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HEARING TO CONSIDER THE NOMINATIONS OF ELLEN ENGLEMAN, RICHARD HEALING, AND MARK ROSENKER, TO BE MEMBERS OF THE NATIONAL TRANSPORTATION SAFETY BOARD

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

FEBRUARY 27, 2003

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ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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HEARING TO CONSIDER THE NOMINATIONS OF ELLEN ENGLEMAN, RICHARD HEALING, AND MARK ROSENKER TO BE MEMBERS OF THE NATIONAL TRANSPORTATION SAFETY BOARD

THURSDAY, FEBRUARY 27, 2003,

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

The Committee met, pursuant to notice, at 9:40 a.m. in Room SR–253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA

The CHAIRMAN. I will start the hearing, and if, by chance, enough people show up, we will switch to the adoption of the rules. If not, we will wait until the next time that there is a vote on the floor and have a rolling vote, if that is OK with you.

I am pleased to convene this hearing to consider the nominations of Ellen Engleman, Richard Healing, and Mark Rosenker to be members of the National Transportation Safety Board (NTSB). Please take your seats at the witness table. I am hopeful that the Committee and the full Senate can move these nominations quickly.

The positions for which these three individuals have been nominated are essential to the promotion of transportation safety. The NTSB is respected worldwide, renowned for its ability to investigate transportation accidents, determine their probable causes, and to develop recommendations to prevent future accidents. While we most often associate this important independent agency with times of tragedy, it is constantly striving to advance safety in all transportation modes.

I would like to take this opportunity to thank the nominees for being here. I know your nominations are a great honor and that your families are very proud. I want to welcome you all today to introduce any family members who are with you in the audience today, beginning with you, Ms. Engleman.

Ms. ENGLEMAN. Thank you, Mr. Chairman. I am pleased to be here today and to introduce my mother, Gayle Engleman Johnson, and many family friends. My mother recently retired after 46 years of government service, so she is my friend, mentor, and guiding light.

The CHAIRMAN. Thank you, and congratulations. I know this is a very proud day for you.

Mr. Healing.

Mr. HEALING. Thank you, Senator. Before I begin, I would like to introduce my family, my three children, who are here, Christopher and his wife, Alexandra, from Alexandria, Virginia, and my daughter, Kim, from Connecticut, who drove down yesterday, and my son, Paul, from San Diego, who flew in, and fortunately the runways were clear.

Thank you, sir.

The CHAIRMAN. Paul, you had better get out of town pretty soon. We will have to——

[Laughter.]

Chairman MCCAIN [continuing]. Get this hearing done.

Mr. Rosenker.

Mr. ROSENKER. Mr. Chairman, I would like to introduce my wife, Heather. She did not have a very far distance to go, sir.

The CHAIRMAN. Good. Thank you, and congratulations again, Heather.

The transportation sector in our country affects every facet of our economic and social life. Our citizens have come to expect and rely upon safe and efficient transportation service regardless of the mode of choice, yet travel safety is not realized without extensive effort by all involved. The NTSB plays a very critical role in promoting transportation safety, whether in the air or on the ground.

I would also briefly like to point out that NTSB investigators are actively involved in the ongoing Space Shuttle Columbia investigation, and I commend the Board and its employees for their contributions to this very important multi-agency endeavor. I am confident that every effort is being made and will continue to be made to determine the cause of the shuttle's accident.

[The prepared statement of Senator McCain follows:]

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

I am pleased to convene this hearing to consider the nominations of Ellen Engleman, Richard Healing, and Mark Rosenker to be Members of the National Transportation Safety Board (NTSB). I am hopeful the Committee and the full Senate can move these nominations quickly.

The positions for which these three individuals have been nominated are essential to the promotion of transportation safety. The NTSB is respected worldwide, renowned for its ability to investigate transportation accidents, determine their probable causes, and develop recommendations to prevent future accidents. While we most often associate this important independent agency with times of tragedy, it is constantly striving to advance safety in all transportation modes.

I would like to take this opportunity to thank the nominees for being here today. I know your nomination is a great honor, and that your families are very proud. I want to welcome you all and invite you to introduce any family members who are with you in the audience today.

The transportation sector in our country affects every facet of our economic and social life. Our citizens have come to expect and rely upon safe and efficient transportation service, regardless of the mode of choice. Yet, travel safety is not realized without extensive effort by all involved. The NTSB plays a very critical role in promoting transportation safety whether in the air or on the ground.

Also, I would like to briefly point out that several NTSB investigators are actively involved in the ongoing Space Shuttle Columbia investigation, and I commend the Board and its employees for their contributions to this very important multi-agency endeavor. I am confident that every effort is being made and will continue to be made to determine the cause of the shuttle's accident.

We will have a number of questions to ask each of you today and I look forward to hearing from you to learn more about your transportation safety philosophies.

After we hear from any of my colleagues who may have opening comments, I will first call on Ellen Engleman, who has been nominated to serve both as a Board Member and as Chairman.

The CHAIRMAN. We will have a number of questions for each of you today, but I note our colleague from the House side, Congressman Weldon, and I wonder if Congressman Weldon would like to make a comment on behalf of one of the nominees.

Thank you, Curt. You are always welcome here.

STATEMENT OF HON. CURT WELDON, U.S. REPRESENTATIVE FROM PENNSYLVANIA

Mr. WELDON. Well, thank you, Senator and distinguished Members of the Committee. I did want to stop over.

As most of you know, I have been concerned for the past 17 years that I have been in Washington with issues involving safety, both in the military and in the private sector and the civilian community. I carry two designations in my own career in the area of both fire protection and in life safety, and so I have taken this issue seriously throughout my life.

As you know, we formed the Congressional Fire and EMS Caucus, the largest caucus in the Congress, which, Senator McCain, you were the first co-chair of along with Al Gore, and I have continued to chair that largest caucus in the House and the Senate for the past 17 years.

The CHAIRMAN. Maybe it is bad luck.

[Laughter.]

Mr. WELDON We have focused during that entire time on ways to increase protection for both our civilian community and, as the vice Chairman of the Armed Services Committee in the House, in the service of our military personnel.

Dick Healing I first met after the attack on the USS Stark. Dick was working for then Captain Joe Taussig, who was a World War II hero. We assigned him, after the attack on the Stark, to give us recommendations for ways to improve the safety of our fire protection onboard our ships. Dick was guy who did the bulk of the legwork, made recommendations to us.

The House and the Senate followed up with funding. We have reduced significantly the amount of loss from fires on our naval ships directly as a result of Dick's work.

Over the years, he has been involved in everything from Desert Storm, where he chaired a special panel on flammable liquids that could cause harm to our troops. He has been engaged in a number of issues. He currently works for Battelle Labs. But consistently throughout his career as an engineer, Dick Healing has been a dedicated professional working to make sure that men and women who travel in any possible means of transportation are, in fact, protected.

He is an ideal candidate for the NTSB. He is thorough, he is committed, and he will seek out and get the results that we need to protect the public and to protect the men and women who serve our country.

So I could give no higher recommendation to Dick Healing, a personal recommendation. He is not from Pennsylvania, unfortunately,

but I give him my highest recommendation and would ask for you to consider that in your deliberations on these, all three of these, fine nominees.

The CHAIRMAN. I thank you, Congressman Weldon, for taking the time to be here today. You are always welcome here, and we look forward to our annual dinner coming up soon.

Thank you for all of your hard work.

Mr. WELDON. I look forward to you being there.

The CHAIRMAN. Could I just mention to my colleagues, I do not think we are going to get 12 people. We were in rather late last night, so we will try and do it the next time we have a vote off the floor, to adopt the rules of the Committee.

Again, I want to welcome the nominees. We look forward to hearing your statements. And is there any opening comments that any Members would like to make?

[No response.]

The CHAIRMAN. If not, welcome, Ms. Engleman.

STATEMENT OF HON. ELLEN G. ENGLEMAN, ADMINISTRATOR, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Ms. ENGLEMAN. Thank you, Sir. I have submitted a formal comment for the record. If I may, I will just make a few brief remarks?

The CHAIRMAN. Your complete statement will be made part of the record.

Ms. ENGLEMAN. Thank you.

Mr. Chairman and Members of the Committee, I am truly honored to sit before you today as President Bush's nominee to serve as a member of the National Transportation Safety Board and also to be nominated as its Chairman. I want to thank each Member of the Committee in advance for their interest in the NTSB, as the record clearly notes your personal involvement and support for this fine agency.

As you know, the NTSB's dedicated professionals are on the front lines of safety. Their work, their commitment ensures the safety of Americans and their families in all modes of travel. From pipelines to the transportation of hazardous materials, from trains and maritime, and, of course, aviation, the NTSB is one of the world's premier accident investigation agencies. I would consider it the highest privilege to serve as both a member and as Chairman of the NTSB, and I thank President Bush for his nomination, and the Members of this Committee for their consideration.

Since September 2001, it has been an extraordinary honor to serve as the administrator of the Research and Special Programs Administration. I have focused my agenda on Secretary Mineta's strong stand on safety and President Bush's emphasis on performance and measurable results. So I gave my staff a goal: clean up our record.

RSPA had 95 outstanding issues consisting of congressional mandates and recommendations from NTSB, GAO, and the Office of the Inspector General. In 1 year, we have cleaned up 26 of the NTSB recommendations that are now closed, with an additional 14 awaiting NTSB's response, and the remaining 32 in progress.

Why did I focus on safety and the resolution on cleaning up our record? It is my sincere belief that when the NTSB speaks, the modes must not only listen, they must act. It is inexcusable to allow years to pass without resolution of NTSB recommendations.

The challenges of a modern technology-based society are immense. While 90 percent of the accidents investigated by the NTSB are aviation-related, the multimodal impact of increased safety cannot be undervalued. As the Nation seeks to address significant security issues, we cannot allow the focus on safety to be forgotten. I believe that when a person gets on a plane, comes to a train crossing, lives beside a pipeline, has their child board a school bus, or has a truck carrying hazardous material pass through their community, they are entitled to feel safe, to be safe. The envelope of trust that surrounds each of these activities is destroyed each time a fatal accident occurs. Lives are lost, families and communities are traumatized.

Ladies and gentlemen of the Committee, it is my firm belief that safety is not an option; it is a priority. Given that the NTSB mission is focused on accident investigation and promoting transportation safety, I believe I offer a package of management skills, experience, and knowledge that will ensure mission success. I am also committed to pursuing my pilot's license to ensure that I understand key aviation safety issues to complement the aviation expertise that will reside within the NTSB board, and, in exchange, offer my multimodal surface transportation experience to enhance the board's knowledge.

It is a privilege to now serve as the administrator for Research and Special Programs at the U.S. Department of Transportation, and I am dedicated to supporting the President in any role that best serves this country. If I am confirmed, I look forward to working with Congress and other agencies to increase transportation safety for the American public.

I want to thank the Members of the Committee for your time, for your consideration, and I will welcome any questions or comments that you have.

[The prepared statement of Ms. Engleman follows:]

PREPARED STATEMENT OF HON. ELLEN G. ENGLEMAN, ADMINISTRATOR, RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. Chairman, Members of the Committee: I am honored to sit before you today as President Bush's nominee to serve on the Board of the National Transportation Safety Board and to also be nominated to serve as its chairman. I want to thank each member of the committee in advance for their interest in the NTSB as the record clearly notes your personal involvement and support for this fine agency.

As you know the NTSB may not be a large agency but its 400+ dedicated professionals are on the front lines of safety. Their work, their commitment ensures the safety of Americans and their families in all modes of travel. From pipelines to the transportation of hazardous materials, from trains to maritime and of course, aviation, the NTSB has investigated more than 114,000 aviation accidents and over 10,000 surface transportation accidents, becoming one of the world's premier accident investigation agencies. The NTSB has issued nearly 12,000 recommendations and its reputation for impartiality has enabled the NTSB to improve transportation safety via the adoption of more than 80 percent of its recommendations. I would consider it the highest privilege to serve as both a member and the Chairman of the NTSB and I thank President Bush for his nomination and the members of this committee for their consideration., it has been an extraordinary honor to serve as the Administrator of the Research and Special Programs Administration. In this position, I have worked with an exceptional staff of dedicated professionals who have

successfully answered my challenge to improve RSPA's record and reputation and to focus on performance and results.

