

S. HRG. 106-1089

**NOMINATIONS OF JOHN J. GOGLIA FOR RE-
APPOINTMENT, AND CAROL J. CARMODY FOR
APPOINTMENT AS MEMBERS OF THE NATIONAL
TRANSPORTATION SAFETY BOARD**

HEARING

BEFORE THE

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

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

MARCH 1, 2000

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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BOARD**

WEDNESDAY, MARCH 1, 2000

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

The committee met, pursuant to notice, at 9:30 a.m. in room SR-253, Russell Senate Office Building, Hon. Kay Bailey Hutchison presiding.

Staff members assigned to this hearing: Virginia Pounds, Republican professional staff; and Jonathan Oakman, Democratic staff assistant.

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

Senator HUTCHISON. Good morning. The hearing will come to order. The Commerce Committee meets today to review the qualifications of two nominees to the National Transportation Safety Board.

Let me say a few words about the NTSB. As a former vice chairman of the Board, I certainly appreciate the work this agency does. The National Transportation Safety Board is certainly not our largest Federal agency, with only 400 full-time employees, but to the general public it is certainly one of the most visible, and it is one of the most important in terms of the work you do for the general public's benefit.

Since its creation, the Board has investigated over 100,000 accidents. In the last 3 years, the Board has investigated over 7,000 accidents. It has issued 57 major reports and issued 1,100 safety recommendations. I believe it is important for Congress to authorize the work that NTSB is doing. Therefore, I will shortly introduce a reauthorization bill for the National Transportation Safety Board.

There are a number of issues to sort through, such as future funding, personnel levels. We must also address the Board's need to recruit and keep quality personnel, as well as the primacy of jurisdiction over accident investigations. I am committed to the Senate acting on an NTSB authorization, and would hope that we could get a bill to the President in the near future.

Now let me turn to our two nominees. We have Mr. John Goglia, who is being renominated, and you have been on the Board since

1995. The new nominee is Ms. Carol Carmody. Ms. Carmody was born in Houston, Texas, and is a graduate of SMU. You have a long career in aviation issues, working for the FAA, the Senate Commerce Committee, and most recently as the United States Representative to the Council of the International Civil Aviation Organization, based in Canada.

I look forward to hearing the statements from the witnesses and hearing your views on the issues that we would be facing in an NTSB reauthorization, and now I would like to turn to our Ranking Member, Senator Hollings. Before I do that, I will say that Senator McCain specifically asked me to hold this hearing so that we could get the process going on your nominations. We want the Board to be fully at a full complement and able to function. Certainly, as you know, the go teams need to have rotating memberships, and we need to make sure that we have our members confirmed as soon as possible, and that is why Senator McCain asked me to hold this hearing so that we could do this in short order.

So with that, I would like to call on our distinguished Ranking Member, Senator Hollings.

**STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA**

Senator HOLLINGS. Thank you, Madam Chairman. I would be delighted to cosponsor your reauthorization bill. The National Transportation Safety Board is without question very professional and has the credibility enjoyed throughout the public. That is why I did not want to treat it casually and miss this hearing. We have got another one going on at the moment. I wanted to welcome Carol Carmody back. She has served with us on this committee for years and has done an outstanding job. Of course Mr. Goglia is from Massachusetts and, according to John Kerry, you know, does a wonderful job. I have not seen any individual thing, but I will take Senator Kerry's word for it. I am glad to support both of them, and I thank the chairman very much. I ask that my full statement be included in the record at this time.

[The prepared statement of Senator Hollings follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA

Good morning. I am pleased to welcome the nominees of the National Transportation Safety Board, Carol Carmody and John Goglia. Ms. Carmody, as many of you know, is a former staff member on aviation issues for the Senate Commerce Committee as well as the former U.S. delegate to ICAO. Mr. Goglia has served on the NTSB since August of 1995. He is a working Airframe and Powerplant mechanic, a noted expert on human factors in the mechanic's workplace, as well as a specialist in regulatory issues.

Today, the NTSB is in a position of doing more than it ever has before. All modes of transportation seem to be in the news—whether it is a train crash in Baltimore injuring people, the sinking of a recreational sailboat off the coast of Charleston killing all aboard, or the crash of Alaska Air flight 261 off the California coast which killed 88 passengers and crew. In each instance, NTSB is at the scene investigating the cause of the tragedy. They are also the ones who, after much study, formulate key safety directives for the prevention of reoccurrences. As our transportation systems become more congested and if the causes of transportation accidents continue to increase in complexity, their safety recommendations will become even more critical.

Lately, the NTSB and its staff have been lauded for their expertise and devotion while some of the NTSB's techniques and practices have come under scrutiny. The

Rand Report, commissioned by the NTSB itself, is complimentary but expresses concern that the NTSB is stretched to capacity. This is certainly something we should heed—the NTSB is highly regarded for its integrity and investigative acumen. It would be a mistake to allow them to become overburdened by too many extensions of their original mission or through understaffing. I look forward to listening to the nominees' statements and their potential contributions to the NTSB, as well as their thoughts on improving the NTSB.

Senator HUTCHISON. Thank you, Senator Hollings, and thanks for the offer to work with us and cosponsor the reauthorization. We will take you up on it. Thank you.

Senator Breaux.

**STATEMENT OF HON. JOHN B. BREAUX,
U.S. SENATOR FROM LOUISIANA**

Senator BREAUX. Thank you, Madam Chair. I just want to add my word of endorsement in support for Carol Carmody, who was raised in New Orleans, at least, and has a Louisiana connection. At a time when many people are looking for ways to get out of public service and out of Federal service, it is always terrific that we have someone who has made a career in public service and wants to continue in that capacity, and who brings to this position a great deal of background and experience in both international civil aviation as well as the practical politics of serving on the Commerce Committee. She has an understanding of how we make the laws, and how we like to see them followed through and enforced, and that combination of practical, real world experience, particularly in the international area, as well as the work here on the Commerce Committee I think is very, very important. Add to that the time spent, 11 years, I think, at the FAA, which really allows Carol to come to this position, I think, with a tremendous amount of experience, and I am just delighted that she is willing to continue in public service in this capacity, because everybody will benefit from it. Welcome.

Senator HUTCHISON. Thank you, Senator Breaux. I am pleased that you noted that Ms. Carmody was raised in Louisiana, but she did choose Texas for her higher education.

[Laughter.]

Senator HUTCHISON. With that, I would like to welcome both of you, and let me turn first to the incumbent, Mr. Goglia, for any statement you would like to make for the record.

**STATEMENT OF HON. JOHN J. GOGLIA, MEMBER,
NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. GOGLIA. Good morning, Madam Chairman and members of the Committee. I am honored to appear before you today as you consider my renomination to be a member of the National Transportation Safety Board. I would also like to thank the President for my renomination, and this Committee for scheduling this hearing.

I would also like to acknowledge my fellow member, John Hammerschmidt, who is here in the audience. I would also like to introduce my wife, Patricia, and my daughter, Michelle, who have come down from Boston today to be with me.

Senator HUTCHISON. I would like to ask them to stand. Thank you. Welcome.

Mr. GOGLIA. For the last 4½ years I have had the unique privilege of serving as a member of the Safety Board and working with skilled and dedicated, committed professionals who are passionate about safety. I believe that we have made a difference. Our accomplishments would not have been possible without the continued support of this committee, and I thank you.

I would like to briefly highlight three areas in which I believe I have made significant contributions. Since 1995, I have seen an increase in accidents involving maintenance. I have continued to highlight the importance of maintenance and the maintenance professionals in our aviation transportation system. Personnel quality, as well as quantity, are challenges facing this industry, and I have proactively worked with the industry to ensure that the new aviation work force not only understands how important the work is, but also understands the safety implications of every task performed.

Human factors, including human error and fatigue, are indicated as causal factors in transportation accidents more often than any other element. I have diligently pursued increasing awareness of the human element by participating in and coordinating workshops and seminars. I have been instrumental in bringing together the resources of industry, academia, and the Department of Defense, to expand the cooperative base on which our safety recommendations can be made.

Another initiative I have focused on is training to counteract human error. Mentoring practices between junior and senior personnel are necessary, and diminish the learning curve. A concerted effort to reach out to our youth to involve them in our goals and have them become an integral part of the solution to these issues has been my mission in promoting safety throughout the transportation industry. The youth of today are vital to our continued mission.

In closing, I believe my 37 years of experience in the operational and maintenance environment demonstrates to the members of this committee my dedication to transportation safety and my strong commitment to work on behalf of the traveling public. This is the tradition of the NTSB, and if confirmed I will do my best to uphold this tradition.

Thank you.

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

PREPARED STATEMENT OF HON. JOHN J. GOGLIA, MEMBER,
NATIONAL TRANSPORTATION SAFETY BOARD

Good Morning.

Madam Chairman and Members of the Committee, I am honored to appear before you today as you consider my renomination to be a Member of the National Transportation Safety Board. I would like to thank the President for my renomination, the Committee for scheduling this hearing and Senator Kerry for his kind words of introduction and continued support.

With the permission of the Chairman, I would like to introduce my wife, Patty, and my daughter, Michelle, who are with me today. I would also like to acknowledge my other daughters, Marissa and Marie, who are unable to attend today's hearing.

For the past 4½ years, I have had the unique privilege of serving as a Member of the Safety Board and working with skilled, dedicated and committed professionals who are passionate about safety. I believe that we have made a difference.

Our accomplishments would not have been possible without the continued support of this Committee and I thank you.

I would like to briefly highlight three areas in which I believe I have made significant contributions.

Since 1995, I have seen an increase in accidents involving maintenance. I have continued to highlight the importance of maintenance and the maintenance professional in our aviation transportation system. Personnel quality as well as quantity are challenges facing this industry. I have proactively worked with industry to insure that the new aviation workforce not only understands how important the work is, but also understands the safety implications of every task performed.

Human factors, including human error and fatigue, is indicated as causal in transportation accidents more often than any other element. I have diligently pursued increasing awareness of the human element by participating and conducting workshops and seminars. I have been instrumental in bringing together the resources of industry, academia and DOD to expand the cooperative base on which safety recommendations can be made.

Another initiative I have focused on is training to counteract human error. Mentoring practices between junior and senior personnel are necessary and diminish the learning curve. A concerted effort to reach out to our youth, involve them in our goals and have them become an integral part of the solution to these issues has been my mission in promoting safety throughout the transportation industry. The youth of today are vital to our continued mission of safety.

In closing, I believe my 37 years of experience in an operational and maintenance environment demonstrates to the Members of this Committee my dedication to transportation safety and my strong commitment to work on behalf of the traveling public. This is the tradition of the NTSB and, if confirmed, I will do my best to continue to uphold this tradition.

Thank you. That concludes my opening statement and I would be glad to answer any questions that you may have.

A. BIOGRAPHICAL INFORMATION

1. Name: John Joseph Goglia.
2. Position to which nominated: Member, National Transportation Safety Board.
3. Date of nomination: August 5, 1999.
4. Address: (List current place of residence and office addresses.) Office: National Transportation Safety Board, 490 L'Enfant Plaza East, SW, Washington, D.C. 20594. Home in D.C.: 1464 South Greenmount Drive, Apt. 109, Alexandria, VA 22311. Home in MA: 73 Auburn Street, Saugus, MA 01906.
5. Date and place of birth: May 18, 1944, Boston, MA.
6. Marital status: (Include maiden name of wife or husband's name.) Married: Patricia Dolores Guarino Goglia.
7. Names and ages of children: (Include stepchildren and children from previous marriages.) Marissa Rozenski, age 32; Michele Dafonte, age 30; Maria Dafonte, age 29.
8. Education: (List secondary and higher education institutions, dates attended, degree received and date degree granted.)

1996–1997	University of Southern California, Institute of Safety and Systems Management, 26 Credit Hours Earned
1993	Federal Rulemaking Drafting Program, Federal Aviation Administration
1984–1985	Institute of Safety Symposium, University of Southern California
1986–1987	
1984	Rules of Procedure Program, National Transportation Safety Board
1976	Center for Labor Education and Research, University of Colorado
1975	Labor Leadership School, University of Alabama
1968	IAMAW, Shop Steward Training Program
1966	United Airlines, Management Training Program
1964	University Extension Program, University of Massachusetts, Technical Writing Program
1963	Graduate, East Coast Aero Tech, Bedford, Massachusetts
1963	FAA A&P License
9. Employment record: (List *all* jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

National Transportation Safety Board

Member; 1995–present

The National Transportation Safety Board (NTSB) consists of five members. Appointed by the President and confirmed by the U.S. Senate. Members serve five-year terms. The NTSB is the primary U.S. investigatory body for aviation, railroad, highway, marine and pipeline accidents. The NTSB investigates accidents and reports on the facts, conditions and circumstances of each accident investigated. The NTSB determines probable cause and develops appropriate safety recommendations. The NTSB monitors all transportation modes and analyzes on-going safety issues in order to make safety recommendations to governmental entities and private industry.

Highlights—Member Goglia’s Present Term:

On-Site Board Member—Serves as chief accident spokesman.

- Rail/School Bus Accident. Fox River Grove, Illinois
- Commuter Rail Accident. Silver Spring, Maryland
- FEDEX MD–11 Cargo Aircraft Accident, Newark, New Jersey

Chairman of Board of Inquiry

Serves as presiding official at public hearings on accidents which includes the presentation of NTSB staff investigatory fact-finding and public testimony. Coordinates the compilation of the technical and public record, which results in the presentation of the findings to the NTSB Members for appropriate decisions.

- ValuJet Airlines, Everglades, Florida Accident
- Delta Airline, Pensacola, Florida uncontained Engine Failure Accident
- Union Pacific Special Review of Railroad Accidents

Human Factors Activities

- FAA/JAA/Aviation Industry—International Maintenance Conference; Human Factors Issue Chairman, Washington, DC
- SAE International Human Factors Symposium; Human Factors Issue Chairman, Vancouver, British Columbia
- International Civil Aviation Authorities Maintenance Conference; keynote Speaker and Human Factors Discussion Leader, Singapore
- World Aviation Congress; Keynote Speaker, Los Angeles, California
- Other: Organizer and speaker at approximately twenty additional Human Factors conferences, seminars and forums

Other Activities

- Coordinated and Chaired Aviation Bird Strike Conference for Government and Aviation Industry in Washington, DC and Boston, Massachusetts
- Speaker on aviation issues at American Bar Association and NTSB Bar Association Annual and Issues Meetings. Keynote speaker at Federal Aviation Law Judges Annual Convention
- Speaker at maritime, railroad and pipeline conferences, including Association of American Railroads and Great Lakes Steamship Authority
- Presented visiting lectures on aviation issues at University of Southern California; Purdue University; College of Aeronautics, New York City; and Dowling College

Aviation Maintenance Responsibilities & Aviation Issues Representation

1991–1995—International Association of Machinists and Aerospace Workers; Special Assistant: Aviation Issues and Enforcement/Safety Specialist

Represented IAMAW on the Aviation Rulemaking Advisory Committee and Subcommittees. Served as IAMAW principal liaison officer with the FAA, NTSB, DOT and other Executive Branch Agencies as well as liaison for IAMAW Congressional aviation issues. Served as IAMAW/USAir principal enforcement/safety representative for investigating, preparing and presenting defenses to enforcement actions and serving as team coordinator of aircraft accident investigations.

