

**NOMINATIONS TO THE DEPARTMENT
OF COMMERCE, THE DEPARTMENT
OF TRANSPORTATION AND THE
FEDERAL COMMUNICATIONS COMMISSION**

HEARING

BEFORE THE

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

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

MARCH 11, 2020

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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CONTENTS

Hearing held on March 11, 2020	Page 1
Statement of Senator Wicker	1
Statement of Senator Cantwell	2
Statement of Senator Fischer	48
Statement of Senator Tester	50
Statement of Senator Moran	52
Statement of Senator Sullivan	54
National Transportation Safety Board's Safety Recommendation Report ...	56

WITNESSES

Hon. Dr. Neil Jacobs, Nominee to be Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce	4
Prepared statement	5
Biographical information	7
Finch Fulton, Nominee for Assistant Secretary for Policy, U.S. Department of Transportation	21
Prepared statement	23
Biographical information	24
John Chase Johnson, Nominee to be Inspector General, Federal Communica- tions Commission	36
Prepared statement	37
Biographical information	38

APPENDIX

Response to written question submitted to Hon. Dr. Neil Jacobs by:	
Hon. Roger Wicker	65
Hon. Deb Fischer	65
Hon. Dan Sullivan	66
Hon. Maria Cantwell	68
Hon. Amy Klobuchar	70
Hon. Edward Markey	71
Hon. Brian Schatz	74
Hon. Richard Blumenthal	75
Response to written questions submitted to Finch Fulton by:	
Hon. Maria Cantwell	76
Hon. Amy Klobuchar	81
Hon. Richard Blumenthal	82
Hon. Edward Markey	84
Hon. Jon Tester	86
Response to written questions submitted to John Chase Johnson by:	
Hon. Maria Cantwell	87
Hon. Amy Klobuchar	88

**NOMINATIONS TO THE DEPARTMENT
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OF TRANSPORTATION AND THE
FEDERAL COMMUNICATIONS COMMISSION**

WEDNESDAY, MARCH 11, 2020

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

The Committee met, pursuant to notice, at 10:20 a.m. in room SR-253, Russell Senate Office Building, Hon. Roger Wicker, Chairman of the Committee, presiding.

Present: Senators Wicker [presiding], Cantwell, Fischer, Tester, Moran, and Sullivan.

**OPENING STATEMENT OF HON. ROGER WICKER,
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. We will now consider three nominations to important positions spanning the jurisdiction of this committee.

The nominees before us today are first Dr. Neil Jacobs, who has been nominated to be Under Secretary of Commerce for Oceans, Atmosphere, and Administrator of the National Oceanic and Atmospheric Administration. Second, Mr. Finch Fulton, who has been nominated to serve as Assistant Secretary for Transportation Policy at the Department of Transportation, and third, Mr. Chase Johnson, who is the nominee for Inspector General at the Federal Communications Commission.

Dr. Jacobs is already well known and respected by the Commerce Committee because of the valuable work he currently performs as Assistant Secretary of Commerce for Environmental Observation and Prediction, a position to which he was unanimously confirmed by this committee and the Full Senate just over 2 years ago.

Dr. Jacobs received a B.S. in Mathematics and Physics from the University of South Carolina in 1996 and an M.S. in Air-Sea Interaction and a Ph.D. in Numerical Weather Prediction from North Carolina State University in 2000 and 2005, respectively.

He has held positions in atmospheric science in the private sector and has been a leader in professional organizations in his field of expertise.

The Under Secretary of Commerce for Oceans and Atmosphere is a critical position in the Department of Commerce. This country relies on NOAA for severe storm warnings, fish stock assessments, and accurate navigational charts.

It is vital to have a Senate-confirmed individual serving in this role because we want one NOAA under one leader and we will have it in this distinguished nominee.

Finch Fulton currently serves as the Deputy Assistant Secretary for Policy in the Department of Transportation and he has been nominated to serve as the Assistant Secretary for Transportation Policy.

He previously worked as a Special Advisor to the Secretary on Transportation Policy. The Office of Transportation Policy is responsible for recommending surface transportation policy initiatives and coordinating multimodal initiatives, including the Department of Transportation's proposed Surface Transportation Reauthorization language.

From 2013 to 2016, Mr. Fulton worked as a consultant in the private sector and earlier in his career, he worked in the U.S. Senate and the House of Representatives.

He received his B.S. in Commerce and Business Administration from the University of Alabama in 2008 and his MBA from Johns Hopkins University in 2013.

Chase Johnson has been nominated to serve as Inspector General for the Federal Communications Commission. The role of the Office of Inspector General at the FCC is essential given the need for oversight of the \$8 billion in ratepayer dollars collected and distributed annually through the Universal Service Fund.

Mr. Johnson is an attorney in private practice with a large law firm and with a focus on commercial litigation and government contracts. He is also a major in the United States Marine Corps Reserve and currently serves as a military judge in the Navy Marine Corps Trial Judiciary.

He served in Afghanistan while on Active Duty with the Marine Corps followed by clerkships with two Federal court judges.

Mr. Johnson received a B.A. in History from Duke University in 2005 and a J.D. from the University of Virginia School of Law in 2009.

I would note that Mr. Johnson's parents, Dr. Robbie and Cindy Johnson, are residents of Ocean Springs, Mississippi, and are in attendance today. Where are you? Good to see you.

Mr. Johnson, please feel free to make full introduction. Of course, all of you may do so.

I'd like to thank our nominees for testifying today, for your willingness to serve in these instrumental positions of public service, and I now turn to my friend, Senator Cantwell.

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

Senator CANTWELL. Thank you, Mr. Chairman, and thank you for holding this hearing to consider the nominees in what are three very important positions.

I'd first like to welcome Dr. Neil Jacobs, who's been nominated to run NOAA, as you mentioned, and that is such a key part of protecting and growing our maritime economy in the Northwest.

In the state of Washington, our maritime economy supports \$60 billion in economic activity annually, so thousands of shipping, fishing, processing jobs and various other maritime sectors are part of

the Pacific Northwest. So you can bet that issues, like dollars for stock assessments or fish disaster funding being allocated properly or efforts to reverse the decline in Pacific salmon or the necessity of organic act or just making sure we don't have a sharpie gate when it comes to something as critical as timely information on tsunami warnings.

So nationally, our oceans are also very important to our Great Lakes economy and to other parts of the U.S. In addition to supporting our economy, NOAA has been trusted by the public as an authoritative source for weather information and most critically to watch the warning information from severe weather threats.

Dr. Jacobs, I've been involved in this issue and getting better satellite and forecasting data for a long time and happy to continue that, including the use of our super computers to basically process that information and look forward to working with you on that.

But certainly don't ever want to see storms politicized and as I mentioned, when you have the threat of tsunami in the Northwest with earthquakes and tsunami warnings, this becomes critical information that we follow the science. So I'm certainly going to ask you about our efforts in doing that.

But thank you for your willingness to serve and to continue to build on our maritime economy.

I also want to welcome Mr. Fulton, who has been nominated to serve as the Assistant Secretary of Transportation for Policy.

This, too, is a very important position for us in the Pacific Northwest. In particular, the position is key to policies on autonomous vehicles, implementation of positive train control, enacting policies and priorities established by Congress through INFRA and Build grants, and the Aviation Consumer mandates of 2016 and 2018.

With freight movement expected to rise 40 percent over the next decade and because so much of the Pacific Northwest is ports throughput to Asia, this becomes a critical issue for us and it's critical because there is a choice. People can go to Canada, if they would like, to the infrastructure that's been built there and so we need to maintain our competitiveness by making freight move and move cost effectively.

These areas require thoughtful planning and consideration, a balanced perspective, prioritizing national significance, and the importance of safety. So we'll look forward to talking to you about that.

And finally, I want to welcome Chase Johnson, nominated to serve as the Inspector General for the Federal Communications Commission. If confirmed, he would be the first Presidential appointee to serve as the FCC Inspector General, and the FCC's faced a number of challenges.

The current FCC Inspector General has investigated a number of potential instances of improper influence in the FCC action, for example, in the FCC's recent broadband decision on foreign satellite carriers. To me, we have to make sure that all of this works and people are following the process and following law.

I expect you to take seriously your duties to investigate the issues involved here and I look forward to making all of these with our colleagues' information for our record today.

So thank you, Mr. Chairman.

Senator WICKER. Thank you, Senator Cantwell.

I would also say hello to all of our guests and note for those that are standing that there are seats available on the front row. If you're willing to come forward, we'd be glad to have you, although you're welcome to stand.

Dr. Jacobs—well, to all three of you, we have your full statements, which will be included in the record at this point, and you're each recognized to summarize in some 5 minutes.

Dr. Jacobs, you are recognized.

**STATEMENT OF HON. DR. NEIL JACOBS, NOMINEE TO BE
UNDER SECRETARY OF COMMERCE FOR OCEANS
AND ATMOSPHERE, DEPARTMENT OF COMMERCE**

Dr. JACOBS. Thank you, Chairman Wicker, Ranking Member Cantwell, and Members of the Committee.

I'd also like to thank the President and Secretary Ross for their trust and confidence in me with this nomination to be Under Secretary of Commerce for Oceans and Atmospheres.

I also want to thank the NOAA career staff who have supported me along the way and who are here with me today in support of my nomination.

If I have the honor of being confirmed, I look forward to working with all of you on the important work performed by NOAA that benefits our country.

NOAA has the unique mission that spans ocean floor to the sun surface. Not only do we conduct cutting edge ocean and coastal research but we also provide lifesaving forecasts, predictions of environmental phenomena of weather, weather, and climate events.

Our mission impacts Americans every day, and I thank you for your continued support of our critical mission.

Since coming to NOAA over 2 years ago, I have developed a deep appreciation for the dedication and professionalism of our entire work force. From issuing accurate forecasts for complex weather events, managing fish stocks, mapping our coasts, and making sure satellites get launched into space, their dedication to our mission is unparalleled.

If confirmed, my primary job as administrator would be to support their ability to continue their important work.

During my time at NOAA, I have witnessed the agency accomplish great things. In June 2019, NOAA upgraded its weather model, the Global Forecast System. This was truly a coordinated effort across multiple line offices. From cutting edge science conducted at NOAA's research labs to operational checks provided by the National Weather Service, this could not have been accomplished without an all-of-NOAA approach.

This was the most significant upgrade to the dynamic core of the GFS since 1980 and will power us to reclaim international leadership and numerical weather prediction in the years to come.

Likewise, NOAA is actively working to implement a recently codified and funded program, The Earth Prediction Innovation Center. EPIC will serve as NOAA's new research-to-operations-to-research hub that will enable the scientific community to access our environmental modeling code.

NOAA's also making progress on actions to protect our oceans and increase America's seafood competitiveness by improving aquaculture activities and supporting our Nation's fishermen.

In October 2018, President Trump signed into law The Save Our Seas Act to address the eight million tons of plastic debris that enter the ocean each year. This Act empowers NOAA and partners to declare severe marine debris events and release funds to states for clean up.

NOAA has leveraged partnerships that advance marine science, promote new technologies, and explore the unknown ocean. In 2019, NOAA awarded \$94 million over 5 years for the establishment of an ocean exploration cooperative institute that will explore unknown undersea areas and develop and deploy mobile remotely operated vehicles in both deep and shallow waters than previously explored.

Last November, it was my honor to speak at the official designation of the Malloes Bay Potomac River National Marine Sanctuary. It's the first national marine sanctuary designated in the United States in 20 years. The sanctuary is a great example of partnerships between NOAA, state, and local governments that provide economic and conservation benefits to the local communities.

Another issue I'm deeply committed to is the need to fully implement and strengthen our policy to prevent sexual assault and sexual harassment or SASH throughout NOAA's workforce.

Two weeks ago, I testified before a House committee to talk about recent progress we've made but there is still more to do. Enhancing our efforts to prevent SASH in the workplace will protect the employees and allow them to focus on our scientific mission.

If confirmed, it would be a tremendous honor to help lead such a distinguished organization of scientists, engineers, forecasters, and uniformed officers. I can assure the Committee that I will do my absolute best to ensure this team of 12,000 professionals has the resources and leadership needed to produce transparent, objective, and defensible science.

Most importantly, I would like to thank my wife Jen who is a computational biologist at Duke University for her support and understanding while balancing her career with raising our two sons, Nicolas and Theodore.

Mr. Chairman, Ranking Member Cantwell, and Members of the Committee, thank you again for the opportunity to be here. I would be pleased to answer any questions that you may have.

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

PREPARED STATEMENT OF HON. DR. NEIL JACOBS, NOMINEE TO BE
UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE,
DEPARTMENT OF COMMERCE

Thank you, Chairman Wicker, Ranking Member Cantwell, and Members of the Committee. I would also like to thank the President and Secretary Ross for their trust and confidence in me with this nomination to be the Under Secretary of Commerce for Oceans and Atmosphere. If I have the honor of being confirmed, I look forward to working with all of you on the important work performed by NOAA that benefits our country.

Currently I serve as NOAA's Assistant Secretary for Environmental Observation and Prediction, and perform the duties of Under Secretary of Commerce for Oceans

and Atmosphere. I was confirmed as Assistant Secretary by the Senate in February 2018.

NOAA has a unique mission that spans from the bottoms of the ocean to the sun. Not only do we conduct cutting edge ocean and coastal research that is the best in the Federal government, but we also provide lifesaving forecasts and predictions of environmental phenomena for weather, water, and climate events. Our mission impacts Americans every day. For instance, our timely and accurate weather forecasts impact not just the American economy, but also global markets. The impact of Congressional investments in our Agency are far reaching. I thank you for your continued support of our critical government mission.

Since coming to NOAA over two years ago, I have developed a deep appreciation of the dedication and professionalism of our entire workforce. They face tough challenges every day. From issuing accurate forecasts for complex weather events, managing fish stocks, mapping our coasts, and making sure satellites get launched into space, their dedication to our mission knows no bounds. If confirmed, my primary job as Administrator would be to support their ability to continue their important work.

During my time at NOAA, I have already witnessed the agency accomplish great things. In June of 2019, NOAA upgraded its weather model, the Global Forecast System (GFS). This truly was a coordinated effort across multiple line offices. From cutting edge science conducted at NOAA's research labs, to operational checks provided by the National Weather Service, this could not have been accomplished without an All-of-NOAA approach. This is the first upgrade to our dynamic core since 1980, and will power us to reclaim international leadership in numerical weather prediction in the years to come.

Likewise, NOAA is actively working to implement the recently codified and funded program, the Earth Prediction Innovation Center (EPIC). EPIC will serve as NOAA's new research-to-operations-to-research hub that will enable the scientific community to access our environmental modelling code. NOAA is working hard to set up the governance structure to then ingest improvements to our code from the scientific community, helping us improve our mission to protect lives and property. Initially starting with the Unified Forecast System, EPIC will expand to all environmental modelling capabilities at NOAA.

NOAA is also making progress on actions to protect our oceans, and increase America's seafood competitiveness by improving aquaculture activities, and supporting our Nation's fishermen. In October 2018, President Trump signed into law the "Save our Seas Act" to address the eight million tons of plastic pollution that enter the ocean each year. This Act empowers NOAA and partners to declare severe marine debris events, and release funds to states for cleanup.

Likewise in 2018, NOAA implemented \$695 million in cost-saving regulations, largely from streamlining commercial and recreational fisheries regulations to make them work better for the fishing industry and the American people, as part of the government-wide effort to reduce unnecessary and ineffective regulatory burdens under Executive Order 13771.

In 2019, NOAA took action to crack down on maritime crime and seafood import fraud. NOAA's law enforcement officers conducted an investigation into Casey's Seafood company and found that the owner purchased foreign crab meat from Asia, repackaged it and sold it as "Product of the USA" crab meat. The owner was sentenced to three years and nine months in prison and fined \$15,000.

NOAA has leveraged partnerships that advance marine science, promote new technologies and explore the unknown ocean. In 2019, NOAA awarded \$94 million over five years for the establishment of an Ocean Exploration Cooperative Institute that will explore unknown undersea areas and develop and deploy mobile remotely-operated vehicles in both deeper and shallower waters than previously explored. NOAA and partners conducted ocean exploration expeditions that resulted in the discovery of expansive and previously unknown coral habitats and discovered methane seeps in unexpected spots on the seafloor, which has significant implications for pharmaceutical development and energy resources.

It was my honor to attend and speak at the official designation of the Mallows Bay-Potomac River National Marine Sanctuary last November. It is the first National Marine Sanctuary designated in the United States in 20 years. Located a short drive from DC, Mallows Bay includes over 100 shipwrecks of national historical significance most of which were built for the war effort in Europe during World War I. The sanctuary is a great example of a partnership between NOAA, state and local governments that provides economic and conservation benefits to the local and regional communities.

Another issue I am deeply committed to is the need to fully implement and strengthen our policy to prevent sexual assault and sexual harassment (SASH)

throughout the NOAA workforce. A couple weeks ago I testified before a House committee to talk about recent progress we've made on this front. But there is more to do. Enhancing our efforts to prevent SASH in the workplace—be it on NOAA ships, on commercial fishing vessels, or in NOAA buildings—will protect the work of our scientists and managers and thus forward NOAA's scientific mission.

If confirmed, it would be a tremendous honor to help lead such a distinguished organization of scientists, engineers, forecasters and uniformed officers. I can assure the Committee that I will do my absolute best to ensure this team of 12,000 professionals have the resources and leadership needed to produce transparent, objective and defensible science, so that decisions can be made with confidence.

Most importantly, I would like to thank my wife Jen, who is a computational biologist at Duke University, for her support and understanding, while balancing her career with raising our two sons Nicolaus and Theodore, ages 5 and 3. Mr. Chairman, Ranking Member Cantwell, and Members of the Committee, thank you again for the opportunity to be here. I would be pleased to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Neil Andrew Jacobs Jr.
2. Position to which nominated: Under Secretary of Commerce for Oceans and Atmosphere.

3. Date of Nomination: January 6, 2020.

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

Residence: Information not released to the public.

Office: 1401 Constitution Ave NW, Washington, DC 20230.

5. Date and Place of Birth: December 12, 1973; Colorado Springs, CO.

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

Jennifer Modliszewski, Ph.D. Duke Center for Genomic and Computational Biology, Duke University

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

Ph.D. Atmospheric Science (Numerical modeling). 2005, North Carolina State University

M.S. Atmospheric Science (Air-sea interaction), 2000. North Carolina State University

B.S. Physics and Math. 1996, University of South Carolina

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.

2018–Present, Assistant Secretary of Commerce for Environmental Observation and Prediction, NOAA

2013–2018. Chief Atmospheric Scientist, Panasonic Avionics Corporation.

2004–13, Director of Research and Business Development, AirDat, LLC.

9. Attach a copy of your resumé.

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 ten years.

I have never had a position in Federal, State, or local government other than the one listed above.

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 ten years.

American Meteorological Society (AMS) Forecast Improvement Group (Chair 2015–2017)

Federal Aviation Administration (FAA) Continuous Lower Emissions, Energy, and Noise (CLEEN)

World Meteorological Organization Expert Team on Aircraft-Based Observing Systems (ET-ABO)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). 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 disability.

American Meteorological Society; Forecast Improvement Group (Chair 2015–2017; lead, NWP 2012–14)

World Meteorological Organization; Expert Team on Aircraft-Based Observing Systems

American Geophysical Union

American Meteorological Society

Gamma Beta Phi, National Honor Society

Geological Society of America

National Forensics League

Phi Beta Kappa, Honor Society

Pi Mu Epsilon, National Math Honor Society

Sigma Pi Sigma, National Physics Honor Society (President: 1993–1996, USC Chapter)

Sigma Xi, Honor Society

Durham YMCA

Greensboro Velo Club (Pro Cycling Team)

Rotary International

Trout Unlimited

*None of these restrict 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. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. None.

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

Pi Mu Epsilon, National Math Honor Society

Sigma Pi Sigma, National Physics Honor Society (President: 1993–1996, USC Chapter)

Gamma Beta Phi, National Honor Society

National Forensics League Scholarship

Phi Beta Kappa, Honor Society

Sigma Xi, Honor Society

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. 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.

Invited lectures at government meteorological centers (prior to NOAA):

NCEP, Camp Springs, MD, *PWS global ensemble system*, 21 July 2016

UK Met Office, Exeter, UK, *PWS global model and data assimilation*, 13 July 2016

- ECMWF, Reading, UK, *Assimilation of ABOs into a global modeling system*, 12 July 2016
- UK Met Office, Exeter, UK, *Estimation of TAMDAR Error and Assimilation Experiments*, 27 Apr 2012
- ECMWF, Reading, UK, *Utility of TAMDAR aircraft observations for NWP*, 26 Apr 2012
- NCEP EMC, Camp Springs, MD, *Optimization of TAMDAR for NWP*. 23 Aug 2011
- SMN, Mexico City, Mexico, *Operational forecasting with TAMDAR*. 23 Jun 2011
- ECMWF, Reading, UK, *Unique aspects of aircraft data assimilation*, 10 Nov 2010

Publications:

- Gao, F., Z. Liu, J. Ma, N. Jacobs, P. Childs, H. Wang, 2019: Variational Bias Correction of TAMDAR Temperature Observations in WRF Data Assimilation System, *Mon. Wea. Rev.*, **147**, 1927–1945.
- Gao, F., X.-Y. Huang, N. Jacobs, H. Wang, 2018: Assimilation of Wind Speed and Direction Observations: Results from real observation experiments. *Tellus A*, **67.1**.
- Zhang, X., H. Wang, X.-Y. Huang, F. Gao, and N. Jacobs, 2015: Using Adjoint-Based Forecast Sensitivity Method to Evaluate TAMDAR Data Impacts on Regional Forecasts, *Advances in Meteorology*, Vol. 2015, Article ID 427616, 13 pg. 2015.
- Gao, F., P. P. Childs, X.-Y. Huang, N. A. Jacobs, and J. Z. Min, 2014: A Relocation-based Initialization Scheme to Improve Track-forecasting of Tropical Cyclones. *Adv. Atmos. Sci.*, **31**(1), 27–36.
- Jacobs, N., D. Mulally, A. Anderson, J. Braid, P. Childs, A. Huffman, E. Wilson, and F. Gao, 2015: Recent Advancements in the TAMDAR Sensor Network Expansion, (IOAS-AOLS), AMS, Phoenix, AZ.
- Jacobs, N., F. Gao, P. Childs, X. Y. Huang, and H. Wang, 2015: Optimization of In-situ Aircraft Observations for Various Assimilation Techniques. (IOAS-AOLS), AMS, Phoenix, AZ.
- Liu, Y., M. Xu, L. Pan, Y. Liu, N. Jacobs, and P. Childs, 2015: Implementation of a CONUS RTFDDA system with radar data assimilation for convection-resolvable analysis and prediction, (IOAS-AOLS), AMS, Phoenix, AZ.
- Jacobs, N. A., D. J. Mulatly, and A. K. Anderson, 2014: Correction of Flux Valve-Based Heading for Improvement of Aircraft Wind Observations. *J. Atmos. Oceanic Technol.*, **31**, 1733–1747.
- Jacobs, N. A., and J. E. Rex, 2013: Benefits and Utility of Tropospheric Airborne Meteorological Data Reporting, *Air Traffic Control Quarterly*, January, First Quarter, 2013.
- Huang, X.-Y., F. Gao, N. A. Jacobs, and H. Wang, 2013: Assimilation of wind speed and direction observations: a new formulation and results from idealized experiments. *Tellus A*, **65**, 19936.
- Wyszogrodzki, A. A., Y. Liu, N. A. Jacobs, P. Childs, Y. Zhang, G. Roux, and T. T. Warner, 2013: Analysis of the surface temperature and wind forecast bias of the NCAR-AirDat operational CONUS 4km RTFDDA forecasting system, *Meteorol. Atmos. Phys.*, **121**, 3–4.
- Jacobs, N. A., P. Childs, M. Croke, A. Huffman, J. Nelson, J. T. Braid, Y. L. Liu, and X. Y. Huang, 2013: An update on the TAMDAR global network expansion. Special Symposium on Advancing Weather and Climate Forecasts: Innovative Techniques and Applications, Austin, TX.
- Nelson, J., J. T. Braid, A. K. Anderson, N. A. Jacobs, P. Childs, M. Croke, and A. Huffman, 2013: Alaska TAMDAR and the RTFDDA WRF QC System, ARAM, AMS, Austin, TX.
- Huffman, A., P. Childs, M. Croke, N. A. Jacobs, and Y. L. Liu, 2013: Verification of the NCAR-AirDat operational RT-FDDA-WRF for the 2011 and 2012 spring convective seasons, IOAS, AMS, Austin, TX.
- Gao, F., N. A. Jacobs, X. Y. Huang, and P. Childs, 2013: Direct assimilation of wind speed and direction for the WRF model, Special Symposium on Advancing Weather and Climate Forecasts: Innovative Techniques and Applications, AMS, Austin, TX.

- Richardson, H., N. A. Jacobs, P. Childs, P. Marinello, and X. Y. Huang, 2013: UAS observations and their impact on NWP during TUFT, ARAM, AMS, Austin, TX.
- Gao, F., P. Childs, X. Y. Huang, and N. A. Jacobs, 2013: A new method for vortex relocation within balanced flow field. NWP, Austin, TX.
- Gao, F., X. Zhang, N. Jacobs, X.-Y. Huang, Xin Zhang, P. Childs, 2012: Estimation of TAMDAR Observational Error and Assimilation Experiments. *Wea. Forecasting*, 27, 4, 856–877.
- Gao, F., X.-Y. Huang, N. Jacobs, 2012: The Assimilation of Wind Speed and Direction Based on WRFDA 3D-Var System. New Orleans, LA.
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- Gao, F., Xiaoyan Zhang, X.-Y. Huang, Xin Zhang, N. Jacobs, P. Childs, 2011: Preliminary Results of Directly Assimilating Wind Speed and Direction Based on WRFDA 3D-Var System. 12th WRF Users' Workshop, Boulder, Colorado, 20–24 June 2011.
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- Jacobs, N. A., 2007: Potential benefits of tropospheric airborne meteorological data reporting (TAMDAR). *Managing the Skies*, 5, 3, 20–23.
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- Jacobs, N. A., and Y. Liu, 2006: A comprehensive quantitative precipitation forecast statistical verification study, Doc. and Tech. Note AirDat, LLC, 25 pp.
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- Jacobs, N. A., S. Raman, and G. M. Lackmann, 2006: Sensitivity of East Coast winter storms to sea surface temperature gradients, AMS Annual Meeting, 14th Conf. Sea-Atmos.
- Jacobs, N. A., G. M. Lackmann and S. Raman 2005: The combined effects of Gulf Stream-induced baroclinicity and upper-level vorticity on U.S. East Coast extratropical cyclogenesis. *Mon. Wea. Rev.*, 133, 2494–2501.
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- Jacobs, N., 2004: The Role of the Gulf Stream on Extratropical Cyclogenesis, Ph.D. Dissertation, Department of Marine, Earth, and Atmospheric Science, North Carolina State University, Raleigh, NC. 307pp.
- Jacobs, N. A., S. Raman, G. M. Lackmann, and P. P. Childs, Jr, 2004: Role of the Gulf Stream on extratropical cyclogenesis. AMS Annual Meeting, 20th Conf. WAF/NWP pp. 318–322.
- Raman, S., N. Jacobs, and M. Simpson, 2003: Numerical simulation of land-air-sea interactions during the northeasterly monsoon over Indian Ocean. INDOEX conf. Bangalore, India.
- Jacobs, N. A., 2001: Latent and sensible heat fluxes over the Gulf Stream region during OMP. AGU, Boston, MA. Preprint pp 412–417.
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ment of Marine, Earth, and Atmospheric Science, North Carolina State University, Raleigh, NC. 178pp.

Jacobs, N., C. Petrusak, V. Connors, D. DeMaster, T. Hopkins, 1998: Earth System Science: Integration of Computer Modeling and Laboratory Studies. 25 conf GSA/ESSE, pp. 127–131.