I focused my agenda on Secretary Mineta's strong stand on safety and President Bush's emphasis on performance and measurable results via the President's Management Agenda. So I gave my staff a goal. Clean up our record. When I came to RSPA there were 95 outstanding issues consisting of Congressional mandates, NTSB recommendations, GAO recommendations and OIG reports for the Office of Pipeline Safety and the Office of Hazardous Materials Safety. Seventy-two of the 95 issues were NTSB recommendations. In one year, 26 of the NTSB recommendations are now closed with an additional 14 awaiting NTSB's response and the remaining 32 in progress.

Why did I focus on safety and resolution of "cleaning up our record"—including the 73 NTSB recommendations? It is my sincere belief that when the NTSB speaks, the modes must not only listen, they must act. It is inexcusable to allow years to pass without resolution of the NTSB recommendations.

I believe that when a person gets on a plane, comes to a train crossing, lives beside a pipeline, has their child board a school bus or has a track of hazardous material pass through their community that they are entitled to feel safe, to be safe. The envelope of trust that surrounds each of these activities is destroyed each time a fatal accident occurs. Lives are lost, families and communities are traumatized. When public confidence in shaken, our economy is also affected as are the stockholders and the stakeholders in the transportation important sector. Ladies and Gentlemen of the committee, it is my firm belief that safety is not an option, it is a priority.

The challenges of a modem technology-based society are immense. While 90% of the accidents investigated by the NTSB are aviation related, the multi-modal impact of increased safety cannot be undervalued. As the nation seeks to address significant security issues, we cannot allow the focus on safety to be forgotten.

Training and maintenance, human fatigue, manufacturing and structural defects, human error, natural and man-made intervening factors and economic decisions are all part of the "lesson's learned" that the NTSB has created over its 35 years. These lessons are blueprints for safety to ensure that the chances of the next accident occurring are smaller each time.

If I am confirmed to serve as Chairman of the NTSB, my leadership vision would incorporate the following key elements:

- Create the vision and offer the leadership to support a mission of world-class performance at NTSB;
- Ensure that safety issues work together, and not in competition, with security in support of the needs of the nation;
- Ensure that the President's Management Initiatives "Going for Green" are actively implemented within the management of the NTSB for a fiscally responsible and efficient agency;
- "Clean up the Record" and seek resolution of any open NTSB recommendations that have languished within the Department of Transportation or other agencies;
- Further develop partnerships with the state and local governments and first responders for training, education and outreach activities; and
- Support the NTSB Academy and its curriculum and outreach.

Given that the NTSB mission is focused on accident investigation and promoting transportation safety, I believe I offer a package of management skills, experience and knowledge that will ensure mission success. My tenure as Administrator of Research and Special Programs at DOT and my private sector experience as a President & CEO supports the executive leadership role of the Chairman. I am a hands-on executive with extensive operational experience, accustomed to working with technology and legal experts in a technical environment. My relationships with the DOT modal administrators are strong and established and will support multi-modal success for the NTSB safety issues to be addressed. I am also committed to pursuing my private pilot's license to ensure that I understand key aviation safety issues to complement the aviation expertise that already resides within the NTSB Board and in exchange, offer my multi-modal surface transportation experience to enhance the Board's knowledge.

It is a privilege to now serve as the Administrator for Research and Special Programs at the U.S. Department of Transportation, and I am dedicated to supporting the President in any role that best serves the country. If I am confirmed, I look forward to working with Congress and other agencies to increase transportation safety for the American public. I want to thank the members of the Committee for your time and consideration. I welcome any questions or comments that you may have.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF DEPARTMENT/AGENCY NOMINEES

Instructions: Nominees are asked to provided typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Please return printed answers to Committee. Begin each section (i.e., "A", "B". etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names or nicknames used.) Ellen Gayle Engleman
2. Position to which nominated: Member—National Transportation Safety Board; Chairman—National Transportation Safety Board
3. Date of nomination: 14 February 2005,
4. Address: (Information not released to the public.)
5. Date and place of birth: Sept. 21, 1959, Beech Grove, IN.
6. Marital status: (Include maiden name of wife or husband's name.) Single
7. Names and ages of children: (Include stepchildren and children from previous marriages.) None
8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.) John F. Kennedy School of Government, Harvard University, 1992-1993, Master of Public Administration, 1993; Indiana University School of Law, 1984-1987, Juris Doctorate, 1987; Indiana University, 1979-1983, Bachelor of Arts, 1983
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.)

Administrator, Research and Special Programs Administration, Department of Transportation. Serve as agency head of RSPA, reporting to Secretary of Transportation Norman Y. Mineta. RSPA is responsible for safety regulatory authority over the transportation of hazardous materials via the Office of Hazardous Materials Safety; responsible for safety regulatory authority over the nations interstate pipeline system for oil, natural gas, hydrogen and aviation fuel via the Office of Pipeline Safety; responsible for assuring that the national transportation system is viable during times of natural disaster or other incidents via the Office of Emergency Transportation and the Crisis Management Center; responsible for oversight over two fee-for-service entities—the Volpe Transportation Research Center in Massachusetts and the Transportation Safety Institute in Oklahoma and responsible for supporting intermodal research and coordination via the office of Innovation, Research and Education. September 2001 to present. Office located in Washington, D.C.

President & CEO, Electricore, Inc. President and Chief executive officer for nonprofit public/private research and development consortium dedicated to advanced transportation and energy technologies with $160 million in total R & D contracts. Office located in Indianapolis, Indiana, 1993 to 2001.

Director, Corporate and Government Affairs, Direct Relief International Responsible for corporate and government relations for nonprofit international medical and disaster relief organization. Located in Santa Barbara, California, 1993-1994.

Public Affairs, Corporate Communications Manager, GTE North, Inc. Responsible for corporate communications, public affairs and government affairs for ten-state regional headquarters for GTE Telecommunications company. Office headquartered in Westfield, Indiana, 1989-1992.

Public Affairs, Governmental Affairs Executive, GTE North, Inc. Responsible for initial review and analysis of proposed legislation for ten states. Developed strategic plans and corporate responsive positions, coordinated lobbying efforts in support of GTE North telecommunications and business objectives in legislative arena for ten states. Office headquartered in Westfield, Indiana, 1987-1989.

Legislative Analyst, Indiana Judicial Study Commission, State of Indiana. Legislative Analyst for State of Indiana, responsible for studies of state courts to determine necessity for new court creation. Office located state House, Indianapolis, Indians 1985-1987.

Law Clerk, Marion county Prosecutor's Office, State of Indiana. Law Clerk for Marion Country Prosecutor Stephen Goldsmith, responsible for legal research and other assignments. Office located in City County Building, Indianapolis, Indiana, 1985.

Development Associate for the Indianapolis Symphony Orchestra. Responsible for fun-raising support to development director. Office located in Indianapolis, 1984.

Sales Manager, L.S. Ayres and Company. Sales manager for $1,000,000 home store area at Glenbrook store, located in Indianapolis, Indiana 1983.

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.)

Congressional Fellow, office of Senator Richard G. Lugar, U.S. Senate, 1992 U.S. Navy Reserve Officer, commissioned in September 1999 to present.

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.)

President & CEO, Electricore Inc. Corporate Officer, 1999-2001. (resigned June 2001) Board of Directors, Direct Relief International 1997-2001, (resigned June 2001) Board of Directors, Vitamin Angel Alliance, 1999-2001, (resigned June 2001)

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

Current Memberships:

Columbia Club, Indianapolis, Indiana

Past Memberships: Indianapolis Opera Guild Santa Barbara Grand Opera Association Indianapolis Symphony North Group Public Relations Society of America Indianapolis Committee on Foreign Relations Junior League of Indianapolis

Indianapolis Shakespeare Festival Indianapolis Phoenix Theater Kiwanis International

13. Political affiliations and activities:

(a) List all offices with a political parry 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.

General campaign support for: Kerns for Congress, 2000 Indiana State Republican committee, general support for 2000 election Richard G. Lugar for President, 1995

Lugar Senate Race, 1994 Dan Quayle, US Senate, 1980 Republicans for Indiana, member of executive board 1992-1992 10 district Congressional Races, 1984, 1990, 1992

Marion Country Prosecutor Race, 1986

Sue Anne Gilroy, Mayoral race, Indianapolis Goldsmith Governor's Race,

Indianapolis County Council Republican support, 1986, 1990 William Hudnut mayoral race for Indianapolis, 1986 Victory '90 state legislative race support, 1991-92.

(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.

1996 Richard G. Lugar Presidential Campaign $1,000; 2000 Congressional Campaign for Brian Kerns, $1,000

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.)

"Top Forty under 40" Indianapolis Business Journal, 1997. Richard G. Lugar Excellence in Public Service Series, 1992. Stanley K. Lacy Executive Leadership Series, Class XII, 1987 Columbia Club Chairman's Recognition Award for Exemplary Service, 1985.

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

None.

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.

See attached.

17. Selection: (a) Do you know why you were selected for the position to which you have been nominated by the President?

It has been an honor to serve as President Bush's Administrator for Research and Special Programs Administration at the Department of Transportation. I believe I was chosen for the nomination for the position of Board Member and Chairman of the National Transportation Safety Board due to my recent experience in serving as RSPA Administrator combined with my previous private sector experience in corporate management and public affairs. As RSPA administrator I have had the privilege to serve as agency head for an organization that is dedicated overall to public safety by ensuring the safe transportation of approximately 800,000 daily shipments of hazardous materials; the safety of America's energy infrastructure of 2.2 million

miles of liquid and gas pipelines; and emergency transportation in times of civil or natural disasters.

Under the leadership of Secretary Norman Y. Mineta, my mission at RSPA has been focused on the Department of Transportation's goals of safety/security and supports this goal through research and research coordination, development, education, training, regulations and enforcement activities in the following offices: Office of Pipeline Safety, Office of Hazardous Materials Safety, Office of Emergency Transportation, Office of Innovation, Research and Education, the Volpe National Transportation Center and the Transportation Safety Institute.

During my tenure at RSPA, I have successfully directed the organization to increase its efficiency and effectiveness in its safety mission accomplishing the following:

Successfully removing the Office of Pipeline Safety from the NTSB "most wanted" list for the first time in 12 years through an aggressive program to resolve unfinished responses to NTSB recommendations;

Significantly increased safety enforcement actions for both the Office of Pipeline Safety and the Office of Hazardous Material Safety;

Developing the Crisis Management Center into a 24/7operation to support the Office of Emergency Transportation and the Secretary of Transportation;

Aggressively supporting the President Bush's Management Agenda in all areas of RSPA.

My previous experience includes a broad base of private sector and other experience that I have drawn on in order to serve the President. Previously I served as president and chief executive officer of Electricore, Inc., an Indiana-based non-profit consortium for research and development of advanced transportation and energy technologies through federal private/public partnerships. Over six years, I led the consortium's expansion to participation by major U.S. automotive manufacturers, large and small businesses in 17 states and over 25 universities, and to federal R&D partnerships of $160 million involving more than 70 projects.

I also served as both Director of Corporate and Government Affairs at Direct Relief International, the nation's oldest non-sectarian medical relief agency and as a member of the Board of Directors. My work increased in-kind medical donations by nearly 100%, and resulted in successful medical relief programs in more than 100 countries. I was also co-founder of the Vitamin Angel Alliance, a non-profit whose programs address nutritional needs of women and children on four continents.

I have served as governmental affairs executive for GTE North, Inc., with responsibilities for federal and state telecommunications public policy and corporate communications in a ten-state region from 1987 to 1992 and served as a Congressional Fellow in the office of Senator Richard G. Lugar and as a personal assistant to former Secretary of Labor Lynn Martin.

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

I believe that my multi-faceted background of government, private sector and non-profit experience provides me with excellent management skills, the capability to successfully assume leadership roles and responsibilities and the dedication to develop a vision that meets both short-term objectives and long-term solutions. I have developed an understanding and working knowledge of each of the modes within the Department of Transportation, built strong relationships and endeavored to focus on the safety mission of the department. This knowledge base will allow me to successfully negotiate oversight responsibilities that the National Transportation Safety Board has in its independent role with the Department of Transportation. I have a successful record in working with the NTSB to "clean up the record" of past . NTSB recommendations that were open within RSPA. I understand and support the importance of the role in NTSB has helping to improve transportation safety.

Based on my experience at RSPA, I offer a perspective of multi-modal interests that fall under the auspices of the NTSB—rail, maritime, pipelines, hazardous material transportation. I believe my experience, coupled with the expertise of the NTSB staff and fellow Board members will ensure that a full multi-modal emphasis on safety will result.

