

**NOMINATIONS OF SHANA LEIGH DALE TO BE  
DEPUTY ADMINISTRATOR OF NASA; KATHRYN  
O'LEARY HIGGINS AND MARK V. ROSENKER  
TO BE MEMBERS OF THE NATIONAL  
TRANSPORTATION SAFETY BOARD**

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**HEARING**

BEFORE THE

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

**ONE HUNDRED NINTH CONGRESS**

**FIRST SESSION**

**NOVEMBER 1, 2005**

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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**TUESDAY, NOVEMBER 1, 2005**

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

The Committee met, pursuant to notice, at 10:05 a.m. in room SD-562, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

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

The CHAIRMAN. Our apologies. It seems the two of us got lost trying to find this room.

[Laughter.]

The CHAIRMAN. This morning the Committee will hear from nominees for positions at the National Aeronautics and Space Administration and the National Transportation Safety Board.

For decades, our Nation's space program has focused on Space Shuttle operations. Recently the President gave us a new Vision for Space Exploration which will take our country back to the moon and eventually to Mars. Fulfilling this vision will pose many technological and budgetary challenges. The team which Dr. Griffin is assembling will take our first steps toward attempting to achieve this vision.

Ms. Dale, Dr. Griffin and I have spoken about your nomination. I look forward to hearing from you. Specifically, I am interested in how you see yourself fitting in to the NASA hierarchy and what you think will be some of the major contributions you may make to that agency.

Since 1967, the National Transportation Safety Board has investigated all civil aviation accidents and major accidents in other transportation modes. It also consults with investigators in other countries on major transportation accidents outside the United States. The NTSB employs more than 400 people at various locations. It has headquarters in Washington, D.C., 10 regional offices throughout the country, and a training academy near Leesburg.

The Department of Transportation's Inspector General has oversight responsibilities over the NTSB. In 2004, the IG identified information security as a material weakness at the agency and made a number of recommendations.

Last month, the IG completed a second audit. The IG found that beyond hiring a Chief Information Officer, the agency had made little progress toward increasing its information security. IG investigators were able to crack the Internet passwords that control access to the NTSB network. Further, investigators were able to access sensitive information, including real-time conversations between pilots and controllers during an accident. This is far from an acceptable level of security, and we look forward to hearing the nominee's views on this issue.

Mark Rosenker is currently the acting Chairman of the National Transportation Safety Board. He is also Vice Chairman, a position nominated by the President but not requiring Senate confirmation. He is before the Committee today for his renomination as an NTSB member for a 5-year term. He has been nominated to a Republican seat.

Kitty Higgins is a former Senate staffer who went on to work in the Clinton Administration and at the National Trust for Historic Preservation.

We look forward to having both of you before the Committee today.

I will turn to Senator Inouye for comments before we turn to our colleagues.

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

Senator INOUE. Thank you very much, Mr. Chairman.

Sensing all the nominees are eager to get to work, I ask that my statement be made part of the record.

[The prepared statement of Senator Inouye follows:]

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

For nearly 40 years, the NTSB's dogged investigations of transportation accidents have improved the safety of America's transportation system, and its work, though often unnoticed, has helped millions of travelers arrive safely at their destinations every day. The NTSB and its staff are widely recognized for their unparalleled attention to detail and impartiality.

For the NTSB to be effective, its Members must be above politics. Congress depends on the Board to work cooperatively and to build upon its proven track record. The Board must continue to improve transportation safety based on both the evidence that it receives and the tireless work of its dedicated experts.

We look forward to learning more about Mr. Rosenker and Ms. Higgins, their qualifications, their thoughts on the NTSB's future, and the role they will play.

We also have with us, Ms. Shana Dale, who has been nominated to be Deputy Administrator at the National Aeronautics and Space Administration (NASA). The Committee has great confidence in Administrator Michael Griffin, and he has made it clear that he wants you at NASA as soon as possible.

You will be entering NASA at a challenging time. The agency is trying to keep flying and live up to its current commitments while building a new vehicle and beginning a new program of lunar exploration. Managing the transition from the current program to NASA's future will require the agency to make smart choices about using resources and technology.

When resources get tight, I hope that you will not cut to the bone, particularly in science, education, and aeronautics.

The CHAIRMAN. I am sorry to have delayed our colleagues. We should turn to Senator Sarbanes to introduce the person he wishes to speak about.

**STATEMENT OF HON. PAUL S. SARBANES,  
U.S. SENATOR FROM MARYLAND**

Senator SARBANES. Well, thank you very much, Chairman Stevens and Senator Inouye. I am very pleased to be before the Committee.

You have got a terrific nominee here before the Committee this morning in Kitty Higgins. I have known Kitty a long time. She is a resident of Annapolis in my state. We are very proud to have her as a resident.

The Members of this Committee, of course, know well the very significant work of the National Transportation Safety Board. It is really critical to the safety and the well-being of the American traveling public. They provide independent federal oversight for all civil aviation accidents in the U.S., as well as investigatory responsibility for significant tragedies on our waterways, railroads, and highways. So it is very significant work.

Kitty Higgins brings very significant qualifications for this position. Out of the University of Nebraska, she worked in the Department of Labor. She then was on the White House Domestic Policy Council during the Carter Administration as Assistant Director for Employment Policy. She then went to work on Capitol Hill, including 4 years as the minority staff director on the Labor and Human Resources Committee, and then went over to the House side and served as Chief of Staff for 7 years for Congressman Sandy Levin who, Mr. Chairman, is here with us this morning. You may want to have a reference from him as well.

She joined the Clinton Administration in 1993 as Chief of Staff to the Secretary of Labor. She left the Labor Department in 1995, became Assistant to the President and Secretary to the Cabinet. As Cabinet Secretary, she was the key administrative official in the coordination of the response to a number of important natural and national disasters, including the ValuJet and the TWA flight 800 crashes. So she has dealt extensively in that position with the National Transportation Safety Board and the Federal Aviation Administration and knows intimately their work.

In March 1997, she was nominated to be Deputy Secretary of Labor, unanimously confirmed by the Senate in that post. So she was at the Labor Department as the Chief Operating Officer of the Department beginning in 1997.

She has also served as Vice Chair of the Presidential Council on the U.S. Coast Guard Roles and Missions, and when she left the Federal Government, she was at the National Trust for Historic Preservation for 5 years.

She is an enormously accomplished, skilled, knowledgeable, and effective government servant. She has carried out very significant responsibilities in her various positions over the course of her career. And I have every confidence she will do an absolutely outstanding job as a member of the National Transportation Safety Board, and I commend her very strongly to the Committee.

The CHAIRMAN. A very substantial recommendation, Senator.

Congressman Levin, did you wish to have a comment at this time?

**STATEMENT OF HON. SANDER M. LEVIN,  
U.S. REPRESENTATIVE FROM MICHIGAN**

Mr. LEVIN. Senators, I appreciate the chance to say just a few words.

I came over here basically to sit and kind of revel in this nomination. There is no one I have met who has more integrity, who has more public interest. She has, I think, unusual experience in both the executive and the legislative branches of our government.

She also, from her early years, as I have been told—and I saw it firsthand when she worked in the House—has a deep sensitivity to the public and for the individual's interest. That really is what safety is all about, its impact on us as individuals. She has also had experience through her work with the White House in matters relating to safety.

So I just wanted to come here and join Senator Sarbanes in saying to you that I think this is a superb nomination, and Kitty Higgins, as she has always done in the past, will completely live up to the trust, in this case, of the U.S. Senate.

Thank you so much, Senator.

The CHAIRMAN. Well, Sandy, it is nice to have you over here to see where your brother lives.

[Laughter.]

Mr. LEVIN. I have heard rumors.

The CHAIRMAN. Senator Inouye.

Senator INOUE. Thank you, Mr. Chairman.

I have two letters, one from Senator Barbara Mikulski, the other from Senator Hillary Rodham Clinton, supporting Kathryn O'Leary Higgins for this position.

The CHAIRMAN. They will be placed in the record, without objection.

[The letters of Senator Mikulski and Senator Clinton follow:]

BARBARA A. MIKULSKI, UNITED STATES SENATE  
*Washington, DC, November 1, 2005*

Hon. DANIEL K. INOUE,  
Ranking Member,  
Senate Committee on Commerce, Science, and Transportation,  
Washington, DC.

Dear Senator Inouye:

I am writing to support Kathryn O'Leary Higgins' appointment to the National Transportation Safety Board (NTSB).

The mission of the NTSB is to investigate every civil aviation accident in the United States—as well as significant accidents in other modes of transportation. The NTSB is also charged with issuing safety recommendations to prevent future accidents. Kitty Higgins' extraordinary experience and analytical abilities make her well suited for this critical position.

