

**NOMINATIONS OF DR. SUSAN BAILEY, TO BE
ADMINISTRATOR OF THE NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION;
AND MS. ARTHENIA JOYNER AND
MR. DAVID PLAVIN, TO BE MEMBERS
OF THE FEDERAL AVIATION MANAGEMENT
ADVISORY COUNCIL**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

WASHINGTON, DC

SEPTEMBER 14, 2000

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ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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THURSDAY, SEPTEMBER 14, 2000

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

The Committee met, pursuant to notice, at 9:30 a.m. in room 253 of the Russell Senate Office Building, Hon. John D. Rockefeller, IV, presiding.

**OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV,
U.S. SENATOR FROM WEST VIRGINIA**

Senator ROCKEFELLER. I would like to open the next hearing which will be brief. And Senator Lautenberg is here.

I want to make this announcement. That is that we are about to go into a vote. I am not sure if it is the PNTR vote or not. But what I would propose to do here is to have Dr. Bailey, after Frank Lautenberg has said what he wants to say, to have you make your statement. And then because what Chairman McCain wants to do is do the confirmations. I do not think there are going to be any problems anywhere. But we have a time constraint. If we go vote, we will not come back. So let us officially do this right.

Frank, who are you going to introduce?

Senator LAUTENBERG. Dr. Bailey.

Senator ROCKEFELLER. So that works out nicely. And then Ms. Joyner and Mr. Plavin, please submit your testimony. There are not going to be problems. We want to be able to mark you up. If we do not have this hearing and go through some form of it, we cannot do that. So it is in your interest, in fact, not to testify, because there will be no problems. So now it is in all of our interests to listen to the distinguished Senator from New Jersey.

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

Senator LAUTENBERG. Thank you, Mr. Chairman. Knowing how much you and I like our particular phase of public service, it then makes me feel pretty good when I have a chance to introduce some-

one who can help us serve the public as they ought to be served. And such is the case with Dr. Sue Bailey.

I am pleased to introduce her, Mr. Chairman, to the Committee, and ask for expeditious treatment, so that she can do the job that we desperately want to have done. And it is being done now in an acting fashion.

But when we look at the National Highway Traffic Safety Administration, we know that we have got an important task there. It is more than just another branch of government. It is the agency that is responsible for the safety of millions of American motorists and their families.

I think we have seen in recent weeks how critical NHTSA is. It sets performance standards for motor vehicles, motor vehicle equipment, investigates safety defects, helps states reduce the threat of drunk drivers, researches driving behavior—that has got to be an endless pursuit—and promote the use of safety seatbelts and airbags.

We have just been through what is a wrenching experience for all of America, and for those of us in Government as well, when we look at the controversy now that exists over the tire failures and the dispute between Firestone and Ford. I know, Mr. Chairman, that this Committee is looking at it.

I watched Dr. Bailey's testimony in the Appropriation Subcommittee on Transportation and it was just excellent. She is a highly competent and extremely qualified person for the job. She comes to us from the Department of Defense, where she was an assistant secretary.

Senator ROCKEFELLER. Frank, we have a problem here. A distinguished Senator from Florida who has wandered in, obviously thinking this was another room, to present somebody.

A vote just went off.

Senator LAUTENBERG. How long has it been on?

Senator ROCKEFELLER. Well, it has been on about 4 minutes.

Senator LAUTENBERG. So we will finish up very quickly.

Senator ROCKEFELLER. Real quick, right. And I also want people to have a chance to introduce their families if they are here.

Senator LAUTENBERG. Well, Mr. Chairman, I will continue if you permit me and we can move this thing along.

Senator ROCKEFELLER. She is a great American, right?

Senator LAUTENBERG. She is better than a great American.

There are so many great Americans out there, but all of them do not have a chance to serve in this very demanding capacity.

She is the first woman to lead the military health system. She is responsible for the health of 8.2 million military personnel and oversaw a \$16 billion defense health program.

In that capacity, she did a great job. She incorporated the President's Patients Bill of Rights into military medicine, and bolstered the role of preventive medicine in the U.S. Armed Forces. So we have in front of us someone who is eminently well-qualified. She is a graduate of the University of Maryland and the Philadelphia College of Osteopathy, completed her internship at George Washington University and did her residency at Johns Hopkins University Hospital.

Senator ROCKEFELLER. Frank, that is a perfect place to turn to Senator Graham.

Senator LAUTENBERG. Mr. Chairman, I waited patiently for the opportunity to sit here.

Senator ROCKEFELLER. I know it.

Senator LAUTENBERG. And I sat here for a half hour, Mr. Chairman

Senator ROCKEFELLER. I know it.

Senator LAUTENBERG. This is an important job. And if you are satisfied with my testimony, Mr. Chairman, we will leave it at that. And I hope that the Committee will move appropriately. I have been available for this Committee since 10 a.m. this morning.

Senator ROCKEFELLER. I know.

Senator LAUTENBERG. That was the schedule, Mr. Chairman. I thank you very much. Good luck, Dr. Bailey.

Dr. BAILEY. Thank you, Senator.

Senator ROCKEFELLER. Bob Graham.

**OPENING STATEMENT OF HON. BOB GRAHAM,
U.S. SENATOR FROM FLORIDA**

Senator GRAHAM. Thank you, Mr. Chairman. In deference to your time schedule and the vote that is underway, I would request permission to file my full statement for the record.

Mr. Chairman, it is a great pleasure to introduce an outstanding Floridian and a long-time personal friend, Arthenia Joyner, who has been nominated by the President to the Federal Aviation Management Advisory Council. I would say that I am authorized by my colleague, Senator Mack, to state his strong support for Ms. Joyner. And he will submit a statement of that support.

Just in summary, let me say that Ms. Joyner brings to this position her personal background of long activism in the community. While I was Governor, she was extremely helpful, particularly in a number of economic development issues. She is also a member of one of the outstanding law firms in our State.

But what particularly has prepared her for this position is her service on the Hillsborough County Aviation Authority which is responsible for running a series of airports in the Tampa area, including Tampa International Airport. She served as a member, then as Vice Chair and finally as Chairperson of that very important authority.

She brings all of that background to the position now of advising the Federal Aviation Agency on issues that will be important to the aviation structure of our Nation. I am pleased to be able to introduce Ms. Joyner to the Committee and urge prompt and affirmative action by the Committee on this nomination.

Senator ROCKEFELLER. Which will happen. Senator Graham, thank you very, very much. Can I ask each of you to introduce any family members that you might have here?

Oh, yes, Senator Graham.

Senator GRAHAM. Mr. Chairman, Ms. Joyner does not have a family member in a biological sense, but she has Mr. Chris Hart who is a member of the Hillsborough County Commission and on the Hillsborough Aviation Authority.

[The prepared statement of Senator Graham follows:]

PREPARED STATEMENT OF HON. BOB GRAHAM,
U.S. SENATOR FROM FLORIDA

I am pleased to be here to introduce Arthenia Joyner, a fellow Floridian, and nominee for the Federal Aviation Management Advisory Council to your Committee. Senator Connie Mack also joins me in support for Ms. Joyner.

I understand he has submitted a statement for the record.

Ms. Joyner was born in Florida and has a long connection to aviation in our State. She was the first African American appointed to the Hillsborough County Aviation Authority, where she served as chair and vice-chair. She was the 1999 recipient of the Airport Minority Advisory Council Award.

Currently, Ms. Joyner is the managing partner at the law firm of Stewart, Joyner and Jordan-Holmes in Tampa.

Her public service to the State is notable. The most recent chapter of this public service began September 5, when she was elected to the Florida House of Representatives. She is active in the University Community Hospital Board of Trustees, the Greater Tampa Chamber of Commerce, and the National Council of Negro Women. President Clinton appointed her to the U.S. delegation to the International Conference on Population and Development in Cairo, Egypt, and the United Nations Fourth World Conference on Women in Beijing, China.

I have come to know of her dedication and sound judgment when I appointed her to the Federal Judicial Nomination Commission in 1992.

I am happy to join her before your Committee, and trust that you will find that her qualifications and dedication will be well received at the Federal Aviation Administration.

Senator ROCKEFELLER. Good. And we are very happy that you are here.

Dr. Bailey.

Dr. BAILEY. Yes, I would like to introduce my brother, Mr. David Bailey and my son Dr. Barton Leonard, and two childhood friends, Kathy Meyers and Ellen Joyce.

Senator ROCKEFELLER. All right.

Mr. Plavin.

Mr. PLAVIN. Unfortunately, my family was not able to join me today. So I thank you for the opportunity.

Senator ROCKEFELLER. Now, what I think we need to do—the second bell has not gone off yet. Well, it just did. So, Dr. Bailey, are you capable of doing about a 3-minute presentation?

Dr. BAILEY. Yes, sir. I will edit as I go.

Senator ROCKEFELLER. All right.

**OPENING STATEMENT OF DR. SUSAN BAILEY, NOMINEE TO BE
ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION**

Dr. BAILEY. First, I want to tell you I am very pleased to appear before you this morning as you consider my nomination to NHTSA.