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?

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.

None. See SF 278, Schedule C, Part II.

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.

No unresolved issues. Please refer to the February 14, 2004 letter from the Designated Agency Ethics Official (DAEO) of the National Transportation safety Board. (NTSB)

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?

No unresolved issues. Please refer to the February 14, 2004 letter from the Designated Agency Ethics Official (DAEO) of the NTSB.

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.

I have testified before Congress on behalf of the Research and Special Programs Administration and our role and responsibilities at the Department of Transportation.

During my employment at Electricore, Inc., (1994-2001), I acted in concert with fellow consortia members of the Advanced Vehicle Program to support this program which was funded under the Defense Advanced Research Projects Agency and the Department of Transportation.

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.)

Please refer to the February 14, 2003 letter from the DAEO of the NTSB and my Ethics Agreement which is also dated February 14, 2003:

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 by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

No.

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

I am aware that, during my tenure as RSPA Administrator, the DOT Office of Inspector General (OIG), received anonymous "hotline" complaints concerning actions taken in my capacity as Administrator. I was informed by the IG that these matters were investigated and were found to be without substantiation. The IG advised me it has closed the files on these issues.

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

No.

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

No.

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

None.

E. RELATIONSHIP WITH COMMITTEE

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

Yes, to the best of my ability.

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

Yes, to the best of my ability.

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

Yes, to the best of my ability.

4. Please explain how if confirmed, you will review regulations issued by youfdepartment/agency, and work closely with Congress, to ensure that such regulations comply with-the spirit of the laws passed by Congress.

I will ensure that all rules issued by the NTSB comply with the spirit of the laws passed by Congress.

5. 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, to the best of my ability.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

I have a unique professional background with nearly 20 years of experience in private sector management, public affairs (a combination of law, public; policy and governmental relations) and non-profit organizations. I have worked in local, state and federal government. I have served as a President & CEO as well as an agency head in the federal government. My ability to communicate, coordinate, supervise, manage personnel, budgets and programs and assume leadership responsibility will all be utilized in order to carry out the responsibilities of the Chairman of the National Transportation Safety Board.

2. Why do you wish to serve in the position for which you have been nominated?

First and foremost, it is privilege to serve. This honor is one that will be carried out to the best of my ability with total dedication to the mission of the NTSB, to the President and to the country.

Secondly, I believe that the role of the Chairman of The National Transportation Safety Board requires the ability to assume leadership, provide mission focus and responsibly manage the agency. I have demonstrated these skills in my past positions and will use all my previous experience to be support the NTTSB mission.

As a professional communicator I can serve the needs of the NTSB as spokesperson during times of crisis and investigations as well as represent the agency before Congress and the public. I will continue to support the message of safety and educational outreach. As an attorney I offer support and understanding of the legal authorities and responsibilities of the NTSB and its safety and oversight mission. As the current head of a transportation mode at the US Department of Transportation, I understand and support the role and responsibility of safety within all the modes, have focused on recommendations of the NTSB within RSPA and have developed key relationships within the department to assure that multi-modal safety focus will be addressed and emphasized at the NTSB. I have successfully managed RSPA, supporting the President's Management Agenda, meeting deadlines and goals, exercised financial responsibility and responsibly managed almost 1000 employees. As one experienced with disaster management, having also worked with non.-profits and NGOs and in entrepreneurial scenarios, I believe I will successfully oversee NTSB's role in accident investigations, successfully work with the first responder community and state and local partnerships and also assist in the growth of the new NTSB Academy.

3. What goals have you established for your first two years in this position, if confirmed?

I believe it would be premature to establish long-term goals until after I am confirmed to the position of Chairman and have the opportunity to review the Board's current and upcoming issues with staff and the other Board members. I do believe that the Board's strategic plan and goals should be supported to the best of my ability and see these as a staging ground for future success. This being said, I believe that there are focus areas that should be considered in developing goals for the NTSB. These include:

Review and focus on resolution of all outstanding NTSB recommendations that were issued prior to 1999 to support safety goals and efficiency;

Supporting the successful development of the new NTSB Safety Academy;

Ensuring that SAFETY is the priority of the agency, ensuring that NTSB's responsibilities in accident investigation are fulfilled;

Efficient and effective management of the personnel and resources of the NTSB;

Successful development of strong communication and outreach between the NTSB and its stakeholders, with Congress and with state and local partners.

4. 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?

I believe that all professionals can improve their capability and ability to learn, to manage, to develop professionally and personally. As such I know that I will face new challenges in my role as the Chairman of the NTSB. I am willing to learn and listen and to dedicate that which I do know through my professional career and education to do my best, each and everyday. As with any new position, I will seek out additional information and detailed knowledge of key issues from NTSB senior staff and fellow Board members. I would also ask adminfstration officials, the Congress and key transportation constituents and stakeholders to share their opinions and views to support my education and my understanding of the issues facing the NTSB. Lastly, while I am not an aviation expert or pilot. I will look to the expertise of the NTSB staff and fellow board members to support my knowledge and understanding of aviation safety issues. I will also initiate personal study to better understand aviation study, including aviation ground school and/or a private pilot's license.

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 society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

I believe government is an entity established by the people and for the people. Government should be of service and heed to the will of the people. It should not be dictatorial or oppressive. Government's role is to protect the people of the United States and serve their needs as defined under the Constitution and laws of the United States. The private sector is the lead in many facets of modern life, specifically in its role to develop and support the economic health of the nation. Government programs should be focused with. specific goals and objectives, anticipated timetables, clear definition and clear measurements of success. When these objectives are accomplished or if the original need is met or not longer viable, then government programs should be vacated.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation—railroad, highway, marine and pipeline—and issuing safety recommendations aimed at preventing future accidents. The Safety Board determines the probable cause of:

- All U.S. civil aviation accidents and certain public-use aircraft accidents;
- Selected highway accidents;
- Railroad accidents involving passenger trains or any train accident that results in at least one fatality or major property damage;
- Major marine accidents and any marine accident involving a public and a non-public vessel;
- Pipeline accidents involving a fatality or substantial property damage;
- Releases of hazardous materials in all forms of transportation; and
- Selected transportation accidents that involve problems of a recurring nature.

The NTSB is responsible for maintaining the government's database of civil aviation accidents and also conducts special studies of transportation safety issues of national significance. The NTSB provides investigators to serve as U.S. Accredited Representatives as specified in international treaties for aviation accidents overseas involving U.S. registered aircraft, or involving aircraft or major components of U.S. manufacture. The NTSB also serves as the "court of appeals" for any airman, me-

chanic or mariner whenever certificate action is taken by the Federal Aviation Administration or the U.S. Coast Guard Commandant, or when civil penalties are assessed by the FAA.

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

a. Ensuring that the focus on transportation safety is not diminished while the concurrent focus on transportation security is developed and implemented.

b. Ensuring that the role and the responsibility of the NTSB is carried out successfully, efficiently and effectively

c. Ensuring that all aspects of the management of the NTSB—including programs, personnel, investigations, and the administrative law docket is managed efficiently and is fiscal responsible.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

I believe that the NTSB has generally achieved success in its overall mission. Since its inception in 1967, the NTSB has investigated more than 114,000 aviation accidents and over 10,000 surface transportation accidents and has become one of the world's premier accident investigation. The NTSB has issued more than 11,600 recommendations in all transportation modes to more than 2,200 recipients. Since 1990, the NTSB has highlighted many issues on a list of safety improvements. The reputation for impartiality and thoroughness of the NTSB has enabled this agency to improve transportation safety with that more than 80 percent of its recommendations having been adopted without regulatory or enforcement powers. Many safety features currently incorporated into airplanes, automobiles, trains, pipelines and marine vessels had their genesis in NTSB recommendations. That being said, I believe that it is prudent to suggest that overall management of any federal agency can be improved through continued focus on mission, through fiscal efficiency and through continued development of key relationships with stakeholders, partners and constituencies.

9. Who are the stakeholders in the work of this department/agency?

- The American people
- Congress
- State and local first responders, law enforcement and medical personnel and members of the disaster relief community
- The employees of the NTSB
- Representatives and members of all modes of transportation, including transportation vehicle manufacturers, owner/operators, maintenance, training, suppliers, employees, passengers, and the insurance industry.

10. What is the proper relationship between the position to which you have'been nominated, and the stakeholders identified in question number nine?

Independence and autonomy over the NTSB mission coupled with open communication and interaction with ALL stakeholders.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

(a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

Although the Chief Financial Officers Act does not apply to the NTSB, under the National Transportation Safety Board Amendments Act of 20000, Section 10 of Public Law 106-424 requires that an NTSB Chief Financial Officer be designated. It is my understanding that the CFO reports to the Chairman on financial management and budget execution; reviews the fees, rents and other charges imposed by the Board for services and value provided; suggests appropriate revisions to those charges to reflect costs incurred by the Board in providing services and things of value and directs, manages and provides policy guidance and oversight on financial management and property and inventory control.

(b) What experience do you have in managing a large organization?

In my current position in government I manage an agency of almost 1000 FTE employees with a budget of almost $150 million. I have served as president and CEO of non-profit organization, managing over. 70 significant projects under government contracts totaling over $160 million..

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

(a.) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

I strongly support the goals and requirements of the Government Performance and Results Act. This legislation requires the development of measurable program targets and thus ensures that the mission and vision of the agency are developed.

I believe that a strategic plan should be carefully crafted and responsibly implemented as the basis for all successful management. This is good business practice, providing planning, focus and accountability. Appropriately implemented, this will support agency managers in evaluating current resources and provides a plan to measure current and future success.

(b.) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

Congress has a right to anticipate and expect that an Agency will meet its stated goals and core performance objectives. As an independent: Agency, Congress provides oversight of the Board. I will work closely with both authorizing and appropriating committees and wish to be aware of any Congressional concerns about the NTSB's performance. While I expect that the integrity and high performance standards of the NTSB will continue, when or if such concerns are expressed, I am committed to thoroughly investigating the issue(s) and to work with Congress to improve the situation. c. What performance goals do you believe should be applicable to your personal performance, if confirmed?

Honesty, integrity, commitment, ethical behavior and perseverance are the core values and performance goals that form my responsibilities as RSPA Administrator and are the basis of my service as Chairman of the NTSB. In addition, I hope to offer measurable results via improved efficiency, effectiveness, and awareness, and responsiveness to all stakeholders.

My role as Chairman of the NTSB would be to listen, learn, communicate, and partner in support of efforts for mutual benefit among the identified stakeholders. It would be my responsibility to build bridges of communication, enhance relationships, and fulfill my official responsibilities and duties in a responsible and honorable manner.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I believe that we work as individuals but are most effective when we can come together as a team. I believe in rewarding individual performance, supporting individual professional growth and establishing clear direction, goals and advertised rewards and consequences. In short, I believe in open and honest communication with respect to the individual, his work efforts and ethic. I believe in leading by example, and would provide motivation and enthusiasm and hold myself accountable for failures. I am not aware of having an employee complaint brought against me as supervisor or fellow employee.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

If confirmed, I will work as closely and regularly with Congress as is possible. I have Worked successfully with individual congressional offices, Authorizing and Appropriations committees and with federal agencies.

15. No question 15 provided on form from committee.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

While the NTSB does not have its own Inspector General, under section 12 of the Act, the DOT IG has authority to review the Board's financial management, property management and business operations. I believe that this limited IG review will support accountability and will work with the IG regarding any current issues or in future management reviews. I currently have a constructive and candid relationship with the DOT IG and anticipate that our communication and interaction will be open and cooperative while maintaining the statutory independence of the NTSB.

17. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

I look forward to discussing safety prioritf with Congress and the Administration and support safety initiatives that support the nation's overall concern about reduction of highway accidents and traffic safety. I will keep Congress advised of the safety issues before the Board.

18. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

While the NTSB does not allocate discretionary spending as other funding agencies do, I will focus on allocating NTSB resources to be consistent with the Agency

mission. If changes are needed, they will be made based on an open, impartial manner consistent with the national safety priorities.

The CHAIRMAN. Thank you, Ms. Engleman.

Mr. Healing.

STATEMENT OF RICHARD F. HEALING, DIRECTOR OF TRANSPORTATION SAFETY AND SECURITY, BATTELLE MEMORIAL INSTITUTE

Mr. HEALING. Mr. Chairman, Members of the Committee, I am deeply honored that President Bush has nominated me to become a member of the National Transportation Safety Board, and I appreciate and thank the Committee for allowing me to appear before you today as you consider confirmation of my nomination.