Ms. Higgins has a wide range of experience in both the Executive and the Legislative branches of government. As President Clinton's Cabinet Secretary, she worked closely with the NTSB and the Department of Transportation. As liaison to both agencies, she worked with the FAA on safety inspector staffing and surveillance—which are both critical components of aviation accident investigations. She also worked with the FAA and Congress to increase inspector staffing in the aftermath of the ValuJet and TWA 800 accidents. She played a key role in coordinating the federal agencies that investigated the accidents. In addition, she worked to improve communication and assistance to families of the victims.



Ms. Higgins has also worked closely with the U.S. Coast Guard. She co-chaired the Coast Guard Roles and Missions Commission. Currently, she serves as a member of the Navigation Council for the Coast Guard's Deep Water Procurement Project.

Kitty Higgins has had a remarkable career in government service. As a Member of the National Transportation Safety Board, she would continue her work to improve the safety of our nation's transportation systems. I enthusiastically support her appointment.

Sincerely,

BARBARA A. MIKULSKI,  
*U.S. Senator.*

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HILLARY RODHAM CLINTON, UNITED STATES SENATE  
*Washington, DC, October 31, 2005*

Hon. DANIEL K. INOUE,  
Ranking Member,  
Senate Committee on Commerce, Science, and Transportation Committee,  
Washington, DC.

Dear Dan:

I write in strong support of the nomination of Kathryn "Kitty" Higgins to the National Transportation Safety Board.

I have known Kitty Higgins for 12 years. She has over 30 years of experience in both the public and private sectors and served as Secretary to the President's Cabinet during the Clinton Administration. At that time, she worked closely with the NTSB on the 1996 ValuJet and TWA 800 accident investigations. She understands how important it is to protect the Board's independence while insuring that all the relevant federal, state and local agencies are consulted and participate. She worked closely with the Federal Aviation Administration on a number of issues including reform legislation enacted by the Committee. She also had the opportunity to work with the Coast Guard and served as Vice Chair of the Coast Guard Roles and Missions Commission that made recommendations to the President. Kitty currently serves as a Member of the Navigation Council for the Coast Guard's Deepwater Project. She also has a wealth of experience working on labor and employment issues which gives her a particular understanding of the needs of workers and the importance of technical and safety training.

Kitty Higgins is eminently qualified to serve on the National Transportation and Safety Board. She has a strong record of bi-partisanship, a wealth of experience with complex issues, and the ability to work with people of diverse views. In addition to her professional qualifications, she is one of the finest individuals I have known and devotes much of her time and energy to her church and many worthwhile causes. I urge you to confirm her nomination.

Sincerely yours,

HILLARY RODHAM CLINTON,  
*U.S. Senator.*

The CHAIRMAN. We will turn to the introduction of the nominee Senator Allen supports.

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

Senator ALLEN. Thank you, Mr. Chairman and Senator Inouye, Senator Pryor. Thank you for allowing me to introduce and present to the Committee—

The CHAIRMAN. Pardon me. Did you have any comment, Senator Pryor?

Senator PRYOR. I do not. Thank you.

The CHAIRMAN. Go ahead.

Senator ALLEN. It sounds like Ms. Higgins, by the way, Mr. Chairman, has plenty of glowing accolades. Let me present Mr. Mark Rosenker, now a resident of Virginia, to the Committee.

I also want to say to Ms. Dale, living a lot of places around the country, thank you also for choosing Virginia as your place of residence as well.

Let me focus on Mr. Rosenker, though. He has impressive qualifications, and I know you have it as part of the record for this nomination. Since his confirmation more than 2½ and a half years ago, Mark Rosenker has demonstrated himself to be a qualified and energized member of this important federal agency.

At this point I believe his wife Heather is right behind him. Heather, thank you for being here. I suspect during your comments, the Chairman will ask you to introduce your bride and any other colleagues or friends who are here who have come to support your nomination.

During his tenure, Mr. Chairman, Mark has brought a wealth of management and advocacy experience to the board. With more than 36 years of active and reserve duty in the Air Force, having risen to the rank of major general, Mark's decorations include the Distinguished Service Medal, Legion of Merit and two Meritorious Service Medals, which is outstanding for somebody to be serving on the National Transportation Safety Board.

I think because of his unique combination of private sector and military experience, President Bush appointed Mark to be Deputy Assistant to the President and Director of the White House Military Office. After serving for 2 years in that White House position, President Bush nominated Mark to serve in his current position at the NTSB. Since he was confirmed in March of 2003, President Bush has twice designated Mark to serve in the role of Vice Chairman, and since March of this year, Mark has been serving with distinction as Acting Chairman of the NTSB.

During this time on the board, Mark has been a strong and outspoken advocate for transportation safety. For his leadership role and in a variety of ways, but particularly in recreational boating issues, the National Safe Boating Council presented their highest honor, the Confluence Award, to him. This is traditionally given to Members of Congress, and Mark Rosenker is one of the very few executive branch people to receive this award.

The aviation industry also acknowledges his leadership role in the challenging issue of preventing runway incursions. He has been outspoken in attempting to get the FAA to require that all children under the age of 2 be secured in safety belts while flying. I think all the passengers would like that, and so long as they are loose enough that the kids can lay over, if they are asleep and quiet, that probably would be fine as well as a parent.

Mark is now a resident of Virginia. He spent a good deal of his youth in Maryland. Senator Sarbanes should know all this. He has gotten all these awards from the University of Maryland. I am not going to hold that against him. I am still for him. He was honored to be their commencement speaker. He was presented with their 2001 Distinguished Centennial Graduate Award, which is quite an honor.

Clearly, Mark Rosenker, Mr. Chairman and Members of the Committee, has demonstrated that he is capable and enthusiastic about the Board and its mission, and I respectfully urge my colleagues to swiftly support his reconfirmation.

The CHAIRMAN. Thank you very much.

Our other nominee before us today is Ms. Dale. We have a letter of support here for Ms. Shana Dale from Representative Ralph Hall, and I had several personal phone calls from the administrator saying why had you not been the subject of hearings. So tell Mike we got to it right after we got his call. OK?

Any further comments, Senator?

Very well. Let us turn first then to Ms. Higgins. Ms. Higgins, you obviously have the support of all of the Irish mafia around here today.

[Laughter.]

The CHAIRMAN. But tell us a little bit about what you see for yourself in terms of this assignment. What are your priorities?

**STATEMENT OF KATHRYN O'LEARY HIGGINS, NOMINEE TO BE  
A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY  
BOARD**

Ms. HIGGINS. Thank you, Senator.

May I just introduce my daughter-in-law, Kate Higgins, who is here, representing all the Higgins and O'Learys today? And my son Kevan is at our embassy in Port-au-Prince, Haiti and I think is watching via the webcast there.

As Senator Sarbanes and Congressman Levin said, I worked on these issues first when I was at the White House about 10 years ago. I gained enormous respect for the NTSB, the work that they do, the mission of the agency, and the career staff there, and look forward to joining them, if I am confirmed by the Senate.

Senator I would say in my experience with the Board and looking at some of the current issues, I think there are a number of things that are of concern. I think budget resources, staffing resources are an important issue. I think the IG report that has already been mentioned raises some very troubling issues, and I know that is of concern to the Committee. I know it is a focus of the Vice Chairman and will be, obviously, an important concern to those of us who hope to serve on the Board.

There are some other areas that are of interest, for example, the nexus between safety and security. TWA 800 was a protracted investigation because it raised the issue of security. It proved to be an accident, but obviously security has come to the forefront in the last few years, and I am interested in making sure that the focus on safety for all modes of transportation is not being jeopardized by the increased focus on national security. Both are important priorities. We just have to make sure that safety continues to have priority, along with security.

I think there is a concern that we all share about the number of recent accidents in foreign countries on foreign carriers. The Board gets involved in investigating those accidents. Our safety record in aviation here has been pretty good the last couple of years, but there are an increasing number of fatal accidents occurring abroad. I would like to know more about that. What are the implications for the safety of American travelers who fly on those carriers?

I looked at the RAND Corporation report, which was issued a number of years ago. It made a number of very important rec-

ommendations, particularly in the aviation area, about the work of the Board, the needs of the staff. My understanding is that those recommendations really have not been addressed. I would hope, if confirmed, to go back to that report and begin to ask some questions about which of those recommendations should get more attention. The report looked into the future and said, aviation is getting much more complex. The resources at the Board have not increased proportionately. The technology is increasing. We need to make sure that there is the training and other kinds of things that the staff there need to get the job done.