In serving as Administrator, I am going to draw on my experience of 23 years as a physician and my work as Assistant Secretary of Defense that you have heard about here this morning which gave me, I believe, a real understanding of the Federal Government.

In the 3½ weeks I have been on the job, I have experienced firsthand the deep concern that people have about the vehicles that they drive and have also experienced the dedication of the NHTSA staff to assure their safety.

I assure you that I will do everything in my power to complete that investigation expeditiously.

The recall of defective vehicles is only one part of the mission. We have a broad mandate to improve all the aspects of vehicle and

highway safety. Under Secretary Slater's leadership, seat belt use is increasing, highway deaths and injury rates are decreasing, and alcohol-related crashes are declining as well.

We are going to persist in our efforts to reduce the terrible toll of deaths caused by drunk driving. And with the combined efforts of agencies and organizations, we will steadily push the rate of alcohol-involved fatalities downward even further. I know that the President and Secretary Slater enthusiastically support, as I do, the establishment of a national .08 blood alcohol concentration standard. We can save 500 lives a year with that and I am intent upon accomplishing that.

I look forward to building a good relationship with you, Mr. Chairman, and with the members of this key Committee. I want to go on record as thanking you for your support of this agency and I will answer any question.

[The prepared statement of Dr. Sue Bailey follows:]

PREPARED STATEMENT OF DR. SUSAN BAILEY, NOMINEE TO BE ADMINISTRATOR OF
THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. Chairman and Members of the Committee, I am pleased to appear before you this morning as you consider my nomination to serve as Administrator of the National Highway Traffic Safety Administration (NHTSA). I am truly honored to be nominated by the President and to have the opportunity to appear before you today regarding my confirmation and to answer any questions you may have about my qualifications and my plans as Administrator.

In serving as Administrator, I will draw on my years of experience as a physician and as a government administrator. My medical education and my 23 years as a doctor give me an excellent base of knowledge and experience for a position that relates, above all, to the prevention of deaths and injuries. My service in the Department of Defense as Assistant Secretary for Health Affairs has provided me with an understanding of the workings of the Federal Government and experience in managing the large budget and human resources of a complex organization.

The National Highway Traffic Safety Administration plays a vital role in the continuing effort to make travel safer on the Nation's highways. Its mission is absolutely clear: to save lives and prevent injuries. As a physician, I have dedicated my life to public health. I welcome the opportunity to lead the agency in its service to the American public.

In the 3½ weeks I have been on the job, I have experienced first-hand the concern that people have about the safety of the vehicles they drive and the dedication of the NHTSA staff to assure their safety. Since my first day at NHTSA, the Firestone recall has been the overwhelming issue, bringing intense scrutiny not only to Firestone and Ford but to NHTSA. I assure you that I will do everything in my power to complete our investigation as expeditiously as possible and to ensure that the agency's agenda focuses laser-like on the safety of the traveling public.

The recall of defective vehicles and equipment is only one part of NHTSA's mission. The agency has a broad mandate to improve all aspects of vehicle and highway safety. Through its power to regulate the safety of vehicles and equipment, it has significantly raised the overall level of safety on America's highways. Under Secretary Slater's leadership, seat belt use is increasing, highway death and injury rates are going down, and alcohol-related highway fatalities are declining. We can do better, and we must move forward to complete the safety actions on our agenda, such as a comprehensive plan for child safety seats. Of course, I have pledged to you that I will vigorously seek to improve the standards that address the problems identified in the Firestone recall.

Today we are facing changing demographics in America. The baby boom generation is aging, at the same time that the school-age population is rapidly increasing. Our programs must address the needs of older drivers and ensure the safe performance of beginning drivers. Seat belt use for all groups is not high enough, nor are child safety seats being used as they should be. We must increase our efforts, in partnership with the States and the private sector, if we are to meet Secretary Slater's goal of 85 percent seat belt use. We know this is possible, because some States have already exceeded that level. We must see that it happens everywhere.

We will persist in our effort to reduce the terrible toll of deaths and injuries caused by drunk driving. With the combined efforts of many agencies and organizations, we are steadily pushing the rate of alcohol-involved fatalities downward, but it is still unacceptably high. Along with the President and Secretary Slater, I enthusiastically support establishment of a national .08 blood alcohol content standard, because I know it will save approximately 500 lives a year. How often is there such an opportunity?

I look forward to building a good relationship with you, Mr. Chairman, and with the Members of this key Committee. I want to go on record as thanking you for your support of this agency and for all of your past efforts on its behalf. I will be pleased to answer your questions.

Senator ROCKEFELLER. That is perfect. And it being perfection, and time running out on the vote, I want to thank you. I want to thank all three of you. You have all fulfilled a very important purpose here. We will now be able to markup all of you and do all of you before we adjourn. That is terribly, terribly important, I think, to all three of you.

I thank you. I apologize for this most unorthodox way of conducting a short hearing after a very long hearing which is sometimes, I think, actually quite helpful because you can get into things. I thank you for your cooperation.

This hearing is adjourned.

[Whereupon, at 12:55 p.m., the hearing was adjourned.]

A P P E N D I X

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

We will now move to consider three nominations before the Committee. Joining us today are Dr. Susan Bailey, nominated to serve as Administrator to the National Highway Transportation Safety Administration. She was appointed to this position by the President during the August recess. We are also joined by two of the President's nominations to the Federal Aviation Management Advisory Council, Ms. Arthenia Joyner, and Mr. David Plavin. I want to thank our witnesses for their time today.

Over the past few weeks, we have been reminded of the importance of the National Highway Traffic Safety Administration and the person charged with leading the Agency. The National Highway Traffic Safety Administration was established in 1970 to carry out a congressional mandate to reduce the mounting number of deaths, injuries, and economic losses resulting from car crashes on the Nation's highways. While we certainly have had some success in improving safety, the Firestone tire recall reminds us we have much more work to do.

Dr. Bailey will take charge of this Agency at a critical time. I am hopeful that she will devote her attention to improving the Motor Vehicle Safety Statutes as they relate to detecting safety related defects as well as internal changes at the Office of Defects Investigations to improve its effectiveness. The Agency faces other difficult challenges in a number of areas including: addressing the important issue of vehicle rollover; implementation of the new airbag rule; continuing its battle against drunk driving and improving the use and effectiveness of child safety seats. The agency must be more proactive and aggressive in meeting its mandate to improve motor vehicle safety.

I want to thank Dr. Bailey for her continued commitment to public service and I look forward to hearing your comments. If you have family members present, please feel free to introduce them now.

The members of the Management Advisory Council are intended to represent collectively a broad cross-section of the aviation industry who will constitute an Advisory Board for the FAA Administrator. The main purpose of the Management Advisory Council is to help formulate, and to support and oversee the FAA's goals and strategies. Although the Council is expected to hold the FAA Administrator accountable for meeting goals on time and living within budgetary guidelines, the Administrator retains the final authority on all matters within the agency's jurisdiction, because aviation safety has been and must be the paramount mission of the agency. As such, the direct powers of the Management Advisory Council are intentionally limited.

As I mentioned during the nomination hearing in May, the substantive issues the Council will face are challenging. The FAA needs to do a better job of managing labor and air traffic control modernization costs during a time of enormous growth in aviation. Congress has provided the FAA with a nearly unprecedented boost in funding to provide the infrastructure necessary to accommodate increased air traffic. Yet as the hearing this morning indicated, delays are severely hampering an already overburdened system. The FAA must take the lead in returning air travel to a predictable and convenient mode of transportation that our economy has come to depend on.

I want the nominees to know that the Management Advisory Council has my full support in its endeavors. For your work to make a contribution will require an enormous amount of your time and patience. I thank you wholeheartedly for your willingness to serve. Please feel free to introduce any family members here, before you give your remarks.

PREPARED STATEMENT OF HON. MAX CLELAND,
U.S. SENATOR FROM GEORGIA

Mr. Chairman, I wish to register my strong support for the nomination by the President of Dr. Sue Bailey of Bethesda, Maryland, to serve as Administrator of the National Highway Traffic Safety Administration (NHTSA) within the United States Department of Transportation.

Dr. Bailey, who comes to the post at a crucial time in the life of NHTSA, has served with distinction as Assistant Secretary of Defense (Health Affairs) since 1998. Prior to that, she served as Deputy Assistant Secretary of Defense for Health Affairs during 1994-95 and as Medical Director of Chevy Chase Associates, Inc. from 1988 to 1993 and other senior positions of responsibility in the health care profession.

Dr. Bailey's professional career was preceded by medical training at the University of Maryland and Philadelphia College of Osteopathic Medicine, an internship at George Washington University Hospital and residency at Johns Hopkins University Hospital. She has served in the U.S. Navy Reserve, rising to the rank of Lieutenant Commander. Both as an outstanding private practitioner-psychiatrist, neurologist and public health specialist, and as a member of our Nation's military, she has been a shining star.

At the Department of Defense, where Dr. Bailey continued her career of public service, she has also been a trailblazer. She is the first woman to lead the Military Health System, responsible for the health of 8.2 million lives and the \$16 billion Defense Health Program. She incorporated the President's Patient Bill of Rights into the practice of military medicine and has instituted the inclusion of continuity of care, preventive medicine and health protection in the U.S. Armed Forces.