Jacobs, N., V. Connors, T. Hopkins, D. DeMaster, B. Sweet, 1998: The Evolution of Earth System Science at North Carolina State University. 25 conf GSA/ESSE, pp. 417–421.

Jacobs, N., 1997: Modeling e-folding time decay of super-cooled semiconductor clocks, Thesis, Department of Physics, University of South Carolina, Columbia, SC. 234pp.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

I do not have any social media presence; I’m not even on LinkedIn. I have a general aversion to sharing personal information on social media. I do have a Zwift account. It’s an online application that is bluetoothed to my indoor cycling trainer, which allows me to race other people online. The account is active, and my handle is N. Jacobs. zwift.com

19. 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.

Hearing: A Task of EPIC Proportions: Reclaiming U.S. Leadership in Weather Modeling and Prediction (20 November 2019). House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment: numerical weather prediction, community weather modeling

Hearing: The Future of Forecasting: Building a Stronger U.S. Weather Enterprise (16 May 2019). House of Representatives, Committee on Science, Space, and Technology, Subcommittee on the Environment: U.S. weather modeling, and effective collaboration among the weather enterprise

Hearing: A Review of the NOAA Fiscal Year 2020 Budget Request (30 April 2019). House of Representatives, Committee on Science, Space, and Technology, Subcommittee on the Environment: NOAA FY 2020 Budget Request

Hearing: Review of the FY 2020 Budget Request for the U.S. Department of Commerce (2 April 2019). United States Senate, Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies: FY 2020 Budget Request for the Department of Commerce

Hearing: The National Oceanic and Atmospheric Administration’s Budget Request for Fiscal Year 2020 (27 March 2019). House of Representatives, Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies: NOAA FY 2020 Budget Request

Hearing: Leading the Way: Examining Advances in Environmental Technology (21 June 2017). House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment: Tropospheric airborne meteorological data reporting, conventional weather observations, and their impact in numerical models.

Hearing: Private Sector Weather Forecasting: Assessing Products and Technologies (8 June 2016). House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment: The advancing capabilities of numerical weather prediction in the weather enterprise. Public-private-academic partnerships, which for sustainable business models.

20. 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 gained significant experience and understanding of NOAA’s operations over the last three years as Assistant Secretary of Commerce for Environmental Observation and Prediction. As far as managing a large organization like NOAA, I’ve been performing the duties of Under Secretary of Commerce of Oceans and Atmospheres for the past year, including multiple budget cycles and spend plans. Because of the

unique situation of being nominated for the position I have already been performing. I have a very detailed understanding of what is involved in managing NOAA.

At Panasonic, I lead a group of private-sector scientists and software engineers that developed a global weather model that has skill on par/and better than the European Centre for Medium-Range Weather Forecasts (ECMWF) that produces the "Euro" model. This was accomplished on a meager budget that industry analysts claimed was impossible to even get the program off the ground. Our U.S.-based team at Panasonic Weather Solutions (PWS), mostly in North Carolina, proved the critics wrong. I have extensive experience with public-private-academic partnerships for weather model and observing system development. As a founding member of the PWS predecessor company AirDat, I directed the private side of the National Weather Service's very first atmospheric observational data acquisition as a subscription service. This is a great example of a successful public-private partnership that is still in existence today. I have past experience in satellite data and imagery from GOES to Radio Occultation (GPSRO), and understand the advantages of commercial weather data to augment our current data. This includes processing, quality control, and assimilating into forecast models. Having worked alongside NOAA and NWS employees and scientists as a scientific collaborator, I have earned their trust and respect. Additionally, I have great working relationships with key World Meteorological Organization member countries and their respective National Meteorological Service Directors. I previously served as the Chair of the Forecast Improvement Group (FIG) for the American Meteorological Society. FIG members are NOAA, university, and private sector atmospheric scientists and meteorologists, who share the common interest of improving weather forecasting, modeling and prediction for the United States.

In late 2017, President Trump nominated me to the position of Assistance Secretary for Environmental Observation and Prediction. In February 2018, I was confirmed by the Senate with bipartisan support under Unanimous Consent. Over the last two years at NOAA, I have led the agency's effort to support the scientific community through focused improvements to its external engagement strategy. This culminated in the Earth Prediction Innovation Center, which will bring together the scientific expertise from Federal partners, world-class researchers, and the private sector. I also understand that to be successful, NOAA must embrace new partnerships. In 2019, NOAA entered into new contracts under its Big Data Project, allowing the public greater access to NOAA data, which in turn will support our mission to protect life and property. My experience as Assistant Secretary has given me the tools to be successful as the NOAA Administrator, and I look forward to continuing to support our hard-working scientists and the mission of the agency.

Lastly, I want to serve my country. Growing up, I wanted to follow my father's career by serving in the U.S. Air Force as a fighter pilot, but a medical condition prevented me from flying jets. When this opportunity presented itself, I thought that working for NOAA is another way to serve my country. The best way I can do that is by using my skills and expertise to return NOAA's National Weather Service to the world's most advanced weather forecasting and modeling agency.

21. 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 responsibility, as the NOAA Administrator, will be to work closely with NOAA line offices, and provide leadership to better manage the agency's assets in their service to the American people. As duly confirmed by the Senate, and as political appointees, we have an obligation to comply with the direction and oversight provided by Congress to manage our agency to the best of our abilities and within the letter of the law. Over the last three years, I've gained significant experience and understanding of NOAA's operations. As far as managing a large organization like NOAA, I've been in the acting role of NOAA Administrator for the past year, including multiple budget cycles and spend plans. Because of the unique situation of being nominated for the position I have already been performing, I have a very detailed understanding of what is involved in managing NOAA.

Panasonic Avionics Corporation, a division of Panasonic North America, provides avionics, engineering services, meteorological data and other technical services to numerous leading air carriers operating in dozens of countries and National Meteorological Service agencies across the world. As their Chief Atmospheric Scientist, the team I managed had business relationships across the world that handled complex transactions and weather-related industry challenges. Being an executive for a large entity requires the proper balancing and management of multiple agendas and budgets, working with many teams with different and sometimes opposing strategies, and always working closely with corporate counsel when their expert

guidance would be required. The private sector works towards the bottom line; in government, the bottom line is serving the American people.

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

- (1) Weather Forecasting and Modeling—Return NOAA NWS to the world's leader in global weather forecast modeling capability. The United States led the world in weather forecasting and modeling for decades, but has not kept pace with overseas competition, and is struggling to maintain the status of third most accurate global weather model among National Meteorological Services. As a matter of national pride, we will restore American technical superiority for this vital service for the country and our military serving around the world. As part of this effort, implementing a community-based earth-system modeling program is crucial. This will require adoption of cloud-based computational resources. While this is technically simple, it will require a significant culture shift in the workforce. Over the last two years, I've seen a drastic change in the agency with a growing proactive effort to migrate to the cloud, but change management will always be a challenge.
- (2) Increase Observational and Predictive Resource Capabilities—For example, in Hurricane Harvey, NWS did a great job, but data gaps still exist. One area for improvement is to increase our knowledge to better manage QPE, which stands for Quantitative Precipitation Estimation. It is a method of approximating the amount of precipitation that has fallen at a location or across a region, and is critical for everything ranging from water resource management to flash flood prediction. QPE maps are compiled using several different data sources including radar estimates, manual and automatic field observations, and satellite data. Scientists at NWS-NCEP and OAR would agree that this process must be improved. We also need to examine where cost savings might be realized within existing budgets, and to discuss with Congress tradeoffs that can improve operational efficiencies thereby enabling NOAA to better serve the American people.
- (3) Reduce Seafood Supply Deficit—The U.S. has an estimated \$15 billion trade imbalance in seafood, much of it due to the importation of aquaculture seafood and lack of domestic aquaculture production. The U.S. imported roughly \$21 billion in seafood—nearly half of which is produced via aquaculture and 30 percent is shrimp (farmed and wild-caught). To achieve changes to the deficit, NOAA should consider increasing wild-caught production, increasing aquaculture, and reducing imports from nations with weak environmental protections.
- (4) Asset management—NOAA maintains hundreds of facilities across the Nation, operates some of the largest observing networks in the world, and flies some of the most cutting-edge satellites in space. Over time, these assets will need to be replenished and recapitalized to continue providing Americans with the level of service they have come to rely on. These assets will continue to require careful planning, management, and oversight to ensure NOAA continues to meet its mission.

B. POTENTIAL CONFLICTS OF INTEREST

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

I have no financial arrangements, deferred compensation agreements, or other continuing dealings with business associates, clients, or customers. I do have an IRA and 401k.

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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and Department of Commerce agency ethics officials to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict of interest other than those that are the subject of my ethics agreement.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten 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. Explain how you will resolve each potential conflict of interest. None.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement. I understand that my ethics agreement has been provided to the Committee.

6. Describe any activity during the past ten years, including the names of clients represented, 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.

Six years ago, Panasonic Avionics Corporation contracted with a DC-based lobbyist to represent their interest in the successful passage of HR 2413, 1561 and finally 353, The Weather Research and Forecast Innovation Act of 2017. Congress passed HR 353 and President Trump signed the bill in April creating Public Law 115-25.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

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 or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal 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, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? 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.

NEIL ANDREW JACOBS JR.

CURRICULUM VITAE

U.S. Department of Commerce
 National Oceanic & Atmospheric Administration
 1401 Constitution Ave. NW
 Washington, DC 20230

AREAS OF EXPERTISE:

Mesoscale and microscale dynamics, numerical weather prediction, variational and ensemble-based data assimilation methods, atmospheric transport, and mesoscale modeling. Mid-latitude convective systems, fronts, and small-scale convection-induced flows such as the sea breeze and urban heat island circulations. Surface flux relations and boundary layer dynamics as a function of enhanced thermal gradient grid resolution. Regional climate fluctuations as a result of western boundary current variability. Forecasting of tropical and extratropical long period ocean swell generation. Satellite, aircraft and UAS-based observing systems, weather-related flight route optimization, avionics, and aviation forecasting. Environmental economic policy, public-private partnerships, and business innovation and strategy.

EDUCATION:

Ph.D. in Atmospheric Science (Numerical Weather Prediction), May 2005, North Carolina State University

Thesis: The Role of Marine Thermal Gradient Structure on Gulf Stream-Related Extratropical Cyclogenesis. (Thesis Advisors: *Dr. Sethu Raman* and *Dr. Gary M. Lackmann*; Committee Members: *Dr. Ping-Tung Shaw*, *Kermit K. Keeter*, and *Dr. Kiran Alapaty*).

M.S. in Air-Sea Interaction, May 2000, North Carolina State University

Thesis: Physical Oceanographic Processes and Air-Sea Interactions Associated with Extratropical Cyclogenesis During the Ocean Margins Program. (Thesis Advisor: *Dr. Leonard J. Pietrafesa*; Committee: *Dr. Lian Xie*, *Dr. Sethu Raman*, and *Dr. John M. Morrison*).

B.S. in Physics, May 1996, University of South Carolina*

B.S. in Mathematics, May 1996, University of South Carolina

Minor in Economics, Cognate in Computer Science, Cognate in Marine Science
Graduated magna cum laude

EMPLOYMENT:

2018–present, Assistant Secretary of Commerce for Environmental Observation and Prediction performing the duties of Under Secretary of Commerce for Oceans and Atmosphere, NOAA (11,400 FTEs).

2013–18, Chief Atmospheric Scientist, Panasonic Avionics Corporation (5000 employees). Oversee the development and deployment of weather-related data and products. Oversee the development of global forecast products and advanced high-resolution data assimilation to enable better decision-making by industry, commercial aviation, and international and domestic governmental agencies.

2004–13, Director of Research and Business Development, AirDat, LLC (80 employees). Analysis of the impact of TAMDAR data on numerical models such as GFS, WRF, RUC, and RT-FDDA. Development of methods to optimize real-time 4D-Var data assimilation. Oversee the development of new TAMDAR-based products and high-resolution forecasts.

1998, Co-Developer, Computer modules for NASA's Earth System Science Program (ESSE), NASA Goddard.

1997, Programmer and GOES Satellite imagery processor, Langley, VA.

1995–97, Baikal Research Group, modeling the physical properties of Lake Baikal, Russia.

1995–97, Physical Limnology of Winyah Bay: Analysis and modeling of waves, salinity, temperature, and current. U. of South Carolina.

1993–97, Programmer, Oak Ridge National Lab, Nuclear Physics Branch, TN. Joint with College of Charleston and U. of South Carolina.

RESEARCH EXPERIENCE:

2005–2018, (Panasonic/AirDat/NCAR/NASA/NOAA-GSD, UKMO): Global model development (FV3-GFS). Analysis of the impact of TAMDAR data on numerical models such as WRF, RAP, RT-FDDA, GFS, UK Met Unified, ECMWF. Development

of methods to optimize 4D-Var and EnKF assimilation. Development and testing of advanced flight optimization algorithms for safety and fuel efficiency.

2000–06, (State Climate Office (SCO) of North Carolina/NWS–RDU): Research involved atmospheric modeling (WRF) of surface temperature grid resolution to account for frontogenesis and sensible heat fluxes into the atmosphere over the south-east U.S. and coastal waters.

1997–2003, Research Scientist, SCONC, Physical oceanography, mesoscale air-sea interaction and near-shore modeling (MM5/WRF).

COMPUTER SKILLS:

Programming Languages: Fortran, C, C++, C#, Perl, R, Python, Java, ksh, and IDL.
Computing Environments: HPC, Linux, UNIX, IBM–AIX, Mac, MPI, Slurm, Windows, Open/FreeBSD, Darwin.

Software/Models including: GFS, GSI, MPAS, FV3, WRFDA, WW3, POM, HYCOM, GrADS, NCL, IDV, ArcGIS, MATLAB, ecFlow.

COURSES TAUGHT:

2007–09, (NCSU): Atmospheric Thermodynamics (MEA 312)

2005–07, (Meredith): Meteorology (GEO 942)

2002–04, (Meredith): Earth Science and Lab (GEO 200, 240L)

2003–04, (Meredith): Introduction to GIS (GEO 943)

2000–01, (NCSU): Meteorology I, II (MEA 213, 214)

1998–99, (NCSU): Oceanography and Lab (MEA 200, 210L)

1997–99, (NCSU): Earth System Science (MEA 100)

1993–97, (USC): Calculus and non-calculus-based physics (PHYS 101, 102, 211, 212)

1993–97, (USC): Calculus and non-calculus-based physics labs (PHYS 101L–212L)

PROFESSIONAL ORGANIZATIONS:

American Geophysical Union

American Meteorological Society

Gamma Beta Phi, National Honor Society

Geological Society of America

National Forensics League

Phi Beta Kappa, Honor Society

Pi Mu Epsilon, National Math Honor Society

Sigma Pi Sigma, National Physics Honor Society (President: 1993–1996, USC Chapter)

Sigma Xi

COMMITTEES:

American Meteorological Society (AMS) Forecast Improvement Group (Chair 2015–2018; Lead, Modeling 2012–14)

Federal Aviation Administration (FAA) Continuous Lower Emissions, Energy, and Noise (CLEEN)

World Meteorological Organization (WMO) Expert Team on Aircraft-Based Observing Systems (ET–ABO)

INVITED CENTER LECTURES (prior to NOAA):

NCEP, Camp Springs, MD (hosts: Drs. Vijay Tallapragada and Bill Lapenta), *PWS global ensemble system*, 21 July 2016

UK Met Office, Exeter, UK (host: Dr. Dale Barker), *PWS global model and data assimilation*, 13 July 2016

ECMWF, Reading, UK (host: Dr. Anna Ghelli), *Assimilation of ABOs into a global modeling system*, 12 July 2016

UK Met Office, Exeter, UK (host: Dr. Dale Barker), *Estimation of TAMDAR Error and Assimilation Experiments*, 27 Apr 2012

ECMWF, Reading, UK (host: Dr. Erik Andersson), *Utility of TAMDAR aircraft observations for NWP*, 26 Apr 2012

NCEP EMC, Camp Springs, MD (host: Dr. Stephen Lord), *Optimization of TAMDAR for NWP*, 23 Aug 2011

SMN, Mexico City, Mexico (host: Dr. Felipe Adrian Vazquez), *Operational forecasting with TAMDAR*, 23 Jun 2011

ECMWF, Reading, UK (hosts: Drs. Erland Källén and Erik Andersson), *Unique aspects of aircraft data assimilation*, 10 Nov 2010

CONGRESSIONAL TESTIMONY:

Hearing: A Task of EPIC Proportions: Reclaiming U.S. Leadership in Weather Modeling and Prediction (20 November 2019)

- House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment
- Hearing: The Future of Forecasting: Building a Stronger U.S. Weather Enterprise (16 May 2019)
House of Representatives, Committee on Science, Space, and Technology, Subcommittee on the Environment
- Hearing: A Review of the NOAA Fiscal Year 2020 Budget Request (30 April 2019)
House of Representatives, Committee on Science, Space, and Technology, Subcommittee on the Environment
- Hearing: Review of the FY2020 Budget Request for the U.S. Department of Commerce (2 April 2019)
United States Senate, Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies
- Hearing: The National Oceanic and Atmospheric Administration’s Budget Request for Fiscal Year 2020 (27 March 2019)
House of Representatives, Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies
- Hearing: Understanding the Changing Climate System and the Role of Climate Research (26 February 2019)
House of Representatives, Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies
- Hearing: Surveying the Space Weather Landscape (26 April 2018)
House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Space
- Hearing: Leading the Way: Examining Advances in Environmental Technology (21 June 2017)
House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment
- Hearing: Private Sector Weather Forecasting: Assessing Products and Technologies (8 June 2016)
House of Representatives, Committee on Science, Space, and Technology, Subcommittee on Environment
- Many additional statements co-prepared and reviewed for Hearing witnesses

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Jacobs, N., 2000: Physical Oceanographic Processes and Air-Sea Interactions of extratropical cyclogenesis during the Oceans Margins Program, Thesis, Department of Marine, Earth, and Atmospheric Science, North Carolina State University, Raleigh, NC. 178pp.

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Jacobs, N., 1997: Modeling e-folding time decay of super-cooled semiconductor clocks, Thesis, Department of Physics, University of South Carolina, Columbia, SC. 234pp.

* Recipient of USC undergraduate debate scholarship (1992–96); 3 National Championships

1996–2017, Collegiate policy (cx) debate programs (coaching, brief-writing, strategy), Baylor, Stanford, Dartmouth, and USC.

Commercial Driver License NC: Class B (GVWR 26,001 lbs or more)

REFERENCES available upon request

Senator WICKER. Thank you very much.

Mr. Fulton.

**STATEMENT OF FINCH FULTON,
NOMINEE FOR ASSISTANT SECRETARY FOR POLICY,
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. FULTON. Thank you, Chairman Wicker, Ranking Member Cantwell, and Members of the Committee.

I'm proud to be here today as the nominee for Assistant Secretary of Policy for the United States Department of Transportation. I'm also proud to be joined today by my wife Carrie West Fulton.

I believe my background makes me uniquely qualified for this role. I have been involved in transportation issues my entire life. Growing up, my family owned a small trucking, logistics, and warehousing business. Every summer, I worked in these warehouses and learned the importance of strong logistical centers for freight, the health of our economy, and for our country's competitiveness.

After graduating from the University of Alabama, I moved to Washington, D.C., where I served as a staffer in both the House of Representatives and in the Senate. While working in the Senate,

I took night and weekend classes to earn an MBA from Johns Hopkins University.

In these roles, I learned to be an advocate for constituents baffled by the complexity of Washington, D.C., helping individuals work through complicated bureaucracies to achieve results, similar to the ROUTES Initiative.

After receiving my MBA and leaving the Senate, I moved to Dallas, Texas, where I worked for a public affairs company called VOX Global. While my primary focus was around telecommunications issues, I used this position as an opportunity to get more involved in a number of innovative transportation technologies, namely, drones, rideshare services, and automated vehicles.

My experiences thinking through the challenges of locally elected officials helped me consider their responsibilities and the appropriate role of the Federal Government.

In my over 3 years at the Department of Transportation, these experiences have served me well. I've learned much from Secretary Chao's vision and leadership in the department.

First and foremost, I have learned the importance of keeping safety as the top priority for the department and the North Star for all of its actions.

The department must continue to prioritize safety outcomes in all of its actions, including grant-making, regulatory updates, enforcement and engagement actions, and as a focus for engaging with new technologies.

By keeping safety as the focus for all the department's actions, I believe we can make significant steps toward the goal of zero fatalities.

Technology holds great potential to improve the safety, efficiency, and economic impact of our transportation system, but it is not a silver bullet. The developments in automated vehicles, drones, hyperloop systems, commercial space launch and re-entry, and even data initiatives can dramatically change the way people and goods move about the country.

I've had the distinct privilege of being able to lead the policy development of the department's approach to innovative transportation technologies. This effort includes the work of the Nontraditional and Emerging Transportation Technologies or NETT Council.

I've also been actively engaged in the department's work around Surface Transportation reauthorization. As we move toward a new proposal, we must use reauthorization as an opportunity to codify steps to improve the efficiency and effectiveness of the American transportation system.

If I am confirmed in my new role, I will look forward to working with Congress to pass this legislation.

Thank you for your time and for the opportunity to testify before you today.

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

PREPARED STATEMENT OF FINCH FULTON, NOMINEE FOR ASSISTANT SECRETARY FOR
POLICY, U.S. DEPT. OF TRANSPORTATION

Thank you Chairman Wicker, Ranking Member Cantwell, and Members of the Committee. I am proud to be here today as the nominee for Assistant Secretary of Policy for the U.S. Department of Transportation. I believe my background makes me uniquely qualified for this role.

I have been involved in transportation issues my entire life. Growing up, my family owned a small trucking, logistics, and warehousing business, which served as a connection between the Port of Mobile, rail lines, and commercial motor vehicles using the I-10 and I-65 interstate connections. Every summer, I worked in these warehouses. I learned first-hand the important role strong logistical centers play for the health of our economy and our country's competitiveness.

After graduating from the University of Alabama, I moved to Washington, D.C., where I served as a staffer in both the House of Representatives and the Senate. While working in the Senate, I took night and weekend classes to earn an MBA from Johns Hopkins University. In these roles, I learned to be an advocate for constituents baffled by the complexity of Washington, D.C., helping individuals work through complicated bureaucracies to achieve results.

After receiving my MBA and leaving the Senate, I moved to Dallas, Texas, where I worked for a public affairs company called VOX Global. Here, I worked on advocacy campaigns focused on the State and local integration of technology. While my primary focus was around telecommunications issues, I used this position as an opportunity to get more involved in a number of innovative transportation technologies, namely drones, ride-share services and automated vehicles. My experience thinking through the challenges of locally elected officials helped me consider their responsibilities, and the appropriate role of the Federal government.

In my over three years at the U.S. Department of Transportation, these experiences have served me well. I have learned much from Secretary Chao's vision and leadership of the Department. First and foremost, I have learned the importance of keeping safety as the top priority for the Department, and the "North Star" for all of its actions.

In 2018, the most recent year reported by the National Highway Traffic Safety Administration, the number of fatalities on American roads reached 36,560. Each life lost is a tragedy. The Department must continue to prioritize safety outcomes in all of its actions, including grant making, regulatory updates, enforcement, and engagement actions and as a focus for engaging with new technologies. By keeping safety as the focus for all of the Department's actions, I believe we can make significant steps towards the goal of zero fatalities.

Technology holds great potential to improve the safety, efficiency, and economic impact of our transportation system, but it is not a "silver bullet." The developments in automated vehicles, drones, hyperloop systems, commercial space launch and re-entry, and even data initiatives can dramatically change the way people and goods are moved about the country. Many of these technologies challenge the Department in new or more sophisticated ways on methods both to prove and to improve levels of safety, or in determining what mechanisms are best suited in the Department for providing oversight. I believe that we can utilize the public processes and mechanisms that are in place to consider these questions, and include input from all relevant sources, to ensure the long-term health of and to realize the great potential for, these new technologies.

I have had the distinct privilege of being able to lead the policy development of the Department's approach to automated vehicles. In the last few years, the Department has published *Automated Driving Systems 2.0: A Vision for Safety*, *Automated Vehicles 3.0: Preparing for the Future of Transportation*, and through our work with the White House *Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0*. These guidance documents have helped clarify the approach and the role of the Federal government in the safe and full integration of automated vehicle technologies into our Nation's transportation system.

I have also been actively engaged in the development and execution of the drone Integration Pilot Program, and the Automated Driving System Demonstration grants—both of which take the approach that we should 1) prioritize safety, 2) use these opportunities to generate data to allow us to update our regulations and standards, and 3) work collaboratively with the communities in which these technologies are being developed to ensure people understand the capabilities—and limitations—of these technologies. I am also currently leading the efforts of the Department's Non-traditional and Emerging Transportation Technology (NETT) council, which is working in an intermodal fashion to determine which authorities to bring

to projects that do not fall neatly within the authorities of one mode or another, such as hyperloop.

As we move towards a new surface transportation authorization, we must use re-authorization as an opportunity to codify steps to improve the efficiency and effectiveness of the American transportation system. This effort will undoubtedly include Administration priorities like One Federal Decision. Separate and apart from legislative efforts, we must also use current authorities and funding opportunities to test and validate better ways to invest in, manage, and oversee our transportation assets while investing in improving our Nation's infrastructure. I look forward working with Congress as we utilize grant programs, such as the BUILD and INFRA transportation grant programs, to do so.

Thank you for your time, and for the opportunity to testify before you today.

A. BIOGRAPHICAL INFORMATION

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

Thomas Finch Fulton.
Preferred name: "Finch".

2. Position to which nominated: Assistant Secretary for Transportation Policy.

3. Date of Nomination: January 28, 2020.

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

Residence: Information not released to the public.
Office: 1200 New Jersey Ave SE, Washington, D.C. 20590.

5. Date and Place of Birth: May 10, 1986; Mobile, Alabama.

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).

Kerri West Fulton, Senior Policy Officer for Agriculture, Embassy of Australia in Washington D.C.

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

- Bachelor of Science in Commerce and Business Administration, Culverhouse College of Business, University of Alabama, 2008
- Master of Business Administration, Carey Business School, Johns Hopkins University, 2013

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 Assistant Secretary for Transportation Policy, United States Department of Transportation, April 2017 to present.*
- *Special Advisor to the Secretary on Transportation Policy, United States Department of Transportation, January 2017–April 2017.*
- *Transportation & Infrastructure Policy Team/Department of Transportation Team, Presidential Transition Team, November 2016–January 2017.*
Managing Supervisor, VOX Global, November 2016
- Agent for Macy's Retail, Macy's Inc, August 2015–December 2015
- Account Supervisor, VOX Global, November 2014–November 2016
- Senior Account Executive, VOX Global, October 2013–November 2014
- Legislative Aide, National Defense Team, Senator Jeff Sessions, United States Senate, June 2012–October 2013
- Legislative Correspondent, National Defense Team, Senator Jeff Sessions, United States Senate, February 2010–June 2012
- Director of Constituent Services, Congressman John Fleming, M.D., United States House of Representatives, January 2009–March 2010
- Legislative Correspondent, Congressman Jim McCrery, United States House of Representatives, July 2008–December 2008

9. Attach a copy of your resumé. 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 ten 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 ten years.

- AT&T: during my time at VOX Global, I supported AT&T's Public Affairs department, organizing communications efforts for AT&T employees, retirees, customers and other stakeholders. These communications primarily sought to inform and engage stakeholders about AT&T corporate responsibility efforts. The communications occasionally sought to mobilize these stakeholders to engage local and State policymakers around numerous issues impacting AT&T, such as State and local taxes and fees, the location of cell towers, or other local issues. I worked on fewer Federal issues. However, I did work on involved issues around the rental of digital set-top boxes, the AT&T and DirecTV merger and Net Neutrality.
- Uber: Around 2014 while at VOX Global, I worked on a team developing communications materials and a mobilization website on behalf of Uber in support of statewide legislation that authorized operation across the State.
- PCIAA: In 2014 while at VOX Global, I worked to help develop a communications strategy for the America Property Casualty Insurance Association around Members of Congress in support of reauthorizing the Terrorism Risk Insurance Act.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). 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 disability.

