

**NOMINATION TO THE AMTRAK BOARD
OF DIRECTORS, THE U.S. DEPARTMENT
OF TRANSPORTATION, THE FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION, AND
THE NATIONAL TRANSPORTATION SAFETY BOARD**

HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

OCTOBER 31, 2017

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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ROY BLUNT, Missouri	MARIA CANTWELL, Washington
TED CRUZ, Texas	AMY KLOBUCHAR, Minnesota
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JASON VAN BEEK, *General Counsel*

KIM LIPSKY, *Democratic Staff Director*

CHRIS DAY, *Democratic Deputy Staff Director*

RENAE BLACK, *Senior Counsel*

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TUESDAY, OCTOBER 31, 2017

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

The Committee met, pursuant to notice, at 10:05 a.m. in room SR-253, Russell Senate Office Building, Hon. Roy Blunt, presiding.

Present: Senators Thune [presiding], Blunt, Cruz, Heller, Moran, Fischer, Inhofe, Sullivan, Capito, Gardner, Young, Nelson, Booker, Klobuchar, Schatz, Blumenthal, Markey, Baldwin, Peters, Hassan, Duckworth, and Cortez Masto.

**OPENING STATEMENT OF HON. ROY BLUNT,
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. The hearing will come to order.

I think in the interest of time and both Senator Isakson's time, I am going to waive my statement. And, Senator Isakson, we will come to you for your introduction of one of the people to be at the hearing today, and then we will go to Senator Booker for whatever opening statement he might make. But, Senator Isakson, we are glad you are here and we will first go to you this morning.

**STATEMENT OF HON. JOHNNY ISAKSON,
U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Well, Chairman Blunt and Ranking Member Booker and members of the Committee, it is a pleasure for me to be here today to introduce a great Georgian. I was asked one time, when I was introduced as a senior Senator, what does a senior Senator do. I said, "well, if your Little League team wins the National World Series in Williamsport, you go to have your picture taken at the White House with them, and if somebody from your state is nominated to be on the Cabinet of the President or appointed to a Federal position, you get to introduce them."

The second one is my introduction today, which is my pleasure to introduce Lynn Westmoreland, not just to the Commerce Committee for his confirmation, but to the country for its approval for the Amtrak Board.

Lynn Westmoreland is a guy I have known for a long, long time. We toiled in the vineyards of State representatives a long, long

time in Georgia. Lynn rose to be the Republican leader of the Georgia House of Representatives, did a phenomenal job.

In business, he was a homebuilder of great renown, a local builder who understood local problems, understood growth, and understood transportation. There is nobody better to have on a transportation board and authority than a user and consumer of the infrastructure of transportation. And Atlanta is probably the poster child for the need for more improvements in transportation, for intermodal transportation, for the use of rail, for the use of roads, for the use of airplanes, for the use of everything to get people where they are going and to organize it and to plan it.

And nobody is more conservative and fiscally responsible than Lynn Westmoreland. In all the years I served in the state—and this is my thirty-ninth year in elected office in Georgia—I have known lots and lots of people who have come and gone. I know of no one who has made a greater contribution to his state and served better as a public servant than Lynn Westmoreland.

So as the senior Senator from Georgia, to all of you, I am proud to introduce a great citizen of my state, one who understands transportation as well as anyone, one who will be a great counselor and board member to the Amtrak Board, and one who will serve the United States of America well for a long time, Mr. Lynn Westmoreland from the State of Georgia. And I am honored to have this occasion. Thank you, Mr. Chairman.

Senator BLUNT. Thank you, Senator. Thanks for joining us this morning. I know you have other things you are going to have to do, and we appreciate and understand that.

Before we call the witnesses up, Senator Booker, do you have some opening comments you would like to make?

**STATEMENT OF HON. CORY BOOKER,
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Let me just first express my gratitude to our colleague for being here. We were talking here before that you are sitting there so low that we felt we should get you a seat that is higher than all of us up here. That would have been the respectful thing to do, sir. But thank you very much as always for coming in here.