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

PREPARED STATEMENT OF KATHRYN O'LEARY HIGGINS, NOMINEE TO BE A MEMBER  
OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. Chairman and Members of the Committee,

I welcome the opportunity to appear before you today as you consider my nomination to serve as a Member of the National Transportation Safety Board. I am honored to have been selected by Senator Reid and nominated by President Bush for this important position. If confirmed, I commit to you that I will dedicate myself to helping ensure that the NTSB meets its vital safety obligations to the traveling public.

I believe my over 30 years of experience in the legislative and executive branches, as well as in the private sector, have provided me with the managerial, leadership and teamwork skills necessary to succeed in the position for which I have been nominated. Further, I believe my varied experience has given me a good perspective both on how organizations work and how to get things accomplished.

During my tenure as Cabinet Secretary in the Clinton Administration, I had the chance to work firsthand both with the NTSB and the Federal Aviation Administration. Following the ValuJet accident in 1996, I was in continuous contact with key NTSB officials as they proceeded with the accident investigation and issued emergency recommendations to the FAA to address the problems they uncovered. Subsequently, the TWA 800 tragedy occurred and serious questions existed regarding whether it was a terrorist act, leading to intensive investigations by the FBI and the NTSB. I served as the focal point within the White House for tracking these investigative efforts. As such, for a period of months, I was in close contact with these agencies as the investigation proceeded, and made several on-site visits to the hangar in New York where the destroyed aircraft was being reconstructed as pieces were recovered. On one of these trips I accompanied President Clinton as he met with investigators and consoled family members. From this work, I was able to learn firsthand about the Board's investigative processes. I also developed a deep respect for the commitment and competence of the hard-working professionals at the NTSB.

As Cabinet Secretary, I also had the opportunity to work closely with FAA officials on a variety of matters that gave me an appreciation for the types of aviation issues and challenges faced on an on-going basis by the FAA. For example, I was a primary White House contact for FAA and DOT executives as the 1996 FAA reauthorization and reform bill was being formulated by this Committee.

I have also had the opportunity and privilege to work with the Coast Guard. At the request of Commandant James Loy, I served as Vice-Chair of the Coast Guard Roles and Missions Commission. I currently serve as a Member of the Navigation Council for the Coast Guard's Deepwater Procurement Project. I believe this experience has given me a good sense of the work the Coast Guard does and would provide me with a good basis to work cooperatively with the agency on maritime investigations of mutual concern to the Coast Guard and the Board.

Finally, my 30 years of work as an advocate and author of policies to help American workers gives me a special and important perspective for this post. I understand the importance of training workers to enhance technical skills, promote safety and prevent accidents. I pledge to pay particular attention to issues affecting workers if confirmed as a Member of the Board.

If confirmed, I hope to contribute to maintaining—and even enhancing—the Board's status as the preeminent accident investigation body in the world. I believe this is an important priority. Although it is my sense that the Board does a very good job on a day-to-day basis in its investigative efforts, I am interested in learning

if there are ways to expedite the process of completing accident reports and issuing recommendations to affected transportation modes. I also am hopeful there are means of working with other agencies to achieve the more timely adoption of recommendations. Although the vast majority of Board recommendations are adopted and implemented, it sometimes takes a protracted period before the recommended action items reach fruition. In my view, safety will be enhanced if thoughtful, balanced recommendations are issued, adopted and implemented on a timely basis. This is an area where I would plan to focus, if confirmed to serve on the NTSB.

In closing, Mr. Chairman, I would reiterate my commitment to devote my efforts to working as hard as I can to benefit the safety of the traveling public if I am afforded the honor and opportunity of serving on the Board. I would be pleased to respond to any questions you or Members of the Committee may have at this time.

#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
Kathryn O'Leary Higgins.  
Kitty Higgins.  
Kathryn O'Leary.  
Kitty O'Leary.
2. Position to which nominated: Member, National Transportation Safety Board (Democratic Seat).
3. Date of Nomination: 7/27/05.
4. Address (List current place of residence and office addresses):  
Residence: information not released to the public.  
Office: None.
5. Date and Place of Birth: 10/11/47, Sioux City Iowa.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).  
Spouse is deceased.  
Liam Higgins—31.  
Kevan Higgins—27.
7. List all college and graduate degrees. Provide year and school attended.  
Mount Marty College 1965–1967 (no degree; transferred).  
University of Nebraska 1967–1969 (BS, Social Science and Education).
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
President, TATC Consulting.  
Vice President for Public Policy, National Trust for Historic Preservation.  
Deputy Secretary of Labor.  
Assistant to the President, and Cabinet Secretary.  
COS, Secretary of Labor.  
COS, Congressman Sander Levin.  
Democratic Staff Director, Senate Labor and Human Resources Committee.
9. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last five years.  
Member, Navigation Council, Coast Guard Deep Water Project.
10. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last five years.  
Board Member, University of Maryland School of Public Affairs.
11. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.  
Project Children/Washington Intern Program (1999 to present).  
Bridges to Peace Board (1999 to present).

Video Action Board (2003 to present).  
 Charles Carroll House of Annapolis, Vice Chair (1999 to present).  
 Historic London Town Board (2000 to present).  
 International Cabinet of the Baltimore Basilica (2000 to present).  
 Ignatian Lay Volunteer Corps, Vice Chair (2001 to present).  
 Sherwood Forest Club in Annapolis, Md.

12. Have you ever been a candidate for public office? No.

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

My records only go back to 1999. I did not make campaign contributions of any size when I was with the government. Following is a list of contributions over \$500 made since 1999:

12/07/99 Sarbanes for Senate—\$500.  
 03/17/00 Clinton for Senate—\$1000.  
 04/10/00 Clinton for Senate—\$1000.  
 05/29/00 Townsend for Governor—\$1000.  
 09/19/00 Levin for Congress—\$500.  
 09/19/00 DSCC—\$1000.  
 10/18/00 O’Keefe and Williams for Gov/Lt. Gov—\$500.  
 04/03/01 Ira Shapiro for Congress—\$500.  
 05/25/01 Mary Landrieu for Senate—\$1000.  
 11/15/01 Reno for Governor—\$500.  
 12/02/01 Shaheen for Senate—\$500.  
 12/27/01 Abbott for Governor—\$500.  
 02/13/02 Reich for Governor—\$500.  
 06/20/02 Herseth for Congress—\$500.  
 06/30/02 Abbott for Governor—\$500.  
 07/11/02 Bowles for Senate—\$500.  
 08/22/02 Abbott for Governor—\$500.  
 09/29/02 Herseth for Congress—\$500.  
 10/01/02 Bowles for Senate—\$500.  
 01/22/03 Leahy for Senate—\$500.  
 03/17/03 Daschle for Senate—\$1000.  
 03/26/03 Tauscher for Congress—\$500.  
 03/29/03 Kerry for President—\$1000.  
 05/08/03 Dorgan for Senate—\$500.  
 05/14/03 Feinstein for Senate—\$500.  
 05/21/03 Daschle for Senate—\$1000.  
 06/25/03 McGovern for Congress—\$500.  
 03/17/04 Clinton for Senate—\$1000.  
 06/16/04 Markey for Congress—\$500.  
 06/22/04 Herseth for Congress—\$500.  
 08/01/04 Mikulski for Senate—\$1000.  
 09/29/04 Oklahoma Senate race—\$500.  
 09/30/04 Herseth for Congress—\$500.

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

Coast Guard Distinguished Service medal.  
 FAA Distinguished Service medal.  
 Mount Marty College Distinguished Alumna.

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

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

As Vice President for Public Policy for the National Trust for Historic Preservation, I testified before the Interior Appropriations Committee in support of funding for historic preservation, Save America’s Treasures and for the National Parks.

I also testified, in that capacity, before the House Parks Subcommittee on land issues in Wyoming.

## B. POTENTIAL CONFLICTS OF INTEREST

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

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

At the request of the Office of Government Ethics, I have agreed to resign from all of the Boards listed in question 11, with the exception of the Ignatian Lay Volunteer Corps Board. I was advised that I could continue to serve on that Board because it is affiliated with a religious institution.

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

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

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

As Vice President for Public Policy with the National Trust for Historic Preservation, we agreed with the Administration when we could on matters affecting preservation policy and funding and disagreed when we needed to. For example, we did not support the Administration's position on amending section 4f of the Highway bill. Section 4f is the strongest and most important historic preservation policy in federal law. We were concerned that changes proposed by the Administration would gut these important protections. We also advocated increased funding for Save America's Treasures and for the National Parks.

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

## C. LEGAL MATTERS

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

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

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

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

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

I don't believe there is anything additional to report.

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

## D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. What are your opinions about the relationship of the Board to information security?