- Public Affairs Council (January 2014–January 2017)
- Dallas Regional Chamber Young Professionals (January 2014–January 2017)
- The Jefferson Islands Club (October 2017 to present)
- 45 Club (May 2018 to present)

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

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

Nothing outside of my USDOT work.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

- Dallas County Deputy Voter Registrar (August 2015–January 2017)
- Precinct Chair #1015, Dallas County Republican Party (August 2016–January 2017)
- Election Judge, Dallas County Republican Party (November 2016)
- Volunteer, Whip Team, Republican National Convention (July 2016)

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements. None.

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Publications

VOXGlobal:

- May 8, 2014: VOX Global newsletter “The Intersection”: The Price of Neglect: How our Government is Designed to Manage our National Debt, and Why it’s Failing. <https://voxglobal.com/intersection/2014/05/the-price-of-neglect/>
- August 6, 2014: VOX Global Blog Post: Begun, the Drone Wars Have. <https://voxglobal.com/2014/08/begun-the-drone-wars-have/>
- February 17, 2015: VOX Global Blog Post: FAA Proposes New Drone Rules-But Will They Fly? <https://voxglobal.com/2015/02/faa-proposes-new-drone-rules-but-will-they-fly/>
- July 27, 2015: VOX Global Blog Post: Citizen advocate? Plan an advocacy campaign like the pros. <https://voxglobal.com/2015/07/citizen-advocate-plan-an-advocacy-campaign-like-the-pros/>
- March 28, 2016: VOX Global Blog Post: Three Key Takeaways on Drone Policy from SXSW Interactive. <https://voxglobal.com/2016/03/three-key-takeaways-on-drone-policy-from-sxsw-interactive/>
- November 2016: VOX Global newsletter “The Intersection”: The On the-Ground Logic of Election Day. <https://voxglobal.com/intersection/2016/11/the-on-the-ground-logic-of-election-day/>

BrightestYoungThings.com

- July 11, 2011: LIVEDC: RX BANDITS/MAPS AND ATLASES/ZECHS MARQUISE @ 930 CLUB. <https://brightestyoungthings.com/articles/livedc-rx-bandits-maps-and-atlases-zechs-marquise-930-club>
- September 20, 2011: LIVEDC: CLAP YOUR HANDS SAY YEAH @ 930 CLUB. <https://brightestyoungthings.com/articles/livedc-clap-your-hands-say-yes-930-club>
- October 21, 2011: LIVEDC: MINUS THE BEAR @ 930 CLUB. <https://brightestyoungthings.com/articles/livedc-minus-the-bear-930-club-2>
- November 9, 2011: LIVEDC: COLD WAR KIDS/YOUNG MAN @ 930 CLUB. <https://brightestyoungthings.com/articles/livedc-cold-war-kids-young-man-930-club>
- June 20, 2012: INTERVIEW: KAL TRAVER OF RUBBLEBUCKET. <https://brightestyoungthings.com/articles/interview-kal-traver-of-rubblebucket>
- August 3, 2012: LIVEDC: BOMBAY BICYCLE CLUB @ 930 CLUB. <https://brightestyoungthings.com/articles/livedc-bombay-bicycle-club-930-club-2>
- August 12, 2012: LIVEDC: THE HOOD INTERNET W/CAPITAL CITIES, MAGIC MAN @ U ST MUSIC HALL. <https://brightestyoungthings.com/articles/livedc-the-hood-internet-w-capital-cities-magic-man-u-st-music-hall>
- March 27, 2012: LIVEDC: POLIÇA @ RED PALACE. <https://brightestyoungthings.com/articles/livedc-polica-red-palace>

Speeches

To account for the speeches I’ve given while at USDOT, I have gone through my records. This list represents my best attempt to provide an exhaustive list. This list goes up to February 11, 2020.

Before USDOT

- ~Fall 2016: Dallas Young Professionals panel discussion on local education board elections

External-facing speeches, presentations and roundtable discussions include:

- June 7, 2017: Roundtable discussion with Securing America’s Future Energy (SAFE) stakeholders on vehicle technologies
- June 13, 2017: Panel presentation regarding President’s Infrastructure Initiative at the U.S. P3 Infrastructure Forum 2017 in New York City
- June 14, 2017: Amazon Web Services Cybersecurity Roundtable

- August 8, 2017: Speech at American Dream Coalition Annual Conference on DOT priorities in DC
- August 16, 2017: 2017 Transportation Investment Summit in Irving, Texas
- September 19, 2017: Briefing with National Governors Association on ADS 2.0 in DC
- October 23, 2017: Briefing with U.S. Conference of Mayors on AVs in DC
- October 24, 2017: Bloomberg Next: Panel on driverless transportation in DC
- ~October 26, 2017: Presentation at the Commercial UAV Expo on the Drone Integration Pilot Program in Nevada
- November 2, 2017: Panel at Mobility Unmanned in DC: DOT's Role in Autonomous Technology Deployment
- November 14, 2017: Presentation to CTIA–NASA UAS Working Group in DC about drone integration pilot program and drone initiatives
- December 2, 2017: Presentation at the Western Governors Association Winter Meeting in Arizona on Federal AV efforts
- December 7, 2017: Presentations during AV Data for Safety Roundtable at USDOT
- January 13, 2018: Panel at CBS on The Key to UAS Integration
- January 23, 2018: AASHTO/AAMVA AV Policy Roundtable
- February 26, 2018: Speech at National Association for Business Economics Economic Policy Conference on the impact of technology and automation on transportation in DC
- March 1, 2018: Remarks at USDOT Public Listening Summit on Automated Vehicle Policy
- March 2, 2018: 2018 AASHTO Washington Briefing panel entitled “State DOTs Harnessing Connected and Autonomous Vehicles” in DC
- March 6, 2018: FAA UAS Symposium—Legislation and Regulation—Who's in Charge of What?
- March 6, 2018: FAA UAS Symposium—UAS Rulemaking—From Idea to Implementation panel
- April 12, 2018: Speech at Carnegie Mellon University Transportation Center Mobility Summit Conference on research in transportation
- April 20, 2018: Presentation at Schneider National, Inc., annual Customer Advisory Event (CAE), in U.S. Capitol
- May 10, 2018: Roundtable discussion with stakeholders at the White House Artificial Intelligence summit
- May 15, 2018: Discussion at ITS America Smart Cities/Smart States Roundtable about the Department's point of view and priorities in tech, innovation, and infrastructure
- May 30, 2018: Speech at Drone Focus Conference in North Dakota
- June 14, 2018: Presentation at USDOT Safety Data Forum about DOT efforts around data
- June 27, 2018: Roundtable discussion with SMART Columbus in Columbus, Ohio stakeholders on their initiatives
- July 11, 2018: Introduction to USDOT's AV Data Principles and AV Data Framework/Approach to AV Data at the Automated Vehicle Symposium in California
- July 12, 2018: Plenary Speech on USDOT's automated vehicle research activities at the Automated Vehicle Symposium in California
- September 24, 2018: Presentation on New Policy Frontiers for Autonomous Vehicles, Smart Cities in DC for the American Planning Association
- October 3, 2018: Roundtable discussion with Global Automakers Safety Committee on automated vehicles and safety priorities
- October 3, 2018: Panel discussion with the McGuireWoods Consulting Emerging Technologies Group called “From the Surface to the Skies: The Future of Autonomy in the United States”
- October 4, 2018: Speech, Q&A and moderated a discussion at the USDOT during the event releasing Automated Vehicles 3.0: Preparing for the Future of Transportation (AV 3.0)

- October 17, 2018: Presentation on AV 3.0 in DC for Americans for Tax Reform stakeholders
- October 23, 2018: GPU Technology Conference DC Panel—the Keys to Deploying Self-Driving Cars
- October 24, 2018: Kickoff speech for ITS—America Hill briefing on the 5.9GHz spectrum for connected vehicles
- October 24, 2018: Presentation to U.S. Chamber’s Autonomous Vehicle Workings Group on AV 3.0 and related initiatives
- October 26, 2018: Roundtable presentation with the Department of Labor’s Disability Rights Education and Defense Fund (DREDF) information-gathering session on autonomous vehicles and deployment
- November 10–12, 2018: Roundtable discussions at the Annual Meeting of Global Future Councils 2018, Global Futures Council on Mobility in Dubai
- December 6, 2018: Led breakout session on “Unleashing Innovation Reducing Barriers to Innovation/Enhancing Market Confidence” discussion paper at the G7 Multistakeholder Conference on Artificial Intelligence
- December 11, 2018: Presentation at the Unmanned Aerial System Integration Pilot Program (UAS IPP) Lead Participant Focus Meeting
- February 28, 2019: International Consumer Product Health and Safety Organization (ICPHSO) panel: Agencies Stand United for Consumer Product Safety—Evolving Approaches for Innovation & Technology
- February 28, 2019: Presentation to Chamber of Commerce Autonomous Vehicles working group on ADS Demonstration grants, and related DOT AV initiatives
- March 9, 2019: Panel discussion at Smart Mobility Summit in Austin, TX titled How Robo-Taxis Will Revolutionize Urban Transport
- March 9, 2019: Participated in Autonocast Podcast “Robotaxis In The Urban Environment” after Smart Mobility Summit panel
- March 10, 2019: SXSW panel on Urban Aerial Mobility in Austin, Texas
- March 11, 2019: SXSW panel called “Transportation Innovation at a Crossroads” in Austin, Texas
- March 12, 2019: SXSW fireside discussion with Secretary Elaine Chao introducing the New and Emerging Transportation Technology (NETT) Council
- March 20, 2019: Multiple speeches and panel moderation at the stakeholder feedback workshop on the study on the impact of automated vehicle technologies on workforce
- April 2, 2019: Briefing with Transport Canada and the Global Automakers at the Canadian Embassy on the U.S. approach towards safety in automated vehicles
- April 29, 2019: Roundtable discussion at USDOT on the current and future uses of the 5.9GHz spectrum for transportation safety purposes
- May 1, 2019: Briefing Siouxland Chamber of Commerce on Department of Transportation infrastructure programs at the Library of Congress
- May 7, 2019: Roundtable discussion with the Greater Phoenix Economic Council (OPEC) at USDOT on infrastructure and automated vehicles
- May 7, 2019: Panel presentation on the Future of the Vehicle Cabin and How People will Interact with Continuously Evolving Technology in DC with the U.S.-Israel Future Mobility Center
- May 29, 2019: Roundtable participation in the World Economic Forum Drones and Aerial Mobility Global Council in California
- June 4, 2019: Panel discussion at the National Governors Association Technology Workshop during the ITS America Annual Meeting in Washington DC on connected and automated vehicles
- June 5, 2019: Panel discussion at USDOT with Eno Leadership Development Program students on How USDOT Keeps the Nation in Motion
- June 5, 2019: Panel discussion at FedScoop’s FedTalks: AI Panel in DC on the Department’s actions around artificial intelligence
- June 5, 2019: Panel discussion at the ITS America conference on “How Innovative Mobility Solutions Are Improving Accessibility For All Users”
- June 6, 2019: Guest Speaker for CTA Self-Driving Meeting in Arlington, Virginia

- June 24, 2019: Speech at United Spinal Association annual event in Washington DC on accessibility initiatives
- June 26, 2019: Presentation at the NIST Workshop on Consensus Safety Measurement Methodologies for ADS Equipped Vehicles
- July 11, 2019: Speech on automated vehicle efforts at DOT at the State of Autonomy: Intelligent Machines At-Scale: Transforming Mission Delivery event in Arlington, Virginia
- July 15, 2019: Hosted and presented the USDOT sponsored Consumer Education and Communications around AV Technologies event at the Automated Vehicle Symposium in Florida
- July 17, 2019: Podcast discussion with The Mobility Podcast on USDOT initiatives around automated vehicles at the AV Symposium in Florida
- July 18, 2019: Plenary presentation on USDOT automated vehicle initiatives at the AV Symposium in Florida
- July 18, 2019: Presented and hosted Q&A at the USDOT/FMCSA Multi-modal listening session on automated vehicles at the AV Symposium in Florida
- July 19, 2019: Presentation at the Auto Alliance Workshop Series on “Technologies for Providing Increased Vehicle Accessibility to People with Disabilities and Older Adults”
- July 30, 2019: Presentation on being a young professional in transportation to a group of students from Historically Black Universities and Colleges at the USDOT
- August 27, 2019: Presentation at the U.S. DOT-Transport Canada AV Workshop on USDOT AV-related initiatives
- September 5, 2019: AUVSI UAS Advocacy Committee Meeting discussion about the UAS IPP, upcoming rulemakings and other drone-related initiatives
- September 9, 2019: NAM Transportation and Infrastructure Policy Committee Meeting discussion on infrastructure investments in the U.S., FAST Act Reauthorization, and a handful of other USDOT initiatives
- September 10, 2019: Keynote at Auto Alliance Workshop 3: Broader Impacts of Assistive Transportation Technologies around USDOT accessibility initiatives and the Oct. 29 accessibility event at USDOT
- September 12, 2019: Speech at this Thursday edition of the APTA “Transportation Tuesdays” event about automated vehicles impact on transit
- September 19, 2019: Keynote at the 2019 UIC Urban Forum at the University of Illinois, Chicago called “Are We There Yet? The Myths and Realities of Autonomous Vehicles”
- September 26, 2019: Panel discussion during The Hill’s Future of Mobility Summit on automated vehicle safety
- September 26, 2019: speech at the PAVE Annual Meeting in Baltimore on USDOT’s complimentary work with Consumer Reports, SAE, AAA and PAVE on better determining how to communicate different levels of automated vehicle capabilities
- October 3, 2019: participated in the 21st Century Truck Partnership (21CTP) Senior Executive Steering Committee (SESC)—Fall 2019 Meeting to discuss energy efficiency initiatives for the trucking industry
- October 24, 2019: panel on Regulatory Perspectives on Autonomous Mobility at Autonomous Mobility Summit in Singapore, comparing international approaches towards automated vehicle regulations
- October 25, 2019: participant in 2nd AV Regulators Forum in Singapore, discussing international approaches towards automated vehicle regulations
- October 25, 2019: speech at ITS World Congress 2019, highlighting the U.S. activities to support the safe and full integration of automated vehicles, and the usage of the 5.9GHz safety band for connected vehicle activities
- October 28, 2019: presentation and Q&A with the Geosynthetic Materials Association (GMA) Reception and Dinner on surface transportation reauthorization and ongoing USDOT initiatives
- October 29, 2019: introduction and charge for the Inclusive Design Challenge breakout session at the USDOT Access and Mobility for All Summit
- October 29, 2019: introduction of the Inclusive Design: Vehicle Technologies that Increase Access panel discussion at the USDOT Access and Mobility for All Summit

- November 22, 2019: discussion at the Young Men’s Leadership Event at USDOT with students of Ron Brown High School regarding innovative technologies and the future of careers in transportation
- January 6, 2020: Speech at GO–NV Summit on innovative transportation technologies and solutions
- January 6, 2020: Panel discussion on the use of data and innovative mobility solutions at the GO–NV Summit
- January 8, 2020: stakeholder panel at CBS titled “What’s Next for Vehicle Automation” discussing AV 4.0 and the safe testing and deployment of automated vehicles into our national transportation system
- January 13, 2020: Panel discussion on Automation Technology and Transportation at the Transportation Research Board in Washington DC
- January 24, 2020: Participated in a roundtable discussion regarding automated vehicle development and data sharing at the Governors Meeting: Automotive and Autonomous Mobility Policy at the World Economic Forum in Davos

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Active:

- LinkedIn: Finch Fulton: <https://www.linkedin.com/in/finchfulton/>
- Facebook: Finch Fulton: <https://www.facebook.com/finch.fulton>
- Twitter: TFinchF: <https://twitter.com/TFinchF>
- Instagram: tfinchf
- Snapchat: finchfulton

19. 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.

To account for the major congressional interactions, including testimonials, I have been involved in while at USDOT, I have gone through my records. This list represents my best attempt to provide an exhaustive list.

- May 2, 2019: Roundtable with Members of the House Science Committee on Administration initiatives around artificial intelligence, my focus was on USDOT actions
- While I have only participated in a roundtable briefing (noted above) U.S. Congress, not a formal testimony, I have testified before the Canadian Standing Senate Committee on Transport and Communications on October 17, 2017.
- I have also briefed staff of Congressional Committees numerous times, including:
- June 28, 2017: INFRA Pre-briefs with House and Senate Authorizing and Appropriation staff
- July 18, 2017: Briefing with Senate Appropriations staff on TIGER
- July 19, 2017: Briefing with Senate Commerce staff on AV legislation
- July 20, 2017: Briefing with House Energy and Commerce staff on AV legislation
- September 5, 2017: Briefing with House and Senate Appropriators on TIGER NOFO
- September 8, 2017: Meeting with House Energy and Commerce on AV legislation
- September 11, 2017: Senate and House appropriator and authorizer briefs on ADS 2.0
- September 25, 2017: Briefing for U.S. Senate Transportation Legislative Assistants on ADS 2.0
- September 26, 2017: Briefing for U.S. House of Representative Transportation Staff on ADS 2.0
- October 24, 2017: Briefing with the Robotics Caucus Advisory Committee and the Congressional Robotics Caucus for Congressional staff on the anticipated arrival and integration of automated vehicles

- November 28, 2017: Briefing for Senate Banking staff on AV 3.0 and Federal Transit policy around automated vehicles
- December 8, 2017: Briefing with Senate EPW minority staffer on infrastructure needs for AVs
- April 27, 2018: Better Utilizing Investments to Leverage Development (BUILD) transportation discretionary grant briefing for Senate Commerce staff
- September 28, 2018: Briefings with House and Senate Authorizers and Appropriators on the AV Proving Grounds
- October 4, 2018: AV 3.0 Pre-brief with House and Senate Authorizers and Appropriators
- October 4, 2018: AV 3.0 Brief with legislative assistants in the House of Representatives and Senate
- March 1, 2019: Senate Commerce Subcommittee staff and Member transportation legislative assistant briefings on Transportation and Safety 101
- February 5, 2020: Senate THUD Appropriations Staff briefing on automated vehicle developments and the use of appropriated funds

20. 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 believe my background qualifies me well for the position of Assistant Secretary for Transportation Policy. I have been involved in transportation issues my entire career, which allows me to better understand and approach challenges the Department faces. In my work, I strive to think first of the end-users of our transportation system, the American citizens.

Growing up, my family owned a small trucking, logistics and warehousing business. Every summer from 1996 to 2006 I worked in these warehouses, which served as a connection between the Port of Mobile, rail lines and commercial motor vehicles using the 1–10 and 1–65 interstate connections. I grew up performing odd jobs maintaining these warehouses, but in time grew into roles where I packaged supplies, managed inventory, and used a forklift to load train cars and 18-wheelers. I understand first-hand the important role strong logistical centers have for the health of our economy and our country's competitiveness.

After graduating from the University of Alabama, I moved to Washington D.C., where I served as a staffer in both the House of Representatives and the Senate. While working in the Senate, I took night and weekend classes to earn an MBA from Johns Hopkins University. In these roles, I learned to be an advocate for constituents baffled by the complexity of Washington, D.C., helping them navigate complicated bureaucracies to achieve results.

After receiving my MBA, I left the Senate and moved to Dallas, Texas where I worked for a public affairs company called VOX Global. There, I worked on advocacy campaigns focused on the state and local integration of technology. While my primary focus was around telecommunication issues, I used this as an opportunity to get more involved in a number of innovative technologies and services, namely drones, ride-share and automated vehicles. My experience thinking through the challenges of locally elected officials helped me bridge their responsibilities and the appropriate role of the Federal Government.

In my over two and a half years at the U.S. Department of Transportation, these experiences have served me well. The Department seeks to engage and empower State and local authorities. By working alongside our partners at all levels of government, including the Congress, we can ensure that local priorities are not lost in Federal actions. This approach is appropriate whether dealing with questions about safety, infrastructure and permitting or engaging with new technologies and services.

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

- I believe my responsibilities as the Assistant Secretary for Transportation Policy would be to ensure a culture of good stewardship on behalf of the American people. This means:
 - Ensuring that safety remains the “North Star” for all of the Department’s actions;

- Working with Congress and the accountability agencies to ensure DOT continues to improve and strengthen its planning, recommendation and acquisition processes;
 - Relying on and empowering the work of the dedicated career staff that DOT has, and continuing our focus on operating as one integrated DOT team;
 - Effectively communicating the vision, reasoning and purpose for all decisions, and
 - Working to include and empower the State and local partners that know their communities best.
- I have been working at the Department in an official capacity since January 2017. In that time, I have managed large, multi-modal teams of hundreds to take an intermodal approach to innovative technologies and infrastructure investments. Two recent examples include teams of over 200 each for both the *Automated Vehicles 3.0: Preparing for the Future of Transportation* guidance document, and for the process of making recommendations for the 2018 \$1.5 billion BUILD Transportation grant program.
 - I am also currently serving as the lead advisor for the Non-Traditional and Emerging Transportation Technology (NETT) council, which is working in an intermodal fashion to determine which authorities to bring to projects that do not fall neatly within the authorities of one mode of transportation or another, such as hyperloop.
 - In these efforts and others, I have worked to recruit the brightest minds at DOT while structuring a process that ensures inputs—both internally and externally—are considered as the Department produces guidance and makes recommendations on issues of national importance.
22. What do you believe to be the top three challenges facing the department/agency, and why?
- Safety is and will remain the top priority. In 2018, the most recent year reported by NHTSA's Fatality Analysis Reporting System, the number of U.S. transportation-related fatalities reached 36,560. Each life lost is a tragedy. The Department must continue to prioritize safety outcomes in all of its actions, including grant making, updating regulations, enforcement and engagement actions and as a focus for engaging with new technologies. By keeping safety as the focus for all of the Department's actions, I believe we can make significant steps towards the goal of zero fatalities.
 - As we move towards working with Congress on a new surface transportation reauthorization, we must use this opportunity to improve the efficiency and effectiveness of the American transportation system and also to test and validate better ways to invest in, manage and oversee our transportation assets.
 - Technology holds great potential to improve the safety, efficiency, mobility—especially for the elderly and those with disabilities—and the economic impact of our transportation system. Developments such as automated vehicles, drones, hyperloop, commercial space and data initiatives can dramatically change the way people and goods are moved about the country and world. Many of these technologies challenge the Department in new or more sophisticated ways on methods to both prove and improve levels of safety, or in determining what mechanisms are best suited in the Department for providing oversight. I believe that we must utilize the public processes and mechanisms that are in place to consider these questions, and include input from all relevant sources, to ensure the long-term health of, and realize the great potential for, these new technologies.

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.
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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved with the terms of an ethics agreement that I have entered into with DOT'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 ten 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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved with the terms of an ethics agreement that I have entered into with DOT'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. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

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

6. Describe any activity during the past ten years, including the names of clients represented, 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.

- AT&T: during my time at VOX Global, I supported AT&T's Public Affairs department, organizing communications efforts for AT&T employees, retirees, customers and other stakeholders. These communications primarily sought to inform and engage stakeholders about AT&T corporate responsibility efforts. The communications occasionally sought to mobilize these stakeholders to engage local and State policymakers around numerous issues impacting AT&T, such as State and local taxes and fees, the location of cell towers, or other local issues. I worked on fewer Federal issues. However, I did work on involved issues around the rental of digital set-top boxes, the AT&T and DirecTV merger and Net Neutrality.
- Uber: Around 2014 while at VOX Global, I worked on a team developing communications materials and a mobilization website on behalf of Uber in support of statewide legislation that authorized operation across the State.
- PCIAA: In 2014 while at VOX Global, I worked to help develop a communications strategy for the America Property Casualty Insurance Association around Members of Congress in support of reauthorizing the Terrorism Risk Insurance Act.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

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.

In 2006, when I was 20, I was charged with being a minor in possession of alcohol at a beach in Escambia County, Florida. I had to pay a \$50 fine and take an edu-

cational class about the risks of alcohol. The charge was dismissed nolle prosequi on 12/21/2006.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal 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, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? 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.

Thomas “Finch” Fulton

PROFILE

- Passion for working to advance smart policies aimed at integrating and utilizing emerging technologies to generate positive safety, efficiency and economic impacts for our Nation’s transportation system.
- Process-oriented mindset around working to solve the transportation challenges our country faces.
- Experience serving in both the Executive and Legislative Branches, as well as in the private sector, planning and executing integrated advocacy campaigns at local, State and Federal levels.

EDUCATION

JOHNS HOPKINS UNIVERSITY , Carey Business School	Washington, DC
Master of Business Administration	May 2013
UNIVERSITY OF ALABAMA , Culverhouse College of Business	Tuscaloosa, AL
Bachelor of Science in Commerce and Business Administration	May 2008
President, Alpha Kappa Psi Professional Business Fraternity	

EXPERIENCE

DEPARTMENT OF TRANSPORTATION (USDOT)	Washington, DC
Deputy Assistant Secretary for Policy (SES, TS/SCI)	Apr. 2017 – Present
Special Advisor to the Secretary on Transportation Policy	Jan. 2017 – Apr. 2017
Presidential Transition Team	Nov. 2016 – Jan. 2017
• Develop USDOT’s automated vehicle policies, including the publication of the first multi-modal guidance document for automation, <i>Preparing for the Future of Transportation: Automated Vehicles 3.0</i>, and the first whole of government approach aligning Federal agencies around key research, policy and regulatory developments, <i>Ensuring American Leadership in Automated Vehicle Technologies: AV 4.0</i> • Developing the administration’s multi-modal surface transportation reauthorization proposal. • Updated and manage the INFRA and BUILD discretionary grant programs, providing recommendations for over \$3.5 billion in transportation infrastructure discretionary grants. • Initiated and advanced the President’s Unmanned Aerial Systems (drone) Integration Pilot Program. • Represent the U.S. at public events, including leading the 2018 G7 Multistakeholder Conference on Artificial Intelligence in Montréal on behalf of the White House Office of Science and Technology Policy.	
VOX GLOBAL	Dallas, TX
Managing Supervisor	Oct. 2016 – Nov. 2016
Account Supervisor	Oct. 2014 – Oct. 2016
Senior Account Executive	Oct. 2013 – Nov. 2014
• Designed and executed outreach strategies around key policy issues to inform and engage decision makers for clients, including AT&T, VISA, Uber, Bank of America and the Small UAV Coalition. • Organized cross-functional teams to reach employees, retirees, customers, media and other external stakeholders worldwide as part of advocacy campaigns to influence narratives around complex issues, including connectivity, cybersecurity, data governance, privacy and workforce impacts.	
UNITED STATES SENATE, Senator Jeff Sessions	Washington, DC
Legislative Aide	June 2012 – Oct. 2013
Legislative Correspondent	Feb. 2010 – June 2012
• Provided support to Senator on issues around U.S. Armed Services, NASA, Foreign Relations and Veterans Affairs, authoring resolutions, talking points, vote recommendations and other products. • Responded to over 70,000 constituent inquiries and completed at least 75 other unique projects.	
UNITED STATES HOUSE OF REPRESENTATIVES, CONGRESSMAN JOHN FLEMING, M.D.	Washington, DC
Director of Constituent Services/ Systems Administrator	Jan. 2009 – Feb. 2010
• Provided written products and external-facing support while managing digital assets.	

Senator WICKER. Thank you very much, Mr. Fulton.
Mr. Johnson.

**STATEMENT OF JOHN CHASE JOHNSON,
NOMINEE TO BE INSPECTOR GENERAL,
FEDERAL COMMUNICATIONS COMMISSION**

Mr. JOHNSON. Thank you, Mr. Chairman, Ranking Member Cantwell, and Members of the Committee.

