

NOMINATIONS OF VICE ADMIRAL THAD W. ALLEN
TO BE COMMANDANT OF THE U.S. COAST
GUARD AND ROBERT M. McDOWELL TO
BE A MEMBER OF THE FEDERAL
COMMUNICATIONS COMMISSION

HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

MARCH 9, 2006

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



U.S. GOVERNMENT PRINTING OFFICE

28-756 PDF

WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
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ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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**NOMINATIONS OF VICE ADMIRAL THAD W.
ALLEN TO BE COMMANDANT OF THE U.S.
COAST GUARD AND ROBERT M. McDOWELL
TO BE A MEMBER OF THE FEDERAL
COMMUNICATIONS COMMISSION**

THURSDAY, MARCH 9, 2006

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

The Committee met, pursuant to notice, at 3:20 p.m. in room SD-562, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

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

The CHAIRMAN. Good afternoon. This afternoon, the Committee will hear from two of the President's nominees, Vice Admiral Thad Allen, to be Commandant of the United States Coast Guard, and Robert McDowell, to be a member of the Federal Communications Commission. We welcome you both, and your families.

Admiral, you're a native of Tucson, Arizona. You'll become the 23rd Commandant of the United States Coast Guard, as I understand it. And we look forward to hearing how you plan to lead and direct the Coast Guard for the next four years. Senator McCain will introduce you when he arrives.

Mr. McDowell, I think Senator Allen will be here very soon to introduce you. We will be happy to have their participation when they come.

To begin with, I think I'll just start with you, Admiral. Do you have family with you that you'd like to introduce?

Admiral ALLEN. Yes, I do, Senator. Behind me is my wife, Pam, my daughter, Amanda, and my son-in-law, John.

The CHAIRMAN. Thank you all for coming. We appreciate it.

We've got several things going on this afternoon, and our Co-Chairman has been called away on personal family business, so he will not be here. He sends his apologies. Admiral, please proceed.

**STATEMENT OF VICE ADMIRAL THAD W. ALLEN, NOMINEE TO
BE COMMANDANT OF THE U.S. COAST GUARD**

Admiral ALLEN. Yes, sir. Good afternoon, Mr. Chairman.

I'm honored to be here before you today, and look forward to listening to your views and answering your questions. I've prepared

a statement that I would ask to submit for the record, and I have a brief oral statement.

I am grateful for the confidence of President Bush in nominating me to be the 23rd Commandant of the United States Coast Guard. If confirmed, my pledge to you and the American people is to lead this remarkable organization in continued service to America.

In the last year, we have been tested, from the waters of the Persian Gulf to the rooftops of New Orleans. I've stood shoulder to shoulder with extraordinary air crews and boat crews that literally gave people back their lives. Their service inspires me daily, and my goal is to sustain the trust of our citizens for America's Coast Guard.

Today I would like to briefly discuss my priorities and objectives and give you an overview—

The CHAIRMAN. Could I interrupt, just—

Admiral ALLEN.—of where I intend to—

The CHAIRMAN. Admiral, I see that—

Admiral ALLEN.—lead the Coast Guard.

The CHAIRMAN.—Senator McCain has joined us. He intended to introduce you. And I want to be sure that he has that opportunity. And your complete statement will be printed in the record.

Senator McCain?

**STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA**

Senator MCCAIN. I thank you very much, Mr. Chairman. I apologize for being a few minutes late. And I'm very grateful that you are having this hearing in such a timely manner. This is a very important position, as we all know.

And, very briefly, Mr. Chairman, I'm pleased to introduce Admiral Thad Allen. He's a native of Tucson, Arizona, who, as you know, has been nominated to be Commandant of the Coast Guard.

I note that this is somewhat ironic, since the largest body of water in the Admiral's hometown is the University of Arizona's swimming pool.

[Laughter.]

Senator MCCAIN. Mr. Chairman, Admiral Allen has dedicated himself to public service, having served in the U.S. Coast Guard since his graduation from the Coast Guard Academy. Presently, as you know, he's serving as Chief of Staff to the Commandant, and all of us, all Americans, I think, are familiar with his recent work as the principal Federal official overseeing the government's recovery efforts in response to Hurricane Katrina. His leadership style and commitment to the people affected by the disaster have been roundly applauded. Hurricane Katrina was not Admiral Allen's only experience in disaster recovery. He led the Atlantic Forces in the Coast Guard's response to the terrorist attacks on September 11th. I believe these experiences will guide Admiral Allen as he leads the Coast Guard in securing our ports and protecting our waterways.

And, finally, Mr. Chairman, in addition to an undergraduate degree from the Coast Guard Academy, an institution some might say he foolishly chose over an appointment to the Naval Academy, Admiral Allen holds a Master of Public Administration degree from

The George Washington University, and a Master of Science degree from the Massachusetts Institute of Technology.

Mr. Chairman, I just want to say I'm grateful that we have Americans who serve with distinction and honor and courage and dedication, as Admiral Allen has done. And I'm very—I feel very humbled to have the opportunity to introduce him to this Committee.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Please continue, Admiral.

Senator are you—

Senator McCAIN. Thank you.

The CHAIRMAN.—withdraw or do whatever you want. It's your call.

Admiral ALLEN. Mr. Chairman, I have four priorities for the Coast Guard.

Job one is mission execution. We must effectively perform the right task. I intend to aggregate the policy guidance that's been contained in the Homeland Security Act, the Maritime Transportation Security Act, and the recent National Strategy for Maritime Security into a Coast Guard Maritime Strategy that will serve as a blueprint for legislative, regulatory, and budgetary recommendations.

The nature of the maritime domain requires an integrated, layered approach to security, and the Coast Guard strategy will support that approach. And our day-to-day mission execution will be guided by the principles of operation that have evolved over two centuries of Coast Guard operations. They include unity of effort, on-scene initiative, and flexibility.

The exercise of these principles by our ship captains, pilots, air crews, and boat crews was never more evident than in our response to Hurricane Katrina. And I, also, relied on these principles in the execution of my duties as the principal Federal official.

My next two priorities are to improve capabilities and competencies. We are nothing without our people, and our people cannot be effective without the right tools.

On the capabilities side, the Coast Guard has embarked on a comprehensive recapitalization of our cutters, aircraft, sensor architecture through the Integrated Deepwater System. Delivery of these assets to relieve aging ships, aircraft, and systems is essential to our force's near-term readiness and long-term effectiveness.

Extensive effort has been expended to adjust this program to meet new post-9/11 requirements and address gaps arising from the increased operations tempo required to meet current threats. I am personally committed to executing this program in the most effective manner possible. Our Nation needs these platforms and the improved operational capability they deliver. My focus will be on program management, effective cost control, integrated logistics support, and platform effectiveness.

I am also convinced, based on my experiences in the Gulf Coast hurricanes, that we can better exploit the unique operational capabilities inherent in our deployable Coast Guard units, including our marine safety and security teams, port security teams, and strike teams. By grouping these capabilities into tailored force packages

under a unified chain of command, we can sharpen our own toolkit for maritime disasters and threat response.

If confirmed, my first step will be to align Coast Guard deployable forces internally, and then seek opportunities to integrate these forces with other DHS and Federal capabilities.

Regarding our terrific Coast Guard people, I intend to have an unflinching focus on them. We must provide Coast Guard personnel the skills, knowledge, and competencies needed to effectively contribute to mission execution, and, at the same time, for their individual growth, career development, and lifelong learning. Identification of core competencies needed to operate and maintain new boats, cutters, aircraft, and sensors must be accelerated to complete—and be completed to allow delivery of new platforms at full operational capability.

And, finally, initiatives to improve law enforcement competencies, language proficiency, and officer specialty management must continually become institutionalized in our resource system.

My final priority is to build a Coast Guard organizational structure that supports field operations and ensures mission execution. Every element of our services not involved in mission execution must be aimed at field support, and we must be internally aligned with DHS support systems.

Based on the new sector mission delivery system and the new requirements for deployable forces, I will conduct a comprehensive review of existing command and control structures and logistics and maintenance systems to ensure that the Coast Guard is optimally organized to support field operations.

The Coast Guard's current finance, maintenance, and logistics systems are based on platforms, such as aircraft and cutters, not on common functions or processes. This situation, as well as future requirements, require that the Coast Guard develop and deploy an integrated transformational business architecture that aligns with DHS and, above all, facilitates more effective mission execution.

I'd like to make a final comment about partnerships and leveraging Coast Guard competencies within the Department of Homeland Security and the government.

I believe that the Coast Guard is well positioned and uniquely equipped to contribute to the growing relationship between the Department of Homeland Security, the Departments of Defense and Justice, and the Director of National Intelligence. In particular, the recent issuance of a revised Navy/Coast Guard National Fleet Policy by the Chief of Naval Operations and the Commandant focuses on our shared world of work and the best combined use of our respective capabilities and competencies in support of the National Strategy for Maritime Security.

Mr. Chairman, Members of the Committee, I have spent my entire life in the United States Coast Guard. I was born while my father was an enlisted man on the deck force of a cutter underway. In 1967, I traded my dependent's ID card for an Active Duty ID card when I entered the United States Coast Guard Academy. I've seen life from the junior enlisted ranks, as a dependent, and I've been lucky enough to advance through the organization as an Active Duty officer.

My Coast Guard service has ingrained me with an abiding respect for its people, their work, and the value this work provides to the Nation. My pledge to the Committee and the public we serve is to effectively lead and improve this tested and trusted organization.

Thank you, Mr. Chairman. I'd be glad to answer any questions. [The prepared statement and biographical information of Vice Admiral Allen follow:]

PREPARED STATEMENT OF VICE ADMIRAL THAD W. ALLEN, NOMINEE TO BE
COMMANDANT OF THE U.S. COAST GUARD

Introduction

Good afternoon Mr. Chairman and distinguished Members of the Committee. I am honored to be before you today and look forward to listening to your views and answering your questions. I am grateful for the confidence of President Bush in nominating me to be the 23rd Commandant of the United States Coast Guard. I can think of no greater honor and no better way to continue serving our Nation than through our Coast Guard, a Service whose embedded responsibilities impact every American. Today I will discuss my priorities and objectives and provide an overview of where I intend to lead the Coast Guard. First, let me comment on our world of work.

The Coast Guard's "World of Work"

The Coast Guard's "world of work" is our oceans, seas, lakes, rivers, bays, sounds, harbors and our waterways—this is the maritime domain and it is unique. Distinct from land borders characterized by clear legal boundaries, our oceans represent the last global commons. As the Committee knows well, we live in an interconnected world. Nowhere is this fact more exemplified than in the maritime domain. It is fundamental to our own and the international community's economic prosperity. As a result, maritime safety and security are not just issues of U.S. national interest and security, but of global stability. The maritime domain is also enormously complex, with an unparalleled variety of users. From the world's largest cruise ships and tankers to professional fishermen and weekend boaters, the profiles of maritime users are as varied as the jagged coastlines surrounding our country.

Thankfully, the Nation has built a Coast Guard able to successfully operate in this complex and unique environment. Single-purpose agencies such as the Revenue Cutter Service, the Lifesaving Service, and the Lighthouse Service have been integrated over the last century into the uniquely effective and efficient Service we are today. The Coast Guard you oversee, the Coast Guard that we have collectively built has a relatively straightforward purpose—exercise authorities and deploy capability to guarantee the safety and security of the U.S. maritime domain. That is who we are, what we are charged to do, and represents the core character of the service. We are military, multi-mission, and maritime.

While the character and nature of our Service are clear, our missions are not static. New threats emerge as others are mitigated and Coast Guard capabilities, competencies, organizational structure, and processes must change accordingly. If confirmed, my enduring goal will be to lead a Coast Guard that is steadfast in its character but adaptive in its methods.

The work of this Committee helped ensure that the Coast Guard was transferred intact to the Department of Homeland Security. We now must adapt to the reality of an ever-changing maritime domain. Our mandate and responsibility, indeed our passion, is serving the Nation with the best leadership, authorities and capability we can muster.

Priorities . . . Right Tasks . . . Right People and Tools . . . Effective, Integrated Support

Secretary Chertoff has set forth a six-point agenda to guide near term Department of Homeland Security priorities and initiatives.

- Increase overall preparedness, particularly for catastrophic events;
- Create better transportation security systems;
- Strengthen border security, interior enforcement, and reform immigration processes;
- Enhance information sharing with our partners;

- Realign the Department of Homeland Security (DHS) organization to maximize mission performance; and
- Improve DHS financial management, human resource development, procurement, and information technology.

These are the Secretary's priorities, and they are mine. If confirmed, I will work collaboratively throughout the Administration and with the Congress to translate this agenda into action. I will focus on:

- *Mission execution* . . . performing the right tasks with the right doctrine that reduce risk, mitigate threats, improve response, increase preparedness, and enhance our ability to recover from events that occur;
- *Capabilities and competencies* . . . we are nothing without our people, and our people cannot be effective without the right tools; and
- *Coast Guard organizational structure that optimizes mission execution* . . . aimed at field support, leveraging partnerships at all levels of government, and internally aligned with DHS systems.

Mission Execution . . .

The Right Tasks

The nature of the maritime domain requires an integrated, layered approach to its security. With 95,000 miles of coastline and 360 primary commercial ports, there is no fence or barrier that can be erected to protect our maritime borders. We are bounded by the oceans but we're not protected by them. It is precisely this reality that led the President to issue in September 2005 the *National Strategy for Maritime Security* (NSMS). This strategy is unprecedented in its dedicated focus on the maritime domain and the necessity for its global security. The NSMS addresses the full range of maritime threats and is not limited to terrorism. With the structure provided by the Congress in both the *Homeland Security Act of 2002* and the *Maritime Transportation Security Act* (MTSA) of 2002, together with the International Ship and Port facility Security (ISPS) code, the requisite pieces are in place to provide a maritime policy framework appropriate to the risks we collectively face.

To further strengthen maritime border security, I will develop and deploy a supporting Coast Guard Maritime Strategy. In December 2002, the Coast Guard published its *Maritime Strategy for Homeland Security* and it has served us exceedingly well. Under Admiral Collins' leadership, we have moved boldly to accomplish its objectives and execute its directed initiatives. Now is an appropriate time to "take a fix", and layout a trackline for the future. The Coast Guard's Maritime Strategy will directly support both the NSMS and MTSA and integrate our activities related to security, safety, preparedness, response and recovery. With that strategy as a foundation, I will work closely with DHS, the Administration and with the Congress to align legislative, budgetary, and rulemaking activity in support of national policy.

The Right Doctrine . . . Improved Response, Ability to Recover

The Coast Guard's capstone doctrinal publication, what we call "Pub 1," is entitled *America's Maritime Guardian*. It describes how, while executing multiple missions, we "harmonize what seem to be contradictory mandates. We are charged at once to be policemen and sailors, warriors, humanitarians, regulators, stewards of the environment, diplomats, and guardians of the coast. Thus we are military, multi-mission, and maritime."

Our value proposition to the American public lies in our ability to shift among roles with the same platforms and personnel, capable and competent of performing a range of missions. This is made possible by adhering to Coast Guard principles of operations that have evolved, and been tested, over two centuries of maritime operations. They are codified in "Pub 1" and listed below:

- Clear objective,
- Effective presence,
- Unity of effort,
- On-scene initiative,
- Flexibility,
- Managed risk, and
- Restraint.

The application of these principles across a wide-ranging mission portfolio is the mission model of the Coast Guard. The exercise of these principles by our ship captains, pilots, air crews, and boat crews was never more evident than in the response to Hurricane Katrina. These principles were also the tools I used in the execution of my duties as Principal Federal Official for the response to Hurricanes Katrina

and Rita. From national incidents to day-to-day operations, from local responses to interagency efforts across broad regions, from domestic enforcement to international partnership—these principles empower and enable execution of all our missions. If confirmed, I intend to build on the time-tested strength of this operational model and ensure it is ready for the dynamic maritime domain we face.

The Coast Guard is well versed in operating land-based and large mobile assets such as cutters and maritime patrol aircraft. However, deployable units such as strike teams and port security units have evolved in the last thirty years and are relatively new force structures in the Coast Guard. After September 11, 2001, additional capability was added to these forces in the creation of Maritime Safety and Security Teams. Based on my experience leading the Federal response to the Gulf hurricanes, I am convinced we can better exploit the special operational capabilities inherent in these deployable units. By grouping these capabilities into tailored force packages under a unified chain of command, we will sharpen our own tool kit for maritime disaster and threat response. More importantly, we will be better able to integrate these Coast Guard capabilities with other DHS and Federal capabilities such as Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) law enforcement, urban search and rescue teams, disaster medical assistance teams and, when deployed, DOD forces.

If confirmed, my first step will be to align Coast Guard deployable forces internally and then seek opportunities to integrate these forces with other DHS and Federal capabilities.

Capabilities and Competencies . . .

The Right Tools

The Coast Guard has embarked on a comprehensive recapitalization of our cutters, aircraft, and C4ISR¹ architecture through the Integrated Deepwater System. Delivery of these assets to relieve aging ships, aircraft, and systems is essential to our forces' near-term readiness and long-term effectiveness. Extensive effort has been expended to adjust this program to meet new post-9/11 requirements and address gaps arising from the increased operations tempo required to meet current threats. I am personally committed to executing this program in the most effective manner possible. Our Nation needs these platforms and the improved operational capability they deliver. My focus will be on program management, effective cost control, integrated logistics support, and platform effectiveness. In addition, successful stewardship and program execution associated with both the Rescue 21 and Response Boat—Medium acquisitions are critical to current and future operations of our shore-based and coastal operating forces.

The Right People

Under Admiral Collins' watch words of Readiness, People, and Stewardship, we have significantly grown and improved the competency of the Coast Guard's work force. This unflinching focus on people has benefited the Service at every level. The challenge I accept is to continue to provide Coast Guard personnel the skills, knowledge, and competencies needed to effectively contribute to mission execution and at the same time further individual growth, career development, and lifelong learning. Identification of core competencies needed to operate and maintain new boats, cutters, aircraft, and sensors must be accelerated and completed to allow delivery of new platforms at full operational capability. The terrific work of the current Master Chief of the Coast Guard Frank Welch to provide leadership training at key accession and transition points must be sustained. Leadership training and broader exposure to homeland security policy and operations should be provided to mid-level managers. Finally, initiatives to improve law enforcement competencies, language proficiency, and officer specialty management must continue.

Coast Guard Organizational Structure That Optimizes Mission Execution . . .

Focused on Field Support

The Coast Guard has taken bold steps to consolidate shore-based forces at the port level into single, mission-focused Sector commands. This consolidation will provide a single point of accountability for operations. It will also unify resource allocation and enable risk-based decision making tools to focus Coast Guard capability and competencies to reduce risk and mitigate threats.

¹ C4ISR is an acronym for Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance.

Based on the new Sector mission delivery system and the new requirements for deployable forces, I will conduct a comprehensive review of existing command and control structures, and logistics and maintenance systems to ensure that the Coast Guard is optimally organized to support field operations. In addition, we will develop and enhance partnerships within DHS and at all levels of government to improve interoperability, joint operating procedures, and employment of finite resources.

Leveraging Partnerships

The vastness and complexity of the maritime domain make public and private partnerships a prerequisite of preparedness and effective response. For example, the standards-based approach of MTSA and ISPS regulatory efforts explicitly recognize that security and commerce cannot be competing interests. The combination of detailed performance standards and rigorous Coast Guard enforcement has made us safer. Additionally, the creation and regulatory enforcement of security partnerships at the port and national level will allow us to make continual enhancements to our collective effort.

In the public arena, I believe the Coast Guard is well positioned and uniquely equipped to contribute to the growing relationships between DHS and the Departments of Defense and Justice, as well as the Director of National Intelligence. For example, the recent issuance of a revised Navy-Coast Guard *National Fleet Policy* by the Chief of Naval Operations and the Commandant focuses on our shared world of work and the best combined use of our respective capabilities and competencies in support of the NSMS. Similarly, the recently published Quadrennial Defense Review (QDR) speaks directly to the need and value of fully integrating Coast Guard capabilities into defense planning. Further, the President has laid out a specific vision for global maritime intelligence integration. As a member of the Intelligence Community, I will seek to strengthen the Coast Guard's relationship across the community to help facilitate DHS' achievement of the President's vision.

Aligned With DHS Systems

In too many cases, the Coast Guard's current finance, maintenance, and logistics systems are based upon platforms (e.g., aviation, surface) rather than common functions or processes. A unified financial accounting system is a requirement for effective support to the field, necessary for the deployment of internal control systems, and fundamental in addressing material weaknesses identified in recent audits. At the same time, the Integrated Deepwater System acquisition is transforming our maintenance and logistics systems. The inadequacy of the status quo as well as future requirements require that the Coast Guard develop and deploy an integrated, transformational business architecture that aligns with DHS and, above all, facilitates more effective mission execution.