Ms. HIGGINS. I did read the IG report and was very concerned, obviously, that there is this ability to breach the security system

and access sensitive information collected by the Board. I think the Board's reputation is as strong as it is because it has, over the years, been able to gather all the facts, and to protect the information until the facts lead to the resolution of the investigation. When I was at the Labor Department, we put a great priority on improving the security of our technology systems, and I know it has been a priority for OMB, in our Administration, also for this administration. I will work with the Chairman and Vice Chairman and others—to make sure that those issues get the attention they deserve. It will undermine the credibility of the Board if those issues cannot be resolved.

I think there is a corrective action plan that has been proposed. In looking at the response to the IG report, I think the agency concurs that there are significant problems here. It is unfortunate that more action has not been taken to date, but I am sure it will be a priority. It already is a priority. It will certainly be a priority for me.

The CHAIRMAN. I apologize to everyone in the room about the heat. Obviously, the person maintaining that heat is not an Alaskan.

[Laughter.]

The CHAIRMAN. We are a little disturbed about this heat.

Mr. Rosenker, you know I have had a personal experience with NTSB, an accident that I survived, and then also an Alaska Airlines plane I was supposed to be on and missed the connection and it crashed. And then my closest friend was on the one that turned upside down on Alaska Airlines and went into the Pacific Ocean off Point Waneemi.

At the time, I got the impression that there was sort of a financial strain on NTSB in the last investigation. It does take a lot of money quickly to gather up facts on an investigation of tragedies such as the one in California.

Are you diverting money away from the core missions of investigating accidents and making safety recommendations to do other things that the NTSB wants to do right now?

Mr. ROSENKER. No, sir, I would not agree with that.

Sir, before I go into further answers, with your permission could I offer an opening statement, which perhaps may answer some of the questions that you may have already?

The CHAIRMAN. A short one, yes.

**STATEMENT OF MARK V. ROSENKER, NOMINEE TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. ROSENKER. Yes, sir I will do that.

Good morning, Mr. Chairman, Mr. Co-Chairman, distinguished Members of our 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 for a second term. 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 also like to thank Senator George Allen from my home State of Virginia for his generous and flattering remarks.



As the Senator also said, my wife is behind me. I also have a lot of friends, colleagues, and former members and current members that are sitting in support of this nomination.

For nearly 3 years, I have been privileged to serve as a Member, Vice Chairman, and most recently Acting Chairman of this small but widely known and well-respected federal agency.

I have looked forward to this confirmation hearing since the announcement of my nomination, not only so that I can answer your questions, but to be able to share with the Committee my pride and enthusiasm for the NTSB. For nearly 4 decades, the NTSB has been at the forefront of transportation safety issues, the protector, if you will, of America's vital transportation system. The Board is not only our Nation's premier accident investigation agency, but also enjoys a well-earned reputation as the most effective and authoritative independent safety body in the world.

Simply stated, sir, the men and women who make up the NTSB are the best in the business.

I would also like to recognize my fellow Board Members, past and present, with whom I have been privileged to serve during my tenure in office. All of these men and women—Democrat, Republican, and Independent—have brought a unique and valuable perspective to the decisionmaking process that is our responsibility.

Whether determining the probable cause of an accident, recommending safety improvements, or deciding on federal enforcement actions, we routinely joined together with one objective in mind, and that is to raise the standard of safety within our Nation's transportation community. If confirmed to a second term, I commit to you and the American people that I will continue to make decisions and cast votes in that same spirit.

Mr. Chairman, Mr. Co-Chairman, distinguished Members of the Committee, we all agree that the transportation industry is crucial to our economy. The independent safety board's primary and most significant role is to help ensure the public's confidence in the safety of this vital sector of our society.

What I have seen and what I have learned as a Member of the NTSB is that the dedicated men and women who make up our Nation's transportation community, aviation, rail, marine, highway, and pipeline—the management, labor, owners, operators, and manufacturers, are all working closely together to make a safe industry even safer.

I look forward, sir, to answering your questions.

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

PREPARED STATEMENT OF MARK V. ROSENKER, NOMINEE TO BE A MEMBER OF THE  
NATIONAL TRANSPORTATION SAFETY BOARD

Good morning. Mr. Chairman, Mr. Co-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 for a second term. 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 also like to thank Senator George Allen from my home State of Virginia for his kind introduction and support.

With your permission Mr. Chairman, I would like to introduce my wife, Heather, who is here with me this morning.

For nearly three years, I have been privileged to serve as a Member, Vice Chairman and most recently Acting Chairman of this small, but widely known and well-respected federal agency.

I have looked forward to this confirmation hearing since the announcement of my nomination. Not only so that I can answer your questions, but also to be able to share with the Committee my pride in and enthusiasm for the National Transportation Safety Board. For nearly four decades, the NTSB has been at the forefront of transportation safety issues, the protector, if you will, of America's vital transportation system. The NTSB is not only our Nation's premier accident investigation agency, but also enjoys a well-earned reputation as the most effective and authoritative independent safety body in the world.

Simply stated, the men and women who make up the NTSB are the "best in the business."

I would also like to recognize my fellow Board Members, past and present, with whom I've been privileged to serve during my tenure in office. All of these men and women—Democrat, Republican and Independent—have brought a unique and valuable perspective to the decision making process that is our responsibility.

Whether determining the probable cause of an accident, recommending safety improvements, or deciding on federal enforcement actions, we routinely joined together with one objective in mind, to raise the standard of safety within our Nation's transportation community.

If confirmed to a second term, I commit to you and the American people that I will continue to make decisions and cast votes in that same spirit.

Mr. Chairman, Mr. Co-Chairman, distinguished Members of the Committee, we all agree that the transportation industry is crucial to our economy, and the independent Safety Board's primary and most significant role is to help ensure the public's confidence in the safety of this vital sector of our society.

What I have seen and learned as a Member of the NTSB, is that the dedicated men and women who make up our Nation's transportation community—aviation, rail, marine, highway and pipeline—the management, labor, owners, operators, and manufacturers, are all working closely with us to make a safe industry even safer.

I remain energized by the unique opportunity, if confirmed, of continuing to be a part of the strong and diverse leadership of this highly competent team of safety professionals and advocates. I am also very proud of the contributions I have made toward improving transportation safety during my tenure as a Member of the Board.

I look forward to answering your questions.

#### 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: April 4, 2005.
4. Address (List current place of residence and office addresses):

Residence: information not released to the public.

Office: NTSB, 490 L'Enfant Plaza East, SW., Washington, DC 20594.

5. Date and Place of Birth: 12/08/46, Baltimore, MD.

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

Heather Beldon Rosenker,  
Senior Vice President,  
Fleishman-Hillard Public Relations.  
No children.

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

Baltimore Community College 1965–1966.  
University of Maryland 1966–1969, BA Communications.  
University of Maryland, University College, Graduate Study 1970–1971.  
Department of Defense Information School, Graduate 1969.  
Air Command and Staff College, Extension Course Institute, Graduate, 1983–1985.  
Air War College, Associate Studies Program, Graduate, 1988–1990.

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

Member, Vice Chairman and Acting Chairman,  
National Transportation Safety Board, March 2003–present.

United States Air Force and Air Force Reserve, Major General, Mobilization Assistant to the Commander, Air Force Reserve Command, (current rank and assignment) June 1969–present.

Department of Transportation, Transportation Security Administration, Program Manager, Special Projects Office, November 2002–March 2003.

The White House, Deputy Assistant to the President and Director of the White House Military Office, January 2001–November 2002.

United Network for Organ Sharing (UNOS), Assistant Executive Director and Managing Director of the Washington, D.C. Office. November 1999–January 2001.

Electronic Industries Alliance, aka (Electronic Industries Association) Corporate Officer and Vice President, Public Affairs, February 1977–October 1999.

Motorized Bicycle Association, aka (American Moped Association), Director of Communications, January 1975–January 1976.

Daniel J. Edelman Public Relations, Account Executive, September 1973–January 1975. Represented American Safety Belt Council, Motorcycle Safety Foundation, and the Safety Helmet Council of America.

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

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

United Network for Organ Sharing (UNOS)—Assistant Executive Director for External Affairs and Managing Director, Washington, D.C. office.

Boat Slip Rental Property—50 percent interest; sold January 2002.

Brat Pack Investment Club—20 percent interest. Sole holding 1,295 shares of ADC Telecommunications.

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

Army Navy Club, Washington, D.C.—1999–present.

Andrews AFB Officers Club, Andrews AFB, MD—1969–present.

Capitol Hill Club—1973–2000.

Bryce Resort, Basye, VA—1986–present.

Military Order of the Carabao—2001–present.

Aero Club, Board Member—2005–present.

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

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

2004—Bush-Cheney Campaign—\$2,000.

2000—Darrell Issa for Congress—\$500.

14. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition 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. Please list each book, article, column, or publication you have authored, individually or with others, and any speeches that you have given on topics relevant

to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

All speeches that I have given relevant to transportation safety may be viewed on the NTSB website.