It's an honor to be here as the President's nominee to serve as the Inspector General of the Federal Communications Commission, and I specifically appreciate that this committee has held this hearing and invited me to attend and the hard work of the staff to meet with me, to ask important questions, and to do all of the work that went into preparing for today's hearing.

I'd like to begin by thanking those who actually brought me here today, my family. Mr. Chairman has already identified my mother and father, Robbie and Cindy, my brother and sister-in-law, Randy and Sarah, and my girlfriend Julia.

I also am surrounded to my left and behind me by many friends and colleagues, fellow Marines who I will note, Mr. Chairman, are not afraid to sit in the front row of this committee, former co-clerks and colleagues from a very large law firm in Washington, D.C., as was previously said.

I appreciate, of course, their efforts to be here but, more importantly, their guidance and friendship that brought me here today.

As this committee knows, the Inspector General Act of 1978 and Section 2 describes the roles of the Inspector General as doing inspections and audits in order to promote efficiency, prevent fraud, waste, and abuse, and to provide information both to the agency and to Congress.

When I reflect on my career, I believe that almost all of the experience I've had suit those roles precisely. After I graduated from Duke University and taught high school for one year, I commissioned in the United States Marine Corps and law school at the University of Virginia School of Law and then was transferred to Camp Pendleton where I served as a senior trial attorney handling a criminal caseload and conducting investigations with both CID and NCIS.

I deployed to Afghanistan to serve as an investigator for the 1st Marine Expeditionary Group where I conducted complex investigations.

After completing my first tour on Active Duty, I entered the Marine Corps Reserves and then clerked for two Federal judges, first Victor Wolski on the United States Court of Federal Claims where my work specifically focused on government contracts which this committee knows are germane to the role of the IG of the FCC. I then clerked for Judge Edith Clement of the 5th Circuit where I continued to hone my ability to condense and distil complex ideas and facts into simple and lucid prose.

I've spent approximately the last 5 years at a law firm in Washington, D.C., doing everything from first chairing pro bono criminal defense trials in Federal and state courts and leading large investigations for a class action and False Claims Act suits.

I don't think there are probably any or at least not many children who grow up telling their parents that they aspire to be Inspectors General and if there were, I'd like to meet them, but it is interesting looking back, I think, on my career, my 14 years in the Marine Corps and my work as a lawyer and how the roles that I've held during that time are in fact roles that are very well suited to the role of being an inspector general.

I think first and foremost, Inspector Generals needs to be leaders of their Office of Inspector General. There's no doubt that the talented men and women that comprise an office of an inspector general can do far more good work for the taxpayer and the agency and this Congress than one inspector general and so, first and foremost, the role of Inspector General is to be a leader of an office of inspector general and I believe my experience is commensurate with that responsibility and, of course, an inspector general has to have the technical expertise to conduct investigations, to conduct audits, and to produce reports that are understandable and timely and digestible not only and particularly in a technical agency like the FCC to people who understand the jargon but to taxpayers who also are stakeholders in the role of the Inspector General.

I understand that the FCC is an important agency and its importance is probably as high today as it's ever been in a 5G world. Nonetheless, I'm excited about this opportunity. I believe my experiences are well suited to this opportunity.

I thank this committee for its time and I look forward to any questions.

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

PREPARED STATEMENT OF JOHN CHASE JOHNSON, NOMINEE TO BE INSPECTOR
GENERAL, FEDERAL COMMUNICATIONS COMMISSION

Mr. Chairman, Ranking Member Cantwell, and members of the Committee, it is a great honor to be the nominee to serve as the Inspector General of the Federal Communications Commission. Thank you for the opportunity to appear before you today.

This is an extraordinary position. The cornerstone of our great democracy is the trust of the people. And inspectors general exist, above all else, to build and protect that trust.

To introduce myself briefly, I come from a family committed to the service of others. My father serves others as a doctor, my mother as a teacher, and my brother as a doctor in the Navy.

After college, I taught high school for one year before commissioning in the Marine Corps. I then attended law school at the University of Virginia and returned to active duty. On active duty, I served as a prosecutor and, while deployed to Afghanistan, an investigator. Following my transition from active duty to the reserves, I clerked for two Federal judges, Judge Victor Wolski of the Court of Federal Claims, and Judge Edith Clement of the Fifth Circuit. I then entered private practice at Covington & Burling. Even during that time, my career focused on service, as I spent a quarter of my time representing indigent criminal defendants *pro bono*. I continue to serve in the Marine Corps Reserves as a military judge.

As Thomas Jefferson said, "[t]here is a debt of service due from every [person] to his country, proportioned to the bounties which nature and fortune have measured to him." I reflect on the good fortune and opportunities I have been afforded to serve my country and my community. Serving as the Inspector General of the FCC would be a continuation of that solemn commitment, and one that I would treat with the highest integrity, diligence, and duty.

I am confident that my litigation, investigation, and leadership experiences in both the public and private sectors will equip me to serve effectively as Inspector General of the FCC. If confirmed, I promise to exercise my responsibilities with the independence I believe I have shown throughout my career: following facts to where

they lead; applying the law as it is; and avoiding ideologies, politics, and ends-driven analyses.

If confirmed, I intend to:

- Ensure that the FCC Office of Inspector General (OIG) is an independent and objective organization;
- Pursue investigations and audits aggressively;
- Report the findings of these investigations and audits quickly;
- Employ OIG resources efficiently, focusing on high-risk issues;
- Collaborate with other inspectors general and the Counsel of the Inspectors General on Integrity and Efficiency;
- Protect and fight for whistleblowers;
- Defend taxpayers' dollars from fraud, waste, and abuse;
- Maintain close relationships with Congress, including this Committee; and
- Develop effective working relationships with the FCC Commissioners, Bureaus, and Offices.

I understand that the responsibilities of the position to which I have been nominated are significant. Given the important issues facing the FCC—from ensuring the rapid deployment of secure 5G technology, to allocating spectrum in a changing technology environment, to preventing fraud in FCC programs—assuming the leadership role of Inspector General will be challenging. But, of course, as President Kennedy said, we should choose to do things “not because they are easy, but because they are hard.”

I am honored to be considered for this important position and look forward to answering your questions. Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): John Chase Johnson (“Chase”).

2. Position to which nominated: Inspector General, Federal Communications Commission.

3. Date of Nomination: January 28, 2020.

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

Residence: Information not released to the public.

Covington & Burling LLP, 850 10th St NW, Washington, D.C. 20001

5. Date and Place of Birth: May 7, 1982; Oklahoma City, Oklahoma.

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). N/A

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

Duke University, B.A., 2005

University of Virginia School of Law, J.D., 2009

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.

Employer	Position	Location	Dates
YMCA—Camp Belknap	Senior Division Head	Wolfeboro, NH	05/2005–08/2005
St. Paul’s School	Colet Fellow (teacher)	London, UK	08/2005–05/2006
United States Marine Corps (Officer Candidate School)	Candidate	Quantico, VA	06/2006–08/2006
Sheehan Phinney Bass & Green PA	Summer Associate	Concord, NH	05/2007–08/2007
Goodwin Procter LLP	Summer Associate	Boston, MA	05/2008–08/2008
United States Marine Corps (Marine Corps Recruiting Command)	First Lieutenant	Quantico, VA	08/2009–12/2009

Employer	Position	Location	Dates
United States Marine Corps (The Basic School)	First Lieutenant, Student	Quantico, VA	12/2009–07/2010
United States Marine Corps (Naval Justice School)	First Lieutenant, Student	Newport, RI	07/2010–10/2010
United States Marine Corps (1st Marine Logistics Group)	Captain, Prosecutor	Camp Pendleton, CA and Helmand, Afghanistan	10/2010–05/2013
United States Court of Federal Claims (Judge Wolski)	Law Clerk	Washington, D.C.	08/2013–08/2014
United States Marine Corps Reserve (Judge Advocate Division)	Captain, Judge Advocate	Arlington, VA	10/2013–01/2014
United States Marine Corps Reserve (4th Civil Affairs Group)	Captain, Team Leader	Hialeah, FL	01/2014–09/2015
United States Court of Appeals for the Fifth Circuit (Judge Clement)	Law Clerk	New Orleans, LA	09/2014–08/2015
United States Marine Corps Reserve (2nd Civil Affairs Group)	Major, Plans Officer	Washington, D.C.	09/2015–04/2017
Covington & Burling LLP	Attorney	Washington, D.C.	09/2015–Present
United States Marine Corps Reserve (Navy-Marine Corps Trial Judiciary)	Major, Military Judge	Arlington, VA	05/2017–Present

9. Attach a copy of your resume.

Please see Attachment A.

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 ten years.

N/A (to the extent any of my work is responsive the question, it is listed above in the answer to A.8.)

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 ten years.

N/A (to the extent any of my work is responsive the question, it is listed above in the answer to A.8.)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). 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 disability.

Secretary, Federal Bar Association, Veterans and Military Law Section, 2019 to present; treasurer, 2016 to 2019

Board Member, Duke University Young Alumni Board, 2018 to present

Class Representative, University of Virginia School of Law, 2009 to present

Member, New Hampshire Bar Association, 2009 to present

Member, Massachusetts Bar Association, 2010 to present

Member, District of Columbia Bar Association, 2017 to present

Member, Army Navy Club, Washington D.C., 2010 to present

Member, American Bar Association, 2010 to present

Board Member, Federalist Society, Young Lawyer's D.C. Chapter Board, 2016 to 2018

None of the organizations above, to the best of my knowledge, restrict 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. No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities. N/A

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. N/A

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

University of Virginia School of Law, merit scholarship: 2006 to 2009

University of Virginia, Raven Society, member: 2009

Marine Corps (order of precedence)

Navy and Marine Corps Commendation Medal: April 29, 2013 and April 9, 2017

Navy and Marine Corps Achievement Medal: October 15, 2012

Navy Unit Commendation: November 3, 2010

Selected Marine Corps Reserve Medal: October 1, 2016

National Defense Service Medal: September 1, 2009

Afghanistan Campaign Medal: July 23, 2012

Global War on Terrorism Service Medal: September 15, 2009

Sea Service Deployment Ribbon: September 21, 2012

NATO Medal—ISAF Afghanistan: August 5, 2012

Marine Corps University, Command and Staff, Distinguished Graduate: 2018 to present

Colet Fellow, St. Paul's School, London: 2005–2006

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. 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.

I have sought to identify all of my articles and publications, not including legal filings, by reviewing my electronic and hard copy files and e-mail. There may be materials I did not find or recall. The following are the articles and publications I have identified:

Key Takeaways from Recent Decisions Discussing Release of Claims Provisions, Inside Government Contracts, March 28, 2017.

When does a contract release release a claim? A classic contract tongue twister, Inside Government Contracts, December 21, 2016.

The Foreign Sovereign Immunities Act and the Fifth Amendment's Takings Clause, Inside Government Contracts, October 19, 2016.

The Supreme Court Clarifies "Yearsley Immunity": An Analysis of Campbell-Ewald v. Gomez, Inside Government Contracts, January 25, 2016.

I have given no speeches on topics relevant to the position of Inspector General of the Federal Communications Commission.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn: active, <https://www.linkedin.com/in/johnchasejohnson/>

Facebook: deleted (approximately 2010)

Instagram: dormant (<https://www.instagram.com/jchasejohnson/>)

Twitter: dormant (<https://twitter.com/JChaseJohnson>)

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

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

I wish to continue my government service by serving as the Inspector General of the Federal Communications Commission because I believe that trust is the cornerstone of democracy. Trust in government requires, among other things, that citizens understand that their government works hard to be efficient and to avoid waste. The Inspector General Act of 1978 directs inspectors general to conduct audits and investigations to promote efficiency and prevent fraud, waste, and abuse. It would be an honor to uphold this mission, and, as a result, to strengthen the cornerstone of our democracy.

I believe my breadth of experiences will enable me to complete the mission of the Inspector General of the Federal Communications Commission. My years as a Marine Officer and a private practice attorney at a large firm have honed my leadership skills. I have developed and refined my legal aptitude by serving as a prosecutor, defense attorney, military judge, civil litigator, and lead investigator. In my execution of these jobs, I demonstrated the ability to identify problems, study them, design solutions, and implement those solutions through collaboration and hard work. If confirmed, I would enthusiastically use the skills acquired in my prior positions to increase the efficiency of, and eliminate fraud, waste, and abuse within, the Federal Communications Commission.

21. 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?

One responsibility of the Inspector General of the Federal Communications Commission is to ensure that the Office of the Inspector General and the entire Federal Communications Commission have proper management and accounting controls. Because the Inspector General advises, but is not a policy actor, accomplishing this goal requires careful analysis and diligence, followed by collaboration with the other bureaus and offices of the Commission.

I have lead teams of Marines as both a judge advocate and civil affairs officer. I have lead teams of attorneys, investigators, and contractors in investigations, civil litigation, and trials. I also served in various other leadership and management roles in private practice as well as charitable and nonprofit organizations.

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

The Federal Communications Commission plays a central role regulating communications that increasingly impact the economy and individuals. If confirmed to serve as the Inspector General of the Federal Communications Commission, I would conduct a thorough and impartial review of the Commission in order to evaluate potential fraud, waste, and abuse. To do this, I would, among other things, meet with the Commission's commissioners, the staff of the Office of the Inspector General, other key stakeholders, and Congress.

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 am an employee of Covington & Burling LLP, and receive a salary. If confirmed, I will no longer have any financial ties to Covington & Burling LLP, or any private employer. I have a 401k plan through Covington & Burling LLP but will no longer contribute to that account upon departing the firm.

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

Yes. I am committed to remaining in the United States Marine Corps Reserve. To the extent that question B.1., above, applies to my service in the United States Marine Corps Reserve, I receive and intend to continue to receive compensation for my service. As part of my service in the United States Marine Corps Reserve, I have a Thrift Savings Plan account to which I contribute and receive contributions and to which I intend to continue to contribute and receive contributions.

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. Explain how you will resolve each potential conflict of interest.

During my pre-nomination process, I consulted with ethics counsel for the Federal Communications Commission on several occasions to identify possible conflicts of interest. Any identified possible conflicts of interest will be handled consistent with the ethics agreement into which I entered with the Federal Communications Commission.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten 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. Explain how you will resolve each potential conflict of interest.

During my pre-nomination process, I consulted with ethics counsel for the Federal Communications Commission on several occasions to identify possible conflicts of interest. Any identified possible conflicts of interest will be handled consistent with the ethics agreement into which I entered with the Federal Communications Commission.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest. N/A

6. Describe any activity during the past ten years, including the names of clients represented, 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. N/A

C. LEGAL MATTERS

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

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

As disclosed in my background investigation, in 2000, I paid a fine for attempting to possess alcohol as a minor, in Tuftonboro, New Hampshire. I sincerely regret this incident.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal 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.

As disclosed in my background investigation, in 2000, I paid a fine for attempting to possess alcohol as a minor, in Tuftonboro, New Hampshire. I sincerely regret this incident.

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.

I do not believe, to the best of my knowledge and recollection, that there is any unfavorable information that has not been disclosed. The favorable information supporting my nomination has also been disclosed, either here or during my pre-nomination process.

I wish only to add that I am grateful for the Committee's consideration and attention and am humbled by the opportunity to be considered for this important position.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? 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.

RESUMÉ OF JOHN CHASE JOHNSON

EXPERIENCE

Covington & Burling LLP, Washington, D.C.

Senior Litigation Associate, 2015–present

- Trial lawyer and litigator
- Defend national and international companies, as well as individuals, in complex Federal and state litigation
- First- or second-chaired three jury trials and one bench trial between 2017 and 2019
- Led multiple negotiations on behalf of clients with the Department of Justice
- Designed and implemented long-term litigation strategies
- Managed teams of 2–8 attorneys and several paralegals on multiple cases
- Authored dozens of Federal and state court briefs as well as memoranda for clients
- Representative matters include:
 - Represented KBR in “battlefield torts” concerning burn pits in Iraq and Afghanistan
 - Represent F. Hoffman-La Roche in an Anti-Terrorism Act and FCPA case involving Iraq and Hezbollah
 - Represented Bayer and AECOM in False Claims Act cases against the United States
 - Represent McKesson in state and Federal opioid cases
 - Represented two different indigent defendants charged with first-degree murder
- Serve in leadership roles on the firm’s Veteran Affinity Group and Summer Associate Group

United States Marine Corps Reserve, Washington, D.C.

Major, September 2016–present; *Captain*, May 2013–September 2016

- Serve as a military judge in the Navy-Marine Corps Trial Judiciary, presiding over courts-martial for active duty and reserve Marines and sailors
- Selected as a Distinguished Graduate of the Marine Corps Command & Staff College
- Served as a civil-military operations team leader, Second and Fourth Civil Affairs Groups
- Served as Commander of Troops for Presidential Inauguration parade
- Recipient of the Navy & Marine Corps Commendation Award for exemplary service

United States Court of Appeals for the Fifth Circuit, New Orleans, LA

Law Clerk for the Honorable Edith Clement, 2014–2015

- Helped research and draft opinions and legal memoranda
- Matters concerned constitutional law, Federal statutes, and agency regulations

United States Court of Federal Claims, Washington, D.C.

Law Clerk for the Honorable Victor Wolski, 2013–2014

- Helped research and draft opinions and legal memoranda
- Matters concerned government contracts, the Takings Clause, and Federal taxes

United States Marine Corps (Active Duty), Camp Pendleton, CA and Helmand Province, Afghanistan

Captain, 2010–2013

- Served as the senior prosecutor, First Marine Logistics Group and First Marine Expeditionary Force (FWD)
- Tried fourteen jury trials—including attempted murder with an insanity defense—and secured thirteen guilty verdicts
- Deployed to Helmand Province, Afghanistan as a prosecutor and investigator
- Recipient of the Naval Commendation Award for exemplary service

First Lieutenant, 2008–2010

- Naval Justice School, Graduated with Honors (Most Outstanding Legal Assistance Attorney)
- The Basic School, B Co., Commanding General's Honor Roll (top 10 of 300 officers)

St. Paul's School, London, United Kingdom
Colet Fellow, History and Italian Departments, 2005–2006

- Taught American and European history and Italian
- Advised students applying to American universities

EDUCATION

University of Virginia School of Law, Charlottesville, VA
 J.D., 2009

- Raven Honors Society (University's oldest academic honor society)
- William Minor Life Appellate Moot Court Competition, best oral argument, and semi-finalist
- Bracewell & Giuliani, best oral argument, Legal Research & Writing
- Libel Show, producer

Duke University, Durham, NC
 B.A. with Honors, History, 2005

- Dean's List with Distinction
- Duke Student Government, Vice President
- Duke University Board of Trustees, undergraduate representative
- Speak of the Devil (male *a cappella* group), President
- Studied Italian at NYU Florence, 2003

BAR ADMISSIONS AND ACTIVITIES

- Admitted to the bars of the District of Columbia, Massachusetts, and New Hampshire
- Federal Bar Association: Veterans' Law Section, Executive Board Member and Secretary
- Duke University: Young Alumni Development Council and Duke D.C. Board
- YMCA Camp Belknap: alumni captain and volunteer

INTERESTS AND SKILLS

- Distance running (personal marathon record, 3:09)
- Student of history and economics
- Italian, proficient
- Motorcycle touring

Senator WICKER. Thank you very much.

Mr. Johnson, how much time do you spend in Ocean Springs?

Mr. JOHNSON. I'm in Ocean Springs probably six times a year, Mr. Chairman, and it is a lovely place.

Senator WICKER. It's a very beautiful city. People should visit that.

Mr. JOHNSON. It's fantastic.

Senator WICKER. Now did you say you translate complex concepts into simple and lucid prose? Is that what you said?

Mr. JOHNSON. That is what I said, Mr. Chairman.

Senator WICKER. Good. Well, you are going to go far.

[Laughter.]

Senator WICKER. I would like to ask all of our nominees the following. If confirmed, will you pledge to work collaboratively with this committee and provide thorough and timely responses to our

requests for information as we work together to address important policy issues? Can I get a verbal affirmative?

Dr. JACOBS. Yes.

Mr. FULTON. Yes, sir.

Mr. JOHNSON. Yes.

Senator WICKER. Thank you very, very much.

Now we'll begin with our questions. Dr. Jacobs, this past summer Mississippi fisheries were devastated by freshwater flooding because of the opening of the Bonne Carre Spillway. The impacted states have all submitted their required information to NOAA but NOAA has still not released the funds.

I appreciate your timely declaration of a disaster but at this point, the distribution of funds has been very slow.

Would you comment on this and provide us with a timeline of when we can expect to see relief?

Dr. JACOBS. Sure. Thank you for the question. So the Fiscal Year 2019 appropriations was a 165 million. 65 has been allocated. The remaining 100 million for Bonne Carre, we're in the final stages of analyzing the impact numbers. Part of that is we had to wait until the end of the season to—

Senator WICKER. It's been allocated. Has it been received?

Dr. JACOBS. No.

Senator WICKER. OK.

Dr. JACOBS. It's—

Senator WICKER. None of it's been received?

Dr. JACOBS. Not for that 165. So we first have to allocate it and then we issue the awards. So we're in the final stages of determining the remaining 100 million. So we certainly recognize the need to make this process more timely. In the Fiscal Year 2021 budget request, we've asked for an additional \$300,000 to support administering grants and we are certainly in support of S. 2346, The Fisheries Failures Urgent Needed Disaster Declaration Act that you sponsored and Senators Sullivan, Murkowski, and Senator Cantwell have co-sponsored.

Senator WICKER. OK. Well, we're looking—I appreciate that answer. We're looking for a solution here. I realize when the Mississippi River gets in flood stage, things need to be done, but it just seems for like Pontchartrain and the Bonne Carre and as a result the Mississippi Sound to take all the freshwater and thus really injure our fisheries industries is asking a little too much.

So we're studying that at a much broader level and trying to sort of spread the floodwater around.

Dr. Jacobs, The Modern Fish Act authorizes councils' two additional management tools for recreational fishing, many of which are successfully used by state fishery agencies, such as extraction rates, fishing mortality targets, harvest control rules, or traditional and cultural practices of Native communities. You know what I'm talking about.

Will you commit to working with the Fishery Management Councils to identify fisheries that are good candidates for these alternative management tools and will you support the councils in implementing these tools where appropriate?

Dr. JACOBS. Yes, I very much appreciate your support on these long-term metrics and alternative recreational fishery management measures.

The fisheries worked over 2019 to familiarize the councils with some of these provisions. Personally, I would like to mention that I'm an avid recreational fisherman and I do use an app on my smart phone. I do catch and release only but it logs my catches and uploads the data.

Senator WICKER. Well, I'm glad to know that, and then so you understand what an economic impact this industry has on our entire nation, do you not?

Dr. JACOBS. Oh, absolutely.

Senator WICKER. Thank you very, very much.

Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

Mr. Johnson, I'm just going to admit right up front I'm probably not going to get as many questions in to you. So I would like to suppose this. I hope that you would be willing to give us timely responses to questions for the record.

Mr. JOHNSON. Ranking Member Cantwell, absolutely. I will wait for the written questions and I will respond to them.

Senator CANTWELL. And——

Senator WICKER. And please put it in lucid prose.

[Laughter.]

Mr. JOHNSON. Concisely.

Senator CANTWELL. And I'm sure that you understand the importance of the independence of this office.

Mr. JOHNSON. I do, absolutely.

Senator CANTWELL. Thank you.

Mr. Chairman, I'd like to enter into the record two letters to Mr. Jacobs and Mr. Fulton and a letter from Leader Schumer to Mr. Fulton, if I could.

Senator WICKER. Without objection.

Senator CANTWELL. Thank you.

[The information referred to was unavailable at time of printing.]

Senator CANTWELL. Dr. Jacobs, do you support increase in fishing stock assessments and surveys?

Dr. JACOBS. Yes.

Senator CANTWELL. Thank you. Do you support funding for salmon recovery, habitat restoration, salmon hatchery production?

Dr. JACOBS. Yes.

Senator CANTWELL. Most recently, tribes in Washington State experienced disasters as far back as 2013 and have been waiting for funding that was appropriated by Congress nearly 2 years ago.

Senator Wicker and I have tried to fix many things in the fisheries disaster process. Do you support the Wicker-Cantwell bill, Fishery Failures and Urgent Needed Disaster Declarations Act?

Dr. JACOBS. Yes.

Senator CANTWELL. Thank you. The Chairman in his wisdom has been thinking about NOAA Organic Act, which I very much support. Do you support having an organic act for NOAA?

Dr. JACOBS. I can definitely see the benefit and look forward to working with you.

Senator CANTWELL. OK. I like your conciseness. OK. Back to weather and science, obviously Hurricane Dorian brought up some instances in which people thought maybe that science—well, let's just say that there were questions about that process.

What can you do to assure that science is always first and weather forecasting and information as it relates to others who might want to, you know, change or, you know, influence from other agencies, I guess I would say?

Dr. JACOBS. So that was—there are a lot of lessons learned in that, you know. So I guess in hindsight, we have examined our scientific integrity policy.

I would consider it the gold standard among government science agencies, but one of the things that we realized in the scientific integrity policy was it doesn't address social media. It was mainly geared toward the peer review process.

So we're working closely with the National Academy of Public Administration to re-examine how we can make our scientific integrity policy more robust. I can say I certainly support it. I would enforce it, but it also applies to me.

Since I've been at NOAA, I have published two peer-reviewed journal articles. So I'm actually—it also applies to me.

Senator CANTWELL. OK. Back to science, what about Bristol Bay? Isn't this a major threat to the Pacific salmon?

Dr. JACOBS. Well, there are five salmon species there. It's obviously an important ground. There's also other recreational fish species there. So we're definitely engaged in a targeted way and certainly view it as something that's important.

Senator CANTWELL. Well, I think, I hope you mean targeted in saying how devastating it would be if you had a gold mine in the middle of the largest fed waters of salmon.

So, Mr. Fulton, if you could, I'm very interested in obviously INFRA funding and the fact that multimodal has a cap on it right now. Do you think we should lift that cap?

Mr. FULTON. Senator, as you know, there is a cap for the 5-year duration of the Nationally Significant Freight and Highway Program or the INFRA Program.

We are evaluating options through the Surface Transportation Reauthorization to address that, but we've certainly heard a lot of interest from all of our stakeholders on that while we still want to prioritize the freight purposes for which the program was created.

Senator CANTWELL. So does that mean lifting the caps of more money? I think what we did is we started a program, thanks to predecessors who saw the benefit of moving freight, and particularly in a global economy, while we may hear now how—who knows what process that we're in that will affect our economy, but nonetheless we're going to continue to grow in freight. So moving more dollars to prioritize freight seems to be critical. Do you agree with that?

Mr. FULTON. Yes, Senator.

Senator CANTWELL. OK. On the implementation of PTC, what can we do, besides fining entities, to make sure that PTC gets implemented in a timely fashion?

Mr. FULTON. Senator, this is something that, after receiving questions from your staff, I went and checked with the Federal

Railroad Administration. Administrator Batory has been on top of this specifically with freight rail. They've had great success, but the continued engagement, bringing together the suppliers and the rail owners, making sure that they're connecting all the dots so they can have as much uptake as possible as the impending deadline approaches. So they have an engagement and active engagement program that they'll be taking from now through the end of the year to the deadline to make sure they can get as much adoption as possible.

Senator CANTWELL. So you're aware that there are people that have been before our committee from other transportation safety organizations who have great concerns that, you know, we're not doing something to make sure that that is implemented in a timely fashion? You're aware of those comments by NTSB and others?

Mr. FULTON. Yes, Senator.

Senator CANTWELL. OK. Well, I know my time has expired, Mr. Chairman. We'll get more questions for Mr. Fulton. Thank you so much.

Senator WICKER. Thank you, Senator Cantwell.

Senator Fischer.

**STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Mr. Chairman.

Mr. Johnson, how familiar are you with some of the historic struggles that certain Universal Service Fund programs have had with waste, fraud, and abuse as well as the FCC's efforts to crack down on manipulation of those Universal Service Fund programs?