Conclusion

Mr. Chairman and Members of the Committee—I have spent my entire life in the United States Coast Guard. I was born while my enlisted father, a Seaman on the deck force, was underway on a Coast Guard cutter. In 1967, I traded my dependent's ID card for an active duty card when I entered the United States Coast Guard Academy. I have seen life from the junior enlisted ranks as a dependent, and I have been lucky enough to advance through the organization as an active duty officer.

The entirety of this experience has prepared me to sit before you today, and I am truly honored by the trust that the President and Secretary Chertoff have placed in me. My Coast Guard service has ingrained in me an abiding respect for its people, their work, and the value this work provides to the Nation. My pledge to the Committee and the public we serve is to effectively lead and improve a tested and trusted organization that provides value to people's lives every day.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Thad William Allen
2. Position to which nominated: Commandant, U.S. Coast Guard.
3. Date of Nomination: January 25, 2006.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: 2100 2nd Street, S.W., Washington, D.C.
5. Date and Place of Birth: January 16, 1946, Los Angeles, CA.

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).

Pamela Ann Allen (Spouse), Assistant Dean for Student Services, School of Management, George Mason University, Fairfax, VA.

Amanda Jo Foley (Daughter, age 29).

Meghan Colleen Altobello (Daughter, age 27).

Lucas Matthew Allen (Son, age 25).

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

U.S. Coast Guard Academy, 1967–1971, B.S., 1971.

The George Washington University, 1984–1986 MPA, 1986.

Massachusetts Institute of Technology, Sloan School, 1988–1989 M.S., 1989.

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

From	To	Name of Employer	Address	Type of Work
1967	1971	U.S. Coast Guard	U.S. Coast Guard Academy, New London, CT	Cadet
1971	1973	U.S. Coast Guard	Cutter ANDROSCROGGIN, Miami Beach, FL	Deck Watch Officer
1973	1974	U.S. Coast Guard	Greater Antilles Section Office, San Juan, PR	Search & Rescue Con- troller
1974	1975	U.S. Coast Guard	Long Range Navigation (LORAN) Transmitting Sta- tion, Lampang, Thailand	Commanding Officer
1975	1977	U.S. Coast Guard	Cutter GALLATIN, Governors Island, NY	Operations Officer
1977	1979	U.S. Coast Guard	DEA/INS El Paso Intelligence Center (EPIC), El Paso, TX	Intelligence Watch Officer
1979	1982	U.S. Coast Guard	USCG Group, Atlantic City, NJ	Group Commander
1982	1984	U.S. Coast Guard	Cutter CITRUS, Coos Bay, OR	Commanding Officer
1984	1986	U.S. Coast Guard	The George Washington Univer- sity, Washington, DC	Graduate Student, Public Administration
1986	1987	U.S. Coast Guard	Third Coast Guard District, Gov- ernors Island, NY	District Planning Officer
1987	1989	U.S. Coast Guard	Massachusetts Institute of Tech- nology, Boston, MA	Sloan Fellow, Sloan School of Management
1989	1991	U.S. Coast Guard	USCG Headquarters, Office of Acquisition, Washington, DC.	Deputy Project Manager
1991	1993	U.S. Coast Guard	USCG Headquarters, Office of the Chief of Staff, Wash- ington, DC	Assistant Chief, Programs Division
1993	1996	U.S. Coast Guard	USCG Group, Long Island Sound, New Haven, CT	Group Commander & Captain of the Port
1996	1999	U.S. Coast Guard	USCG Headquarters, Office of the Chief of Staff, Wash- ington, DC	Resource Director
1999	2001	U.S. Coast Guard	Seventh Coast Guard District, Miami, FL	District Commander
2001	2002	U.S. Coast Guard	Commander, Coast Guard Atlan- tic Area, Norfolk, VA	Area Commander
2002	2006	U.S. Coast Guard	USCG Headquarters, Office of the Chief of Staff, Wash- ington, DC	Chief of Staff
2005	2006	Department of Homeland Se- curity	Joint Field Office, Baton Rouge, LA	Principal Federal Official, Hurricanes Katrina and Rita (LA)

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

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

Advisory Board Member, Department of Public Administration, School of Public Policy and Public Administration, The George Washington University, Washington, DC.

Advisory Board Member, Center for Innovation in Public Service, The George Washington University, Washington, DC.

Member, Board of Directors and Executive Committee, National Academy of Public Administration, Washington, DC.

Member, Local Federal Coordinating Committee, Combine Federal Campaign, National Capitol Area.

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

U.S. Coast Guard Academy Alumni Association, 1971–Present.

U.S. Naval Institute, 1974–Present.

American Society of Military Comptrollers, 1996–Present.

American Society, of Public Administration, 1986–Present.

Executive Board, Washington DC Area Coast Guard Officers Association, 1991–1992.

Vice Chairman, Policy Committee, S. Florida Federal Executive Board, 1999–2001.

Board of Trustees, U.S. Coast Guard Academy, 1996–1999.

Board of Governors, Greater Miami Chamber of Commerce, 1999–2001.

Board of Advisors, Center for Sustainable Fisheries, University of Miami, 2000–2001.

Board of Advisors, Public Administration Department and Center for Innovation in Public Service, George Washington University, 2000–Present.

Chairman, Combined Federal Campaign, Miami-Dade County, 2000.

Chairman, Combined Federal Campaign, Department of Homeland Security, 2003.

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

13. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years: None.

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

Scholarships: Coast Guard Academy, 1967–1971.

George Washington University, 1984–1986.

Fellowships:

MIT Sloan Fellow, 1988–1989.

Coast Guard Nominee to Chief of Naval Operations Strategic Study Group, 1996. (Did not attend due to promotion to Rear Admiral).

Fellow, National Academy of Public Administration.

Honorary Degrees: None.

Academic Recognition:

Distinguished Graduate, School of Business and Public Administration, George Washington University, 2001.

Distinguished Graduate, George Washington University, to be awarded May 2006.

Honorary Society Memberships:

Pi Alpha Alpha (National Public Administration Honor Society).

Society of MIT Sloan Fellows.

Personal Military Awards:

- Two Distinguished Service Medals.
- One Legion of Merit.
- Three Meritorious Service Medals.
- Three Coast Guard Commendation Medals.
- Two Coast Guard Achievement Medals.

Other Military Recognition:

- 1981 Nominee for the CAPT David Jarvis Award (Annual U.S. Navy League Award for Leadership).
- 1981 Officer of the Year, New Jersey, Reserve Officers Association.

Other Governmental Recognition:

- Two Drug Enforcement Administration Certificates of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement (1978–1979).
- Organized Crime Drug Enforcement Task Force National Award, Operation Panama Express, 2001.
- 2005 President’s Award of Excellence, Hispanic Association of Colleges and Universities.

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

Title	Publisher/Date
Vessel Identification Guide	U.S. Drug Administration, El Paso Intelligence Center (EPIC); Reference Document 04–78, 1978
Realignment of Support and Management Functions of The United States Coast Guard (Contributing writer)	U.S. Coast Guard, 1987
The Evolution of Federal Drug Enforcement and the United States Coast Guard’s Interdiction Mission: A Case Study	Master’s Thesis, Alfred P. Sloan School of Management, Massachusetts Institute of Technology, Boston, MA
Getting Results: A Guide for Federal Leaders and Managers (Contributed Chapter entitled, “A Career Leader’s View”)	The Government Performance Coalition Management Concepts, 2005
Housing Must be Tailored To Each Family (PFO Commentary on Hurricane Katrina evacuee housing issues)	New Orleans <i>The Times-Picayune</i> OP-ED column 18 October 2005
Interactive Academic Town Hall meeting, carried live by CSPAN-2 (Participation via VTC from Joint Field Office in Baton Rouge, LA)	The George Washington University, School of Public Policy and Public Administration, December 2005.

Numerous interviews with media during Hurricane Katrina response and throughout my career in conjunction with my official responsibilities.

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

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: 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? None.
3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated: None.
4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

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

While assigned to offices list below I participated in the formation, presentation, and defense of annual Coast Guard appropriation requests and authorizing legislation. This activity included, but was not limited to, development of budget estimates, preparations for Congressional hearings, submission of materials to Congressional staffs, discussion with Congressional staffs and members, and attendance at or testimony provided for hearings.

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

I would obtain advice from the Department DAEO or his designee as appropriate and take appropriate action to resolve the conflict.

C. LEGAL MATTERS

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

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

1970: Arrested by Amsterdam, Netherlands police following an altercation in a bar involving Coast Guard Academy Cadets. Restricted to ship for remainder of the port call.

1972: Arrested by Winter Park, FL police following a vehicle accident and held in custody overnight. Subsequently fined and license suspended for 90 days for driving while under the influence.

Note: Information regarding both of these incidents has been provided during required background investigations for security clearances and in prior confirmation questionnaires throughout my career of 35 years.

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

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

See Question 2 above. I do not know whether this violation was considered a criminal violation or traffic offense.

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

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

D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Thank you very much.

Admiral, I've received word that Senator Allen wants to introduce Mr. McDowell. Will you mind just staying there and permit us to do that?

Senator ALLEN. I'll wait. I don't want to upset—we'll wait. Let's go forward with the—

The CHAIRMAN. You're all right? OK, fine. Let me just ask a couple of questions, then, Admiral.

What do you think about the direction we're going, as far as the Deepwater projects that we believe we should be pursuing? We seem to be upgrading the projects, the existing legacy assets, rather than going into Deepwater. Have you looked over that situation to see what we should do?

Admiral ALLEN. I have, sir, and it's a delicate balance. We need that new inventory of assets absolutely as soon as we can get them. But the current operation tempo demands that we meet our mission requirements out there. And it requires us to sustain those legacy assets until the new ones can be replaced. It's going to require a clutch-and-gas type of approach. I am committed to doing that and making sure those legacy assets get the job done, but getting those new assets online as quickly as we can, sir.

The CHAIRMAN. You and I have had some conversations about the problem of the icebreakers. I've just returned this week. I was in my State last weekend. Our inlet was almost iced in. What is going to be the policy about the access to the icebreakers for our state and the Pacific Northwest?

Admiral ALLEN. Well, sir, I think there's been a dramatic change in the landscape of icebreaking capability and requirements in the last couple of years. As you know, there was an accommodation made last year to shift funding in the National Science Foundation, to actually bring the money back to the Coast Guard to support our operations. I think, with the growing concern over the shrinking of the Arctic icecap, the continuing issues with resupply of McMurdo Sound and the South Pole, and the condition of the icebreakers, I think a national public policy discussion is in order to take a more holistic view of where we need to go, and where we need to go with all three of the icebreakers, not just the two Polar Class and the Healy, sir.

The CHAIRMAN. Well, I can't ask you for comment, but I intend to try and reverse that decision that was made last year. I don't think it makes any sense at all. The National Science Foundation is also under the jurisdiction of this Committee, but it doesn't have a constant need for icebreakers. It does, in terms of its scientific expeditions at the North and South Poles, but there's still a need for our Nation to have access to icebreakers, particularly those of us who live in the area I live in, in Alaska.

What about the basic problems that we have with regard to the maritime boundaries. I'm particularly concerned with the maritime boundary in the Bering Sea. Have you looked into that problem, of how we're going to maintain the security of the maritime boundaries in the future?

Admiral ALLEN. Yes, sir. As you know, our commitment right now is to have one cutter on the major boundary line—maritime boundary line, and one in the Bering Sea. We continue to meet that commitment. Our challenge is, as we decommission the older ships and bring the new ones online, to not break that commitment and keep that presence up there. That's one reason why we are intending to relocate one of our high-endurance cutters to Kodiak, to replace the—Coast Guard Cutter Storrs will be decommissioned, sir.

The CHAIRMAN. We intend to try and authorize another icebreaker for the Coast Guard. I don't know what the Congress is going to do about that, but that's one of our intents.

Senator Dorgan, do you have any questions of the Admiral?

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

Senator DORGAN. Mr. Chairman, only to say that I'm pleased to support his nomination. Vice Admiral Allen has a distinguished background, and—look forward to supporting the nomination, look forward to a robust Coast Guard presence in North Dakota in the future.

[Laughter.]

Admiral ALLEN. Happy to discuss it, sir.

[Laughter.]

The CHAIRMAN. Well, between operating that swimming pool in Phoenix and this thing in North Dakota, if you get around to it, send another icebreaker up our way, will you?

[Laughter.]

The CHAIRMAN. Senator Allen?

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

Senator ALLEN. I have no question. I look forward to supporting Admiral Allen. We are not related.

[Laughter.]

Senator ALLEN. We can—we, fortunately, don't need icebreakers that much in Virginia. Once in a while, in the Potomac, I suppose.

The CHAIRMAN. Senator Snowe?

Senator SNOWE. Thank you, Mr. Chairman. I want to ask—

The CHAIRMAN. Pardon me. Senator Bill Nelson, I didn't see you—

Senator SNOWE. Oh, go right ahead. Yes, that's fine.

The CHAIRMAN.—over there. Pardon me.

Senator BILL NELSON. Go ahead with the—

The CHAIRMAN. All right. Senator Snowe, go ahead. He's hiding behind his colleague there.

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

Senator SNOWE. Thank you, Mr. Chairman. And I ask unanimous consent to include my entire statement in the record.

I want to applaud Admiral Allen for all that he has done on behalf of the Coast Guard, and all that he will do in the future, in his new position as Commandant of the Coast Guard. He has demonstrated his exemplary performance in righting the response to Hurricane Katrina, with his critical role that he played in New Orleans and throughout the Gulf region during that very difficult and devastating time.

And I look forward to working with you, Admiral Allen, on so many of the key issues that are confronting the Coast Guard that demonstrated its superb professionalism and dedication and heroism in its response to Hurricane Katrina when it saved more than 33,000 lives. I hope that we will be able to work with you in pro-

viding the resources that the Coast Guard rightly deserves, with the Deepwater recapitalization—I hope that we can expedite that timetable—and also to provide you with the interoperability, the command and control, that one Deepwater asset that was in the Gulf at the time was able to provide. The Coast Guard, otherwise, is without it, but made do with what you didn't have, which, again, shows the remarkable dimension of the skills and professionalism of the Coast Guard.

So, I'm looking forward to working with you. And, obviously, I think the issue of port security is one of the preeminent concerns, and probably will be the most critical challenge of your tenure.

And I look forward to working through some of these issues to ensure that you have the resources to do all that's going to be essential to provide for our homeland defense and security.

Thank you, Mr. Chairman.

[The prepared statement of Senator Snowe follows:]

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

Mr. Chairman, thank you for holding this nominations hearing today. As Chair of the Subcommittee on Fisheries and Coast Guard, and a representative of a state with a long and proud maritime heritage, I am pleased to address leadership transition of the United States Coast Guard. The current Commandant will complete his tour of duty on May 25th, and it is now imperative that the Senate considers and confirms his successor.

First, let me express my deep appreciation for the outstanding leadership of Admiral Tom Collins. For the past four years, he has carried out his duties as Commandant with distinction and remarkable accomplishment, particularly during the tumultuous aftermath of Hurricanes Katrina and Rita. The brave men and women of the Coast Guard performed heroically in saving more than 33,000 lives under disastrous conditions never before faced in this country, which is a testament to his outstanding leadership.

Since then, Admiral Collins and his Chief of Staff, Vice Admiral Thad Allen, have worked tirelessly to ensure the Coast Guard is ready to respond to any threat. With their sure and steady hands at the helm, they upheld the Coast Guard's readiness under challenging circumstances and have been at the forefront in facilitating the Deepwater project—which is not only urgent and essential for upgrading the Coast Guard's aging assets but also for shoring up the very foundation of our Nation's homeland security. As the Coast Guard has increasingly been called upon to do more with less—with the 40th oldest fleet among the world's 42 nations with maritime forces—they have navigated these treacherous waters effectively and with impressive diligence.

Given the threats we face today—whether natural disasters or the products of discontent societies—it is vital that the new Commandant of the Coast Guard maintains this course, and I have every confidence that Vice Admiral Allen is the right person for the job. As the Chairman noted, the nominee before us today has compiled a long and distinguished record in the service of our Nation. Serving as Admiral Collins' Chief of Staff for the past four years, he has been instrumental in guiding the transition of the Coast Guard to its new normalcy in the post-9/11 environment.

Looking forward, the challenges facing our Nation, and the Coast Guard, under Admiral Allen's leadership will only continue to grow. The Coast Guard must continue to be an integral component of our Nation's military and a vigilant defender of our homeland security. While we have seen the Department of Homeland Security rightfully come under scrutiny during recent national events, including its roles in natural disasters and port security oversight, the Coast Guard has consistently demonstrated an outstanding ability to carry out its missions each and every time, and it must continue to do so. No Coastie better demonstrated the service's "get it done attitude" better than Admiral Allen, who confidently stepped in to a critical leadership role and righted the Federal Government's response to Katrina. His ability to coordinate the efforts of all local, state, and Federal agencies into one harmonious response should be the model to emulate when the next disaster strikes.

As our Nation has painfully learned over recent weeks and months, there is simply no substitute for maintaining a ready posture when it comes to protecting our

homeland. The recent firestorm over the proposed sale of critical ports terminals to Dubai Ports World has highlighted the vulnerabilities in our port security. Our nation requires a Coast Guard that can provide us with secure ports, and, Admiral Allen, I believe that is going to be the greatest challenge of your tenure.

Yet beyond these headline-grabbing cases, every single day the Coast Guard must continue to work tirelessly, outside the spotlight, to uphold our Nation's safety and security. Through its search and rescue operations, this service aids people in distress and prevents the losses of life and property on our waters. The Coast Guard enforces all Federal laws and treaties related to the high seas and U.S. waters and prevents illegal narcotics from reaching our shores. This service is the lead Federal agency for preventing and responding to major pollution incidents in the coastal zone. At the same time, it makes our ports and shipping lanes safe for efficient maritime transportation and commerce. And as one of the armed services, it plays a critical role in our Nation's defense strategies. Under your watch, Admiral Allen, the Coast Guard's vital role in each of these missions will undoubtedly continue to have direct bearing on our Nation's security and welfare.

Mr. Chairman, I am impressed with Vice Admiral Allen's credentials for the Coast Guard's highest leadership position. The president could not have chosen a more qualified individual for this critical position. I look forward to his testimony and to working with him on the safety and security issues so critical to our Nation, and I again thank you for scheduling this vital hearing today.

The CHAIRMAN. Thank you. All the opening statements will be printed in the record in full.

Senator Nelson?

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

Senator BILL NELSON. Thank you, Mr. Chairman.

The Coast Guard created quite a firestorm in Florida in January—early January. Fifteen Cuban rafters were clinging to a bridge in the Florida Keys, thinking that they had reached land. The Coast Guard rounded them up and sent them back to Cuba, under the legal reasoning that since this was the old bridge, the new bridge having been built right beside it, that the old bridge wasn't actually connected to the land; and, therefore, they had not reached the land side of America.

A Federal judge has just ruled that that was wrong and contrary to law. Is the Coast Guard going to appeal that Federal judge's ruling?

Admiral ALLEN. Senator, that issue is under review in the Department right now. We do not have an opinion from the Department of Justice yet, but I understand it's under review.

Senator BILL NELSON. What was the legal reasoning that you came to that you would consider, under the wet foot/dry foot policy, that they had not reached America?

Admiral ALLEN. Well, first of all, Senator, let me just state that I was not at Coast Guard Headquarters when that occurred. I was still involved in my duties regarding the Gulf. I am a former Seventh District Commander in Miami, and I've been involved in those missions before. But a legal determination was made by our legal staff, and communicated down to the Commander of the Seventh Coast Guard District, who I believe you've already met with, that assimilated that bridge to being the same as something that was not connected to land. And that was a decision that was made on scene at the time that resulted in the migrants being repatriated, sir.

Senator BILL NELSON. Had you been Commandant, would you have corroborated and approved that legal reasoning?

Admiral ALLEN. Well, sir, I think you need to take each one of these cases on an individual basis. And the reason I say that is, there are a lot of structures down there that are not connected to land, and, notwithstanding that that bridge had formerly been connected to land, we have migrants that are deposited on all forms of structures out there, some of which are very, very unsafe. And, as a general rule down there, anything that's not connected to land is not considered to be "dry feet," but there's a safety aspect to this, too, in the precarious position that some of these migrants have been placed in by smugglers.

Senator BILL NELSON. I understand. But now—you know, the Coast Guard took them back—now a judge says something else. But they're under the control of Fidel Castro now. And so, it's entirely—if the law is as stated by this Federal judge, that they were illegally sent back to Cuba—in other words, that they were legally in the United States—they don't have much recourse now. It's all up to Fidel.