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

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: None.

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

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

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

During my appointment as a Member of the NTSB, I have been a strong transportation safety advocate and on numerous occasions invited to testify before state legislatures, particularly on issues of highway and recreational boating safety. In addition, the Board has made a significant number of recommendations to federal agencies, state and local governments, organizations, operators and manufacturers concerning regulations or safety issues dealing with various modes of transportation.

During my career as chief spokesman for the Electronic Industries Alliance, representing the U.S. 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.

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

As a senior officer in the Air Force Reserve, if confirmed, I will continue to recuse myself from any investigation involving an 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.

#### C. LEGAL MATTERS

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

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

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.

During my employment as an officer of EIA, the Association was involved in routine civil litigation. I was never a party, nor a witness in any of those proceedings.

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

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

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Thank you. Now answer my question. I am told you are diverting money away from investigating accidents to support other functions. I am told that the training academy is losing money and that you have cited budgetary pressure for not investigating every fatal accident. Is that true?

Mr. ROSENKER. Sir, we look at every single general aviation accident by law. We take a look at virtually every one of the railroad accidents that has some fatality or significant damage. In marine, we look at the major catastrophic marine accidents as an agreed-to by our Coast Guard MOU. In highway, of course, we cannot look at the 43,000 accidents that occur that result in fatalities. And in pipeline, we look at every one of the pipeline accidents that occurs in a fatality.

Our academy was created in concept in the year 2000, well before this Administration came to work in this Board. Whether I would have made a decision to create this academy or not I think is not the issue. The issue is what are we doing at this academy to further the investigation capability of the NTSB and to enhance safety in all modes of transportation.

There is a basic funding that was created, I believe, as part of the opportunity to put together the academy, and that was we were housing flight TWA 800, which was the 747 that blew up, as it left in 1996 on its way from JFK to Paris. That was the most expensive accident that the NTSB has ever investigated, well over \$40 million. As you may recall, back at that time, there was a question of really what happened. And it took us a good deal of time. There were two actual investigations going on simultaneously: one with the FBI and one with the NTSB. There was belief at one point that it could have been a bomb that exploded that brought down that 747 and killed 230 passengers. It turned out that it was not. It turned out that it was a center wing fuel tank explosion.

The CHAIRMAN. I do not really want a lecture. I want an answer to the question. Are you diverting money from your accident funds for other purposes?

Mr. ROSENKER. The approximate budget is around \$3.5 million to operate the academy. \$2.5 million comes from an increase in our appropriation that was given by Congress to support the facility and house the 747 at the academy. There is about \$700,000 that comes in income from the courses. So there is a shortfall of approximately \$750,000 to \$800,000 that must be looked at. But we, in fact, are teaching courses out there that we have been teaching

for years. The basic investigation course is being taught. We were teaching that well before there was an academy.

We are also using that academy for three purposes: one a COOP site. We are also renting that COOP site to other federal agencies, and I would be able to provide that list to you. Second, housing, our regional office in the Ashburn Academy Facility. And third, we have created an enhanced laboratory capability that we needed sorely that we could not have done in our Washington headquarters. So part of that shortfall is, in fact, additional infrastructure that we would be needing anyway, sir.

But as far as are we taking resources away from our investigators, I do not believe we are doing that, sir.

The CHAIRMAN. Well, let me do this. I want to request, on behalf of the Committee, that you provide this Committee with updates on your actions taken to address the Inspector General's audits every 60 days until that is complete.

Mr. ROSENKER. Yes, sir, we will do that.

The CHAIRMAN. Ms. Dale, I am sorry to have delayed to get to you. I was waiting for the Senator from Texas who wanted to introduce you, and we just received word that she is on a plane from Texas, which was delayed in coming. So I do want to recognize that you are here and that we have a series of questions for you.

As I indicated in my opening statement, I was sort of intrigued by the new vision of the President with regard to changes at NASA. Can you tell us really what you see your role will be in that process of turning NASA back toward deep space exploration?

Ms. DALE. Yes, sir. My role will be assisting the administrator on overall leadership policy direction and planning and management of the agency.

In terms of the vision for space exploration, one of the things that Mike Griffin wanted was a complete skill set at the top of NASA within the senior leadership team. He already has an associate administrator who has long-term agency experience. He himself has great technical experience, as you know, in terms of being inside the agency and also working long-term in the space community, including being the head of In-Q-Tel. He has great leadership capabilities. What he was seeking in me was agency management experience, political and policymaking expertise, as well as a comprehensive knowledge of NASA and the aerospace community.

So my roles and priorities, as I go into NASA, will be helping to implement the vision for space exploration, continuing on with space operations, the International Space Station and the Space Shuttle, and making sure that there is a healthy overall balanced program with science and aeronautics. And then some of my first priorities going into the agency, if I am confirmed, would be the agency's financial management system and also work force issues.

The CHAIRMAN. Thank you very much.

Ms. Higgins and Ms. Dale, did you have opening statements? We do not usually have opening statements on nominees, but if you have one, we would be glad to listen to them.

Ms. HIGGINS. Senator, I did. You have it for the record, and I think enough has been said.

The CHAIRMAN. Thank you.

Ms. Dale?

Ms. DALE. I do have an opening statement, sir, if you would like.

The CHAIRMAN. Do you wish to acknowledge anyone present, Ms. Higgins?

Ms. HIGGINS. My daughter-in-law is here, Kate Higgins, and a number of friends and colleagues I have worked with over the years.

The CHAIRMAN. Ms. Dale?

Ms. DALE. My family members, my significant other, Mike Fagan, is here, as well as my father, John Dale.

The CHAIRMAN. Thank you very much.

Would you like to read your statement?

Ms. DALE. If you so desire, sir.

The CHAIRMAN. I think we would be happy to listen to it, yes.

**STATEMENT OF SHANA LEIGH DALE, NOMINEE TO BE DEPUTY ADMINISTRATOR OF NASA**

Ms. DALE. Mr. Chairman, Co-Chairman Inouye, and Members of the Committee, I am honored to be President Bush's nominee to be the Deputy Administrator of NASA. I would like to thank Mike Griffin for recommending me to be his deputy, and I would like to thank President Bush for nominating me to this position. I am honored and excited to be considered to serve at NASA.

I believe that NASA is entering a period of great promise, excitement, and opportunity. One key reason for this is the President's Vision for Space Exploration, a bold and energizing mission for NASA's future. At the same time, it has been designed specifically to be affordable and sustainable, with the resilience to survive budgetary fluctuations that may occur in the future. This is a critical point because this space exploration initiative spans decades into the future. Ultimately the quest is to extend human exploration across the solar system.

If confirmed as Deputy Administrator, I am committed to working with Administrator Griffin, the people of NASA, Congress, the White House, and the private sector to lay the foundation ultimately necessary to achieve the Vision for Space Exploration.

In particular, I look forward to working with the aerospace work force because I understand and value their unique skills and expertise, as well as their contribution to this Nation's economic competitiveness.

My written statement goes on to discuss the very important missions of the International Space Station, the Space Shuttle, science and aeronautics, as well as the need for a healthy overall program within NASA.

Mr. Chairman, I have long been a supporter of this Nation's aerospace efforts, and if confirmed, I look forward to being a part of the team that leads NASA into the future. I also look forward to being a very strong advocate for NASA.

My professional background has positioned me to provide a unique fit with NASA's senior leadership. The breadth and the depth of my experience comes from working in the executive branch, legislative branch, and academia for the past 15 years. I have on-the-ground knowledge of the inner workings of the White House and Congress, and I understand the complexities and challenges of how agencies interact. This extensive political and policy-

making expertise will be crucial to successfully navigating the challenging times that lie ahead for NASA.

Further, I developed a comprehensive knowledge of NASA and the aerospace community during my tenure as Staff Director of the House Space and Aeronautics Subcommittee in the 1990s. Legislative oversight of NASA's budget, policies, and programs provided me with an in-depth understanding of and sensitivity for the issues facing the agency.

If confirmed, my fundamental areas of expertise, combined with the Administrator's technical expertise and leadership and the Associate Administrator's long-term agency experience, will produce a formidable and complete skill set within the senior team that leads NASA into the future.

These are exciting and challenging times at NASA, and I want to help the agency build even stronger relationships with Congress, the White House, and the American people. If confirmed, I look forward to working in an environment of accomplishment and achievement at NASA, a place where significant scientific and technological breakthroughs are everyday occurrences. I am excited about the opportunity to become a part of the team at NASA, and I look forward to developing a very strong working relationship with this Committee.

I am honored to be nominated and I thank you for the opportunity to appear before you today, sir. Thank you.