Senator ISAKSON. Cory, the older you get, the shorter you get. You start out at 5'11" and a half 72 years ago. I am down to 5'10" and shrinking now.

[Laughter.]

Senator BOOKER. Sir, that has happened for me because I used to be about 6'8" with my afro, but now I am only 6'3".

[Laughter.]

Senator ISAKSON. You are still standing tall in my book, sir.

Senator BOOKER. I look up to you, sir, no matter how tall you are.

Mr. Chairman, thank you for leading this hearing, and I want to just let folks know that I am grateful for all the nominees who are here and willing to put themselves forward. I want to thank them for their willingness to serve the American people.

As I have worked for some time with many of my colleagues on the other side of the aisle really trying to focus in on the issue of

transportation safety, it should be one of our highest priorities. Unfortunately, it is one of the most common ways people die in the United States of America is in crashes. We have in truck crashes alone thousands of people killed every year. Over 100,000 are injured. It is really unacceptable in the United States of America to have this level of carnage on our highways and roads.

I would like to acknowledge a lot of folks here today who are family members of truck crash victims in the audience who come here regularly to these Subcommittees not just driven by their own grief and their own tragedies in their families, but really the noble desire to make sure this does not happen to other families. And I truly respect that as being a sign of patriotism and love of country.

I look forward to hearing how some of the nominees are concerned about making sure we continue that safety.

I want to take a moment, though, to talk about Christopher Hart. The President nominated folks into a seat formerly held by Chairman Christopher Hart. This will result in a balance. I am not sure I understand the motivation. It will shift the balance, which is now split between two Republicans and two Democrats, plus one vacancy to a more majority Republican board with only one Democratic vacant seat. It was not necessary to do that to get to a Republican majority to replace Mr. Hart. I believe this could have been avoided if the President instead made this nomination into the vacant seat, and then we would have a full board.

I do not want to let this moment pass. Too often people nominated, Republicans, Democrats, it does not matter—we have a lot of great people who put themselves forward to serve. And I do not want to let this moment pass without just talking about some of the great work that Chris Hart has done. He was the first black person to serve as Chairman of the Board, a milestone that I think is worth noting. Mr. Hart has been a champion for safety and for addressing the impacts of innovation. For example, under his tenure, the NTSB launched the first investigation into a commercial space flight accident and the first investigation of a Tesla vehicle using automated vehicle control. Under his leadership, the Board was also ranked one of the top 10 best small agencies to work for in the Federal Government. That is pretty big because we have too many agencies, some might think.

I hope to hear how others that are being nominated share this passion and commitment for public safety. I have a lot of other issues and concerns, but I am going to save that for the actual testimony. But I am grateful again to be the Ranking Member and the Democrat sitting next to you, Chairman Blunt.

Senator BLUNT. Well, you are also between me and the other Ranking Member of the Democrats. Senator Nelson, if you have any comments you want to make—

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

Senator NELSON. I will put my opening comments in the record.

Senator BLUNT. In the record.

[The prepared statement of Senator Nelson follows:]

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

I appreciate all of you expressing a willingness to serve in these critical transportation positions.

Infrastructure investment and safety are two top priorities that are critical for my state of Florida and for communities around the country.

The infrastructure needs are great and they continue to grow.

Whether it's increasing investment in our highway and transit systems or restoring rail service along the Gulf Coast.

These investments mean real jobs and real improvements for our communities.

We also need to make sure our transportation systems are safe.

That means that we're doing everything possible to improve safety in our skies and on our highways and railways.

I look forward to hearing from our witnesses today.

Senator BLUNT. Well, if our witnesses would come to the table. Today, we have Lynn Westmoreland of Georgia to be Director of the Amtrak Board of Directors; Diana Furchtgott-Roth of Maryland to be an Assistant Secretary of Transportation for Research and Technology; Bruce Landsberg of South Carolina who is nominated to be a Member of the National Transportation Safety Board; and Raymond Martinez of New Jersey to be Administrator of the Federal Motor Carrier Safety Administration.