Mr. JOHNSON. Thank you for that question, Senator Fischer. I'm familiar with the work that the IG's Office, the current IG's Office at the FCC has done to look into Universal Service Fund fraud, waste, and abuse, and, of course, I'm also familiar with the creation of the Enforcement and Investigation Section within the FCC recently to enhance those efforts.

So I understand that it's critical that with the amount of money and the importance of those projects that fraud, waste, and abuse be ferreted out. I, of course, do not have access to the specifics of those investigations inasmuch as they're not on the public record.

Senator FISCHER. In your testimony, you asserted that in your role as IG at the FCC that you would follow facts to where they lead and apply the law as is.

How do you plan to use the resources that are going to be at your disposal efficiently and to be able to focus on high-risk areas while maintaining a fair and impartial outlook?

Mr. JOHNSON. Thank you for that question, Senator Fischer. I think this is a question of triage and you're asking where can the Inspector General's Office have the most impact and that involves first looking at the problem that we're evaluating, our ability to run that problem to ground, as well as the efforts of others within the agency or other agencies to avoid redundancy in investigation.

Senator FISCHER. And how are you going to do that?

Mr. JOHNSON. You have to collect all that information, both understanding the nature of the investigation before you start it and doing careful planning about what it will entail, and obviously we'd

rely on the experience within the OIG's Office to understand that, and also by communicating within the agency to understand all the Commission's other efforts, and communicating with other Inspectors General as well as the Department of Justice about potential investigations they may be performing.

Senator FISCHER. And then you make the decision on what to prioritize after you have that information?

Mr. JOHNSON. That's correct.

Senator FISCHER. Thank you.

Mr. Fulton, the Assistant Secretary of Transportation Policy is going to play a key role in developing the Administration's Surface Transportation Reauthorization proposed language.

A critical policy for rural states in particular is the continuation of the Highway Trust Fund's Formula Funding Programs.

Do you see a continuation of the Formula Funding Programs as priority for that reauthorization?

Mr. FULTON. Yes, Senator.

Senator FISCHER. So you would make it a priority to continue to follow that?

Mr. FULTON. I cannot guarantee what will come out of the inter-agency process, but I understand the will of Congress and will make sure that we carry on the bipartisan work of the FAST Act.

Senator FISCHER. Thank you.

Dr. Jacobs, as you're aware, 2019 saw historic flooding across Nebraska that resulted in over \$3 billion in losses. I understand Nebraska is considered to have an above normal risk of flooding along the Missouri Basin.

Do you have any additional details on the flood outlook for my state?

Dr. JACOBS. From everything I've seen, it looks to be slightly above average, above average snowpack. This is something that the National Water Center and the National Water Model is doing really well on.

Of course, you know, it's pretty long range to forecast actual rainfall, but we're working very hard to integrate the atmospheric models with the National Water Model to better predict the flooding.

Senator FISCHER. Do you look at all of the Army Corps on their management of upriver [off microphone] and weather patterns impact?

Dr. JACOBS. We work very closely with them as well as USGS because it's not just our ability to forecast the rainfall and the snowmelt and the flooding but also in order to understand the components in the National Water Model have to understand dam operators and how those work because that also plays into the stream flow.

Senator FISCHER. When you give that information to them, do you also give them an opinion on what needs to happen so that flooding can be controlled in a more responsible way?

Dr. JACOBS. Typically, we make all of our information available to the public. There—

Senator FISCHER. But specifically to the other agencies?

Dr. JACOBS. Everyone, other agencies, the general public, everyone has equal access to it. We put it all online in real time.

Senator FISCHER. But do you offer an opinion to other agencies on how the facts that you've gathered, what impact they could have on those facilities?

Dr. JACOBS. We certainly at all of our different centers have trained meteorologists on call and to answer questions and support our products and services.

Senator FISCHER. Obviously states along major rivers, like the Missouri, my friend from Kansas next to me understands this well, the flooding that takes place and to be able to offer mitigation to that in a proactive way, I think, is extremely important.

Thank you, sir.

Senator WICKER. Thank you, Senator Fischer.

Senator Tester.

**STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. I want to echo Senator Fischer's statements about the infrastructure and prevention and preparedness and all that stuff.

I want to thank you all for being here. I'm going to start with you, Mr. Johnson, and that is, is that, the FCC IG is an important position. You know that. You are in my opinion our eyes and ears on the ground. I'm talking Congress's eyes and ears on the ground. You have to be independent. You have to be free to do what you need to do to hold people accountable.

You have not been an IG before, correct?

Mr. JOHNSON. That's correct, Senator.

Senator TESTER. So what do you think the biggest challenge you're going to have and don't take forever because I got a limited amount of time, but what do you think the biggest challenge you're going to have going into a field that is critically important for Congress without previous experience in this field?

Mr. JOHNSON. I think the hardest part of the job is, as we just discussed, is prioritizing investigations. This is an agency with a lot of programs and expending a lot of dollars in order to provide broadband access and you have to intelligently pick where you use your resources.

Senator TESTER. So oftentimes with IGs, if they're doing their job, sometimes the relationship gets a little bit tense. It could potentially get tense with Chairman Pai.

So if it gets tense, what are you going to do?

Mr. JOHNSON. Well, the first thing is that you do work, that is, unimpeachable where the facts and the data and the conclusions are so tight that there's no personal animus, that the facts speak for themselves, and beyond that, if there is friction because of the results of those reports, that's not my concern.

Senator TESTER. OK. What do you feel your responsibility is to the Chairman and Ranking Member of this committee as IG of the FCC?

Mr. JOHNSON. Well, this committee and the Committee and the taxpayers are the three key stakeholders to the IG and I believe that's why the IG Act was created in 1978 and why it's important today.

So each of those stakeholders has a right to request information from the IG and the work that the IG produces needs to be focused on each of those stakeholders.

Senator TESTER. And I would hope—this is my two bits. I intend to vote for your confirmation, unless you’ve done something bad that we don’t know about so far.

Mr. JOHNSON. I don’t think that that’s true.

Senator TESTER. But the truth is, is that communication is critical. Communication is critical with the agency and communication is critical with Congress. If things are going bad, we need to know about it.

Mr. JOHNSON. Absolutely.

Senator TESTER. OK. So the FCC took no action on the Mobility Fund investigation. They took no action. The companies overstated their coverage. There’s no doubt about that. They took no coverage. The FCC is about to distribute billions of dollars in the Rural Digital Opportunity Fund and 5G Fund.

What are you going to do if the FCC—no. What are you going to do—let’s just put it that way—in regards to this whole thing? You know there has been mistakes made in the past. Is this going to be a high priority?

Mr. JOHNSON. I think it is a priority. Absolutely. I don’t know what is underway, of course, in the IG’s Office right now, but it’s something that the IG’s Office needs to understand and needs to understand the data and the decisions.

Senator TESTER. Perfect. This is a question for you, Mr. Fulton. It’s not breaking news. The Highway Trust Fund is about to go broke. Highways, last time I checked, are pretty damn important for commerce. Infrastructure in Rural America, since I come from one of those states, is very, very important.

What are going to be your recommendations for bringing spending more in line with revenue?

Mr. FULTON. Thank you for the question, Senator. So we are in the middle of an interagency process with our specific legislative language for Highway Trust Fund and for the Surface Transportation Reauthorization.

The President has said all options are on the table in terms of addressing the Highway Trust Fund deficit and shortfall that we see coming up. So we’re eager to work with Congress and through the interagency process to provide solutions and to work with you all to address these problems as we move toward a reauthorization.

Senator TESTER. You did really good but you didn’t answer my question. What are your solutions?

Mr. FULTON. Sir, all options are on the table and we’re going to continue to do the research and provide the technical assistance to Congress on this matter.

Senator TESTER. So would you be opposed—and by the way, I get more letters on this in my office than any other single issue, increasing the gas tax, but would you be opposed to looking at the revenue side or would you be more inclined to cut the construction side?

Mr. FULTON. The President has said all options are on the table. So that’s what I have to say.

Senator TESTER. I gotcha. But the President isn't going to run your committee. He's not. If he does, we screwed up. You're the man. I hate to tell you but you got responsibilities.

So I want to know your perspective and, look, all options on the table are great. I like you. I'll tell you the same thing. I intend to probably support you. This is an important——

Senator WICKER. Time's up.

Senator TESTER. This is an important question, though.

Mr. FULTON. Sir, I agree that this is an important question, but I don't want to speak out of line in terms of my current position and where I sit today.

Senator TESTER. Where you sit today?

Mr. FULTON. I sit before you as a nominee for this position.

Senator TESTER. Wow. OK. Well, thank you all for your willingness to serve.

Mr. FULTON. Thank you, sir.

Senator WICKER. Senator Tester, I think you and I both agreed that maybe we should bring revenues in line with infrastructure needs.

Senator TESTER. There's no doubt about that. Our kids are going to hate us if we don't.

Senator WICKER. Senator Moran is next.

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Mr. Chairman, thank you very much, and now knowing that you have constituents from Mississippi in the audience, I take back my statement that you lack credibility.

[Laughter.]

Senator MORAN. And, Dr. Jacobs, I'm here in significant part because I wanted to have a conversation with you and you've made yourself available. We just didn't get it accomplished but before I ask a couple of questions, let me express my gratitude to Mr. Fulton. He and I had a kind of off-hand by ad hoc conversation in the hallway several days ago and it was useful to get acquainted with you and I appreciate your willingness to serve.

Mr. Johnson, I don't know you, but I am very impressed with your demeanor, intellect, background. I do believe the Inspector Generals are a huge component of our ability to appropriately govern. I want the committees that I'm involved in to pay attention to Inspector Generals. I want to be helpful in getting agencies and departments to comply, to react and respond appropriately to Inspector Generals' reports.

Congress needs to do greater oversight and the Inspector General can be our greatest ally. So I wish you well in your endeavors. You also gave me material to talk to my colleague from Nebraska when you indicated that—oh, no, it's Dr. Jacobs indicated that Nebraskans are above average. We'd never known that in Kansas before and I thank you——

[Laughter.]

Senator MORAN. I thank you for that realization.

Dr. Jacobs, you and I know each other well, although I hardly recognize you this morning. Facial hair is new to me. We spent

time together as an appropriator. We spent time together in South Carolina and Florida looking at oceanographic and weather issues.

I'd like to reiterate my desire to have you come visit Kansas where we would spend—and you've agreed to do so and we need to work to accomplish that, where oceans are several million years in our past but weather is a significant component of our daily lives, and I would welcome the chance for you and I to spend time together in that regard.

When I became Chairman of the Appropriations Committee that funds NOAA, I had to attempt to learn more about oceans, about oceanography, and as a result of that position I occupied, people now visit with me that I never had conversations with Kansans about.

One of them is about ocean fishing and I in my research learned that the Chairman of this Committee, Senator Wicker, has written you a letter. I have been approached and been seemingly convinced that there is attention needed when NOAA announced it would reopen the Surface Long Line Fishery in the entire Gulf of Mexico, which I have been told and perhaps I'm convinced has negative implications on Western Atlantic bluefin tuna population, again a topic that I have spent little time in my life or service in the Senate dealing with.

All I would ask you today is if we could set a time for me and you and perhaps somebody else from NOAA, if that's what you desire, to have a conversation about concerns that are being raised to me by commercial fishermen and women and by oceanographic conservation organizations.

I want to see that—that rule is in the works and I want to see if there's anything that could be done to make that rule different or better.

Dr. JACOBS. Absolutely. Look forward to working with you on this. The primary concern with the Strategic Long Line Fishery for swordfish is the incidental bycatch of bluefin tuna.

It turns out that by implementing hooks that are actually physically weak, time area closures, electronic monitoring in key restricted areas all simultaneously, it appears that these measures are actually very effective to the point where a lot of the fishermen aren't even reaching their quotas.

So I think this is largely a good news story because the swordfish fisheries rebuilt and remain strong, but I definitely look forward to working with you on this.

Senator MORAN. Would those individuals and organizations that have visited with me about this, would they reach the same conclusion? If they knew those facts, this would satisfy their concerns?

Dr. JACOBS. I don't know to the extent that they've seen the data, but we would certainly look forward to working with not just you but them, as well.

Senator MORAN. I appreciate that. Mr. Chairman, thank you.

Senator WICKER. Thank you, Senator Moran.

Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman, and, gentlemen, thank you for your willingness to serve very important roles here.

I'm going to have several questions for all of you. I'll submit a number of them for the record because I probably won't get to even a small amount.

First, I want to get all of your commitments to soon after your confirmation, I plan on supporting all three of you, get up to the great state of Alaska either with me or my staff so you can see some of our challenges. Can I get a commitment from each of you to do that?

Dr. JACOBS. Yes.

Mr. FULTON. Yes, sir.

Mr. JOHNSON. Yes, Senator.

Senator SULLIVAN. 40 below in Fairbanks right now. So you can come in the winter. You don't always have to come in the summer but any time we are going to welcome you.

Mr. Johnson, I appreciated our discussion yesterday about some of my ongoing serious concerns with the FCC. So I'm going to look forward to following up with you on that. Good to see some of your fellow Marines here. It's always nice to have them in the room.

Dr. Jacobs, I also appreciated our meeting. You know, you and I and my state and NOAA have a million different issues that we need to be focused on as we talked about in my office.

I want to talk about just a few here. Senator Cantwell had already highlighted one, the issue of surveys, and, you know, that's a core mission of NOAA.

As you know, when surveys get reduced, the data gets reduced and, you know, the limitations on the ability to fish are often taken. I try to get home every weekend. I literally heard from hundreds of Alaskans who are concerned about this.

As you know, we are the super power of seafood. Over 60 percent of all the seafood harvested in America comes from Alaska's waters.

So how are you going to prioritize NOAA's core mission and can I get your commitment, and this is really important to me, that the survey coverage for Alaska doesn't decline? It's declining now. It seems to be a NOAA core mission, particularly a fishery so important as Alaska's, which is considered again because of these surveys and data, that probably the best-managed, most sustainable fishery on the planet Earth, but there's really deep concern about this.

I'd like your commitment that we're not going to reduce surveys and at minimum, a very, very minimum keep them at the historic level, but right now the trends are going in the wrong direction, and I have a lot of concerned constituents.

Dr. JACOBS. It's a fantastic fishery and I definitely commit to working with you on this.

Senator SULLIVAN. But working with me on not reducing the survey coverage?

Dr. JACOBS. Making sure we do everything that we can to get the survey information and the data that you're asking about.

Senator SULLIVAN. How about a commitment to at least continuing the historic levels of survey coverage in Alaska? There's a lot of change that's going on in the ocean throughout the world but certainly in my state and that's impacting in some ways negatively what's happening with our sustainable fisheries.

So can I get that minimum commitment? It's very important for me.

Dr. JACOBS. I'll have to go back and look at the numbers, but I certainly don't see why we can't try to figure this out.

Senator SULLIVAN. Well, I appreciate that, but maybe we're going to have maybe an additional discussion here. It's really important that I get a definitive answer on this issue for my constituents.

Another issue that you and I talked about, Federal law directs that NOAA Vessel Fairweather to be home ported in Ketchikan, Alaska. The pier, unfortunately, was condemned in 2008. Since that time, NOAA has not put up funds to repair it. So the Fairweather was moved to outside of Alaska which I believe violates Federal law.

So we have been working, got some legislation passed that the State of Alaska can actually help with the funding, which is unusual but that's how important we see the Fairweather to Southeast Alaska.

So we've put up, this community of Ketchikan and the state have put up roughly \$7.5 million for the pier. NOAA's committed a million.

Can I get your commitment to make the construction of this project a priority until we, and I say we collectively, have succeeded in permanently returning the Fairweather to the community where it's statutorily required to be and which is Ketchikan, Alaska?

Dr. JACOBS. It's absolutely a priority. We met with the mayor last week on transferring the funds to move forward with Phase 1 and look forward to designing Phase 2 with you.

We also have worked out an agreement with the Coast Guard to make sure that the Fairweather is based in Ketchikan a hundred days per year, both this year and in 2021.

Senator SULLIVAN. Great. Thank you. I want to continue working on that.

Mr. Chairman, if I may, just one final question for Mr. Fulton.

Mr. Fulton, I want to call to your attention a recent report issued by the National Transportation Safety Board calling for the Federal Aviation Administration to take a more comprehensive approach to improving aviation safety in Alaska.

I'm going to submit that for the record, Mr. Chairman, the recent report that I have here.

[The information referred to follows:]



National Transportation Safety Board
Washington, DC 20594

Safety Recommendation Report
Revise Processes to Implement Safety
Enhancements for Alaska Aviation Operations

The National Transportation Safety Board (NTSB) is providing the following information to urge the Federal Aviation Administration (FAA) to act on the safety recommendation issued in this report. This recommendation is derived from discussions during our September 2019 Most Wanted List Roundtable: *Alaska Part 135 Flight Operations – Charting a Safer Course*.¹ Information supporting this recommendation is discussed below.

Background and Analysis

Because the NTSB continues to investigate the same types of accidents involving Title 14 *Code of Federal Regulations (CFR)* Part 135 flight operations in Alaska, we convened, in September 2019, a panel of Part 135 operators, safety experts, and government officials to discuss what can be done to address Part 135 safety issues in the state.² Although the roundtable focused on Part 135 operations, some of the proposals discussed, such as improved pilot training (particularly concerning CFIT avoidance) and consistently managing weather risks, are applicable to all operations in Alaska, which has a higher overall aviation accident rate than the rest of the United States. Specifically, for the period from 2008 to 2017, the total accident rate in Alaska was 2.35 times higher than for the rest of the United States; the fatal accident rate in the state was 1.34 times higher.³

While multiple solutions have been proposed to improve aviation safety in Alaska, during the roundtable, participants discussed studies and plans that had been started by various parts of the FAA's organization or industry stakeholders to enhance the safety of Alaska aviation operations but had stalled. For example, the RTCA's August 2017 report, *Recommendations for the Performance Based Navigation (PBN) Route System*, (which was completed at the FAA's direction) contained 23 recommendations for improving Alaska flight operations.⁴ It wasn't until 2019 that the FAA requested a feasibility study of the recommendations, which has since been delayed further. One roundtable participant, a member of the FAA's Navigation Programs senior management team, suggested that FAA staffing reorganizations in Alaska and a lack of

¹ The roundtable was led by the chairman of the NTSB, and the proceedings were transcribed. The transcript is available in the public docket for this event (NTSB number DCA19RT001) at <https://dms.ntsb.gov/pubdms/>.

² Controlled flight into terrain (CFIT), loss of control in-flight, midair collision, and unintended encounter with instrument meteorological conditions comprised about 80% of fatal Part 135 accidents in Alaska from 2008 to August 2019.

³ The FAA didn't publish flight activity for 2011, which isn't included in the data for this period.

⁴ Transcript of proceedings, p. 168.

coordination between FAA and industry safety initiatives were significant factors in the lack of progress in realizing safety enhancements from this study.⁵

Concerning a lack of coordination, the essence of several comments from roundtable participants was that the “silo”-like nature of the FAA’s organization often made it difficult to develop a comprehensive plan for implementing and maintaining various safety efforts in Alaska, including potential consequences and costs for other parts of the organization; a recurring theme was that a safety “focal point” within Alaska was needed.⁶ The manager of the FAA’s Planning and Requirements group offered as an example the recent decision to purchase more automated weather observing systems (AWOS) for Alaska, as part of the FAA’s reauthorization. Though funds had been earmarked to acquire new AWOSs, no funding was available for ongoing maintenance. The manager observed that “when we make decisions or we get things implemented, there’s consequences that roll down the hill...that all have to be thought out.”⁷ Another participant similarly stated that stakeholders in Alaska “need to make sure we’ve got somebody at the FAA that can coordinate across different parts of the FAA to get something done.”⁸

The longstanding effort to increase instrument flight rules (IFR) operations in Alaska is another area that continues to meet with obstacles.⁹ The director of operations for an Alaska carrier stated that despite the increased availability of instrument approaches, the inability to comply with current FAA flight standards that are required throughout the United States, such as weather reporting requirements and terminal instrument procedures, render the approaches unusable for many operators.¹⁰ A possible remedy would be to adjust the FAA’s flight standards for Alaska to accommodate its unique aviation environment, which is a risk management decision requiring extensive knowledge of the environment; yet such an adjustment has yet to even be evaluated.

The safety programs noted above are examples of programs that could potentially address accidents involving CFIT and unintended encounters with instrument meteorological conditions. The NTSB is also aware of several safety enhancements drafted by the General Aviation Joint Steering Committee (GAJSC) that are focused on reducing CFIT accidents in general aviation, which would also benefit Alaska operations.¹¹ The NTSB believes that a revised FAA process for implementing safety enhancements in Alaska could better ensure the Alaska aviation industry’s needs are appropriately considered and included in the broader GAJSC safety enhancement program. Thus, the NTSB concludes that the FAA’s failure to fully implement needed safety programs in Alaska has resulted in aviation safety issues in Alaska persisting. Therefore, the NTSB recommends that the FAA work with stakeholders that service the Alaska aviation industry to

⁵ Transcript of proceedings, p. 169.

⁶ Transcript of proceedings, pp. 174, 175, 182, and 205.

⁷ Transcript of proceedings, p. 185.

⁸ Transcript of proceedings, p. 183.

⁹ The NTSB’s 1995 safety study, *Aviation Safety in Alaska*, identified inadvertent VFR flight into IMC as the leading safety problem for Alaskan commuter and air taxi flights for the review period. The category continued to account for about a third of fatal Part 135 accidents from January 2008 to August 2019; inadvertent VFR flight into IMC accounted for about 12% of all fatal aircraft accidents in Alaska for the same period.

¹⁰ Transcript of proceedings, pp. 151-152.

¹¹ The GAJSC is “a public-private partnership working to improve general aviation safety” and “uses a data-driven, consensus-based approach to analyze aviation safety data and develop risk reduction efforts through implementation of GAJSC sponsored, safety enhancements.”

implement a safety-focused working group to review, prioritize, and integrate Alaska's aviation safety needs into the FAA's safety enhancement process.

Recommendation

To the Federal Aviation Administration

Work with stakeholders that service the Alaska aviation industry to implement a safety-focused working group to review, prioritize, and integrate Alaska's aviation safety needs into the FAA's safety enhancement process. (A-20-11)

BY THE NATIONAL TRANSPORTATION SAFETY BOARD

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Report Date: February 13, 2020

Senator SULLIVAN. I'm not going to let this be another forgotten NTSB report. We have really big safety challenges in my state because aviation is so important to so many communities.

Can I get your commitment to work with this committee, the FAA Administrator on a comprehensive plan that the NTSB has called for to fix these safety issues in Alaska? Some people come back and say, well, it's expensive. It's expensive, but it's important.

So can I get your commitment on that?

Mr. FULTON. Yes, Senator.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman, and I will have several additional questions for the record.

Senator WICKER. Thank you, Senator Sullivan.

Dr. Jacobs, a little over a year ago, the Commercial Engagement Through Ocean Technology Act or CENOTE Act became public law supporting the need to push the development and application of unmanned systems in the United States.

What actions has NOAA taken to implement this law?

Mr. FULTON. So NOAA's actively working to expand our unmanned maritime systems in many ways. We recently released a UXS Strategy that highlights coordination with both DoD and the private sector. This builds upon the Fiscal Year 2020 investments.

Of course, we're centralizing some of our operational systems and also the Gulfport Study with OMAO. We'll have that done in November 2020.

Senator WICKER. When was the strategy released?

Dr. JACOBS. It was released a couple months ago.

Senator WICKER. OK.

Dr. JACOBS. And again this is a top priority for us and very much appreciate being at the groundbreaking at the Gulfport facility with University of Southern Mississippi.

Senator WICKER. How will you as NOAA Administrator promote continued coordination within NOAA and other government agencies and with the private sector to maximize the opportunities presented by unmanned maritime systems?

Dr. JACOBS. Well, for the first time NOAA is a full partner with the Navy and the annual Advanced Naval Technology Exercise where we study a lot of different technologies and so we're definitely working with them on this.

At the Undersea Warfare Center in Newport, Rhode Island, as well as the Naval Meteorology Oceanography Command in Stennis.

Senator WICKER. This is an increasingly important issue, is it not?

Dr. JACOBS. Absolutely.

Senator WICKER. Let me then turn to Mr. Fulton. Let's talk about automated vehicles.

While the Committee's efforts on automated vehicle legislation is likely to exclude larger vehicles, such as trucks and buses, in recent years DOT has issued guidelines for the safe testing of automated vehicles. We're now on our fourth version and that has included a number of agencies, including NHTSA, PHMSA, AHWA, and FTA.

How has the department worked across various transportation modes to advance policy for the safe testing and deployment of

automated vehicles and, if confirmed, how do you plan to build on such efforts?

Mr. FULTON. Thank you, Senator. So coming into this Administration, the previous Administration had actually released an initial Federal Automated Vehicle Guidance policy. We took that work and we crystallized it into Automated Vehicles 2.0, a Vision for Safety.

This serves as the cornerstone. The safety approach drives the cornerstone for all of our actions going forward. We took this approach to create a Preparing for the Future of Transportation AV 3.0. This Keeping Safety as the Cornerstone lays a foundation for all the department's activities going forward.

We took this approach and worked with our interagency partners throughout the Federal Government, which included 38 agencies, to ensure safety stayed as the top priority for the entire government as we developed a whole of government approach to the safe development and full and safe integration of automated vehicles throughout our transportation system.

So while Keeping Safety is the approach, the priority for all of our engagements, we've been able to move this throughout the Federal Government so that all the tools, assets, research and grant-making dollars that are available and enforcement authorities that are made available throughout the Federal Government can be at the hands of all of our stakeholders that care about this.

We put that document out for public comment and we expect to get comments back on April 2. That will really help shape our comprehensive plan that we're going to be developing and publishing later this year and we intend to have some stakeholder work sessions this summer to develop that document further.

Senator WICKER. Thank you. And next, with regard to NETT Councils, Nontraditional and Emerging Transportation Technology, one issue we will consider in the Surface Transportation Reauthorization is how best to foster innovation, safety advancements in the transportation sector. Last year Secretary Chao established the NETT Council to identify regulatory gaps.

Given your role at DOT, how do you see the NETT Council facilitating further coordination and what do you see as the future of the NETT Council?

Mr. FULTON. Thank you, Senator. As you said, the Secretary created the NETT Council roughly a year ago in March. We have taken a number of stakeholder meetings and put out a request for comment from a number of our stakeholders around the country.

From that comment, one of the main things we heard is the regulatory uncertainty for these new types of technologies, the challenges that don't fall neatly into a modal silo, the legacy modes from the Department of Transportation.

We do need a convening mechanism to provide that regulatory clarity. We hope to be able to provide some of that clarity in the near future as it pertains to things like hyperloop systems but also building upon our work with the automated vehicles, drones, and our data initiatives, bringing it all together so that we make sure the department has one approach to these technologies that makes the most sense and can take advantage of all of the research and work being done throughout the department.

Senator WICKER. Has anything come to fruition there yet?

Mr. FULTON. Sir, I hope that something will be able to be presented to you in the near future.

Senator WICKER. All right. Well, let's move on to DOT grants. The committee will consider DOT grant programs as we look at authorization legislation next year.

Given your experience, Mr. Fulton, on administering grant programs, can you speak to the importance that DOT grant programs, such as BUILD, INFRA, and particularly the Port Grant Program, play in infrastructure needs?

Mr. FULTON. Absolutely. So we did call out those programs in particular in the Presidential budget that was recently released. We do intend to authorize these programs for the 10 years' duration, specifically BUILD and INFRA, and as we do that, we look to take upon the complimentary natures of these programs to make sure that stakeholders and project sponsors that are willing and interested to apply to these have more clarity in which programs best fit them.

One of the things that we think we can build upon through the ROUTES Initiatives is making sure that we're responsive to all stakeholders, helping them understand the assets and resources and the appropriate grants that they should be applying for.

