentally sustainable products.

Question 3. My understanding is that NIST already provides testing and validation for information technology products used by the Federal Government, particularly for encrypting sensitive data.

Congress is now considering several proposals to encourage private companies to take more proactive measures to protect consumers from the potential harm from cyber attacks and data breaches. One measure would create a "safe harbor" for companies that suffer data breaches contingent upon those companies having safeguards in place to render the lost data unusable by hackers.

This proposal would require a robust data security standard, perhaps FIPS-140 or a version of it, as well as a certification process to ensure compliance. Could NIST leverage existing standards like FIPS-140 for use by private sector companies?

Answer. NIST recognizes the value to non-Federal organizations that is provided by many of its cybersecurity publications. The current FIPS 140-2 cryptographic standard is also an ISO international standard suitable for reference by both public sector and private sector organizations. We are prepared to support leveraging our Federal standards and guidelines to meet private sector needs.

FIPS 140-2 itself addresses only the cryptographic element of cybersecurity. NIST has published a broad range of standards and guidelines for both cryptographic and non-cryptographic controls but currently has security validation programs for only the cryptographic controls.

Question 3a. Does NIST currently have the capability to analyze and certify technologies and methodologies used in the private sector for rendering personally identifiable information and other sensitive materials unusable by potential hackers?

Answer. NIST has the technical expertise to do so. However, outside the realm of cryptography, NIST does not have authority to analyze and certify technologies and methodologies used in the private sector for rendering personally identifiable information and other sensitive materials unusable by potential hackers.

Question 3b. Would certifying IT products and services provided by private companies be an appropriate role for NIST?

Answer. Certification of products and services is an effective way to demonstrate compliance with specific standards, and may be an effective approach for computer security standards. While this issue is under active discussion, to date, NIST has not provided this type of service for IT products or services. One important consideration is the rapid pace of technology change in this sector. It is difficult to envision how NIST would itself be able to scale up to provide services in a timely and comprehensive way. In other areas, NIST works closely with private sector testing laboratories and certifiers to provide this type of service. This role may be the most

effective way to leverage NIST's unique expertise to support any certification program.

*Question 3c.* If not, where should such certification take place?

Answer. NIST will continue to catalyze and coordinate the development of private sector testing, inspection and certification programs to address the needs and scale of business based on appropriate demand.

*Question 4.* The United States follows a sector-based approach to voluntary standardization activities as outlined in the United States Standards Strategy. NIST experts actively participate in standardization activities. Their participation is critical to the success of America's public-private partnership approach to standardization.

Under your leadership, how will NIST continue its involvement in the U.S. voluntary standards system to best serve the needs of government, the private sector, and general public?

Answer. NIST will continue to provide strong technical input into standards that support global trade, innovation and competitiveness. We will also continue to work to ensure good U.S. Input for standards used worldwide. NIST will work to catalyze and coordinate the development of private sector testing, inspection and certification programs to address the needs and scale of business based on appropriate demand.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO  
DR. PATRICK GALLAGHER

*Question 1.* This Committee has long enjoyed a close and productive working relationship with the agencies within its jurisdiction. We rely on the legal and technical expertise of agency staff when developing or reviewing proposed legislation. Can all members of the Committee, and the staff on their behalf, count on this cooperative relationship continuing?

Answer. Absolutely, Senator Hutchison. If confirmed, I look forward to working collaboratively and cooperatively with you, members of the Committee, and their staffs.

*Question 2.* NIST recently released a draft report on the Dallas Cowboys practice facility collapse. As you know, this structure failed after a violent storm common to Texas and other areas of the Gulf Coast. Could you briefly summarize what knowledge was gained through this investigation and also tell the committee how that knowledge will translate into safer buildings and safer building standards for the general public?

Answer. Our study found that the facility collapsed under wind conditions that a building of this type would be expected to withstand.

The NIST researchers who carried out this study recommended that fabric-covered structures like this be re-evaluated to ensure that the structural framing system will hold up during such storms.

They noted that a building of this type should be expected to withstand winds of 90 miles an hour, while they found that the winds in the vicinity of the Cowboys facility on the day it collapsed were in the range of 55 to 65 miles per hour—well below the 90 mph design wind speed specified in the ASCE 7 Standard.

To protect the public in the future, the study team highlighted specific design assumptions that should be carefully addressed.

NIST's role is to study the incident and provide good science to policymakers and others who can use that information to make their decisions.

Also, both the ICC and American Society of Civil Engineers/Structural Engineering Institute have expressed interest in having technical briefings on the findings of the study.

*Question 3.* What is NIST's long-range plan for oversight and reporting to the public of the use of \$610 million the agency received through the American Recovery and Reinvestment Act? What internal controls are currently in place and what additional measures have been taken to ensure that stimulus money is being used for activities that will help grow the economy rather than programs and activities that do not directly influence the economic recovery?

Answer. NIST has established an ARRA Project Management Program, a Program Management Office, an ARRA Performance and Risk Management Committee, and an ARRA Executive Steering Committee to provide structure and oversight to the planning, execution, and reporting of ARRA funding for as long as NIST is dealing with ARRA funds. For each ARRA project an Action Plan has been developed including specific Milestones, Tasks, Issues, and Risks. Each project has an assigned owner. Project plans are updated monthly and reviewed for performance, issues, and

risks. Weekly spending reports are provided to senior leadership and tracked as compared to plans.