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

PREPARED STATEMENT OF SHANA LEIGH DALE, NOMINEE TO BE DEPUTY  
ADMINISTRATOR OF NASA

Mr. Chairman, Co-Chairman Inouye, and Members of the Committee, I am honored to appear before you today as President Bush's nominee to be the Deputy Administrator of NASA. I would like to thank Mike Griffin for recommending me to be his Deputy and I would like to thank President Bush for nominating me for this position.

I believe that NASA is entering a period of great promise, excitement, and opportunity. One key reason for this is the President's Vision for Space Exploration—a bold and energizing mission for NASA's future.

In 2004, the President said "We have undertaken space travel because the desire to explore and understand is part of our character." He went on to say we are "drawn to the heavens for the same reason we were once drawn into unknown lands and across the open sea. We choose to explore space because doing so improves our lives, and lifts our national spirit."

The President's Vision for Space Exploration is a direct reflection of these fundamental goals and desires. At the same time, it has been designed specifically to be sustainable and affordable, with the resilience to survive budgetary fluctuations that may occur in the future. This is a critical point because this space exploration initiative will span decades into the future. Ultimately, the quest is to extend human exploration across the Solar System.

If confirmed as Deputy Administrator, I am committed to working with Administrator Griffin, the people of NASA, Congress, the White House, and the private sector to lay the foundation necessary to ultimately achieve the Vision for Space Exploration.

When Americans think of human space exploration today, they think first of the Space Shuttle and the International Space Station.

The Space Shuttle has provided technological advances and knowledge that will be especially useful for the Exploration Vision. Administrator Griffin has described the Space Shuttle as an amazing vehicle, designed by this Nation's most brilliant aerospace engineers.

Over the last five years, the U.S. and its international partners have built a 400,000 pound space station in low Earth orbit which enables critically important



research. The International Space Station enables research on the effects of space on human health that is important for longer term space travel beyond low Earth orbit.

Another important goal is achieving a balanced overall program of science, aeronautics, exploration, and space operations. It is my belief that it is possible, and in fact, very important, to maintain healthy programs in science and aeronautics. As Mike Griffin has stated, even in the Apollo era when the race was on to get to the Moon, NASA was able to execute dozens of science missions and maintain a robust program of aeronautics development.

NASA's Science Directorate seeks to understand the origins, evolution, and destiny of the universe and to understand the nature of the unique phenomena that shape it. The Directorate seeks to understand the Sun and Earth, the nature of life in the universe, what kinds of life may exist beyond Earth, and the nature of the solar system—scientifically and in preparation for human exploration. Scientific discoveries from missions such as the Hubble Space Telescope, Voyager, Aqua, and the two Mars rovers further the fundamental missions of NASA and spark the imagination of people around the world.

In aeronautics, NASA is currently re-shaping the program to focus in three important areas. First, mastery of core competencies in subsonic, supersonic, and hypersonic flight; second, research in aviation safety that takes advantage of the agency's unique capabilities; and third, partnership with the FAA and other agencies to directly address the needs of the Next Generation Air Transportation System. NASA also is moving in the direction of reinvesting in in-house expertise, establishing a program to ensure that essential wind tunnel facilities are maintained, and building strong partnerships with the Defense Department, industry, and academia.

Mr. Chairman, I am excited for the opportunity to serve the United States' space program. I have long been a supporter of our Nation's aerospace efforts and, if confirmed, look forward to becoming an advocate for NASA in the aerospace community, within the Executive Branch, before the U.S. Congress, and to the American public.

The breadth and the depth of my experience for the position of Deputy Administrator come from working in the Legislative branch, the Executive branch, and academia for the past 15 years. My experience for this position is in 3 fundamental areas: (1) agency management; (2) policymaking; and (3) a comprehensive knowledge of NASA and the aerospace community.

Let me provide some specifics:

My extensive agency management experience comes from my years at the Office of Science and Technology Policy (OSTP). I came to the agency at a time when it had a skeleton staff and had very few standard operating procedures. My task was to build the agency from the ground up. I focused on 3 key elements: recruiting skilled staff, developing operating procedures, and creating trusted working relationships.

Soon after arriving at OSTP, I developed a plan for determining the critical skill sets needed in the agency and mapping those against existing expertise. I worked to recruit highly qualified scientists and engineers and senior staff for communications, legislative affairs, budget, financial management, security and human resources.

Second, I turned my attention to developing operating procedures for the entire agency which established an environment for efficient and effective management of day-to-day operations and decision-making processes.

Third, consistent with the approach I have taken throughout my public service, I developed trusted working relationships within OSTP, with senior staff in other offices of the Executive Office of the President, and with officials in the federal agencies, and Congress, the private sector and the international community.

My extensive political and policymaking experience comes from working for the past 15 years in Washington D.C. I have on-the-ground experience with the inner workings of the White House and Congress, and understand the complexities and challenges of how agencies interact and how to successfully accomplish program and policy objectives.

While serving as Chief of Staff and General Counsel at the Office of Science and Technology Policy, I had the additional responsibility of leading the homeland and national security staff. In the early days after 9/11, this included leading and executing homeland security technical operations—a highly unusual function for a policy office. These political and policymaking skills will be crucial to helping NASA successfully navigate the challenging times ahead.

The third element of my experience for this position is due to my role as Staff Director of the House Space and Aeronautics Subcommittee in the 1990s. During

that tenure, I developed a comprehensive knowledge of NASA and the aerospace community. Legislative oversight of NASA's budget, policies, and programs provided me an in-depth understanding of, and sensitivity for, the issues facing the agency.

If confirmed, my fundamental areas of expertise combined with the Administrator's technical expertise and leadership and the Associate Administrator's long-term agency experience will produce a powerful and complete skill set within the senior team to lead NASA into the future.

These are exciting and challenging times for NASA and I want to help the agency build even stronger relationships with Congress, the White House, and the American people. If confirmed, I look forward to working in an environment of accomplishment and achievement at NASA, a place where significant scientific and technological breakthroughs are everyday occurrences. I am honored to be nominated and I thank you for the opportunity to appear before you today.

Mr. Chairman, I am happy to answer questions you or the rest of the Committee may have.

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#### A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Shana Leigh Dale.
2. Position to which nominated: Deputy Administrator, National Aeronautics and Space Administration.
3. Date of Nomination: September 13, 2005.
4. Address (List current place of residence and office addresses):  
 Residence: information not released to the public.  
 Office: New Executive Office Building, Washington, DC 20502.
5. Date and Place of Birth: 9/16/1964, Decatur, GA.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage). Not applicable.
7. List all college and graduate degrees. Provide year and school attended.  
 1989, JD, California Western School of Law, San Diego, California.  
 1986, BS, University of Tulsa, Tulsa, Oklahoma.
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.  
 5/2001–present, Office of Science and Technology Policy, Executive Office of the President (General Counsel, Chief of Staff and General Counsel, Deputy Director for Homeland and National Security).  
 3/2000–5/2001, University of Texas System, Assistant Vice Chancellor.  
 3/1991–3/2000, Science Committee, U.S. House of Representatives (Republican Counsel to Science Subcommittee and then Space Subcommittee; Staff Director of Space & Aeronautics Subcommittee).
9. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last five years: None.
10. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last five years.  
 Assistant Vice Chancellor, University of Texas System, 3/2000–5/2001.  
 Women in Aerospace, Board Member, 1997–2000.
11. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.  
 Women in Aerospace, Board Member, 1997–2000.  
 Member, California State Bar, 1990–present.  
 Member, District of Columbia Bar, 1991–present.
12. Have you ever been a candidate for public office? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

13. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. 7/2004, \$2000 Bush-Cheney 2004.

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

Merit Scholar, California Western School of Law.

Outstanding WIA Emeritus Award, Women in Aerospace.

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

#### Articles

1989, *Remote Sensing Satellites: Privacy and National Security Concerns Clash with Media's Right of Free Speech*, Al Simon Center for Telecommunications Law.

#### Speeches

1995, Women in Aerospace.

1998, U.S. Space Foundation, National Space Symposium.

3/2001, National Academy of Sciences.

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

### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: University of Texas Retirement Savings Account.

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

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy: University of Texas System, Assistant Vice Chancellor—tracked legislation that affected the University of Texas System.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items: Should there be a conflict of interest, I would divest that financial interest.

### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain: Civil lawsuit filed in San Diego Small Claims Court in September 1988 by David Ebner citing breach of oral contract that he could live in the same apartment with me for the summer of 1988. Mr. Ebner dropped the lawsuit.

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

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

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

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: I do not possess any additional favorable or unfavorable information to be disclosed in connection with my nomination.

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

#### D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

The CHAIRMAN. Thank you very much.

I have been called to a leadership meeting. The Co-Chairman will complete this hearing.

Senator INOUE. [presiding] Thank you very much, Ms. Dale. As the Chairman indicated, you have been highly recommended by Mr. Griffin.