As a former soldier and Administrator of the Veterans Administration myself, I have deep personal admiration for Dr. Bailey's achievements in looking after the health concerns of our Nation's military as she has. In that sense, much of her mission in life has paralleled my own. Her service to country is laudable, even were she to return to the world of private medical practice after such a distinguished career at the Pentagon. She could, with justification, rest on her laurels as a public servant to whom a grateful Nation would owe a tremendous debt for a job well done.

Instead, she has chosen to answer the President's call to assume yet another mantle of leadership, this time in the service of the safety of the millions of Americans who travel our interstates, highways and byways each and every day of the year. Rather than taking her well-deserved just desserts, she has chosen to join Transportation Secretary Rodney Slater and his leadership team at the Department of Transportation in advancing the cause of safety, the No. 1 transportation goal of this Administration, even if for only a few months. Secretary Slater regards safety as his department's North Star, by which USDOT is guided and willing to be judged.

It is at this critical time in the life of NHTSA, with the recall of millions of defective tires on vehicles owned by hundreds of thousands of our citizens, that Dr. Bailey has arrived to bring her special brand of seasoned, reasoned, tough, but fair, leadership to this vital agency of the Department of Transportation. And we are all grateful for her willingness to do so.

As reported in a recent feature in the *New York Times*, Dr. Bailey, then a young mother in Philadelphia in the early 1970s, hired a mechanic to install a seat belt for her preschool son on the bus that hauled neighborhood children, and who, long before the advent of child-restraint seats, made one of her own by cutting holes in a plastic child seat so a seat belt could be looped through it to keep her infant daughter safe. Such is the nature of this candidate to serve our Nation as Administrator of NHTSA.

But, having said all this and so much more I could about her educational and career achievements and her exemplary service to country, I must conclude, Mr. Chairman, with the most stellar credential of all, Dr. Sue Bailey is a woman with a passion for bettering the human condition, be it the public health battles she so courageously fought and won on behalf of rank-and-file service people during her time at the Pentagon, or the safety of vehicular passengers traveling our Nation's highways.

I commend the President for this outstanding nomination, and Dr. Sue Bailey for her dedication to serving our country as Administrator of the National Highway Traffic Safety Administration. I urge my colleagues to join me in enthusiastically voting for her confirmation.

PREPARED STATEMENT OF HON. CONNIE MACK,
U.S. SENATOR FROM FLORIDA

Mr. Chairman and Members of the Committee, I am pleased to have the opportunity to introduce Arthenia Joyner for your consideration as a member of the Federal Aviation Administration Management Advisory Council.

Ms. Joyner, a native of Lakeland, Florida, has an impressive resume and a respectable background in aviation. She began her academic career at Florida A&M University where she graduated with a Bachelor of Science degree. Ms. Joyner then earned her Juris Doctorate from Florida A&M University School of Law.

Over the course of Ms. Joyner's career, she has served as Chair of the Federal Judicial Nomination Commission for the Thirteenth Judicial Circuit, and a member of the Federal Judicial Nomination Commission for the State of Florida. Additionally, she has served as Chairman and Vice Chairman of the Hillsborough County Aviation Authority. In 1994, she was appointed to the U.S. Delegation to the International Conference of Population and Development, and in 1995 she served as a representative to the United Nations Fourth World Conference on Women.

Ms. Joyner is the recipient of numerous awards including the 1999 Airport Minority Advisory Council Leadership Award and the 1993 Criminal Justice Person of the Year Award. Ms. Joyner's extensive civic participation includes the National Council of Negro Women, the University Community Hospital Board of Trustees and the Greater Tampa Chamber of Commerce.

Currently, Ms. Joyner is the managing partner in the law firm of Stewart, Joyner & Jordan-Holmes, P.A., a Tampa-based firm. Ms. Joyner specializes in probate, guardianship and public finance law. On September 5, 2000, Arthenia Joyner was elected to the Florida House of Representatives.

Mr. Chairman, it has been my pleasure to introduce this capable woman to the Commerce Committee this morning. Thank you.

PREPARED STATEMENT OF ARTHENIA L. JOYNER, NOMINEE TO THE FEDERAL AVIATION
MANAGEMENT ADVISORY COUNCIL

Mr. Chairman and Members of the Committee: I am Arthenia L. Joyner. It is a pleasure to appear before you as you consider my nomination to the newly constituted Federal Aviation Management Advisory Council (MAC). Given the Committee's busy agenda, I am especially grateful that my nomination has been scheduled for consideration.

I am a lifelong Florida resident who has been a member of the Bar for more than 30 years. Although time passes swiftly, it is difficult for me to believe that I was the first African American female attorney to practice in Tampa.

I have been very active in the American Bar and the predominantly minority National Bar Association, serving as its second female president in 1984.

Nearly 10 years ago, I became a founding partner in my present law firm, Stewart, Joyner, & Jordan-Holmes, P.A., where I practice predominantly in probate, guardianship, and municipal finance. However, I have a background in aviation that I believe will benefit this multi-disciplinary council.

Like MAC nominee David Plavin who is also before you today, I am particularly interested in airport operations. In 1991, I was appointed by Florida Governor Lawton Chiles to the Hillsborough County Aviation Authority. The Authority has exclusive jurisdiction, control, and management over all public aviation facilities in the Tampa area.

Tampa is a medium-sized American city that owes much of its growth to the success of its airports.

During my two terms on the Authority, I was elected by my colleagues as vice-chair and chair.

I have been an active member of Airports Council International North America (ACI, NA), the Airport Minority Advisory Council (AMAC), and the Commissioners Committee. The Commissioners Committee is comprised of airport commissioners from throughout the United States and Canada, and I was honored to serve as its vice-chair.

Airport administration is a critical issue that needs to be examined by the Management Advisory Council. By 2010, we expect over one billion passengers to use American airports every year. There will also be a tremendous increase in freight over the next 10 years. By passing AIR-21, Congress has recognized the need for

broad investment in aviation facilities, but we must look beyond capacity improvements. The MAC should also examine how better technology, more effective management, and improvements in air traffic control can help our airports deal with the demands of the 21st Century.

Mr. Chairman and Members of the Committee, I believe, if confirmed, that I can bring valuable experience to the Management Advisory Council. I applaud Congress for creating the MAC, and I look forward to serving my country with the other distinguished members, all of whom bring a wealth of knowledge and training to the council.

PREPARED STATEMENT OF DAVID Z. PLAVIN, NOMINEE TO THE FEDERAL AVIATION
MANAGEMENT ADVISORY COUNCIL

Good morning Mr. Chairman, I am David Z. Plavin, President of Airports Council International-North America. (ACI-NA). It is a privilege to be here today as a nominee to the Federal Aviation Management Advisory Council. I have served as president of ACI-NA since January 1996. ACI-NA provides a wide range of member services and it represents 150 governing bodies that own and operate some 450 airports—from general aviation and small commercial service airports to the largest airports in the world—with a multitude of interests and priorities, throughout the United States, Canada, and the U.S. Virgin Islands. ACI-NA also represents the interests of more than 375 corporate members who serve the airport community. ACI-NA is the largest of six regions of the Airports Council International based in Geneva, Switzerland.

From June 1989 to October 1995, I was the Director of Aviation for the Port Authority of New York and New Jersey where I was responsible for the management and development of John F. Kennedy International, Newark International, LaGuardia, Teterboro Airport and two Manhattan heliports. Together, these facilities constitute the world's leading aviation hub.

I also served as the Executive Director from 1981 through 1984 at the Metropolitan Transportation Authority, which was responsible for bridges, commuter trains, buses, and tunnels for the entire New York Metropolitan area.

A significant portion of my life has been dedicated to developing and improving the Nation's air transportation system. Today, that system is the central element of our domestic and global competitiveness. Airports are "economic engines" that generate and support local economic development by providing complete transportation services, stimulating business activity and investment, attracting and facilitating travel and tourism and creating more jobs. And air transportation remains the quickest way of moving high-value goods through our transportation system, as well as moving millions of passengers across the country and the world.

While we have built a highly successful system of air transportation in this country, we can, and must, do more. As we look to the future, we face significant challenges in aviation. We expect one billion passengers to use our air transportation system annually by the end of the decade. Imagine the equivalent of the entire population of the United States added to an already, crowded, already congested, already delayed system. We need to look systemically at air transportation to determine how to accommodate this increased demand. We need more capacity, better technology and greater resources, while recognizing that safety must remain our top priority.

If I am fortunate enough to be confirmed for this position, it would be my honor to work with you Mr. Chairman, other Members of this Committee and other Council members to build an air transportation system that meets the challenges of the future and is second to none.

I would be happy to respond to any questions you or other Members of the Committee may have.

Thank you.

JOHN MCCAIN, ARIZONA, CHAIRMAN

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United States Senate
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, DC 20510-6125

**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
DEPARTMENT/AGENCY NOMINEES**

Instructions: Nominees are asked to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if question does not apply to nominee. Return printed answers to Committee.

Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION

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

Dr. Sue Bailey
Patricia Sue Bailey
Sue Duniap
Sue Leonard
Sue Mandl

2. **Position to which nominated:**

Administrator, National Highway Traffic Safety Administration

3. **Date of nomination:**

July 26, 2000

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

Residence: (information not released to the public.)

Office: 400 Seventh Street, SW., Suite 5220
Washington, D.C. 20590

5. **Date and place of birth:**

June 4, 1943 Rapid City, South Dakota

6. **Marital status:** (Include maiden name of wife or husband's name.)

Divorced

7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)

J. Lee Hults, J.D. 38 years
Dr. Barton W. Leonard 31 years

8. **Education:** (List secondary and higher education institutions, dates attended, degree received and date degree granted.)

1984: Certified by American Board of Psychiatry and Neurology
 1980 - 1981: Johns Hopkins University Hospital - Residency/Fellowship
 1977 - 1980: George Washington University Hospital - Internship & Residency
 1977: Philadelphia College of Osteopathic-Medicine, D.O.
 1973: University of Maryland, B.S.

9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

Present: Administrator, National Highway Traffic Safety Administration
 1998-2000: Assistant Secretary of Defense for Health Affairs
 1995-1997: Deputy Co-Chair, Clinton-Gore Campaign
 1994-1995: Deputy Assistant Secretary of Defense for Clinical Services
 1985-1993: Georgetown Medical School Faculty
 1988-1993: Medical Director, Chevy Chase Associates, Inc.
 1986-1988: Deputy Public Relations Director for Maryland Democratic Central Committee
 1986-1988: Vice-President, Medlantic Healthcare Group
 1983-1985: Medical Director, Hosp. Program, Washington Hospital Center/
 Compicare Incorporated

All employment was located in Washington, D.C., except for Chevy Chase Associates, Inc. (in Chevy Chase, Maryland) and Maryland Democratic Central Committee (in Annapolis, Maryland).

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

None

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

None

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

American Medical Association
 Johns Hopkins Medical and Surgical Society

13. **Political affiliations and activities:**

- (a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I am a registered Democrat. Additionally, I served as Deputy Co-Chair for the Clinton-Gore Campaign from 1995 to 1997 and as Deputy to the Communications Director for Maryland Democratic Central Committee (Clinton/Gore Campaign) in 1992.

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

Democratic National Committee (Womens' Leadership Forum)

1996 - \$10,000
 1999 - \$15,000
 2000 - \$ 5,000

Democratic Congressional Campaign Committee

1999 - \$ 8,000
 2000 - \$ 5,000

Democratic Senatorial Campaign Committee

1999 - \$ 5,000

Individual Contributions

1998 - \$1,000 - Jane Harmon for Governor of California
 1998 - \$1,000 - Mel Carnahan for U.S. Senate
 1999 - \$1,000 - Kathleen Kennedy Townsend
 2000 - \$1,000 - Evan Bayh for U.S. Senate
 2000 - \$1,000 - Hillary Rodham Clinton for U.S. Senate

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

Surgeon General's Medal

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

March 2000: "Protecting the Health of U.S. Military Forces: A National Obligation." *Aviation, Space, and Environmental Medicine*. Volume 71, pages 260-265.
 1986: *Using Hospital Space Profitably* (chapter)
 June 1986: "Hospital Entrepreneurs." *Program Development*. Volume 1.
 May 1984: *Family Practice*. (clinical article)

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

1994 - 2000: Congressional testimony (see attachments)

1998: Commencement speaker, National Institutes of Health

Numerous speeches as Assistant Secretary of Defense, but none relevant to NHTSA.

17. **Selection:**

- (a) Do you know why you were chosen for this nomination by the President?
- (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Yes, I know why the President chose me for this position. The National Highway Traffic Safety Administration's mission is to save lives, prevent injuries, and reduce traffic-related health care and other economic costs. I believe I have the professional experience to manage this critical agency within the Department of Transportation. I have senior leadership experience as an Assistant Secretary of Defense. Most importantly for this position, I have 27 years of experience as a doctor. I bring the perspective of a physician who has treated crash victims and wants to implement technologies and programs to reduce traffic injuries and save lives.

B. FUTURE EMPLOYMENT RELATIONSHIPS

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

I currently hold no business positions outside of government.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

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

Yes.

C. **POTENTIAL CONFLICTS OF INTEREST**

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

None that I am aware of.

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

None that I am aware of.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated?

None that I am aware of.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I have engaged in the legislative process as an Assistant Secretary of Defense and as the National Highway Traffic Safety Administrator. As NHTSA Administrator, I have participated in staff and Congressional meetings where highway safety issues were discussed.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I will do whatever is necessary to eliminate any potential conflict of interest.

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

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

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

No.

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

I was involved in civil litigation; while serving as medical director, Chevy Chase Associates, Inc. (1988-1993), I had privileges at the Psychiatric Institute. I was sued by a patient; however, the case was dismissed with prejudice.

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

No.

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

I can think of no unfavorable information that should be considered.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information?
Yes. I will make this a critical priority for the agency.
2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?
Yes.
3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee?
Yes.
4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

As the National Highway Traffic Safety Administrator, one of my most important duties is to review all significant regulations to ensure that they comply with the spirit of legislation passed by Congress. Additionally, I will work to ensure that new rules are developed only after interested parties, including the Congress, have provided their perspective.
5. Describe your department/agency's current mission, major programs, and major operational objectives.

The National Highway Traffic Safety Administration's mission is to save lives, prevent injuries, and reduce traffic-related health care and other economic costs. This is defined in the agency's Strategic Plan. More specifically, NHTSA has identified—along with the Federal Highway Administration—a goal of reducing highway fatalities and injuries by 20 percent by 2008. That would mean reducing fatalities from 42,065 in 1996—the benchmark in the Strategic Plan—to 33,500 in 2008. Injuries would drop from 3.5 million in 1996 to 2.8 million by 2008. Reaching these objectives would cut health care costs by about \$2.3 billion annually.

NHTSA uses several tools to carry out its mission. The agency's primarily tool is regulation. For example, NHTSA (1) establishes and enforces safety performance standards for motor vehicles and motor vehicle equipment; (2) investigates safety defects in motor vehicles; (3) establishes and enforces vehicle anti-theft regulations; (4) sets and enforces fuel economy standards; and (5) investigates odometer fraud. NHTSA also conducts research on driver

behavior and traffic safety. NHTSA's third tool is communications; the agency provides consumer information on motor vehicle safety. Finally, NHTSA uses the grantmaking process to implement its mission. For example, NHTSA helps states and localities reduce drunken driving and increase the use of safety belts, safety seats, and air bags.

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

Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

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

My medical education and 27 years as a doctor have provided me with an excellent base of knowledge and experience for this position. My years as an administrator at the Department of Defense provided an understanding of the process of the federal government and the skills required to manage a large budget and, most importantly, honed my management and human resource skills.

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

Throughout my life, I have worked to save lives. As a doctor, I have treated injuries and responded to crashes, but I know that preventing the cause of injury must be a paramount objective for the Federal Government. I believe the position of NHTSA Administrator is a unique opportunity to make broad improvements in public safety, and I am honored to serve the American people in this capacity.

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

My goals include: the adoption of the national .08 Blood Alcohol Concentration (BAC) standard included in the FY 2001 appropriations bill; the review and revision of federal motor vehicle safety standards (FMVSS), in particular, FMVSS 109 for passenger tires; the review and amendment of the Motor Vehicle Safety Statutes regarding manufacturer reporting of foreign recalls, civil penalties, recall compliance, compliance testing, and recall limits; building a good working relationship with Congress; ensuring appropriate funding for motor vehicle and traffic safety; and exploring the use of new technologies and communications tools to prevent injury and reduce crashes.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

I have a strong management background. I have served as an executive in private industry and at the Department of Defense; however, I have not served as the executive for a major civilian agency. I will work closely with staff to better understand the intricacies of the National Highway Traffic Safety Administration, and I will adapt my style of leadership to suit the needs of a major public agency.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

Government should involve itself in the private sector when national security, health, safety, and economic opportunity are threatened. There are many societal needs where government and the private sector can work as partners to overcome problems; however, NHTSA is one agency where regulation and investigation is a central focus. I do believe that government agencies should be routinely evaluated. If it is determined that a societal need can be addressed in a better way, government agencies should be modified or eliminated.

6. In your own words, please describe the agency's current missions, major programs, and major operational objectives.

The mission of the Department of Transportation is to work with its partners to provide a safe, seamless, and intermodal system for moving people and goods. NHTSA has primary responsibility for traffic safety—how motor vehicles are manufactured and operated. While improving safety, NHTSA will also reduce the economic burden of health care and other costs. NHTSA uses many techniques to accomplish its mission: research, regulation, grants, education, and the application of safer technology and preventive practices.

7. In reference to question number six, what forces are likely to result in changes to the mission of this agency over the coming five years.

Three major forces will challenge NHTSA over the next five years: (1) changing demographics, particularly the aging of American drivers; (2) an aging transportation infrastructure; and (3) advancing technology.