I am humbled by the prospect of serving our country as a board member of the NTSB since I believe there is no higher honor or greater opportunity for a safety professional to make a difference in public service than to hold a position of trust in an organization dedicated to the safety of our transportation system and the people who rely on it.

For more than 35 years, the work of the board has made our Nation's transportation system safer, even as that system has expanded in a period of rapid growth, increasing complexity, and technological advances. Many of the board's recommendations, once implemented, have resulted in significant reductions in loss of life and injuries in transportation accidents.

The impact of these important improvements in transportation safety reaches beyond the transportation system. They also benefit the overall economic health of our Nation and the quality of life for all who live here.

During the nearly 18 years that I directed the Navy's Office of Operational Safety and Survivability, I learned to use a vast combination of resources and skills to create the most responsive and effective path to achieving our goals.

And during my more than 29 years of active and reserve duty with the United States Coast Guard, I learned the important role that leadership plays in setting goals and creating an environment in which teams can achieve them. In my current career, I have learned about exciting and sophisticated research and technology concepts that help me better understand both the challenges and solutions for transportation systems in the future.

If confirmed, I look forward to working closely with Members of the Committee and the Committee staff, with the experts on the NTSB staff, and with other government agencies, industry, and academia to make our transportation system safer.

Like past and present board members who have served the public interest so well, I will bring energy and focus to important programs, such as the most wanted list of safety improvements, as well as to the other duties assigned to board members. In concert with the other members, I will use my knowledge and experience to proactively identify safety performance trends in order to prevent accidents that may never have occurred before, to work as a team, to see that board recommendations are implemented across all modes of transportation, and to eliminate the backlog of active recommendations which require close coordination with the States.

In addition, I am a strong believer in education and training and will work closely with the NTSB Academy to ensure its success.

I thank you all for your support of the NTSB and for this opportunity to appear before you today. I look forward to your questions.

[The prepared statement of Mr. Healing follows:]

PREPARED STATEMENT OF RICHARD F. HEALING, DIRECTOR OF TRANSPORTATION SAFETY AND SECURITY, BATTELLE MEMORIAL INSTITUTE

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I thank you all for your support of the NTSB and for this opportunity to appear before you today. I look forward to your questions.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF BOARD/COMMISSION NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nick names used.) Richard Frank Healing "Dick"
2. Position to which nominated: Member, National Transportation Safety Board
3. Date of nomination: July 11, 2002
4. Address: (Information not released to the public.)
5. Date and place of birth: July 17, 1941; Bridgeport, CT.
6. Marital status: (Include maiden name of wife or husband's name.) Married; Darlene Faye Pavol
7. Names and ages of children: (Include stepchildren and children from previous marriages.) Kimberly Shanon Healing, 34; Christopher Scott Healing, 32; Paul Michael Healing, 32
8. Education: (List secondary and higher education institutions, dates attended, degree received and date degree granted.)

Fairfield College Preparatory School, Fairfield, CT; Diploma, 1959 United States Coast Guard Academy 1959-1962 (Transferred) Worcester Polytechnic Institute, Massachusetts B.S.M.E., 1964 Graduate level courses: University of Bridgeport, CT 1968-1974 Bridgeport Engineering Institute, CT 1973-1974 Georgetown University, D.C. 1984

Harvard University, MA (S.E.F.1991)

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:) Engineer-In-Training, Farrel Corp, Ansonia, CT 1964 (Jun-Sep)

Commissioned Officer, US Coast Guard; Miami FL, Viet Nam; Sep 64-Dec 67 E.I.T. and Sales Engineer, Farrel Corp, Ansonia, CT; Jan 68-Jun 71 Engineer-CEO; Healing Mechanical Ltd.; Fairfield, CT; Jun 71-Dec 81 CEO, Engr &Sales; Fairfield Precision Ind.; Fairfield, CT; Dec 81-Jan 83 Spec. Asst. to ASN (M&RA); Navy Dept.; Washington, DC; Jan 83-Sep 85 Director, Safety & Survivability; Navy Dept.; Washington, DC; Dec 85-Feb 02 Director, Transportation Safety/Security; Battelle; Washington, DC. Mar 02-Pres.

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.)

None.

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.)

Advisory Board; Masters Program-Aviation Safety; Parks College, St. Louis Univ. Advisory Board; Center for Risk Management; Haas School; UC Berkeley (97-98) Corporate Officer-Healing Mechanical Ltd (Listed above)

Corporate Officer-Fairfield Precision Ltd (Listed above)

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

Member, Flight Safety Foundation*
Member, SAE Aerospace International
Member, AHS (American Helicopter Society)
Member, Navy League
Member, NHA (Naval Helicopter Association)*
Member, SAFE International*
Life Member, Reserve Officers Association*
President DC Department, Reserve Officers Association
National Councilman, Reserve Officers Association
Member, Military Officers Association of America*
Member, Naval Reserve Association
Life Member, Republican National Committee*
Member, National Fire Protection Association
Member, Defense Fire Protection Association*
Associate, CFSI (Congressional Fire Services Institute)*
Member, American Legion
Member, Aero Club of Washington (DC)*
Member, National Aeronautic Association (NAA)*
Navy Mutual Aid Association, Member, since 1965*
Member, United States Naval Institute*
Plank Owner, U.S. Navy Memorial
Member, American Association of Retired Persons (AARP)*

*Active membership

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.

Republican National Committee—$750 on 12/20/2001

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.)

- Navy Distinguished Civilian Service Medal

- Navy Superior Public Service Medal
- Defense Superior Service Medal
- Navy Meritorious Service Medal
- Commandant Letter of Commendation Combat Action Ribbon
- Joint Meritorious Unit Award
- Navy Unit Commendation
- Coast Guard Meritorious Unit Commendation
- Navy Meritorious Unit Commendation
- National Defense Service Medal
- Vietnam Service Medal
- Armed Forces Reserve Medal (20 Yr)
- RVN Gallantry Cross Unit Citation
- RVN Campaign Medal
- Rifle Marksmanship Medal ("E")
- Pistol Marksmanship Medal ("E")
- Aviation Week and Space Technology "Laurel"
- SAFE International—General Spruance Award
- Cash Award—Special Act (1997)
- Senior Executive Fellow—Harvard University 1991
- Presidential Exchange Executive 1990

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

a. Article in Naval Institute Proceedings, August 2001, "Making the 1s and 0s Work for You". Article on application of flight recorders to military aviation.

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.

All speeches listed below were slide presentations, with no formal text:

(a) Speech 04/99, Naval Helicopter Association (NHA), on HUMS (Health Usage Monitoring Systems.

(b) Speech 04/99 on Aircraft Wiring and In-Flight Fires, SAE Advances in Aviation Safety Conference, Daytona Beach, FL

(c) Speech 10/99 on aging wiring issues; Insulated Cable Conference; Tampa, FL

(d) Speech 11/99 on Team Building; SAFE Conference, Atlanta, GA

(e) Speech 11/99 on Aging Aircraft Wiring & In-Flight Fires; Flight Safety Foundation (FSF) International Aviation Safety Seminar; New Orleans, LA

(f) Speech 04/00 on Aging Aircraft Issues; FSF Corporate Aviation Safety Seminar, Executive Committee; San Antonio, TX

(g) Speech 04/00 on Naval Safety Initiatives with COTS; Engineering Duty Officer School, Port Hueneme, CA

(h) Speech 04/00 on Aging Aircraft Wiring Solutions and Aviation Fire Fighting; SAE Advances in Aviation Safety Conference; Daytona Beach, FL

(i) Speech 06/00 on MFOQA (Military Flight Operations Quality Assurance) to JSSC (Joint Service Safety Chiefs) meeting, Quantico, VA

(j) Speech 05/00 on Aviation Wiring and In-Flight Fire Issues; DOD/FAA/NASA Aging Aircraft Conference, St. Louis, MO

(k) Speech 06/00 on Aircraft Wiring; United Airlines hosted AWIGG meeting, Indianapolis, IN

(l) Speech 11/00 on Aviation Safety Initiatives; US Airways ALPA Safety Meeting, Pittsburgh, PA

(m) Speech 01/01 on CHUMS (Comprehensive HUMS); Defence Science & Technology Organisation, Melbourne, Australia

(n) Speech 04/01 on MFOQA; Joint Services FOQA Conference; Atlanta, GA

(o) Speech 04/01 on Aircraft Wiring; AvWeek MRO Conference; Dallas, TX

(p) Speech 11/01 on Safety Programs and Leadership; Halliburton Executive Committee; Houston, TX

(q) Speech 04/02 on Aviation Safety and Security; Delta Airlines ALPA Safety Workshop; Orlando, FL

(r) Speech 08/02 on Aviation Safety Challenges; ALPA Safety Symposium; Washington, DC

(s) Speech and Panel 01/03 on Airplane and Maintenance Safety Issues; Aviation Safety Alliance Seminar; San Francisco, CA

(t) Speech and Panel 01/03 on Consequences of Transportation Disasters; The International Emergency Management Society; GWU, Washington, DC

(u) 160 Academic Speeches—06/1986 to 01/2002 on Aviation Safety Programs; Naval Postgraduate School, Aviation Safety Courses; Monterey, CA

(v) 11 Technical Speeches—08/1996 to present; on Aircraft Wiring Inert Gas Generator (AWIGG) issues; various US sites.

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

I have not been apprised of any specific reasons for my nomination; however, I am aware that the law requires technical qualifications for a majority of the Board Members. The Presidential Personnel Staff carefully reviewed my technical qualifications and relevant experience prior to making their recommendation.

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

Background in engineering, scientific investigation and problem solving, plus extensive experience in relevant safety areas gained during US Coast Guard, US Navy (civilian) and Battelle Memorial Institute careers. Specific achievements in aviation safety—especially military use of flight data recorders and aging aircraft wiring issues. Significant knowledge in information sharing and new technology.

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?

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.

I hold a non-compensation position of Advisor to the Masters Degree in Aviation Safety Program of Parks College, St. Louis University. This has been thoroughly addressed in my ethics agreement.

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.

None.

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 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.

I testified 2 times before the House Transportation Subcommittee on Oversight, Investigations, and Emergency Management regarding aging aircraft wiring issues and potential solutions:

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 will comply strictly with advice from the general counsel and ethics counselor in all cases.

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 compliant to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

No.

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

No.

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

No.

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

No.

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

None.

E. RELATIONSHIP WITH COMMITTEE

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

Yes.

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

Yes.

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

Yes.

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of laws passed by Congress.

If confirmed, I will work closely with counsel and stakeholders to ensure that Board regulations are aligned with significant public policy interests related to transportation safety. I have always and will (continue to ensure that my actions conform to both the letter and spirit of the law.

5. 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. How do your previous professional experiences and education qualify you for the position for which you have been nominated.

My engineering education and experiences have allowed me to work as a problem solver throughout my careers. I have worked as an "expert witness" in several cases where thorough investigation of an incident was required and a technical assessment was an essential results However, the most significant professional experiences came during my career assignment with the Navy Department, where I provided advice and consultation to Assistant Secretaries of the Navy on safety matters involving Sailors and Marines, and where I was granted the freedom to reach out to commercial aviation and others to share knowledge. Some career highlights are indicated in the following excerpt from my resume:

Director-Safety & Survivability, (12/1985-2/2002), Department of the Navy, Office of the Secretary.

Principal advisor and consultant to the Assistant Secretary of the Navy (I&B) on operational safety and survivability.

- Direct professional staff-engineers, scientists; direct budget development, justification and execution.
- Articulate vision, identify problem areas, establish achievable goals and initiate actions.