However, as you are well aware, last week GAO issued a report citing that they submitted 45 recommendations to NASA in 2003, and of that number, 3 have been implemented and I believe 13 partially implemented. These recommendations are on the improvement of financial management. What words do you have to share with us on that?

Ms. DALE. Thank you, sir. I am also troubled by the hearing from last week and the GAO recommendations on the financial management system at NASA. This was an issue that I dealt with when I was Staff Director of the House Space and Aeronautics Subcommittee in the 1990s, and unfortunately, it is still an issue that challenges NASA today.

Obviously, we are all in need of a sound financial management system at NASA that we can all depend upon, one that provides reliable cost estimates and reliable financial management.

My plan, if confirmed, is to meet immediately with the Chief Financial Officer to have a discussion about the recommendations that have been made by GAO and where the agency is in terms of implementing the remaining recommendations and what the plan is for what I understand to be a joint corrective plan to be sent forward from the CFO and the NASA IG.

I also plan to meet with the Executive Director of the integrated financial management program and CIO to have further discussions about the enterprise architecture and the recommendations that have been made by GAO.

These are the immediate steps, as well as meeting with the senior advisory group that has been established by Mike Griffin. This takes in experts from other agencies that are providing independent advice on the financial management system within NASA. I also plan to meet with them very soon, if I am confirmed, to gain their understanding and their independent assessment of where NASA is in the process.

My plan is to have very aggressive oversight of where NASA is with their financial management system. This definitely needs to be brought under control. I know that there has been progress that has been made within the financial management system. I need to

get on-the-ground truth about what is actually happening at the agency.

Senator INOUE. Of the 45 recommendations, 16 were partially or fully implemented. That left 29. Were they ignored, the remaining 29?

Ms. DALE. Senator Inouye, my understanding is that the NASA CFO has made statements indicating that she believes other parts of the recommendations have already been complied with. That is something that, if I am confirmed, I need to find out immediately upon entering the agency, where does she think the agency is in terms of complying with the recommendations, looking over the GAO recommendations, and also having discussions with the senior advisory group to see what their take is in terms of an independent assessment of whether NASA is actually complying with the remaining GAO recommendations.

Senator INOUE. Will you share with this Committee the findings that you make on these?

Ms. DALE. Absolutely, sir.

Senator INOUE. Ms. Higgins, you come highly recommended by your friends. What are your thoughts on the fact that airline accidents are now being diminished as compared to other accidents, rail and highways and such? What should be the core mission of your organization? Because whenever we hear of NTSB, we hear of airlines.

Ms. HIGGINS. Senator, I have been, obviously, following these issues much more closely in the last few months. Vice Chairman Rosenker was just up in New York at the significant accident there, the boating accident on Lake George that resulted in a tremendous loss of life. Member Hersman, who is here, represented the Board at the rail accident in South Carolina, that again, caused a significant loss of life. There was a bus accident in Texas recently in the days before hurricane Rita that resulted in significant loss of life. So the Board, my sense is, has kept pretty busy even though there have not been a number of aviation accidents recently. And while aviation I think has the largest jurisdiction because it includes general aviation, as well as all other accidents, clearly they have major responsibilities in all of the other modes as well.

I do think the staff are stretched pretty thin. I do not know what can be done about that, but I think, again from my perspective having read this RAND report, they anticipated some of these challenges and suggested that there was a need to look at how to better use resources and to bring to bear outside resources, not just relying on the in-house staff for the work that needs to be done.

Senator INOUE. Your agency is primarily an agency for investigation.

Ms. HIGGINS. Yes.

Senator INOUE. In the process, you are bound to find errors that were made. Do you also make recommendations as to how to improve safety?

Ms. HIGGINS. Yes. My understanding is the Board definitely does.

Senator INOUE. Should that be a more important part of the mission?

Ms. HIGGINS. I think not only just making recommendations, Senator. I think it is also making sure that recommendations are implemented. It does not do any good to make recommendations that are never followed through. In looking at the recommendations currently unimplemented—as has been mentioned, I was involved in the TWA 800 accident that took place almost 10 years ago. Next summer will be the 10th anniversary of that accident. The most significant recommendation has not been fully implemented. The FAA is working on it. My understanding is the regulation is at OMB, but I find it of concern that 10 years later, that major recommendation has not been fully implemented.

Runway incursions is another area where there have been recommendations made, again not implemented by the FAA or not fully implemented.

I know there has been an initiative to try to close out NTSB recommendations. The Board and the members are doing more to work with state and local governments where they have jurisdiction. So I think there is some of that effort going on, but I think more needs to be done, not just to do the investigations and make recommendations, but really to follow it all the way through until the actions are taken.

Senator INOUE. I realize that with 43,000 highway fatalities, you do not have the time to investigate even 1 percent of them. But we note that too large a proportion of those involve teenagers and it also involves exceeding speeds. Do you have any recommendations as to what state laws should be?

Ms. HIGGINS. On speed limits?

Senator INOUE. On teenagers.

Ms. HIGGINS. I have not looked into that specifically. I have raised two teenagers, and they had their share of accidents. Fortunately, they were all minor. I know that the Board has looked at the issue of teenagers and cell phones as something that needs to be addressed by states, and I know some states are looking at the whole issue of cell phone use. Seat belts, that is obviously a major concern. That is something the Board has paid particular attention to. Alcohol as a contributor to accidents. So they have taken initiatives in a number of areas.

I do not know enough about the work that they have done specifically focusing on young drivers. I think driver education and driver preparation is probably another area, and I think the Board has done some work there, but certainly more can be done. I think the roads are very dangerous for young people. There have been a number of significant accidents just in this metropolitan area alone very recently where young people have lost their lives. So it should be of great concern to all of us.

Senator INOUE. Mr. Rosenker, every life is valuable whether it is 1 or 1,000, and when you compare the fatality rate on the highways with Iraq, Iraq seems to be a very safe place. Do you have any recommendations?

Mr. ROSENKER. Sir, I do. Many, many years ago I started in highway safety as one of the advocates for the safety belt use laws to require safety belt use. I remember back when we began that crusade, it was like talking about invading someone's home, and

yet 35 years later, we now have over 82 percent of the American people using safety belts.

When I began in that program—as an advocate—55,000 people were dying on the Nation's highways with fewer cars being driven. So we have made significant progress, but I think more can be done, sir.

This is a personal opinion. This is not necessarily a Board position, but I believe technology has a tremendous role to play in the business of not just mitigating the results of an accident, but the business of accident prevention. There are 3 million injuries and 6 million accidents. If we can begin to include as not just features, if you will, but requirements in our highways, as it relates to cars and trucks, things like electronic stability control, short-range automotive radar, we can begin the process of reducing, actually preventing the accident from occurring, rather than just mitigating the results after the accident has occurred. Now, again, sir, this is not a Board position. This is just my personal opinion.

Senator INOUE. Ms. Higgins, in this war on terrorism, we require by law and we mandate that certain things occur, and yet the potential for death and destruction on our highways is much greater than what terrorism has wrecked upon us. Do you think that we should go beyond recommendations and just say this is the way it is going to be done?

Ms. HIGGINS. This is an area that I need to learn more about. But I think in our 50 states, each state has different speed limits, has different requirements for issuing driver's licenses. I think there have been challenges over the years to try to have uniform standards in those areas. I think, as Chairman Rosenker has said, education can play a significant role here, and I think more work can be done by the Board in working with State legislators and local communities and various organizations to try to implement the practices that we know save lives. Certainly the Board works with the National Highway Traffic Safety Administration and the other modes in DOT to look at safety, and this is an area, if the Committee requests or desires, we can certainly begin to pay more attention to.

The other issue, which is not really the jurisdiction of the Board, but you can save lives on the highways by getting people out of their cars and into public transit. That is something, again, that is an issue of resources and priorities, but I think personally that that is an area that deserves greater attention.

Senator INOUE. Thank you very much.

Senator PRYOR.

**STATEMENT OF HON. MARK PRYOR,  
U.S. SENATOR FROM ARKANSAS**

Senator PRYOR. Thank you, Mr. Chairman.

Ms. Dale, I would like to talk to you briefly about the EPSCOR program. My sense of EPSCOR and other space grant programs is that these programs are very beneficial to research institutions. I think in the larger picture, they really help America have a competitive research base. I would like to get your thoughts on the long-term vision for EPSCOR and other educational programs that NASA offers.

Ms. DALE. Thank you, sir. I am also supportive of EPSCOR. I think it is an important education program that serves historically under-represented geographical communities across the country. It is my understanding that NASA plans to continue to support EPSCOR into the future.