Admiral ALLEN. Yes, sir. As I said, if there is a different policy guidance that comes out from the current adjudication that's underway, we will take our cue from that. We try not to make policy at the deck plates, but we will respond to whatever outcome of the judicial process that occurs.

Senator BILL NELSON. Well, let me ask you, are you familiar with the process, when you pick up a rafter at sea and you do an investigation on the Coast Guard boat to determine if there is the fear of political persecution if returned, and you make that determination—you, the Coast Guard, make that determination—before you would bring them to the immigration authorities in the United States? Are you familiar with that process?

Admiral ALLEN. Sir, that's not the process we use when we have migrants offshore. They're interviewed by an asylum prescreening officer that's provided to us by USCIS, and the determination on their status is made as a result of those interviews and interagency consultation. That is not a decision the Coast Guard makes, sir.

Senator BILL NELSON. So, in the case of a fellow named de Valle, who was picked up in 2002 and was repatriated to Cuba and promptly thrown into jail, that was a determination made by the immigration department, not by the Coast Guard?

Admiral ALLEN. No, sir. What happens is, there is an interview completed. There's a standard information package that's taken on all migrants. That information is sent up to Washington. There is an interagency discussion between all the respective Departments that have play in that, from a policy standpoint. Guidance then is provided back down to the operational commanders on scene, on whether or not the individual will be repatriated or possibly placed to Guantanamo Bay to potentially go to a third country. But the Coast Guard does not make that decision, sir.

Senator BILL NELSON. And all of that is while the rafter is on the Coast Guard vehicle?

Admiral ALLEN. Yes, sir.

Senator BILL NELSON. Vessel.

Admiral ALLEN. Yes, sir.

Senator BILL NELSON. And was that the case with the 15?

Admiral ALLEN. I would have to check on it. I was aware that there was an inquiry made today, and I believe we're still looking for information with USCIS on that. I don't have any current information, but we'd be glad to give you that information after the hearing, sir, once it's developed.

Senator BILL NELSON. Well, since you're going to be the Commandant, these are going to be very poignant and pointed issues that are going to have to be addressed—

Admiral ALLEN. Yes, sir.

Senator BILL NELSON.—so that we don't get into this kind of situation, where someone is thrown back into the jaws of a dictator—that, in fact, has reason to believe that they are going to be politically persecuted.

Admiral ALLEN. Yes, sir.

Senator BILL NELSON. You're going to be in a direct position to make that happen.

Admiral ALLEN. Yes, sir. I'm well aware of the responsibility, having been the District Commander down there. This is a very, very tough mission for the Coast Guard. It's gut-wrenching at times. And my commitment to you is, we'll do it with transparency in the light of the day with the people we serve, sir.

Senator BILL NELSON. Thank you, Admiral.

The CHAIRMAN. Does anybody—

Senator ALLEN. Mr. Chairman?

The CHAIRMAN.—Senator Allen, do you have an additional comment?

Senator ALLEN. Yes. Listening to the questioning from Senator Nelson, the Coast Guard, these days, Mr. Chairman, has—it's probably more important than in its entire history of so many centuries in this country. We're in a war on terror. You have to be worrying about shipments, containers coming in. Additionally, you have to worry about stowaways and figuring out—you find out that some ship that's just leaving someplace hundreds of miles away has a stowaway, and you're positioning all that. I've visited the Coast Guard Headquarters in Norfolk, and it's amazing what you all have to do. And so diverse, so multifaceted—of course, worrying about hurricanes and storms and rescues, and then the refugee issue, as well. I think it is a bit unfair—I share Senator Nelson's concern. And I think our policy, insofar as those who are escaping for freedom from Castro's regime, is a policy that doesn't make a great deal of sense. It is not, though, in my view, the role of Admiral Allen to change that policy or ignore the policy or not follow the law. It is incumbent on us, as Members of Congress, and, in fact, the President and the Administration.

And so, I don't know if we'd have enough votes to do it, but I think that that policy needs to be reviewed, as far as our standing strong for freedom, justice, and not ask an admiral to look the other way, ignore the laws. He has a duty, an oath he'll need to uphold. I'm confident in Admiral Allen, seeing his work in Katrina. You've brought the most credibility and discipline and structure and analysis to that chaos, from those of us watching all around the world.

But I think—I just think it’s a bit unfair to ask him to do that, when we ought to try to do it. Maybe we can work together. I know our colleague, Senator Martinez, is well aware of this, and has a very personal interest. And also, maybe get the Administration to use some common sense in this approach.

But thank you for bringing the issue, but I don’t—I think you’ve put him in an untenable position to say, “Well, that’s the law, but try to find a way of administering it differently.”

Senator BILL NELSON. Would the Senator yield?

Senator ALLEN. Sure.

Senator BILL NELSON. If the Senator would notice, the Admiral has answered the question with regard to the Coast Guard decision of the repatriating of the 15 rafters in early January. He has stated that was a Coast Guard decision, after consultation with their legal counsel. Now that that issue has been brought to full fruition in a Federal court, where the court has said that the law was not followed, it’s certainly worth bringing up that issue, on those kind of interpretations within the Coast Guard itself.

Senator ALLEN. Admiral Allen, I don’t—you can just watch as a referee.

[Laughter.]

The CHAIRMAN. Thank you very much, Admiral.

Anyone have any further questions of the Admiral?

[No response.]

The CHAIRMAN. We appreciate your courtesy, Admiral. We will have an executive session on Thursday, March 16th. We’ll do our best to see if we can get your nomination before that executive session. Thank you very much.

Admiral ALLEN. Thank you, Mr. Chairman.

The CHAIRMAN. Our next nominee is Robert McDowell, nominee to be a Commissioner of the Federal Communications Commission, to be introduced by Senator Allen.

Senator ALLEN. Thank you. Rob, if you’d have a seat there.

Mr. Chairman and colleagues on the Committee, it is my pleasure this afternoon to introduce to our committee Robert M. McDowell. Rob, and his bride, Jennifer, are longtime friends of mine and my wife, Susan. Rob is a native of Virginia. He and his bride, Jennifer, are raising their two children, Griffin and Mary-Shea, who are here with us, well-behaved little pups.

[Laughter.]

Senator ALLEN. And they’re raising them on what’s left of the farm that—in Northern Virginia where Rob grew up.

I’m delighted that President Bush has nominated Rob to serve as Commissioner of the Federal Communications Commission. I am confident he’ll do an outstanding job there. I’m going to put a whole statement in record.

But let me highlight why I think he’s extraordinarily qualified to serve on the FCC.

Rob brings with him approximately 16 years of private sector experience in the communications industry. I think that experience alone makes him a tremendous asset to the Commission, from the perspective that he has had. He has long been a passionate individual about public service. When I was serving as Governor of Virginia, I actually appointed Rob to not one, but two different boards

and commissions, one dealing with combating drugs in Virginia, and the other as a consumer perspective on the Board of Contractors. And he served on both of these boards with great distinction and integrity.

And he spent, really, the last three decades serving his Commonwealth, his community, in a variety of different civic and charitable ways. Currently, he's chairman of the McLean Project for the Arts.

He does have a stellar academic and professional background. He went to Duke University in undergraduate school, went to law school at the College of William and Mary, where Mr. Jefferson—Thomas Jefferson studied law. Seems to have a similar philosophy as Mr. Jefferson. After law school, he began practicing telecommunications law. He has served as outside counsel to numerous technology and telecom companies and trade associations.

He is admitted to the Virginia State Bar. He's admitted to practice before the Supreme Court of the United States of America, the Supreme Court of Virginia, the U.S. Court of Appeals for the District of Columbia Circuit, the First Circuit, Fourth Circuit, and Fifth Circuit, and the U.S. District Court for the Eastern District of Virginia—a very competent lawyer.

I can personally attest to his high exemplary character. And I think he's going to execute his duties as Commissioner with great ethics, with objectivity, and the utmost of professionalism. And I think he'll be striving in these—and you'll read his statement, and you'll hear it—but I think he'll be striving to make sure that all people in this country have the opportunity to benefit from the digital revolution. I think he'll be a devoted and a very pragmatic commissioner in the finest and fairest caliber with his knowledge and his experience.

And I'm speaking for myself, but I know I'm also speaking on behalf of my colleague from Virginia, Senator John Warner, Congressman Tom Davis, Congressman Wolf, and other members of the Virginia delegation, in enthusiastically supporting the confirmation of President Bush's nomination of Rob McDowell on the Federal Communications Commission.

And I'd like to put this as part of the record.

And, if I could, may I ask the first question of the witness, Mr. Chairman, because I'm supposed to have left 10 minutes ago? But if I could ask a question, the first question, if you would—leave of court, if it please the court—

[Laughter.]

Senator ALLEN.—ask the first question of the witness.

The CHAIRMAN. If we say no, will you stay?

[Laughter.]

Senator ALLEN. No, I'd have to go.

The CHAIRMAN. OK. Go ahead.

[Laughter.]

Senator ALLEN. Thank you.

Rob, this is something I think needs to be addressed. I didn't—my statement—all the experience you've had in the last 16 years, you have been an advocate for telecom entrepreneurs, for technology entrepreneurs. And you have substantive experience in the private sector. And I think that's going to be extremely valuable to the FCC, to have that perspective. And you may have more experi-

ence than any other of the commissioners, as well, in these areas. But I do think it's fair to ask you how you think you'll be able to adjudicate matters objectively and fairly, given your background. And I think it's very important that you address this point.

Mr. McDOWELL. Thank you, Senator Allen. And—thank you, Mr. Chairman, and thank you, Senator Allen.

Senator ALLEN. Then you're going to have to give your statement. This, I know, fouls everything up. But—

Mr. McDOWELL. Should I answer the question first or—

Senator ALLEN. Yes.

Mr. McDOWELL. OK, excellent.

It is a very sobering experience to have the President of the United States extend his hand and ask you to serve your country. The President is asking me to be a fair, judicious, impartial, thorough, and thoughtful adjudicator, arbiter, and policymaker. And, if confirmed, that is what I would strive, with every fiber, to be.

The role of an FCC Commissioner, of course, is very different from the role I've had throughout my career, except for when I worked in the Virginia House of Delegates for your colleague Bob Andrews. I have been an advocate. And I have been an advocate on behalf of clients. And I like to think I've been an effective advocate. And perhaps some of my former opponents should be quizzed as to how effective I may have been at times.

But many of the major issues I've worked on have been resolved. And, more importantly, it would be my duty as a commissioner to wipe the slate clean, to start from scratch and examine each issue *de novo*. I will prejudge nothing. And I ask that my ability to be impartial not be prejudged.

At the same time, on top of all of that, the FCC has a system in place that governs conflicts and recusals. Throughout this nomination process, I have been in consultation with the White House Counsel's Office, the Office of Government Ethics, and, of course, the FCC's General Counsel's Office. And there are standards in place. This is nothing new. This is not a case of first impression. In fact, we recently had a commissioner serve on the Commission who came straight from a regulated company, a specific company, not just representing an industry, in general, who served with great distinction. And I believe that Commissioner, when all was said and done, was only recused from two different proceedings.

So, throughout my tenure at the FCC, if confirmed, I will rely on the advice and counsel and opinions of the FCC's Office of General Counsel, and we will use the system and the process that's already in place.

Senator ALLEN. Thank you, Mr. Chairman.

[The prepared statement of Senator Allen follows:]

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

Mr. Chairman, Co-Chairman Inouye and my fellow Members of the Committee, good afternoon.

It is a great pleasure for me to introduce to the Committee Robert M. McDowell. Rob and his bride, Jennifer, are longtime friends of mine and Susan's. Rob is a native Virginian and he and Jennifer are raising their two children, Griffin and Mary-Shea, on what's left of the Virginia farm where he grew up. I am delighted that President Bush has nominated Rob to serve as a Commissioner of the Federal Communications Commission. I am confident that he will do an outstanding job there.

Rob is extraordinarily qualified to serve on the FCC. Rob brings with him nearly sixteen years of private sector experience in the communications industry. In fact, I believe he will have more private sector experience in communications than any other Commissioner now serving. That experience alone will make him a tremendous asset to the Commission.

Rob has long been passionate about public service as well. In fact, when I was Governor of Virginia, I thought so highly of Rob's abilities that I appointed him to two state boards: the Governor's Advisory Board for a Safe and Drug-Free Virginia where he worked on substance abuse prevention, and the Virginia Board for Contractors where he looked out for consumers' interests. He served on both boards with great distinction. Rob has spent most of the past three decades serving his Commonwealth and community on numerous civic and charitable boards and commissions, and is currently Chairman of the Board of the McLean Project for the Arts.

Rob comes before us today with a stellar academic and professional background that is perfectly suited for the FCC. In 1985, he was graduated cum laude from Duke University—but I have forgiven him for that. He made up for his youthful indiscretion of choosing a college outside of the Commonwealth by wisely earning his law degree from the same school where Thomas Jefferson studied law: the College of William and Mary's Marshall-Wythe School of Law. There, he was elected to the Order of the Barristers.

In between Duke and William and Mary, Rob served as the chief legislative aide for a colleague of mine in the Virginia House of Delegates, Robert T. Andrews, for three legislative sessions. That's where Rob and I first met.

Immediately after law school, Rob began practicing telecommunications law. Over the years, Rob has served as outside counsel to numerous technology and telecom companies and trade associations. He also served as Executive Vice President and General Counsel to America's Carriers Telecommunications Association (ACTA), before it merged with the Competitive Telecommunications Association (CompTel) in 1999, where he currently serves as Senior Vice President and Assistant General Counsel. There, he has led CompTel's advocacy efforts before the legislative and executive branches. During his years in the private sector, he served as a representative to the North American Numbering Council and served on the Board of Directors of the North American Numbering Plan Billing and Collection, Inc.—both of which are at the heart of the management of our Nation's telephone numbers.

Needless to say, Rob is a member of the Virginia State Bar, and is also admitted to practice before the Supreme Court of the United States of America; the Supreme Court of Virginia; the United States Courts of Appeals for the District of Columbia Circuit, First Circuit, Fourth Circuit and Fifth Circuit; and United States District Court for the Eastern District of Virginia.

Having known Rob for so long, I can personally attest that he is of the highest moral character and will execute his duties as a Commissioner ethically, objectively and with the utmost professionalism. He will not pre-judge any matter brought before him. Rob will also bring with him our shared common-sense Jeffersonian conservatism. Rob will work tirelessly to ensure that communications entrepreneurs are unfettered by needless government regulations while also striving to ensure that all American consumers can benefit from the Digital Revolution. In short, he will be a devoted and pragmatic de-regulator of the finest and fairest caliber.

Accordingly, I hope you will join me, Senator Warner, Congressman Davis, Congressman Wolf, and other Members of the Virginia Congressional delegation, in enthusiastically supporting a speedy confirmation of President Bush's nomination of Rob McDowell to the Federal Communications Commission.

The CHAIRMAN. Thank you, sir. Have a nice weekend.
[Laughter.]

The CHAIRMAN. Mr. McDowell, we'd be pleased if you'd proceed with your statement. We'll print it in full in the record, but if you wish to summarize it, you may.

**STATEMENT OF ROBERT M. McDOWELL, NOMINEE TO BE
A MEMBER OF THE FEDERAL COMMUNICATIONS
COMMISSION**

Mr. McDOWELL. Thank you, Mr. Chairman and Members of the Committee. And it is a great privilege to be able to appear before you here today.

I would, if I could indulge the Chairman, like to introduce some family members.

The CHAIRMAN. Oh, pardon me. I thought the Senator did that. Please do, though.

Mr. MCDOWELL. Absolutely.

First, the wind in my sails, my beautiful bride, Jennifer. And I could not get to this point without her love and support and—appreciate everything she's done. Next to her is my beautiful daughter, who wants you to know that today she is 4 years and 5 months old, today—

[Laughter.]

Mr. MCDOWELL.—Mary-Shea Virginia McDowell. Next to her is Griffin Malcolm McDowell, who is 6 years and 8 months, almost. Next to him is my beautiful sister, Tina, who does not want me to reveal her age, because she's a brown belt in karate.

[Laughter.]

Mr. MCDOWELL. My father, Bart McDowell, whose age I will also not reveal, who, by the way, was raised on a ranch on the Tex-Mex border, I'd like to note, without phone service, and went on to be a naval officer in World War II, and then on to a distinguished career as a senior editor of National Geographic magazine.

We are without my mom today, who just passed away last July and, of course, is unable to witness this day, at least from an earthly perspective.

I have two brothers. My oldest brother, Kelly McDowell, is the mayor of El Segundo, California. And if you've ever flown into Los Angeles Airport, you've flown into my brother's town, and my other brother, Josh, who's on the staff of Texas A&M on their Corpus Christi campus.

I'd also like to thank Commissioner Jonathan Adelstein for appearing today. And it's terrific to have you here. I got to know him a bit when he was with Senator Daschle. And I appreciate the bipartisan support, and hopefully we can reciprocate.

I'm deeply honored by President Bush's decision to nominate me to serve as a Commissioner of the Federal Communications Commission. And over the past few weeks, I've had the pleasure of meeting with many Members of the Committee. And I thank all of you for taking the time out of your busy schedules to share your thoughts about communications policy and the FCC with me. And, if confirmed, I look forward to continuing our dialogue.

But this coming October 19th, in Virginia, we will commemorate the 225th anniversary of the Americans' victory over the British at Yorktown. And this battle effectively ended the war, where a rag-tag band of freedom fighters defeated the largest superpower in the world. On that crisp autumn day, as the vanquished British troops withdrew from the battlefield, they marched to the tune of "The World Turned Upside Down." And, for the British, the old world had been turned upside down. But for freedom and democracy, the new world had been turned rightside up.

George Washington and his fellow patriots won, largely because of their belief that the dissemination of self-evident truths could shatter the walls of tyranny. They lay the foundation of a new nation built upon the twin cornerstones of free markets and free ideas for all. At the heart of the ideals of the fledgling United States was

a profound commitment to the freedom of speech, the freedom to communicate.

No agency has more of an effect on the preservation and promotion of this freedom than the Federal Communications Commission. If confirmed, I solemnly pledge to be true to those founding principles, to work tirelessly to promote free markets and the free expression of ideas.

With the advent of new technologies, the old world of communications has been turned upside down. But these advances have turned the new world rightside up for freedom, democracy, and capitalism.

Long ago, Thomas Jefferson envisioned the benefits brought forth by the free flow of information when he wrote, "Enlighten the people, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day." Jefferson's words were nearly prophetic in predicting the digital revolution.

Today, American consumers are more empowered with information than ever before, thanks to brave and brilliant entrepreneurs, increased competition, and less government regulation. But there is more to do.

If confirmed, I will commit myself to promoting competition and investment in all markets, clearing the cumbersome underbrush of unnecessary government regulation, encouraging private sector solutions to many of the challenges facing the communications industry, and removing barriers to entry. All Americans should be able to benefit from the digital revolution, and the FCC should strive to help American consumers realize that goal.

If confirmed, as Senator Allen pointed out, I will bring to the Commission nearly 16 years of private sector experience in the communications industry, and, with your approval, I will also bring with me a strong passion for bipartisan public service.

In my career, in addition to counseling technology entrepreneurs, I have served as a legislative aide to a member of the Virginia General Assembly, actively worked on bipartisan statutory boards as appointed by two Virginia Governors, and led efforts to make my community a better place to live, work, and raise a family.

If confirmed, I will use this experience to help me approach each issue that comes before the Commission with energy, impartiality, and thoughtfulness. I will endeavor to keep the spirit of Yorktown alive by working every day toward enhancing the lives and liberty of all Americans.

And let me just take a quick second to state my opinion about the four current Commissioners of the FCC.

The CHAIRMAN. Mr. McDowell, I think that the Senator has to leave. If you wouldn't mind, he wants to ask you a question. You can continue—

Mr. MCDOWELL. Fire away, Senator.

Senator DORGAN. I'd be content for him to finish. I did want to—I didn't want to have to leave at 4 o'clock without saying that I support Robert McDowell's nomination.

I think the President has sent us a nomination that is a solid nomination of someone well qualified. But I wanted to say, I had a chance to meet with Mr. McDowell. Mr. Chairman, I think this Commission now, with a full complement of commissioners, will be

making decisions that will have a profound impact on what the American people see, hear, and read in the coming years, because they're going to be confronted with this issue of ownership limits. And there's not much more important, in my judgment, in our government than getting this right. The Commission has sunk its teeth into it before, been thwarted by the courts, and thwarted by the Congress. And many of us have a profound concern about what might or might not happen here.