• Direct the Navy Department's Non-Developmental Item (NDI) "Reinvention Lab"
• Testify/maintain effective communications with Congress, Committees, Staffs
• Maintain global network of safety experts and technical contacts
• Guest Speaker-Safety Systems, Risk Management, Human Factors, Team Building, Innovation, Acquisition Reform

Achievements:

• Developed and successfully implemented an "Investment Strategy" for safety systems
• Co-founded the Human Factors Quality Management Board (HFQMB); established HF focus
• Created culture assessment program; identified interventions. Achieved 78% gain in operational excellence in one year.
• Introduced "best business practices"; focus on value, maximum return on investment.
• Founded Aircraft Wiring-Inert Gas Generator (AWIGG) Working Group, 400+ member, multi-agency, international, info-sharing team; significantly raised awareness of wiring issues.
• Aging Aircraft-Fostered creation of Aging Aircraft Integrated Product Team at NAVAIR to focus and prioritize available resources on critical aging efforts.
• Organized military aviation version of FOQA (Flight Operational Quality Assurance)
• Represent Navy and DoD-Global Aviation Information Network (GAIN) Steering Committee; Commercial Aviation Safety Team (CAST); SAE Aerospace International-Advances in Aviation Safety-Session Chair; Flight Safety Foundation-International and Corporate Safety Seminars; NASA/FAA/DOD Aging Aircraft Conference-Keynote speaker; AvEd 2020-Aviation education working group; National Safety Summit-Leadership Cte.

Significant Personal Achievements:

• Implemented Naval Aircraft Collision Warning System (NACWS, completely eliminated T-34 mid-air collisions since 1992, reduced near mid-air collisions by 98%.
• Implemented crash survivable flight data recorders (FDRs) on F/A-18 tactical fighter-attack aircraft, all passenger transports, and wrote policy to eventually cover all naval aircraft.
• Facilitated urgent procurement of Helicopter Emergency Egress Device (HEED), an emergency air supply for helicopter crews; saved more than 150 lives since 1987. (Highlighted in movie "The Perfect Storm").

2. Why do you wish to serve in the position for which you have been nominated?

There is no higher goal or honor for any safety professional with a background in transportation than to serve the country as a Member of the NTSB. I view this opportunity to serve as the pinnacle of a professional safety career. My involvement with many different forms of transportation, notably aviation and maritime safety, in combination with my background in business and military leadership, have motivated me to serve on the NTSB.

What goals have you established for your first two years in this position, if confirmed?

Initially, I intend to familiarize myself with all aspects of the Board's functions, to review the many accomplishments of the Board, and to focus on areas where safety improvements have been recommended or identified. I look forward to working closely with the Chairman and other Board Members, with other government agencies, with industry, and with academia in the pursuit of higher levels of safety for our critical transportation infrastructure.

4. 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?

I am confident my career experiences have developed and matured all the requisite skills.

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 society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

With respect to transportation safety, the federal government is appropriately involved when there is a requirement for the establishment of standards and regulations that ensure the safety of the traveling public, and safe conduct of commercial activity linked to the national economy. When the private sector voluntarily and uniformly maintains equal or higher standards than might be established through federal regulation necessary to ensure transportation related safety, a federal pro-

gram designed to ensure the maximum safety throughout the transportation infrastructure may no longer be necessary:

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The Safety Board's mission includes investigation of significant transportation accidents, determining "probable cause(s)", and making recommendations to improve transportation safety. Since 1996, it also has responsibility for coordinating support services for victims' family members. In addition to training and maintaining the requisite staff to perform all of the mission requirements, the NTSB has programs to communicate with all interested parties, to conduct educational activities and safety studies related to all five modes of transportation, and to follow up. on recommendations that have been made as a result of their investigations. The major operational objective is to improve safety across the transportation system. To achieve that, the NTSB must maintain a completely independent status while investigating all significant accidents and making appropriate recommendations.

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

While many challenges confront this very small organization, its limited size and constrained budget in a rapidly changing technological environment create extraordinary challenges for NTSB leadership. Keeping up with rapid technology developments (e.g., use of composite material in aircraft construction) requires focused research and training, all of which is impacted when accident investigation consumes staff time and valuable resources. Maintaining a highly qualified and knowledgeable staff is key to maintaining the excellence and independent status of the NTSB. Improving efficiency of the NTSB under the existing budgetary constraints requires innovative management actions. And balancing priorities among the five major modes of transportation requires both management initiatives and educational activity to ensure that available resources are focused on areas with the greatest potential for return on the investment.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

Despite the many challenging circumstances in terms of limited budgets and struggles to maintain its highly qualified staff in a rapidly changing area of responsibility, the NTSB has been largely successful in achieving its mission responsibilities. The RAND study quite strongly stated, however, that NTSB was "close to the breaking point" from lack of adequate resources.

9. Who are the stakeholders in the work of this department/agency?

The first and foremost stakeholders are the traveling public, citizens and customers who depend on their government to ensure a safe transportation system.' Additionally, all members of the transportation community—manufacturers, regulators, operators and their employees, legislators, media and academia—have a stake in the NTSB's performance.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

The NTSB's effectiveness depends fundamentally on its ability to function independent of outside influences. However, thorough understanding of the industry, including stakeholders' capabilities, can provide the sound basis for making realistic, achievable recommendations, without compromising the independence of the Board.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a. What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

As a Board Member, I will participate in management meetings and decisions led by the Chairman which will consider these issues among others. I will additionally have at heart the conscience of a taxpayer who is interested in ensuring the maximum value in return for the investment of public funds.

b. What experience do you have in managing a large organization?

I had a significant managerial role for a period of 2 years during which I was the Deputy Group Commander (#2 Executive) of a 250+ person United States Coast Guard Group in New York.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

(a) What benefits, if any, do you see in identifying performance goals and reporting on progress achieving those goals?

It is always important to measure achievement of goals; but this does not necessarily mean that failure to meet ones goals should be cause to discontinue an ef-

fort. A continual review process is appropriate to ensure that goals are correctly set in the first place; and that progress is monitored.

(b) What steps should Congress consider taking when a departmentlagencyfails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

Congress should consider a review of the goal setting process to ensure that realistic goals have been set, given the circumstances (i.e. are the necessary resources available in light of the goals being set?). Once a thorough review of goals vs resources available has been completed, then all options should be considered (i.e. privatization, downsizing).

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

I expect only the highest achievement of personal performance goals; and I believe others should expect the same of me. The requirements for Board Member performance are quite clearly stated; and there is ample time to meet those requirements and to exceed them in many ways.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I have always practiced a team based model, understanding that every team member brings something of value to the organization. As a team leader, I believe it is my duty to create an environment where cooperation, collaboration and mutual respect, flourish, producing highly effective performance. To my knowledge, there have never been any employee complaints against me:

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe.

As Director for Navy Safety, I was asked to testify before the HASC Readiness Subcommittee in 1995 and Safety and Survivability technologies. In 1999 and 2000, I also testified before the House Transportation Subcommittee on Oversight, Investigations and Emergency Management regarding aircraft wiring safety. From Jan 83 thru Feb 02, I had direct conversations or written correspondence with staff and Members, frequently receiving compliments for timely, accurate and thorough responses to their inquiries.

15. (Note the formal questionnaire did not have #15 on it.)

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

By law, the DOT Inspector General has oversight of only financial matters at the NTSB. I am advised that the Chairman, Managing Director and Chief Financial Officer are the principal NTSB contacts with the Inspector General. I will, of course, support and respond to the IG as required.

17. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

The Congress should consider the Transportation Appropriations Bill and the National Transportation Safety Board Amendments Act of 2002 as high priorities.

18. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

Yes. It is my understanding that the Chairman, Managing Director, and Chief Financial Officer are primarily responsible for budget development and execution at the NTSB. For those financial matters within my authority, I pledge to allocate discretionary spending in a fair and open manner. I am not aware of the amount of discretionary funding available to a Board Member.

The CHAIRMAN. Thank you, Mr. Healing.

Mr. Rosenker.

STATEMENT OF MAJOR GENERAL MARK V. ROSENKER, USAFR, DIRECTOR OF SPECIAL PROJECTS, AVIATION OPERATIONS TRANSPORTATION SECURITY ADMINISTRATION

Mr. ROSENKER. Good morning, Mr. Chairman, distinguished Members of the Committee. I am pleased and honored to appear before you as you consider confirmation of my nomination as a member of the National Transportation Safety Board. I am grateful

to President Bush for this nomination and particularly for his confidence in my ability to continue to serve our Nation in this unique and critically important position.

For nearly four decades, the National Transportation Safety Board has been at the forefront of transportation safety issues, the conscience, if you will, of America's vital transportation network. The NTSB is not only our Nation's premier accident investigation agency, but also enjoys a reputation as the most authoritative, independent safety body in the world. The board has worked long and hard over the years to maintain its reputation as being the best in the safety business, and if confirmed, I will do everything within my power to ensure that the decisions I make and the votes that I cast are done in that spirit of maintaining and improving safety for the traveling public.

I am sure you will agree, America's transportation industry is one of its most important economic sectors, and, as such, protecting the vitality of that sector by ensuring the safe movement of people and commerce are the primary and most crucial role of the NTSB. The dedicated men and women who make up the staff of the board have made tremendous strides in making each one of our Nation's transportation modes safer, thus stronger.

I am energized by the prospect, if confirmed, of being part of the leadership of this incredibly competent team of safety experts and advocates. My diverse experience in motor vehicle safety advocacy, regulatory affairs, healthcare in both the active and reserves of the United States Air Force, I believe give me an excellent background to serve as a member of the NTSB during this unique period in our Nation's history.

I look forward, if confirmed, to making contributions to the public's confidence in the country's public transportation system, thus strengthening an industry vital to America's overall economic and national security.

Sir, I look forward to answering any questions.

[The prepared statement of Mr. Rosenker follows:]

PREPARED STATEMENT OF MAJOR GENERAL MARK ROSENKER, USAFR, DIRECTOR OF SPECIAL PROJECTS, AVIATION OPERATIONS, TRANSPORTATION SECURITY ADMINISTRATION

Good morning. Mr. Chairman, distinguished members of the Committee. I am pleased and honored to appear before you today as you consider confirmation of my nomination as a Member of the National Transportation Safety Board. I am grateful to President Bush for this nomination and particularly for his confidence in my ability to continue to serve our Nation in this unique and critically important position.

I would like to thank Senator George Allan from my home state of Virginia for his kind introduction and support. Along with Senator John Warner's generous remarks submitted for the record.

(With your permission Mr. Chairman, I would like to introduce my wife Heather to the Committee.)

For nearly four decades the National Transportation Safety Board has been at the forefront of transportation safety issues, the conscience, if you will, of America's vital transportation network. The NTSB is not only our nation's premier accident investigation agency, but also enjoys a reputation as the most authoritative independent safety body in the world.

The Board has worked long and hard over the years to maintain its reputation as being the "best in the safety business." And if confirmed, I will do everything within my power to ensure that the decisions I make and the votes that I cast are done in that spirit of maintaining and improving safety for the traveling public. I am sure you will agree, America's transportation industry is one of its most important economic sectors and as such protecting the vitality of this sector by ensuring

the safe movement of people and commerce is the primary and most crucial role of the NTSB. The dedicated men and women who make up the staff of the Board have made tremendous strides in making each one of our nation's transportation modes safer, thus stronger.

I am energized by the prospect, if confirmed, of being part of the leadership of this incredibly competent team of safety experts and advocates. My diverse experience in motor vehicle safety advocacy, regulatory affairs, health care and the United States Air Force, I believe, give me an excellent background to serve as a Member of the NTSB during this unique period in our Nation's history. I look forward, if confirmed, to making contributions to the public's safety confidence in the country's transportation system; thus strengthening an industry vital to America's overall economic and national security.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF DEPARTMENT/AGENCY NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names or nicknames used.) Mark Victor Rosenker
2. Position to which nominated: Member, National Transportation Safety Board
3. Date of nomination: 19 January 2003
4. Address: (Information not made available to the public.)
5. Date and place of birth: 12/08/46; Baltimore, MD.
6. Marital status: (Include maiden name of wife or husband's name.)
Married, Heather Beldon Rosenker
7. Names and ages of children: (Include stepchildren and children from previous marriages.)
None
8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)
• Forest Park High School 1962-1965 Diploma
• Baltimore Community College 1965-1966
• University of Maryland 1966-69, BA Communications
• University of Maryland Graduate Study, University College, 1970-1971
• Department of Defense Information School, Graduate, 1969
• Air Command and Staff College, Graduate, Extension Course Institute, 1983-1985
• Air War College, Graduate, Associate Studies Program, 1988-1990
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.)
• Department of Transportation, Transportation Security Administration, Program Manager, Special Projects Office, Washington, DC, November 2002-present
• White House, Deputy Assistant to the President and Director, White House Military Office, Washington, DC, January 2001-November 2002
• United Network for Organ Sharing, Assistant Executive Director, External Affairs & Managing Director Washington DC Office, Washington, DC, November 1999-January 2001
• Electronic Industries Alliance, aka (Electronic Industries Association) Corporate Officer and Vice President of Public Affairs, Arlington, VA, February 1977 to October 1999
• National Committee to Elect President Ford, Deputy Press Secretary, Washington, DC, January 1976-December 1976
• Motorized Bicycle Association, aka (American Moped Association) Director of Communications, Washington, DC, 1975-1976
• Daniel J. Edelman Public Relations, Account Executive, Washington, DC, 1973-75
• Department of the Interior, Staff Assistant: Communications, Office of the Secretary, Washington, DC, 1972-1973
• Committee to Re-elect the President, Deputy Director, Radio/TV, Press Office, Washington, DC, 1972
• United States Air Force, Advertising and Publicity Officer, Air Force Recruiting Service, Alexandria, VA 1971-1972
• United States Air Force, Public Information Officer, Headquarters Air Force Systems Command, Andrews Air Force Base, MD, 1969-1971
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.)