8. In further reference to question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why?

Changing demographics will force NHTSA to reevaluate the way it markets safety information. Additionally, NHTSA constantly needs to work on public compliance regarding seat belt and child restraint use. Finally, there are new driver distractions—many related to technology, like cellular telephones—that will need to be considered as part of a broad emphasis on passenger safety.

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

NHTSA has made great progress over the past several years, however, public resistance to safety measures, such as seat belt use, has been an obstacle to the agency's mission of reducing traffic fatalities, and there is a need for greater education and information on motor vehicle safety.

10. Who are the stakeholders in the work of this agency?

The primary stakeholder for NHTSA is the public - as motor vehicle occupants, pedal-cyclists and pedestrians. Other stakeholders include manufacturers; law enforcement agencies; foreign, state, and local governments; public health groups; safety organizations; research institutions;

and the Congress.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten.

My responsibility to the public is to provide sound management to an agency that regulates and improves safety standards for American drivers. My responsibility to other stakeholders is to solicit input when developing policies and regulations.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector.

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

The Department of Transportation has a centralized financial management system that includes NHTSA and other agencies. NHTSA reports directly to the Assistant Secretary for Budget and Programs. In addition to the office of the Assistant Secretary for Budget and Programs, the Inspector General routinely reviews financials transactions.

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

As Assistant Secretary of Defense, I managed a \$17 billion budget.

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

- a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals.

Performance goals provide useful benchmarks for employees and outside stakeholders. They reinforce a culture of accountability and efficiency within NHTSA. I have always been a strong supporter of the performance planning process. I am honored to be leading an administration that was a pilot agency for the Government Performance and Results Act. This led to NHTSA being named by the Office of Management and Budget as one of only ten "exemplar" Federal agencies in the pilot program.

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

Congress should review resources and staffing if that agency does not meet its performance goals. It is entirely appropriate to consider redefining, consolidating, privatizing, downsizing, or eliminating an agency if there is a better and more efficient way of meeting a societal goal.

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

My personal performance is directly tied to the NHTSA mission of preventing injuries and saving lives.

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

My responsibility is to set a good example for employees, treat them with dignity and fairness, and encourage innovation and excellence in meeting the goals of the agency. The office of the NHTSA Administrator stands for oversight and support.

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

As an Assistant Secretary for Defense, I established a cooperative and productive relationship with Congress and its committees. I hope to set that same tone as NHTSA Administrator.

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

The Inspector General (IG) is an essential force within the Department of Transportation. The IG office is responsible for uncovering waste, fraud, and abuse, and it is critical to have this independent unit evaluating all functions of the Department. I will respect the investigatory role of the Inspector General and strongly consider any recommendations made by the IG office for improving NHTSA operations.

17. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress.

I will listen carefully to the Committee and other stakeholders when developing new regulations. I will ensure that new rules are adopted in a fair and comprehensive manner that meets the intention of legislation passed by Congress.

18. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views.

I would like to increase our authority to receive information on safety issues and/or recalls and defects outside the United States. I would also like to restore the funding of NHTSA to an appropriate level.

I am completely committed to NHTSA's goal of developing a nationwide .08 Blood Alcohol Concentration (BAC) standard. This is currently included in the Senate version of the FY 2001 transportation appropriations bill, and it should remain in the final bill adopted by the conference committee.

I strongly support the oversight responsibility of Congress as it investigates faulty motor vehicles and equipment, including tires, and have testified before Congress regarding these issues.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a time frame for their implementation.

Much of NHTSA's grants are formula-based. Where there are discretionary funds, they should be applied to top national priorities.

JOHN MCCAIN, ARIZONA, CHAIRMAN

TED STEVENS, ALASKA	ERNEST F. HOLLINGS, SOUTH CAROLINA
CONRAD BURNS, MONTANA	DANIEL K. INOUYE, HAWAII
SLADE GORTON, WASHINGTON	JOHN D. ROCKWELLER IV, WEST VIRGINIA
MARK LUTI, MISSISSIPPI	JOHN F. KOHNY, MASSACHUSETTS
KAY BAILEY HUTCHISON, TEXAS	JOHN B. BREAUX, LOUISIANA
OLYMPIA J. SNOWE, MAINE	RICHARD M. BRYAN, NEVADA
JOHN ASHCROFT, MISSOURI	BYRON L. DORGAN, NORTH DAKOTA
BILL FRIST, TENNESSEE	RON WYDEN, OREGON
SPENCER ABRAHAM, MICHIGAN	MAX CLELAND, GEORGIA
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United States Senate
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**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF
BOARD/COMMISSION NOMINEES**

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Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names or nick names used.)
Arthenia L. Joyner
2. **Position to which nominated:**
Member of the Federal Aviation Management Advisory Council
3. **Date of nomination:**
June 30, 2000
4. **Address:** (List current place of residence and office addresses.)
Residence: (Information not released to the public.)
Office: **1112 E. Kennedy Blvd., Tampa, Florida 33602**
5. **Date and place of birth:**
February 3, 1943, Lakeland, Florida
6. **Marital status:** (Include maiden name of wife or husband's name.)
Divorced
7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)
None
8. **Education:** (List secondary and higher education institutions, dates attended, degree received and date degree granted.)
Middleton Senior High School, Tampa, Florida, Graduated
Florida Agricultural & Mechanical University, Tallahassee, Florida - 1961-1964
Bachelor of Science: Political Science, 1964
Florida A&M University, College of Law, Tallahassee, Florida - 1965-1968
Juris Doctor Degree, 1968
9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

1964-1965: Teacher, Hillsborough County Board of Public Instruction, Booker T. Washington, Jr. High School, Tampa, Florida.

1969: Administrative Assistant to Representative Joe Lang Kershaw, Florida House of Representatives, Tallahassee, Florida.

1969-1991: Attorney at Law, 5020 N. Nebraska Avenue, Tampa, Florida 33603.

1991-Present: Founding Partner, Steward, Joyner & Jordan-Holmes, P.A.

10. **Government experience:** (List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.)
- Florida House of Representatives (elected 9/5/00, term commences 1/2/01)
 - Member, Governor's Commission on Government for the People, 1991
 - Member, Hillsborough County Aviation Authority, 1991-1999
 - Member, Senior Advisory Council, Justice-Civil Rights Transition Cluster, Clinton-Gore Administration, 1993
 - Member, Governor's Commission African-American Affairs, 1993-1994
11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)
- Hillsborough County Bar Association Board of Directors, 2000
 - University Community Hospital Board of Trustees, 1986-Present
 - Florida A&M University Foundation Board of Directors, 1993-Present
 - The Links, Inc. Executive Council, National Parliamentarian 1997-Present
12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)
- Life Member, National Bar Association
 - Member, American Bar Association
 - Member, The Florida Bar
 - Member, Hillsborough County Bar Association Board of Directors
 - Member, Florida Association of Women Lawyers
 - Member, National Association of Bond Lawyers
 - Member, Hillsborough County Bar Probate Committee, 1984-1995
 - Member, Board of Governors and Executive Committee, National Bar Association, 1973-1990; 1996-1997
 - President, National Bar Association, 1984-1985
 - President-Elect, National Bar Association, 1983-1984
 - Treasurer, National Bar Association, 1973-1983
 - Member, American Bar Association House of Delegates, 1981-1982, 1993-1994
 - President, Florida Chapter National Bar Association, 1974-1976
 - Vice President, Florida Chapter National Bar Association, 1972-1974
 - Secretary, Florida Chapter National Bar Association, 1972-1974
 - Member, Florida Bar Grievance Committee, 1988-1992
 - Fellow, The American Bar Foundation
 - Member, Judicial Nominating Commission, 13th Judicial Circuit