They can be available to them today. We have over 60 grants in the Department of Transportation. Some of them have been appropriated, not authorized. Some of them are one-time funds, but making sure that these resources are available to all of our stakeholders is something that's going to be a priority going forward.

Senator WICKER. Well, when you say specifically BUILD and INFRA and you don't say Port Grant Program, it makes me wonder why you put it that way.

Mr. FULTON. Apologies.

Senator WICKER. Do you consider the Port Grant Program to be something that will receive adequate and additional attention going forward?

Mr. FULTON. I do believe so and also it's something that was appropriated in this last appropriations round. So we intend to put those grants out along the same timeline as BUILD this year, which I believe should be out, the congressional deadline is by November. So I think the BUILD congressional deadline is actually by September and the Ports deadline is looking like November.

Senator WICKER. Thank you.

And, Mr. Johnson, an FCC investigation into whether major mobile carriers submitted inaccurate data, inaccurate coverage data to the agency as part of the Mobility Fund Phase II Program determined that the data submitted was not reliable or accurate enough for the challenge process and ultimately overstated coverage.

While the agency did not choose to further investigate or penalize carriers, this inaccurate data submission highlights an ongoing problem.

How do you intend to ensure that the FCC is collecting data that is accurate and reliable and that providers submit data that accurately states coverage are held accountable?

Mr. JOHNSON. Thank you for that question, Senator Wicker.

Coverage data has been an issue, as you know, for some time, and it's crucial to how the FCC decides whether its programs should focus and where its dollars should be spent.

I don't know currently what efforts are underway in the Inspector General's Office, if any, with regards to this issue, but the first step is obviously to determine what they're currently doing and then beyond that, of course, this is an issue that merits further investigation. Whether that's through the IG's Office or whether that's through a different part of the Commission depends on current efforts of which I'm not aware because none of those, to my knowledge, are public.

Senator WICKER. The Senate late yesterday afternoon passed by unanimous consent the Broadband Data Act which will require FCC to update and change the way broadband data is collected, verified, and reported.

I believe we've sent that to the President, have we not? Today. I believe that will go on to the President today, and we are expecting his signature.

I view it as an important bipartisan/bicameral achievement and I hope that is helpful in making sure that we get the funds to the places that need it and that the maps are accurate.

So just be advised about that and my congratulations to everyone involved in that. We did a live unanimous consent yesterday to make sure it actually got done.

Mr. Johnson, in recent months, the FCC has issued notices of apparent liability to the Nation's four largest wireless carriers alleging that they have not taken the appropriate steps to safeguard customers' location information.

What do you think is the appropriate course of action in response to this, if indeed providers sold access to consumer location information without measures to protect customer privacy?

Mr. JOHNSON. Thank you for that question, Chairman Wicker. I think there are both policy and legal remedies to that problem. I mean, of course, on the one hand, there are legislative and regulatory responses and, on the other hand, there are potentially legal actions that could be taken on behalf of consumers to protect their data.

It seems to me that all of those options should be considered, depending on the specific contracts for the consumers and how the data was released and used.

Senator WICKER. Thank you.

Let me just note I think these are three of the best witnesses we've had before the Committee in a long, long time. It's been refreshing to hear the give and take and to have the benefit of some very thoughtful answers from some very talented and skillful public servants. So thank you for this.

The hearing record will remain open for two weeks. During this time, Senators are asked to submit any questions for the record with the final submission deadline being close of business on Wednesday, March 25, 2020.

The committee asks the witnesses that, upon your receipt of any questions for the record, that you submit your written answers to the Committee as soon as possible but no later than close of business on Wednesday, April 8, 2020.

And with that, I conclude the hearing and thank the nominees again for their willingness to serve and testify today.

We're adjourned.

[Whereupon, at 11:27 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROGER WICKER TO HON. DR. NEIL JACOBS

Question. NOAA Fisheries has announced a decision to reopen for commercial fishing two areas in the Gulf of Mexico that were previously closed during April-May, to protect spawning bluefin tuna. Can you explain why the agency made this decision, given that removing these seasonal closures could negatively impact the already depleted bluefin tuna population without securing any significant socio-economic gain?

Answer. NOAA Fisheries recently announced measures that provide more fishing opportunities for vessels targeting Atlantic swordfish and some tuna species. We will continue under these measures to protect bluefin tuna from overfishing. The changes give fishermen using *pelagic longlines* access to new fishing areas originally closed to reduce the number of bluefin caught unintentionally.

Regardless of where or when they fish, longline fishermen are still not allowed to target bluefin tuna. They can keep some caught unintentionally, but they have to stay within their individual allocation of the U.S. bluefin quota. This allows them to fish for economically valuable species like swordfish and other tunas while protecting bluefin. The measures are in part a response to the success of the *Individual Bluefin Quota (IBQ) Program* in reducing bluefin bycatch. We also designed the measures to help reverse a trend of under-harvesting the U.S. swordfish quota.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO HON. DR. NEIL JACOBS

Question 1. As you know, Nebraska experienced historic flooding in 2019. To prepare for future flooding, we need to know that Federal agencies are in sync and providing accurate, timely data to state stakeholders. Can you tell me how you will work to coordinate with other agencies, particularly the U.S. Army Corps of Engineers, the U.S. Geological Survey, and USDA's Natural Resource Conservation Service to improve weather and climate forecasts developed by NOAA? How is data gathered by the above agencies utilized and shared, and is it integrated into NOAA modeling and forecasting?

Answer. As part of regional efforts to enhance Federal agency support for the historic flooding in Nebraska, on February 13, NOAA chaired the Missouri River Basin Interagency Roundtable (MRBIR) in Omaha, NE. MRBIR is a Federal interagency collaboration, including USGS and the USACE, to mitigate the impacts of weather, water and climate extremes in protecting lives, property, economic prosperity and natural resources in the Missouri River Basin. NOAA is also working with USGS and USACE through the Forecast-Informed Reservoir Operations (FIRO). FIRO is a management strategy that uses data from watershed monitoring and modern weather and water forecasting to help water managers selectively retain or release water from reservoirs in a manner that reflects current and forecasted conditions in the Missouri River Basin. While participating in FIRO and chairing MRBIR, NOAA has worked with the states, tribes and Federal agencies to maximize the use of NOAA operational and experimental products and services to more effectively balance flood and drought risks in the Missouri River Basin and Russian River Basin.

While USGS, USACE, and NRCS data are critically important to NWS water and flood prediction, their data do not impact our weather and climate forecasts. USGS stream and river gauges are an essential component of information for NOAA NWS operational river and flood forecasting and warning. It is also critical for the NWS to work with the USACE as they control the release of water from several Federal dams. Without these critical data and information, NWS river and flood forecasts and warnings would not be as accurate or timely as they have been. NOAA has a strong and effective working arrangement with both USGS and USACE to obtain the information we need to support our operations. It is mostly an automated proc-

ess to ingest the data, especially with USGS stream gauge data and we are working with the USACE to similarly receive their dam release information. These data are integrated into NWS River Forecast Models to provide the stream and flood forecasts. NOAA/NWS also use other essential data, such as soil moisture from NRCS, as well as seasonal snowpack information and how much “liquid” is held in that snow, which will melt and release into the streams and rivers.

It is a complex process to assimilate all the available data into our hydrologic prediction models and it is only through our excellent working partnerships that allow the NWS to produce timely and accurate river and flood forecasts and warnings. I will continue to support the working agreements NOAA has in place with USGS, USACE and NRCS to ensure we continue to use these critical data in our water forecast models.

Question 2. The National Drought Mitigation Center, housed at the University of Nebraska at Lincoln, provides critical drought forecasting information to people across the country, including those in the agriculture community. Additionally, the High Plains Regional Climate Center, also located at UNL, provides valuable information to stakeholders on past and current climate conditions. As NOAA administrator, will you continue to support both the National Drought Mitigation Center and the Regional Climate Centers program? Additionally, are there ways NOAA can better coordinate its work with these programs going forward to improve weather and climate forecasting?

Answer. The President’s FY 2021 Budget Request continues funding support for the National Integrated Drought Information System (NIDIS), which funds the National Drought Mitigation Center (NDMC). NOAA’s regional research and services collaborations offer valued opportunities for coordination across our place-based entities, such as our Weather Forecast Offices, River Forecast Centers, National Centers, and our university and Federal agency partners. One past project, funded at the High Plains Regional Climate Center through NOAA climate research funding supported a project on increasing the capacity for municipal climate adaptation planning in the Lower Missouri River Basin States. The multidisciplinary team worked with cities across Nebraska, Kansas, Missouri and Iowa and produced interactive web tools accessible to local and state decision makers. Continued support for programs like these will help improve our weather and climate forecasting and stakeholder accessibility to this valuable information.

Question 3. NOAA’s FY 2021 budget justification says NOAA wants to establish a Tornado Warning Improvement and Extension Program. Can you elaborate on the need NOAA has for this program, provide additional details on how the program would work, and the goals of the program?

Answer. Improving the accuracy and timeliness of tornado forecasts, predictions, and warnings is a priority for NOAA. The Weather Research and Forecast Improvement Act directs NOAA to establish a Tornado Warning Improvement and Extension Program (TWIEP) and the FY 2021 request includes an increase of \$3.2 million to accomplish this. With this increase, the TWIEP will carry out research and leverage existing resources to advance NOAA’s tornado observing systems, thunderstorm-scale computer models, and risk communication approaches. The overarching goal of TWIEP is to reduce the loss of life and economic losses from tornadoes. To this end, TWIEP will work to improve assimilation of data from observing systems, including conventional and advanced radar technology, provide high resolution, convection-allowing (thunderstorm-scale) computer prediction models, including the High Resolution Rapid Refresh (HRRR) and Warn-on-Forecast systems, and modernize NOAA’s approach to risk communication, informed by social sciences, and delivered to decision makers, the public, and weather enterprise stakeholders before, during, and after tornado events.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO
HON. DR. NEIL JACOBS

Preface: Alaska comprises about 60 percent of the Nation’s total fisheries landings. In Alaska, historically, we have had five groundfish survey vessels annually to cover the North Pacific. Projections by the Alaska Fishery Science Center are clear that future funding scenarios result in a reduction to either three or four survey vessels, notwithstanding a recent critical need to expand survey effort (one vessel) into the Northern Bering Sea on an annual basis.

Question 1. In the Gulf of Alaska in particular there have historically been 3 survey vessels to conduct bottom trawl groundfish survey every other summer (odd years). In recent years, survey effort has been cut to 2 vessels. To accommodate two

vessels, some survey stations have been dropped completely and others have been reduced. This increases uncertainty and reduces robustness in groundfish biomass estimates and creates the possibility of reduced quotas when factoring in the uncertainty. In addition, the Pacific cod fishery in the Gulf of Alaska has experienced higher than normal natural mortality and poor recruitment due to the marine heatwave that occurred across the Gulf of Alaska in 2014–2016. This heatwave resulted in such low stock status that it required the closure of all Federal Gulf of Alaska cod fisheries in 2020. The Gulf of Alaska fisheries support many rural Alaska communities, fishermen and processors. How can you balance NOAA's core mission to conserve and manage marine resources if these essential surveys are not adequately funded?

Answer. Maintaining the Alaska Fisheries Science Center (AFSC)'s research surveys and staffing to support stock assessment, and management of fisheries, and protected resources is a priority for NOAA because the fishery is critical.

In FY 2019, NOAA Fisheries prioritized existing nation-wide base resources to provide nearly \$2.0 million in additional surge funds to Alaska Seafood Cooperative specifically to fund one of the five charter vessels needed to conduct the bottom trawl survey for that particular year. In FY 2020, NMFS was appropriated an additional \$2.0 million to maintain historical surveys for Alaska and West Coast groundfish. With these funds, both prioritized within NMFS base resources, and increases from FY 2020 appropriations, the AFSC plans to utilize six vessels to conduct three bottom trawl surveys in FY 2020. However, in light of the coronavirus pandemic, all NOAA ships have been recalled to port, and all planned surveys for FY 2020 are currently on-hold. We are now evaluating each survey (OMAO and charter vessels) to determine target restart dates to resume operations.

NOAA and NOAA Fisheries mission support costs, such as inflationary costs associated with facilities maintenance, rent, and labor are also a constraint that impact our available operational funding. While the overall budget for NOAA Fisheries increased in FY 2020, these necessary mission support costs have also continued to increase. To the extent possible, NOAA Fisheries tries to anticipate, plan for, and mitigate potential survey impacts from these resource constraints.

Additionally, the AFSC has taken a number of steps including cutting lower priority research activities and managing Federal staffing to further minimize impacts of rising costs. We also continue to investigate novel ways and scientific innovations to maximize our existing resources. In Alaska, this includes development of innovative acoustic data collection systems to supplement ship-based sampling, high resolution coupled bio-physical ocean models to inform stock assessments and management, increasing cooperative research partnerships with industry and subsistence-based communities, and quantitative analyses of the effects of spatial coverage on survey uncertainty.

Question 2. In Alaska, we are seeing the Nation's highest volume fisheries (wild Alaska pollock and Pacific cod) shift to the Northern Bering Sea. In last year's (2019) Bering Sea surveys, 41 percent of the total Pacific cod biomass was in the Northern Bering Sea, and in the past two years, 18 percent to 30 percent of the pollock biomass was in the Northern Bering Sea. These significant changes from the historical time series suggest that we must make the Northern Bering Sea survey a core, annual survey of NMFS; currently it is not considered core and is subject to temporary and uncertain funds. Can NOAA commit to expanding our core surveys to the Northern Bering Sea in order to respond to ecosystem and climate-driven changes? What solutions can NOAA leadership generate to meet historical and expanded definitions of core surveys?

Answer. With the additional challenge of a rapidly changing marine environment and the subsequent expansion of species distributions, the complexity and geographic scope of the NMFS mission in Alaska has also increased. The northern Bering Sea bottom trawl survey was first accomplished in 2010, and due to changing environmental conditions (*e.g.*, loss of sea ice), has been conducted annually from 2017 to 2019. This survey was planned to be conducted in 2020 before the coronavirus pandemic. We will conduct it if possible, as this and the survey of the southeastern Bering Sea are a very high priority.

In the last three years, due to the expansion of commercial species such as cod and Pollock into the northern Bering Sea (and possibly the southern Chukchi Sea), the AFSC added survey coverage and 276-person sea days to bottom trawl survey efforts of the 198,858 km² northern Bering Sea. NMFS is continuing work through options to retain historical surveys and prioritize core surveys within funds available. We are also exploring novel observation techniques, such as eDNA and autonomous UxS platforms, as ways to supplement the surveys with additional data.

Question 3. NOAA ships provide important survey data. In the North Pacific, the Oscar Dyson has had to cut survey days due to delays in the shipyard, supply deliveries, and staffing. How can NOAA ships more efficient to maximize survey days?

Answer. NOAA has made specific changes to address shipyard and maintenance delays to our vessels: The 2018, 2019 and 2020 Consolidated Appropriations Acts provided increased funding to address the nearly \$32 million deferred fleet maintenance backlog and enabled significant improvements in fleet maintenance practices.

Actions include:

- Developed detailed 10-year maintenance plans for all ships to better plan and fund ship maintenance
- Conducting yearly material condition assessments to inform maintenance planning, providing increased competition, better pricing and economies of scale
- Implementing maintenance improvements identified in the “Marine Operations Maintenance Benchmark Study”—a detailed analytical study of NOAA, academia, and international research fleets’ maintenance practices
- Created 15-person acquisition team with specialized ship experience; established IDIQs for dockside and dry dock repairs and shipyard lodging contracts
- Using a supplemental maintenance team for preventative maintenance repairs

Additionally, OMAO has worked with other NOAA line offices to ensure that the NOAA vessels are multi-mission capable. For example, in FY19 *Dyson* was delayed in a shipyard and NOAA Ship *Bell M. Shimada* was able to quickly reconfigure and conduct the National Marine Fisheries Service Walleye Pollock Shelikof/Chirikof Shelf-break Pre-spawning survey, traditionally completed on *Dyson*.

Question 4. Congress provided additional survey funds (FY20 enacted) and report language was clear that those funds were intended to support maintaining historical survey capacity in Alaska. Can you explain how decisions are made that leave core Alaska survey work unmet, even when Congress increases funds? Given cost-benefit considerations of the Alaska commercial fishery and environmental changes, how do Alaska’s core surveys not become a clear priority?

Answer. A high priority for NMFS and the Alaska Fisheries Science Center (AFSC) continues to be staffing and securing vessel time for research surveys that support stock assessments, and management of fisheries, and protected resources. NMFS’ ability to execute all high priority research is based on available funding and constrained by increasing fixed costs and changing environmental conditions that have significantly increased the scope of our mission. With the increase of \$2.0 million provided for NMFS to maintain historical surveys in Alaska and the West Coast, \$1.1 million was distributed to AFSC, and \$0.9 million to the Northwest Fisheries Science Center. These funds were critical in allowing the AFSC to utilize six vessels to conduct three bottom trawl surveys in FY 2020.

Question 5. Similar to the last question, given efforts by Congress to increase appropriations to collect these core data, can NOAA verify how much in funding would be needed to fully fund core surveys in Alaska going forward? All things considered, what is the realistic price tag and how can we ensure survey funds are spend as Congress intended?

Answer. NMFS has a variety of surveys planned for FY 2020. As part of a national level effort, all NMFS science centers are compiling estimated costs for all surveys conducted, and these estimates should be available in by Summer 2020. The Alaska bottom trawl surveys, one group of surveys focused commercial fish species in Alaska, is estimated to cost approximately \$12 million utilizing six vessels in FY 2020. This estimate includes both the contract costs for the survey vessel, as well as NMFS staff time for preparations, surveys, and data analysis. We very much appreciate Congress’ interest and are grateful for the support for NMFS’ survey and stock assessment enterprise, and we will continue to provide updates to the Committee and our plans and resource requirements.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
HON. DR. NEIL JACOBS

COVID-19. The COVID-19 pandemic has resulted in consequences for geoduck exports to China and for commercial sales of fresh seafood products in domestic markets. Pacific Northwest shellfish companies are suffering, yet they don’t qualify for assistance under the NOAA fishery disaster program.

Question 1. Will you work with Congress to come up with solution to help the commercial and Tribal shellfish industries as they experience impacts from COVID-19 related economic impacts?

Answer. Section 12005 of the CARES Act authorizes the Secretary of Commerce to provide \$300 million in appropriated funds to assist fishery participants affected by the novel coronavirus (COVID- 19). NOAA Fisheries understands the urgent need for these funds, and our overarching goal is to distribute the assistance as quickly as possible. To that end, we are working daily with the Department and our Federal partners to finalize a process to expedite the distribution of Sec. 12005 funds, consistent with the direction provided by Congress. We will post details about the process for stakeholders and partners *here*.

Other provisions in the CARES Act will help NOAA maintain continuity of operations and support the continued success of our Nation's fisheries. The \$20 million identified for NOAA is essential for continued provision of life-saving services and for keeping our workforce safe.

Hiring Backlog.

Question 2. Is there a hiring backlog at NOAA?

Answer. Yes. Approximately 1 in 10 positions are vacant based on FY20 Spend Plans.

Question 3. If so, how will you fix it, and what will happen if it is not fixed?

Answer. For the last 5 years, NOAA has outsourced hiring with mixed success as no single vendor has been able to address our hiring needs. Our hiring needs include 1,200–1,300 actions per year to address attrition and internal promotions, as well as another 1,200 actions to address the current gap in onboard strength based on our FY 2020 spend plan.

For FY 2020, we have worked closely with our contracted vendor to improve their capacity. Conservatively and assuming no losses in capacity due to Coronavirus, we project filling close to 1,500 hires this year. This will be the most hires in a single year for NOAA in over a decade, and it will address approximately 15 percent of the gap in onboard strength in our FY 2020 spend plan.

Additionally, NOAA's Office of Human Capital Services is doing two additional things to increase hiring capacity this year. First, we will forgo increasing staff resources in other areas of HR and increase the staff available to focus on building our hiring capacity. Secondly, we are working with line and staff organizations to pilot alternative approaches and implement existing hiring flexibilities given to us by OPM and Congress (*i.e.*, Direct Hire for STEM and Conservation Corps Act hiring and the GS 5–12 promotion plan) to speed up the hiring process. These changes will allow us to target 1800+ hires in FY21 and beyond. Reaching 1,800 hires will allow us to reduce the gap between our onboard strength and the projected resources we have to spend on employee salaries in our FY 2021 spending plan.

NOAA Budget.

Question 4. What is your perspective on NOAA's overall funding and do you support cutting programs like Sea Grant, Coastal Zone Management grants, and the Pacific Coastal Salmon Recovery Fund as proposed in the Fiscal Year 2021 budget request?

Answer. In the FY21 Budget, as in every budget submission, NOAA works closely with the Administration to identify those NOAA specific initiatives that maximize both NOAA goals and broader Administration priorities in national security, trade, and the economy, acknowledging fiscal constraints. NOAA supports these broader priorities by reducing the impacts of extreme weather and water events to save lives and protect property by implementing the Weather Research and Forecasting Innovation Act, maximizing the economic contributions of ocean and coastal resources by expanding the American Blue Economy, and through space innovation. I look forward to working with you in the future on the funding levels of NOAA programs.

Conservation.

Question 5. Do you support, and commit to carrying out, the full suite of conservation laws that apply to NOAA, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Coastal Zone Management Act, and the National Marine Sanctuaries Act?

Answer. Yes, I fully support carrying out NOAA's missions as authorized and guided by these statutes and all others that apply to NOAA.

Fisheries Management.

Question 6. Do you agree that overfishing should not be allowed and that depleted fisheries should be rebuilt? Should fisheries management decisions be based on the

best available science? Will you oppose actions that undermine these conservation tenets?

Answer. Requirements to prevent overfishing, rebuild overfished stocks, and base conservation and management decisions on the best scientific information available are core tenets of the Magnuson-Stevens Act and fundamental to our successful fisheries management construct. At the end of 2019, 93 percent of our stocks are not subject to overfishing and 81 percent are not overfished. In addition, we have rebuilt 47 stocks since 2000. By preventing overfishing and rebuilding stocks, we are strengthening the value of fisheries to the economy and communities that depend on them, and also ensuring a sustainable supply of seafood for the Nation in the future.

Climate Change.

Question 7. Do you concur with the conclusion reached by NOAA scientists that climate change is occurring and that human-caused greenhouse gas emissions are largely responsible?

Answer. Yes, I concur with the conclusion by NOAA scientists that climate change is occurring. Accumulation of greenhouse gases is one of many factors that influence this trend, which also includes removal of carbon sinks. Drivers of climate change are a complex mix of natural and anthropogenic forces.

Question 8. Is climate change a pressing problem for the ocean, fisheries, and coastal communities?

Answer. Yes. For example, fish migration, acidification, and coastal storm impacts could become a growing challenge. However, increasing risk exposure, particularly along developed coastlines, can exacerbate these challenges regardless of impacts from a changing climate.

Arctic.

Question 9. Describe your plan for continuing and expanding weather, sea, and ice observing and monitoring capabilities in the Arctic.

Answer. NOAA has a long history of Arctic science, service, and stewardship, including weather and climate services, nautical charting and other navigation services, natural resource management, and spill preparedness and response. Observations are key to performing these important missions in the Arctic region. NOAA envisions an Arctic where decisions and actions related to conservation and management are based on sound science. Innovation and partnerships are critical to meeting this goal. NOAA operates baseline atmospheric observatories and conducts research on important issues that improve our understanding of Arctic atmospheric phenomena, on various timescales, including the study of connections between Arctic weather and lower latitudes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
HON. DR. NEIL JACOBS

Great Lakes. Fishing contributes an estimated \$2.4 billion to Minnesota's economy annually and supports nearly 35,000 jobs. Reports have highlighted that climate change is causing temperatures in the Great Lakes to rise, causing fish populations in the Great Lakes region to migrate to different areas—which could negatively impact a key part of our economy.

Question 1. If confirmed, how will you ensure that NOAA continues to support the resiliency and stability of fish populations and the fishing industry in the Great Lakes region?

Answer. While NOAA does not have regulatory oversight over fish in the Great Lakes, the Agency supports projects that restore degraded or altered Great Lakes coastal habitat to promote the recovery and sustainability of native fish species, recognizing that such projects yield multiple benefits for local communities and wildlife. Since 2010, NOAA has supported more than 70 habitat and species restoration projects through the Great Lakes Restoration Initiative. These projects have restored nearly 4,500 acres of habitat and opened almost 500 stream miles for fish passage. These projects will provide multiple benefits to the environment and communities: supporting valuable fisheries and coastal resources, improving the quality of our water by restoring coastal wetlands, providing recreational opportunities for the public's use and enjoyment.

Question 2. If confirmed, will you commit to work to produce accurate climate science and provide the public with timely information about climate change?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
HON. DR. NEIL JACOBS

Right Whales. Fishermen in the United States have been working hard to conserve right whales over the past 30 years, most recently closing more than 3000 square miles of lobster fishery in Massachusetts over a three month period to ensure a zero-percent chance of interaction with right whales. Canada just published their updated regulations on this subject, proposing changes to fishing regulations and vessel traffic.

Question 1. Are the new Canadian regulations commensurate with U.S. regulations? How do they differ?

Answer. Canada recently announced additional measures to reduce the risk of entanglement that will be implemented in 2020 and 2021. We are still analyzing the measures to see if they address the concerns that we have communicated to Canada. As we continue to revise our U.S. regulatory program, Canada is also implementing the previously announced revised measures. We will continue to work with Canada to consider any additional measures that may provide North Atlantic Right Whales with immediate relief.

Question 2. To minimize the entanglement risk of right whales in fishing gear, NOAA has developed a decision support tool to determine the risk reduction of different types of fishing gear. While the quantitative right whale habitat and vertical line variables underpinning this tool are tailored to U.S. fisheries, how much risk would you qualitatively estimate the new Canadian regulations reduce? Please provide your response to this question in terms of percent risk reduction, as is standard when using the decision support tool that has calculated a 60 to 70 percent risk reduction in Massachusetts.

Answer. For waters outside of the U.S., we will be applying a variety of approaches, many of which are qualitatively similar, as we analyze the effect of the Canadian measures in our upcoming biological opinion and rulemaking. For the purpose of the MMPA Import Provisions, we will use the same methods that we use to evaluate all nations' fisheries for all Canadian fisheries. Regarding vessel strike conservation measures, which are a component of Canada's conservation measures, the Decision Support Tool is not yet capable of measuring risk reductions associated with vessel collisions in that region. However, for both vessel strikes and fisheries interactions, NMFS will continue to coordinate with Canada on the means and methods to assess risk reduction. I look forward to working with you and your staff as more data become available, and analysis begins to produce both qualitative and quantitative results.

Oil Spills. The coastal United States has suffered through several major oil spills, from Exxon Valdez to the BP Oil Spill and the 14-year long Taylor Energy spill in the Gulf of Mexico. However, the United States still lacks critical capacity for oil spill response, especially as the United States moves to ramp up oil production in the Arctic Sea. At a Senate Commerce Subcommittee hearing on the Arctic on December 12, 2019, I was disappointed to hear the Commandant of the Coast Guard Admiral Schultz state that the United States still does not know or have the ability to clean up oil spills in and around ice.

Question 3. Is NOAA doing research on how to clean up oil spills in the Arctic, in and around ice? If not, why not?

Answer. Yes, NOAA has a number of projects and partnerships with other agencies, other countries, industry, academia and institutions such as the Oil Spill Recovery Institute in Cordova, Alaska, and the Coastal Response Research Center (CRRRC) at the University of New Hampshire. The Office of Response and Restoration (ORR) is currently collaborating with the Coast Guard Research Development Center (RDC), along with others including the Bureau of Safety and Environmental Enforcement (BSEE), Environmental Protection Agency (EPA), and Prince Williams Sound Science Center, to advance detection capabilities for oil spills in ice environments. This multi-year project involves testing various sensor platforms (such as unmanned aircraft systems and remotely operated vehicles) and environmental samplers that have been developed and calibrated specifically for oil.