I'm not going to ask you specific questions about it, because we had a long talk in my office about that. But concentration in ownership of the media, including television, radio, and the proposals for cross-ownership with newspapers, it's a very serious issue, because it will have a significant impact on what people in this democracy can see, hear, and read, what information they get. And the foundation for democratic self-government is basic information of the American people.

So, I did come because I wanted to say that I had a long conversation with Mr. McDowell. I think the President has made a good choice. And I'm really especially pleased we're finally going to have an FCC with all five members seated, present, and willing to debate and vote on issues. That's very important for this country.

So, Mr. McDowell, thank you. I wish you well, look forward to working with you.

Mr. Chairman, thank you for the courtesy.

The CHAIRMAN. Thank you, Senator.

Mr. MCDOWELL. Thank you, Senator.

The CHAIRMAN. If you'd finish your statement, it will appear in the record as though you completed it without interruption.

Mr. MCDOWELL. Yes, sir. We're almost done.

But I just want to say that the four current Commissioners, as led by Chairman Martin, are, in my opinion, among the most talented and thoughtful people to ever have served on the FCC. And, if confirmed, I would be honored and humbled to join them.

And that concludes my brief statement. I'm looking forward to any questions you might have.

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

PREPARED STATEMENT OF ROBERT M. MCDOWELL, NOMINEE TO BE A MEMBER OF
THE FEDERAL COMMUNICATIONS COMMISSION

Mr. Chairman, Co-Chairman Inouye and Members of the Committee, it is a privilege to be able to appear before you today.

Please allow me to thank my mentors and friends from the Virginia delegation, Senator Allen, and Congressman Davis, for their generous remarks. I also thank Senator Warner and Congressman Wolf for their kind statements submitted for the record. I would not be here today were it not for my family seated behind me: my bride, Jennifer; my son, Griffin Malcolm; my daughter, Mary-Shea Virginia, as well as my father and sister. Thank you for your love and support. Poignantly, our thoughts are with my mom, Martha Shea McDowell, who passed away just last July and is unable to witness this day, at least from an earthly perspective.

I am deeply honored by President Bush's decision to nominate me to serve as a Commissioner of the Federal Communications Commission. Over the past few weeks, I have had the pleasure of meeting with many Members of the Committee, and I thank all of you for taking time out of your busy schedules to share your thoughts about communications policy and the FCC with me. If confirmed, I look forward to continuing our dialogue.

This coming October 19, in Virginia, we will commemorate the 225th anniversary of the Americans' victory over the British at Yorktown. This battle effectively ended the war where a rag-tag band of freedom fighters defeated the largest superpower in the world. On that crisp autumn day, as the vanquished British troops withdrew from the battlefield, they marched to the tune of "The World Turned Upside Down." For the British, the Old World had been turned upside down. But for freedom and democracy, the New World had been turned right side up. George Washington and his fellow patriots won largely because of their belief that the dissemination of self-evident truths could shatter the walls of tyranny. They had laid the foundation of a new nation built upon the twin cornerstones of free markets and free ideas—for all.

At the heart of the ideals of the fledgling United States was a profound commitment to the freedom of speech—the freedom to communicate. No agency has more of an effect on the preservation and promotion of this freedom than the Federal Communications Commission. If confirmed, I solemnly pledge to be true to those founding principles—to work tirelessly to promote free markets and the free expression of ideas.

With the advent of new technologies, the old world of communications has been "turned upside down." But these advances have turned the new world right side up for freedom, democracy and capitalism. Long ago, Thomas Jefferson envisioned the benefits brought forth by the free flow of information when he wrote, "Enlighten the people . . . and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day."¹ Jefferson's words were nearly prophetic in predicting the Digital Revolution. Today, American consumers are more empowered with information than ever before, thanks to brave and brilliant entrepreneurs, increased competition and less government regulation. But there is more to do.

If confirmed, I will commit myself to:

- promoting competition and investment in all markets;
- clearing the cumbersome underbrush of unnecessary government regulation;
- encouraging *private sector* solutions to many of the challenges facing the communications industry; and
- removing barriers to entry.

All Americans should be able to benefit from the Digital Revolution, and the FCC should strive to help American consumers realize that goal.

If confirmed, I will bring to the Commission nearly sixteen years of private sector experience in the communications industry. And, with your approval, I will also bring with me a strong passion for *bipartisan* public service. In my career, in addition to counseling technology entrepreneurs, I have served as a legislative aide to a Member of the Virginia General Assembly, actively worked on bipartisan statutory boards as appointed by two Virginia governors, and led efforts to make my community a better place to live, work and raise a family. If confirmed, I will use this experience to help me approach each issue that comes before the Commission with energy, impartiality and thoughtfulness. I will endeavor to keep the spirit of Yorktown alive by working every day toward enhancing the lives and liberty of all Americans.

In my opinion, the four current Commissioners, as led by Chairman Martin, are among the most talented and thoughtful people ever to have served on the FCC. And, if confirmed, I would be honored and humbled to join them.

Mr. Chairman and Co-Chairman Inouye, thank you for the opportunity to appear before you today. That concludes my brief statement and I look forward to answering any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Robert Malcolm McDowell. No other names used.

2. Position to which nominated: Commissioner, Federal Communications Commission.

3. Date of Nomination: February 6, 2006.

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

Residence: Information not released to the public.
Office: COMPTTEL, 1900 M Street, NW., Suite 800, Washington, DC.

5. Date and Place of Birth: June 13, 1963, Washington, DC.

¹Thomas Jefferson to Pierre Samuel Dupont de Nemours, 1816.

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

Spouse: Jennifer Griffin McDowell, homemaker, part-time employment—The Dandelion Patch stationery store, Vienna, VA; children: Griffin Malcolm McDowell (6), Mary-Shea Virginia McDowell (4).

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

Duke University, B.A., 1985.

College of William and Mary, Marshall-Wythe School of Law, J.D., 1990.

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

1999–present, Competitive Telecommunications Association (CompTel), Washington, D.C. Senior Vice President and Assistant General Counsel.

1998–1999, America's Carriers Telecommunications Association (ACTA), McLean, Virginia. Executive Vice President and General Counsel.

1993–1998, Helein & Associates, P.C., Washington, D.C., McLean, Virginia. Senior Attorney.

1990–1993, Arter & Hadden, Washington, D.C. Associate Attorney.

1985–1987, Virginia House of Delegates, Richmond, VA. Chief Legislative Aide to a Member of the House of Delegates.

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

1999–2000, North American Numbering Council.

1999–2000, Board of Directors, North American Numbering Plan Billing and Collection, Inc.

1996–2004, Virginia Board for Contractors, Appointed by Governor George Allen (1996); reappointed by Governor Jim Gilmore (2000).

1994–1995, Governor's Advisory Board for a Safe and Drug-Free Virginia, Appointee of Governor George Allen.

1994–present, McLean Project for the Arts, McLean, VA. Chairman, Board of Directors (2005–present), Director and *Pro Bono* Counsel (1994–2005).

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

2005–present, Co-Trustee (with spouse) of McDowell Family Trust (estate planning vehicle for myself, my spouse and our children).

2005–present, Successor Trustee, Martha Louise Shea McDowell Revocable Trust.

1999–present, Senior Vice President & Assistant General Counsel, Competitive Telecommunications Association (CompTel).

2005–2006, CompTel Political Action Committee (CompTel-PAC), Treasurer.

1994–present, Chairman of the Board, McLean Project for the Arts (501(c)(3)), McLean, Virginia (2005–present); Vice President (2002–2005); Director (1994–present).

1996–2004, Member, Virginia Board for Contractors (statutory board—gubernatorial appointee).

2004, Volunteer Advance Team Member, Bush-Cheney 2004.

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

1999–2000, North American Numbering Council.

1999–2000, Board of Directors, North American Numbering Plan Billing and Collection, Inc.

1999–2005, Republican Majority Fund, Republican National Committee, National Finance Committee.

1996–2004, Virginia Board for Contractors, Gubernatorial Appointee.

1994–1995, Governor’s Advisory Board for a Safe and Drug-Free Virginia, Appointee of Governor George Allen.

1997–1999, Friends of the Red Cross, National Capital Chapter. Washington, D.C. Corporate Donations Committee.

1996–2004, Virginia Board for Contractors, Appointed by Governor George Allen (1996); reappointed by Governor Jim Gilmore (2000).

1995–present, Northern Virginia Republican Business Forum.

1994–present, McLean Project for the Arts, McLean, VA. Chairman, Board of Directors (2005–present), Director and *Pro Bono* Counsel (1994–2005).

1991–present, Federal Communications Bar Association.

1990–present, Virginia State Bar.

1990–2005, Fairfax County Republican Committee.

1990–1996, Republican Club of Greater Reston.

Periodically, Duke University Club of Washington.

Nearly life-long, Our Lady of Good Counsel Catholic Church, Vienna, Virginia.

Nearly life-long, Cardinal Hill Swim and Racquet Club, Vienna, Virginia.

No organization I have belonged to discriminates in any way of which I am aware.

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

I have been a candidate for public office twice. The first candidacy was for the Virginia Senate (32nd District) in 1995. The second candidacy was for the Virginia House of Delegates (35th District) in 2003. Neither campaign has any debt.

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

To the best of my ability and knowledge, my research reveals the following:

Virginians for Jerry Kilgore (Governor—2005), \$700.

Jim Hyland for Delegate (2005), \$500.

George W. Bush for President, Inc., (1999), \$950.

Gilmore for Governor (1997), \$1,500 (in-kind and cash).

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

Order of the Barristers, College of William and Mary, Marshall-Wythe School of Law.

Cum Laude, Duke University.

Dean’s List, Duke University.

Virginia Board for Contractors, Resolution honoring distinguished service (June, 2005).

Named “Top Telecom Lobbyist” by *Telecom Policy Report*, March, 2004.

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

I have not authored any books or articles other than the following articles for telecommunications trade publications:

“It’s Time to Regulate LEC Billing,” *Phone+* Magazine, February, 1999 “Apocalypse 1998: RBOC ‘Political Pressure’ in Washington,” *Phone+* Magazine, April, 1998; “Protecting Consumers or Slamming the Door On Competition? How Smaller Carriers Will Fare Under Proposed Anti-Slamming Rules.” *Phone+* Magazine, October, 1997; “Are the LECs Choking-Off Casual Calling?” *Phone+* Magazine, May, 1997.

As a political candidate for the Virginia General Assembly in 1995 and 2003, I gave literally scores, if not hundreds, of political speeches. I do not have a record of the exact date or text of any speech. The topics of those speeches included, but

were not always limited to: taxes, transportation, education, environment, criminal justice and other social issues.

In my professional career, I have spoken several times on panels at trade shows on telecommunications issues. After an extensive search, I have found many of the most recent records of the following speeches and panels I have moderated at conventions over the past seven years. No other records of additional speeches can be found; however, I'm sure that I have appeared on other panels and have given talks at continuing legal education seminars as well as investment banking analysts' meetings about telecommunications regulatory issues and related legislative matters. To the best of my ability, here is a summary of what I have found:

October, 1999, at a CompTel convention: "Wiring the Summit: RBOC Long Distance Entry and the Future of UNEs"

The Telecommunications Act is well over three years old, but the industry is still waiting for a regional Bell operating company to win approval of its application to provide in-region long-distance services. Why is it taking so long? What are the technical and policy issues facing the RBOCs and their potential competitors, and what progress is being made to resolve some of these long-standing problems? Don't miss this informative session.

June, 2000, at a CompTel legislative conference: "Fact vs. Fiction: Discussion of 'Broadband' Legislation"

Industry experts will discuss the status of the deployment of broadband services, the effect of the Telecommunications Act of 1996 on advanced services roll-out and their views on pending legislation that would dramatically change the ground rules. Don't miss this discussion of the hottest telecom policy issue in years!

February, 2001, at a CompTel convention: "On-line Privacy: The Next Great Debate"

Consumer groups and Congress are beginning to take a close, careful look at how the Internet revolution is affecting users' privacy. What are the rules? And how are they likely to change? Find out how privacy concerns and policies will affect your business by attending this informative panel discussion.

April, 2001, at a CompTel legislative conference: "Fact vs. Fiction: Discussion of 'Broadband' Legislation"

Industry experts will discuss the status of the deployment of broadband services, the effect of the Telecommunications Act of 1996 on advanced services roll-out and their views on pending legislation that would dramatically change the ground rules. Don't miss this discussion of the hottest telecom policy issue in years!

April, 2002, at a CompTel legislative conference: "Fact vs. Fiction: Discussion of 'Broadband' Legislation"

Learn the latest about the status of the deployment of broadband services, the effect of the Telecommunications Act of 1996 on advanced services rollout and pending legislation that would dramatically change the ground rules. Don't miss this discussion of the hottest telecom policy issue in years!

April, 2003, at a CompTel legislative conference: "The Past as Prologue: The History of the Telecom Policy Wars and Their Relevance To Today"

Why are current telecom policy battles so controversial? How did we get here? What are those TV ads all about anyway? Learn the answers to these and other important questions during this eye-opening presentation.

February, 2003, at a CompTel convention: "General Session: the Impact of Public Policy Changes on Your Business"

Actions taken by legislators and regulators in Washington, D.C. and the states can have a significant impact on how competitive services providers can execute their business plans. Find out from this esteemed panel how recent FCC decisions, pending proceedings and action on Capitol Hill and in the states could impact your bottom line.

February, 2004, at a CompTel convention: "General Session: The Battle in Washington to Preserve Competition"

The ILECs and their allies have stepped up their lobbying blitz in Washington to eliminate competition. Learn more about their plans and hear how the CompTel/ASCENT Alliance and its members are responding to this latest threat to competition.

April, 2004, at a CompTel legislative conference: "The Past as Prologue: The History of the Telecom Policy Wars and Their Relevance To Today"

Why are current telecom policy battles so controversial? How did we get here? What are those TV ads all about anyway? Learn the answers to these and other important questions during this eye-opening presentation.

February, 2005, at a CompTel Convention: "Rewriting the Telecom Act of 1996: The Battleground for Broadband"

From measures to reform universal service funding and intercarrier compensation to defining VoIP services. Congress is teeing up issues that will impact the future of broadband networks and IP-enabled services. Political and industry pundits will share their perspectives on the battle to rewrite the 1996 Telecom Act.

April, 2005, at a CompTel legislative conference: "Chokepoints: The History of Telecom's Future"

To understand today's debates it is essential to know the history of the telecom industry. This eye-opening session will give you the background you need to be able to determine myths from fact in ongoing policy struggles.

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

The only time I have testified before Congress was before the House Telecommunications Subcommittee in June of 1998 to testify on behalf of my client, America's Carriers Telecommunications Association (ACTA), on the issue of long-distance slamming (the unauthorized switching of long distance carriers).

B. POTENTIAL CONFLICTS OF INTEREST

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

To the best of my understanding, the only financial arrangement will be the continuation of my COMPTEL 401(k) account, which is invested entirely in the Northern Trust Select Equity Fund. That fund can be rolled over to another account, if necessary.

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

I plan to retain my position on the Board of Directors of the McLean Project for the Arts, a nonprofit, charitable 501(c)(3) organization. The Office of White House Counsel and the FCC's Office of General Counsel have both reviewed this affiliation and have concurred in my remaining on the board should my nomination to the FCC be confirmed by the Senate.

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

In my position as Senior Vice President and Assistant General Counsel of CompTel, I may have conflicts concerning matters before the FCC to which CompTel was a party.

The Martha Louise Shea McDowell Revocable Trust ("Trust") was created on January 26, 2005, as an estate management vehicle. Martha McDowell, my mother, died on July 6, 2005. The Trust designated Robert McDowell to be successor trustee upon her death. The purpose of the Trust is to distribute the Trust's assets to Trust beneficiaries. All assets will be distributed as soon as practicable, after IRS approval, and the Trust will be subsequently dissolved.

The current assets held by the Trust that could create a potential conflict of interest are: roughly \$24,000 held in a General Electric debenture, and approximately \$10,000 in a Southwestern Bell bond. Both instruments are to be distributed to the Trust beneficiaries pursuant to the instructions of the Trust.

To the best of my knowledge, no other potential conflicts are apparent.

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

Other than the relationships with CompTel and the Martha McDowell Trust as described above, to the best of my ability I do not know of another existing potential conflict.

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

As a government affairs professional for CompTel, I have been engaged in advocacy regarding several pieces of legislation, appellate cases and other matters involving telecommunications policy.

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

Regarding the Trust's assets, I will be distributing the Trust's assets pursuant to the Trust's instructions, thus alleviating any potential conflict. Regarding my possible CompTel conflicts, as Commissioner, if confirmed, I would, of course, work closely with the FCC's Office of General Counsel to ensure strict adherence to all laws, rules, guidelines and policies governing such conflicts, including, but not limited to: recusal for one year from all particular matters involving specific matters to which CompTel has been a party or representative of other parties before the Commission; recusal from any matter before the Commission in which I may have been involved while employed by CompTel; and recusal from any other matter where an appearance of conflict may exist.

C. LEGAL MATTERS

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

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

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

I have not been a party to any litigation or administrative proceeding in my personal capacity. However, in my professional capacity as an attorney in private practice and as in-house counsel, I have been an attorney of record in numerous cases before both courts and administrative agencies.

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

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

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

D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Well, thank you very much.

And I was going to note the presence of Commissioner Adelstein. He does attend these hearings, and we welcome his participation—silently, however.

[Laughter.]

The CHAIRMAN. We held some hearings, Mr. McDowell, that were targeted at universal service and we've been working on general rural telecommunications issues. Do you have any statement you'd like to make about your vision concerning how the FCC can keep rural America connected to this digital revolution?

Mr. McDOWELL. Senator Stevens, that will be a major priority for me. My father, as I mentioned before, was raised on a ranch on the Tex-Mex border, and he used to tell stories, and still does, about how my grandfather would take the car battery out of the

car every night, because not only did they not have phone service, they did not have electricity, which was not unusual in that time. And to stay connected to the rest of the world, they would hook the car battery up to the radio inside the house. Despite that, he went on to become a senior editor of *National Geographic*. But other folks didn't have the same opportunities, perhaps, that he had. So, keeping rural America connected is very real, very front and center for the McDowells.

What we have to, of course, focus on is the shrinking pool for the contribution mechanism, and work on shoring that up, and moving forward to strengthen that system, and making sure that folks who live on tribal lands or in rural America or in high-cost areas, poor inner-cities, et cetera, have the same opportunity to access the information enjoyed by others in more fortunate areas.

So, as the Commission examines universal service, I will be making that a priority.

The CHAIRMAN. Thank you very much.

Senator Smith was not able to be here, but he sent a question and asked me to put it to you.

His question is this, "For those of us in Oregon who have been trying to attract a baseball team for years, we're envious of the fans in cities that actually have a team. I am, however, becoming more concerned about a tactic that cable companies are using to limit viewership of local sports programming. First, Cablevision stopped broadcast of Yankee games until they got a deal they wanted. Then Comcast did the same thing in Philadelphia with the Phillies, and in Washington, D.C. with the Nationals."

This is Senator Smith's question. "I understand that business negotiations can be tough, but blocking game broadcasts has raised real concerns. How would you address situations like this from your position on the FCC?"

Mr. MCDOWELL. Well, Senator, that's an important issue, and it's a personal one to us. We would like to see some Nationals games here locally. We're certainly supporters of our local team.

Coming from the private sector, I will first look to private sector solutions to resolve issues such as that. And I would prefer to see voluntary agreements between the parties at hand. There may be ongoing proceedings, or future proceedings, at the Commission that could examine this. I'm not exactly sure of the Commission's authority in those areas, under Title 6, Section 628, for instance. I'd have to take a closer look at that. But the first line of defense, I think, should be a private sector solution. If the Commission can encourage a private sector solution, I would look for such an avenue.

The CHAIRMAN. As I mentioned, we welcome Commissioner Adelstein to be with us today. But if you were already confirmed, you both couldn't be here. Are you familiar with some of the rules that have been adopted in the past concerning the activities of the Commission? Are you familiar with that rule, particularly about how many commissioners can be present at any one time at a public gathering?

Mr. MCDOWELL. I'm roughly familiar with that. I think the answer might be two of us. But I can double check that.

The CHAIRMAN. Some of us are very disburbed about that, too. I think we need some opinions from the Commission about what should be done to modernize your procedures so that you can function as a modern body. There was a time in the past when Senator Goldwater and I decided that there were too many commissioners, and we asked the Congress to remove two. Did you know that? That was because of the problem we had to get an agreement among the seven.

You've said you will be bipartisan. Can you tell us a little bit more about your attitude regarding bipartisanship?

Mr. McDOWELL. Well, Senator, throughout my career, I have learned that these issues are not necessarily, for the most part, partisan issues. I have worked in a bipartisan manner as an advocate, and would continue to take that spirit to the Commission with me, if confirmed.