For ARRA funding provided for non-NIST, external entities (*e.g.*, grants), NIST has developed criteria that will be used to ensure activities will help grow the economy while promoting long-term measurement science. For internally funded projects NIST has directed funding to activities that will help drive both objectives of economic recovery and enhanced scientific measurement through the specific selection of scientific equipment and construction projects. The programs structure and activities cited in the first half of this question will ensure that the actual expenditure of funds is consistent with the plans for which the funding was provided. We also have the added benefit of oversight at the Commerce Department level, via ARRA auditing programs established by the department's Inspector General.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. OLYMPIA J. SNOWE TO  
DR. PATRICK GALLAGHER

*Question.* The Manufacturing Extension Partnership (MEP) is an impressive program at the National Institute of Standards and Technology (NIST) that assists small- and medium-sized manufacturers with technical assistance projects, training, and long-term strategic support.

In my home state of Maine, over the past twelve months, the MEP has directly created or retained over 500 jobs, while increasing or retaining \$73.4 million in sales.

Unfortunately the previous Administration attempted to kill the MEP program, by recommending a paltry \$4 million for the MEP in its FY2008 budget request. That, of course, was unacceptable. Senator Lieberman and I, in our capacities as Co-Chairs of the Senate Task Force on Manufacturing, have for years led the Senate efforts to secure proper MEP funding and are pleased that President Obama requested, and the Senate and House Appropriators provided, \$124.7 million for the program for Fiscal Year 2010.

While \$124.7 million for the MEP for Fiscal Year 2010 is a welcome step in the right direction, more remains to be done. In fact, repeatedly during his campaign, the President advocated for ultimately doubling MEP funding. Will you continue to advocate for increasing the MEP's budget in future Fiscal Years?

Additionally, how will you raise the visibility of the MEP to ensure that this crucial program thrives, so that small- and medium-sized manufacturers can help fuel our economic recovery?

*Answer.* I fully support the President's vision for the MEP program, which includes a doubling of funding for this program. MEP plays a critical role in driving innovation and creating an environment in which small and medium sized businesses can grow and thrive in a global economy. MEP's partnerships at the Federal, State and local level are crucial for the success of the program, and we value our partners. The MEP Center network is a powerful force to drive the innovation economy, and if confirmed, I am committed to working to strengthen the MEP network to provide the tools, services, and partnerships to foster the global competitiveness and profitability of U.S. manufacturers.

---

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAVID VITTER TO  
DR. PATRICK GALLAGHER

*Question 1.* What role do you foresee for NIST in revitalizing American manufacturing and productivity?

*Answer.* Revitalizing American manufacturing depends upon fostering an environment in which firms can innovate to adapt to economic and technological changes. NIST, through the MEP program, is committed to providing the tools and services needed by U.S. manufacturers to allow them to weather the current economic uncertainties and be positioned to take advantage of future opportunities. Specifically, the NIST/MEP network works with companies to build a strong foundation through continuous improvement to foster productivity and efficiencies while developing and identifying opportunities to diversify into new markets, create new sales, and adopt technologies to build global competitive advantages. NIST/MEP will continue to develop and expand the tools, services, and partnerships necessary to foster a revitalized U.S. manufacturing industry.

*Question 2.* The process of transitioning from the laboratory to the factory is often difficult and time-consuming. How can NIST better leverage the Manufacturing Ex-

tension Partnership to transition leading edge innovations rather than focusing on incremental improvements?

Answer. As part of the MEP Next Generation strategic plan, the program has outlined a framework of four interdependent areas that are key for manufacturers' growth and global competitiveness. The framework includes continuous improvement activities necessary for a strong and stable foundation along with identifying and implementing opportunities focused in the areas of:

- supplier development,
- environmental sustainability,
- technology acceleration, and
- workforce.

NIST/MEP will work strategically with companies coordinating activities and opportunities across these areas to provide an environment for firms to create new sales, enter new markets, and adopt new technologies to build a competitive advantage globally.

NIST/MEP is actively working to support the acceleration of technology into new manufactured products, processes and services. NIST/MEP has been working with university and Federal research facilities—including the NIST Labs—in the development of new programs and services focused on transforming technologies from the research into the marketplace.

NIST/MEP has held workshops with researchers in universities and Federal labs to identify opportunities for manufacturers in terms of both the adoption of new technologies into existing products and processes as well as opportunities for the development of completely new product ideas. The translated technologies are key elements in the recently launched National Innovation Marketplace (NIM) ([www.usainnovation.org](http://www.usainnovation.org)).

The NIM connects manufacturers to technology and business opportunities by facilitating connections between original equipment manufacturers (OEMs) and potential suppliers, encouraging technology translation and adoption, and estimating business growth potential.

NIST/MEP and its nationwide network of MEP centers and partners will use NIM as a clearinghouse for building technology-based supplier networks. While still in the development stage, a fully implemented NIM combined with the NIST/MEP network of thousands of innovation experts will support manufacturers efforts to connect with opportunities and access a range of product development and commercialization assistance services to help rapidly move ideas from concept to investment, manufacturing, commercialization and distribution.

We are pleased to have high-level support for these activities within the Commerce Department. Secretary Locke, I know, has personally lent his support to successfully launching NIM.

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October 13, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators:

As the Fire Chief of the Los Angeles Fire Department, I submit this letter to serve as my formal recommendation for Mr. Errol G. Southers to the position of Assistant Secretary for the Transportation Security Administration (TSA), in the Department of Homeland Security.

Mr. Southers has been a tremendous asset to our City and contemporary subject matter expert for our Department's Homeland Security Division. I have known Mr. Southers for over 5 years and most recently worked directly with him on several high-level public safety projects at the Los Angeles World Airport. Through his leadership and commitment to excellence, he has improved the safety and security at one of the world's busiest and complex airports. He has consistently demonstrated a strong work ethic and a dedication to success.