1966–1995—USAir, Logan International Airport, Boston, Massachusetts

Lead Line Maintenance, 1988–1990—Responsible for managing a line maintenance crew of twelve mechanics, including all work performed on engines, avionics and airframe. Responsible for work performance, quality control, maintenance record-keeping and aircraft flight certification. Assigned temporarily to manage the integration of PSA airline maintenance personnel into USAir maintenance.

Inspector 1984–1988—Performed all inspection functions, including review of all maintenance task documents and documenting completed work, and returning the aircraft to service. Special functions included knowledge and performance/reading of

non-destructive testing methods including x-ray, ultra sound, eddy current, magnetic particle and penetration technologies.

Lead Mechanic, 1972–1984—Responsible for managing a line maintenance crew performing letter aircraft inspections. Responsible for work performance, quality control, maintenance record-keeping for work performed and aircraft flight certification. Responsible for managing a line maintenance crew of twelve mechanics, including all aspects of engine, avionics and airframe maintenance. Responsible for work performed, quality control, maintenance record-keeping for work performed and aircraft flight certification.

Line Maintenance Mechanic, 1966–1972—Responsible for performing maintenance on engines, avionics and airframes.

1964–1966—United Airlines, Washington National Airport, Washington, DC

Line Maintenance Mechanic—Responsible for performing maintenance on engines, avionics and airframes.

Enforcement/Safety Responsibilities

1989–1995—IAMAW Representative: FAA/Industry Human Factors in Aviation Maintenance

Served as IAMAW representative on Committee and in official forums analyzing and researching human factor elements of aviation maintenance. Charged with developing new procedures and workplace facilities that enhance the quality of maintenance and mechanic safety.

1984–1995—IAMAW District 141 FAA Safety and Accident Coordinator Investigation Committee

National Coordinator of flight safety, policy development, management/mechanic training and legislative activity, involving over 25,000 IAMAW mechanics. Principal official responsible for representing IAMAW mechanics in enforcement actions involving the FAA and NTSB's administrative law proceedings. Enforcement responsibilities including interviewing, investigation, case preparation, defense strategy and case presentations before the appropriate legal authorities. Managed IAMAW officials for formal investigations into causes of commercial airline accidents, working with FAA and NTSB team members.

1969–1995—Member; 1980–1984: Chairman, USAir Grievance Committee

Represented IAMAW mechanics in the New England region in grievances, disciplinary actions and worker's compensation proceedings. This included case investigations, case preparations and presentations and representation before appropriate officials.

1972–1995—Chairman, FAA Committee, IAMAW Lodge 1726

Responsible for liaison with FAA officials concerning flight safety enforcement actions involving IAM mechanics in the New England region. Responsibilities included recommendations of appropriate flight standard and certification procedures to ensure proper aircraft maintenance and flight safety. Coordinated with IAMAW mechanics to ensure proper representation of their interests in enforcement actions before appropriate federal officials.

1970–1980—Chairman, Ground Safety Committee, IAMAW Lodge 1726

Responsible for maintaining and advancing workplace safety for IAMAW mechanics working in New England's commercial airport facilities. Responsibilities included facility review, safety procedures review, human factor analysis and recommendation of appropriate safety procedures. The Committee received the Outstanding Performance Award from Hartford Insurance Group in 1975, and the Award of Merit for Accident Control from Hartford Insurance Group in 1979.

Private Business

1984–1988—Owner/President, Air Carrier Support, Inc., Logan International Airport, Boston, MA

Managed company operations to provide line maintenance services for commercial freight operators. Managed company financial affairs and accounting staff.

10. Government experience: (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.)

1991–1995—IAMAW National Representative, Aviation Rulemaking Advisory Committee

Served as the IAMAW member on the joint FAA Aviation Industry Committee involved with reviewing and updating all sections of the Federal Aviation Regulations, including drafting new rules, regulations and guidance materials. Served as Chairman of the Cabin Seats Subcommittee, Part 43 Subcommittees and Cabin View Sub-

committee. Served as member on additional sixteen ARAC subcommittees. Served as IAWAW's principal spokesperson on ARAC related activities.

1988–1994—Member, Massachusetts Worker's Compensation Advisory Board

Governor's appointee to task force to monitor the implementation of Massachusetts Worker's Compensation Law

1988–1989—Member, Blue Ribbon Commission for Airport Locations

Served as Governor's appointee for Blue Ribbon Commission to study and select site for second major airport in the greater Boston area.

1983–1984—Transition Chief/Executive Assistant, Secretary of Labor, State of Massachusetts

Represented the Labor Secretary and responsible for the management of transition functions of the Labor Department during the change in gubernatorial administrations. Served as Labor Secretary's negotiator for the reform of worker's compensation law and legislative and public interest group coordinator.

11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)

GES Leasing—Shareholder—50% and Treasurer (1976–1994); Air Carrier Support—Shareholder—approximately 30% and Treasurer (1985–1992); Holyoke Street Partnership (rental property)—50% owner; Counsel of Aviation Accreditation—Standard Safety Counsel for Aviation Schools (1998–1999); Aerospace and Transportation Education Association (1998–1999).

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.) International Society of Air Safety Investigators (present); Aero Club of Washington (present); International Association of Machinists and Aerospace Workers; Professional Aircraft Mechanics Association; National Aeronautic Association; National Coalition for Aviation Education, Chairman (1995); Experimental Aircraft Association.

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate. None.

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

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. From 1964 to 1995, I was a member of the IAWAW Political Action Committee in which I contributed approximately \$150 for the years 1990 to 1995.

14. Honors and awards: (List *all* scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.) 1998—Honorary Doctorate—College of Aeronautics New York City, NY; 1994—FAA Technician of the Year; 1994—Eastern Regional Technician Award; 1994—Boston FSDO Technician Award.

15. Published writings: (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.)

1993 Developed IAWAW/FAA training program for air carrier mechanics.

1992–1995 Developed and implemented the first Maintenance Resource Management Program in aviation maintenance for USAir.

1986–1987 Developed comprehensive maintenance training program for aviation safety specialists for several major air carriers.

Contributing Author—Continuing

Aircraft Maintenance Technician Magazine; Avionics News Magazine Aircraft Electronics Association; Aeronautical Repair Station Association, Monthly News Letter; Mass Transit Magazine (Devoted to commuter rail transportation); IAWAW "Messenger", National Newspaper; IAWAW Lodge 1726, Monthly Newsletter; Selected contributor to numerous aviation periodicals.

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

I have given numerous speeches, participated in technical panels, and provided testimony at government and industry events that focus attention on transportation safety issues about which the Board has made recommendations for corrective action. Enclosed are copies of several formal speeches delivered over the past five years. Many speeches delivered are derivatives thereof or are delivered extemporaneously.

Remarks Presented to Transportation Table, Washington, D.C., June 14, 1996

Good afternoon, everyone. It is a pleasure to be here with you today. I am honored to have been given the opportunity to briefly share with you some of my thoughts regarding aviation safety questions which we, as industry professionals, need to address. Since our group today consists of representatives of most modes of transportation which we at the NTSB are involved with, I will try to integrate my thoughts in order to reflect my observations that many of the aviation safety questions which we address, in some manner must also be addressed within the other modes of transportation. Further, I hope that my comments will lead to your questions, and your ideas, which we can discuss within the time which has been allotted to me.

In response to the subject which I am specifically addressing, I believe the biggest question ahead in aviation is intrinsically inter-woven into the fabric of the other modes of transportation. That question is—how do we, as transportation manufacturers or operators, safety oversight officials, regulatory agencies and legislative bodies, integrate the science of human factors into our transportation system?

All of us in aviation know the statistics: Human error of one kind or another is responsible, in some manner, for the majority of incidents and accidents. This is true in all modes of transportation, and, in fact, it is true in reference to the design, manufacture, operation and maintenance of any technologically complex system. Similarly, every human error, regardless of its gravity, is a product of multiple causes and factors. The performance of individuals never takes place in a vacuum, but always occurs within an organizational and cultural context. If this is true, then there is another big question: Why can't the process of establishing causal factors in transportation accidents be from a view of improving the system rather than establishing blame?

Even with this knowledge and these questions, the science of human factors is a relatively new field of study. However, I believe that the aviation industry, in addressing the importance of developing aviation maintenance human factors programs within their organizations, is leading the way in this exceptionally important area. But this area of study is in its pioneer stage and its complexity and is sometimes frustrating to those who have chosen to set out on this mostly untraveled road. The exploration of the unknown has almost always yielded tremendous dividends, and I strongly feel that the work we can do in comprehensive human factors, is the key to combining the rapid technological advances we are achieving in transportation equipment and system's operations into an inter-modal transportation system which can attain a higher degree of safety than most individuals thought possible before the human factors pioneers began their journey just a short time ago.

In the aviation community, most industry and regulatory representatives have signed on to the ultimate goal of "zero accidents." This is also a worthy goal for all other modes of transportation. The question is—will we ever achieve "zero accidents"? Realistically, probably not. However, I can assure you this lofty goal is beyond our reach unless we recognize and incorporate the effects of human factors in the workplace into the safety equation. Technology will continue to advance. Safety regulations will continue to be promulgated and integrated into the operation of the transportation system. However, human factors is the only area that can successfully define the relationship of men and machines in a transportation environment. Understanding human factors is good business, and is the key to approaching the goal of "zero accidents."

In commercial aviation, we are combing recent accidents for the probable cause or causes of these tragedies. Rail and surface transportation came tragically together at Fox River Grove, Illinois. High speed rail has suffered recent deaths in New Jersey and Maryland. Derailments have occurred recently resulting in loss of life and environmental pollution. Pipeline explosions have taken lives and driven people from their homes. And we are all aware of maritime accidents which have caused irreparable damage.

Of course each of these accidents will have unique factors which contributed to its cause or causes. But I think I can state with confidence that a better understanding of human factors would have prevented some of these accidents.

Are there other "Big Questions"? Certainly.

How do we streamline the regulatory process to implement safety procedures in a more timely manner? Today, in aviation, where the FAA is "Fast-tracking" rule-making in the Part 135 area, the on-demand carriers feel that their concerns are being over-riden by the haste in which the FAA promulgated these changes. The question then becomes, how do we balance pertinent interests and still achieve efficient implementation of safety rules and regulations.

In rail, we are, in certain instances, handcuffed by a regulatory system which is unnecessarily based on rigid legislative standards which have not kept pace with modern advances in the industry. The question is, how do we transform this inflexi-

ble system into a system which recognizes the economic and safety needs of modern rail transportation?

Since I do not want to extend my comments into the time remaining for our discussion period, let me just mention some additional questions which come to my mind.

- How do we integrate Global Positioning System (GPS) into all modes of transportation?
- How do we effectively deal with chemical and alcohol abuse in transportation?
- How do we provide safer control of aircraft on the ground?
- How do we deal with the railroad industry regarding collision avoidance systems?
- How do we deal with human fatigue in transportation operations?

Obviously, there are many others.

While I was given the topic of aviation safety, you can see that I believe that the challenges which lay ahead for all of us really do transcend the boundaries of all our transportation systems. These are challenges which we can all work together to achieve in each of our particular modes of transportation.

Now, let's discuss your thoughts and perspectives on these subjects. Any questions?

Presentation before the American Bar Association, Seminar on Aviation Litigation, Over-View of Responsibilities of National Transportation Safety Board Concerning Aviation Accidents, June 28, 1996

When an aviation accident occurs, emergency response is immediate. Local authorities—including the police, fire department, paramedics and the coroner—respond to the scene as quickly as possible to secure the accident site, and insure that the wreckage is not disturbed. They provide medical care and other assistance to the survivors, and provide for the identification and removal of those who have perished.

At the same time the initial on-scene response is occurring, Federal agencies which have jurisdiction in this area are notified of the accident. This includes the Department of Transportation, the Federal Aviation Administration (FAA), the National Transportation Safety Board (NTSB), and in some cases the Federal Bureau of Investigation (FBI).

The Secretary of Transportation ensures that requested federal resources are made available, and he or she moves swiftly to take action on any safety recommendation that comes to light. The Secretary does not comment on the investigation. This is the sole responsibility of the NTSB.

The FAA is required by law to be a participant. They provide technical support, but do not take part in the determination of the probable cause. The FAA also determines whether any of its activities were involved in the accident. This includes, for example, performance of FAA facilities or functions, airport operations or certification safety standards, and airworthiness of FAA-certified aircraft.

The NTSB is responsible for determining the probable cause of transportation accidents, and for formulating safety recommendations to improve transportation safety. Within hours the NTSB sends its “go-team” of investigators to the accident site. The make up of this “go-team” varies, based on the type of accident, but generally it is comprised of one of the five Board members and a half dozen or more personnel who possess a wide range of accident investigation skills. In the case of an airline accident, the NTSB supervises work teams comprised of technical experts to assist in the investigation. This may include manufacturers, airline personnel, mechanics, etc.

Unless the accident is caused by a terrorist act, the NTSB is in charge of the investigation. They secure the site in order to protect evidence, and interview witnesses. They ensure that the facts become known, and work to uncover the cause of the accident.

At this stage of the investigation, lawyers are not allowed at the crash site.

In cases where terrorism is suspected, the accident site is initially considered a crime scene, and the FBI is in charge. The NTSB will assist as requested in this effort.

The length of time the “go-team” remains on the scene varies with need, but generally a team completes its on-scene work in seven to ten days. The Safety Board remains in charge of the accident site until it determines the site is no longer critical to its investigation.

The Safety Board takes its responsibility to keep the public informed very seriously. Often, when a major accident occurs and the probable cause is not readily apparent, there is considerable speculation by the press and public about what happened. The Board follows a policy of providing factual information—and *only* factual

information—on the progress of the investigation at regular press briefings. These briefings do not speculate about the possible causes of the accident.