- Chair, Judicial Nominating Commission, 13th Judicial Circuit, 1993-1994
- Member, Federal Judicial Nominating Commission for Florida, 1992-1996
- Member, Allen Temple AME Church
- President, Bay Area Legal Services Board of Directors, 1983-1984
- Member, Bay Area Legal Services Board of Directors, 1977-1986, 1990
- Member, Helping Hand Day Nursery Board of Directors, 1978-1986
- Member, Tampa Urban League Board of Directors, 1975
- Member, Travelers Aid Society, Inc. Board of Directors, 1980-1988
- Charter Member, Criminal Justice Planning Council of Hillsborough County, Florida 1974-84
- Member, Nursing Home Ombudsman Committee of Hillsborough County, Florida 1975
- Member, Florida Probation & Parole Qualifications Selections Committee, 1977
- Member YWCA Board of Directors, 1976-1977
- Life Member, Grater Tampa Urban League
- Member, Airport Minority Aviation Council
- Life Member, NAACP
- Member and former Trustee, Allen Temple A.M.E. Church
- Member, PUSH, 1984, 1999-2000
- Member, Board of Directors, League of Women Voters, Hillsborough County, 1983-1984
- Member, State Long Term Care Ombudsman Committee, 1984-1986
- Member, Citizen Advisory Committee Hillsborough County School Board, 1983-1984
- Member, Hillsborough Community Housing Resource Board, 1984-1985
- Charter Member, National Political Congress of Black Women
- President, Hillsborough County Chapter, Charmettes, Inc., 1986-1987
- Vice President, Tampa Alumnae Chapter, Delta Sigma Theta Sorority, Inc., 1985-1988
- Member, Charter Review Board of Hillsborough County, Florida 1985-1986
- Member, Governor's Task Force on the Black Family, 1986
- Member, Board of Directors of Bay Community Players, Inc., 1986-1988
- Member, Board of Trustees of University Community Hospital, 1986-Present
- Member, County Attorney Search Committee – Hillsborough County, Florida, 1985 & 1988
- Member, Maas Brothers Customer Advisory Board, 1987-1988
- National Legal Advisor, Delta Sigma Theta Sorority, Inc., 1985-1992
- President, Tampa Alumnae Chapter, Delta Sigma Theta Sorority, Inc., 1985-1992
- Member, Hillsborough County Governing Board of the National Conference of Christians and Jews, 1988
- Founding President, Board of Directors, National Coalition of 100 Black Women, Inc. Tampa Bay Chapter, 1987-1990
- President, Charmettes, Inc., Hillsborough County Chapter, 1985-1987
- Member, City of Tampa General Employees Pension Fund Board of Trustees, 1988-1990
- Member, Civil Justice Foundation Board of Trustees, 1988-1989
- Member, Hillsborough County Partners in Progress Committee, 1989
- Member, Leadership Tampa Alumni
- Member, Leadership Florida Alumni
- Member, National Council of Negro Women, Tampa Chapter/Life Member
- Member, Athena Society, Inc.
- Member, Florida Supreme Court Racial and Ethnic Bias Commission, 1990-1991
- Member, Board of Governors, Greater Tampa Chamber of Commerce, 1990-1993
- Member, Executive Committee, Greater Tampa Chamber of Commerce, 1990-1992
- Founding Chair, Minority Economic Development Council, Greater Tampa Chamber of Commerce, 1990-1992

- Member, Network of Executive Women, Tampa, Florida, 1988-1991
 - Legal Counsel, National Coalition of 100 Black Women, Inc., 1992-1993
 - Chair, Hillsborough County Aviation Authority, 1993-1995
 - Member, Board of Directors, Tampa Economic Development Board, 1992-1994
 - Member, Overall Economic Development Committee of Hillsborough County, 1992-1994
 - Member, Florida A&M University Foundation Board of Directors, 1996-Present
 - Member, Policy Board, Tampa Bay Partnership – Representing Tampa International Airport, 1993-1999
 - Member and Vice-Chair, Steering Committee, Commissioner’s Roundtable, Airports Council International, North America, 1992-1999
 - Member, Legal Steering Committee, Airport Council International, North America, 1995-1999
 - Member, Policy Board, Greater Tampa Chamber of Commerce, Committee of 100, 1992-1994
 - Member, Governmental Affairs Department Board, Greater Tampa Bay Chamber of Commerce, 1994
 - Presidential Appointee – U.S. Delegation Five World Regional Meetings on Women, 1994-1995
 - Presidential Appointee – U.S. Delegation United Nations Preparatory Conference on Women, New York, 1995
 - Presidential Appointee – U.S. Delegation World Population and Development Conference, Cairo, Egypt, 1995
 - Presidential Appointee – U.S. Delegation United Nations Fourth World Conference on Women, Beijing, China, 1995
 - Member, Regional Workforce Development Board, 1996-1997
 - National Parliamentarian, The Links, Inc.
 - Trustee, University Community Hospital
13. **Political affiliations and activities:**
- (a) List all offices with a political party which you have held or any public office for which you have been a candidate.
 - (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
 - (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.
- (a) Hillsborough County Democratic Executive Committee**
Florida House of Representatives (elected 9/5/00, will take office 1/2/01)
- (b) Hillsborough County Democratic Executive Committee**
Local Co-Coordinator of the Clinton/Gore 1992 Presidential Campaign
Steering Committee of the Clinton/Gore 1996 Presidential Campaign
Local Co-Coordinator of the Chiles/McKay Gubernatorial Campaign
Steering Committee of the Gore/Lieberman 2000 Presidential Campaign
- (c) Clinton/Gore Presidential Campaign - \$1,000 donation**
Gore/Lieberman Presidential Campaign - \$1,000 donation
Chiles/McKay Gubernatorial Campaign - \$500 donation

14. Honors and awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)
- Honorary Doctor of Laws, 1991, Stetson University, College of Law St. Petersburg, Florida
 - WTMP Trail Blazer Award
 - Airport Minority Advisory Council Leadership Award
 - National Bar Association Presidential Award
 - Women of Distinction – Suncoast Girl Scouts Award
 - Gertrude E. Rush Award – National Bar Association
 - The Pioneer Award, given by the National Bar Association at its 68th Annual Convention to the first five black women admitted to the Florida Bar
 - National Organization of Black Law Enforcement Officer's Achievement Award
 - Lily Security Benefit Association of Florida and Georgia Leadership and Outstanding Contributions Award
 - George Edgecomb Bar Association, Francisco Rodriguez Award
 - Selected by the American Jewish Committee to participate in Project Interchange's African American Leaders Seminar in Israel
 - Leadership Florida
 - National Bar Association, Women Lawyers Division, Founders Achievement Award
 - Eunice Thompson Service Award, The Charmettes, Inc.
 - National Bar Association Presidential Award
 - College Hill Resident Council Supporting The Struggle Award
 - Award of Excellence, Democratic Women Clubs of Florida
 - Executive Women on the Year, by the Network of Executive Women Bay Area Brotherhood
 - Martin Luther King Banquet Speaker Award
 - Earl M. Johnson, Sr. Award, Florida Chapter National Bar Association Outstanding Service to Legal Profession, Community Bar Association
 - Plant City Business and Professional Women Club Award for Dedication and Outstanding Performance
 - Leadership Tampa
 - Founder's Day Speaker, Clearwater Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
 - President's Meritorious Service Award, Charmettes, Inc., Hillsborough County Chapter
 - Pro Bono Award, Bay Area Legal Services
 - Inducted in the College of Arts and Science Gallery of Distinction, Florida A&M University, Tallahassee, Florida
 - Outstanding Black Pioneer in Law Award, Tampa/St. Pete Links, Inc.
 - Governor's Distinguished Black Floridian Award
 - Presidential Award, National Bar Association
 - Listed in The World Who's Who of Women
 - Humanitarian Service Award, Charmettes, Inc., Hillsborough County Chapter
 - Listed in Who's Who Among Black Americans
 - Selected as one of America's Top 100 Black Business and Professional Women by Dollars and Sense Magazine
 - Selected as one of America's 100 Most Influential Black Americans by Ebony Magazine
 - Outstanding Achievement and Community Service Award, Eastgate Community Church
 - Outstanding Service Award, Miles Law School
 - Tampa Branch NAACP Human Rights Award
 - Meritorious Service and Achievement Award, National Funeral Directors and Morticians, Inc.
 - Women of Achievement, Downtown Tampa Business and Professional Women's Club

- Outstanding Leadership Award, Atlanta Chapter, Florida A&M University Alumni Association
- Outstanding Service Award, Florida Chapter National Bar Association
- Outstanding Financial Contribution Award, Tampa Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
- Outstanding Leadership Award, Bay Area Legal Services, Inc.
- Presidential Award, National Bar Association
- Outstanding Leadership Award, Florida Chapter National Bar Association
- Listed in Who's Who in Florida
- Listed in Outstanding Young Women of America
- Outstanding Leadership Award, Student Bar Association, Florida A&M University, College of Law
- President, Student Bar Association, Florida A&M University, College of Law
- Vice President, Delta Sigma Theta, Inc., Beta Alpha Chapter
- Consultant's Award, Florida A&M University, High School Press Workshop
- Associate Editor, High School Newspaper and Yearbook
- Member, National Honor Society

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

NONE

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

Please see attached.

17. Selection:
- (a) Do you know why you were chosen for this nomination by the President?
 - (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

(a) I was chosen by the President because of my lifetime of public service and my service and work on the Hillsborough County Aviation Authority and other aviation related organizations. The President believes that I would bring a passenger and professional orientation to the Council. He also knows that any endeavors, which I undertake, are done with commitment and tenacity.

(b) My aviation related experiences gained from serving on the HCAA, ACL, NA., AMAC and the Legal Steering Committee, ABA, NBA (National Bar Association) in addition to service on numerous advisory and policy making boards qualifies me for this appointment.

B. FUTURE EMPLOYMENT RELATIONSHIPS

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

I will continue to practice law as this appointment is public service and does not affect my employment.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

I do not have any plans or commitments or agreements to pursue outside of Employment with my law firm. I was recently elected to The Florida House of Representatives and I will receive compensation in that capacity.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

I am not leaving my law practice because this appointment is to an advisory council.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

NO

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

YES

C. POTENTIAL CONFLICTS OF INTEREST

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

I will continue to receive my salary from my law firm. My salary as a State Representative will commence in 2001.