I feel that Mr. Southers' over thirty years of public safety and executive level leadership will serve him well in his position at the Department of Homeland Security. His education, background, and experience will provide tremendous value to our Country and the communities we serve. For these reasons, I highly recommend Mr. Erroll G. Southers for the position of Assistant Secretary for the Transportation Security Administration (TSA), in the Department of Homeland Security.

If you have any questions regarding Mr. Southers or this recommendation, please contact me at (213) 473-9989.

Sincerely,

MILLAGE PEAKS  
Fire Chief



October 2, 2009

The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Hutchison:

It is my honor to write this letter of recommendation for Erroll Southers, the President's nominee for the Assistant Secretary of Homeland Security for the Transportation Security Administration (TSA). For the reasons detailed below, I believe Chief Southers is the ideal choice for the job.

I came to know Chief Southers a little more than a year ago when I organized a roundtable discussion in Los Angeles among federal, state, and local governmental, private sector, and think tank/academic officials, stakeholders, and experts on that city's preparedness for terrorism. On the panel on aviation security there, I wanted to complement the presentation by the Federal Security Director at LAX with one from the top law enforcement officer for the airport. Chief Southers was recommended to me in the highest terms by the co-host of the roundtable, Detlof von Winterfeldt, the Director of the local think tank, the Center for Risk and Economic Analysis of Terrorism Events (CREATE), pointing out that the Chief also served as the Associate Director of CREATE. I was especially eager to hear from both a top law enforcement officer and a policy expert in the field of counterterrorism. The Chief more than lived up to his billing, providing an enthralling presentation that showed the depth and breadth of both his policy expertise and his on-the-ground, frontline, counterterrorism bona fides.

The Chief has been instrumental in making LAX an exemplary airport in terms of aviation security. Thanks in large part to his efforts, the airport has the largest police force of any airport in the country, some 400 officers, 75 of whom are devoted exclusively to counterterrorism. He played a key role in instituting the ARMOR (Assisted Randomized Monitoring Over Routes) program. Checkpoints are randomly set up around the LAX perimeter. Officers, bomb-sniffing dogs, and Behavior Detection Officers staff the checkpoints. To preserve the element of surprise, assignments are given out only the night before. As a result, potential terrorists who might case the airport are likely deterred by concluding that the risk of a thwarted plot is unacceptably high.

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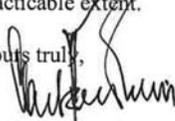


Commendable, too, is the Chief's aggressive international outreach. It is but a small stretch to say that he is as well known in the counterterrorism circles of Tel Aviv and London as he is in those of Los Angeles and Washington. To his great credit, he has sought and cultivated contacts around the world, and especially in Israel and Britain, that have already proved their worth in terms of cementing and furthering the kinds of international cooperation that is key to an effective counterterrorism strategy.

His on the ground experience in a top terror target like Los Angeles, coupled with his considerable policy expertise in the field of aviation security in particular and counterterrorism in general, serve to make him ideally suited for the job of TSA Administrator.

As if this were not enough, my sense of the Chief is also that he is a person of extraordinary character. He is unfailingly gracious and polite, and he is a good listener. My perception of his management style is that he leads by example rather than intimidation, treating everyone, irrespective of station, with respect. I am confident that he will get the best from the ever-beleaguered TSA workforce, to the benefit of the traveling public. In short, then, I give Chief Southers my highest recommendation, and I hope very much that he will be swiftly confirmed so that he can get to work as close to immediately as possible to further the work of his predecessors in securing the critically important aviation sector to the maximum practicable extent.

Yours truly,



Clark Kent Ervin  
Director, Homeland Security Program  
The Aspen Institute  
(202) 736-1494  
Clark.ervin@aspennst.org

October 14, 2009

The Honorable Jay Rockefeller, Chairman  
The Honorable Kay Bailey Hutchison, Ranking Member  
U.S. Senate Committee on Commerce, Science & Transportation  
531 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators Rockefeller and Hutchison:

My name is Donovan J. Leighton. I served with the Federal Bureau of Investigation (FBI) as a Special Agent and Supervisory Special Agent for 31 years, retiring on June 30, 2009. Between September 11, 2001 and June 30, 2009, I was substantially involved in counterterrorism operations targeting Al Qa'ida and its affiliated organizations while assigned to the FBI's Office of International Operations and Counterterrorism Division. Before retiring I had the opportunity to be instrumental in the apprehension of Al Qa'ida-affiliated killers responsible for the murder of a USAID official at Khartoum, Sudan on January 1, 2008.

I was fortunate to recruit Mr. Erroll Southers into the FBI in the 1980s when he was still an up-and-coming officer of the Santa Monica Police Department. Since that time I have tracked his career from new FBI Special Agent (where he demonstrated courage in addressing prison riots in the Bureau of Prisons system), to private security executive, to California Homeland Security official, to Adjunct Professor at University of Southern California's Center for Risk and Economic Analysis of Terrorism Events, and, finally, to his current position as Assistant Chief of the Los Angeles World Airports Police Department.

I am very confident in stating that Mr. Southers' experience and performance in the above described positions make him uniquely and superbly qualified to take command of the Transportation Security Administration (TSA). This is particularly so as it comes at a time when Al-Qa'ida is desperate to show its continuing viability through execution of a catastrophic attack and is demonstrating significant innovation and adaptability as seen in the recent attack on the Saudi Minister of Interior.