The Safety Board will spend several months following the on-scene investigation, further exploring the data, to arrive at the probable cause of the accident. Approximately two to four months after an accident, factual reports written by NTSB investigators are made available in a public docket at NTSB headquarters.

As the investigation progresses, the NTSB may elect to hold a public hearing to address related safety issues as well as the probable cause of the accident. The hearing is usually held at a location near the accident site, and can sometimes be highly technical. Witnesses may be subpoenaed to testify who have impressive engineering and/or technical backgrounds. Sworn testimony is taken by a panel of NTSB officials.

Actual participation in the hearing is limited to invited witnesses and parties to the investigation. This is an opportunity for various experts to testify in an effort to explain what may have happened, and questions or statements from uninvited witnesses will not be allowed.

With the completion of the fact-finding phase, the accident investigation process enters its final stage—analysis of the facts, conditions and circumstances found. The analysis results in the Safety Board's determination of probable cause.

A draft accident report is presented to the five-member board for discussion and approval at a public meeting in Washington, D.C. The date of this meeting is published in advance in the federal register, and is also released to the media. The entire investigative process may take from seven to twelve months.

17. Selection:

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

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

(a) I have not been provided with specific details with regard to the reasons for my nomination. However, I believe that I have made noteworthy contributions in my duties as a Board member over the past four years. I continue to work on human factors issues, along with discussing, through speeches and attendance at conferences and symposia, the issues on the Board's "Most Wanted" list. As you are aware, these are the ten issues the Board believes can save the most lives.

(b) I believe my background and qualifications highly qualify me for another term as a member of the Board. Before my tenure as a Board member, I worked for over a quarter of a century in the aviation field, with eight of those years as coordinator for the International Association of Machinists' Accident Investigation Team. As a Board member, I accompanied Go-Teams to the school bus grade crossing accident in Fox River Grove, Illinois; the MARC train and Amtrak collision near Silver Spring, Maryland; and the Federal Express MD-11 accident in Newark, New Jersey. In addition, I presided over public hearings held regarding the tragedies involving ValuJet near Miami, Florida, and Delta Airlines in Pensacola, Florida. My four years as a Board member have been the most challenging and satisfying of my career. Through hard work, the Board makes a difference, whether it be educating pilots on the hazards of bird strikes, or making changes in the way a railroad addresses safety issues such as fatigue, and I look forward to the challenges ahead.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? Not applicable. Because I have served as a Member of the National Transportation Safety Board for the past 4 years, I have already severed all connections with my former employers and business associations.

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

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

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

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

C. POTENTIAL CONFLICTS OF INTEREST

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

tired from and receive a pension from USAir. I am in a real estate partnership with my brother.

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

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? NTSB Counsel approved the retirement arrangements made with my former employer, USAir, prior to my confirmation in 1995. It was determined that my pension was not so substantial a financial interest that would likely affect the integrity of my services. I continue to abide by this agreement.

GES Leasing and Air Carrier Support, both companies of which I was a shareholder within the last 10 years are transportation-related companies that could have conceivably had interests before the NTSB. However, both companies no longer exist.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy. 1993–1994: General Aviation Revitalization Act; 1992: Revisions of civil penalties regarding violations by mechanics under the provisions of the Federal Aviation Regulations and related rules and regulations.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) I am retired from US Airways. US Airways is an air carrier, and has interests that could be affected by actions of the NTSB. As such, it would be unlawful for me to participate personally in an official matter that could affect its financial interests. In 1995, the Chairman of the NTSB determined that my pension was not so substantial a financial interest that would likely affect the integrity of my services, and he therefore issued a waiver to me under 18 USC 208 (B) (1). I have agreed with the Ethics Official of the NTSB that I will request another waiver upon confirmation.

Nonetheless, because of the sensitivity of the Board's investigative process, I have since disqualified myself from serving as the on-scene Member or chairman of a Board of Inquiry in an accident investigation involving US Airways. As a result of my disqualification, the Managing Director of the NTSB has agreed that it would be permissible for my wife to avail herself of the free flying benefits for which she is eligible as the dependent of a retired airline employee, but that I will forgo these benefits to avoid any appearance of impropriety.

Finally, I have agreed that in all particular matters involving US Airways or IAM, I will continue to consult with the General Counsel and the Agency Ethics Official before involving myself in such official matters, in accordance with the Uniform Standards of Conduct. 5 CFR section 2635.502.

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

D. LEGAL MATTERS

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

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

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details. 1982—Medical Malpractice (settled) Phoenix, AZ; 1990—Shareholders Action (settled) Boston, MA.

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

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

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? Yes.
2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

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

I am an internationally recognized expert in aviation maintenance and aircraft operations. In August 1995, I was sworn in as a Member of the U.S. National Transportation Safety Board.

I am the first working A&P mechanic to serve on the Safety Board, and have over thirty years of aviation experience. Before my Senate confirmation in 1995, I was with USAir and was the recipient of the prestigious 1994/Industry Aviation Mechanic of the Year Award.

I have been a leading advocate regarding the evaluation of human factors in the aviation workplace. I helped develop the Maintenance Resource Management Program, combining management, labor, regulatory agencies and academia into what has become the premier human factors program in aviation maintenance.

I served as the Governor's appointee to the Massachusetts Workers Compensation Board and to the Boston Area Second Airport Site Selection Board.

I also served as Team Coordinator of the International Association of Machinists and Aerospace Workers' (IAMAW) Accident Investigation Team and for over 21 years served as the IAMAW's Flight Safety Representative. I was the IAMAW's principle specialist on aviation issues, service as liaison to the FAA, NTSB, DOT and other executive branch agencies as well as the U.S. Congress. I represented the IAMAW on the aviation Rule Making Advisory Committee, which evaluates and recommends changes regarding aviation safety and operational regulations.

In 1995, I served as Chair and a founding member of the National Coalition for Aviation Education, an aviation industry organization that advances aviation education among America's youth and aviation workforce. I was an original member of the Steering Committee to establish International Society Aviation Maintenance Professionals, a professional society dedicated to advanced safety and professionalism throughout the aviation maintenance industry. I have become an internationally known speaker and author addressing aviation safety issues, lecturing at world symposiums and serving as contributing editor to several industry periodicals. In 1960, I learned to fly in a Piper J2-J3 and, for over ten years, I was owner/operator of an aircraft service company.

I have been Member on scene for the Safety Board's investigations of the school bus grade crossing accident in Fox River Grove, Illinois; the MARC train and AM-TRAK collision near Silver Spring, Maryland, and the FEDEX MD-11 accident in Newark, New Jersey. In January 1996, I chaired a briefing for Government and industry representatives regarding the problem of ingestion of Canada Geese in the new generation of air carrier engines. I served as Chairman of the Board of Inquiry for the ValuJet accident near Miami, Florida and the Delta Airlines accident in Pensacola, Florida.

2. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? With over thirty years of aviation experience and having served as a Member of the National Transportation Safety Board for the past four years, I am confident that I possess the necessary skills for renomination to this position.

3. Why do you wish to serve in the position for which you have been nominated? It is a life-changing experience to investigate a major accident, and I have had the occasion to investigate numerous accidents from all modes of transportation. It has been a great privilege to serve as a Member of the NTSB for the past four years. I see the positive impact of the Board's work and my contributions to that work and want to continue to pursue the important initiatives we have already started for accident prevention. Each day I witness evidence of the Board's work when I see a child in a safety seat or sitting in the back seat of an automobile when a family member of a transportation victim thanks you for keeping them apprised of the

Board's activities, or when I come to a railroad grade crossing and know that as a result of the Board's actions, the signal system has been checked to ensure that they are operating properly.

The NTSB plays an important role in making our transportation system safe, and I look forward to the challenges ahead.

4. What goals have you established for your first two years in this position, if confirmed? I continue to believe the one area that must be more fully addressed in all modes of transportation is human fatigue. The Board has been in the forefront on this issue, and I will work toward changes in the hours of service regulations in all modes of transportation. In addition, the Board's "Most Wanted List of Outstanding Recommendations" addresses those issues we believe will have the most safety benefit, and I will continue to draw attention to these issues.

Additionally, I would like to see increased development and application of technology to enhance safety. I will continue to place added emphasis on addressing the root cause of accidents in the areas of human factors, and additional investigation of incidents to prevent the safety deficiencies from being manifested in accidents.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. The NTSB has a long record of identifying problems and issuing recommendations to the transportation industry which are key to accident prevention. The Safety Board has a long history of partnering with industry to accomplish its safety mission.

The NTSB has the role in transportation safety to recommend improvements. This independent role is essential for safe travel and could only be supported on a national level by the government. The private sector plays a multifaceted role in transportation as the provider and innovator of transportation systems.

6. *In your own words*, please describe the agency's current missions, major programs, and major operational objectives. To continue to prevent transportation accidents from occurring and promote the safest forms of transportation available in a proactive manner.

As part of the Board's major programs, we are tasked with investigating aviation, rail, marine, highway, and pipeline accidents, determining the probable cause of these accidents, and making recommendations to prevent them from happening again.

7. In reference to question number six, what forces are likely to result in changes to the mission of this agency over the coming five years? Aviation is a growing international industry. Today's worldwide estimate of 15 million departures per year could grow to 33 million departures per year by 2015. Additionally, statistical studies indicate that, based on the accident rates for the past 10 years and the increasing number of transport category airplanes in service, by the year 2006 there will be one accident a week worldwide in which the airplane will be considered a total loss.

International investigations are central to the Board's mission because every year the number of U.S.-manufactured and U.S.-registered aircraft being operated overseas increases, as does the number of foreign-manufactured aircraft operating in the U.S. As a result, safety issues that arise in foreign investigations often have wide-reaching implications for both the U.S. aviation community and for the worldwide aviation industry.

8. In further reference to question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the board/commission and why? Transportation safety oversight must receive adequate resources. The resources required for the NTSB to be prepared in the years ahead must accompany the reality of globalization.

One of the primary challenges to the Board is keeping its staff current on the technical aspects of the transportation industry.

The second challenge is responding world-wide to accident investigations with a limited staff. The week of September 1, 1999, 17 NTSB staff members were in six different countries assisting in aviation accident investigations.

Additionally, the Board must face the challenge of continuing to respond to the increased needs of family members following transportation disasters.

9. In further reference to question number six, what factors in your opinion have kept the board/commission from achieving its missions over the past several years? The Safety Board has been highly effective in achieving over an 80% acceptance rate of its safety recommendations. The primary issue for the Board's future is linked

to the availability of resources it has to do its job in light of what seems to be an ever-expanding set of expectations.

10. Who are the stakeholders in the work of this agency? First and foremost, the American public is the primary stakeholder. The public holds the Board in extremely high regard as a protector of safety standards that make the American transportation system the best in the world. Operators and manufacturers of transportation systems are an integral part of this group of stakeholders.

Secondly, the Congress, with its own regard for public opinion and the need to maintain a sound and reliable transportation system, is also a stakeholder in the work of the NTSB.

The Department of Transportation and its various regulatory agencies that respond to NTSB recommendations are also stakeholders.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten. I have an extremely focused concern for transportation safety and believe that my role is to be an advocate for improved transportation systems. I believe that as a Board member, I have a responsibility to make realistic safety recommendations that can successfully be implemented to reach the unified goal of the Safety Board and its stakeholders, which is accident prevention.

12. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? Treat employees as I would want to be treated. My experience as a union steward has underscored my appreciation for mutual respect as the foundation for solid supervisory/employee relations.

To my knowledge there have been no employee complaints brought against me.

13. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. I am always willing to address any concerns of Congress. Prior to becoming a Board member, I testified before Congress on several occasions concerning aviation rules and regulations. As a Board member, my working relationship with Congress is limited. I review testimony to be presented, requests for changes in the Board's statute, and the Congressional budget.

14. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your board/commission comply with the spirit of the laws passed by Congress. Although the Safety Board is non-regulatory agency, we as a Board have not hesitated to notify Congress regarding transportation safety issues that needed to be addressed. We will work closely with Congress to keep our programs goals closely aligned with significant public policy interests in transportation safety. I will continue to participate in this effort if confirmed.

15. In the areas under the board/commission jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views. Historically Congress has been supportive of strengthening the Board's authority and providing the tools the Board needs to execute its important responsibilities. I personally believe that the Board's request for reauthorization, which is pending in your Committee, should be a high priority. The changes requested are essential to maintaining the Board's continued high standards in accident investigation, and will go a long way to enabling us to hire and retain qualified personnel.

Another issue that needs to be addressed is motor carrier safety. The Board has been investigating too many accidents where there has been little or no oversight, and I commend Chairman McCain for the introduction of legislation regarding this issue.

16. Please discuss your views on the appropriate relationship between a voting member of an independent board or commission and the wishes of a particular president. I am certainly aware of the Board's history with regard to pressure by the White House and the Administration and the need for Board independence. I believe it is imperative that the Board maintain its independence, and that there should be no political pressure with regard to our decision making.

Senator HUTCHISON. Ms. Carmody.

**STATEMENT OF CAROL J. CARMODY, MEMBER-DESIGNATE,
NATIONAL TRANSPORTATION SAFETY BOARD**

Ms. CARMODY. Thank you, Madam Chairman. Good morning. First of all, I want to thank Senator McCain in absentia for agreeing to hold this hearing, and you, Senator Hutchison, for agreeing to chair it. I appreciate Senator Breau coming to introduce me. I

know what a busy schedule everyone has. I appreciate very much Senator Hollings' presence since I worked up here a number of years for him.

It is very nice to be back in this Committee room too, I might say, and I wish to thank President Clinton for nominating me to the Board. I am very honored to be considered. Every since 1977, when I started work at the FAA, I have heard about the NTSB. Some of the time I was there I worked for Admiral Don Engen, who was Administrator and also a former Board member. I came to understand some of the I think healthy tension that existed between the FAA and the board, and probably between the board and all regulatory agencies.

My time on the Commerce Committee gave me a good sense of the statutory underpinnings of the board, the sort of work they do, and the authority they have. I also had the opportunity, while I was on the Commerce Committee, to know a number of the Board members and to get acquainted with their work. I decided then that it was home to a very, very high level of public servants.

I remember when the first "Most Wanted" list was introduced in 1990, and I have watched that develop through the years to be a very important tool the NTSB uses to highlight its priorities. I have also been aware of the interest and the support this committee has always given to the board and to its work. I think safety is clearly a collaborative effort with the Congress, with the regulatory agencies, the board, and the public.

If I am confirmed to the position I certainly bring a longstanding and strongly held interest in improving aviation and transportation safety for the traveling public. My years at the FAA, my time on the Commerce Committee, and my service at ICAO have given me a broad understanding of the aviation industry, of the redundancies that exist in the industry, and of the occasional failures when accidents do occur.