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

My law firm is co-bond counsel for the Greater Orlando Aviation Authority.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated?

None that I know of.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

As a member of the Hillsborough County Aviation Authority, I regularly participated with Airports Council International (ACI) and Airport Minority Advisory Council (AMAC) in its lobbying efforts with regard to aviation related legislation.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

If I believe that there is a conflict of interest, I would recuse myself and not vote.

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

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Yes, I was cited for admonishment for minor misconduct by the Florida Bar 13th Judicial Circuit Grievance Committee B in 1996. A lawyer who practiced for many years in the area of public finance testified that I had not acted inappropriately. In addition, the lawyer who represented me did not want me to agree to any admonishment. However, I agreed to accept this admonishment to place this matter behind me. The Hillsborough County Aviation was investigated by the Office of the Comptroller of Florida. Once the matter was resolved, action was taken by the Authority which resulted in a change of the travel policy.

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

Yes. I was arrested twice while attending college in 1963 for participating in Civil Rights Demonstrations. I was also arrested in 1985 while participating in the Free South Africa Demonstrations in front of the South African Embassy. I was charged with battery in 1988 in Tampa, Florida and was found not guilty.

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

In 1987, a group of African American lawyers filed an action against the judges in Hillsborough County, Florida (Tampa) for failure to assign any contracts to African-American lawyers to represent indigent defendants when the Public Defender had conflicts and could not represent them. As a result of the lawsuit, the policy was changed and subsequent assignments were awarded to lawyers of all racial and ethnic groups.

After my father's death, I was named as a co-defendant with my sister in a civil action brought by a brother and some half-brothers and half-sisters in their attempt to set aside a bank account that had been established as a trust for my sister in 1963.

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

YES, Trespass in one of the Civil Rights Demonstrations in 1963.

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

Please refer to my-attached resume.

E. RELATIONSHIP WITH COMMITTEE

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

YES

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

YES

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

YES

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

YES

F. GENERAL QUALIFICATIONS AND VIEWS

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

I come from an aviation background from a medium sized city, Tampa, FL. From 1991 to 1999, I served on the HCAA, as chair and vice-chair for a total of four years. Additional aviation related activities include Airports Council International, North America, Vice-chair of the Commissioners' Committee (formerly Roundtable), Airport Minority Advisory Council and the Legal Steering Committee of ACI, NA.

My legal education in conjunction with service on numerous advisory and policy-making boards at all levels of government enables me to bring a professional and passenger perspective to the deliberations.

2. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

I am not knowledgeable about every aspect of the FAA. But I will learn from the other members of the Council who come from diverse backgrounds and from the staff of the FAA who will play an important role in the Council.

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

My entire life has been dedicated to public service. This appointment will allow me the unique opportunity to serve my country at the highest level and to use my knowledge to help solve critical problems facing the aviation industry.

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

If confirmed, I would like to focus on resolving the delays, modernizing the air traffic control system and to look at the impact of airline consolidation on small and medium airports.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

The federal government's role is to protect opportunity, both socially and economically. The government should involve itself in the private sector when matters of national security, safety and economic opportunity are threatened. Government and private industry can also work together to solve social problems. After a comprehensive review process, if it can be determined that social problems could be solved in a better way, then government programs may be modified or eliminated.

6. In your own words, please describe the agency's current missions, major programs, and major operational objectives.

The mission of the FAA is to provide a safe, secure and efficient aerospace system. The FAA's strategic goals are central to its mission of safety, security, and system efficiency. In an effort to achieve its strategic goals, several performance goals have been used to measure progress which include reduction of U.S. air carrier accident rate, runway incursions and operational errors. Some of the major programs designed to further its mission include the following: aircraft noise reduction; aviation delay reduction; the improvement of runway

pavement conditions; and an aggressive weather research program.

7. In reference to question number six, what forces are likely to result in changes to the mission of this agency over the coming five years?

The FAA working cooperatively with airport and airlines. There will be a heavier demand for air traffic services; there will likely be more open skies agreements with foreign countries which will result in increased access to continents like Asia and Africa.

8. In further reference to question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the board/commission and why?

Changes in the market place like consolidation of airlines may force the FAA to re-evaluate its mission. A top challenge is to make sure that the organizational culture in the FAA can adapt to these changes. Additional challenges are ensuring that there is fairness in service to different sized communities and that Air 21 is efficiently funded.

9. In further reference to question number six, what factors in your opinion have kept the board/commission from achieving its missions over the past several years?

This is a new board.

10. Who are the stakeholders in the work of this agency?

The stakeholders are the general public, airlines, airports, manufacturers, shippers and Congress.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten.

My relationship as a Council member and the stakeholders is to make sure that everyone has a voice, to be accessible, and to listen to their concerns.

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

My philosophy of supervisor/employee relationships is one of teamwork and recognition of employee efforts. I follow the model of cooperation, participation and teamwork. No employee complaints have been brought against me.

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

I have worked with the Congressional Black Caucus in their Brain Trusts presentations on transportation and attended many CBC workshops during the past 10-15 years. While serving on the Hillsborough County Aviation Authority, I have met with the local congressional delegation in Washington, as well as with staff members of Senator Bob Graham on aviation related issues.

14. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your board/commission comply with the spirit of the laws passed by Congress.

This board will serve in an advisory capacity and will not be promulgating rules. However, I will be accessible and will communicate with the stakeholders.

15. In the areas under the board/commission jurisdiction, what legislative action(s) should Congress consider as priorities?
Please state your personal views.

The priorities I would recommend are a Passenger's Bill of Rights and implementation of Air 21.

16. Please discuss your views on the appropriate relationship between a voting member of an independent board or commission and the wishes of a particular president.

A voting member of this Council must be independent and should make decisions as to what's best for the FAA and the traveling public, irrespective of the wishes of the president.

=====

(Nominee is to include this signed affidavit along with answers to the above questions.)

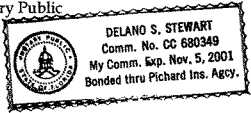
Affidavit

Arthenia Joyner being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Arthenia L Joyner
Signature of Nominee

Subscribed and sworn before me this 9th day of Sept, 2000

Delano S Stewart
Notary Public



JOHN MCCAIN, ARIZONA, CHAIRMAN

TED STEVENS, ALASKA	ERNEST F. HOLLINGS, SOUTH CAROLINA
CONRAD BURNS, MONTANA	DANIEL K. INOUE, HAWAII
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MARK BUZZE, STAFF DIRECTOR
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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF BOARD/COMMISSION NOMINEES

Instructions: Nominees are asked to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if question does not apply to nominee. Return printed answers to Committee.

Begin each section (i.e., A, B, C, etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names or nick names used.)
David Zachary Plavin
2. **Position to which nominated:**
Member of the Federal Aviation Management Advisory Council
3. **Date of nomination:**
July 24, 2000
4. **Address:** (List current place of residence and office addresses.)

(Information not released to the public.)

c. Office
Airports Council International – North America
1775 K Street, NW
Suite 500
Washington, DC 20006

5. **Date and place of birth:**
August 3, 1942 – Brooklyn, New York
6. **Marital status:** (Include maiden name of wife or husband's name.)
Married – Adrienne K. Plavin
7. **Names and ages of children:** (Include stepchildren and children from previous marriages.)
Miriam L. Plavin – 29
Deborah J. Plavin – 26

8. **Education:** (List secondary and higher education institutions, dates attended, degree received and date degree granted.)

- a. Midwood High School, Brooklyn, New York 9/56 – 6/60
- b. Dartmouth College, Hanover, New Hampshire 9/60 – 6/64 A.B., 6/64
- c. Maxwell Graduate School, Syracuse University
Syracuse, New York 9/64/6/68 MRP, 6/68
Ph.D in Social Science – dissertation requirements not completed

9. **Employment record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

The Airports Council International – North America Washington, DC
President January, 1996 – present

The Port Authority of New York & New Jersey New York, New York
Director of Aviation June, 1989 – October, 1995
Director of Aviation Redevelopment Programs March, 1987 – May, 1989
Chief Financial Officer September, 1986 – March, 1987

Jacob K. Javits Convention Center New York, New York
Executive Vice President/Operations & Event Services July, 1985 – September, 1986

Executive Chamber, State of New York New York, New York
Deputy Director of Economic Development January, 1985 – July, 1985
(Battery Park City Authority)

The Metropolitan Transportation Authority New York, New York
Executive Director January, 1981 – January, 1985
Assistant Executive Director, Management & Budget October, 1977 – December, 1980

State of New York Emergency Financial Control Board New York, New York
Director of Budget Analysis July, 1976 – September, 1977

Griffenhagen-Kroeger, Inc. New York, New York
Principal Consultant February, 1975 – June, 1976

City of New York Bureau of the Budget New York, New York
Principal Budget Examiner July, 1968 – January, 1975

Other positions include various teaching assignments in colleges and special seminars and research and analysis positions.