I am a believer in General Stanley McChrystal's counter-terrorism doctrine which includes the proposition that "It takes a network to defeat." By virtue of his experience and performance at the municipal, state, federal level as well as the private sector, Mr. Southers is particularly well-positioned to optimally contribute to the U.S. interagency in collaboration with partners at all levels in securing the nation's critical transportation nodes against terrorist attack.

It is therefore without reservation that I recommend Mr. Southers for appointment as TSA Director.

Sincerely yours,



Donovan J. Leighton



October 6, 2009

The Honorable John D. Rockefeller IV  
 The Honorable Kay Bailey Hutchison  
 Senate Committee on Commerce, Science and Transportation  
 508 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Senators Rockefeller and Hutchison:

Computer Science  
Department*Subject: Letter for Support for Mr. Erroll Southers*

This letter expresses my strongest possible support for the nomination of Mr. Erroll Southers to the position of Assistant Secretary for the Transportation Security Administration (TSA). I have been very fortunate to have known Erroll for the past several years as a research collaborator and fellow faculty member at the University of Southern California, as well as in his capacities as the associate director of CREATE (an interdisciplinary national research center based at the University of Southern California and funded by the U.S. Department of Homeland Security) and as assistant chief of police at the Los Angeles World Airports (LAWA).

I have been most impressed with Erroll's dynamic leadership at CREATE and with LAWA police, his exceptional expertise in the area of counter-terrorism and above all his absolutely extraordinary vision for improving the security of our nation. Erroll has initiated an unprecedented partnership between academia and the operational world, leveraging the investment DHS has made in research centers of excellence towards the security of our nation in the most innovative fashion. Just as one example, Erroll initiated a ground-breaking inter-disciplinary partnership between LAWA and CREATE, putting into practice the latest academic research via ARMOR, a software program that intelligently randomizes checkpoints and canine patrols at the Los Angeles International Airport (LAX). ARMOR has been tremendously successful in its operations at LAX since 2007, stopping a large number of weapons and drugs from entering LAX. Erroll also initiated the highly successful executive program on counter-terrorism at CREATE. These are but two examples of the many bold interdisciplinary projects Erroll has initiated, inspiring students and faculty at USC to contribute to homeland security.

I am completely convinced that with Erroll's vision and leadership, TSA will enter a new era of intelligent and public-friendly security, where the latest science and technology will wisely be deployed towards our transportation security, where the traveling public will be made full partners of the security process and where other nations will look to ours as a model of transportation security.

Sincerely,

*Milind Tambe 10/7/09*  
 Milind Tambe  
 Professor, Computer Science Department  
 University of Southern California  
 3737 Watt Way, Los Angeles, CA 90089

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SCOTT M. GORDON  
COURT COMMISSIONER

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TELEPHONE  
(213) 974-1234

September 28, 2009

The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

**RE: CHIEF ERROLL G. SOUTHERS**

Dear Senator Bailey Hutchison:

I am thrilled and honored to commend Chief Erroll G. Southers to you for appointment as the Assistant Secretary for the Transportation Safety Administration of the United States. I have had the pleasure of writing many letters of recommendation throughout my career in public service and education, but this is the one that I write with the greatest enthusiasm and least reservation.

I first met Chief Southers almost thirty years ago when we served as uniformed police officers for the Santa Monica Police Department in California. Erroll was, and remains, an outstanding law enforcement officer. He approached his duties with enthusiasm, dedication, fairness, knowledge and compassion. During his tenure as a Santa Monica Police Officer he built a reputation for honesty and dedication.

When I left the police department after graduation from law school, Erroll became a Special Agent with the Federal Bureau of Investigation. As I am sure you know, during his career with the FBI, Erroll distinguished himself by tackling the most challenging assignments and job positions.

After leaving the FBI, Erroll has built an international reputation as an expert in issues of homeland security, terrorism and infrastructure protection. He has

The Honorable Kay Bailey Hutchison  
Page 2

become a national voice in the area of homeland security and terrorism research and education through his work at the University of Southern California.

But, I am sure that you are well aware of Erroll's amazing resume and career accomplishments. I have also known Erroll for three decades as a friend and colleague. I have turned to him in times of triumph and times of challenge. He is and was always there--strong, wise and understanding.

When my son told me that he wanted to pursue a career in public service and asked me who he should talk to, the first person I directed him to was Erroll.

Probably the greatest compliment I can pay Chief Southers is that he has become a mentor and role model for my son.

At a time when our nation is dealing with many challenges, we need to bring our best and brightest into public service. Erroll is among the best we have to offer. I am honored to be counted among those who support this important appointment.

Thank you for any consideration you can give this correspondence. If I can provide any further information please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott M. Gordon', with a long horizontal line extending to the right.

SCOTT M. GORDON  
Court Commissioner

## UCLA SCHOOL OF PUBLIC AFFAIRS

Department of Public Policy

BARBARA J. NELSON

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October 7, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510**RE: Letter of Support for Errol Southers**

Dear Senator Rockefeller and Senator Hutchison:

It is my pleasure to write in support of the confirmation of **Erroll Southers** for the position of Assistant Secretary for the Transportation Security Administration (TSA), in the Department of Homeland Security. I strongly support Mr. Southers' appointment to this new position. He is a world-renowned expert on fixed site security, has outstanding abilities to work across party lines, is an accomplished and respected institution builder and leader, and is a person of great patriotism, honor, and discretion.

I have known Mr. Southers for five years. During most of this time I was the Dean of the UCLA School of Public Affairs, where I recruited him to be a Senior Fellow in 2005-06. The Senior Fellowship program brings policy leaders and executives from the public, private, and nonprofit sectors from all political persuasions and substantive areas of expertise to participate as reflective practitioners in the community of scholars and students.