I think the successes of the board and the regulatory agencies have been remarkable in the 20 or so years I have been aware of them. I have no doubt there is much more to be done, and I think there will always be new and improved ways to address safety. I think there is probably no greater calling or higher pleasure for a public servant than to make the lives of fellow citizens better and travel safer, and so if I am confirmed I look forward with enthusiasm to taking up the role.

Thank you very much. That is the end of my remarks, and I will be looking forward to questions.

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

PREPARED STATEMENT OF CAROL J. CARMODY, MEMBER-DESIGNATE,
NATIONAL TRANSPORTATION SAFETY BOARD

Good Morning. I want to thank the Commerce Committee for holding this hearing, and Senator Hutchison for chairing it. I am grateful to President Clinton for nominating me and I am proud to be considered for membership on the National Transportation Safety Board.

Ever since I went to work at the Federal Aviation Administration (FAA) in 1977, I heard about the work of the Board. Later as I worked for Admiral Don Engen, FAA Administrator and former NTSB Member, I learned more about the efforts and successes of the organization. During my years on the Commerce Committee as an Aviation Staff member, I came to know many Board Members and to learn a bit

about their work. I decided years ago the NTSB is home to an impressive group of public servants who do extremely important work. I remember when the first "Most Wanted" list was developed, and I have witnessed some of the Board's successes. I remember too how supportive this Committee has always been of the Board's mission and requirements. Safety is a collaborative effort: the Congress, the regulatory agencies, and the Board all play a role.

If confirmed I will bring to the Board a strong and long held interest in improving the safety of transportation for the traveling public. My years at the Federal Aviation Administration, on the Senate Commerce Committee and at ICAO have given me a broad understanding of the aviation industry, an appreciation for the remarkable redundancies in the systems, and a glimpse of the rare failures in those system which produce accidents. I think the Board and the transportation regulatory agencies have accomplished marvelous things in the past years; but there is more to be done, and there will always be new discoveries of ways to improve safety. I don't think there can be any higher privilege for a public servant than to help protect the welfare of fellow citizens. If confirmed by the United States Senate, I look forward to the opportunity to serve.

A. BIOGRAPHICAL INFORMATION

1. Name: Carol Jones Carmody.
2. Position to which nominated: Member, National Transportation Safety Board.
3. Date of nomination: November 8, 1999.
4. Address: 4535 Van Ness Street, NW, Washington, D.C. 20016.
5. Date and place of birth: Houston Texas, August 14, 1942.
6. Marital Status: Divorced. Former husband Robert F. Carmody, Jr.
7. Names and ages of children: None.
8. Education: American University 1981–1983 M.P.A.; University of Oklahoma 1961–1964, BA; Southern Methodist University 1960–1961; Louise McGehee School 1956–1960, Highschool Diploma.
9. Employment record: (*All jobs held since college*)

1965–1967	Liberty Mutual Insurance Company, New Orleans, LA. Insurance claims adjustor in casualty claims office.
1967–1968	Braniff Airlines, New Orleans, LA. Ticket and reservations agent.
1968–1971	Central Intelligence Agency, Washington, D.C., Editor and intelligence analyst.
1972–1973	Bailey Employment Agency, Milford, Ct., Owner and manager.
1973–1977	Trust Fund Consultants, Inc., Washington, D.C. Manager of firm which administered pension and medical plans for labor unions.
1977–1985	Federal Aviation Administration, Washington, D.C. Budget analyst and then manager of budget formulation division.
1985–1988	Federal Aviation Administration, Washington, D.C. Deputy Director, Congressional Relations, Office of Administrator.
1988–1994	Senate Commerce Committee, Washington, D.C. Professional aviation staff.
1994–1999	Department of State. U.S. Representative to the Council of the International Civil Aviation Organization, Montreal, Quebec, Canada. Appointed by the President to represent the US in this United Nations body which establishes standards for international civil aviation.
1999– present	Consultant. Clients include Air Transport Association, Washington, D.C. on subjects of noise and the environment; Baker, Donelson, Bearman and Caldwell of Washington, D.C. on the subject of the European hushkit issue.
10. Government experience: (Any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.) None.
11. Business relationships: Partner, One Park Washington. I was one of three limited partners; my husband was general partner in the ownership of an office building in Falls Church, Va. He and I sold our interests in the building to the other two partners in February 1998.
12. Memberships: I am a member of the Aero Club of Washington, the International Aviation Club, Executive Women in Aviation, American University Park Citizens Association, Humane Society of the US, Junior League of Washington.
13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate. None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years. Registered Democrat since 1991; previously registered Republican in D.C. to vote for mayor.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. No single contribution of this size.

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

Federal Aviation Administration Award for Extraordinary Service, 1999; Louise S. McGehee School Award for a Distinguished Alumna 1996; Outstanding performance awards in 1981, 1983 and 1985 while working at the FAA.

15. Published writings: *Safety Oversight at ICAO* appearing in ICAO Journal, fall 1994.

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

I spoke to the Aero Club of Washington twice and, among other things, addressed the issues of international air safety and programs to improve it.

17. Selection:

(a) Do you know why you were chosen for this nomination by the President? I believe the President chose me because my background demonstrated that I have a comprehensive knowledge of the aviation sector and because I have demonstrated the ability to work with technical information, draw conclusions and produce results.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? My work at the FAA gave me a first hand view of the regulatory agency and its relationship to the NTSB. My work on the Senate Commerce Committee gave me the opportunity to become familiar with the work of the NTSB; its mandate and its structure. My acquaintance with the industry has given me an understanding of the impact NTSB has on it, and of the interrelationships that exist and should exist between them. All of these factors will help me in assessing information as a Board member and working to reach conclusions and recommendations which will improve safety.

B. FUTURE EMPLOYMENT RELATIONSHIP

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

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

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

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

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

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe *all* financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. I am a consultant to the Air Transport Association, and to Baker, Donelson, Beannan and Caldwell. My consulting work will cease, as will my payments, when I begin employment at the NTSB. I will not have any deferred compensation agreements.

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

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

4. Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification

of any legislation or affecting the administration and execution of law or public policy. In my consulting work this year, I have been trying to persuade the U.S. government to take action against the European Union for the EU hushkit rule, which would prohibit certain aircraft from operating in Europe. I have attempted to persuade both authorizers and appropriators staffs to include language in the relevant bills directing the U.S. government to take specified action against the EU.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. If potential conflicts of interest are identified, I will consult with the appropriate ethics officials and take the steps recommended to resolve the issue.

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

D. LEGAL MATTERS

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

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation or ordinance, other than a minor traffic offense? Yes. On May 18, 1998 I was arrested and charged with misdemeanor—simple assault—by D.C. Police. US Attorney dismissed charge. No paper—no prosecution. Date was May 18, 1998 in Washington, D.C. in Superior Court of District of Columbia.

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

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

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. I have nothing to add.

E. RELATIONSHIP WITH COMMITTEE

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

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, to the extent of my authority to do so.

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

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

F. GENERAL QUALIFICATIONS AND VIEWS

1. Please describe how your previous professional experience and education qualify you for the position for which you have been nominated. I have worked in the aviation arena since 1977 when I took a job at the FAA. After 11 years at that agency, I was fortunate to work as an aviation staff member on the Senate Commerce Committee. In that position I became intimately acquainted with the work of the NTSB. Working on the Board's reauthorization, I became aware of its mission and function regarding all modes of transportation. My work on the Commerce Committee and then at the International Civil Aviation Organization has given me a broad understanding of the transportation industry and its components. I have the ability to sift through data and draw conclusions. While I was at ICAO I had the opportunity to manage teams of technical experts from disparate disciplines to achieve common goals; I believe that experience prepares me for the job of managing investigations, promoting and supporting the work of the technical experts who determine the cause of accidents and make recommendations to prevent the recurrence of such accidents.

2. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? Although I am familiar with the Board's work in all modes of transportation due to my work on the Senate Commerce Committee, most of my experience has focused

on the aviation arena. There are important safety issues in the other modes of transportation, and I will make a concerted effort to become well acquainted with each.

3. Why do you wish to serve in the position for which you have been nominated? I have spent over 25 years of my career with the government and have found it to be extremely rewarding. I would like to continue my public service, and believe that I have the combination of experience, maturity and determination that this job deserves. I look forward to making a positive contribution to improving safety for the travelling public.

4. What goals have you established for your first two years in this position, if confirmed? First, I would become more knowledgeable about the Board's current activities, particularly in the surface modes of transportation.

Second, along with my fellow Board Members, I will work to implement the items on the NTSB's "Most Wanted" list. The list identifies those safety recommendations which can have the greatest impact on transportation safety. Since its inception, I believe it has had a positive impact on safety.

Third, I am interested in the issue of aircraft certification and the method in which safety improvements may be incorporated in the design of new aircraft. I hope to explore this subject further if I am confirmed to the Board.

5. Please discuss your philosophical views on the role of government. I believe government can be a beneficial and positive force in the lives of citizens. I think there is much that the private sector and "market forces" can accomplish to make society better and life more productive; however, in areas of public health or safety or transportation, I believe the government has an important role as overseer and regulator. For example in the areas of transportation I do not think it is reasonable to expect market forces to produce the safest systems for the travelling public. It is important for the government regulators to set the standards high enough to protect the public, yet still weigh the cost and effect of the standards on the public. It is crucial that an independent body judge if those standards are sufficient to prevent accidents.

In areas where the goal is efficiency, the private sector may be the desired choice. If equity is a concern, or safety, perhaps the government is more capable and more interested in serving the common interest.

A government program should be discontinued if 1) its goals have been achieved and/or 2) if the private sector has demonstrated it can perform the task more efficiently. I do not necessarily hold these views in instances where the public safety is involved.

6. In your own words, please describe the agency's current missions, major programs, and major operational objectives. The primary mission of the NTSB is to save lives through the prevention of transportation accidents. This is accomplished through the investigation of aviation, highway, hazardous materials and pipeline, marine, and railroad accidents; the determination of probable cause of those accidents; and the issuance of safety recommendations. Accident investigations may produce issues which require additional special study or investigation. An example was the highway special investigation report on bus crashworthiness which was recently adopted by the Board.

7. In reference to question number six, what forces are likely to result in changes to his mission of this agency over the coming five years? Transportation is an ever-increasing industry. As the industry grows, the potential for accidents increases. With growth, we are likely to see an increase in accident investigation that would exceed the NTSB's current resources.

According to research from the FAA, ICAO, and Boeing, civil aviation is expected to grow about four to six percent per year in the U.S., with even higher growth overseas. In 1996, over 650 million passengers boarded U.S. commercial aircraft in 1998. That is approximately twice our population.

Although the number of transportation deaths has decreased in the past year, there are still a significant number of accidents. Highway fatalities comprised over 94 percent of transportation related deaths this year. Each year highway traffic accidents cost the nation about 40,000 lives, five million injuries, and \$137 billion in medical costs, lost productivity, and property damage.

Although railroads are one of this country's safest forms of transportation, every year over 500 people die in grade crossing accidents. I understand that approximately two-thirds of all crossings have no train-activated warning devices. Future projections estimate that there will be over 600 million train miles in the year 2002.

Additionally, over 700 deaths occur due to approximately 6,500 recreational boating accidents each year.

There are more than 1.6 million miles of pipeline that carry gas to about 60 million customers in this country. There are on average 21 pipeline fatalities each year;

however, the potential for greater loss exists as was demonstrated by the San Juan, Puerto Rico, accident on November 21, 1996.

Not only will the Board need sufficient resources to meet the challenges of this transportation growth, but also it is imperative that the Board retain a qualified staff. New transportation technology is continuously introduced, and the Board must have the capability to hire, retain, and continuously train its technical staff.

7. Re: question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the board/commission and why? As mentioned above, the Safety Board must be able to keep up with the technological changes and growth in the transportation industry. More and more demands are placed on the Board by the internationalization of the industry and it is important to realize that globalization will continue to have a significant impact on the Safety Board and the American travelling public.

The first challenge facing the Safety Board is resources. The Board must have the adequate resources necessary to accomplish its mission.

The second challenge of the Safety Board is to attract and retain qualified staff. The very integrity of the reports and recommendations produced by the Board hinges on the competence and expertise of its investigators and scientists.

Third, the Board must be able to keep its employees trained properly so that they remain ahead of the curve in this constantly changing industry. I understand that one of Chairman Hall's goals last year was to fully fund training for employees across all modes. I believe that adequate training is critical to maintaining the technical qualifications of the Board's employees.

8. Re: question six, what factors in your opinion have kept the board/commission from achieving its missions over the past several years? Although difficult in these times of budget constraints, I believe the Board has been successful in achieving its mission over the years. The acceptance rate of Board safety recommendations is approximately 80 percent; the acceptance rate for urgent recommendations is even higher, and every day we see evidence of the Board's accomplishments. It is because of work completed by the Board and its employees that child safety seats are now a requirement in all 50 states; parents are aware of the dangers of passenger-side air bags pose to children; all states have raised the legal drinking age; many states have a pipeline one-call system, and all commercial fishing vessels are required to carry specific lifesaving devices, including liferafts, survival suits, and emergency position indicating radio beacons.

9. Who are the stakeholders in the work of this agency? There are many obvious stakeholders of the Safety Board's work, including the Department of Transportation and its modal administrations, all segments of the transportation industry, and the United States Congress. Ultimately, every man, woman and child in the United States who relies on transportation are stakeholders in the work of the Safety Board. It is for the taxpayer that the Board strives to make transportation safer.

10. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number 10? As a Board Member, it would be my responsibility to ensure that we continue to have the safest transportation system in the world. I, too, am a stakeholder in the work of the Safety Board. I too am a stakeholder in the work of the Safety Board. I believe that the goal of accident prevention is shared by the Safety Board and all of its stakeholders. The work of the Board must be known to be effective. It is the responsibility of the Board Member to make sure the public is aware of the Board's safety concerns. This can be accomplished by keeping Congress aware of the Board's actions, and by speaking to local civic groups, to transportation association, to airport officials, etc.

11. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? My philosophy is that supervisor/employee relationships must be collaborative, cooperative and congenial. I have had extensive experience with both roles, and I know that people who have an interest and a stake in the outcome produce the best work. I favor open and frank discussion between workers at all levels. I acknowledge that the overall responsibility rests with the top; management should provide direction and create an atmosphere to avoid uncertainty. I have had no employee complaints brought against me.

12. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? My working relationships with the Congress have been harmonious. Because of my six years as a staff member with the Committee on Commerce, Science, and Transportation, I have worked extensively with both Senators and staff on transportation issues. My association with Members of Congress and staff have continued as a result of my consulting work and as the U.S. Representative to ICAO.

13. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your board/commission comply with the spirit of the laws passed by Congress. If confirmed, I will work closely with Congress to ensure that the Board's programs reflect significant public policy interests related to transportation safety. Although the Board is a non-regulatory agency, I believe that it is important to keep Congress apprised of transportation safety issues that are not being adequately addressed by industry or the appropriate regulatory agencies.

14. In the areas under the board/commission jurisdiction, what legislative action(s) should Congress consider as priorities? I am familiar with the NTSB's reauthorization request that was transmitted to this Committee on April 27, 1999. I agree with the Board that the issues highlighted in the request will go far in helping it to accomplish its Congressional mandate.

15. Please discuss your views on the appropriate relationship between a voting member of an independent board or commission and the wishes of a particular president. The Board is an independent agency in part to avoid political pressure. Although the Board's investigations are conducted through a party system, it retains its independence throughout the process. It is the Board who analyzes the work of its investigators, it is the Board who determines the probable cause of an accident, and it is the Board who issues safety recommendations to prevent the recurrence of similar accidents. Political pressure, no matter who it comes from, should not be a part of the Board's decision-making process.

Senator HUTCHISON. Thank you very much. If you would let me have 5 minutes, and then I will go to Senator Breaux, and then I will come back to me to finish, because I think this will be fairly brief, but as we are preparing—let me say, I think both of you are totally qualified, and what we want to do is keep the process going. That is the purpose of this hearing, to get your nominations moving.

But I do want to ask you, as we are beginning to look at a reauthorization, to address some of the issues that NTSB is facing and I would like to ask both of you to respond as you would like to on my questions. Particularly, the House has passed an NTSB reauthorization and there are certain provisions of it—if you are familiar with what the House has passed, I would like to ask you to comment on it, and if you think there is anything that was not addressed by the House, or if you particularly support what the House has done.

Mr. Goglia.

Mr. GOGLIA. Although I am familiar with our re-authorization requests, I am not intimately familiar with what the House has passed.

Senator HUTCHISON. Are you, Ms. Carmody?

Ms. CARMODY. Well, I know one area which they passed, some language having to do with giving the NTSB priority in investigations, reinforcing, if you will, the existing statutory authority of the NTSB. I think there has been an increasing tendency over accidents recently to have to have parallel criminal investigations, and there has sometimes been confusion over who was in charge at what time, so I believe the House did have language in the reauthorization that addressed this.

Senator HUTCHISON. Actually, I would like to have your opinion on this. It allows the Attorney General to determine if the cause is criminal, and if that is the determination it would give the FBI primacy even in aircraft investigations, and as a former member, I would be somewhat concerned about determining primacy for the FBI in an investigation rather than a dual role at least, where if there is—the way NTSB investigates, everything has to be laid out

a certain way, left in place until you are able to pick up the part that is important, but where it sits is very important as well, which might be different from a criminal investigation.

What would be your thought about FBI primacy in an air investigation that might be determined criminal?

Mr. Goglia.

Mr. GOGLIA. I have some experience in this area. I was the member on-scene with the Federal Express accident in Newark, New Jersey, and the FBI had concerns about evidence they had on that airplane, and I thought the methods we actually devised on-scene worked very well, inasmuch as we had FBI agents that were put on every one of the groups, and we maintained for their purposes a clear chain of custody. Although we operated under our procedures and our process, we also preserved the chain of custody so that in the event the investigation turned criminal, lawenforcement would have had control over all the pieces of the airplane, all the evidence, at all times until such time as it was determined that the investigation was not a criminal investigation.

If we do that in reverse, it causes us considerable problems in the safety investigation, in the timeliness of the investigation as well because of the different priorities, and so I think that whatever decision the Congress makes, I think we need to have the NTSB controlling the scene, using our processes.

If our processes and procedures need to be tweaked or adjusted, I think we can do that to accommodate the needs of the Justice Department. But there needs to be one leader at the scene, and we cannot have this continuing tete-a-tete back and forth over whose accident it is.

Senator HUTCHISON. Do you have any comment on that, Ms. Carmody?

Ms. CARMODY. None, except it sounds sensible to me. I have not been involved in accident investigations, but I think that sounds like a reasonable approach.

Senator HUTCHISON. Let me ask you another question. This was dealt with in the House bill, and I have certainly heard about it from Chairman Hall, and that is, the Coast Guard and the NTSB have had possibly even more conflict than the FBI on jurisdictional issues.

The committee language in the House bill just says work it out. I would like to know your thoughts on whether that is the right approach, try to get the two groups to work something out that would be in everyone's best interest, or should it be in the law?

What is your view, Mr. Goglia?

Mr. GOGLIA. Well, I understand there have been discussions on an MOU with the Coast Guard, but I do not believe that they have gone anywhere.

My own personal view is that the NTSB provides you and other Members of Congress and other decisionmakers valuable information which you can use to make decisions that shape transportation policy in this country. You do not get the benefit of an independent view without having given us the ability to have primacy in the investigation.

If I was to turn the shoe around the other way and I were the Coast Guard, I would certainly not want somebody to come in and

review my operation that was potentially going to air my dirty laundry out all around the country. So until we get the primacy that enables us to give you the unbiased facts of the accident so you and other decisionmakers can make the correct decisions, we are always going to be at a disadvantage.

Senator HUTCHISON. Ms. Carmody.

Ms. CARMODY. I was frankly baffled when I heard of this issue, because I did not understand why the Coast Guard had a different arrangement than other agencies. It seems to me it would be easier if it were spelled out in more specifics.

Senator HUTCHISON. Well, I think clearly we need to have input again from the Coast Guard and from the NTSB to—I would like for it to be worked out without law, just because I know that sometimes in investigations you just cannot follow a procedure perfectly when you are dealing with new things, with new areas, with—even sometimes one side has the resources and the other side needs access to something different.

You just cannot predict what you are going to need in an accident investigation, and I do not want you to have to go out on a Coast Guard cutter and start looking at a manual of the law. I would rather have you be able to do it in a way that would make sense between the two agencies, but it has bubbled up a couple of times, so we will look at that as we go toward reauthorization.

With that, Senator Breaux.

Senator BREAUX. Well, you have raised a very interesting point. I sort of tend to believe we need some clear direction of who is in charge. You cannot have the FBI and the Coast Guard and the NTSB at an accident site deciding, in my opinion, onsite who is going to be in charge. It is too late.

And in a terribly unfortunate situation, such as an accident where a plane goes down, generally there is a great deal of chaos, and that is not the right time to sit down and decide who is in charge. I mean, it should be clearly spelled out, and I am not really satisfied, Madam Chair, to tell the three agencies to go work it out.

I mean, anybody who has been around Washington long enough knows the various agencies are all going to be trying to get their inputs, and they want to be in charge. The Coast Guard wants to be in charge, the NTSB wants to be in charge, the FBI, who thinks there is something wrong, wants to be in charge. Everybody is going to sit around arguing about who is in charge. What happens when that occurs nobody is in charge, and we do not want to wait until that happens.

I mean, we have already seen some problems in this, and I think maybe Congress does have to say, all right, NTSB is in charge, and then if other things come to light, bring in other prospective agencies on this, but I really do think that we ought to take a look at doing more than just saying, “work it out.” We are not going to get it worked out. Anybody who has been around Washington more than five years knows that.

Do you disagree with that?

Mr. GOGLIA. I agree with that 100 percent.

Senator BREAUX. They are going to fight over it. I have seen them fight.

Senator HUTCHISON. Your point is well-taken. Where the problem comes is, there are certain assets that NTSB has. In investigating an accident they have the ability to take the flight data recorder and bring it in, and they have got the equipment to read it out, but they do not have the ability to go out into the ocean and hunt for parts, and so if we go that route, which I think makes sense, we are also going to have to look at some budgetary authority, because the Coast Guard might not have the budget, or the Navy might not have the budget for their divers.

There has to be some ability for the one in charge to also be able to pay for the services rather than one agent be in charge and the other one be providing resources from their budgets that they do not have, and so it is complicated, but I think your point is well-taken. I think it needs to—

Senator BREAUX. Well, I will just suggest the budgetary concerns, and that is always very important about who pays for what. But you have to have someone on the scene who is in charge, and then you have to be able to utilize the equipment and the manpower, and the vessels and everything else that needs to be brought in. But somebody has to say that he is in charge of an investigation and to bring in everybody else, and we ought to be able to solve this. It is not that great a problem that people with good intent cannot come together, and I would just hope that when the bill comes up over here, that we do more than just say work it out, because it is not going to get worked out.

Thank you.

Senator HUTCHISON. Did you have any other questions?

Senator BREAUX. No.

Senator HUTCHISON. If not, then there are a couple of other things I just wanted to ask for my information. Mr. Goglia, the board has indicated that it plans to hold a hearing on safety implications of NAFTA, and I wanted to ask you if that has been done?

Mr. GOGLIA. We have held several hearings around the country on truck safety issues. The NAFTA hearing was held October 20–22, 1999, in Los Angeles, CA.

Senator HUTCHISON. Have there been any safety recommendations that have come from those hearings?

Mr. GOGLIA. Not yet.

Senator HUTCHISON. Do you think there will be any?

Mr. GOGLIA. I suspect there will be. It is a little premature for me to say. We need to have three Board members to agree, so it is a little premature to say the outcome, but I believe we will have some recommendations.

Senator HUTCHISON. I think this is an important area for NTSB to address. As we are beginning to make the decisions on truck entry from Mexico, I think we need to know what the problems are and if there are recommendations for safety that would protect people on our highways all over our country, and it is something I have looked at, and I think the Department of Transportation has been correct in making sure that we do not leap before we look and that we do not allow a lot of trucks that do not meet our standards on our highways, but I would be interested in NTSB's recommendations before those final decisions are made.

It is my understanding, Mr. Carmody, that there have been recruitment problems for accident investigators, getting qualified people. Are you familiar with that kind of problem, and if so, would you tell us what the problems are, and how you would address that?

Ms. CARMODY. We are not sure, did you invite me to answer that, Senator?

Senator HUTCHISON. I was actually talking to Mr. Goglia as a member of the Board, but if you have comments, if you are aware of this I would be happy for you to jump in. I was addressing it to Mr. Goglia.

Mr. GOGLIA. That has been an ongoing problem, Senator. Our ability to attract qualified people in the ranks of investigators has grown in the past. As the economy gets strong we cannot compete with the commercial interests and what the private sector is offering as a compensation package. Anyone who knows the workload of the NTSB, knows you would have to take that into consideration when you signed on, because the average work week is something like 62 hours, and most of it, that extra over 40 hours is not adequately compensated, so it is a labor of love on the side of our investigators.

So the really experienced people we are not drawing. We are drawing much younger people, and we have a turnover. As soon as they get the qualifications, industry will take them away from us, and frankly I do not blame them for leaving.

Senator HUTCHISON. Do you think higher GS levels, or do you think overtime is more the corrective?

Mr. GOGLIA. We need to have a basic compensation level that equals what industry is paying, and we need to find a way to compensate them if not fully, at least more than the token compensation we give them for the extra hours they put in.

Senator HUTCHISON. Did you have a comment, Ms. Carmody, on that?

Ms. CARMODY. Just that I read the Rand report, and I know this was a concern that was raised there in terms of the number of hours the staff work and the difficulty in recruiting them. I think it is probably not unique to the NTSB. I think some of the other Government agencies have had the same problems with recruiting and retaining people.

I recall there was a provision in the NTSB reauthorization which would provide early retirement for some of the investigative staff, which I believe the Board thought would be an additional lure to get people to sign on.

Senator HUTCHISON. Mr. Goglia, you have aviation in your background, but you have also participated in a number of the railroad issues. I wanted to ask you if you think the public education program such as Operation Lifesaver, which was actually started when I was on the NTSB—we worked with the National Safety Association to former Operation Lifesaver—if you think that Operation Lifesaver and the Department of Transportation Share the Road education campaigns are having an impact. Do you sense that, or do you see it in the accident reports?

Mr. GOGLIA. Not in accident reports, but I see it in my traveling, in my discussions in the real world that it definitely is having an impact. Operation Lifesaver is a wonderful program.

I chaired, or I ran the on-scene investigation at Fox River Grove, which was the grade crossing accident with the school bus, a very painful accident, to see those children like that. I think anything that we can do to alleviate grade crossing issues in this country is money well-spent.

I applaud the work of the Railroad Administrator. She has worked in cooperation with the industry. I believe they have closed approximately 20 percent of the grade crossings in this country. We need to do more.

So given the constraints on the resources, I think all of those programs are worthwhile, and if we could find more resources I would love to see this put in. There are some 600 fatalities every year at grade crossings, and every single one of them is preventable.

Senator HUTCHISON. I agree with your assessment of Jolene Molitoris. As the Federal Rail Administrator she has been so tough and active, and I think she has done a terrific job, and the ads that are being put forward by Operation Lifesaver, which is now an ongoing entity, have been totally supported by Jolene Molitoris, and they are tough, and I am sure that any teenager or person who sees those ads is impressed and will remember, and I certainly hope that it is successful.

I would like to ask Ms. Carmody, because this is an area where you have had experience with FAA and NTSB having been on that side and on the Commerce Committee side, how do you see the agency's actions on recommendations? Do you think the NTSB and FAA have a healthy working relationship? Do you think the FAA is doing as much as it should from the NTSB recommendations? Are they acting as quickly as they should? What is your assessment of that relationship?

Ms. CARMODY. I think overall the FAA is doing a very good job. I am looking at the level of recommendations they accept from the board, and I think it is 83 percent, so I think on balance they have done a good job. I think Jane Garvey has done a remarkable job in her tenure there.

Senator HUTCHISON. How do you feel about the NTSB's recommendations? Do you think they have been about right on, or do you think they do too much or too little?

Ms. CARMODY. No, I do not think they do too much. I was going to say I think there are always areas in which it would be nice if FAA were more aggressive, or acted a little more quickly. Runway incursions is an obvious example. That has been a subject on the "Most Wanted" list for quite a while. I think the FAA is moving on it, but it seems that the progress has been very limited.

The AMASS System has had some delays, and I think there is a possibility to be frustrated over it sometimes, the pace of the FAA, but I think on balance—as I said in my opening statement there is a tension between the two, and that is to be expected. I think it is probably healthy. I think it is important that the two agencies continue to cooperate, but I believe there is always going to be a little bit of a difference of opinion between them.