• United States Air Force Reserve, 1972 to present. Current rank, Major General, current assignment, Mobilization Assistant to the Secretary of the Air Force
• American Battle Monuments Commission, Commissioner, 1990-1994
• Community College of the Air Force, Member of the Board of Visitors, 1981-1986
• Federal Communications Commission, Member, National Industry Advisory Committee, 1978-1981
• Commodity Futures Trading Commission, Office of the Chairman, 1976-1977
• Federal Trade Commission, Office of the Chairman, 1974-1976

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.)

HRS Partnership (bareboat lease/charter partnership) 33% interest, 198182; 50% interest, 1983-1990.

HRS Partnership dissolved in 1990. Vessel turned into private use until sale in 1995, 50% interest.

Boat slip rental property, 50% interest, sold Jan 2002.

Brat Pack Investment club 20% interest. Sole holding 1,295 shares of ADC Telecommunications.

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)

• Army-Navy Club, Washington DC, 1990 to present
• Andrews AFB Officers Club Andrews AFB, 1969 to present
• Capitol Hill Club 1973 to 2000
• Bryce Resort, Basye VA, 1986 to present
• Military Order of the Carabao 2001 to present.

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.

• Dole/Kemp Campaign, 1996, volunteer consultant.
• Bush/Cheney Campaign, 2000, volunteer consultant

(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.

$500 contribution to Darrell Issa for Congress in 2000.

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.)

University of Maryland Centennial Distinguished Graduate, 2001; American Battle Monuments Commission Distinguished Service Medal; USAF Distinguished Service Medal; Legion of Merit, Meritorious Service Medal (1 oak leaf cluster) USAF Commendation Medal; Department of Defense Achievement Medal; USAF Achievement Medal (1 oak leaf cluster)

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

None

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.

None

17. Selection: (a) Do you know why you were selected for the position to which you have been nominated by the President?

I believe I was selected because of my strong record of achievement and results both at the White House and in my prior appointments in the private and public sectors. My demonstrated interest, enthusiasm and success in issue advocacy is another reason I believe the President made this nomination.

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

For more than three decades, I have held numerous responsible executive and management positions both in the public and private sectors dealing with issues of national significance. Most recently I was privileged to work as a member of President Bush's senior staff.

As Deputy Assistant to the President and Director of the White House Military Office, I directed ten major organizations consisting of military staff and assets that provide 24/7 operational and technical support to the President, Vice President and

the White House staff. This support included but was not limited to: Air Force One, Marine One, White House Communications Agency, President's Emergency Operations Center (PEOC), Airlift Operations, White House Transportation Agency, Camp David, the White House Medical unit and contingency programs.

During my 34 years as an officer in the United States Air Force and Air Force Reserve, I was the spokesman for a number of significant operations, exercises, accidents and incidents dealing with Air Force aircraft, personnel and equipment.

I also have experience in the highway safety area by virtue of my issue advocacy work on behalf of the American Safety Belt Council, Motorcycle Safety Foundation, Safety Helmet Council of America and the Motorized Bicycle Association.

As a recreational sail boater for nearly 20 years, I have a great interest in marine safety and education.

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?

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.

None

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 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.

During my career as chief spokesman for the Electronic Industries Alliance, representing the US electronics industry, and the United Network for Organ Sharing, UNOS, (the national organ transplant network), I have made numerous statements and answered a myriad of media queries on a host of issues having to do with the laws, regulations, and policies of those two diverse communities. Some of the major issues I spoke out in support of included: NAFTA, Making Permanent the R&D Tax Credit, Improvement of Export Controls, Rewrite of Circular A76, privatization and outsourcing, Federal Rules pertaining to Organ Donation and Allocation. My role was not that of a registered lobbyist.

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.)

As a senior officer in the Air Force Reserve, if confirmed, I will recuse myself from any investigation involving USAF aircraft unless the Chairman found my participation necessary and appropriate. I believe there are no other issues that would constitute a conflict of interest.

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 by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation, or ordinance, other

than for a minor traffic offense? If so, please explain.

Detained in 1965 at the age of 18, along with two friends, in Atlantic City NJ, malicious mischief, charges dismissed. Detained in 1966 at the age of 19, along with one friend, in Baltimore, MD, possession of beer below age of 21, charges dismissed.

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

No.

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

No.

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

None.

E. RELATIONSHIP WITH COMMITTEE

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

Yes

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

Yes

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

Yes

4. Please explain how if confirmed, you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

The work of the NTSB has no substantive regulatory authority, yet bears a significant share of the responsibility for ensuring the safety of the nation's transportation modes. It gets its significant influence by providing independent, timely, accurate factual findings and analytical conclusions from the numerous accidents it investigates both at home and abroad. The NTSB is considered the world's foremost authority in transportation accident investigation and as a result enjoys a unique persuasive power when it makes its recommendations to federal, state and local agencies. If confirmed, as part of my responsibilities as a Member, I will review all new Board regulations to ensure compliance with the spirit of the laws passed by Congress.

5. 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. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

During my professional career, I have been employed in a wide and varied array of management and policy positions both in the public and private sectors. All of this experience, I believe, will be most valuable in understanding and discharging my responsibilities as a member, if confirmed, of the NTSB.

Most recently, I was responsible for managing one of the most important support functions within the White House, the White House Military Offices. It maintained 24/7 operations, to provide the President military support in his role as commander in chief, head of state and chief executive.

Twenty-three years of working on behalf of America's electronics industry has given me an excellent understanding and recognition of the role technology can play in accident prevention and improved efficiencies within all modes of the transportation community. My federal experience as a staff member and industry member advisor at three independent regulatory agencies, the Federal Trade Commission, the Commodity Futures Trading Commission and the Federal Communications Commission enabled me to gain valuable insight into the federal regulatory process.

As a Presidentially appointed Commissioner for the American Battle Monuments Commission for four years, I routinely made and voted on management decisions and policies having to do with all facets of design, new construction, operations and maintenance of numerous Federal monuments, memorials and cemeteries under its purview, both at home and abroad.

My work in vehicle safety through the American Safety Belt Council, The Safety Helmet Council of America, The Motorcycle Safety Foundation and the Motorized Bicycle Association have given me a solid foundation for continued advocacy in this important area of transportation safety.

Last, but not least, my 34 years in the Air Force and Air Force Reserve have given me tremendous experience working with aviators, the aviation community, as well as my role as spokesman for the Air Force on a host of issues and activities.

2. Why do you wish to serve in the position for which you have been nominated?

The transportation system is one of our nation's most important economic sectors, and ensuring the safe movement of people and commerce, is a critical role for the NTSB. To serve as a member of the Board during this unique period in our nation's history, provides me an unparalleled opportunity, to not only make contributions to transportation safety, but to maintain the public's confidence in the nation's transportation system; thus strengthening an industry vital to America's economic and national security.

3. What goals have you established for your first two years in this position, if confirmed?

The first goal I will pursue, if confirmed, is to become a tenacious advocate for the implementation of the Board's "Most Wanted List". The list contains priority safety recommendations that if and when. implemented, the Board believes will have significant safety benefit for the transportation mode each recommendation addresses.

Second, I am interested in the role technology can play in accident prevention and will explore this subject further if I am confirmed to the Board.

4. 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?

Whereas, I believe I currently possess the necessary skills to be an effective member of the Board, my knowledge of all aspects of safety for each and every mode of transportation I would characterize as work in progress. I believe in continuous improvement. If confirmed, I will strive everyday to learn from the Board staff, outside experts, as well as my fellow Board members in order to provide the citizens of this country with the most objective and thoughtful decisions on safety issues I can make.

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 society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

It is my belief that the government and private sector have two distinct roles, but are totally dependent upon each other, if each is to be successful. The government's role is to protect the rights and freedoms of individual citizens. It does this by making laws and administering them for the good order, well being and safety of our society.

The private sector's role on the other hand is to be the economic engine of the country. It creates the jobs necessary to produce the goods and services required for a thriving economy. A strong and growing economy results in an improved standard of living for a nation's citizens. I believe it is government's responsibility to create an environment where the private sector can flourish. A host of government policies to include but not limited to, money,. tax, trade, agricultural, health, educational, security, environmental, regulatory, and in the case of the transportation sector, safety, can do much to influence the success or failure of the economy. In the case of transportation, I believe the government has been an extremely positive force in this sector's success. It has created an environment where it could grow in 2001 to nearly $500 billion, making America the largest provider of the safest transportation goods and services in the world.

I believe a government program should be abolished if its mission is no longer relevant, needed and/or if the private sector can accomplish this mission, as it is no longer an inherently governmental function.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

Mission:

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation—railroad, highway, marine and pipeline-and issuing safety recommendations aimed at preventing future accidents. The Safety Board determines the probable cause of:

- All U.S. civil aviation accidents and certain public-use aircraft accidents;
- Selected highway accidents;
- Railroad accidents involving passenger trains or any train accident that results in at least one fatality or major property damage;
- Major marine accidents and any marine accident involving a public and a non-public vessel;
- Pipeline accidents involving a fatality or substantial property damage;
- Releases of hazardous materials in all forms of transportation; and
- Selected transportation accidents that involve problems of a recurring nature.

Major Programs:

- Aviation Safety
- Marine Safety
- Highway Safety
- Pipeline Safety
- Hazardous Materials Safety
- Hosts public forums on all transportation modes
- Public Hearings on specific incidents
- NSTB Academy—major initiative aimed at improving the training and skills of its employees and making its safety expertise widely available to those interested parties within the transportation community.
- Family Affairs Office

Operational Objectives:

- Accurate accident investigation
- Meaningful, appropriate and effective safety recommendations

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

In my opinion the three top challenges facing the NTSB today are first, people, second facilities and third, resources.

Concerning the first issue, people; in order to be successful the Board must continue to be able to attract, train, and retain, dedicated professional people with the right skills to successfully meet this important mission.

The facilities issue is extremely important. The Board should be on the cutting edge of technology with state-of-the-art laboratories and equipment to adequately fulfill its mission. Routinely, other agencies and nations turn to NTSB for support from its recorder and materials laboratories. Without proper facilities, even the best investigators will be unable to do their best work.

Lastly, the Safety Board must have adequate resources in order to do its job effectively and efficiently. Hundreds of millions of people rely on this Board to ensure we have safest transportation system possible. The cost to the taxpayer is virtually pennies. on a per capita basis for the important safety results it achieves.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

I would suggest that for the most part the NTSB has been quite effective in carrying out it mission and achieving its goals and objectives during its more than 35 year history. Since its inception, the NTSB has investigated more than 114,000 aviation accidents, issuing nearly 12,000 safety recommendations with more than 82% of its recommendations being adopted by federal, state, and local regulatory authorities and the transportation industry.

9. Who are the stakeholders in the work of this department/agency?

The stakeholder base of tho NTSB is both large and diverse, covering the entire US traveling population, world travelers, Department of Transportation and its modal administrations, all segments of the transportation industry including pipeline safety, as well as the United States Congress.

10. What is the proper relationship between the position to which you have been nominated, and the stakeholders identified in question number nine?

My relationship with stakeholders is to engage them in NTSB efforts, studies and actions. It is to keep them informed of the work of NTSB and to seek their support,

guidance and participation where appropriate in order to ensure that we continue to have the safest transportation system in the world.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

(a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

It is the primary responsibility of the Chairman, as chief executive officer and administrative officer, for day to day operations of the Board. I would be available to offer my advice and counsel on this or any other management issue should the Chairman desire it.