For five years Mr. Southers has been a very active participant in public programs on security, as well as a successful and sought after mentor by our students. His first program participation at UCLA was a 2004 public conference on "*Homeland Security: Intelligence and Investment at the Federal, State, and Local Levels*" when he was Deputy Director, California Department of Homeland Security, appointed by California Governor Arnold Schwarzenegger. As a result of his sterling participation, Mr. Southers was invited to be a Senior Fellow in 2005-06, where he gave a major address on "*California Counter-Terrorism UNCLASSIFIED: Everything You Thought You Heard on CNN, but Didn't.*" This speech was part of a series on National and Human Security Worldwide, where Mr. Southers also participated in the Dean's Policy Circle discussion of the speeches by Representative Jane Harman (D, CA) and the Rt. Hon. Paul Murphy (Labour, Torfaen, Wales), Chair of the British Intelligence and Security Committee, on "*Legislatures and Terrorism: American and British Views.*"

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Homeland Security and Governmental Affairs  
Page 2

In 2007, now the Chief of Homeland Security and Intelligence for the Los Angeles World Airports Police Department, Erroll Southers led a session on "*The Elements of Decision Making*" with Professor Amy Zegart at the executive education program "*The Art of Strategic Leadership*" for the American Council of Young Political Leaders. In 2009, Mr. Southers participated in an invitation only meeting on leadership at the Harvard Kennedy School, where I was on sabbatical, which, among other topics, developed the strategic directions of The Concord Project. During these years, Mr. Southers also arranged for many of our professional masters students to attend security conferences, apply for summer internships in security policy at LAX, and take behind the scenes security tours of the airport.

I mention Mr. Southers' participation with the UCLA School of Public Affairs in detail because, through participating in these programs with him, I have come to understand in depth his professional and political skills. As his appointments show, he has the confidence of elected officials of both parties, is sought after for his security expertise in many countries, leads by building learning institutions, and follows through on his commitments with energy and attentiveness, regardless of a rigorous work schedule. He has led large, complex organizations with imagination and efficiency and has added permanent value to the structure and operations of every institution with which he has been associated. Erroll Southers has an understanding of the real and pressing threats facing the nation and a deep commitment to democratic security.

One of the great strengths of American democracy is that each president recruits a wide variety of people to serve in the executive branch, bringing new strengths to policy making. The country will be excellently served by the leadership and expertise of Mr. Erroll Southers as Assistant Secretary for the Transportation Security Administration (TSA), in the Department of Homeland Security.

Sincerely yours,



Barbara J. Nelson  
UCLA Professor of Public Policy  
Dean Emerita, UCLA School of Public Affairs



October 9, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators Rockefeller and Hutchison,

It is with both great privilege and honor that I write this letter of recommendation for Chief Erroll Southers in his nomination to be Assistant Secretary for the Transportation Security Administration (TSA), in the Department of Homeland Security.

While greatness is always in short supply, it is truly rare to find an individual like Chief Southers who so gracefully and unselfconsciously combines both spectacular professionalism with genuine personal goodness.

Chief Southers' resume speaks for itself. He is the consummate agent and analyst, instructor and manager and someone who is both trusted and sought after by officials at all level of government. After more than 30 years in the field, he has earned the respect of security experts across America and in countries around the globe.

The talents and experience of Chief Southers are quite obvious even just from reading his resume. What can not be delineated or quantified on a curriculum vitae are character traits. He is humble, thoughtful, creative and clever. He shares credit as easily as he shares his own ideas. The Chief is held in the highest esteem by everyone - junior staff members, his colleagues and superiors. This is in part because Chief Southers is someone from whom everyone has something to learn, and in larger part because he respects the views of all those around him, irrespective of title or jurisdiction.

Chief Southers lives in the most demanding of worlds, where mistakes are neither forgotten nor forgiven, and the consequences for bad judgment are severe. Nevertheless, countless Americans are safer as a result of someone they have never met, but to whom they, and we, owe a tremendous debt of gratitude.

I recommend Chief Southers with my highest praise and thanks.

Sincerely,

Elliot Brandt  
Western States Director  
AIPAC

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October 7, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science & Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Rockefeller and Ranking Member Hutchison:

It is with great pleasure that I write in support of the nomination of Chief Erroll Southers to be Assistant Secretary for the Transportation Security Administration. For more than 30 years, former FBI Special Agent has managed public safety organizations at every level of government.

Most important to my Congressional District in Southern California is Southers' role as Chief of Homeland Security and Intelligence for the Los Angeles World Airports Police Department – the nation's largest airport law enforcement agency and responsible for securing the biggest terror target on the West Coast. Southers also serves as Associate Director for Special Programs at the National Homeland Security Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California (USC). CREATE is a DHS Center of Excellence that consistently produces critical security analysis and proposed solutions.

As an Adjunct Professor of Homeland Security and Public Policy at CREATE, the Chief developed USC's Executive Program in Counter-Terrorism and is responsible for implementing of several homeland security programs developed by CREATE, including a program to randomize vehicle security.

Chief Southers' broad experience and expertise will service him well as the leader of the Transportation Security Administration – a role that requires strategic vision and an ability to create and implement policies that maintain an efficient transportation system while protecting American lives. I believe Erroll Southers is uniquely qualified for this post.