Senator HUTCHISON. Let me ask both of you how you think the MD-80 problems were addressed by the FAA and NTSB? Do you think that the right thing was done at the right time after the Alaska Air—

Mr. GOGLIA. You are talking about the jackscrew problem. I think the NTSB and the FAA both moved very quickly to deal with that issue, but they also have to give the industry credit themselves. I know from my contacts with the industry they did not wait for either one of us to move. As it became known, the problems became known, the industry moved before us, and that is exactly the way the system should work.

Ms. CARMODY. I was equally impressed. I was from the outside looking in, since I am not on the Board, of course, but I was impressed with the speed with which the FAA and the industry seemed to take this up and act on it.

Senator HUTCHISON. I read an article in the Washington Times that said those parts were made in China as part of an agreement that McDonnell-Douglas had made when they were selling in the eighties to China, that they agreed that they would manufacture certain parts there. I would like to ask you if a) you believe that that is true and, if so, is there anything that needs to be done that would require more inspections of foreign-made products, or is this something that just could not be avoided, or is there something we ought to be looking at if that is the case?

Mr. GOGLIA. Well, first off, Senator, I am not aware of the fact that this particular part was made in China, so it may not have been, but aircraft parts in general—and I am from Massachusetts, so that is p-a-r-t-s. We talk a little funny. But aircraft parts in general are held to pretty high standards.

Senator HUTCHISON. You certainly do, as far as I am concerned. [Laughter.]

Mr. GOGLIA. They are held to a high standard, and the specifications in this example are thread, pitch, and hardness of material, and they are well spelled out, and the inspection process is pretty well-defined.

Senator HUTCHISON. Is it defined before it goes into an aircraft? Is there anything special about a foreign-made part?

Mr. GOGLIA. If the system works as designed, the pieces, there is a specification that is sent to wherever it is manufactured, this country or outside, and the part is made to those specifications, and then there is a receiving inspection that is designed to assure that the part meets the specification.

Now, does that happen every time? The answer is no. We have examples in the Delta Airlines accident in Pensacola, Florida, where a fan hub came apart that was manufactured by Volvo, and that part had—although it had all the rights stamps, it was clearly the inspection process failed, so yes, sometimes things fail and fall through the cracks, but you cannot have 100 percent inspection for every piece. You have to build it in on the production side, and failures in that area are pretty rare.

Senator HUTCHISON. And the FAA does spot-checking, is that the process?

Mr. GOGLIA. They check the process. Quite frankly, Senator, the FAA does not have the resources to keep up with industry today.

I mean, we have 3,000-some-odd aviation safety inspectors at the FAA and they just cannot keep up with it. The fleet is growing rapidly. Industry is just moving so quickly. Government is not structured in a way to perform the inspections, so they really have to ensure that the process that is in place at either the manufacturing level or the airline level is proper.

Senator HUTCHISON. Ms. Carmody, do you think that we need to look at the FAA's processes and their number of inspectors? Is that something that we should address down the road, or very quickly?

I know that they cannot—they will never be able to inspect every single part that goes onto every single airplane. There would be no way. But is it adequate?

Ms. CARMODY. I think that is something this Committee has looked at at various times through the years. Inspectors are always the subject of interest and concern. You are right, there will never be enough to inspect everything, but there has to be an adequate number to oversee various processes that are ongoing at the FAA.

In terms of what the Board is doing, I believe there is a special study now that NTSB is conducting of FAA oversight of repair stations, so-called part 145. I am not sure what the timeframe on that is, but it is an ongoing study. It is part of looking at the oversight capability of the FAA, but I do think the number of inspectors and the subject of inspectors should be of continuing interest to this committee and the NTSB.

Senator HUTCHISON. Do you have an opinion, Mr. Goglia, of whether it is sufficient the way it is done now, or should we look at expanding the number of inspectors?

Mr. GOGLIA. The FAA needs additional resources to provide the oversight. The industry is expanding rapidly. The number of inspectors are overworked. In some areas of the country, such as Miami and the West Coast, there is just an explosion of aviation providers, and there is certainly not enough inspectors to go around, and visiting the repair station once a year quite frankly does not cut it.

Senator HUTCHISON. Well, I would be interested in NTSB's findings on the study they are doing now, but perhaps even expanding that to determine if we really need to address FAA's resources in light of what you have said about the exploding number of providers. I know we are now starting to use in my State, starting to use smaller jets for commercial aviation. The 50 passenger jets that would give intrastate service in Texas, and we really have not had very many of those, at least in Texas, heretofore, but now I think they are going to be more and more popular around the country.

Right now, they are made in Brazil, so I think we are going to want to make sure that we have adequate safety of those coming online, which is just one example of what you have said. We have got more types of systems coming in.

So I would be interested in NTSB doing a study, and certainly FAA does report to us, but I think having the NTSB as an outside source would be very important, so you might look at that as you enter your service on the Board, and as you continue yours.

Well, I would just like to say, that is the end of my questions. If you have any other comments you would like to make, I would be happy to put those in the record at this time and, if not, I think

you are certainly well-qualified. I will look forward to working with you and we will at the earliest possible moment have a full committee hearing and vote your nominations out and see if we can get you confirmed on an expedited basis.

Thank you very much, and this hearing is adjourned.
[Whereupon, at 10:10 a.m., the committee adjourned.]

APPENDIX

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

Madam Chairwoman. First of all, I'd like to thank you for your leadership in convening this hearing to consider these nominations.

The nominees before us today, Carol Carmody and John Goglia, will play a vital role in shaping our nation's transportation policy if confirmed as Members of the National Transportation Safety Board (NTSB). The NTSB is an independent agency charged with promoting safety in transportation throughout the nation. They conduct accident investigations, make recommendations for safety improvements based on their investigations, do safety studies, and evaluate the effectiveness of government agencies' transportation safety programs. The professionals before us are veterans of transportation practice and policy—they are clearly well qualified for the positions they have been nominated for. I look forward to hearing from them.

John Goglia has served on the NTSB since 1995. In addition to his experience at the Board, he is considered an expert on human factors in the mechanic's workplace. He gained much of this experience during his employment at Logan Airport with US Airways beginning in 1966 and ending in 1995 when he was confirmed to his present position at the NTSB. His 32 years of aviation experience coupled with the fact that he is an internationally recognized expert in aviation maintenance and aircraft operations make him an ideal nominee for reappointment to the Board.

Carol Carmody is a veteran of the Hill and the Administration. I am pleased to see Carol back before the Committee, although on the other side of the dias this time. Her six years of experience on the Commerce Committee staff working on aviation issues and her time at the Federal Aviation Administration make her an ideal candidate for the NTSB. In addition to her federal experience, for the last four years, she has served as the U.S. Representative at the International Civil Aviation Organization (ICAO), the United Nations body responsible for civil aviation standards. I have no doubts that, if confirmed, she would excel in her role as a member of the NTSB given her experiences in the past.

To both of the nominees here today, thank you for your attendance and I look forward to working with you in the future.

PREPARED STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS

I'm pleased to welcome Mr. Goglia here today for his renomination to the NTSB. Mr. Goglia was born and raised in Boston and I am pleased to have such an outstanding citizen of my State of Massachusetts serve as a member of the NTSB. I encourage my colleagues to support his speedy confirmation.

Mr. Goglia has been a member of the NTSB since 1995 and is uniquely qualified to serve on the Board, as he is an internationally recognized expert in aviation maintenance with over thirty years of aviation experience.

Before he began his service on the NTSB, he was an aviation mechanic with USAir at Logan Airport. He was the recipient of the 1994/Industry Aviation Mechanic of the Year Award. He has also served on the International Association of Machinists and Aerospace Workers' (IAM) Accident Investigation Team and for over 21 years he served as the IAM's Flight Safety Representative.

Mr. Goglia's vast experience has permitted him to bring a valuable perspective to the Board, where he has made a number of valuable contributions since his confirmation in 1995. He has focused the NTSB's attention on the significant role maintenance plays in transportation safety. Related to that, he has advocated that the Board focus on the importance human factors play in transportation safety. Mr. Goglia's background has also made him uniquely qualified to address the problems that maintenance worker shortages in the aviation industry cause.

I think Mr. Goglia is exceptionally well qualified to continue his service on the Board, and would encourage my colleagues to support his confirmation.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO
CAROL J. CARMODY

Question 1. As it has been noted recently in commentary on the January 31, 2000 Alaskan Airlines Flight 261 crash off the coast of California, in which 88 people died, accident investigations are becoming increasingly complicated. This is due to many factors, but especially to the fact that we have been able to eliminate the "easy" accidents. In light of this, do you believe that the NTSB has the tools available to meet the challenges of more intricate investigations?

Answer. This problem was mentioned in the Rand Report, entitled *Safety in the Skies*, which was released late last year. The need for increased resources is reflected in the NTSB FY 2001 budget request for an additional 25 technical, investigative and support positions to address the increasingly complex accidents the Board is encountering. Of course it may be impossible for the NTSB to ever have the tools needed in-house for all investigations, so the Board must continue to expand its capabilities through the party system and the use of special technical experts.

Question 2. There has been some comment lately, including that by the Rand Commission, that the NTSB resources are stretched a little thin for comfort and that it is only the professionalism of the staff which is upholding the impeccable standards of the NTSB. What are your views on the Rand Report?

Answer. I believe the Rand Report provided some valuable insights into the NTSB's mission and work. I think the recommendation that the Board assess laboratories, universities and independent corporate resources to identify ways to augment NTSB expertise is an excellent idea. I would be interested in exploring the idea of forming independent review and assessment teams, as suggested in the Report.

Question 3. One of the management issues currently before the Federal Aviation Administration is instituting a cost accounting system—determining what services cost as well as ensuring proper stewardship of assets. This is an issue other agencies, including the NTSB, also face. Do you think that this will be difficult given the extemporaneous nature of accident response teams? What are some ways to strengthen this accountability?

Answer. I understand the NTSB has just recently adopted an accounting system which identifies all non-salary costs by category and investigation. Payroll is handled by the FAA personnel system, so salary costs are not retrievable in the same way.

The Rand Report recommended that NTSB establish its own complete system so that all costs could be integrated and tracked by investigation or project. This recommendation sounds reasonable and consistent with good management practices, but I would like to have some experience with the current NTSB account information before I reach a conclusion about implementing a new system. Clearly managers must be able to track what they are spending to ensure that resources are used wisely. Budgets for a particular project or investigation should be established and costs should be reviewed and measured against the plan on periodic basis. Managers in charge of projects or investigations should be responsible for their specific budgets.

Question 4. In October of 1999, the NTSB completed its investigation into the tragic sinking of the *Morning Dew*, a 34-foot recreational sailing vessel, which struck a jetty outside of Charleston Harbor in December 1997, resulting in the deaths of all four passengers. The NTSB concluded that, while the most probable cause of the accident was operator error, the substandard performance of the Coast Guard Group Charleston in initiating a search and rescue contributed to the loss of life. The NTSB has stated that current rules requiring coordination with the Coast Guard in investigating such incidents result in duplication of effort and may compromise the independence of NTSB investigations. Consequently, the NTSB Chairman has recommended that clear rules be established, governing when the NTSB should be given the lead in such investigations. Coast Guard, however, does have significant experience in investigating marine accidents. I understand NTSB and the Coast Guard are trying to work this issue out.

Based on your knowledge of the relative expertise of NTSB and Coast Guard, is coordination the best way to go, or should NTSB be given the lead in marine accident investigations? Are there particular circumstances under which NTSB primacy may be warranted?

Answer. The NTSB reauthorization requested that this issue be clarified by giving NTSB the same priority in marine accident investigations that it has in all other modes. The NTSB has argued that in marine accidents delays and confusion often result from the uncertainty over which agency has priority and which rules of inves-

tigation apply. Under the current system each modal administration retains authority to investigate accidents and to enforce penalties as needed, and this practice has been successful for 30 years. To date, I understand that the Coast Guard and the NTSB have not made progress in “working it out,” so I think legislation would be useful to define roles and remove uncertainty.

Question 5. As part of a series of reforms, the Board, last year, changed its procedures for the assignment of Members to accident investigations, limiting the time each Member assigned to a site can remain on site. Do you support those changes?

Answer. If I am confirmed as a new Board member, I expect to follow all the Board orders and procedures. I have read Order 6A dealing with the responsibilities of Members at accident sites and it seems clear and reasonable to me. I have no experience at accident sites on which to form an alternative opinion.

Question 6. Does the NTSB have the resources to keep up with new technology? Is there a systematic approach for this in place? If not, would you advocate one?

Answer. The NTSB seems to have done a remarkable job of keeping up with technologies, but frequently it is during the course of an accident investigation. The Rand Report says that the NTSB approach to training—which familiarizes staff with technologies—is haphazard. The report also recommends a staffing increase of about 12 percent over FY 1999 levels, and suggests personnel exchanges and cross training as some ways to improve the situation. I expect the NTSB is reviewing the recommendations. I believe the goal of maintaining a well trained, current staff is extremely important and I would expect to support strategies or approaches that would produce this.

Question 7. The media crush following an accident can be overwhelming. Except for accidents involving criminal conduct, the NTSB is the primary investigative voice during an accident. While “talking heads” espouse their views on what the cause is immediately following a crash, the NTSB has to be more judicious.

(a) How do you balance the need to provide information to the media with the need to ensure that investigations are not impeded or compromised?

Answer. I think the media must be provided current factual information in as timely a fashion as possible. It is impossible to put a stop to speculation by others, but the Board can do its job by providing information whenever it is reasonable to do so. From my perspective, the NTSB has handled the press very successfully following the recent Alaskan Air crash.

(b) What are some of the other issues surrounding the media which you feel the NTSB should address?

Answer. The access of media to an accident scene is an issue where treatment differs with the situation. Questions of safety and sensitivity are involved and the Member on the scene, if any, will make the determination as to access. The Board has also committed to briefing family members before any national briefing so those calls have to be coordinated before any press briefing.

Involved parties, such as airlines or aircraft manufacturers, run some risks if they do not respond to press inquiries themselves right away—and the public expects and deserves some kind of response and available information directly from them. On the other hand, the NTSB wants to be, and to some extent must be, a gatekeeper for accident information.

Several Members of the Commerce Committee were copied on an exchange of letters between the Safety Board and American Airlines on this very issue after the Little Rock accident.

(c) What do you think the appropriate balance is and how would you propose to work together with the parties (American, Boeing) to prevent that kind of disconnect from happening again?