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

- None – see above

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.)
- None
12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.)
The Workmen's Circle
The Wings Club of New York
The Aero Club of Washington
13. **Political affiliations and activities:**
- (a) List all offices with a political party which you have held or any public office for which you have been a candidate.
- None
- (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
- None
- (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.
- | | | |
|---|---|---------|
| - | ACI-NA Political Action Committee, 1999 | \$2,000 |
| - | ACI-NA Political Action Committee, 2000 | \$4,000 |
14. **Honors and awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.)
- None
15. **Published writings:** (List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.) *None*
16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated. *None*
17. **Selection:**
- (a) Do you know why you were chosen for this nomination by the President? Yes.
- (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?
- experience in management and financing of several, large public sector enterprises
 - experience in managing and developing the world's largest airport complex for The Port Authority of NY&NJ
 - experience representing airports to airlines, regulatory bodies, and to the Congress, as an individual with detailed, specialized knowledge of the aviation industry

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?
- N.A.
2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.
- N.A.
3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?
- N.A.
4. Has anybody made a commitment to employ your services in any capacity after you leave government service?
- N.A.
5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?
- Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.
 - I am current employed, as President of the Airports Council International – International, to be an advocate for public policies, laws, and regulations, on behalf of the airports that are members of the organization.
 - I am receiving a pension from the State of New York Employee Retirement System
2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.
 - I am not aware of any potential conflicts of interest
3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could, in any way constitute or result in a possible conflict of interest in the position to which you have been nominated?
 - I know of no other relationships that would represent a potential conflict of interest
4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.
 - As an officer of the Port Authority of New York & New Jersey (1987-1995) and as President of the Airports Council International (1996 to present), I have worked actively for the passage of legislation and for regulation (or changes to law and regulation) that would benefit airports. These organizations have also submitted testimony and responded to administrative requests related to Notices of Proposed Rule-Making. Etc.
5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)
 - A member of the FAA Management Advisory Council has a primary fiduciary responsibility to observe the mandate of the Council and to act in the best interest of the public.
6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?
 - Yes

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

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

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

- I have participated periodically in the preparation of strategies, briefs and other materials in a variety of civil proceedings related to my roles as an officer of the organizations for which I worked, specifically, the Metropolitan Transportation Authority and The Port Authority of New York & New Jersey. These proceedings involved contract awards, challenges to organizational actions, practices, and policies, tenant bankruptcy proceedings, etc. I have never been plaintiff, defendant, respondent, witness, or party in interest to these 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 considered in connection with your nomination.

E. RELATIONSHIP WITH COMMITTEE

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

F. GENERAL QUALIFICATIONS AND VIEWS

1. Please describe how your previous professional experience and education qualifies you for the position for which you have been nominated.
 - In a variety of previous positions, I have managed financial and operational functions for major public entities such as The City of New York, the State of New York Emergency Financial Control Board (EFCB), the State of New York Metropolitan Transportation Authority (MTA), and The Port Authority of New York & New Jersey (PANYNJ).
 - My experience as Executive Director of the MTA, managing the development, financing, and implementation of its first major capital redevelopment program, as director of the Port Authority's \$6billion aviation capital improvement program, and as Executive Vice President of the Javits Center in New York (Javits), responsible for opening the center, staffing and managing the center, provide valid and useful insights into similar undertakings by FAA.
 - Positions as Director of Aviation for the PANYNJ and as President of ACI-North America have given me a range of relevant experiences, directly, in the range of activities that span the aviation industry.
2. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?
 - I believe I am well qualified to serve in this role
3. Why do you wish to serve in the position for which you have been nominated?
 - Aviation is an exciting and dynamic industry, critical to the continued success of the world's economy. The opportunity to participate in shaping the future of that industry is exciting and challenging.
4. What goals have you established for your first two years in this position, if confirmed?
 - I would hope to be able to develop a sufficient understanding of the structure and functioning of FAA so that I could provide effective support for progressive management initiatives and appropriate independence on behalf of the public served.
5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should societys problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.
 - Government is established to determine the public interest, to protect the integrity of process, and to intervene in the marketplace when the conditions for effective functioning of the marketplace are not present. While private decisions are often governed by return on assets or return on investment, government has the

responsibility to provide the infrastructure base on which an entrepreneurial private sector can build. It must set the ground rules for effective and viable competition to secure the effective functioning of the marketplace. It must set and enforce standards, especially in areas like public safety.

- Government services are often – but not always – the kinds of services where there is no market mechanism to determine pricing, where decisions about who should receive those services are essentially policy decisions, essentially political (in the best sense of the word), and, therefore, governmental by their nature. This is especially so for the “softer” services, like education, health, and social services.
 - At the same time, traditional governmental forms are less well suited than is the private sector to manage the day-to-day decisions necessary for efficient, effective operation of production functions. For the “harder” services, where output and performance are more easily measured, the private sector, in a competitive market can often do a better job in delivering the product, once these political decisions are made.
6. In your own words, please describe the agency’s current missions, major programs, and major operational objectives.
- To protect the safety and security of the travelling public by setting and enforcing standards for the operations of the broad range of aviation enterprises that serve the traveler and the shipper, directly.
 - To build, maintain and operate cost-effective air traffic management systems in support of the safe, secure, and efficient provision of air travel services to the public.
 - To develop and expand capacity in these systems to accommodate the continuing growth in demand for air commerce.
 - To work, internationally, for worldwide standards regarding operations that provide services to the movement of travelers and cargo, comparable to those available in the United States.
 - To administer the various grant programs mandated by the Congress.
 - FAA’s major programs are focused on implementing new computer-aided air traffic management systems to replace aging technology and to up-grade and enhance the capabilities of those systems.
7. In reference to question number six, what forces are likely to result in changes to the mission of this agency over the coming five years.
- Continuing growth in demand for air commerce threatens to outstrip the capabilities of the air traffic system to keep pace. Changes, for example, in how airlines use aircraft to serve the public will add to that strain. Airline alliances, mergers, acquisitions are likely to change passenger flows. Difficulties in enhancing airport capacity in terminal airspace, runways and taxiways, passenger and freight terminals,

and access to those terminals will put additional strains on today's capacity.

8. In further reference to question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the board/commission and why?
- Organizational: The FAA organization has a sizable cadre of highly competent and dedicated employees. For a long time, the organization, functioning with less than an ideal level of resources, operated under a siege mentality. Communications among the range of FAA units has been sporadic and not well coordinated. This, in turn, has made timely and effective implementation of long term, complex programs very difficult and not very successful. While there has been considerable progress in the last few years, the agency has a long way to go.
 - Environmental: aircraft noise and emissions, rising consumer demand that produces an even larger increase in aircraft, along with growing environment awareness and regulation, will make it easier to oppose system growth and increasingly difficult for FAA to implement investment decisions to keep pace.
 - Political: environmental opposition, along with a growing gap between capacity and demand that produces growing delays will put FAA under strong pressure to perform at the same time as local (and, therefore, Congressional) opposition grows, as well
9. In further reference to question number six, what factors in your opinion have kept the board/commission from achieving its missions over the past several years.
- See Question F8, above
10. Who are the stakeholders in the work of this agency?
- The primary stakeholders are the traveling public and shippers of goods
 - Collateral stakeholders include commercial and non-commercial aircraft operators, airports, communities that host aviation facilities, manufacturers and suppliers of aviation equipment and services, and, of course, elected officials who represent those constituencies.
11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten.
- The Management Advisory Council will be required to assess the FAA's performance in addressing the needs of its primary stakeholders, through its relationships with the direct service providers that it oversees and regulates, recommending changes in programs or policies where appropriate and support positive management initiatives.
 -
12. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory

model do you follow? Have any employee complaints been brought against you?

- Supervisors need to be encouraged to hold employees accountable for their performance while ensuring that job objectives are clearly and accurately defined and that working conditions and tools are conducive to accomplishing the task.

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

- For most of my professional career, I have worked directly with Members and staff of the Senate and the House (or I have had staff colleagues for whom Congressional relationships were their primary responsibility), especially the Senate Commerce Committee, the House Transportation & Infrastructure Committee, and with their counterparts on the Appropriations and Budget Committees.

14. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your board/commission comply with the spirit of the laws passed by Congress.

- I will, of course, be responsive to the needs of this Committee as it carries out its mandate to oversee the performance of the Federal Aviation Administration in carrying out its legislated mandate.

15. In the areas under the board/commission jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views.

- Congress needs to ensure that FAA and its programs are adequately funded and have the administrative flexibility to manage, effectively. In addition or as an alternative, Congress may want to consider organizational changes that allow FAA to be able to respond to its constituents more rapidly and easily, along with a funding structure that is based, more directly, on the services it provides.


16. Please discuss your views on the appropriate relationship between a voting member of an independent board or commission and the wishes of a particular president.

- The wishes of a particular president must be given great weight in developing policies and programs to deliver public services. Members of a board or council have, in the end, a fiduciary responsibility to make their own judgments on where the public interest lies.


(Nominee is to include this signed affidavit along with answers to the above questions.)

Affidavit

David Z. Plavin, being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.


Signature of Nominee

Subscribed and sworn before me this 11th day of September, 2000.


Notary Public
Comm. Exp. May 14, 2004