Regards,

RESPOND TO:

EL SEGUNDO:  
 2221 ROSCRANS AVENUE  
SUITE 2270  
EL SEGUNDO, CA 90245  
PHONE: (310) 643-3636  
FAX: (310) 643-6445

WASHINGTON, DC:  
 2400 RAYBURN HOUSE OFFICE BUILDING  
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SUITE 207  
WILMINGTON, CA 90744  
PHONE: (310) 549-8262  
FAX: (310) 549-8260

Website: [www.house.gov/harman](http://www.house.gov/harman)  
PRINTED ON RECYCLED PAPER



LEROY D. BACA, SHERIFF

County of Los Angeles  
Sheriff's Department Headquarters  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169



October 5, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
United States Senate Committee on  
Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators Rockefeller and Hutchison:

**SUPPORT OF APPOINTMENT FOR ERROLL G. SOUTHERS  
TO THE POSITION OF  
ASSISTANT SECRETARY OF THE  
TRANSPORTATION SECURITY ADMINISTRATION**

I am writing this letter in support of Chief Erroll G. Southers, whom I have known for several years. Erroll is a well-respected professional in the law enforcement community and a world-renowned leader in matters associated with homeland security and terrorism.

For more than 30 years, former FBI Special Agent Erroll Southers has managed public safety organizations at every level of government, consulted and lectured throughout the United States, Canada, Great Britain, Israel and more recently China, when he was the first American invited to assess the terrorism countermeasures for the 2008 Beijing Olympics. He served as an advisor to President Obama's Homeland Security Policy Group during the campaign and Governor Schwarzenegger's appointee to Deputy Director for Critical Infrastructure in the California Office of Homeland Security. Erroll has testified before the full Congressional Committee on Homeland Security and lectures at the Joint Chiefs of Staff Level IV Antiterrorism Seminars. Chief Southers is the Chief of Homeland Security and Intelligence for the Los Angeles World Airports Police Department, the nation's largest airport law enforcement agency and the Associate Director for Special Programs at the National Homeland Security Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California (USC).

*A Tradition of Service*

He is an Adjunct Professor of Homeland Security and Public Policy and developed the USC Executive Program in Counter-Terrorism. Chief Southers is responsible for the implementation of several interdisciplinary, homeland security programs, including ARMOR (Assistant Randomized Motoring Over Routes), a game-theory, randomization algorithm, used to deploy counter-terrorism resources at LAX. Erroll earned his Bachelor of Arts degree at Brown University and his Master of Public Administration in the USC School of Policy, Planning and Development, where he is a doctoral candidate. He is a Senior Fellow of the UCLA School of Public Affairs.

It is my view that Erroll has the professional and intellectual attributes to effectively carry out the duties and responsibilities associated with the position of Assistant Secretary for the Transportation Security Administration. Given his extensive background, practical experience, and commitment to United States, I can strongly recommend his consideration for appointment. Should you require additional information, please do not hesitate to call me at (323) 526-5000.

Sincerely,



LERROY D. BACA  
SHERIFF



*U.S. Department of Homeland Security  
Center of Excellence*

October 5, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

**CREATE**

Homeland Security  
Center for Risk and  
Economic Analysis of  
Terrorism Events

Dear Senator Rockefeller & Senator Hutchison,

On behalf of the National Center for Risk and Economic Analysis of Terrorism Events (CREATE), it is with great sincerity and conviction that I offer my strong support of Mr. Erroll Southers for the position of Administrator of the Transportation Security Administration (TSA).

As Associate Director for Special Programs, Mr. Southers has been an essential member of our team at CREATE, the first university Center of Excellence established by U.S. Department of Homeland Security. For more than three years, our research center has been strongly impacted by the many positive contributions of Mr. Southers in the areas of homeland security research and education.

Mr. Southers has been successful in helping CREATE discover real-world applications for our research in order to achieve homeland security solutions. For example, he is responsible for the implementation of several interdisciplinary homeland security programs, including ARMOR (Assistant Randomized Motoring Over Routes), a game-theory, randomization algorithm, used to deploy counter-terrorism resources at the Los Angeles International Airport and the Federal Air Marshals. As well, Mr. Southers has made great strides in the area of homeland security education, an emerging field now enhanced by his contributions. It was Mr. Southers' pioneering vision and dedication that created one of our most successful professional programs for homeland security practitioners, the Executive Program in Counter-Terrorism. Mr. Southers also has been teaching graduate students at the University of Southern California about terrorism as an Adjunct Professor of Homeland Security and Public Policy.

Erroll Southers has already earned steadfast support from the U.S. Department of Homeland Security Secretary Janet Napolitano, who asserted that his expertise in counterterrorism and airport security will be a great asset to the Department in our efforts to ensure the safety of the nation's transportation systems. I and my colleagues at CREATE wholeheartedly agree and believe Mr. Southers is capable of making great strides in the area of transportation security and shows tremendous potential to transform the TSA in meaningful ways.

Mr. Southers is one of the brightest, most energetic and charismatic professionals I have had the pleasure of working with. A leader in the homeland security community for many years, Mr. Southers is widely respected by his peers across the nation. His innovative approach to homeland security solutions combined with impeccable character and drive make him an outstanding nominee.