Answer. Parties to accident investigations sign agreements governing how they will conduct themselves during the accident investigation. The Board is properly concerned about parties relating information about the accident. After the Little Rock accident, the Board and the ATA worked together on a Memorandum of Understanding which spells out new procedures for press coverage after accidents. It involves daily coordination between airlines and NTSB; and identifies specific items on which an airline may comment—such as the type of aircraft. This procedure seemed to work well according to parties involved in the recent Alaskan Air accident.

Question 8. The NTSB uses a “party system” to investigate accidents, with private sector expertise as well as that of other agencies to supplement the NTSB’s own personnel. Some have questioned this system on grounds that the parties, particularly the airlines and the manufacturers, may have a conflict of interest. Others have said that the process should be opened even further, so that families of victims could also participate in the investigation.

(a) How would you respond to these criticisms?

Answer. The party system seems to have worked well for the NTSB because it allows the Board to expand its resources and use experts in particular areas. I believe there are enough parties to an accident that potential conflicts may be minimized. Part of the management of the process by the Board must be to assure that there is no bias or favoritism. I am aware that some have suggested that families of victims should be allowed to participate in accident investigations. I do not believe this is a good idea. Current NTSB rules require that party representatives possess specific expertise. Other difficulties could arise in attempting to select appropriate family representatives for participation. I hope the families' concerns can be addressed by the Family Assistance Program, which assures that members are briefed regularly on developments and made aware in advance of press conferences.

(b) Do you feel that the party system is still a feasible approach to accident investigating?

Answer. Yes I do. I believe the Rand Report made some valuable suggestions about ways to expand the party system. The report recommended that the Board survey the capabilities of independent resources—labs, universities, etc.—to see what independent expertise is available. The Board could then contract as necessary with these independent parties to assist in investigations.

(c) Are there possible gaps in the integrity of investigations that warrant a shift away from the party system?

Answer. From my perspective outside the NTSB, I have not read or heard anything which would justify a shift away from the party system. The Rand Report concludes that the system has worked well for the NTSB. If a system has produced solid, useful work for many years, I see no compelling reason to change it.

Question 9. The relationship between the NTSB and the FBI and the Department of Justice is both delicate and critical. High profile accidents that may involve criminal conduct raise some practical questions and potential conflicts about lines of authority between the agencies.

(a) Are there ways the NTSB could improve the process of establishing clear lines of authority in accidents where criminal activity is suspected?

Answer. The NTSB reauthorization request sought clarification of NTSB's primacy in all accident investigations, whether accidental or otherwise. Such leadership would include coordination with other agencies, and involvement of law enforcement agencies if criminal activity were suspected. If the investigation yields evidence of criminal activity, the Board can then turn the responsibility over to the appropriate law enforcement agency. This policy is in accordance with both NTSB procedures, and ICAO's Annex 13.

(b) In your view how much evidence of criminal activity does there need to be before the NTSB should give primary authority to law enforcement?

Answer. I would want strong or compelling evidence that the event was not accidental.

Question 10. NTSB makes recommendations for the Department of Transportation and its modal agencies. These recommendations are not binding but do require some type of response from the modal agencies.

Does this process work well in promoting safety or are there ways that you think we could improve the accountability of the agencies?

Answer. I believe the current process works well. Overall, 82% of all NTSB recommendations are implemented by the modal administrations. The Board uses the Top Ten list to keep pressure on agencies. Board Members are able to advocate safety improvements through public appearances and information. The Board can keep any unaccepted recommendations before the Congress and the public so those agencies may be encouraged to act.

Question 11. There has been some comment lately, including in the recent Rand Commission report, that the NTSB's funding and staff resources are inadequate to fulfill its mandate.

(a) Do you agree with that assessment?

Answer. I accept the Rand Report's findings that NTSB staff works in excess of 50 hours a week normally, and over 60 hours a week during accident investigations. I also note that the NTSB FY 2001 budget request seeks an increase of 25 investigative and support positions. That suggests to me that resources are strained.

(b) If so, what would you propose to do about it?

Answer. I hope the appropriators will support the budget request. I think NTSB should continue to seek ways to leverage its resources through the party system and possibly through use of outside experts, as recommended in the Rand Report.

Question 12. The recent Alaskan Airlines crash off the coast of California highlighted how complex accident investigations have become. There is a sense that, in terms of safety improvements, the aviation industry has already made all of the

easy or obvious improvements, and that we are left with the more rare and complex engineering, manufacturing and human factors problems.

(a) Does the NTSB have all of the tools available to meet the challenges of more intricate investigations?

Answer. The NTSB is seeking an increase of 25 technical, investigative and support position in the FY 2001 budget, and must continue to expand its capabilities through the party system and the use of special technical experts.

(b) Does the NTSB have the resources to keep up with new technology?

Answer. I found that the Rand Report provided some valuable insights into the Board's mission and work. I think the recommendation that the Board assess laboratories, universities and independent corporate resources to identify ways to augment NTSB expertise is an excellent idea. I would be interested in exploring the idea of forming independent review and assessment teams, as suggested in the Report.

(c) Is there a systematic approach for staying abreast of new technology in place at the NTSB? If not, would you advocate one?

Answer. From my perspective outside the NTSB, it appears that the NTSB has managed to keep pace with technologies at least in the course of accident; however, I noted that the Rand Report says that the NTSB approach to training—which familiarizes staff with new technologies—is haphazard. Personnel exchanges and cross training are recommended as some ways to improve the situation. I expect the NTSB is reviewing the recommendations. I believe the goal of maintaining a well trained, current staff is extremely important and I would expect to support strategies or approaches that would produce this.

Question 13. In 1996, Congress gave the NTSB the authority to provide assistance to families of aviation accident victims. The specific need for one central clearinghouse for families was made clear by the unprecedented problems surrounding the crash of TWA flight 800 in July 1996 off the coast of Long Island. Since then questions have been raised about whether an investigative agency such as the NTSB—with primary responsibility for figuring out the reasons for a crash—lends itself very well or easily to a family assistance program.

(a) Do you believe that the NTSB should continue to serve as the family assistance coordinator, or should some other agency, public or private, be given those responsibilities?

Answer. At this stage, I understand the NTSB has established a Family Affairs Office, separated it from the other parts of the NTSB, and trained the experts. The staff has responded on more than 20 accidents and from all reports has functioned exceptionally effectively. I don't see the value in removing a successful program and transferring it to another agency that would have to start from zero to do what the Board has done over the last few years.

(b) Would a shift of family assistance to another agency free up limited NTSB resources for accident investigations and safety work?

Answer. No. I doubt that the resources for family assistance would be appropriated for NTSB if the function were removed to another agency. I am also told by the Board that removal of the office might require more time from investigators because the other department would not be allowed to sit in accident briefings, which the NTSB family assistance staff do. Therefore, investigators would have to brief a separate agency on the developments, coordinate press releases, etc. All these things are now handled fairly easily within the NTSB.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO CAROL J. CARMODY

Question 1. The governing statute for the National Transportation Safety Board is silent as to the duties and responsibilities of Board Members although the law does address membership qualification requirements. Please describe in your own words what you believe the two most important responsibilities and duties of a Board member are.

Answer. A Member of the Safety Board has numerous important responsibilities to the American public, the Congress, and the transportation industry. I believe one of the most important responsibilities of a Board Member is to draw on his or her individual experience, knowledge and expertise to make independent decisions concerning various Board actions to promote transportation safety and to ensure public confidence. To do that, a Member must consider the facts and analysis developed through accident investigations and safety studies, and exercise his or her own judgment when deciding on a Board action, reviewing a party submission, or rendering an opinion or order.

I think it is also important for a Board Member to be a proactive advocate for transportation safety. The Board has no regulatory authority to ensure that its safety recommendations are implemented; therefore, it is imperative that Board Members are advocates in promoting the work of the NTSB and in persuading the recipients of its recommendations and others who influence the implementation of safety recommendations.

Question 2. After concerns were raised last year about excessive Board Member travel, Chairman Hall instituted procedures and budgets governing non-accident travel. What do you believe is a justifiable need for foreign travel, and how should the travel budget be developed and maintained?

Answer. As a long time federal employee, and also a political appointee, I am sensitive to concerns about foreign travel. I believe any travel—foreign or domestic—should have a bearing on the work of the Board. It should contribute to, or improve the understanding of a member in developing recommendations for improved safety, and/or it should promote the transportation safety mandate of the Board. I know from my time at ICAO that the United States no longer has a corner on the market of new technology or ideas, and it may be important for Board members to learn how other systems handle safety issues. It is also useful for a Board member to promote the mission of the NTSB, or to explain the role of the NTSB to others. For example, Chairman Hall attended the ICAO Assembly in Montreal in 1998. He talked to a number of other delegations and succeeded in an Assembly Resolution, which urged all states to implement family assistance programs for the families of accident victims. Without his interest and participation, this Resolution would not have passed.

The Chairman has authority to develop the budget and I would anticipate that would be done after consultation with the Members and review of their requirements. Since the Chairman of the Board has executive authority over the budget, I believe there should be close coordination with the Chairman on travel plans.

Question 3. What guidelines covered your travel while U.S. Ambassador to the International Civil Aviation Organization (ICAO)?

Answer. I was governed by the rules of the State Department contained in the Foreign Affairs Manual—specifically 6FAM-100. Travel must promote the interest of the United States and contribute to the mission.

Question 4. While at ICAO, did any companies or organizations pay for your travel and were any of the companies or organization parties to ICAO accident inquiries? If the answer is yes, what was the value of the paid travel and are you required to file reports on the accepted travel and, if so, to whom are the reports filed?

Answer. In 1994, the International Aviation Women's Association (IAWA) paid for my travel to Washington for a speech to their annual meeting. The IAWA has no involvement with ICAO. The value of the paid travel was \$340. Clearance was obtained in advance from the Assistant Secretary of State for International Organizations, and I reported the trip and reimbursement on my Public Disclosure Form, SF 278 for that year. All other trips were paid by the US government.

Question 5. Service on the NTSB requires a full-time commitment. Yet NTSB submitted travel data indicate that in the past five years Board Members spent a substantial portion of their time away from Washington, D.C. on non-accident-related travel. What are your views regarding the necessity for members to spend time at the headquarters?

Answer. I believe that my doing a good job will require that I spend most of my time at headquarters and I expect to do so.

Question 6. What are the most significant safety accomplishments you achieved during the years you served at ICAO?

Answer. My most significant accomplishment was the creation and promotion of the ICAO safety oversight program. When I arrived at ICAO in 1994, many countries were in an uproar over the FAA's safety assessment program of foreign civil aviation authorities. The United States and the United Kingdom suggested that ICAO undertake a program to assess whether its member states were living up to ICAO standards. Resistance to the program was widespread; difficulties were numerous. The result after four years of effort was the adoption by the ICAO Assembly in 1998 of a universal, mandatory safety assessment program.

Like most organizations, ICAO has a shortage of funds for its many activities. For three consecutive years I was successful in persuading the ICAO Council to reprogram funds from some non-critical programs to the Controlled Flight into Terrain (CFIT) program.

I believe all my work at ICAO has increased the safety of the traveling public through the development, promulgation and publicizing of international standards to promote safety and uniformity in international civil aviation.

Question 7. The NTSB has a web site which lists speeches given by Board Members. If confirmed, will you list all speeches and presentations before outside groups on the site?

Answer. I usually speak from notes and not from a prepared text. Certainly if I have a text I would make it available to the web site.

Question 8. Under the ICAO accident investigation rules, all nations who are parties to an investigation are provided a draft copy of the accident report for comment. Any substantive comments made which are not agreed to by the investigating agency are appended to the final report of the accident report. The NTSB followed a similar procedure in the ATR Roselawn investigation. Do you believe the NTSB should consider extending the ICAO procedures to Safety Board domestic investigations?

Answer. I understand that all parties to Board investigations are encouraged to provide the Board with a submission outlining their views regarding the investigation and determination of probable cause. This information is provided to all Board Members and is made part of the public docket. It seems this process provides the opportunity for ample input from the parties, while leaving the analytical process in the hands of the Board investigators.

I am not sure what deficiencies in the existing system this proposal is intended to correct, and I would want to understand what those are. The Rand report suggested a number of significant changes to the process including an option for Board members to request a technical peer review of final accident reports and safety studies. I could commit to considering the suggestion for appending party comments along with the other recommendations of the Rand Study.

Question 9. What, in your own words, are the two most serious safety problems in the aviation industry, railroad industry, maritime industry, pipeline industry, and the commercial motor carrier industry?

Answer. *Aviation*—Runway incursions are on the NTSB most wanted list and have been since 1990. Runway incursions are increasing and, without change, will continue to increase with the growing traffic. Another critical aviation issue is explosive fuel-air mixtures in fuel tanks. The Board had made several recommendations since the TWA 800 accident.

Railroad—Collisions at crossings between vehicles and trains are the most serious safety threat in this area, followed by collisions between trains. The attention to separating or closing crossings must be continued, as should the work on electronic systems to provide positive separation of trains.

Pipeline—The most serious threat comes from damaged or corroded pipelines so I believe work must be done to monitor and insure the integrity of pipelines. There is danger also to pipelines during excavations near pipelines, so attention should be directed to training and updated procedures.

Maritime—Judging from the accidents in the past three years, cruise ship safety is a major concern. Immediate attention is needed to adequate fire detection and warning devices. The failure of boaters to equip themselves with personal flotation devices is another serious safety issue in this area.

Commercial Motor Carrier—Fatigue is a problem in all modes of transportation but it seems to me to be particularly acute for truck drivers. State requirements for and oversight of truck operators is another issue that should be reviewed. I understand the Board held a special hearing on this subject and expects a report soon.

Question 10. Do you believe that the FAA and DOT have been proactive in the effort to improve aviation safety? If not, what can they both do to prevent accidents and incidents before they happen?

Answer. I think the FAA and DOT generally have responded well to Board recommendations. One could wish the agencies had moved faster in some areas, such as runway incursions, but I believe the high rate of acceptance of Board recommendations indicates that the DOT and FAA are intent on improving aviation safety.

Question 11. What is the proper relationship between the NTSB and the aviation industry and should there be more cooperation between the NTSB and the industry when investigating accidents, or less?

Answer. The NTSB has the statutory responsibility for investigating the accident. I am sure this is more easily accomplished when there is cooperation between parties. Indeed I am aware of a number of recent collaborative efforts between the industry and the Board—for example in the areas of press guidance and recovery of victim remains. I believe cooperation is to be encouraged; however the NTSB is in charge and must retain control. Inevitably there will be times when there is friction between parties with a vested interest in the outcome and the Board, but the Board must manage this friction and steer the investigation to a successful outcome.

(a) Further, what is your view of the NTSB party system investigation process?