I do not have as much familiarity with EPSCOR as I would like to, and that is something that I would like to have continuing dialog, if I am confirmed, with you and your staff, suggestions that you may have, what you think priorities are, and also assess, as I enter the agency, what the state of EPSCOR is. I am very much interested in the education programs at NASA. It is something that OSTP, the office that I come from, is interested in throughout the Federal Government, the science and technology programs for education—where they reside in particular agencies and how effective they are. So that is something that I will be interested in as well.

Senator PRYOR. Great. I would love for you to keep me posted on that as you delve into that.

Ms. DALE. Yes, sir.

Senator PRYOR. I know that oftentimes NASA's headlines or news coverage tend to be dominated by the human space flight program, and we understand that. But NASA does many other things, and one of the things you have had at NASA, at the agency, is you have had an initiative on nanotechnology, which I think is really potentially very, very significant. I know research institutions in my state are very focused on nanotechnology, as they are around the country, and it really has a very promising future I believe.

But nonetheless, you do have budget pressures. I know there are nanotechnology and many other programs, talking about EPSCOR. How do you find the appropriate balance between human space flight and the other very important scientific missions that NASA has?

Ms. DALE. Well, I can tell you, sir, that Administrator Griffin has expressed on many occasions his commitment to an overall balanced program within NASA. I share that commitment. I believe that it is possible and, in fact, very, very important to maintain a balance among human space flight, the space operations missions, and science and aeronautics within the agency. I think Administrator Griffin's commitment has been unwavering on that point, to make sure that as the agency proceeds forward in the next couple of years, that that commitment to an overall healthy balance is maintained, and I am committed to that as well, sir.

Senator PRYOR. Great.

I know that in September NASA released its exploration architecture study which includes a plan to return to the moon with Apollo-style capsules, I believe around the year 2018. The projected cost on that will be \$104 billion. As I understand the plan, NASA is going to try to find savings within existing programs in order to shift resources to this return to the moon. But as I understand it, maybe one of the areas of savings might be with the Shuttle program, but news reports have indicated that over the next 5 years, the Shuttle will actually need more money, not less, to operate.

So my question for you is where do you think NASA will look to find that \$104 billion.

Ms. DALE. Thank you, sir.



The first important point to emphasize is that the cost estimate that you made reference to is something that is actually built into NASA's base budget over many, many years. The Vision for Space Exploration is also one that relies upon existing infrastructure. It is a shuttle-derived system. So it will be taking advantage of the workforce that presently exists, a highly skilled and highly technical workforce, the knowledge base that is resident with them, and also infrastructure that will be common to both the Space Shuttle and the Vision for Space Exploration.

It is also important to note that this vision expands decades into the future, and it is an important step in terms of a sustainable, affordable approach. The approach is also go-as-you-can-afford-to-pay. So it is one that is designed with the resilience to withstand budgetary fluctuations in the future.

You mentioned cost difficulties associated with the Shuttle. That is definitely an ongoing challenge within the agency, and it is my understanding that NASA is in dialogue with the Office of Management and Budget on the challenges of the Space Shuttle budget.

Senator PRYOR. Thank you.

Now, Mr. Rosenker and Ms. Higgins, in Arkansas we had a train accident on October 15 in Texarkana, Arkansas, which straddles the line between Arkansas and Texas. So you are going to have four Senators who are interested in this. It was a Union Pacific train coming into the station. Apparently it collided with another Union Pacific train that was stationary on the tracks. There was an explosion. It killed one Arkansan, hospitalized 20 other people, destroyed two homes and a rail bridge, and 700 people had to be evacuated from their homes temporarily due to the release of some gas or at least a feared release of some gas. I am very sorry that happened.

As I understand it, you all have that under investigation right now?

Mr. ROSENKER. Yes, sir. We sent a team down there within 8 to 10 hours of the accident. Perhaps it was a bit longer, maybe as much as 12. But we did dispatch a team down there, and they are beginning right now to analyze what has happened.

Senator PRYOR. How long do those typically take?

Mr. ROSENKER. Sir, we are looking at train accidents, depending upon the complexity of it, anywhere from 12 to 18 months. We have one that we are looking at that we are going to be releasing in November that occurred in Graniteville. I believe it occurred in January and it will be released at the end of November. That will be approximately 10 months.

Senator PRYOR. Well, 10 months is better than 12 or 18.

Mr. ROSENKER. Yes, sir.

Senator PRYOR. I understand about the complexity, but on something like this where a train just hits another train in the station, do you think it will be 10 months or longer, or do you have some sense of that?

Mr. ROSENKER. Sir, I hate to prejudge the amount of time it will take. Clearly, we are, at the Board, as frustrated as apparently you and many, many people may be at the amount of time that it might take to investigate an accident. We are looking at ways to improve the efficiency of the actual reporting process, and I believe

we will get there. But we do not wish to take any shortcuts. We cannot do that if we are going to maintain the methodology and the accuracy that we have when we, in fact, make a probable cause determination and the recommendations which are necessary to prevent that type of accident from happening again.

But, sir, I agree with you. We need to do a better job of moving these reports and making these determinations, and we are working on that, sir, I guarantee you.

Senator PRYOR. Is that a manpower issue or is that just the system you have in place?

Mr. ROSENKER. Sir, it is a combination of perhaps both. We have 14 rail investigators to cover the United States. Depending upon how you would characterize incidents and accidents, there are something close to 3,000 a year. We look at around 15 to 20 of them depending upon what happens that year. Some of them we move much faster, as I indicated. The Graniteville accident clearly took top priority, given the catastrophic nature of that accident. This one here, sir, we will be looking at very closely, and I will do as much as I can to expedite the result on that.

Senator PRYOR. Well, like you said, I want you to be very thorough, but I just appreciate your keeping me informed as that continues.

Mr. ROSENKER. Yes, sir, I will.

Senator PRYOR. Mr. Chairman, thank you. That is all I have.

Senator INOUE. I thank all of you, Mr. Rosenker, Ms. Higgins, Ms. Dale. I have been advised by the Chairman that we will do our utmost to expedite your approval. In fact, if everything goes well, we will have a markup on your nomination tomorrow, which is quite extraordinary. Otherwise, you can be assured that it will be done within a week so you will be hard at work within a week. I thank you all very much and the hearing is adjourned.

[Whereupon, at 11 a.m., the Committee was adjourned.]

## A P P E N D I X

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

Mr. Chairman and Mr. Co-Chairman, I am pleased to support the nomination of Ms. Shana Dale for NASA Deputy Administrator.

Ms. Dale has distinguished herself with her unique combination of skills and experiences that I believe will benefit NASA. She has provided leadership on important issues in the Executive and Legislative branches of Government and Academia.

I believe that Ms. Dale will complement the technical knowledge of Administrator Griffin, and Associate Administrator Rex Geveden's leadership in Science, Engineering and Operations, with her comprehensive knowledge of the agency from different perspectives gained while serving in the House Space and Aeronautics Subcommittee and for the Office of Science and Technology Policy. I offer my support for Ms. Dale's nomination to be NASA Deputy Administrator, and am hopeful that her confirmation will be swift so that she can get to work helping NASA.

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### PREPARED STATEMENT OF HON. RALPH M. HALL, U.S. REPRESENTATIVE FROM TEXAS

I would like to express my strong support of Shana Dale for the position of Deputy Administrator of NASA. I have personally known Ms. Dale for several years, and I worked closely with her when she was the staff director and I was the Ranking Member of the Science Committee's Space and Aeronautics Subcommittee. I have always drawn strength and direction from her advice, and I am certain her counsel will be equally valuable for NASA's Administrator, Michael Griffin.

NASA is facing an era of great change and promise. As the agency implements the new Vision for Space Exploration with the goal of returning astronauts to the Moon and pushing on to Mars, it needs proven leadership to work with Administrator Griffin to meet these important ends. Shana Dale understands the direction of the agency, and has the know-how to get the job done.

Ms. Dale has a breadth of experience in politics and policymaking that will help complete the top leadership at NASA. With experience in the legislative and executive branches as well as academia, she has an understanding of the complexities and challenges of how Congress and NASA interact. She expressed to me on more than one occasion that she understands the critical role Congress plays in determining the agency's priorities, and she emphasized the need for clear communications between NASA and its authorizing and appropriating committees.

Ms. Dale also brings a great deal of managerial experience to NASA. As Deputy Director for Homeland and National Security for the Office of Science and Technology Policy in the Executive Office of the President, she helped build the agency through recruiting skilled staff, developing functional operating procedures, and creating viable working relationships. She is a very capable manager who completed agency goals and tasks while staying on budget.

I have listed just some of the many reasons that I fully and highly recommend Shana Dale for the position of Deputy Administrator of NASA. I hope that the Senate finds that she is a qualified candidate and quickly confirms her nomination.