Sincerely,

Stephen C. Hora  
Director, CREATE

University of  
Southern California  
3710 McClintock Avenue  
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Los Angeles,  
California 90089-2902  
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19433 Mill Dam Place  
Leesburg, VA 20176  
6 October 2009

Honorable John D. Rockefeller  
Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Honorable Sir and Madam,

I would like to express my whole hearted support and endorsement for the appointment of Mr. Erroll G. Southers as a nominee for the position of Assistant Secretary for the Transportation Security Administration. Mr. Southers' career path has continuously intersected many, if not most, of the major conditions that would constitute the ideal candidate for a senior position within the Department of Homeland Security and, particularly, for the position as the Assistant Secretary for the Transportation Security Department. Those qualifications are: (1). Someone with recent and senior level experience in the area for which he is being nominated (Current Chief of Homeland Security and Intelligence for the Los Angeles World Wide Airports Police Department); (2). Someone with previous experience working inside the Federal establishment ( A former Special Agent with the Federal Bureau of Investigation); (3). Someone with a solid understanding of State and Local government and State and Local perspectives (Former Local Police Officer in Santa Monica, CA; Associate Director for Special Programs at the National Homeland Security Center for Risk and Economic Analysis; and former CA Deputy Director for Critical Infrastructure in the California Office of Homeland Security); (4). Someone who has had continuous and direct knowledge of terrorist tactics and techniques and direct access to current intelligence products at the Top Secret Level (Current Adjunct Professor for Homeland Security and Public Policy and responsible for developing the USC Executive Program in Counter-Terrorism, the first American invited to assess the terrorism countermeasures for the 2008 Beijing Olympics and current access to TS information concerning threats to critical infrastructure); and (5). Someone with the leadership experience and higher education required to perform at the Assistant Secretary level of the Federal Government (Leadership experience in the FBI, as a Deputy Chief and in his current Chief's position and his undergraduate degree from Brown University, Masters from USC, Doctoral candidate at USC, Senior Fellow at UCLA School of Public Affairs).

In addition to all the qualifications previously mentioned, Mr. Southers not only is a recognized Local, State and National figure in the protection of critical infrastructure, he is also recognized internationally as a terrorist expert, has been a respected lecturer for senior military officers (Joint Chiefs of Staff) and has previous experience testifying before Congress.

Mr. Southers current position at LAX means he could not be a more up to date, informed and ideal candidate as he deals first hand with the daily issues confronting the people, protective measures and policies that affect a large sector of TSA's critical

infrastructure responsibilities. His superb performance in handling these tough issues, and his relaxed and engaging demeanor, confident approach to problem solving and clear and articulate guidance in problem resolution, make him an ideal candidate to fill the Transportation Administration's Chief position. I am confident that Mr. Southers will prove to be the most informed and capable leader, to date, in TSA's short but tumultuous history; bring notable innovation and substantive changes to national security measures; and prove to be an exceptional leader to the tens of thousands of employees within that agency.

Respectfully Submitted,

Matthew E Broderick  
Brigadier General (Ret) USMC  
Former Director of Operations for the Department of Homeland Security

October 5, 2009

The Honorable John D. Rockefeller IV  
The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science and Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Rockefeller and Senator Hutchison:

The purpose of this letter is to respectfully express my strong support for the appointment of Mr. Erroll Southers to the position of Assistant Secretary for the Transportation Security Administration.

I have had the pleasure of knowing Mr. Southers, both professionally and personally, for the past 5 years. He is a man of unquestioned integrity who for the past 30 years has dedicated his life to public service.

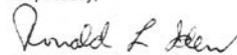
Shortly after I was asked by California Governor Arnold Schwarzenegger to serve as his Director of the California Office of Homeland Security, I secured Erroll's appointment by the Governor as my Deputy Director. Erroll's strong experience in managing public safety organizations at various levels of government, in addition to leading private sector security teams, coupled with his unparalleled ability to develop and nurture collaborative relationships, served the Governor and the people of California well.

I am also aware of Erroll's recent accomplishments as Chief of Homeland Security and Intelligence for the Los Angeles World Airports Police Department. His vision and innovative approaches to addressing the significant challenges of securing LAX have been truly impressive.

Erroll has distinguished himself throughout his illustrious career as a courageous innovator, an effective collaborator and a respected leader. My hope is that his next challenge will be to serve our country in this critically important position.

If I can be of any further assistance to you in your consideration of Mr. Souther's nomination, please do not hesitate to contact me. Thank you.

Respectfully,



Ronald L. Iden  
Senior Vice President  
Chief Security Officer  
The Walt Disney Company  
(818) 560-6500 office  
(818) 919-3707 cell



Los Angeles World Airports

September 28, 2009

The Honorable Kay Bailey Hutchison, Co-Chair  
Senate Committee on Commerce, Science & Transportation  
508 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Bailey Hutchison:

My name is James T. Butts, Jr., I am a 37 year veteran of law enforcement. I am the former Chief of Police for 15 years of the Santa Monica Police Department and currently serve as the Deputy Executive Director for Public Safety of Los Angeles World Airports which includes Los Angeles International (LAX).

LAX  
LA/Ontario  
Van Nuys  
City of Los Angeles  
Antonio R. Villaragosa  
Mayor  
Board of Airport  
Commissioners  
Alan I. Rothenberg  
President  
Valeria C. Volasco  
Vice President  
Joseph A. Arends  
Michael A. Larsson  
Sam Hazzard  
Fernando M. Torres-Gil  
Walter Zifkin  
Gina Marie Lindsey  
Executive Director

I have known Erroll Southers for the past 18 years and monitored his growth and ascension as one of the preeminent authorities on terrorism and terrorism countermeasures on a national and international level. When I took command of security at LAX, both the security infrastructure and intelligence connectivity were inconsistent with a location that has been identified as one of the most desirable terrorist targets on the west coast of the United States. LAX has been the subject of terrorism acts six times in the past 2-1/2 decades. When I was tapped by LAWA, I assembled a team of law enforcement, traffic control and security specialists to overhaul the public safety capacity of the airport system. My pick for my first Assistant Chief of Homeland Security and Intelligence was easy; it was Erroll Southers, a former FBI SWAT agent and Deputy Director for Critical Infrastructure in the California Office of Homeland Security.