(b) What experience do you have in managing a large organization?

While at the White House l successfully managed an extremely large government office with a substantial budget, staff and significant responsibilities.

Prior to my White House appointment, I was one of the four senior executives that managed the Nation's organ transplant network. I also was a corporate officer and Vice President of one of the largest trade organizations in the United States. I am also currently a Major General in the United States Air Force Reserve.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

(a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

The need to identify and measure performance goals is an absolutely necessary management tool. It seems to me that NTSB's goals are quite clear and public. They prioritize their recommendations and vigorously work toward implementation. The benefits in reporting and achieving these goals are seen by virtue of more than 80% of NTSB's safety recommendations are ultimately implemented at a federal, state or local level. Not only do these metrics indicate an effective Federal organization, but more importantly result in lives being saved by safety improvements in all modes of transportation.

(b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

Fortunately, I have not been associated with any Federal agency or even a private sector entity that failed to achieve its performance goals. Therefore my experience and advice on how to deal with such a disappointing occurrence would strictly be hypothetical and lacking in credibility. in response to this question.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

I believe my personal performance goals should be directly tied to the success of the Board. Safety recommendations need to be approved by the 5 Member Board. Thus, I must take full responsibility, if confirmed, for the decisions and votes I make and ultimately if these recommendations are or are not adopted by the appropriate authorities.

13. 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 of supervisor/employee relationships is one of creating an environment of teamwork. Building a collaborative environment in which all members work together toward achieving established goals and objectives is one of the most challenging tasks a supervisor can undertake. Communication is clearly one of the most important elements in achieving this environment. Both the supervisor and employee must know and be comfortable with their individual roles and responsibilities. While management sets the direction, employees should be made to feel that their efforts are integral to the success of the mission no matter how big or small their individual contributions. During my career both in military and civilian management, I have found that using this approach has been an effective tool in both achieving the goals, while at the same time maintaining a congenial and cooperative workplace. No employee complaints have been brought against me.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

In my professional career my relationship with Congress has been primarily as an information provider to committees and staff concerning issues related to the industries I represented.

15. No question 15 provided by committee.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

The role of the Inspector General at the NTSB, I believe is a unique one given the fact that when necessary the IG comes from the Department of Transportation and only has jurisdiction over financial management issues of the agency unless specifically invited to address other matters. My role is to cooperate if needed in any investigation covering financial management that the Inspector General undertakes and or suggest investigations if I have reason to believe there is significant waste, fraud, or abuse at the NTSB.

17. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

Congress should ensure that the Board's mandate for investigation across modes is clear as has been done on behalf of aviation. That type of

legislation would provide the Board clear authority and enable the Board to make effective and timely investigations and recommendations.

18. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a time frame for their implementation. If not, please explain why.

As I stated in response to question 11, it is the primary responsibility of the Chairman, as chief executive; officer and administrative officer, for day to day operations of the Board. I would be available to offer my advice and counsel on this or any other management issue should the Chairman desire it.

The CHAIRMAN. Thank you very much, sir.

Senator Inouye.

STATEMENT OF HON. DANIEL INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. Thank you, Mr. Chairman. I have no questions, but, like all of my colleagues, I am well aware that the NTSB is recognized as the world's premier independent accident prevention investigating agency, and I feel confident in listening to them and reading their background that this premier position will be maintained.

I congratulate all of you.

The CHAIRMAN. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman.

I apologize for being late, especially to Mr. Healing and Mr. Rosenker. I was presenting another Virginian to the Armed Services Committee, and Senator Warner and Senator Levin were discussing how important last night's votes were, and so it took awhile to get started. And so I do apologize to you all, but particularly to these two Virginians.

Listening to Senator Inouye, I will not ruin their reputation by saying anything. You learn, as a lawyer, you know, do not ask questions if your witnesses have adduced and presented the evidence.

I do want to say both of these individuals have outstanding records. Mr. Healing, in particular, I would say, served in the private sector in a variety of ways. He is currently with the Battelle Group, which is a very well- respected organization, as director of Transportation Safety and Security. He has worked with the FAA and TSA. And previously, what I like is your private-sector experience, and I think you will look at that. It shows a career that he is a problem solver. He is a leader. He encourages innovative thinking. I like that, particularly as it is a rare commodity, it seems, in government. And he has done a lot of things to cut through red tape that has actually saved lives, particularly those in the military, where he was able to get placed into service a de-

vice that sailors and marines were buying and got it into service. His action cut 39 months from the planned approval process. And during that time, it is verified that 24 lives were saved, and that is the kind of forward-thinking creativity that we like.

I do not know if—Mr. Healing, have you presented your family already?

Mr. HEALING. Yes, I did, Senator.

Senator ALLEN. OK. The family is here, as well.

Mr. Rosenker, another good resident of the Commonwealth of Virginia, has a distinguished service in the Air Force Reserve. He is major general in the Air Force Reserve, 33 years of active duty and reserve experience. You have looked at his record, as well, and I think you all know that the President appointed Mr. Rosenker right at the beginning, in 2001, to be a deputy assistant to the President in a military office. And, again, another outstanding individual. His only drawback is he went to the University of Maryland, but——

Mr. ROSENKER. Sir, I could not get into Virginia, so I had——

[Laughter.]

Senator ALLEN. However, they recognized him and presented him the distinguished Centennial Graduate Award there.

At any rate, again, both of these individuals, I think, will be of exemplary service, and we look forward to working with you.

And thank you, Mr. Chairman, Members of the Committee.

The CHAIRMAN. Thank you.

Senator Lautenberg.

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

Senator LAUTENBERG. Mr. Chairman, I think we have got a fairly easy task here this morning, because, recognizing the importance of the National Transportation Safety Board, it is comforting to listen to the statements of the three outstanding nominees and to be encouraged by their experience and their commitment. We are glad that they are willing to serve, and I certainly have no problems.

There are a couple of things I would like to just ask questions about. Mr. Chairman, I note and I would enter in the record an editorial in *USA Today* about the private-sector involvement at FAA investigations, and it is some criticism of that activity that——

The CHAIRMAN. Without objection.

[The information referred to follows:]

[Not available at the time of press.]

Senator LAUTENBERG. The administration has indicated that it is considering privatizing the controller structure of the FAA, and it disturbs me.

In June of 2002, President Bush issued an executive order stripping ATC of its inherently governmental status. And in December, 2002, 6 months later, he issued a document designating ATC as a commercial activity, which opens the door to full privatization for that section of the controller workforce.

Well, I am in opposition of the privatization of our air traffic control system. And, frankly, I have a hard time understanding the rationale. In the wake of 9/11, the public demanded that baggage in-

spection be taken away from private hands and put into government hands because it was felt that government would do it better. And it is hard to understand that once the planes are loaded, in the air, why we would want to contract out air traffic control responsibilities to the lowest bidder. Security on the cheap is not what we are looking for in this country. It does not make sense.

And I would ask each of you if you have a thought about the privatization of ATC and what you think the impact could be or might be on aviation safety.

Madam Chairman? And I am glad you said that, Chairman, because we play with the word here and never want to insult a woman. On the other hand, by the time you get finished figuring out how to do it delicately, the hearing is over.

[Laughter.]

Ms. ENGLEMAN. Well, thank you, sir. I also have the privilege to serve as a naval reserve officer, so you would have to go pretty far to concern me.

[Laughter.]

Ms. ENGLEMAN. If I may, I cannot offer an educated opinion on this subject at this time. I would only suggest that, given the NTSB's focus on safety, we would review any and all such proposals under that mission objective. Safety is our primary mission. Transportation safety, of course, has a multitude of elements involved in it.

We are all facing challenges now. Government has many, many additional duties, money is scarce, and we must leverage and find new ways to handle the duties and responsibilities given to us by the American public. So I can only say that this is an issue of great importance and it would be something that I would put great attention to, but it would be inappropriate for me to give an uneducated guess at this time.

Senator LAUTENBERG. OK, we will give you a chance to get your education, and then how about tomorrow?

[Laughter.]

Senator LAUTENBERG. Thank you for that response.

Ms. ENGLEMAN. At the pleasure of the Committee, sir.

Senator LAUTENBERG. Mr. Healing.

Mr. HEALING. Senator, I, discretion being the greater part of valor, agree with my potential future chairman. And I do want to say that it is definitely a serious issue, and as safety concerns or safety issues are raised with respect to that type of a change, I look forward to working with the staff at the NTSB, who I have found to be incredibly well qualified, and learning from them what type of safety issues really are there.

Senator LAUTENBERG. Mr. Rosenker.

Mr. ROSENKER. Senator, I, too, agree with my two colleagues, in that at this time what I would like to do is learn both sides of the issue, but I clearly will be studying it and, at that point, will be delighted, if confirmed, to then have an opportunity to make a decision.

Senator LAUTENBERG. OK. I would submit to you, as well, and I will see that you get a copy of this USA Today editorial, because it is an opinion without, I think, an axe to grind, and I think it is worth doing.

I would ask another question. The NTSB will make safety recommendations to government and to the transportation industry from time to time. And yesterday, the Commerce Committee, this Committee, held a timely and interesting hearing on the safety of sport utility vehicles. Now, from what I understand, NTSB generally does not investigate single auto accidents unless it involves many cars, they do not investigate the individual case. And if there are multi-car and truck pileups that occur infrequently, I think that comes to the attention of the NTSB.

To your knowledge—again, I address the three of you—has the NTSB ever made any safety recommendations regarding SUVs? We talked about the rollover problem that seems to have emerged as an ominous result of the enthusiasm and the design of the vehicles. SUVs have a higher center of gravity and they sometimes tip over highway guard rails. Has the NTSB, to your knowledge—and I would be satisfied, Ms. Engleman, if you answered the question, because if it is in the record, it is in the record; and if not, why we can dismiss it at this point—to know whether the NTSB has ever looked at this problem?

Ms. ENGLEMAN. It is my understanding, sir, that there has been no formal investigation. However, I believe this issue falls under a general category of safety that, of course, they would be reviewing, much as the use of cell phones in passenger vehicles is under constant review by the NTSB without a formal investigation at this time.

Senator LAUTENBERG. So we can expect to hear something about that in the future, would you think?

Ms. ENGLEMAN. Sir, I think that the body of knowledge that the NTSB has grown over 35 years is constantly growing, and I believe that this issue is one which would probably fall under the purview of awareness. I cannot say, as far as formal review at this time.

Senator LAUTENBERG. OK, we will visit the subject at another time. I thank you.

Thanks, Mr. Chairman.

The CHAIRMAN. Senator Sununu.

Senator SUNUNU. Thank you, Mr. Chairman. I do not have any questions.

I certainly wish the nominees well. Their record of experience is really extraordinary. It is reassuring to have people with such valuable experience being willing to put themselves in a position of exposure in public service. But the work that you are going to be doing is extremely important. And among the challenges is the fact that it is also something that is very near and dear to everyone's heart.

I mean, we all—we travel every day. We see the press.

Today's media, more than ever, when there is an accident, when there is a tragedy, it has brought to us in a very direct and sometimes discomfiting way, and that makes your role and responsibility in helping to understand causes of accidents, risks, and ways to mitigate those risks all the more important and all the more challenging.

So I wish you luck, and I am just pleased to see that we have such outstanding nominees.

The CHAIRMAN. Well, I just want to make one additional comment. First of all, we will move your nominations as quickly as possible to the floor so you can begin working.

I want you to remember that you emerge before the American people after there is a tragedy. You are the face of the Government of the United States. Americans rely on you in moments of tragedy and sorrow. I hope you understand that this is a very important obligation that you undertake, not only because of the efficiency of your work, but because of the image that you present to the American people during very difficult times.

I want to congratulate all three of you. We will move your nominations as quickly as possible, as soon as we can get a vote on the part of the Committee. We hope you will be confirmed soon, so that you can get to work. Congratulations to your and your families.

This hearing is adjourned.

[Whereupon, at 10:10 a.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. JOHN WARNER,
U.S. SENATOR FROM VIRGINIA

Chairman McCain, Senator Hollings, and my other distinguished colleagues on the Commerce Committee, I am pleased to introduce to you today Mark Rosenker, who has been nominated to serve as a member of the National Transportation Safety Board.

The NTSB serves a vital function in today's nationwide transportation network, investigating accidents, conducting safety studies, and advocating policy to guard against future incidents. Created in 1967, this five person board has served an instrumental role in the safety of our aviation and surface modes of transportation.