I have served on statutory boards, appointed by two Governors of Virginia, that were bipartisan. And I worked well with folks of the other party, again, on issues that historically have not necessarily been partisan issues, for the most part.

So, I am looking forward to that. There's not a partisan gigabyte. There is not a partisan megahertz. So, I don't anticipate looking at those issues through a partisan lens.

The CHAIRMAN. Now, you've had a substantial relationship with some of the communications interests. And I note in your statement that you indicate you do intend to very zealously apply the conflict-of-interest concepts, and will disqualify yourself in any matter that you've had connection with before, or at any entity you've had before. Can you elaborate on that a little bit?

Mr. McDOWELL. Well, I will certainly rely on the opinion of the Office of the General Counsel of the FCC, and they do have a system in place, and rules in place. Conflicts at the FCC are not necessarily anything new. We had a commissioner recently, who came from the private sector from a regulated company, who ended up on only being recused from two particular matters, as I recall. So, I will consult with the Office of General Counsel on any matter where CompTel may have been a party, or where CompTel's members may have been a party, to make sure there's not even the appearance of a conflict of interest.

The CHAIRMAN. Have you made an appearance before the FCC as an advocate?

Mr. McDOWELL. Not in several years, Mr. Chairman. My primary bailiwick at CompTel for the past 6 or 7 years has been the legislative and executive branch. We have other folks at CompTel who worked the FCC, for the most part. And my name has not appeared on a pleading in several years, nor have I been formulating or writing pleadings, nor have I been substantially involved in any pleadings before the Commission in quite some time.

The CHAIRMAN. Very well. Well, I don't know whether other Members have questions they wish to submit. If they do, I would urge you to respond to them as rapidly as possible, because we will also try to get this nomination on the executive session's agenda for March 16th.

Thank you very much. And we thank your family for coming to join us.

Mr. MCDOWELL. Thank you, Mr. Chairman.
[Whereupon, at 4:10 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN ENSIGN TO
VICE ADMIRAL THAD W. ALLEN

Mission and Organizational Culture of FEMA Within the Department of Homeland Security

Question 1. Since the bill creating the Department of Homeland Security (DHS) was signed into law on November 25, 2002, there have been concerns raised that the mission of the Federal Emergency Management Agency (FEMA) has been retooled to primarily focus on responding to terrorist attacks and not natural disasters.

Has FEMA's culture changed since its integration into the Department of Homeland Security?

Answer. FEMA's culture has not changed since joining the Department of Homeland Security in March 2003. In fact, FEMA's culture and capabilities have only been enhanced by the additional support and resources provided by the Department. FEMA continues to be dedicated to serving people and communities impacted by natural or man-made disasters.

Question 2. How has the organization managed the twin mission responsibility of developing the capability to respond effectively, and with appropriate timeliness, to both natural disasters and terrorist attacks?

Answer. FEMA and the Department of Homeland Security have adopted an "all-hazards" approach to disasters and emergencies because many of the response functions and consequences are the same regardless of whether the disaster is due to a natural disaster or a terrorist event. By using this "all-hazards" approach, preparation for one type of emergency can help all levels of government be better prepared for other kinds of emergencies.

In the post-Cold War world, FEMA recognizes that the U.S. is not only at risk from natural and technological hazards, but also from new and emerging terrorism threats, most of which are unconventional and asymmetric. These threats can take many forms and have the potential to involve destructive chemical, biological, radiological and nuclear weapons intended to wreak unprecedented damage on the Nation's population, economy, and quality of life. The past two years have also demonstrated the destructiveness of natural disasters.

Since its establishment in March 2003, DHS has the preeminent role in managing and coordinating the domestic response to all types of disasters, including terrorism events, and has developed the National Incident Management System (NIMS) to ensure that responders from different jurisdictions (Federal, State, local, tribal, international, non-governmental organizations, and the private sector) and disciplines (command, operations, planning, logistics, finance and administration, emergency services, human services, and infrastructure support) can work together better to respond to natural disasters and emergencies, including acts of terrorism. The NIMS provides a consistent doctrinal framework for incident management at all jurisdictional levels, regardless of the cause, size, or complexity of the incident.

The NIMS benefits include a unified approach to incident management; standard command and management structures; and emphasis on preparedness, mutual aid and resource management.

The December 2004 National Response Plan (NRP) provides the coordinating structures and protocols, either partially or fully, for responding to specific Incidents of National Significance and provides the mechanisms for the coordination and implementation of a wide variety of incident management and emergency assistance activities. Included in these activities are Federal support to State, local, and tribal authorities; interaction with nongovernmental, private donor, and private sector organizations; and the coordinated, direct exercise of Federal authorities, when appropriate. The NRP itself creates no new authorities, but it serves to unify and enhance the incident management capabilities and resources of individual agencies and orga-

nizations acting under their own authorities in response to a wide array of potential threats and hazards.

FEMA is the DHS component charged with and responsible for leading and coordinating all-hazards incident management for Incidents of National Significance and other disasters when and if a Presidential disaster or emergency is declared under the Stafford Act. FEMA's core mission is to ensure the timely, efficient, and effective delivery of goods and services to victims, through FEMA's Federal, State, local, tribal, and private sector partners; to alleviate the suffering and damage which result from Incidents of National Significance and disasters regardless of the cause of the disaster; and to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe.

FEMA does not differentiate between disasters caused by nature, such as earthquakes, or disasters such as a terrorist event. In all cases, FEMA provides response and recovery assistance geared to the event and in coordination with local, State and Federal officials. Consequently, the FEMA concept of operations assumes an all-hazard, risk-based approach to emergency management and encompasses and integrates the following phases of planning and operations: Awareness, Protection, Preparedness, Response, Recovery, and Mitigation. Using this "all-hazards" approach, preparing for one type of emergency can help all levels of government be prepared for other kinds of emergencies.

Question 3. Will the current strategy be changed in the future and, if so, in what way?

Answer. It is not envisioned that the basic all-hazards strategy, that has proven to be successful in disaster response, will be changed in the future. FEMA will take necessary measures to continue to improve its capabilities to respond to all types of disaster and hazards to preserve life and protect property. Part of this is creating, fostering, and sustaining a culture of preparedness emphasizing that the Nation shares common Homeland Security goals and responsibilities. In addition, at the Federal, State, and local levels, we must increase our common familiarity with the National Incident Management System and enhance our response capabilities by developing more effective organizational structures, implementing more training programs, and providing the needed disaster response equipment.

We will continue our current strategic direction, focusing on:

- Preparedness that connects departmental and other Federal partner capabilities to ensure a continuous cycle of planning, training, equipping, exercising, evaluating and taking corrective action;
- Resource management that ensures a uniform method of identifying, acquiring, allocating and tracking resources;
- Disaster response effectiveness based on fully coordinated and integrated teams and capabilities;
- Interoperable integrated communications and information technologies; and
- Ensuring information sharing capabilities essential to situation awareness and incident management.

Our goal is to maintain and improve the national framework that maximizes Federal capabilities and authorities to execute timely, tailored, and efficient Federal to State support, Federal to Federal support, and a pro-active response to all types of disasters, including catastrophic incidents. We are working to ensure that incidents are handled at the lowest possible organizational level throughout the life cycle of an incident.

Question 4. Does FEMA's strategic planning and state of preparedness reflect the reality that there is a much greater likelihood of natural disasters than a terrorist attack?

Answer. The disastrous hurricane season of 2005 has starkly illustrated that the risk of a catastrophic natural disaster is not theoretical. The combined threat posed by a natural disaster or terrorist event are such that the possibility of a catastrophic event in this country is a genuine concern regardless of cause.

Despite continuing improvements to the national domestic incident architecture, planning for a comprehensive and effective response to—and recovery from—a catastrophic incident remains a daunting task.

As illustrated by the 2005 hurricane season, preparing for such an event requires planning, coordination and capability building at a level beyond that which we are accustomed to providing. In FY 2006, Congress provided \$20 million to FEMA to support catastrophic incident response and recovery planning and exercises. FEMA is committed to working with Congress, States and local governments, as well as with other Federal agencies, to develop and implement plans that will improve our

ability to plan for, respond to, and to recover from catastrophic disasters quickly and effectively.

Historically FEMA has responded to many more natural disasters than terrorist events. FEMA and the Department of Homeland Security have adopted an “all-hazards” approach to disasters and emergencies because many of the response functions and consequences are the same regardless of whether the disaster is due to a natural disaster or terrorist event. Using this “all-hazards” approach, preparing for one type of emergency can help all levels of government be prepared for other kinds of emergencies.

Question 5. Is FEMA currently capable of responding effectively to both natural disasters and terrorist attacks?

Answer. FEMA is capable of responding to both natural disasters and terrorist attacks, however, improvements are still needed. We are continuing to implement lessons learned from FEMA’s response to the tragic events of September 11, 2001 and the Agency’s response to the intense 2004 and 2005 hurricane seasons. A challenge facing FEMA and the entire emergency management community is retaining sufficient numbers of trained and dedicated personnel and having adequate funding for required programs.

Question 6. Do DHS and FEMA measure their readiness to respond effectively to natural disasters and terrorist attacks? If so, please describe in detail those metrics; provide me with a copy of each assessment since DHS was created; and provide documentary evidence to support the conclusions reached in those assessments.

Answer. FEMA is responsible for coordinating and managing an integrated Federal response to any Presidentially-declared disaster or emergency. The interagency operations and activities conducted in relationship to this responsibility typically revolve around the collaborative fusion of multiple intergovernmental emergency management functions, organizations and activities under the general framework of the National Response Plan. Because many of the response activities are executed or performed by situational organizations (i.e., organizations, such as an Emergency Response Team, that are activated/assembled when needed, and deactivated at the conclusion of their assigned mission), there is no residual team capability to monitor and resolve problems or issues occurring during the response or exercise that may require the follow-on attention of functional program areas. The Remedial Action Management Program (RAMP) is designed to address this gap. RAMP identifies issues, lessons learned and best practices resulting from the conduct of emergency management operations, for both actual events and exercises. The RAMP is geared toward allowing FEMA HQ and regional offices to correct programmatic/systemic problems encountered during response and recovery activities that occur during both actual and exercise emergency and disaster response operations.

FEMA measures its readiness to respond effectively to disasters through the use of strategic goals, objectives and performance measures set forth each fiscal year. These metrics are designed to enhance FEMA’s existing response capabilities and are tied directly to the strategic goals, objectives and priorities of the Department of Homeland Security. Achievement of these goals and objectives is a top priority for the Agency, and progress toward annual targets is reported during quarterly performance review briefings for FEMA leadership.

Within the Response Division of FEMA, response readiness is evaluated using a series of performance measures aimed at assessing the operational capability of its major response team components, including the National Disaster Medical System’s Disaster Medical Assistance Teams (DMATs), the Urban Search and Rescue Task Forces, the Mobile Emergency Response Support (MERS) Detachments, and the Federal Incident Response Support Teams (FIRSTs). Included in these performance measures is the assessment of operational readiness for emergency response teams, evaluation of readiness for teams and operations during exercises and actual event response, WMD event response capability, large-scale patient movement and mass casualty event training and exercise, and casualty treatment, evacuation and transport capability.

Question 7. What method is used by FEMA to make initial identification of those in need of assistance? How are these persons tracked through the assistance process? How does FEMA target assistance to meet individual needs? How does FEMA determine the level, adequacy, and kind of assistance? How many Katrina victims have requested assistance; how many received assistance but are no longer receiving assistance; and how many are still receiving assistance? Does any method exist to track those persons as they fall off the assistance rolls?

Answer.

a. After a disaster declaration is received, FEMA utilizes public outreach to encourage those with disaster-related needs to file an application for assistance with

FEMA. When an individual files an application with FEMA, we provide them with a Registration ID# for case tracking purposes, referral information to other assistance programs/agencies, and details regarding the assistance process. Throughout the assistance process, we provide applicants with updates regarding their case, assistance eligibility determinations, etc., via written correspondence. If applicants wish to ask questions about their case or wish to update their FEMA records, they can do so using the Disaster Information Helpline toll-free phone service, or the Internet-Based Individual Assistance Center. All case processing is performed within the National Emergency Management Information System (NEMIS). NEMIS is the database in which applicant information is tracked, stored, and utilized for the purposes of determining applicant eligibility. Within a given declared disaster, applicant assistance or requests for assistance are sorted by applicant needs, rather than by geographical location or other criteria, which allows FEMA to assign properly trained staff to target specific needs of applicants.

b. How many Katrina victims have requested assistance?

- 1,709,542 registrations for assistance
- \$5.38 billion in assistance to 1,054,732 approved applicants under the Individual Housing Program (IHP) for Katrina (as of 3/10).

How many Katrina victims have received assistance but are no longer receiving assistance?

- Data is not tracked in such a fashion.

How many Katrina victims are still receiving assistance?

- Data is not tracked in such a fashion.

c. Applicants are encouraged throughout the assistance process to continue to contact FEMA if they have unmet needs caused by the disaster. After disaster assistance is provided, we do not generally reach out to applicants who do not contact us with additional requests, unmet disaster-related needs, updated contact information, etc. Additionally, unmet needs committees are set up by non-governmental organizations and charitable groups within the disaster area; staff working in FEMA field offices make referrals to these entities.

Question 8. What will FEMA do with excess supplies and resources? Does FEMA warehouse these supplies or dispose of them? In cases involving disposal, how are those assets disposed of?

Answer. Excess supplies and resources not used for a disaster are warehoused in one of FEMA's logistics facilities that are strategically located throughout the country. These supplies are used to provide life saving and life sustaining commodities to support FEMA's all-hazards mission. Supplies and resources that remained as a result of the four Florida hurricanes in FY04, including water and emergency meals, were pre-positioned and used to support Hurricane Katrina victims. Additionally, as a result of Hurricanes Katrina and Rita, FEMA's Logistics Center Fort Worth, TX grew from 236,000 square feet to approximately 1.5 million square feet to store excess equipment and supplies. Some excess food is provided to volunteer organizations such as the American Red Cross. Finally, some supplies and/or resources that are rendered inadequate for future use are disposed of in accordance with GSA regulations.

FEMA Organization and Intergovernmental Coordination

In the wake of Hurricane Katrina, there have been significant concerns raised about (1) the organizational structure of FEMA; (2) the manner in which FEMA interacted with other Federal agencies in the wake of the disaster; and (3) the inadequacy of Federal, state, and local governments to implement the emergency response plans.

Question 9. Are the responsibilities of FEMA's sub-units and its employees derived from the organizational missions?

Answer. The responsibilities of FEMA's sub-units and employees are derived from its authorizing legislation. A list of FEMA's primary authorities are as follows:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 *et seq.*)
- Homeland Security Act of 2002 (6 U.S.C. 101 *et seq.*)
- National Security Act of 1947, as amended (50 U.S.C. 404,405)
- Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 *et seq.*)

- Title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 *et seq.*)
- National Dam Safety Program Act, as amended (33 U.S.C. 467 *et seq.*)
- Public Health Security and Bioterrorism Preparedness and Response Act of 2002, as amended (42 U.S.C. 300hh–11)

Question 10. Are the roles of Federal, State, and local governments in disaster management clearly defined and well understood?

Answer. Coordination with State, local, tribal, and territorial partners has been and remains among the highest priorities for the Department of Homeland Security. The Department uses a multitude of resources to coordinate policy, programmatic, and operational decisions with State and local officials, but the Office of State and Local Government Coordination (SLGC) has served as the primary coordination point for many of these efforts.

SLGC routinely interacts directly with state and local officials involved in public safety, emergency management, intelligence, law enforcement, and other areas to ensure a constant flow of information to/from the Department's state and local stakeholders. Notably, one week before Hurricane Katrina made its second landfall, SLGC brought together the Nation's Homeland Security Advisors and Emergency Managers to speak with the Department's leadership about their priorities and needs.

The Department continues to emphasize and train to the National Incident Management System (NIMS) as implemented by the National Response Plan (NRP). In the NRP the chain of command is a seamless integration of all levels of government, from the local Incident Commander through the local Multi-Agency Coordination System (typically a county Emergency Operations Center) through the State EOC, the Federal Joint Field Office (JFO) to the Homeland Security Operations Center (HSOC) which serves the Secretary of Homeland Security exclusively.

Question 11. Does FEMA's Federal Response Plan specify resources from other Federal agencies that FEMA can draw upon and how FEMA pays costs associated with such resources?

Answer. The Federal Response Plan has been superseded by the National Response Plan. The National Response Plan (NRP), released on January 6, 2005, uses the comprehensive framework of the National Incident Management System (NIMS) to provide the structure and mechanisms to coordinate Federal support to State, local, and tribal incident managers and to exercise direct Federal authorities and responsibilities. The NRP is applicable to all Federal departments and agencies that may be requested to provide assistance or conduct operations during actual or potential Incidents of National Significance.* The NRP was signed by 32 Federal departments and agencies, as well as the American Red Cross, the Corporation for National and Community Service, and the National Voluntary Organizations Active in Disasters.

The NRP consists of 4 components:

NRP Base Plan—describes the structures and processes to integrate the efforts and resources of Federal, state, local, tribal, private sector, and non-governmental organizations. The Base Plan includes roles and responsibilities, concept of operations, incident management actions, and plan maintenance instructions.

Emergency Support Function (ESF) Annexes—detail the missions, policies, structures, and responsibilities of Federal agencies for coordinating resources and programmatic support during Incidents of National Significance. The ESFs provide a functional approach to organize the capabilities of Federal departments and agencies and the American Red Cross. Through the ESF system, FEMA can call upon any of the 32 signatories to the NRP to provide resources, equipment or expertise.

Support Annexes—provide guidance and describe functional processes to ensure efficient and effective implementation of NRP incident management objectives. Support annexes address such things as: financial management, logistics management, private sector coordination, volunteer and donations management, and worker safety and health. Federal departments and agencies supporting the NRP are activated and engaged using either a mission assignment process for events supported by Stafford Act funding, or through interagency agreements or other direct funding sources when implemented using other authorities.

Incident Annexes—address contingency or hazard situations requiring specialized application of the NRP. The Incident Annexes describe the missions, policies,

*Major disasters and emergencies as defined under the Stafford Act meet the criteria for Incident of National Significance; however, it is possible to have an Incident of National Significance that does not meet Stafford Act criteria.

responsibilities and coordination processes for incident management and emergency response operations across a spectrum of potential hazards. The Incident Annexes address the following types of incidents: Biological, Catastrophic, Cyber, Food and Agriculture, Nuclear/Radiological, Oil and HazMat, and Terrorism Incident Law Enforcement and Investigation. The Incident Annexes are not necessarily mutually exclusive events. More than one incident annex may be applied depending on the circumstances of the incident. The Incident Annexes address generic events; they are not currently tied to the 15 planning scenarios developed by the White House Homeland Security Council.

Question 11a. What procedures are in place for FEMA to process interagency offers of assistance and resources?

Answer. Federal departments and agencies supporting the NRP are activated and engaged using either a mission assignment process for events supported by Stafford Act funding, or through interagency agreements or other direct funding sources when implemented using other authorities. If the assistance/resources offered are needed, FEMA would execute a mission assignment, or other direct funding sources when implemented using other authorities, to accept the assistance/resources.

FEMA requests and obtains interagency support and assistance under the Stafford Act through the Mission Assignment process. A Mission Assignment (MA) is a work order issued by FEMA to a Federal department or agency (D/A) directing completion of a specific task, and citing funding (when applicable), other managerial controls, and guidance given in anticipation of, or response to a Presidential declaration of a major disaster or emergency.

All assistance and resource actions begin with the identification of an unmet need. The need may originate in a variety of ways, but typically the State and/or local emergency management agency, FEMA, and other responding Federal agencies are the most common sources. Once an action request has been captured, a staff member of the Operations Section within an Emergency Response Team (ERT), Regional Response Coordination Center (RRCC) staff, or Emergency Support Team (EST) at the National Response Coordination Center coordinates the request through the Operations Section. The Operations Section Chief or a designee, who assesses the request, confirms its validity, and determines which organizational element within the emergency team is best suited to fulfill the request. The Operations Section Chief also identifies the relative priority of the action, in terms of criticality (lifesaving, life-sustaining, high, medium, normal), lead time for delivery, or timeframe for completion. A request may also be returned to the originator for additional information, clarification, or execution under the originator's own authority. In cases where the fulfillment of the request is already being accomplished under another action, or is proscribed from being completed by law and/or regulation, the requests may be returned to the requestor without action. The Operations Section Chief assigns the action request to an organizational element within the emergency team for coordination and completion.

In cases where resources and assistance are offered from the interagency community, the offer would immediately be processed and reviewed to determine if it could satisfy any unmet needs or resource requirements, and if not, it would be passed on to the Emergency Support Function with responsibility for providing/overseeing the type of resource or support into which the offer would fall.