When you all are seated, we will start with Congressman Westmoreland and whatever part of your testimony you want to share, and the rest of it, of course, will go into the record. Lynn Westmoreland.

**STATEMENT OF HON. LEON (LYNN) A. WESTMORELAND,
NOMINEE TO BE A DIRECTOR, AMTRAK**

Mr. WESTMORELAND. Thank you, Mr. Chairman and Ranking Member Nelson and Booker, and members of the Committee. Good morning. It is a pleasure to be here today and an honor to be nominated to serve on the Amtrak Board of Directors by President Trump.

Like many Americans, I began my career as a small businessman running and growing my own business, specializing in residential and light commercial construction. I developed an interest in the business as a young man, and once I had learned about it more, I established and built my own business which I ran for 20 years before I was elected to Congress. My experience taught me important lessons that have stayed with me throughout my life. I learned about the value of the dollar and the importance of careful management and hard work.

My public career of service started in 1992 when I was elected to the Georgia House of Representatives where I served for 12 years. In 2004, I was elected to the U.S. House of Representatives and proudly served my Congressional constituents from 2005 to 2017. In the House, I served on the Committee of Transportation and Infrastructure, Small Business, Government Reform, and Financial Services, which have prepared me well for a position on the Amtrak Board of Directors.

Additionally, my service on the House Permanent Select Committee on Intelligence has equipped me with a unique perspective on transportation security related matters, and I am eager to bring this experience to Amtrak in its efforts to provide the highest level of security across the system.

As you know, the Amtrak Board of Directors is designed by statute to oversee the operations of the National Railroad Passenger Corporation, better known as Amtrak, and to manage and direct its business affairs. The Board sets the strategic direction for the company within the guidelines set by Congress through the relevant Federal statutes. As a Director, I would work closely with the other directors, the U.S. Department of Transportation, and the management of Amtrak to ensure that the corporation carries out the mission contained in the statutory authorization: to efficiently and effectively operate the Nation's intercity passenger rail system.

I strongly support Amtrak's role in the Nation's transportation network, and I hope to bring my experience from both the private and public sectors to the Amtrak Board. It is my belief that the U.S. taxpayers and Amtrak customers can and should receive the most efficient and effective intercity passenger rail service possible. If confirmed, I am committed to working closely with my colleagues on the board, the management of the company, the Department of Transportation, this Committee, and Congress to ensure that Amtrak is managed as safely and effectively as possible.

Thank you very much for your consideration, and I look forward to your questions.

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

PREPARED STATEMENT OF HON. LEON (LYNN) A. WESTMORELAND,
NOMINEE TO BE A DIRECTOR, AMTRAK

Mr. Chairman, Ranking Member Nelson, and members of the Committee. Good morning. It's a pleasure to be here today, and an honor to be nominated to serve on the Amtrak Board of Directors by President Trump.

Like many Americans, I began my career as a small businessman, running and growing my own business, specializing in residential and light commercial construction. I developed an interest in the business as a young man, and once I had learned more about it, I established and built my own business, which I ran for twenty-two years before I was elected to Congress. My experiences taught me important lessons that have stayed with me throughout my life. I learned about the value of a dollar and the importance of careful management and hard work.

My career in public service started in 1992 when I was elected to the Georgia House of Representatives, where I served for twelve years. In 2004, I was elected to the U.S. House of Representatives and proudly served my Congressional constituents from 2005 to 2017. In the House, I served on the Committees on Transportation and Infrastructure, Small Business, Government Reform, and Financial Services, which have prepared me well for a position on the Amtrak Board of Directors. Additionally, my service on the House Permanent Select Committee on Intelligence has equipped me with a unique perspective on transportation security related matters and I am eager to bring this experience to Amtrak in its efforts to provide the highest level of security across the system.