The President has nominated three impressive and capable candidates, including General Mark Rosenker. Mr. Chairman, I am pleased to speak on behalf of him today in support of his nomination to the NTSB.

His service to our country is commendable, beginning in the United States Air Force in 1969 and extending through other positions at the Commodity Futures Trading Commission, the Department of the Interior, the Federal Trade Commission, and most recently serving our President as the Director of the White House Military Office.

Mr. Chairman, General Rosenker's strong record of public service will provide the traveling public well in his new role at the NTSB. In addition, the perspective he brings from his other ventures in the private sector with the Electronic Industries Alliance and the United Network for Organ Sharing will provide a well balanced view of a broad range of issues and aid him in the depth of work at the NTSB. He understands how to get things done and how to do them well.

Clearly, General Rosenker has extensive professional experience that makes him highly qualified to serve as a member of the National Transportation Safety Board. He has dedicated a large portion of his career to public service, and I am thankful for his willingness to serve our country once again.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV
TO ELLEN ENGLEMAN

The NTSB investigates accidents in all modes of transportation, yet the majority of the investigations involve aviation (114,000 out of 124,000 since its inception in 1967). Your expertise is impressive and will be valuable to the Board. With respect to aviation, you will need to learn on the job.

• How do you intend to make this transition and to ensure that aviation and other modes receive appropriate levels of attention?

Response: If confirmed, I will be fortunate to have the privilege to serve with the outstanding career staff who are experts in their fields at the NTSB. I will look to them to assist in my learning curve for aviation and other issues. I also plan on pursuing my private pilots license in order to self-educate on basic aviation principles and I hope to develop my aviation expertise via staff selections of political appointees at the NTSB.

As Chair of the NTSB, you have some big shoes to fill. The NTSB has investigated numerous pipeline accidents.

• Are there any outstanding significant NTSB recommendations that RSPA has not responded to during your tenure at RSPA?

Response: During my tenure at RSPA, I considered all NTSB recommendations as significant. We had NTSB recommendations in both our Office of Pipeline Safety (OPS) and our Office of Hazardous Material Safety and have sought to aggressively resolve them all. RSPA's OPS has initiatives underway to address all the current NTSB recommendations. RSPA OPS is nearly finished on issues of general accident data, excavation damage data, and embrittlement of plastic pipe and operator qualifications. RSPA OPS has reported on progress on issues such as human factors risks

and excess flow valves with remaining work to be finished. Finally OPS is working on the recent NTSB reports on the accidents in Bellingham, WA and Carlsbad, NM.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO ELLEN ENGLEMAN

The NTSB is recognized as one of the world's premier independent accident investigation agencies.

• What steps will you take to continue the tradition of impartiality and expertise that has been accumulated in more than three decades of accident investigation?

Response: I believe that the NTSIB's greatest asset is the expertise of its professional staff. To maintain the tradition of impartiality and expertise of the agency, it is important to continue to develop this human capital through training, professional education and other support. This also includes succession planning for the retirement eligible professionals, recruitment of the next generation of safety experts and additional outreach to professional opportunities. Lastly the NTSB Safety Academy will be an excellent tool to support employee training and development a well as utilize the NTSB's expertise to promote external education of stakeholders, local and state partners, industry and employees.

NTSB will need to be reauthorized during the 108th Congress. We held hearings on this last year, and passed legislation in the Senate that would have funded the NTSB at levels requested by the Administration.

• Do you think that NTSB is adequately funded and staffed, or should this be revisited?

Response. It is my understanding that the NTSB currently is understaffed due to budgetary restrictions as its current budget will not allow it to hire its authorized level of full time employees. Additionally, as in all government agencies, there is a high percentage of retirement eligible employees at the NTSB. Planning must be addressed for their replacement. Lastly, continued professional training is essential to ensure that the expertise at the NTSB remains in alignment with state of the art technological advancements. This being said, additional resources may address these issues on the presumption that the NTSB is currently operating at the highest level of budgetary efficiency. If not, then it is imperative that the NTSB utilize every single dollars wisely and well before it asks for additional resources.

• Under your leadership what changes if any would you like to see occur at the NTSB?

Response. If I am confirmed to serve as Chairman of the NTSB, my leadership vision would incorporate the following key elements:

• Create the vision and offer the leadership to support a mission of worldclass performance at NTSB;

• Ensure that safety issues work together, and not in competition, with security in support of the needs of the nation;

• Ensure that the President's Management Initiatives "Going for Green" are actively implemented within the management of the NTSB for a fiscally responsible and efficient agency;

• "Clean up the Record" and seek resolution of any open NTSB recommendations that have languished within the Department of Transportation or other agencies;

• Further develop partnerships with the state and local governments and first responders for training, education and outreach activities; and

• Support the NTSB Academy and its curriculum and outreach.

• Under your leadership what safety improvements would you like to see adopted by the aviation industry?

Response. Commercial aviation has many safety challenges, which include but are not limited to issues involving human performance, runway incursion, loss of aircraft control and aging infrastructure. As many recent major accidents have been the result of disparate causes, the NTSB must continue to develop information databases of accident causation, expand its understanding of systems integration, and continue research into human factors. Accidents are rarely the result of a single factor. As such, the complexity of aviation technologies challenge today's investigator. The NTSB must be supportive of proactive FAA and industry safety data/information initiatives and maximize the benefits received from these information driven systems. The Board must also continue to strongly support education, training and awareness efforts in maintenance areas and other operational areas.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS AND HON. JOHN D. ROCKEFELLER IV TO RICHARD HEALING

Senator Hollings:

You are aware that as a NTSB Member, part of your responsibilities will be to interface with the press at the accident scene, and respond to any questions the press may have.

• Because some of the information developed during the investigation is considered sensitive, what are your thoughts on how much information is released to the media and public, and what are your thoughts on the timing of the release of that information?

Response: The NTSB's expert staff of Investigators In Charge (IICs) has the skill, knowledge and experience, as well as the responsibility, to decide how much and when information is releasable to the media or others, such as families of victims. When a Board Member is present at an accident site, his/her role is to ensure that families' needs are properly attended to, and to act as the "public face of the NTSB and the government"—the intermediary between the investigative team and the public/media.

• Do you think that there should be some controls placed on the types of information developed during the course of an investigation? When do you think it is appropriate for the NTSB to start talking about accident cause?

Response: I believe there are adequate policies and laws in place to ensure that investigators can pursue all the necessary avenues of information to determine accident causal factors. For several reasons, including preserving the credibility of the NTSB as the world's most respected transportation accident investigative body, it is extremely important to avoid public speculation about accident causal factors. The only appropriate time for a Board Member to discuss accident cause in public is at the formal NTSB Hearing concerning the specific accident, when the Board deliberates the findings and recommendations of the investigative staff.

Senator Rockefeller:

As I pointed out in my statement, you will have huge responsibilities as Members of the NTSB.

• How do each of you see your role in improving safety and what will be your top priorities?

Response: My personal role in improving safety is to bring a strong scientific and engineering background and extensive experience in operational safety to the Board's deliberations concerning accident causes. In concert with the skills and knowledge of other Board Members and NTSB staff, I believe I will add value to the determination of causal factors and of appropriate remedial activity designed to prevent similar accidents, and reduce the potential injury or loss of life in transportation accidents of any type. My top priority will be to do everything within my power to ensure that the Board's mission is executed in such a way that the NTSB's reputation as the world's best accident investigation organization is preserved or enhanced. Additionally, I am personally interested in working to ensure (a) technological currency of the professional staff, (b) growth and effectiveness of the NTSB Academy, (c) improving the value and efficiency of transportation safety data systems, (d) resolution of all outstanding safety recommendations in all modes, and (e) improvement of my personal knowledge in all transportation modes. While I will not focus on any single mode as a "Top Priority", I would like very much to have a measurable role in reducing the major tragedy that occurs annually on our highways.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERNEST F. HOLLINGS TO MARK V. ROSENKER

Questions for Mr. Rosenker: You are aware that as a NTSB Member, part of your responsibilities will be to interface with the press at the accident scene, and respond to any questions the press my have.

• Because some of the information developed during the investigation is considered "sensitive", what are your thoughts on how much information is released to the media and public, and what are your thoughts on the timing of the release of that information?

Response. I believe dealing with the press at an accident scene is one of the most crucial aspects of a Board Member's job. While on scene, the Member is always the official voice of the investigation and its progress. With that being said, the Member must never speculate on cause nor offer personal opinion. All of the information which is to be released, I believe, should be coordinated with the on scene technical

experts before providing it to the media. I personally believe, having served more than 30 years as an Air Force Public Affairs officer and having been the spokesman for a number of accidents and incidents, that it is extremely important to be honest, forthright and timely in responding to the "public's right to know", still recognizing there will be some information which might not be suitable for release until later in the investigative process.

Today, more than ever, I believe the American people are demanding and deserve answers in a more timely fashion given their justifiable concern over potential terrorist attack. In three recent highly visible accidents, American 587, Columbia Shuttle and the Staten Island Barge fire, the timely assessment and announcement by NTSB and other responsible authorities, that although a cause was yet to be determined, terrorism appeared not to be a factor in these catastrophes, did much to relieve some of the public's fear and anxiety over these tragic events.

• Do you think that there should be some controls on the types of information developed during the course of an investigation? When do you think it is appropriate for the NTSB to start talking about accident "cause"?

Response: I am a firm believer that accident information must be useful, technically accurate and suitable for public release. Controls on information to be released, in my judgment, should be made by the team onsite. However, that is not to say that this information might not later be released in the final report. As far as NTSB discussing the accident cause, I believe it is best to announce preliminary findings as soon as practicable, meaning as soon as there is enough evidence to determine the probable cause.

Question for Mr. Rosenker: As I pointed out in my statement, you will have huge responsibilities as a Member of the NTSB.

• How do you see your role in improving safety and what will be your top priorities?

Response. Beyond the statutory requirements of the five Member Board and individual Members, I see my role, if confirmed, as a being a relentless, tenacious advocate for transportation safety issues and to work closely with the Board's broad stakeholder base in making sure they understand and support the Board's efforts and products. As a Member of the NTSB, I believe I am in a unique position to use the Board's authoritative reputation as a bully pulpit in enhancing safety in all of the modes of transportation under its scope.

I am particularly focused, as my top priorities, on implementing the Board's "Most Wanted List" during my tenure as 'a Member. This list encompasses twelve recommendations with the greatest impact, in the Board's opinion, on transportation safety. Recommendations selected for this list receive more intensive follow-up activity and media attention in order to persuade government agencies and industry to act on them as quickly as possible.

AIR CRASH VICTIMS FAMILIES GROUP

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February 24, 2003

The Honorable John McCain, Chairman
Committee on Commerce, Science and Transportation
254 Russell Senate Office Building
Washington, DC 20510

Mr. Chairman: Subject: NTSB nominations

Before your Committee are three nominations to the National Transportation Safety Board (NTSB), submitted by the President:

Ms. Ellen G. Engleman as Chairperson
General Mark V. Rosenker, as Member
Mr. Richard Healing, as Member.

All three nominees bring with them a wide range of experiences in the Air Force, in the Navy and Coast Guard, In Government, including the White House, in private industry, in academia, in the public domain, as well as in the field of safety and security. Their past activities have been publicly recognized. This breath of experience is very much needed in our very unsettled times.

We endorse the appointment of all three nominees and would like to urge you and the distinguished members of your committee to vote favorably on those nominations.

The National Transportation Safety Board is an internationally recognized transportation investigation organization, which needs a full complement of leadership to work effectively.

It is only thanks to the dedication of its Vice Chairperson, Carol Carmody, and the other Board Members – the staff of expert investigators and administrators - that the NTSB has been able to continue to fulfill its assigned role effectively burdened by an increasing amount of difficult and time consuming investigations, despite those unfilled vacancies. .

We would like to take this opportunity to commend to you the leadership of the Office of Transportation Disasters, Brenda Yager and Sharon Bryson as well as their small staff who, despite the heavy workload resulting from major transportation and terrorist tragedies, have been able to maintain a remarkable record of assistance and care to the affected and bereaved families, with limited means. This office merits the continued full support of your Committee. We fully encourage passage of the legislation extending its jurisdiction to railroad accidents.

Respectfully,

Hans Ephraimson-Abt
Spokesman

With: A. Frank Carven, III
Kendra St. Charles.

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