Question 11b. How does FEMA request interagency assistance?

Answer. FEMA requests and obtains interagency support and assistance under the Stafford Act through the Mission Assignment process. A Mission Assignment (MA) is a work order issued by FEMA to a Federal department or agency (D/A) directing completion of a specific task, and citing funding (when applicable), other managerial controls, and guidance given in anticipation of, or response to a Presidential declaration of a major disaster or emergency.

There are three types of Mission Assignments: Federal Operations Support, Technical Assistance for expert advice, Direct Federal Assistance for goods and services beyond the State's capability to provide.

Question 11c. Given the obvious deficiencies demonstrated post-Katrina, how will FEMA and DHS reform communications networks?

Answer. In the Fall of 2005, the Department created an emergency communications working group to ensure that when the National Response Plan is activated, communications and IT are an enabler to the mission of the Principal Federal Officer (PFO) and Federal Coordinating Officer (FCO). In addition, the working group was tasked with the mission of ensuring that there is one point of situational awareness and interface to other Federal communication support agencies for entry and tasking generation to satisfy Federal, state, and local communication requirements. The group proposed the creation of PFO/FCO communications chief that plans for

and executes the IT and communications requirements of the PFO/Joint Field Office staff. In addition, the group recommended the continued use of the existing Emergency Support Function (ESF) 2 structure as the single point of communications situation awareness, and entry and tasking generation for satisfying communications requirements. To support the effort the group has completed or in the process of completing the following:

- Conducted an inventory of communications assets in the Department
- Written a draft DHS Concept of Operations of how assets would be tasked within the Department
- The National Communications System (NCS) in its ESF-2 (communications) role has completed a draft Concept of Operations with its primary and support agencies
- NCS in its ESF-2 role is working out its relationship with Northcom's head of communications
- Preparedness is developing an exercise time line for the Department and States to test this capability. The exercise will be coordinated with ongoing FEMA activities.
- Both FEMA and NCS have identified additional people to fill the critical communication roles identified to work with regions on the Communications Plan.
- Identified the National Law Enforcement Center to act as a radio control center for DHS

In addition, the Department is seeking to test this capability through multiple exercises in the gulf region and eastern seaboard prior to next hurricane season.

FEMA Response and Recovery operates the Mobile Emergency Response System (MERS) trailers, which among other things provides emergency communication abilities in a disaster event. In a catastrophic event, such as Katrina, the region's communications infrastructure was destroyed, and while the MERS performed as designed, they were not sufficient for the catastrophe. The Federal Government, DOD, private organizations, local governments, and commercial interests have communication assets for emergency events; however, there is no standardized coordination of these assets. NPIP proposes to strengthen national preparedness by cataloging emergency communication assets, pre-coordinating their use, and developing communications plans for catastrophic event scenarios. NPIP leads, coordinates, and synchronizes Federal preparedness capabilities and assets, and in concert with other partners, addresses catastrophic scenarios that require the merging of Federal, State, and local preparedness and response capabilities for responses equal to the magnitude of a catastrophic event.

Interoperable communications equipment has been an allowable use of the homeland security grants offered by the Office of Grants and Training (G&T) since the inception of the Department. Use of these grant funds is tied to the goals and objectives identified in each state or urban area homeland security strategy. Interoperable communications was addressed in 54 of 56 current state homeland security strategies and in 48 out of 49 urban area homeland security strategies. From FY 2003 through 2005 more than \$2.1 billion in G&T funding has been applied by States toward interoperable communications solutions. As part of this process, G&T also established an interoperable communications technical assistance program (ICTAP) to ensure that these funds are maximized by the grantees. ICTAP provides expert assistance to States and urban areas for the identification of gaps in their existing communications capabilities, for developing solutions, and for sustainment of the enhanced capacities. This program was funded at \$5 million in FY 2006.

Over \$2 billion has been invested in interoperability across first responder disciplines. The Department is aware of other studies that predict the total cost of achieving total communications interoperability to be roughly \$18.3 billion. However, new equipment for jurisdictions will not alone solve the problem of communications interoperability. Spectrum, standards, incident command training, and other elements are essential when looking at interoperability solutions.

Question 12. Do FEMA and its employees have decision-making authority that matches their roles and responsibilities?

Answer. Yes. Appropriate authorities have been assigned and delegated to FEMA officials and employees so that they may perform their essential roles in responding to, recovering from, and mitigating against natural and man-made disasters.

Question 13. Does FEMA familiarize its partner organizations in disaster response with all required procedures so that response times are not unduly delayed? Are those familiarization procedures effective?

Answer. Yes. FEMA routinely meets with its national- and regional-level partners through the auspices of the Emergency Support Functions Leadership Group (ESFLG) and the Regional Interagency Steering Committees (RISCs). These meetings are designed to facilitate a collaborative planning environment that is conducive to ensuring interagency coordination and communication.

FEMA also routinely convenes multi-agency video teleconferences and conference calls involving the ESFLG, FEMA regional staff, and incident-specific command and operations centers (i.e., the National Hurricane Center, HSOC) at the Federal and State levels upon receipt of actionable warnings. At these events, basic incident-specific preparedness, response, and initial recovery actions are introduced, coordinated, and synchronized in preparation for possible response. Action and Resource Tracking and Visibility efforts are initiated to complement ongoing situational awareness efforts and incident-specific Incident Collection Plans (ICPs) and Initial Actions Checklists are distributed to in-theater liaison officers located at the State Emergency Operations Centers (SEOCs) and advance management teams such as the Hurricane Liaison Team (HILT).

FEMA's coordinating plans, procedures, protocols, and practices have been effective in enhancing and focusing Federal, State, and local situational awareness and in pre-positioning Federal assets to locations suited to providing a rapid entry into the affected area in response to local and State requirements.

Question 14. Does FEMA familiarize state and local governments with all the required procedures to apply for Federal assistance in the case of natural disasters? Are those familiarization procedures effective?

Answer. Yes, FEMA effectively familiarizes State and local governments with all the required procedures to apply for Federal assistance in the case of natural disasters. There are 10 FEMA regional offices and two area offices (Caribbean and Pacific), each region serving several states. The regional offices provide training, host workshops, and brief the states on Title IV of the Stafford Act § 401, which covers major disaster assistance programs and procedures for declarations. In addition, regulations are outlined under 44 CFR 206.36 as well as Title V of the Stafford Act § 501, which speaks to emergency declarations and implementing regulations at 44 CFR 206.35. Summits are held by the regional offices to update the states on new guidance, processes, and procedures. FEMA staff work directly with their respective states and provide assistance as necessary. Regional offices monitor potential and actual situations in their respective states, assist with requests for disaster or emergency assistance, conduct joint Federal, State and local damage assessments, and provide a host of additional services.

Question 15. Are FEMA's operating procedures routine so that they do not have to be reinvented in a post-disaster situation?

Answer. Yes. FEMA's operating procedures are standard and routine but the resources committed, and the command and control structure established, is scalable depending on the size of the disaster. A joint field office with a unified command of a Federal and state coordinating officer is routine for all disasters. An ICS structure with major components of Operations, Planning, Logistics, and Finance and Administration is resourced according to the size and complexity of the disaster. Federal agencies are routinely tasked to staff the Emergency Support Functions within the Operations Section when appropriate. For larger disasters, FEMA Regions will activate Regional Response Coordination Centers and FEMA HQ will activate the National Response Coordination Center.

FEMA and its Federal, State, local, and tribal sector partners routinely employ the same authorities and references in emergency management and disaster response. With the exception of the adoption of the NIMS and NRP, few changes have occurred in the interagency Federal planning and operational response paradigm since the introduction of the Federal Response Plan in 1993 following Hurricane Andrew.

Among the key guiding documents/plans/systems are the following:

1. April 2004, National Incident Management System
2. December 2004, National Response Plan
3. November 2005, Draft National Infrastructure Protection Plan
4. April 2005, Emergency Support Function #5 Emergency Management Standard Operating Procedures
5. April 2005, Draft Interagency Incident Management Group (IIMG) Activation and Operations
6. April 2005, National Response Coordination Center (NRCC) Standard Operating Procedures

7. April 2005, Regional Response Coordination Center/Regional Support Team Standard Operating Procedures
8. April 2005, Interagency Integrated Standard Operating Procedure Homeland Security Operations Center (HSOC)
9. April 2005, Interagency Integrated Standard Operating Procedure Joint Field Office (JFO) Activation and Operations

Secondly, all FEMA-developed concepts of operations, operations plans, and implementation plans are fully coordinated with FEMA's Federal department and agency partners at the national level through the Emergency Support Functions Leadership Group. Regional documentation is similarly coordinated at the regional, State, and if necessary, local levels through the Regional Interagency Steering Committees (RISCs).

These documents and others provide an effective structure and mechanisms for Federal responses and operational coordination efforts for incident management, response, and recovery.

FEMA Responsiveness and Utilization of Manpower

Recently, reports have surfaced concerning numerous incidents involving misallocation of resources and unused offers of assistance from Federal agencies, state and local government, and volunteers. FEMA has long relied on volunteers to provide relief services.

Question 16. In the wake of Hurricane Katrina how many volunteers were deployed? How many people submitted applications to volunteer prior to Hurricane Katrina but were not deployed after the hurricane?

Answer. Over six thousand people volunteered to work with FEMA in disaster operations in any capacity following Hurricane Katrina. The need existed for Community Relations Officers as well as Individual Assistance Officers. The Community Relations workers underwent a training program in Atlanta prior to going into the field. The Individual Assistance Officers went to Orlando, Florida. The volunteers included Citizen Corps, firefighters, and Native American tribes.

FEMA does not accept applications for volunteer deployment nor does FEMA deploy volunteers. Organizations such as the American Red Cross coordinate the services provided by volunteers during disaster response activities.

Question 17. What training do these volunteers receive to prepare them for their relief role? What screening do these persons receive during the application process?

Answer. To prepare for the arduous task of operating in the impact area, volunteers and additional hires received an initial screening that covered the requirements of applicable Federal law, including finger printing, national records checks, and being sworn in as Federal officials. As a result, they were able to receive temporary Federal identification allowing them entry into the appropriate FEMA facilities. Their training was a condensed version that included all mandatory training required by law. Human Rights, Government Ethics, payroll procedures and equipment responsibility were among the many general areas covered. In addition, they received substantial and condensed training on disaster relief procedures, Stafford Act program areas, community relations, dealing with traumatized victims, and trans-cultural communications.

Question 18. What screening process did contractors and other organizations who received Katrina contracts go through? Does FEMA have a pre-approved vendor list or contracts that it relies on to deliver initial services?

Answer.

a) FEMA uses a two step screening process before awarding a contract. First, in accordance with the criteria stated in the solicitation, FEMA evaluates offers to identify the company(ies) that offers the best value to the Federal Government. Second, FEMA contracting officers make an affirmative "responsibility" determination before the contract award to ensure that the prospective contractor has the resources, experience, etc., to successfully perform the requirement.

b) FEMA has several contracts in place for anticipated disaster requirements. However, based on lessons learned from Hurricane Katrina, FEMA is working on awarding additional, long-term contracts to improve FEMA's ability to respond more effectively to disasters.

Question 19. What method does DHS/FEMA suggest to provide supplemental first responder services in the wake of disaster? Is there a need for these services?

Answer. Generally, Federal departments and agencies supporting the National Response Plan are activated and engaged using either a mission assignment process for events supported by Stafford Act funding, or through interagency agreements or other direct funding sources when implemented using other authorities. If the as-

assistance/resources offered are needed, including first responder services, FEMA would execute a mission assignment, or other direct funding sources when implemented using other authorities, to accept the assistance/resources.

All assistance and resource actions, including first responder services, begin with the identification of an unmet need. The need may originate in a variety of ways, but typically the State and/or local emergency management agency, FEMA, and other responding Federal agencies are the most common sources. Once an action request has been captured a staff member of the Operations Section within an Emergency Response Team (ERT), Regional Response Coordination Center (RRCC) staff, or Emergency Support Team (EST) at the National Response Coordination Center coordinates the request through the Operations Section. The Operations Section Chief or a designee, who assesses the request, confirms its validity, and determines which organizational element within the emergency team is best suited to fulfill the request. The Operations Section Chief also identifies the relative priority of the action, in terms of criticality (lifesaving, life-sustaining, high, medium, normal), lead time for delivery, or timeframe for completion. A request may also be returned to the originator for additional information, clarification, or execution under the originator's own authority. In cases where the fulfillment of the request is already being accomplished under another action, or is proscribed from being completed by law and/or regulation, the requests may be returned to the requestor without action. The Operations Section Chief assigns the action request to an organizational element within the emergency team for coordination and completion.

In cases where resources and assistance are offered from the interagency community, the offer would immediately be processed and reviewed to determine if it could satisfy any unmet needs or resource requirements, and if not, it would be passed on to the Emergency Support Function with responsibility for providing/overseeing the type of resource or support into which the offer would fall.

FEMA requests and obtains interagency support and assistance under the Stafford Act through the Mission Assignment process. A Mission Assignment (MA) is a work order issued by FEMA to a Federal department or agency (D/A) directing completion of a specific task, and citing funding, other managerial controls, and guidance given in anticipation of, or response to a Presidential declaration of a major disaster or emergency.

Furthermore, every state in CONUS is a member of the Emergency Management Assistance Compact (EMAC), which provides robust support to member states during emergencies and disasters. EMAC resources can be supplemented with Federal resources through the mission assignment process.

In light of the events surrounding Hurricane Katrina, which stressed response and recovery resources at every level of government, DHS/FEMA is reviewing disaster response policy to determine how the Agency can best respond to disasters of all proportions, with a particular emphasis on how best to respond during the initial phases of response, when lifesaving and life-sustaining efforts are of the highest priority.

Additionally, Citizen Corps, as part of the Office of Community Preparedness, focuses on engaging the public in organized grass roots efforts to prepare themselves and their communities and to support the work of emergency personnel; creating a culture shift in how government leaders, emergency responders, and the public view the role of the "citizen" in preparedness; and providing an integrated approach and a national voice to promote community preparedness. The key Citizen Corps programs are Community Emergency Response Teams (CERT), Fire Corps, Medical Reserve Corps, Neighborhood Watch, and Volunteers in Police Service. DHS also partners with 25 national non-profit groups and more than 70 associations to promote community preparedness.

From FY 2002 through FY 2006, DHS has distributed approximately 108 million dollars for Citizen Corps activities. These activities include establishing and enhancing Citizen Corps Councils; establishing and enhancing citizen volunteer initiatives (Fire Corps, CERT, Medical Reserve Corps, Neighborhood Watch, etc.); and establishing and enhancing citizen awareness of emergency preparedness, prevention, and response measures. The Councils' added value is that it brings to the first responder table the "voices" of the many non governmental organizations (volunteer, non-profit, faith-based, private sector) that are the backbone of any successful community level preparedness and response effort. State, local and tribal Citizen Corps Councils are formed and work with the State Homeland Security Office and the State Emergency Management Office to bring together the first responder and the non-first responder community to address the citizen preparedness needs of the community. Citizen Corps has 56 state/territory councils and 1,925 county/local/tribal councils. These councils serve 203,856,618 people, which is 71 percent of the total U.S. population.

During Hurricane Katrina, 14,000 Citizen Corps volunteers from all 50 states and the District of Columbia supported the relief efforts. The prior training and involvement in the Citizen Corps programs made them immediately prepared to step in and help the emergency responders. The most successful of these efforts was the Houston Astrodome where the Citizen Corps program and Council lead the way for managing the 60,000 volunteers who supported the response effort.

Flood Insurance Program

Since Hurricane Katrina, Congress has had to significantly increase the statutory borrowing authority for the National Flood Insurance Program (NFIP) from a pre-Katrina authority of \$1.5 billion to a current Congressional proposal of \$21.2 billion. Congress has been advised that there is little hope that the NFIP will ever be able to repay the taxpayers for this borrowing. Obviously, this program is not actuarially sound as it has required significant and repeated bailouts by the taxpayers.

FEMA has advised my staff that, between 1978 and 2004, 14 states' NFIP claims have significantly exceeded the total premiums paid by property owners in those states. In 36 states, however, the amount paid to settle claims is significantly less than the total premiums paid. For example, property owners in my home state of Nevada have received \$25.8 million to settle claims compared to their total NFIP premiums of \$65.5 million. This would suggest that my constituents are, in part, subsidizing the risk for repetitive-loss properties, such as those located in Missouri where claims paid total \$418.6 million compared to premiums of only \$141.5 million. This would also suggest that certain regions of the country, such as the Gulf Coast Region, are heavily subsidized relative to risk of loss. For example, property owners in Texas have received \$2.7 billion in claims while only paying in \$1.8 billion in premiums.

Question 20. What reforms does the Department of Homeland Security (DHS) believe are necessary to make the NFIP actuarially sound so as to appropriately shift the risk loss away from the taxpayers to owners of high-risk properties without further shifting risk loss to owners of lower risk properties?

Answer. The Department is currently assessing the financial structures and policies of the NFIP, including whether any modifications to existing authority may be required. We look forward to working with Congress on any legislative changes which may be needed.

Question 21. Will DHS propose ending the current practice of grandfathering properties built before enactment of the NFIP? If so, what specific proposals does DHS have to end this practice?

Answer. DHS does not have any plans at this time to end the practice of grandfathering properties built before the enactment of the NFIP.

Accounting of Disaster Relief Dollars

Significant dollars have been spent on rescue, recovery, and relief efforts in the Gulf Region. The Government Accountability Office has detailed a series of accounting flaws, waste, fraud, and mismanagement of \$85 billion in Katrina-related spending. FEMA has admitted mistakes but that there is little recourse to recoup payments.

Question 22. What factors in the FEMA organization contributed to the poor oversight of this money? Were the financial accounting measures in place adequate or were they not properly executed? What obstacles must FEMA overcome to install appropriate oversight measures?

Answer. The Department of Homeland Security has repeatedly observed and stated that Federal, state, and local response capabilities were overwhelmed by the size and scope of Hurricane Katrina. This event is, by far, the most monumental natural catastrophe the U.S. has ever faced with obligations-to-date of over \$23 billion by FEMA alone. And, while FEMA's financial accounting controls were severely strained during the hurricane, the accounting system does meet the core system requirements.

In general for disasters, FEMA's critical focus is always centered upon getting the relief assistance to the disaster victims as soon as possible. During the Katrina disaster, with its devastating magnitude and effects on lives and property, some oversight and internal controls suffered in light of this focus and were also overcome by the magnitude of events.

Notwithstanding, during an active disaster, FEMA's personnel continue to focus on the relief effort and rely on addressing lessons learned and control issues afterwards. To this end, FEMA, along with DHS, has contracted with PricewaterhouseCoopers, LLP to study financial oversight and internal controls, determine gaps in propriety and/or adequacy, and present comprehensive rec-

ommendations for practical solutions to audit findings, after-action reports, and any other risk conditions they may find.

Question 23. Please provide a detailed accounting of all appropriated funds for efforts in the Gulf Region, including all reprogrammed funds, and a summary for every contract with a cost of over \$10 million.

Answer. The Department of Homeland Security (DHS) provides a weekly status report on the Disaster Relief Fund. This report provides a detailed accounting of the DRF for the Gulf Region. This report can be found in the following website http://appropriations.house.gov/_files/HurricaneKatrinaLink.htm.

Also attached is a list of all contracts awarded by FEMA as of March 15, 2005 that exceed \$10 million.

This list is updated weekly and is also available on the DHS website at www.dhs.gov/dhspublic/interapp/editorial/editorial_0729.xml.

Question 24. It is reported that FEMA purchased nearly 25,000 manufactured homes at a cost of \$857 million, and around 1,300 modular homes at a cost of \$40 million. Almost 11,000 of those manufactured homes are unused and sitting in Arkansas. To the extent that these 11,000 homes are going unused, what will be done with them? What will be done with respect to any other surplus property?

Answer. It is FEMA's intent to use the existing inventory of manufactured homes to the extent possible to meet disaster-related housing needs and we are actively working that end. Among the efforts to utilize the 11,000 manufactured homes in Arkansas are:

- Mobile home group sites are being developed in the Katrina impact area, including over 1,600 units worth in the Lake Charles, LA, area alone;
- Mobile home commercial park available sites are being utilized wherever possible in the parishes facing the greatest housing needs;
- When requests for housing assets are received, applicants are informed that if their site can accommodate a mobile home that is what they will be provided; and
- In some restricted areas, we are allowing the use of mobile homes on private sites as long as appropriate protective actions are taken including concrete piers and site elevation actions.