NOAA is also researching the biological effects of oil. ORR, Alaska Fisheries Science Center (AFSC) and Northwest Fisheries Science Center (NWFSC) have a multi-year, collaborative research initiative on the effects of oil on Arctic cod, a key-stone species in Arctic ecosystems. The work includes toxicity testing to determine acute and latent effects of oil exposure on survival, fitness, and bioenergetics; identification of diagnostic biomarkers of oil exposure and injury; and development of models for oil exposure and effects.

ORR and NOAA Fisheries scientists have also participated in a project studying oil & dispersed Oil Effect on Whale Baleen Function with North Slope Borough/Department of Wildlife Management, Barrow, AK, Woods Hole Oceanographic Institute (WHOI) and others. Projects we are championing (providing comments, suggestions, etc.) for the Arctic Domain Awareness Center (ADAC) include

- Mitigating the Damage to Arctic Copepods from Surface Oil Spills: When to Apply Dispersants. Led by Bigelow Laboratory for Ocean Sciences.
- Photo-enhanced toxicity of dispersed and burned crude oil to Arctic mussels. Led by University of Alaska Anchorage College of Arts and Sciences, Alaska Sea Life Center and University of New Orleans.
- Oil Spill Modeling for Improved Response to Arctic Maritime Spills: The Path Forward. Led by University of New Hampshire, Coastal Response Research Center, Center for Spills in the Environment.
- Dynamics of oil spreading under various ice and sea conditions: laboratory observations and modeling. Texas A&M University

Question 4. Do you agree with Commandant Schultz that the United States is unable to currently clean up Arctic Oil spills? If not, why not?

Answer. Oil spill response in the Arctic faces significant technical, operational and logistical challenges. The extent of these challenges varies significantly with location. Oil spill clean-up on land and at nearshore facilities is a routine practice in Prudhoe Bay, where industry funded Oil Spill Response Organizations (OSROs) such as Alaska Clean Seas have significant expertise and state-of-the-art equipment, infrastructure, and logistical support. This is not the case for most of the other places in the U.S. Arctic, and especially for large offshore spills; access, weather, oceanographic conditions, equipment staging, communications, etc., are challenging in these remote areas.

Question 5. NOAA's recent Science Report includes an outline of new technology on how to clean up oil spills. What other research is NOAA doing on oil spills?

Answer. NOAA (ORR, AFSC, and NWFSC) has a multi-year, collaborative research initiative on the effects of oil on Arctic cod, a keystone species in Arctic ecosystems. The research includes toxicity testing to determine acute and latent effects of oil exposure on survival, fitness, and bioenergetics; identification of diagnostic biomarkers of oil exposure and injury; and development of models for oil exposure and effects.

NOAA's Shoreline Cleanup and Assessment Team validates shoreline oiling interactions and assesses effects of Aggressive Monitoring and Cleaning Techniques on Shorelines. Its goal is to develop marsh/shoreline cleanup guidelines by evaluating datasets and associated publications. This includes reviewing the utility and application of sediment chemistry and microbial ecology data as potential indicators of cleanup efficacy.

Climate Change. From fish species shifting northward to the impacts of ocean acidification on shellfish, fishing industries are facing many new challenges as a result of climate change.

Question 6. Will you continue to support climate change research as the NOAA Administrator?

Answer. Yes.

Fish Stock Assessments. At the nomination hearing you briefly mentioned NOAA's role in managing fish stocks.

Question 7. Can you explain how NOAA will work to adapt their stock assessment process to include climate impacts?

Answer. NOAA Fisheries recognizes that fish stocks are routinely impacted by their environment, and that this is increasingly important to account for as environmental and climate conditions change. One of the reasons for updating a stock's assessment in a prioritized approach is to take into account unexpected changes due to climate influences. NOAA Fisheries has developed several guidance documents such as the NOAA Fisheries Climate Science Strategy, the Next Generation Stock Assessment Improvement Plan (SAIP), and a recent NMFS Technical Memorandum that provides suggestions on how to address shifting distributions and changing productivity in the fisheries management process. For example, the SAIP recommends that Terms of Reference for stock assessments call for consideration and review of the degree to which climate, ecosystem, and socioeconomic drivers affect fish stocks. The SAIP also provides several decision trees that help guide considerations of climate and ecosystem effects, and how to include these effects in the stock assessment

process. NOAA Fisheries is actively working to implement the collective suite of recommendations from these documents across all regions.

Additionally, the Office of Oceanic and Atmospheric Research (OAR) and the National Marine Fisheries Service (NMFS) are collaborating on the NOAA Climate and Fisheries Initiative to increase the availability of climate information needed to successfully manage fish stocks and protected species. This information includes short-term forecasts and long-term projections of changing climate and ocean conditions at spatial scales important for stock assessments, and will increase our understanding of how changing conditions could impact marine and coastal species. Finally, NMFS is actively working on the development of new stock assessment models and tools that will facilitate better uptake of climate and ecosystem data into stock assessment models.

Question 8. What opportunities do you see to integrate both novel technologies as well as collaborative approaches that include data collected with the industry in stock assessments?

Answer. NOAA Fisheries has been making many advances to integrate novel technologies and collaborative approaches into stock assessments, where appropriate. For example, NOAA has been increasing its use of autonomous vehicles in coordination with fishery-independent research cruises to improve stock assessments. Similarly, many NOAA Fisheries stock assessments already incorporate data collected with industry, such as fisherman's logbook data, observer data, and data from cooperative research projects. Additionally, NOAA Fisheries is continuing to work with fishermen, Fishery Management Councils, and other partners to improve the timeliness, quality, cost effectiveness, and accessibility of fishery-dependent data, such as through the expansion of electronic monitoring and reporting programs in all regions, (but not necessarily all fisheries). Further, several of our major stock assessment research cruises are conducted in collaboration with industry by chartering fishing vessels. Expanding and streamlining data collection from fisheries will help deliver information more efficiently into use for stock assessments and help U.S. fishermen make timely decisions for their fishing operations and businesses. Looking forward, as NOAA Fisheries seeks to maintain and expand its data collection infrastructure, the agency will continue to expand these programs, as well as explore programs that leverage partnerships to collect more data in cost-efficient ways.

Question 9. How do you aim to integrate feedback from fishery councils as well as cooperative research done with fishermen into any changes to stock assessment methods?

Answer. The Fishery Management Councils, with their Scientific and Statistical Committees (SSCs) are the primary management partners for the agency, and regional stock assessment processes ensure that their input is incorporated into the stock assessments. The Council's SSCs have a major role in developing stock assessment Terms of Reference and conducting reviews of stock assessments performed by agency scientists for use in the management process.

NMFS supports the incorporation of any scientifically valid data set into stock assessments. This includes various external sources, such as academic projects, as well as partnerships, including cooperative research or state programs. Many of these data sources are already incorporated into stock assessments, and the agency supports increasing the use of these sources. All such data are subject to the same stock assessment review process as data collected by NMFS; thus their use in stock assessments depends on the outcome of the regional review processes managed by the Councils.

Politicization of Science. "The "Sharpiegate" scandal represented an alarming politicization of weather science.

Question 10. If confirmed as NOAA administrator, how will you protect scientists and continue to publish accurate science, without political interference?

Answer. I am committed to promoting scientific integrity within NOAA. NOAA already has a rigorous Scientific Integrity Policy (NOAA Administrative Order NAO 202-735D) that provides best practices to promote a continuing culture of scientific excellence and integrity. We are currently in the process of evaluating our scientific integrity policy to make it even more robust. I have valued, promoted and benefited from scientific integrity throughout my career, in academia, industry and at NOAA and will continue to champion it going forward.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO
HON. DR. NEIL JACOBS

NOAA Budget. For NOAA to be healthy, it needs to have a budget that supports all of its activities. However, the FY21 NOAA budget zeroes out important conservation and management programs like the National Estuarine Research Reserve System (NERRS) and Coastal Zone Management grants. It also slashes the NOAA Habitat program run out of the fisheries office by a third.

Question 1. How will your confirmation make a difference for these programs in the next budget cycle?

Answer. As in every budget submission, NOAA works closely with the Administration to identify those NOAA specific initiatives that maximize both NOAA goals and broader Administration priorities in national security, trade, and the economy, acknowledging fiscal constraints.

Being confirmed in this position, as opposed to acting, will provide me with an increased opportunity to forge relationships and advocate for agency priorities at a higher level. An agency head in the official capacity will instill confidence and stability. Not only is this critical with the upcoming hurricane season, but also during our navigation, management, and gradual return to normal operations in the wake of the coronavirus pandemic.

I look forward to working with you and your staff on the funding levels of NOAA programs, including various high priority areas such as reducing the impacts of extreme weather and water events by implementing the Weather Research and Forecasting Innovation Act and maximizing the economic contributions of ocean and coastal resources by expanding the American Blue Economy.

Hurricane Dorian Investigations. At present, there is both a NOAA scientific integrity investigation on the Hurricane Dorian incident, and a Commerce Inspector General investigation.

Question 2. Do I have your commitment to cooperate with both and allow both to proceed freely and without interference?

Answer. Yes.

STEM Education. The FY21 NOAA Budget zeroes out the NOAA Office of Education and the NOAA Sea Grant program. I am concerned about this Administration's lack of support for STEM education.

Question 3. Please explain your position on NOAA education programs, and whether you will commit to being a strong advocate for NOAA education in this Administration?

Answer. Yes. STEM is incredibly important, not just for the future of NOAA, but also the U.S. The Office of Education works with the Office of Human Capital Services, the Research Council, and NOAA leadership to diversify NOAA's workforce and identify actionable strategies for hiring and retaining diverse and highly qualified individuals. I am proud of what the Office of Education has accomplished, but there is far more that can be done. I will most certainly be a strong advocate for NOAA education.

National Monuments. The NOAA budget has terminated programs supporting research grants that specifically encourage the necessary scientific exploration and research programs needed to guide sustained management of U.S. Marine National Monuments. In addition, the President has repeatedly questioned the validity of National Monuments established by previous Administrations.

Question 4. Explain your commitment to defending existing Marine National Monuments, and to ensuring adequate funding for the vital research grants managers rely on to make science-based decisions for coastal and marine stewardship?

Answer. NOAA has no current plans to alter the boundaries or scope of Marine National Monuments under our management. Under the proposal, NOAA would continue to support mission-vital research requirements in the proposed base budgets.

Research. NOAA Research (OAR) saw a decrease of almost \$250 million in funding under the President's FY21 budget. In furthering NOAA's long-term priorities, not only is more research needed to manage climate adaptation and mitigation, healthy oceans, and building resilient coastal communities but also sustained support of current research programs.

Question 5. Will you commit to being a strong advocate for support for all of NOAA's current and future research programs?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
HON. DR. NEIL JACOBS

Leadership. I want to thank you for meeting with me earlier this month to discuss your nomination. As you know, I have some concerns about your role as acting chief of NOAA during the Hurricane Dorian controversy involving President Trump, commonly referred to as “SharpieGate”. Specifically, I want to ask you about your conversations with senior officials at the Department of Commerce and the White House and the events that led to an unsigned statement from NOAA that contradicted its own scientists. Reports from *The New York Times* indicated that Secretary Wilbur Ross and Mick Mulvaney pressed you to take action to support the President’s ultimately inaccurate claims that the State of Alabama was at risk of serious threat. According to reports, Secretary Ross and Mr. Mulvaney threatened to fire members of NOAA’s leadership and cut funding for programs at the agency if it did not support the President’s position.

Question 1. Do you agree that weather forecasts provide a vital function that should be free from political interference?

Answer. Yes.

Question 2. To what extent were you involved in the development of the unsigned statement?

Answer. I was involved, along with several other NOAA and DOC employees, in the development of the statement.

Question 3. As acting administrator to an agency responsible for conveying scientifically accurate, timely, and clear information for public safety—especially in the midst of extreme weather events like Hurricane Dorian—do you think your agency’s efforts and government resources were best spent correcting the record for President Trump?

Answer. Our Weather Forecast Offices, including Birmingham and the National Hurricane Center, did their utmost to produce accurate and timely weather forecasts to inform the general public and ensure public safety. Hurricane Dorian was a persistent, challenging, and historic storm, and the forecast products produced reflect the tireless effort and countless hours spent by the hardworking forecasters around the country, who are tasked with the challenge of communicating risk to emergency managers and the general public.

Question 4. For the record, did your conversations with Secretary Ross or Mr. Mulvaney have any influence over NOAA’s official response to this controversy?

Answer. I did not speak directly with either Secretary Ross or Mr. Mulvaney regarding the controversy over the statement.

Office of Inspector General report. As you know, the Department of Commerce Office of Inspector General (OIG) launched an investigation into the “SharpieGate” incident. We are still awaiting the final report, but expect the release of that report at some point in the next month or so. Soon after the controversy, there was a preservation notice issued to keep all records related to this incident. As you may know, failure to adhere to this sort of notice may violate the Federal Records Act.

Question 6. Your nomination hearing comes before the release of the OIG report. I would like to give you the opportunity to confirm for the record that nothing in the forthcoming report will reflect poorly on you, or the agency. Are you aware of anything in the forthcoming OIG report that members of this committee should be aware of or concerned about?

Answer. I’ve been completely open and forthright with the IG during the investigation process, and I await the results of the report.

Question 7. Can you confirm that all documents related to the Hurricane Dorian controversy were preserved in a manner that does not violate the law?

Answer. I have complied with the guidance from the Office of the General Counsel to preserve all documents related to the IG investigation.

NOAA’s unsigned statement. The controversy surrounding “SharpieGate” resulted in serious concerns regarding the accuracy, transparency, and clarity in knowledge sharing as well as the censorship of agency scientists. During your meeting with me earlier this month, you expressed that NOAA’s unsigned statement was in reaction to a “fake” map produced on the internet—not the President’s inaccurate claims. You also explained that there was a “technical 10–30 percent chance” that Hurricane Dorian could have hit Alabama.

Question 8. With weather forecasting, is there ever a zero percent chance of a Hurricane making landfall?

Answer. It is impossible to predict the future outcome of any open system with absolute certainty.

Question 9. Do we generally know which areas will be at high risk and which will be at lower risk?

Answer. Weather prediction has long struggled with the theoretical limits of predictability. Ensemble forecast guidance gives us a probabilistic range of likely outcomes. Ideally, if the distribution of predicted solutions was Gaussian, the statistical mean would be the most likely outcome. Risk can be quantified in a variety of ways. For example, low-lying flood-prone coastal communities with large populations and extensive development may have more risk exposure. We also know, in general, from decades of historical observations, which regions are more likely to experience severe weather events, such as hurricanes, tornadoes, and blizzards.

Question 10. For preparedness, safety, and understanding, how do you plan to balance the data received from probabilistic models with the publicly issued warnings based on actual risk?

Answer. I foresee this being one of the greatest challenges for the future of weather prediction. Unless you have an advanced degree in statistics or game theory, probability is not an intuitive concept, and trying to convey uncertainty to the general public in a way that is scientifically correct, yet elicits a preferred response, is a complex problem. On the physical science side, educating the public on how probabilistic forecasts are made, what the limitations are, and how to interpret them will be essential. On the social science side, we need to focus on developing better methods to convey probabilities in an understandable way. Risk tolerance varies greatly from corporations and communities down to a personal level. While we can't define risk tolerance levels, we can improve ways we convey the probability and severity of a potential outcome. Likewise, our ongoing effort to improve forecast accuracy will reduce the levels of uncertainty in the future, thereby making that balance easier to achieve.

Question 11. You referred to the existence and circulation of an alternate, falsified NOAA Hurricane Dorian map—besides the one displayed in the Oval Office. Will you commit to providing evidence of that map to the committee?

Answer. I would welcome the opportunity to work with the committee on this issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
FINCH FULTON

Freight Policy. I am concerned that the Department is not prepared to address significant freight infrastructure challenges when the Department is just now seeking input to guide the development of a National Freight Strategic Plan—a plan that was supposed to be finalized by the end of 2017 pursuant to the FAST Act.

The Department was also required to establish a National Multimodal Freight Network to assist in the prioritization of Federal freight investment by December 2016. Although this Administration reopened the comment period for a couple of months in October 2017, no further action has been taken since then.

Question 1. How is the Department able to ensure Federal dollars are being spent on those high impact projects that the INFRA and BUILD grant programs are supposed to support when it has failed to put together this vital freight prioritization guidance? When can we expect the Department to finalize these items?

Answer. The Department recognizes the importance of Federal freight investment to the safe and efficient movement of freight throughout the United States. Through discretionary programs, the Department has included evaluation criteria that allow the Department to identify priority freight projects. For example, in the most recent INFRA notice of funding opportunity, the Department has included whether a project primarily serves freight and goods movement as a factor in the economic vitality criterion evaluation.

The Department is working to complete the National Freight Strategic Plan by later this year. In December 2019, the Department requested information from States, local governments, and other stakeholders to inform the development of the national freight strategy. The completion of the National Freight Strategic Plan will directly lead into the identification of the updated National Multimodal Freight Network.

Question 2. At your hearing I asked you a question regarding lifting the multimodal cap for the INFRA program. Do you agree that, in conjunction with the

National Multimodal Freight Network and National Freight Strategic Plan, lifting the multimodal cap in the INFRA would ensure that projects which can provide the greatest national benefit are prioritized?

Answer. As the Department has been developing the National Freight Strategic Plan, it is clear that freight depends on a safe and efficient multimodal transportation system. The Department has heard from many stakeholders advocating for an increase in multimodal funding eligibility under the INFRA program. The Department, through the interagency review of the proposed surface transportation reauthorization, is considering how to ensure flexibility in attracting and selecting the freight projects with the most benefits, regardless of mode.

Automation. As we incorporate more automation into our lives, we must be thoughtful on how we develop and regulate these technologies, and consider how people interact with and respond to automation. Operators must know how to use and respond to these technologies, otherwise we will not see the benefits of automation. With autonomous vehicle systems already in the market and being tested on public roads, we need to ensure manufacturers and regulators are properly managing the risks posed by automated technologies.

Question 3. What steps has the Department taken to ensure that manufacturers and regulators are adequately considering and preparing for the human-machine interface between operators—whether that be drivers, pilots, or locomotive engineers—and the increasingly complex automated systems they are operating?

Answer. The Department has taken many steps to ensure industry and the public sector are adequately considering and preparing for a future where human-machine interfaces are a possibility. The Department has released multiple voluntary guidance documents in recent years to prepare for this future.

In September 2017, DOT released A Vision for Safety: Automated Driving Systems 2.0 (ADS 2.0). In October 2018, DOT released Preparing for the Future of Transportation: Automated Vehicles 3.0 (AV 3.0). In January 2020, DOT and the White House Office of Science and Technology Policy released Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0 (AV 4.0). Guidance on human-machine interface was introduced in ADS 2.0, expanded in AV 3.0 and included in AV 4.0.

Additionally, DOT has conducted multiple national public stakeholder engagements and published public notices to obtain input from the DOT stakeholder community on automation. A list of these engagements can be seen at these links (<https://www.transportation.gov/av/publicnotices>, <https://www.transportation.gov/av/events>).

Informed by these engagements, research continues on this subject and will be critical to the success of advanced vehicle technologies going forward. Human factors research is a part of NHTSA's 2020 Advanced Safety Technologies program and will help develop the safety community's understanding of the safety impacts of human-machine interface approaches, as well as potential longer-term behavioral changes related to ADAS uses and how they might impact safety outcomes. These lessons learned provide a basis for manufacturers to make incremental improvements in their next generation systems and would improve the societal safety benefits achieved with deployed technology. These efforts are included in DOT's Annual Modal Research Plan (AMRP). The AMRPs can be found at this link: <https://www.transportation.gov/administrations/assistant-secretary-research-and-technology/rdt-annual-modal-research-plans>.

Question 4. Section 105 of the Department of Transportation Appropriations Act, 2020, requires the Secretary to establish a Highly Automated Systems Safety Center of Excellence within the Department of Transportation. Please describe how the Department is planning to utilize that Center of Excellence, including which modes and/or types of automation will be addressed, how the Center plans to review, assess, and validate highly automated systems, and what role the Office of Policy will play in these activities.

Answer. The Department aims to make the Highly Automated Safety Systems Center of Excellence (HASS COE) a significant resource for answers in this highly dynamic area of innovation. The Safety Systems Center will play a leading role in analyzing and developing guidance on safety improvements for advancing automation, especially of surface transportation. Automation is advancing swiftly, and the Center will focus on gathering information from various sources, and analyzing and synthesizing the information in service to governmental and external stakeholders.

The Center will have a full-time director and a Technical Review Board to provide guidance and oversight. We seek to recruit an individual with extensive experience in automated systems to lead the Center and the Review Board will be comprised of DOT's leading experts in the field. We will build on the close coordination with

the Operating Administrations that is already the practice at DOT for advancing intelligent transportation systems, including through the work of the Non-traditional and Emerging Transportation Technology (NETT) Council, which includes all of the Operating Administrations at USDOT. The Operating Administrations will be involved in project selection and staffing. The Office of the Assistant Secretary for Transportation Policy will contribute to setting priorities and ensuring that the Center fulfills its mission.

Question 5. As the Center of Excellence referenced above is directed to have a workforce composed of Department of Transportation employees, does DOT have the expertise necessary to carry out the activities of the Center of Excellence and to keep up with increasing innovation and automation across the transportation industry? What are you doing to ensure that the Department can retain and recruit this expertise? How will the Center of Excellence impact the existing expertise in the various modal administrations?

Answer. The Center's office will be at DOT headquarters within the Office of the Assistant Secretary for Research and Technology (OST-R). DOT intends to recruit a full-time director of the Center for a term appointment. The Center will employ technical experts on detail from the Operating Administrations, from DOT's Volpe Center through intra-agency agreement, and from other Federal agencies subject to interagency agreements, as needed, to review, assess, and validate highly automated systems.

Extensive expertise on automation resides within the Operating Administrations and the Volpe Center. The Safety Systems Center will thoroughly coordinate its projects with the Operating Administrations and rely on their experts. In addition, the Center will seek to engage experts as needed from academia, DOT's University Transportation Centers (UTCs) in particular. OST-R intends to have the HASS COE staffed up quickly. A flexible baseline staffing plan will be submitted to Congress that allows for staff deployment as priorities shift and new issues emerge. This approach also comports with the current total FY20 appropriation of \$5 million.

Blocked Railroad Crossings. Trains continue to get longer in the United States. This has resulted in many blocked railroad crossings for several hours each day, impacting freight movement, commuter congestion, and emergency response services.

Question 6. What is the DOT doing to engage with communities and railroads to ease the burden of blocked crossings for local communities?

Answer. Safety is the top priority for the Department. We work closely with the Federal Railroad Administration (FRA) and believe that safety at grade crossings is a critical issue that continues to impact and concern communities. This belief was highlighted by Karl Alexy, FRA Associate Administrator for Railroad Safety and Chief Safety Officer in testimony given to House Transportation and Infrastructure Committee Subcommittee on Railroads Pipelines, and Hazardous Materials for the February 5, 2020 hearing "Tracking Toward Zero: Improving Grade Crossing Safety and Addressing Community Concerns." The Department is pleased with FRA's efforts to use data, local engagement, and research to address safety issues at grade crossings, including blocked crossing events. Mr. Alexy highlighted many of these efforts in his testimony, more of which can be found here: [https://transportation.house.gov/imo/media/doc/Alexy%20\(FRA\)%20Testimony.pdf](https://transportation.house.gov/imo/media/doc/Alexy%20(FRA)%20Testimony.pdf)

On December 20, 2019, FRA launched an online portal to collect data from the general public and public safety officials on where individual communities experience blocked crossings. When submitting a report, information requested includes the location of the blocked crossing, time, duration, and impacts of the blocked crossing. The collected information will provide FRA with more standardized data on instances of blocked crossings throughout the United States.

While FRA has received information on many blocked crossing incidents, the data FRA has collected is only a sample. FRA intends to maintain, analyze, and share these data with all affected stakeholders to help inform the development of local solutions to reduce and prevent incidents of trains blocking crossings.

In addition to the blocked crossing portal, FRA continues to facilitate meetings between stakeholders and share expertise on potential solutions to the issues, as it has historically done. FRA is also hosting an ongoing series of technical symposiums and listening sessions on grade crossing and trespassing issues. More information on the portal can be found here: <https://www.fra.dot.gov/blockedcrossings>

Question 7. These blocked crossings can pose unique challenges to rural communities. Sometimes an entire town can be split in two, making it difficult or even impossible for first responders to get across town. As a part of the Department's ROUTES initiative, what are you doing to address this problem?

Answer. The Department is committed to working with all impacted stakeholders to help inform the development of local solutions to reduce and prevent incidents of trains blocking crossings. One of the main objectives of the ROUTES initiative is to provide user-friendly information to rural communities to assist them in understanding and applying for DOT discretionary grants, as well as the resources listed in the previous response.

Through stakeholder engagement, we will work through the ROUTES initiative and relevant communities to target grant programs that can help address issues and challenges that they face. In addition to formula funding such as the Railway-Highway Crossings (Section 130) Program, one discretionary grant program that is particularly valuable to communities facing highway-rail grade crossing safety issues is the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program. The CRISI Program funds a wide range of projects that improve the safety, efficiency and reliability of intercity passenger and freight rail systems.

Management. As the head of the Office of Policy within the Department of Transportation, it is important that you have a grasp on all the policies and regulations coming from the various agencies. Additionally, you will be responsible for supervising the employees of the Office of Policy.

Question 8. What do you anticipate your top priorities for each modal administration to be should you be confirmed?

Answer. Secretary Chao has made it a priority to bring on a high-caliber team of leaders for the operational modes in the Department. I have enjoyed working with my colleagues over the past few years, and agree with their top priorities, which are in line with Secretary Chao's vision and Strategic Plan for the Department. All of these priorities will continue to focus first on the safety of the traveling public, and will also be shaped by the Department's continuing response to the impacts of COVID-19.

The top priorities of the Federal Aviation Administration (FAA) include:

- Continuing the mission to provide the safest, most efficient aerospace system in the world.
- Re-certification of the Boeing 737 MAX, and restoring faith in the FAA's certification of aircraft.
- Enabling innovation in commercial space through a final rule that will streamline launch and reentry requirements.
- Providing for safe and secure operations of UAS through a final rule on remote ID that will also move us forward on automated traffic management concepts for greater commercial operations of UAS tomorrow.
- Enabling more commercial operations of UAS today through a final amendment to Part 107 that will enable operations over people and traffic.

The top priorities of the Federal Highway Administration (FHWA) include:

- Reducing transportation-related fatalities and serious injuries across the transportation system, particularly addressing recent increases in pedestrian and bicyclist fatalities and also tackling the high fatality rates in rural areas, where fatality rates are more than twice as high as for urban roadways.
- Investing in infrastructure, in both rural and urban areas, to ensure mobility and accessibility and to stimulate economic growth, productivity, and competitiveness for American workers and businesses.
- Leading in the development and deployment of innovative practices and technologies to improve the safety and performance of the Nation's transportation system.
- Reducing the regulatory burden on our state and local partners wherever it can be done without compromising safety and effectiveness, and increasing the efficiency of the environmental review and permitting process.

The top priorities of the Federal Transit Administration (FTA) include:

- Administer and oversee \$25 billion in economic relief under the CARES Act to support public transportation systems affected by the COVID-19 crisis.
- Reduce transportation-related fatalities and serious injuries across the transportation system by implementing Safety Management Systems in the public transportation industry.
- Invest in infrastructure to ensure mobility and accessibility and to stimulate economic growth, productivity and competitiveness for American workers and businesses.

- Lead in the development and deployment of innovative practices and technologies that improve the safety and performance of the Nation's transportation system through initiatives such as FTA's Accelerating Innovative Mobility Initiative.
- Serve the Nation with reduced regulatory burden and greater efficiency, effectiveness and accountability.