I knew of his background as an Associate Director for Special Programs at the National Homeland Security Center for Risk and Economic Analysis of Terrorism Events (CREATE) at USC. He also serves that institution as an Adjunct Professor of Homeland Security and Public Policy where he developed the USC Executive Program in Counter-Terrorism. The respect of the intelligence community for Chief Southers immediately removed connectivity barriers and reservations regarding the credibility and professionalism of the Airport Police Division at LAWA.

As I made plans for the overhaul and upgrading of the physical security and technological situational awareness capacities of LAX, Erroll Southers was my chief advisor in the realm of intelligence situational awareness. His work at LAWA resulted in hi being the first American invited to assess terrorism countermeasures for the 2008 Beijing Olympics. He has testified before the full Congressional Committee on Homeland Security and has been invited to lecture before the Joint Chiefs of Staff at their Level IV Antiterrorism Seminars.

Chief Southers was instrumental in the implementation of several interdisciplinary, homeland security program here at LAX, including ARMOR (Assistant Randomized Motoring Over Routes), a game-theory, randomization algorithm,

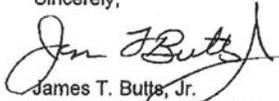


The Honorable Kay Bailey Hutchison  
Senate Committee on Commerce, Science & Transportation  
September 28, 2009  
Page 2.

used to deploy counter-terrorism resources at LAX. We have become a security model of progressive, innovative, forward-thinking for CAT X airports across the country in large part due to the efforts of Erroll Southers.

I can think of no other person more qualified to assume responsibility for leading and developing the Transportation Security Administration into the next decade. Erroll Southers will serve our country well and assist the Secretary of DHS in keeping our transportation modalities secure.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Butts, Jr.", with a stylized flourish at the end.

James T. Butts, Jr.  
Deputy Executive Director  
Airport Law Enforcement & Protection Services

JTB:jko



October 14, 2009

School of Policy,  
Planning, and  
Development  
Jack H. Knott  
C. Erwin and  
Ione L. Piper Dean

Senator Joseph Lieberman  
Chairman of the U.S. Senate Homeland Security and Governmental Affairs  
Committee  
706 Hart Senate Office building  
Washington, D.C. 20510

Senator John D. Rockefeller IV  
Chairman of the U.S. Senate Commerce, Science, and Transportation  
Committee  
531 Hart Senate Office Building  
Washington, DC. 20510

RE: Erroll G. Southers

Dear Senators Lieberman and Rockefeller:

I am pleased to write this letter of recommendation on behalf Erroll G. Southers in support of his nomination for Assistant Secretary for the Transportation Security Administration (TSA). I have had an opportunity to work with Mr. Southers in a variety of capacities for over four years in my role as Dean of the School of Policy, Planning, and Development (SPPD) at the University of Southern California (USC). Let me take this opportunity to highlight some of his varied talents which demonstrate why I believe he is uniquely qualified to lead the TSA.

As a former FBI Agent for more than 30 years, Erroll Southers brings a unique combination of academic knowledge and operational methodology to his profession. He is widely-known throughout the world as an expert in the fields of terrorism, counter-terrorism and aviation security. He has consulted and lectured in the United States, Canada, Great Britain, and Israel. Most recently, he lectured in China, where he was the first American invited to assess the

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terrorism countermeasures for the 2008 Beijing Olympics. In addition, he has lectured at the Joint Chiefs of Staff Level IV antiterrorism seminars.

Erroll Southers has a proven record of effectively leading public safety organizations at every level of government. He served as an advisor to the Homeland Security Policy group during President Obama's electoral campaign and he was appointed by Governor Schwarzenegger as Deputy Director for Critical Infrastructure in the California Office of Homeland Security. He currently serves as the Chief of Homeland Security and Intelligence for the Los Angeles World Airports Police Department (LAWA), the nation's largest airport law enforcement agency.

At the University of Southern California, he serves as the Associate Director for Special Projects at the Center for Risk and Economic Analysis of Terrorism Events (CREATE), which is a Department of Homeland Security funded academic research center. In addition, he is an Adjunct Professor of Homeland Security and Public Policy in SPPD and is the director of the USC Executive Program in Counter-Terrorism.

Through his work with CREATE and LAWA, he has been responsible for the implementation of several interdisciplinary homeland security programs, including the Assistant Randomized Motoring Over Routes (ARMOR) program, a randomization algorithm used to deploy counter-terrorism resources at Los Angeles International Airport. He also implemented other pilot projects involving the testing of detection methodologies for peroxide-based explosives.

Erroll Southers earned his Bachelor of Arts degree at Brown University and his Master of Public Administration in the USC School of Policy, Planning, and Development, where his doctoral study focuses on "Social Network Analysis: Predictive Indicators of Homegrown Islamic Terror Cells." He is also a Senior Fellow in the School of Public Affairs at the University of California, Los Angeles

On a personal level, I have found Erroll Southers to be an outstanding human being. His greatest qualities are his integrity, character, and balance. He values serving others and believes in the promotion of fairness and justice, qualities which guide how he makes decisions. He has a curious mind and is always exploring new ideas and challenging the status quo. He sustains a high level of energy to achieve his goals and has a passion for his work. While he understands the challenges and rigors of his profession, he is a person who is committed to leaving the world a better and safer place.

Erroll Southers will bring extensive interdisciplinary experience and skill in public safety and homeland security to provide excellent leadership to protect America's highways, railroads, ports and mass transit systems. Therefore, I enthusiastically support Erroll Southers' nomination for Assistant Secretary for the Transportation Security Administration.

Sincerely,



Jack H. Knott, Ph.D.  
C. Erwin and Ione L. Piper Dean  
School of Policy, Planning and Development  
University of Southern California