FEMA is also utilizing these assets to meet the transitional housing needs of the victims of other disasters that have occurred subsequent to Katrina. While we do not necessarily expect these units to end up as surplus property, should they do so they would be disposed of under the appropriate Federal property disposal programs of the GSA.

Question 25. Additionally, the contracts FEMA entered into (such as with the cruise line) do not appear to have been a wise use of taxpayer dollars. What oversight measures were in place to ensure that the appropriate amount of short-term housing was available? What measures were in place to ensure that housing options were cost effective?

Answer. FEMA traditionally approaches temporary housing with direct housing resources as the last resort. Our first option is to repair the damaged home of the victims. This has been done to a large degree through the tarping program that allows the residents to live in their homes as repairs are accomplished. But the repair option also is a reason why homeowners have chosen to use travel trailers on their property while repairing their homes. The second option is rental properties in the disaster area. In the case of Katrina, this option was very depleted. So much rental stock was lost that little remained available for the renters who had lost their apartments. The third option is then direct (e.g., manufactured) housing. We have used a significant number of travel trailers and a much smaller number of mobile homes to meet this need.

Contrary to press reports, the cruise ships were an appropriate use of taxpayer dollars. Most of these ships were used in the New Orleans area where there were no available housing assets so there were no viable alternative short-term housing options. Using the ships, not only victims but emergency and safety workers and others assisting in the recovery of the damaged area could stay in the vicinity immediately while we worked to increase housing resources in the area. Given the wide swath of the storm commuting distances were enormous and still housing opportunities were limited. In fact, during the early weeks following the disaster, even congregate shelters were overwhelmed and we needed alternative resources to house families and individuals. Through the use of the ships we were able to both provide better sheltering and also have the time to bring in manufactured housing, restore utilities, and provide suitable housing alternatives for the affected residents of the

area. As to the question of their cost-effectiveness, these ships were used primarily to house disaster victims who were also necessary to the restoration of public safety and economic activity in the area, and the per berth cost of their housing in the ships was less than the Federal per diem rate for the New Orleans area. Even if the cost had not been competitive, the lack of housing alternatives would have made use of the ships appropriate in order to support the efforts to restore the functioning of public and private institutions in the impact area.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
VICE ADMIRAL THAD W. ALLEN

Implementing Non-Security Missions

Question 1. According to a 2004 Government Accountability Office (GAO) report, resource hours spent by Coast Guard vessels and aircraft for non-security missions in 2001 to 2003 were down from pre-September 11 levels as follows: Foreign fishing incursions down 16 percent, search and rescue down 22 percent, living marine resources enforcement down 32 percent, and interdiction of illegal drugs down 44 percent. In contrast, the report found that port security resource hours had increased by 1,200 percent since September 11.

The FY 2007 budget request would allocate 54 percent of the Coast Guard's operating budget to security missions, significantly increasing the focus on security and away from other missions. Prior to the events of September 11, 2001, the Coast Guard invested only 2 percent of its operating budget into security activities. In FY 2004, this grew to 47 percent and in FY 2005, 48 percent. The Coast Guard's FY 2007 budget request moves two of its missions defined by the Homeland Security Act of 2002 as "security" missions (law enforcement and drug interdiction) into the non-security column, which has the effect of raising (on paper) the percent of funding going to non-security missions.

As you know, we ask a tremendous amount from the Coast Guard, and have given it major new responsibilities in the area of maritime security. However, no one wants this new responsibility to come at the expense of other core Coast Guard missions, including search and rescue, marine safety, and enforcement of our fisheries and environmental laws. I am concerned that the Coast Guard continues to move away from these core missions. This is apparent in the FY 2007 budget request and even in your written statement here today, which focuses heavily on the Coast Guard's Homeland Security mission. What will you do to make sure that the Coast Guard is adequately funding and fulfilling all of its missions, including its non-security missions?

Answer. First and foremost, the Coast Guard will focus on performance outcomes for all its assigned missions. Of more interest to me than the number of resource hours we're expending toward a mission is whether we're accomplishing our stated performance goals. For example, our Search and Rescue (SAR) hours and associated budgeted costs have shown a declining trend in recent years. This is good news, not bad news. It means the Coast Guard is spending less time conducting SAR cases as a result of a number of factors (e.g., less people are in distress, improved planning and asset capabilities are reducing search times).

Coast Guard operational assets and systems are critical across all Coast Guard missions; their readiness and capability is a key foundation of maritime safety and security. For example, a Coast Guard cutter on patrol in the Caribbean or Eastern Pacific transit zone may in a single week make a maritime drug seizure, intercept undocumented migrants at sea, and respond to a vessel in distress. Performance outcomes will continue to be our primary yardstick for measuring the effectiveness of Coast Guard operations as well as the adequacy of resources.

Question 2. The FY 2007 budget proposes only an \$8 million increase to curtail foreign fisheries violations. We have heard concerns that the Coast Guard has been failing to detect or interdict illegal incursions of foreign fishing vessels within the Western/Central Pacific area of the U.S. Exclusive Economic Zone. What are your thoughts on how the Coast Guard can improve its performance in this area?

Answer. The Coast Guard's Integrated Deepwater System (IDS) project, augmented by the initiatives outlined in the Coast Guard's Fisheries Strategic Plan, *Ocean Guardian*, call for increased capability and a more robust intelligence analysis of the Western Central Pacific (WCP) area to deter foreign fishing vessel incursions into our EEZ.

The IDS will provide a flexible and agile system of cutters, aircraft and command and control systems to increase enforcement presence, while intelligence analysis will focus enforcement efforts. The Coast Guard also continues working with the national intelligence community to obtain data and analysis of the WCP area. Further-

more, the Coast Guard will foster bilateral and multilateral international relationships critical to effective enforcement of the WCP. This is best accomplished through the Western Central Pacific Fisheries Commission, the regulatory body managing the highly migratory species in the WCP; and the North Pacific Heads of Coast Guard Agency, whose many missions include coordinating enforcement efforts aimed at the conservation of living marine resources in the Pacific Ocean.

Further information can be found in the Coast Guard's Report on Fisheries Enforcement in the Western Central Pacific Ocean and on the U.S.-Russian Maritime Boundary Line, submitted to Congress on February 9, 2006.

Deepwater Program

Question 3. The Deepwater program is a \$24 billion, 25-year acquisition program to replace or modernize 93 Coast Guard ships and 207 Coast Guard aircraft. This is the largest and most complex acquisition effort in Coast Guard history.

The FY 2006 Department of Homeland Security (DHS) Appropriations Act provided \$933.1 million for the Deepwater program. This was reduced to \$923.8 million in post-enactment adjustments, and then increased to \$943.6 million by moving funding for Airborne Use of Force (AUF) and covert surveillance into the Deepwater program. The President's FY 2007 budget request includes an essentially flat budget request of \$934.4 million for the Deepwater program.

The Government Accountability Office (GAO) has provided reports and testimony to this Committee on the need to improve Coast Guard oversight of this complex acquisition.

One major challenge you will face as Commandant is the continued management of the Deepwater program. The first five-year contract for this acquisition is coming to an end, costs have run higher than expected, and the Government Accountability Office has recommended that the Coast Guard improve its management of the program. I was pleased to learn that you have been directly involved with oversight of major procurement decisions within the Department of Homeland Security as the Chairman of the Joint Requirements Council. Are there additional steps that need to be taken to improve the Deepwater program to assure its success?

Answer. There are three steps that I will take to improve the Deepwater program to assure its success.

The first step is to achieve stability and focus on execution rather than change management. The original Deepwater proposal was developed prior to the catastrophic events of September 11, 2001. When the contract was signed in June of 2002, the Coast Guard knew that the system to be delivered by that contract was insufficient to meet our post-9/11 maritime homeland security mission requirements.

In the first five years of the Deepwater contract, its flexibility has been repeatedly challenged as the Coast Guard endeavored to revise the Deepwater system to meet new requirements. The Coast Guard engaged in a performance gap analysis and proposed an increase in the functional capabilities of the Deepwater assets to ensure that post-9/11 mission requirements would be achieved by a revised Deepwater system. In the summer of 2005 this resulted in the acceptance and funding of a revised Deepwater implementation plan, the details of which are still being negotiated for delivery by our contractor, Integrated Coast Guard System (ICGS). This change was necessary but has been demanding and slowed the design and delivery of assets. I plan to stabilize requirements and focus on ruthless execution of those new post-9/11 requirements. It was necessary to change Deepwater so that it buys the tools the Coast Guard needs to meet its new mission requirements. Now we have to set about acquiring that revised system so the tools get into Coasties' hands as quickly as possible.

The second step is to discipline the Coast Guard to ensure that the Deepwater acquisition remains within its cost, schedule, and performance baselines. The revised Deepwater plan will complete the recapitalization of the Coast Guard with a post-9/11 system-of-systems in 25 years for an acquisition cost of \$24 billion. Part of baseline discipline will be achieved by requirements stability. But it will also be achieved by cost control and persistent oversight of ICGS and its subcontractors. The Deepwater contract is at a turning point as it faces its impending next award term. The Coast Guard will negotiate favorable terms and conditions that allow for:

- A greater focus on cost control by using:
 - More appropriate contract type selections.
 - Performance incentives within each order.
 - Using award fee to support the award term criteria.
- A more realistic pricing philosophy understanding the flexibility required due to appropriation fluctuations.

- A greater focus on requirements stability so that baselines are more easily established and can be better monitored.
- Greater ICGS accountability by ensuring the government members of the Integrated Product Teams (IPTs) exercise their customer oversight and feedback roles. This will ensure that the Contractor maintains responsibility for decisions it makes.

Finally, I will oversee the introduction of new Deepwater assets into the Coast Guard. This third step is to ensure that the people of the Coast Guard welcome these new assets into their tool bag, are trained to use these new tools, and are supported assuring their peak operational performance in the future.

Delay in Rescue 21 Launch

Question 4. The Coast Guard is modernizing its outdated national distress communications systems. The new system, called Rescue 21, will be the Nation's primary maritime emergency system and will greatly improve the Coast Guard's ability to detect mayday calls from boaters, pinpoint the location of the source of the call, and coordinate rescue operations along the 95,000 mile U.S. coastline and interior waterways.

The Rescue 21 project, launched in 2002 with General Dynamics as the prime contractor, is behind schedule. Two prototype versions of the search and rescue system were launched in December 2005, in Atlantic City, New Jersey, and on the Eastern Shore of Virginia. Full nationwide system rollout to 44 additional regions, originally slated for 2006, is now slated for completion in 2011.

I am concerned that the completion dates for the rollout of the Rescue 21 emergency communications system are slipping. Full rollout was originally scheduled for 2006 and is now projected for 2011.

What will be done to ensure that project completion stays on the current schedule?

Answer. The Coast Guard has worked extensively with the contractor to establish a credible and realistic Rescue 21 project schedule, considering time lines for compliance with the National Environmental Policy Act, the significant number of outstanding real property acquisitions and new tower construction required, and the contractor's production capabilities. Several management and oversight actions have been initiated to ensure project completion stays on schedule, to include:

- Establishing a Coast Guard Project Resident Office co-located at the contractor's manufacturing facility to increase government oversight, awareness, and involvement.
- Initiating use of the Defense Contract Management Agency and Defense Contract Audit Agency to assist in validating the contractor's technical proposals and cost reasonableness.
- Scheduling a Program level Integrated Baseline Review (IBR) in 2006 to verify the contractor's proposed cost, schedule, and performance efforts in the first 15 Full Rate Production regions. Subsequent IBRs will be conducted thereafter for the remaining regions.
- Initiating monthly Integrated Project Schedule reviews between Coast Guard and the contractor.
- Conducting quarterly Coast Guard Flag-level/General Dynamics Vice President-level program reviews to resolve outstanding issues and increase senior level oversight.
- Conducting monthly Risk Management and Earned Value Management (EVM) cost performance reviews to increase program management oversight for improved risk mitigation and taking actions based on the EVM data.
- Incrementally re-pricing expired Contract Line Items for Full Rate Production regions. Leveraging actual cost data and instilling program level lessons learned during the Initial Operating Capability regions, resulting in more reasonable cost targets for future work.

The Coast Guard remains committed to a 2011 program completion date. It should be noted that the significant technical challenges of initial system design have been met and the program is in Full Rate Production (FRP). All remaining regional installation work is expected to be more standardized and the contractor is starting to realize production efficiencies and leveraging installation experience and institutionalizing lessons learned from each regional deployment. No further technical schedule delays are envisioned.

Question 5. The budget for the Rescue 21 emergency communications system has significantly decreased over the past year. The FY 2006 Department of Homeland

Security Appropriations Act funded the program at \$41 million instead of the President's FY 2006 requested level of \$101 million, apparently because there was not a clear communication that the Coast Guard had obligated most of its prior year balances. The budget request for FY 2007 is flat, at \$39.6 million. Could these funding levels ultimately lead to an increase in total costs for the program, and possibly to further delays?

Answer. Rescue 21's unobligated balance at the close of FY 2005 was \$16.1 million. The final Full Operational Capability (FOC) date is still projected in 2011. To meet immediate funding needs in light of FY 2006 enacted funding below the President's \$101 million Budget Request and FY 2007 Budget Request of \$39.6 million, the Coast Guard will de-obligate and then re-obligate Rescue 21 long lead time material funds obligated in FY 2005 for the final 25 regions. By doing so, the Coast Guard intends to execute an \$80 million implementation plan in FY 2007 to ensure that project completion remains fixed at 2011. The reappropriated long lead time material funding in 2007 is critical to enable the contractor to adhere to a planned regional system design, infrastructure preparation, and system installation schedule to achieve the 2011 project completion.

Therefore, the 2006 and 2007 funding levels, in and of themselves, do not lead to either a cost and/or schedule increase. Rather, the first 14 Full Rate Production (FRP) regions are funded predominantly with prior year appropriations, including the re-obligations mentioned above. Eight of those regions are scheduled to achieve FOC (full operating capability) in 2007 and the other 6 in 2008.

Question 6. What will you do to make sure there is adequate funding to complete this critical program?

Answer. To remain steadfast to the 2011 project completion given the Fiscal Year (FY) 2006 and 2007 funding levels, the Coast Guard plans to redirect a portion of \$76 million obligated in FY 2005 to procure long lead time materials for the final 25 regional installations. The reappropriated funding will ensure that project remains within current approved cost and schedule baselines. The Rescue 21 program planning is in concert with the Coast Guard FY 2007–2011 Capital Investment Plan (CIP) profile.

Adequate funding is critical to the success of the program; thus, the Coast Guard has implemented the following measures to monitor performance and ensure costs remain within budget.

- Reapportion long-lead time material funding obligations from the final 25 Full Rate Production (FRP) regions to the first 15 FRP regions. This way 8 achieve FOC (full operating capability) in 2007 and 6 achieve FOC in 2008.
- Validate the contractor's technical proposals and cost reasonableness.
- Establish a milestone for program level Integrated Baseline Review to verify the contractor's proposed cost, schedule, and performance efforts.
- Initiate monthly Integrated Project Schedule reviews between the Coast Guard and the contractor.
- Conduct quarterly reviews and monthly Risk Management and Earned Value Management cost performance reviews to increase program management oversight and take corrective actions, as necessary.
- Re-price expired Contract Line Items for Full Rate Production regions.

Port Security

Question 7. At a recent hearing before this Committee, the International Longshore and Warehouse Union (ILWU) testified that the U.S. Coast Guard is limited in its "landside" enforcement capabilities with respect to Maritime Transportation Security Act (MTSA) facility security plans. This is of grave concern for dockworkers who live near the ports and who would be in the immediate impact zone if a weapon of mass destruction were detonated at a port. What is your perspective on this issue?

Answer. Coast Guard Captains of the Port (COTP) have considerable landside enforcement authorities and a wide range of robust enforcement tools they can utilize if a facility security compliance inspection identifies areas where the facility owner/operator is not maintaining the standard established in the Coast Guard approved Facility Security Plan (FSP). These enforcement tools can range from a letter of warning to a COTP Order to stop all operations at the facility pending resolution of the noncompliance. The purpose of any enforcement action is to bring the facility into compliance and the Coast Guard believes it has ample enforcement authority to address the security areas for which it is responsible.

Additionally, following 9/11, the Coast Guard regained authorities to enforce laws on land, which it historically had but had waned following World War II. 46 U.S.C.

Section 70118 (from the Maritime Transportation Amendments of 2004) authorizes members of the Coast Guard to carry firearms, and, while at a waterfront facility, make warrantless arrests for felony offenses that occur in their presence, and seize property. This allows the Coast Guard to have a stronger, “cop on the beat” presence in the ports on a day-to-day basis.

Question 8. Do you agree that currently the U.S. Coast Guard is not sufficiently staffed to conduct landside enforcement of the MTSA regulations?

Answer. The Fiscal Year 2005 Department of Homeland Security (DHS) Budget provided the Coast Guard with 791 billets on a recurring basis to address the needs of MTSA. These billets are being used for continued verification of domestic and facility security requirements, a robust Port State Control program to ensure compliance with international security requirements, continuous updates and improvements to the National and Area Maritime Security plans, and the assessment of domestic and foreign ports for compliance.

The Coast Guard continues to be proactive in training new personnel to perform facility security inspections; we are confident that our current force is capable of adequately executing the landside mission of facility security oversight in those areas designated under Coast Guard authorities.

Question 9. The International Longshore and Warehouse Union (ILWU) testified before the Committee that port facility operators have repeatedly refused to implement several critical Maritime Transportation Security Act (MTSA) regulations, such as personnel, vehicle, and cargo access control; placarding and segregating of dangerous cargo and hazardous materials; and security training for port workers to ensure proper response to a security incident.

Labor has raised the concern that while the U.S. Coast Guard security regulations require port workers to be trained and knowledgeable about the basic requirements of port facility security plans to ensure that they know the proper response and evacuation procedures in the event of a security incident, the port facility operators currently refuse to share such security plans with dockworkers claiming “confidentiality” as the grounds for refusal. What is your opinion of this practice?

Answer. We greatly appreciate the dedication to security that has been evidenced by the ILWU as part of our Nation’s effort to protect our vital maritime infrastructure. The nature of the ordering system for unionized waterfront labor offers the advantage of providing a great opportunity for labor to view the larger picture of security in a port, since the union members accept labor orders at different marine terminals, oftentimes on a daily basis. Unfortunately, this makes sharing of Facility Security Plans which are Sensitive Security Information (SSI), for individual terminals problematic. SSI is shared strictly on a “need to know” basis and this information is only to be shared with employees or others who have specific security duties under the plan. If, on the other hand, the plans were available to all employees, a terrorist posing as an employee could move from terminal to terminal and quickly establish the security posture of the entire port and identify the area most vulnerable to attack.

The greatest contribution that unionized labor member can make to maritime security is as the eyes and ears of the terminal where they are working. They do not act in the role of responders to incidents but do have an awareness of what is normal and what is out of the ordinary. If they report anything suspicious to their supervisor, they have a contribution to overall security. Otherwise, they should be aware of the current Maritime Security level at the terminal where they are working and any security instructions from the terminal operator for whom they are working on any given day. They can receive this through signage on the terminal, or during gangway meetings prior to the start of operations.

Question 10. How do you recommend that dockworkers gain access to the response and evacuation provisions of the terminal facility security plans if the facility owners refuse to disclose any aspect of the security plans to them?

Answer. Dockworkers serve an important role in the security of our ports, but that does not necessarily include the role of responder in the event of a Transportation Security Incident (TSI). Nor do they tend to have any other specific security duties at a marine terminal. However, any instruction they may need relative to the security measures in the Coast Guard approved plans (including facility evacuation procedures) can be accomplished through signage, pamphlets, or gangway meetings prior to the start of operations. Otherwise, the Sensitive Security Information (SSI) designation of the FSPs would prohibit the terminal operators from sharing that information with anyone who did not have a demonstrable “need to know” and a defined role in the execution of the FSP.

Question 11. How can the U.S. Coast Guard ensure that the dockworkers get this critical information needed for their safety and security?

Answer. If dockworkers feel they are not getting the security information they need from a terminal operator, the ILWU leadership should contact the local Captain of the Port (COTP). The COTP can engage the terminal operator, and make sure that appropriate information needed by labor is being shared correctly. We also strongly recommend that the leadership of the waterfront labor unions become involved in their local Area Maritime Security Committees to stay informed of and provide input on security issues in the local ports.

Competition for GMDSS Services

Question 12. The Global Mobile Distress Safety System, known as GMDSS, has proven critical to the safety of life at sea and the protection of seafaring vessels. What steps has the Coast Guard taken to ensure that there is redundancy and diversity in the provision of GMDSS services? Realistically speaking, when do you expect that other providers will be able to provide GMDSS services?