The top priorities of the Federal Motor Carrier Safety Administration (FMCSA) include:

- Reducing truck and bus-related fatalities and serious injuries, particularly to address recent increases in light and medium sized truck-related fatalities, work zone fatalities and injuries, low seat belt usage by truckers, and truck and bus-related fatalities involving pedestrians and bicyclists.
- Enhancing the Safety Measurement System (SMS) used to identify high-risk motor carrier operations.
- Implementing an IT modernization plan to improve the systems the Agency uses to interact with state partners and motor carriers.
- Conducting research on truck crash factors, including potentially initiating a new Large Truck Crash Causal Factors Study (LTCCFS).
- Reducing the regulatory burden on small businesses whenever it can be done without compromising safety.

The top priorities of the Federal Railroad Administration (FRA) include:

- Ensuring railroads meet the December 31, 2020 PTC implementation deadline and working with partner agencies, local governments, industry, and the public to improve safety around grade crossings—such as finalizing the FAST-Act required rule for all 50 states to complete grade crossing action plans.
- Administering the Consolidate Rail Infrastructure and Safety Improvement (CRISI) grants and other programs that improve rail infrastructure and services nationwide.
- Re-establishing metrics and standards for better passenger rail performance because American's deserve their passenger rail services to operate reliably.
- Working with Congress on a comprehensive surface transportation reauthorization proposal that improves rail safety, addresses the changing needs of the travelling public, and streamlines project delivery.

The top priorities of the Maritime Administration (MARAD) include:

- Promoting a strong U.S. maritime transportation system and sustained strategic sealift capabilities vital to national defense and economic security.
- Overseeing over \$500 million in projects funded through the FY2019 and FY2020 Port Infrastructure Development Grants.
- Bolstering the robust mariner base needed for the U.S. maritime economy and sealift readiness by enhancing the U.S. Merchant Marine Academy and providing new training ships for state maritime academies.

The top priorities of the National Highway Traffic Safety Administration (NHTSA) include:

- Continuing the mission to save lives, prevent injuries and reduce vehicle-related crashes.
- Removing unnecessary barriers to advance safety technologies.
- Developing a framework for the safe development and deployment of vehicles equipped with Automated Driving Systems (ADS) technology.
- Investigating safety defects and exercising enforcement authorities when there are unreasonable risks to safety.
- Providing national leadership across State and local Emergency Medical Services (EMS) providers and 9–1–1 response systems to improve safety outcomes.
- Reducing pedestrian fatalities and injuries through partnerships, increased awareness, effective countermeasures and enforcement.
- Combating impaired driving.
- Preventing pediatric vehicle hyperthermia deaths.
- Upgrading the New Car Assessment Program (NCAP) to better inform consumers of newer safety technologies.

The top priorities of the Pipeline and Hazardous Materials Safety Administration (PHMSA) include:

- Ensuring that safety is the top priority for our Nation's 2.7 million miles of pipelines.
- Prioritizing the safety of 1.2 million hazardous materials shipments across the U.S. each day.

The top priorities of the Saint Lawrence Seaway Development Corporation (SLSDC) include:

- Continuing the safe operation of the Seaway
- Working with the International Joint Commission (IJC) to ensure maritime navigation rights are addressed
- Addressing COVID19-related revenue shortfalls at the Seaway International Bridge for operations, maintenance, and capital
- Ensuring U.S. Seaway infrastructure needs are funded

Question 9. Please describe previous management positions held, including your primary responsibilities and the number of people managed in each position, including direct reports.

Answer. In my current role as Deputy Assistant Secretary for Transportation Policy, I oversee an office of forty people and a requested budget of \$2 billion in grants and \$26 million in program and administrative costs. In this role, I lead an organization that includes three other non-career leaders, and four offices: the Office of Policy Development, Strategic Planning and Performance, including the Infrastructure Permitting and Improvement Center; the Office of Infrastructure Finance and Innovation, which manages key discretionary grant programs such as the BUILD and INFRA transportation grant programs; and the Office of the Chief Economist. I have nine direct reports who are either career or non-career members of OST-Policy: three non-career executives, four Senior Executive Services (SES) office managers, an additional SES and a detailee from the Department of Labor who focuses on accessibility and employment issues relevant to transportation.

The Office of Transportation Policy is responsible for recommending overall transportation policy initiatives for the Secretary, and coordinating multi-modal initiatives and processes. In this role, I have managed large, multi-modal teams of hundreds to take an intermodal approach to innovative technologies and infrastructure investments. Two recent examples include teams of more than 200 employees each for both the Automated Vehicles 3.0: Preparing for the Future of Transportation guidance document, and for the process of making recommendations for the 2018 \$1.5 billion BUILD Transportation grant program.

In previous roles, I served as a contractor with one direct report, but organized and managed nation-wide advocacy campaigns that included offices in each state and the District of Columbia. This work consisted of organizing cross-functional teams to reach employees, retirees, customers, media and other external stakeholders worldwide as part of advocacy campaigns to influence narratives around complex issues, including connectivity, cybersecurity, data governance, privacy and workforce impacts.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
FINCH FULTON

Grant Programs. Grant programs administered by DOT provide critical funding for transportation projects in my state. While DOT awarded \$900 million in Better Utilizing Investments to Leverage Development (BUILD) funding in Fiscal Year 2019, Minnesota was one of fifteen states that did not receive any BUILD funding that year—although other states received up to three grants. I led a letter with members of the Minnesota delegation asking Secretary Chao to provide clarity to the competitive applicants from Minnesota that did not receive any funding this year.

Question 1. Can you provide an update on any actions that DOT has taken in response to this request?

Answer. In the BUILD 2019 round, the Department received 666 eligible grant applications requesting more than \$9.6 billion in funding. With less than ten percent of the requested funding available for award, the Department was only able to award 55 projects in 35 states. As a result, the Department is faced with many more unsuccessful applicants than award winners. The Department strives to select the best projects based on merit, while also meeting all statutory requirements es-

tablished by Congress including considering geographic diversity among recipients, modal distribution, and balancing the needs of urban and rural areas. The Department anticipates upholding this same Congressional direction for the upcoming BUILD 2020 competition.

The Department has already provided hundreds of application debriefs for BUILD 2019, including to every project sponsor who requested a debrief from Minnesota. Both the DOT and project sponsors find great value in the dialogues that are a part of these debriefs. We look forward to working with your stakeholders, and all relevant stakeholders, to further strengthen their grant applications going forward.

Bridges. Reports have found that four out of five bridges that are “structurally deficient” and in urgent need of repair are in rural areas, yet without increased direct Federal investment, it will take over 80 years to make the repairs needed.

Question 2. In your view, what should be done to provide for needed repairs for critical transportation infrastructure in rural areas?

Answer. Safety is the Department’s top priority. The Department works closely with States to ensure the safety of the Nation’s bridges, including bridges in rural areas. The Federal Highway Administration’s formula programs (including the Highway Safety Improvement Program, the Surface Transportation Block Grant Program, and the National Highway Performance Program) make funding available to States for projects and activities, including those related to bridges, in both rural and urban areas. The Surface Transportation Block Grant Program includes a specific set-aside for “off-system bridges.” Many of these off-system bridges provide vital connections to rural communities.

The Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94) provided \$1.15 billion for a Bridge Replacement and Rehabilitation Program. This funding was distributed to States via formula and can be used for highway bridge replacement and rehabilitation projects on public roads in any area of the State. The Fiscal Year 2020 appropriations act also provided \$70 million for the Nationally Significant Federal Lands and Tribal Projects Program described in section 1123 of the FAST Act. This program provides funding to construct, reconstruct, or rehabilitate nationally-significant Federal lands and tribal transportation projects.

The Fiscal Year 2021 President’s Budget, recognizing the critical importance of rebuilding and modernizing America’s infrastructure, requests \$1 trillion in direct Federal investment, including \$35 billion for a new Bridge Rebuilding Program. This program will make targeted investments in critical bridge infrastructure, including \$12 billion for “off-system” bridges allocated via formula. The Budget also requests \$25 billion for a new Revitalizing Rural America Program for rural communities to deliver broadband, transportation, water and other infrastructure projects.

The President’s Budget also requests significant resources for several competitive grant programs, including \$1 billion for the Infrastructure for Rebuilding America (or INFRA) grant program and \$1 billion for the Better Utilizing Investments to Leverage Development (or BUILD) grant program. These programs provide Federal assistance for critical projects that will spur progress in both rural and urban communities across all modes of surface transportation infrastructure, including highways, transit, rail, and ports.

In addition, DOT is providing additional support to rural communities through the Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative to help them in understanding and applying for DOT discretionary grants. These discretionary grant awards may be used repair critical infrastructure, including bridges. DOT is committed to assessing the needs and benefits of rural transportation infrastructure projects and continues to make improvements to our data-driven approaches to better make these assessments.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
FINCH FULTON

The Trump Administration’s continued delay of the Gateway Program. You have worked for the current administration on transportation policy since November 2016. I want to discuss an issue that I have raised in the past and which we all know well. The Gateway Program.

Some call it one project. Some call it several. No matter how you dice it, it is absolutely critical for the country that this program move forward.

As you know, we are still awaiting a final Environmental Impact Statement (EIS) and Record of Decision for one component of the Gateway Program, the Hudson Tunnel Project. Further delays risk the shutdown of one or both of the existing 110-

year-old tunnels—which would be devastating to my constituents and threaten public safety.

Separately, and once the environmental review is complete, Federal investment in the Hudson Tunnel Project is an absolute necessity. We are talking about one of the most critical infrastructure projects in all of the United States.

Last month, the FTA upgraded one component of the Gateway Program—the Portal Bridge Project—to medium-high, which makes it eligible for Federal funding. Separately, I am curious to hear from you what the U.S. Department of Transportation is doing to proactively prepare for the inevitable needs that the Hudson Tunnel Project will require.

Question 1. To what extent have you been involved with DOT's work on the Hudson Tunnel Project?

Answer. I have had very little involvement in the Gateway suite of projects or in the management of the Federal Transit Administration's (FTA) or Federal Railroad Administration's (FRA) programs related to these projects. When appropriate, I have reached out to the FTA and FRA to inform my responses to your inquiries.

Question 2. Would you consider cuts to infrastructure projects in an attempt to reduce spending? If so, please identify at least one project that could be delayed or canceled.

Answer. The Department has placed a priority on improving our Nation's transportation infrastructure. As a result, the Department foresees a continued need for increased surface transportation infrastructure investments to support improved safety, state of good repair, economic competitiveness, quality of life, and environmental outcomes for our country.

However, bringing spending in line with revenue can also mean finding ways to use funding more efficiently. DOT continues to be a source of collaboration and innovation with our States and local partners. Through the Every Day Counts initiative, Federal Highways (FHWA) works with State transportation departments, local governments, tribes, private industry and other stakeholders to identify new innovations to champion through regional summits. These innovations can facilitate greater efficiency at the State and local levels, saving time, money and resources that can be used to deliver more projects.

Question 3. Do you agree that the Capital Investment Grant funding and the EIS are not dependent on one another?

Answer. As part of a streamlining effort at the Department, the FRA has assumed the lead role in processing the project's EIS, while the FTA is conducting the statutory review requirements necessary under the Capital Investments Grant (CIG) program, mainly the evaluation and rating of financial commitment to the project, including evidence of stable and dependable financing sources. While the assessment of a financing plan and the development of an EIS are two distinct processes at the Department, as noted by Secretary Chao in her recent testimony before the Senate Committee on Appropriations, the funding plan for any project is outlined in the project's EIS document.

Question 4. What steps is DOT taking to proactively sure up funding for the construction of a new tunnel and to rebuild the existing tunnel between New Jersey and New York?

Answer. The Hudson Tunnel Project is a complicated, multi-jurisdictional project that requires coordination with the public and numerous stakeholders. The Department is currently working with Amtrak to advance critical rehabilitation and repair work in the existing North River Tunnel. Given the complexity of the project, the Department is working with third-party experts to identify innovative and efficient delivery options for the project. Leveraging existing capital resources and recruiting new expertise will help the Department understand the full requirement for this project. While funding is important, the experts should have an opportunity to review and understand whether all delivery options—technical and logistics—have been considered. The Department believes that a more accurate cost projection will result from this type of thorough review.

Question 5. Can you please explain the "Canarsie" method recently mentioned by Secretary Chao during a hearing before the Senate Committee on Appropriations?

Answer. The "Canarsie Method" refers to a program of rehabilitation work being conducted on the New York Metropolitan Transportation Authority's (MTA) Canarsie L Train Tunnel connecting Brooklyn to Lower Manhattan. In coordination with a group of civil engineering experts from Columbia and Cornell Universities, the MTA developed means and methods for a rehabilitation program that both remediates damage caused by Superstorm Sandy and resolves deficiencies caused by the tunnel's age. This program is notable for its employment of innovative techniques and materials that only require limited track-outage to be deployed. Con-

sequently, critical rehabilitation work can occur on nights and weekends, without causing significant disruption to transit service, and commuter experience.

Question 6. Do you believe that the “Canarsie” method is truly applicable to the North River Tunnel given the unique differences between the two projects?

Answer. The Department is currently working with Amtrak to assemble a team of outside experts and further explore this question. The Department believes—in conjunction with Amtrak—that the “Canarsie method” as developed by the State of New York is applicable to the North River Tunnel, at least in part. Given the similarities between the North River and Canarsie Tunnels, the Department expects many lessons from the “Canarsie Method” to be either directly or indirectly transferable to the North River Tunnel rehabilitation program. The extent of the transferability will be further investigated and vetted by the expert panel in conjunction with Amtrak and New Jersey Transit engineers. The Department believes that there are opportunities to deliver safety- and operationally critical repairs in the near-term and will work with Amtrak to deliver those repairs as efficiently as possible.

Question 7. If confirmed, will you work to move this critical infrastructure project forward?

Answer. Our mission at the U.S. Department of Transportation is to ensure America has the safest, most efficient, and modern transportation system in the world, which improves the quality of life for all American people and communities, from rural to urban, and increases the productivity and competitiveness of American workers and businesses.

As Secretary Chao noted in her testimony, the Federal Transit Administration recently assigned a new rating of “medium-high” to New Jersey Transit’s application to the Capital Investment Grant (CIG) program for the Portal North Bridge project. The new funding-eligible rating allows the Portal North Bridge project to advance to the Engineering phase of the CIG program. Credit is due to New Jersey Transit (NJT) for submitting a stronger application with a robust local funding commitment. In addition, the Secretary announced the publication of the Environmental Assessment document for another Northeast Corridor project in early March—the Sawtooth Bridge replacement project. This project is another key component of the Gateway Program.

Going forward, I look forward to working with the experts in the Department on these projects in my current role, or if confirmed as the Assistant Secretary.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO
FINCH FULTON

The Gateway Program. The Department of Transportation is responsible for issuing a Record of Decision on the Gateway Program’s Environmental Impact Study (EIS), one of the key hurdles to the development of the projects. The final materials for the EIS were submitted in February 2018. It has been reported that the DOT did not begin the review process until nearly 6 months later.

Two projects in the Gateway Program, the Hudson Tunnel and the Portal North Bridge, are in the “project development” phase of the New Starts pipeline. In order for construction to begin, the projects must move to the “engineering phase” and then to Full-Funding Grant Agreements. The projects cannot enter these next phases until FTA issues a favorable rating. In 2018, the Department lowered the projects’ medium ratings and has, until recently, maintained a lower-than-medium rating for both projects.

Question 1. Please describe any involvement you had in the consideration of the Gateway Program’s EIS

Answer. I have had very little involvement in the Gateway suite of projects or in the management of the Federal Transit Administration’s (FTA) or Federal Railroad Administration’s (FRA) programs related to these projects. When appropriate, I have reached out to the FTA and FRA to inform my responses to your inquiries.

Question 2. Please describe any involvement you had in the downgrade of the Portal North Bridge and Hudson Tunnel projects.

Answer. It is my understanding that the ratings of these projects are conducted by career staff. I was not involved.

Question 3. In June 2017, you and other staff from the Office of the Secretary of Transportation held a senior staff brown bag lunch to discuss the Gateway Program. Please describe what was discussed at this June 2017 meeting.

Answer. After searching my calendars and e-mails, I believe the purpose of the meeting was to receive a primer on the components of Gateway and definitions and terms.

Question 4. In August 2017, you were included with various staff in the Office of the Secretary of Transportation on e-mails that discussed the Gateway Program with the subject line “NYNJ memo.” Included on that e-mail was a document titled “nynj ransom—1 pager—v2.” Please describe any involvement you had in the drafting of these documents. What does “ransom” in these documents refer to?

Answer. It is my understanding that you are referring to an e-mail from a work colleague of mine, to his supervisor, where I was included in the distribution. While I did receive this e-mail, I have had very little involvement in the Gateway suite of projects or in the management of the FTA and FRA programs related to these projects.

It is also my understanding that my colleague named the file this way in response to ongoing and public holds on USDOT nominees due to continued pressure from the NY/NJ delegation to commit to a certain cost sharing structure for the suite of Gateway projects. I did not have any involvement in the naming of this document.

Question 5. On August 30, 2017, a White House National Economic Council staffer, DJ Gribbin, e-mailed Jeff Rosen at the Office of the Secretary of Transportation, requesting background information for a memo to the President that included information regarding the Gateway Program. Replying to an e-mail from White House staffer Allison Rusnak, you say “Got it. We’re on it.” Later that day, Office of the Secretary of Transportation staffer Derek Kan sent a memo, with you CC’ed, titled “nynj—NEC memo.docx.” What information was in this document and what recommendations did it include?

What information was in this document and what recommendations did it include?

Answer. The Department has identified and reviewed the attachment in question. The Department can confirm the e-mail accurately describes the document, which provides background information on potential Department grants.

Question 6. What specifically was your involvement in the drafting of this document?

Answer. As noted above, I received the e-mail from Allison Rusnak, and responded to her and included a colleague of mine on the e-mail who was working on the background memo. As you note, another colleague of mine provided an update. Otherwise, I have had very little involvement in the Gateway suite of projects or in the management of the FTA or FRA programs related to these projects.

Question 7. Did you have any other discussions with staff from the White House about the Gateway Program? If so, please describe those discussions.

Answer. I have had very little involvement in the Gateway suite of projects or in the management of the FTA or FRA programs related to these projects. Any such additional discussion would have likely taken place among other colleagues.

The Infrastructure for Rebuilding America Program. You were a member of the senior review team for the Infrastructure for Rebuilding America (INFRA) program, which the Government Accountability Office (GAO) found to be lacking “consistency and transparency.” GAO found that the INFRA program did not sufficiently document why some program applicants were followed up with and why some were not. GAO also found that it was not clear whether the grants given out were awarded on the basis of merit principles.

In August 2017, you were included on e-mails with a document titled “INFRA_DRAFT_08917.docx.”

Question 8. Why did the Department choose to follow-up with some grant applicants to ensure they provided additional information to qualify for the program but not follow-up with and afford other applicants the same opportunity?

Answer. During the FY 2017–2018 round, the Department’s Senior Review Team for the INFRA discretionary grant program identified projects where additional information would assist our consideration of those projects. The Department made those requests based on the evaluation ratings and information in front of us at that time.

Question 9. Why did the Department choose not to document the decisions they made related to the INFRA program?

Answer. The Department documented the decisions to follow-up with applicants in accordance with the evaluation guidelines for the FY2017–2018 round. Following the GAO’s review and recommendation on the subject, the Department implemented changes to the process for the FY 2019 round to ensure that the basis for seeking

additional information was better documented and that all similarly situated applicants were afforded the same opportunity to supply additional information.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO
FINCH FULTON

Question 1. Highway Trust Fund spending far exceeds revenue, and will be exhausted by 2022. As you stated in your testimony, the Department of Transportation is considering many policy options to bring spending more in line with streams of revenue. Of those options, in your opinion which specific policy has the most merit?

Answer. The Department of Transportation is looking forward to continuing to work, through the White House's interagency process, with Congress on any options to address this important issue.

The Federal Highway Administration (FHWA) has provided funding to States to conduct research in this field via the Surface Transportation System Funding Alternatives Program (STSFA). The STSFA program provides grants to States or groups of States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund. Through the multiple rounds of STSFA awards, FHWA has seen States and partners research various Road User Charges (RUC) mechanisms such as paying at the pump/charging station, on-board mileage counters, and registration-fee schedules as well as research in establishing requirements for implementation, interoperability, public acceptance, and other potential hurdles. The FAST Act funded the STSFA program for Fiscal Years 2016 through 2020. The results of this program are valuable as we look to work with Congress on various possibilities to address the long-term solvency of the Highway Trust Fund. My opinion is that the STSFA identified several options that have merit.

In addition, FHWA established the Center for Innovative Finance Support (formerly Innovative Program Delivery) in October 2008 to provide a comprehensive set of tools and resources to assist the transportation community in exploring and implementing innovative strategies to deliver programs and projects. One of the Center's research focuses includes refining and developing new innovative strategies for project finance, revenue generation, and procurement. The Center is able to provide interested stakeholders with technical assistance and training in various Innovative Finance options including State Implementation Banks, Tolling, Value Capture, and Public Private Partnerships.

The Department is aware that Congressional transportation committees and States are exploring various revenue mechanisms to fund infrastructure investment. At this point, all options are still on the table and none have been specifically endorsed by the White House or interagency partners in the Executive Branch, including DOT. We look forward to continue working closely with Congress to explore pay-for options.

Question 2. Would you consider cuts to infrastructure projects in an attempt to reduce spending? If so, please identify at least one project that could be delayed or canceled.

Answer. The Department has placed a priority on improving our Nation's transportation infrastructure. As a result, the Department foresees a continued need for increased surface transportation infrastructure investments to support improved safety, state of good repair, economic competitiveness, quality of life, and environmental outcomes for our country.

However, bringing spending in line with revenue can also mean finding ways to use funding more efficiently. DOT continues to be a source of collaboration and innovation with our States and local partners. Through the Every Day Counts initiative, Federal Highways (FHWA) works with State transportation departments, local governments, tribes, private industry and other stakeholders to identify new innovations to champion through regional summits. These innovations can facilitate greater efficiency at the State and local levels, saving time, money and resources that can be used to deliver more projects.

Question 3. Would you support an increase to the gas tax in an aim to increase revenue?

Answer. All options are on the table and none have been specifically endorsed by the White House or interagency partners in the Executive Branch. As stated above, the Department of Transportation is looking forward to continuing to work with Congress on any options to address this important issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
JOHN CHASE JOHNSON

Communication with Congress. Regular communication with Inspectors General (“IGs”) is one of the tools that the Senate Commerce Committee (“Committee”) uses to execute its oversight authority. In the past, the Federal Communications Commission (“FCC” or “Commission”) IG has been responsive to Congress’s requests that the office conduct investigations into questionable conduct at the agency.

Question 1. Will you commit to responding to requests and questions from Members of this Committee in a timely fashion and in compliance with requested response deadlines?

Answer. Yes. Section 2(3) of the Inspector General Act of 1978 specifically tasks inspectors general (“IGs”) with keeping “Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.” I will fully comply with that obligation to keep Congress informed.

Question 2. Will you commit to informing this Committee about whether your office is properly resourced?

Answer. Yes. Implicit in Section 6 of the Inspector General Act of 1978 is that IGs should be transparent to all stakeholders when budgets or resources might inhibit an office of inspector general (“OIG”) from performing its duties. I will keep the Committee informed about any concerns related to resources.

Question 3. Specifically, will you commit to alerting the Committee if your office is ever in need of more resources to police FCC programs for waste, fraud, and abuse?

Answer. Yes. If confirmed, I believe I would have a responsibility to inform the Committee if the FCC OIG needs more resources to police FCC programs for waste, fraud, and abuse.

Maintaining Independence. If you are confirmed to your position, it will mark the first time that the Senate has confirmed the FCC’s IG. It is essential that you take seriously your independence from all institutions and agencies of the Federal government, and ensure that your judgment is not swayed by political considerations.

Question 4. Will you commit to maintaining your independence, and the independence of your office?

Answer. Yes. I believe IG and OIG independence are critical. The Inspector General Act of 1978 makes this clear by, among other things, placing IGs under the “general supervision” of the head of the establishment, providing IGs with their own budgets and hiring authority, and granting IGs broad access to agency documents.

Question 5. Will you commit to informing this Committee immediately if you are subject to any sort of political pressure, or otherwise prevented from fully performing your responsibilities as FCC IG?

Answer. Yes. Political pressure and other obstacles to performing IG responsibilities reduce actual and perceived independence. Informing the Committee about these issues is an effective way to eliminate the problem and demonstrate that the OIG will steadfastly guard its independence.

Question 6. The Inspector General Act grants IGs with broad authority to conduct audits, inspections or evaluations, and investigations. The current FCC IG recently conducted two major investigations. One concerned allegations as to whether FCC Chairman Ajit Pai took actions to improperly benefit one licensee, Sinclair Broadcasting. The second investigation examined allegations that false claims were made by the FCC that its electronic filing system was subject to cyber-attack during the net neutrality proceeding. Both of these controversies were investigated by the FCC’s IG only after Congress specifically requested that action. If you are confirmed as the FCC’s IG, will you pledge to closely monitor the FCC’s activities and legitimate questions raised about the propriety of those activities, and initiate your own audits, evaluations, and investigations where appropriate?

Answer. Yes. I pledge to monitor and understand the FCC’s activities and to begin audits, evaluations, and/or investigations based on my observations.

Question 7. Spectrum is a scarce and precious national resource that is owned by the American public, not the companies licensed to use it. The FCC’s recent C-Band decision squanders that resource by giving away billions of dollars to foreign satellite carriers, based on novel and questionable readings of the law. The final incentive payments to these companies amount to almost \$10 billion. There have been allegations that the FCC majority, in closed-door meetings, cut a deal on these payouts to the foreign satellite companies licensed to use the C-Band to avoid future lawsuits and help one of those companies avoid bankruptcy. If confirmed, will you

commit to taking an in-depth look at the FCC majority's decision in the C-Band proceeding, and in particular, the methodology used to determine the billion-dollar payouts, to make sure the FCC's actions complied with the law?

Answer. Yes. Spectrum allocation is one of the FCC's major functions and thus an important focus of the FCC OIG's oversight.

Question 8. In the past, the FCC IG appears to have focused its oversight of the agency's universal service programs to only certain funds. If you are confirmed, will you commit to policing all of the FCC's critical universal service programs, including the High-Cost Fund?

Answer. Yes. The FCC OIG is responsible for preventing fraud, waste, and abuse related to all funds within the Universal Service Program, including the High-Cost Fund.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
JOHN CHASE JOHNSON

Independence of the FCC Inspector General. Last year, the Justice Department and FCC approved the proposed merger of T-Mobile and Sprint. As Ranking Member of the Antitrust Subcommittee and a member of the Commerce Committee, I have led letters to the Justice Department and the FCC raising concerns about this transaction, including regarding potential political interference by the Administration in the merger investigation and the lack of transparency in the FCC's merger review process.

Question 1. If confirmed, will you commit to remaining independent from improper political influence?

Answer. Yes. If confirmed, I will have both an ethical and statutory obligation to remain independent. I believe independence is foundational to the work of IGs because it is inherent to the task of preventing fraud, waste, and abuse and because the structure of the Inspector General Act of 1978 requires strict independence.

Question 2. What steps will you take to ensure that the Office of the Inspector General conducts investigations thoroughly and impartially?

Answer. Thorough and impartial investigations depend on careful, detailed, and thoughtful work that contains no implicit assumptions and is unimpeachable in its fact-finding and conclusions. To produce unimpeachable work I would, if confirmed:

- Follow the guidance of the Council of Inspectors General on Integrity and Efficiency;
- Scrutinize all of the work performed by the FCC OIG to ensure its impartiality;
- Publish all reports, audits, and recommendations on the FCC OIG website, no matter if publication is required;
- Be readily available to respond to this Committee and others about FCC OIG reports, audits, and recommendations; and
- Create a culture of transparency throughout the FCC OIG to eliminate potential problems or conflicts.