Answer. I have not participated in an accident investigation so my views at this stage are based on observations from the outside. The party system seems to be eminently reasonable. First it allows the NTSB to leverage its scarce resources. Second it makes available those people with expertise in the subject under investigation. Third it minimizes what the Rand study called the “insular” character of the NTSB.

(b) Given your current involvement with the Air Transport Association (ATA), what steps will you take to maintain your objectivity in accident investigations involving ATA members?

Answer. I have consulted regularly with the ethics officers at the NTSB since my nomination, and they have found no conflict of interest. If confirmed, I will terminate my relationship as a consultant, and will continue to consult with ethics officials in the future and will be guided by their advice.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO JOHN J. GOGLIA

Question 1. During your service as a Board member, you have witnessed significant changes throughout the transportation industry.

(a) What has been the single most important safety recommendation issued by the Board and implemented by the recommendation recipient in the years you have served at the Board?

Answer. I do not believe I can name just one recommendation, but I believe the recommendations aimed at the safe transportation of our young people would be among the most important. Since 1996, the Safety Board has issued over 60 safety recommendations to improve child passenger safety. These recommendations focused on the dangers of air bags to children, the importance of putting children in the back seats of vehicles, the need for fitting stations to ensure that child safety seats are properly installed, and increasing proper restraint use for children between the ages of 4 and 8 years old. I believe the Board can be proud of its work in these areas. For example, within six months of the issuance of the safety recommendation regarding fitting stations, Daimler Chrysler announced that it would make its child safety seat fitting stations available to every family in America. In addition, General Motors and the National SAFE Kids Campaign have partnered to educate parents about the need to buckle up children by establishing a mobile fitting station program and conducting hundreds of periodic child safety seat inspections. These programs will save hundreds of lives and prevent many injuries.

(b) What do you believe to be the most serious transportation risk facing the traveling public?

Answer. It is impossible to point to just one transportation risk. However, I believe human fatigue is one of the most widespread safety issues in the transportation industry. Alertness is key to safe vehicle operation, whether it be an automobile, a train, a marine vessel or an aircraft. Human fatigue has a substantial impact on operators, dispatchers, controllers, mechanics and all others in safety sensitive positions.

(c) What do you think has been the most significant safety contribution you have made in your five-year tenure?

Answer. As mentioned above, I believe fatigue is one of the most widespread safety issues in the transportation industry. My main contribution as a Board Member has been to highlight and focus attention on the issue of human factors, including fatigue, in all modes of transportation. I have conducted and participated in workshops, helped develop recommendations, and spoken to various groups throughout the transportation industry in order to raise awareness of this issue.

Question 2. Secretary Rodney Slater announced several years ago that “Safety” is the Department of Transportation’s North Star.

(a) Given your experience at the NTSB, what has been the single most important initiative undertaken at the Department of Transportation to reduce transportation fatalities? Please list an improvement for each transportation mode.

Answer. The fact that the DOT modal agencies have an average of over an 80% acceptance rate of Safety Board recommendations is one of the most significant indications of the work the DOT is doing to reduce transportation related fatalities in all modes.

Since I became a Board Member in 1995, the FRA has closed 20% of the grade crossings in the U.S. Although, I would like to see more work being done in this area, it is a step in the direction of saving lives. The FRA has also begun to apply modern science techniques developed by NASA to address the issue of fatigue throughout the railroad industry.

Since Administrator Garvey took over at the FAA, there have been renewed efforts to improving aviation safety by working together with the Safety Board on many on-going initiatives. This is evidenced by the new flight data recorder requirements and the commitment to enforce hours of service regulations. Since 1990, the Safety Board has listed runway incursions on its "Most Wanted" list. Although the FAA has been working on this issue, there is still much to be accomplished before runway incursions can be removed from the "Most Wanted" and I believe this effort is one of the most important recommendations made to the FAA that would save lives.

In the area of highway transportation safety, the NTSB is involved with the DOT "Partners in Progress" initiative which is aimed at reducing the number of alcohol-related fatalities from 16,000 per year to 11,000 per year by 2005. In conjunction with the automobile industry, the DOT has made significant advancements in the area of child safety restraints.

Since taking office a year ago, Administrator Kelly Coyner has renewed the commitment to improving pipeline safety in this country. Excavation damage is the leading cause of pipeline accidents, and actions to prevent those type of accidents are on the Safety Board's "Most Wanted" list of safety improvements. The Research and Special Programs Administration (RSPA) has done considerable work on this safety issue over the past two years. In fact, last June, RSPA and the NTSB sponsored a symposium on excavation damage prevention. I believe that there are several areas in which RSPA does need to make significant improvements: (1) Pipeline operator qualification and training requirements to ensure that those persons operating pipeline systems are properly qualified, and (2) to require strong inspection and testing requirements for pipelines to identify defects and damage before they grow to critical size and fail catastrophically.

In the area of marine safety, the Coast Guard has initiated a new program to improve port safety. The risk assessment and management program is a response in part to recommendations the Safety Board made on this issue following a high profile marine accident in New Orleans in 1996.

As a Member of the Safety Board, I applaud the initiatives and efforts undertaken by the DOT to reduce the number of transportation fatalities. I believe there is still much to be accomplished, and I would hope these efforts result in the implementation of safety recommendations in a timely manner.

Question 3. As a Member of the NTSB, what changes in accident investigation and safety recommendation procedures, if any, have you recommended? Have those recommendations been implemented and if so, what has been the result?

Answer. The Safety Board's investigation and safety recommendation procedures have been in place for many years and have undergone some minor revisions from time to time. Since I have been a Board Member, these procedures have served the Board and the American public well, and I have seen no need for major overhaul of the practices already in place.

Question 4. During your tenure at the Safety Board, have you ever found yourself in disagreement with NTSB recommendations? If so, how did you deal with those disagreements?

Answer. When I have had a concern about the language of a safety recommendation, I have worked with the staff and other Board Members to reach a consensus about the final recommendation issued by the NTSB.

Question 5. During your tenure at the Safety Board, have you ever voted against the adoption of an accident report or safety recommendation? If so, list the instances and reasons for your disagreement.

Answer. Since becoming a Member of the Safety Board, I have not voted against the adoption of an accident report or safety recommendation issued. As discussed above, I have worked with the staff and other Board Members to reach a consensus when I have had concerns over a Board report or recommendation.

Question 6. Board Members review the reports drafted by staff on accidents and vote on recommendations and the statement of probable cause contained in those reports. All votes occur in public meetings. After the votes, the staff makes any necessary revisions and the report goes to print.

(a) Subsequent to those votes and discussions, are you aware of any involvement by Board Members in the preparation of the final version of the written report as adopted by the Board? If so, how is the review process handled and what reports were involved?

Answer. Work products presented to the Board for discussion are sometimes changed as a result of the discussion following a Board meeting at the request of the Board. In most cases, the Board will trust that their requests have been followed and there is no need to once again review an item. However, at times extensive changes are requested and the Board does ask that the revision once again be

circulated for Board review. This was most recently done with regard to a safety recommendation package regarding the need for video cameras on all turbine-powered, non-experimental, non-restricted-category aircraft that are not currently required to be equipped with a crashworthy flight recorder device.

Board Members have recently discussed reports in a meeting, and because of the extent of the changes have not adopted the report but asked that it be recirculated. Examples are the report of a June 27, 1996, fire on board the Panamanian Passenger Ship Universe Explorer in the Lynn Canal near Juneau, Alaska, and a hazardous materials accident that occurred June 29, 1998, in Key West, Florida, involving the transfer of cargo from a semi-trailer cargo tank to a straight-truck cargo tank.

(b) Are all Board Members given an opportunity to review the written report that will be published and are there any public opportunities to review the changes made?

Answer. I do not review the written report before it is forwarded to the printer. However, I am sure a request would be honored should the Board Member ask to see the product. The substance of any changes are discussed at the public meetings, and any changes are reflected in the final report.

Question 7. NTSB accident investigations are recognized as being thoroughly objective and comprehensive. A dedicated staff devotes substantial effort in the preparation of accident investigation reports and the development of safety recommendations. At the same time, the public deserves to have the benefit of the NTSB's expertise as quickly as possible and consequently the Safety Board has been criticized for allowing many of its investigations to run longer than a year.

(a) What steps have you taken while at the Safety Board to shorten the amount of time that elapses from an accident's occurrence to the adoption of the Safety Board's report on the accident? (Please specify any changes you have initiated by mode of investigation.)

Answer. It is important to note that accident investigations are extremely complex and are becoming even more so. The NTSB has a small staff that accomplishes an extraordinary amount of difficult work. I believe that it is part of my job as a Board Member to be responsive and timely to any issue that is presented or any Board action that is needed to further transportation safety.

(b) Please provide a list of the accidents where you were the Board Member on scene, the date of the accident, the date the accident investigation report was adopted by the Safety Board, and then printed.

Answer. Fox River Grove, Illinois; Accident: October 25, 1995; Adopted: October 29, 1996; Printed: January 22, 1997.

Silver Spring, Maryland; Accident: February 16, 1996; Adopted: June 17, 1997; Printed: October 24, 1997.

FedEx MD-11 Newark, New Jersey; Accident: July 31, 1997.

Bourbonnais, Illinois; Accident: March 15, 1999.

Question 8. Federal agencies are required by law to respond to Safety Board recommendations within 90 days. However, there is no similar statutory requirement for the NTSB to reply to a Federal agency response.

(a) Once the Safety Board receives a response to a safety recommendation from a Federal agency, how long does it take for the NTSB to follow up in writing to an agency concerning the recommendation response?

Answer. The Office of Safety Recommendations is providing the response time it takes for the NTSB to follow up in writing to another agency. I will forward this information to the Committee as soon as it becomes available to me. I should note that I am aware that the NTSB often exceeds the 90-day response time required of other agencies. I do not think the Safety Board's lengthy response time is acceptable.

(b) Do you believe the NTSB should devote more time to following up on the recommendations it issued and if so, what can be done to improve the NTSB response rate?

Answer. Safety recommendations are the primary tool used by the Board to motivate implementation of safety improvements, prevent future accidents, reduce injuries and save lives. Unfortunately, the Safety Board does take an excessive amount of time to respond to a safety recommendation response. Chairman Jim Hall has taken steps to put more emphasis on the development and follow-up of the Board's recommendations and restructured some of the Board's resources to aggressively pursue all of our recommendations. As part of that effort, the agency's recommendation function was centralized by moving five specialists to the Office of Safety Recommendations and Accomplishments. These individuals no longer have collateral duties, but focus full-time on recommendation development and implementation. Although there are still improvements that can be made, I believe these steps will en-

able the Board to respond and follow-up on safety recommendations in a more timely manner.

Question 9. Aviation accident statistics show that general aviation fatalities continue to outpace commercial aviation fatalities.

(a) In your opinion, what accounts for this continuing phenomenon?

Answer. Human error is the cause of the majority of aviation accidents, whether they be general aviation or scheduled air carriers. The general aviation accident rate has been decreasing since 1992, and I believe this is due to the proactive efforts of the general aviation community, the FAA, and the NTSB to better train and inform pilots.

(b) What safety programs currently underway or in the planning stages offer potential for reducing general aviation accidents fatalities?

Answer. We need to continue to provide easy access to accident and safety recommendation information. Aviation briefings, meetings, and forum can provide excellent information, and in late fiscal year 2000, the Safety Board plans to hold a public forum on general aviation issues. I would hope that this forum would be well attended by general aviation pilots.

Question 10. Under the International Civil Aviation Organization (ICAO) accident investigation rules, all nations who are parties to an investigation are provided a draft copy of the accident report for comment. Any substantive comments made which are not agreed to by investigating agency are appended to the final report of the accident report. The NTSB followed a similar procedure in the ATR Roselawn investigation.

(a) Do you believe the NTSB should consider extending the ICAO procedures to Safety Board domestic investigations?

Answer. ICAO rules do require that a draft copy of the analysis portion of the report be provided to the participating States, however the rules do not require the sharing of the analysis to the parties for comment. The parties to a NTSB domestic investigation do have an opportunity to contribute to the analysis phase of the report preparation through their party submissions which are forwarded to the Board Members and included as an addendum to the final report. The Rand report recently considered whether the role of the parties should be expanded to allow them to review and comment on the analysis section. In its report released in the fall of last year, Rand found that party participation in the analysis phase, beyond written submissions would only "amplify concerns over potential or perceived conflicts of interest inherent in the party process." I believe that the process the Safety Board currently has in place is appropriate and necessary to maintaining our independent review of transportation accidents. I should also note that, it is my belief that extending ICAO procedures to the Board's processing of reports would most likely further the delay in the issuance of a final report.

(b) Aside from public speaking engagements and testimony, what initiatives have you advanced during your tenure to ensure to broaden public participation in NTSB safety programs?

Answer. Public speaking engagements are my primary method of increasing public awareness and appreciation of NTSB safety programs. In addition, I have also lead workshops, participated in interactive programs with various universities, and met with numerous educators, industry representatives, and government officials to further this objective. Because the Safety Board has no regulatory authority, it is important to participate in such activities to inform others of the Safety Board's work and add credibility to our actions.

Question 11. During your tenure at the Board, what do you consider your greatest contribution to promoting national transportation safety policy?

Answer. I believe I have made many significant contributions to transportation safety since I became a Board Member 1995. One the contributions I find most significant is bringing an operation and maintenance perspective to the Board. Because of my background, I believe that I have heightened the awareness and importance of the role maintenance plays in all modes of transportation. Significantly, maintenance involvement in aviation accidents has increased dramatically the past five years. Some of the other significant contributions I have made include driving the recommendations made concerning bird strikes, bringing attention to the disparity in airport rescue and firefighting, and focusing attention on human factors.

Question 12. The NTSB currently has an agreement, in the form of a Memorandum of Understanding (MOU), with the U.S. Coast Guard regarding the conduct of maritime accident investigations. Please explain your own views on the current MOU and any changes you believe are needed to insure that maritime accidents receive complete and impartial investigation.

Answer. My understanding of the current MOU the Safety Board has with the Coast Guard is that the Safety Board lacks the ability to adequately and independ-

ently review and investigate the actions of the parties to a marine investigation. Currently, the Safety Board must negotiate with the Coast Guard in order to be allowed to follow established NTSB rules and procedures for accident investigations. I support the Board's position to request changes that provide for a more direct and independent role for the Safety Board in marine accident investigations in order to maintain public confidence and safety. I understand that Chairman Jim Hall and senior staff are currently in negotiations with the Coast Guard that would lead to an MOU that would permit the Board to conduct any investigation it believes appropriate to improve maritime safety.