Answer. The GMDSS was designed with redundancy and diversity from the beginning. For example, in addition to [INMARSAT] satellite communications services, the GMDSS includes satellite emergency position-indicating radio beacons (EPIRB) operating capability through the international COSPAS-SARSAT system, managed in the U.S. by the National Oceanographic and Atmospheric Administration (NOAA). In the U.S., 150 mariners were rescued in 54 incidents in 2005 through this one GMDSS element alone. The Coast Guard also operates high frequency and medium frequency distress and safety radio communications systems under the GMDSS, providing another level of diversity to mariners. The Rescue 21 system is a further diverse element of the GMDSS providing both Digital Selective Calling (DSC) Channel 70 and VHF Channel 16 for distress and rescue coordination.

INMARSAT was originally established as an international organization to provide mobile satellite telecommunication safety services to mariners. As a result, INMARSAT possesses a competitive edge over other mobile satellite systems designed to provide primarily land-based services. The Coast Guard is committed to continue working with the U.S. mobile satellite industry to help them gain recognition in the GMDSS, and we expect to succeed in establishing a reasonable process within the next couple of years for those mobile satellite providers who are serious about pursuing such a service for the long term.

Question 13. The draft regulations developed by COMSAR at their most recent meeting at the International Maritime Organization still include insurmountable barriers to entry for other providers. These are to be considered at the next meeting of the Marine Safety Committee. What steps is the Coast Guard taking to assure that the final procedures adopted by IMO reduce these barriers, and provide for real competition among providers?

Answer. At the recent COMSAR 10 subcommittee meeting, the U.S. took a formal reservation to the proposed draft revision of Resolution A.888(21), stating "that it did not believe that such a procedure [expeditious incorporation of additional mobile-satellite providers into the Global Maritime Duties and Safety System (GMDSS)] had yet been established and was concerned that the path being followed would be counterproductive to the shared goal. Specifically: ". . . it established a process for oversight and approval that would discourage new systems from offering to provide GMDSS by imposing restrictive conditions on entry." This reservation allows the matter to be reconsidered at the Maritime Safety Committee (See COMSAR 10/WP.6)

Except for the Russian Federation, other administrations did not accept our argument, believing that these barriers are not so onerous.

We sought out and encouraged U.S. mobile satellite providers to participate in the U.S. delegation to the last several sessions of COMSAR on this topic. Until COMSAR 9, U.S. providers had little interest in this matter. We also had extensive discussions with mobile satellite providers and with the International Mobile Satellite Organization (IMSO), who under this agreement has the responsibility of bringing other providers into the GMDSS. U.S. Head of Delegation (HOD) met with IMSO leadership to encourage IMSO and the satellite providers to work together to reduce these barriers.

It is in IMSO's interest to bring other providers into the GMDSS. If they fail, the matter will be reconsidered at IMO. It's not in anyone's interest that other mobile satellite providers not participate in the GMDSS. If the barriers are proven burdensome, we expect support in bringing the matter back to IMO.

On a more positive note, COMSAR agreed to allow mobile satellite providers to participate in Long Range Identification and Tracking in a matter not at all burdensome to their participation.

Question 14. Are there any new services that are being developed by the private sector that will improve ship safety and security, and if so, what is the Coast Guard doing to expedite their implementation?

Answer. The Coast Guard continues to evaluate new technology and products developed by the maritime industry to improve safety and security onboard vessels as part of normal Coast Guard plan review processes. Proposed regulations requiring these new advancements are closely scrutinized and balance the impact against the existing regulations.

The Coast Guard recognizes the expertise of the maritime industry and provides some flexibility when creating regulations where possible. The existing maritime safety regulations, while prescriptive in nature, permit the use of new technology and novel equipment as long as the regulatory intent is met. Similarly, maritime security regulations promote innovation through outcome-based requirements.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN F. KERRY TO
VICE ADMIRAL THAD W. ALLEN

Loran-C

Question 1. The Coast Guard's FY 2007 budget proposal calls for the elimination of the Loran-C navigation system. As you know, Loran is used by general aviators, recreational boaters, commercial fisherman and the military as a backup to the Global Positioning System (GPS). It is, in fact, the only multi-modal backup to GPS. The Coast Guard's proposal is troubling given that Congress has appropriated more than \$160 million since 1997 to modernize the Loran system and the Department of Transportation is currently formulating a new policy on the long-term continuation of the Loran system. It is unclear that the Coast Guard coordinated this request with other Federal agencies or that it thought through the national security implications of eliminating Loran or its impact on civilian users.

Can you explain how the Coast Guard's proposal was coordinated with the Department of Transportation, the Federal Aviation Administration, the Department of Defense, and any other affected agencies?

Answer. The 2005 Federal Radionavigation Plan, the official source of radionavigation policy and planning for the Federal Government, was jointly prepared by the Departments of Defense, Transportation and Homeland Security. This document was signed by Secretaries Rumsfeld, Mineta and Chertoff, and was published on February 10, 2006. The 2005 Federal Radionavigation Plan states:

"The Department of Defense has determined that Loran is no longer needed as a positioning, navigation or timing aid for military users."

"With respect to aviation, the Federal Aviation Administration has determined that sufficient alternative navigational aids exist in the event of a loss of the Global Positioning System based services, and therefore Loran is not needed as a backup navigation aid for aviation users."

"With respect to maritime safety, the Coast Guard has determined that sufficient back-ups are in place to support safe maritime navigation in the event of a loss of the Global Positioning System services, and therefore Loran is not needed as a back-up navigational aid for maritime safety."

Having found no government requirement for Loran for positioning and navigation, a study of critical infrastructure timing applications was conducted by the Department of Homeland Security. This study concluded Loran was not used as a backup or a tertiary system for timing in banking and finance, emergency services, energy, telecommunications and water critical infrastructure sectors.

Question 2. Did the Coast Guard solicit comments from civilian organizations such as the National Boating Federation and BOAT-US?

Answer. A 2005 Maritime Administration study found limited use of Loran in the commercial maritime community. Other non-governmental organizations were not cited as having been surveyed.

Question 3. Do you agree with the Coast Guard's decision to terminate Loran-C?

Answer. Yes, the Coast Guard has carefully considered the value of Loran as a primary source of positioning, navigation and timing, or as a back-up to the Global Positioning System. The Departments of Defense, Homeland Security, Commerce, and Transportation have stated they do no longer have a requirement for Loran. The Federal Aviation Administration considers Loran a tertiary system. The Federal Railway Administration and Federal Highway Administration have stated they have no need for Loran. A 2005 Maritime Administration study found limited use of Loran in the commercial maritime community. The Coast Guard believes there are sufficient maritime back-ups and procedures in place for marine users (commercial

and private) in the event of a loss of the Global Positioning System and, thus, has no requirement for Loran.

Having found no government requirement for Loran for positioning and navigation, a study of critical infrastructure timing applications was conducted by the Department of Homeland Security. This study concluded Loran was not used as a back-up or a tertiary system in banking and finance, emergency services, energy, telecommunications and water critical infrastructure sectors. Having determined there is no national requirement for Loran, I concur with the Coast Guard's proposal to decommission the system.

Question 4. Has an analysis been conducted to determine how much it will cost to decommission, dismantle and clean up the Loran sites and stations to bring them into compliance with the National Environmental Policy Act?

Answer. The Coast Guard is in the process of estimating the cost to decommission, dismantle and clean up the Loran sites and stations to bring them into compliance with the National Environmental Policy Act (NEPA). The analysis is not yet complete.

Question 5. If so, can you summarize the results of the analysis and provide a copy to the Commerce Committee?

Answer. The Coast Guard National Environmental Policy Act compliance process is not yet complete; the analysis is ongoing.

Question 6. Has the Coast Guard decided where it will transfer personnel working at the various Loran stations? Will any employees lose their jobs?

Answer. Uniformed personnel will be reassigned to fill vacancies within the Coast Guard. Civilian employees will be managed through Federal job placement programs and retirements.

Question 7. Can you tell me, in detail, where personnel would be transferred and, if any employees lose their jobs, can you provide information detailing how many cuts will be made and which states/localities will be affected?

Answer. Military personnel will be transferred to vacancies based on the needs of the service which are identified each assignment year. Eighteen civilian positions will be eliminated. The number and locations of these positions are listed below. Employees in these positions will be managed through Federal job placement programs and retirements.

No. of Civilian Positions by State

- 2—Alaska
- 2—District of Columbia
- 1—Florida
- 2—Maryland
- 1—Maine
- 3—Virginia
- 7—New Jersey

Safety

Question 8. The Coast Guard's Office of Safety and Compliance has begun work on a web-based risk management system that would link various occupational health and safety databases and allow Coast Guard personnel to better determine how to allocate resources to help reduce accidents and injuries.

Do you support this project and will you commit to seeing that it is adequately funded and completed?

Answer. I commend the Coast Guard's Office of Safety and Environmental Health for its pursuit of risk management initiatives and understand the value of the metrics derived from a well designed, highly integrated, web-based safety risk management system. I strongly support our health and safety professionals in their efforts to reduce both the rate and severity of accidents and their desire for a web-based risk management system that will enable better protection of Coast Guard men and women, improving their readiness and the operational effectiveness of the service.

Ensuring the occupational health and safety of our Coast Guard men and women through appropriate risk management is and will continue to be an overarching priority. While our track record regarding on-duty accidental fatalities is the best among the Armed Forces (1 accidental on-duty fatality since 2001), preserving the readiness or our workforce through safety awareness, education and prevention is an ongoing process that requires continual honing. Development of a web-based risk management system will be a major step in improving our linkage and analysis of risk data, ultimately enabling our safety professionals to proactively identify hazards and engage field commanders in controlling and mitigating those hazards be-

fore mishaps occur. The Coast Guard's Office of Safety and Environmental Health will continue its efforts to implement a web-based risk management system while continuing to work closely with the Department of Homeland Security in establishing requirements for a Department-wide risk management information system, as well as implementing CIO and CHCO functional integration initiatives.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
VICE ADMIRAL THAD W. ALLEN

Question 1. In your statement, you mentioned on several occasions the dynamism of the maritime domain and that new threats are constantly emerging that will require our future attention. Are there specific future threats that the Coast Guard is planning for? In your estimation, in what ways will new threats require adjustment to current Coast Guard operations?

Answer. The U.S. Coast Guard Intelligence Program has noted multiple direct, implied, or potential threats to maritime infrastructure across the Nation; however, no attack operations have materialized to definitively confirm the reports associated with these threats or establish the credibility of the sources involved. Nevertheless, targets identified include oil and chemical infrastructure, cruise ships and ferries, along with bridges, tunnels and rail infrastructure. The greatest potential for a maritime threat to the maritime infrastructure of the United States is the ability to introduce weapons, explosive devices, people and even weapons of mass destruction into or through the maritime domain and across the maritime border via intermodal means with the intent to attack the port or other targets further inland.

The greatest observed maritime threat remains smuggling, including Special Interest Aliens (SIAs) and illicit materials. The same factors that facilitate successful intermodal and other supply chain trade activity provide multiple points of exploitation for criminal smuggling activity. The lines separating maritime drug smuggling, illegal migrant smuggling, criminal enterprises and maritime terrorism have become less distinct. SIAs can conceal their identities while moving through any number of existing venues of maritime entry into the United States, representing an ongoing threat in terms of their ability to carry out planning, logistics or future terrorist operations in the homeland, including our ports.

Countering the dynamic nature of the threat and the expansiveness of the maritime domain, the Coast Guard will continue to employ a suite of activities aimed at reducing risk, identifying vulnerabilities, and strengthening partnerships—all with the single purpose of presenting a unified adaptive approach to securing America's ports and waterways. To reduce risk we have:

- Published *Maritime Sentinel*, the Coast Guard's strategic plan for combating maritime terrorism.
- In conjunction with DHS, DOJ and DOD, developed the Maritime Operational Threat Response (MOTR) Plan, which builds upon and improves the Presidential Directive 27 process to ensure nationally coordinated maritime operational response to address the full spectrum of 21st Century maritime security and defense threats to, or directed against, the United States and its interests globally.
- Conducted Port Threat Assessments (PTAs), which provide the local Sector Commander or Captain of the Port threat analysis compiled from foreign, national and local intelligence reporting and from law enforcement information, incorporating everything from criminal enterprises to environmental activists and extremist/terrorist-related activity.
- Had the U.S. Coast Guard Intelligence Program compile and analyze information about activities from across the country and the world to discern patterns of suspicious incidents that have a maritime nexus.
- Sustained operation of thirty Field Intelligence Support Teams (FISTs) in key U.S. ports.
- Sustained operation of Maritime Intelligence Fusion Centers (MIFC) under each Area Commander to provide actionable intelligence to U.S. Coast Guard operational Commanders while also sharing that analysis with interagency partners and the broader intelligence community.
- Developed a joint vessel monitoring effort, titled "COASTWATCH", with the Office of Naval Intelligence (ONI).
- Developed the Maritime Homeland Threat Analysis Division at the National Maritime Intelligence Center, in conjunction with the ONI.
- Participated on a full-time basis in the FBI National Joint Terrorism Task Force (JTTF) and select Regional JTTFs that include a maritime nexus.

- Executed Operation Drydock, which began in December 2002 as a joint U.S. Coast Guard and FBI criminal and counterterrorism investigation into national security threats and document fraud associated with U.S. merchant mariner credentials. The Operation Drydock databases are also used by CG Regional Examination Centers (REC) to vet applicants seeking U.S. Coast Guard merchant mariner documents and licenses.
- Implemented Project Scorpion, an archetypal national-level collaborative partnership with DHS, DOJ, and DOD counterparts under Coast Guard leadership to identify, track and intercept special interest aliens with possible terrorist or affiliate ties before they arrive in the U.S. via maritime means.

Achieving Maritime Domain Awareness (MDA) will not involve one capability, but rather many diverse capabilities working together in a coordinated and integrated manner. It will require (1) maintaining and accessing data on vessels, facilities and infrastructure, and (2) collecting, analyzing and disseminating critical information to decision makers to facilitate effective understanding of the global environment, and recognizing our threats and vulnerabilities within U.S. ports.

Rescue 21

Question 2. As you know, nationwide deployment of Rescue 21, which was slated for 2006, is not expected until 2011. Last year the program was funded at \$41 million—well below the President’s request of \$101 million. I understand that this is partially due to the impression of unobligated funds that were in fact obligated by the end of the fiscal year. I’m concerned that the President’s FY 2007 request of \$39.6 million reflects continued misunderstanding and will hamper the implementation of this important program. How did the Coast Guard compensate for the low funding level in FY 2006 and what will the approach be in FY 2007 under your leadership if Rescue 21 is funded at the President’s request level or below \$100 million?

Answer. The Coast Guard remains committed to its 2011 project completion date. To compensate for the funding levels in the FY 2006 enacted budget and the 2007 President’s Request, the Coast Guard will redirect a portion of the \$76 million obligated in FY 2005 to procure long lead time materials for the final 25 regional installations. These funds will instead be used to execute an \$80 million implementation plan in FY 2007 to ensure the project is complete in 2011 per the current program installation schedule.

Question 3. What has the Coast Guard done (or can the Coast Guard do, in your view) to address appropriators’ remaining concern, namely extensive program delays?

Answer. Several management and oversight actions have been initiated to ensure project completion stays on schedule to include:

- Establishing a Coast Guard Project Resident Office co-located at the contractor’s manufacturing facility to increase government oversight.
- Initiating use of the Defense Contract Management Agency and Defense Contract Audit Agency to assist in validating the contractor’s technical proposals and cost reasonableness.
- Scheduling a Program level Integrated Baseline Review in 2006 to verify the contractor’s proposed cost, schedule, and performance efforts in 15 Full Rate Production regions.
- Initiating monthly Integrated Project Schedule reviews between Coast Guard and contractor.
- Conducting quarterly Coast Guard Flag level/General Dynamics Vice President level program reviews to resolve outstanding issues and increase senior level oversight.
- Conducting monthly Risk Management and Earned Value Management cost performance reviews to increase program management oversight.
- Incrementally re-pricing expired Contract Line Items for Full Rate Production regions. Leveraging actual cost data and program level lessons learned, resulting in more reasonable cost targets for future work.
- Additionally, the schedules for the Vessel Subsystems and the Ground Subsystems have been separated to avoid delaying the Ground Subsystem deployment which is in full rate production.

Delays experienced to date during the Development (design and prototype) Phase were a result of problems with software development, hardware integration, testing, and associated system refinement. The time invested to “get the system right” for

this critical lifesaving and command and control system was necessary prior to starting the Full Rate Production (FRP) Phase for the remaining 40 regions.

At the start of FRP for the ground system, the Coast Guard worked extensively with the contractor to establish a credible and realistic project schedule, considering time lines for compliance with the National Environmental Policy Act, the significant number of outstanding real property acquisitions and new tower construction required, and the contractor's production capabilities.

Icebreakers

Question 4. We appreciate all your help and expertise working towards a near and long-term plan to maintain the icebreaker fleet. The interim National Research Council report on polar icebreakers recommends that management of the polar icebreakers should be managed by the Coast Guard and funded in the Coast Guard budget. As Commandant, what will you do to ensure that the Nation's icebreaking capacity is maintained and well managed through the Coast Guard?

Answer. Along with completing the National Research Council (NRC) study later this year, we are also seeking a national policy decision from the Administration to further clarify our Nation's polar icebreaker requirements. In the short-term, we are working with the National Science Foundation to properly fund one heavy polar icebreaker and HEALY in accordance with the NRC interim report. Once we gain a national policy decision, we can move forward on plans to recapitalize our heavy polar icebreakers. If budget authority for the polar icebreakers is returned to the Coast Guard, we would restructure the reimbursement process to allow the Coast Guard to properly fund the polar icebreaker fleet with well established base funds and use reimbursements to insure the fleet is fully funded.

In order to equitably manage the polar icebreaker program used by several other agencies, the Coast Guard would need to have the authority to establish day rates for "in-government" user agencies. To remain consistent with 1983 Arctic and Antarctic Research Policy legislation, which outlined the requirement for polar research users to only pay "recurring incremental rates" for polar icebreakers, this needed authority would have to specify that any Coast Guard standard day rates developed for use of polar icebreakers would not include personnel costs but would allow the Coast Guard to manage differences between established funding and actual costs on a yearly basis.

Oil Spills and Katrina

Question 5. There has been some confusion about the impact that Hurricanes Katrina and Rita had on oil and gas platform infrastructure in the Gulf and whether or not any spills occurred as a result. Aerial and satellite photos taken in September 2005, show what appear to be oil slicks emanating from damaged natural gas drilling platforms that were in the path of the hurricanes. Is the Coast Guard aware of any such spills or ecological damage that might have occurred as a result of oil spills from drilling platforms?

Answer. Hurricanes Katrina and Rita impacted the oil and natural gas platforms in the Gulf of Mexico causing known oil spills and releases of gas. The exact number of platform oil spills or gas releases has been difficult to determine. However, as of March 27, 2006, two platforms still have unsecured discharges. Both discharges are over sixty miles offshore in over 200 feet of water. The rig owners are responding to close of these wells. Exact numbers are difficult as manned platforms near the hurricanes paths were evacuated due to safety considerations and the industry infrastructure (vessels, piers, equipment) used to assess and make repairs were significantly damaged. The Mineral Management Service (MMS) is currently surveying offshore platform owners to determine the amount of oil and hazardous materials that were lost from their platforms due to these storms. It is unknown when this survey will be completed. Although the exact number of spills is not known at present, there have been no reported impacts from these natural gas and oil spills and no oil is known to have reached the shoreline.

Traditional v. Non-Traditional Missions

Question 6. We are grateful for the Coast Guard's expertise in their expanded role in homeland security post-9/11; however, we remain concerned that the Coast Guard lacks sufficient support to carry out new missions as well as traditional missions at pre-9/11 levels. In your view, have the Coast Guard's traditional core missions, such as fisheries enforcement, SAR, and maritime law enforcement suffered?

Answer. The Coast Guard continues to meet the demands of its traditional missions while embracing its expanded homeland security duties. During Fiscal Year 2005, the Coast Guard met the performance targets for many of its core missions, including search and rescue, marine safety, aids to navigation, domestic ice breaking, marine environmental protection, fisheries enforcement and drug interdiction.

The Coast Guard continued to show strong performance levels even in missions where performance targets were not reached. For instance, in enforcing domestic compliance with Federal fisheries regulations, the Coast Guard missed its performance goal by less than one percent—mostly due to a variety of economic conditions beyond the Coast Guard's control such as hurricane damage, lower catch allocations and higher seafood prices, which have created greater incentives for fishermen to violate the law.

The Coast Guard firmly believes that its inherent multi-mission capabilities which, when coupled with a risk-based approach to resource allocation, has allowed for improved efficiencies and effectiveness in both its homeland and non-homeland security roles.