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This is an important responsibility, and I take it very seriously. Amtrak serves 46 of the 48 contiguous states, and it operates a truly national system of transportation. On the National Network, which includes the long-distance and state supported trains, it provides important scheduled intercity transportation in many communities that have lost other transportation options with airline and bus service contraction in recent years. On the Northeast Corridor, where there are a multitude

of critical infrastructure issues that need to be addressed, the NEC plays a vital role supporting both regional and national economic activity.

I strongly support Amtrak's role in the Nation's transportation network, and I hope to bring my experience from both the private and public sectors to the Amtrak Board. It is my belief that U.S. taxpayers and Amtrak customers can and should receive the most efficient and effective intercity passenger rail service possible. If confirmed, I am committed to working closely with my colleagues on the Board, the management of the company, the Department of Transportation, this Committee, and Congress to ensure that Amtrak is managed as safely and efficiently as possible.

Thank you very much for your consideration, and I will be happy to answer any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
Leon "Lynn" Acton Westmoreland, Jr.
2. Position to which nominated: Amtrak Board.
3. Date of Nomination: October 5, 2017.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: P.O. Box 73053 Marietta, Georgia 30007.
5. Date and Place of Birth: Atlanta, Georgia.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
Spouse: Joan Eskew Westmoreland, not employed.
Children: Heather Smith (46 years old), Leon A. Westmoreland III (45 years old), Marcy Sakrison (42 years old).
7. List all college and graduate degrees. Provide year and school attended.
No college or graduate degrees. Attended Georgia State University for one year in 1969, no degree awarded.
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
 - Principal, Westmoreland Strategies LLC (2017 to present)
 - I manage my own firm providing strategic consulting services to clients.
 - I do not provide services to any client that has a relationship to the railroad industry.
 - Member, U.S. House of Representatives for District GA-03 (2006-2017).
 - During my time in Congress, I served on the Transportation and Infrastructure Committee, including chairing a subcommittee dealing with railroads.
 - State Representative for District 104 and 86, Georgia House of Representatives (1993-2005).
 - Self-employed, LAW Builders (1982-2005).
 - I managed an extensive homebuilding business for this period of time.
9. Attach a copy of your resumé. A copy is attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.
No additional service other than that listed above.
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.
 - Sole member of Westmoreland Strategies, LLC, which provides consulting services to for a variety of business interests unrelated to the railroad industry.
 - NRCC as Board member through 2016.
12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fra-

ternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

- Leadership Team (Deacon) at Orchard Hills Baptist Church, 2011–2016.
- Member, Orchard Hills Baptist Church, 2011 to present (Orchard Hills Baptist Church limits membership to individuals affirming the statement of faith of the church).
- Capitol Hill Club member, 2006 to present.
- Christian City Advisory Board.
- Joseph Sams School Advisory Board.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes, U.S. House of Representatives for GA–03 and the Georgia House of Representatives for districts 104 and 86. None of past campaigns carry any debt and I am not personally liable for any of it.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

I have not contributed any personal funds to any to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more in the past ten years.

I served on the NRCC Board through 2016.

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

I have not received any recognitions in this category.

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

I have not authored any books or publications. I have authored a number of articles and columns. The ones I can locate and recall are listed below:

- a. Editorial: *How did Obama's massive surveillance state fail to defend Americans against Russia?*, The Hill, May 27, 2017.
- b. Editorial: *Are American airports really "third world" in quality?*, The Hill, May 20, 2017.
- c. Editorial: *Congress should stand for consumers and repeal the Durbin Amendment*, The Hill, April 30, 2017.
- d. Editorial: *Congress should stop the unconstitutional effort to ban online gambling*, The Hill, April 18, 2017.
- e. Editorial: *Edward Snowden's Gambit*, Washington Times, September 20, 2016.
- f. Editorial: *Viewpoint: MetLife ruling a devastating blow to Dodd-Frank bureaucratic nightmare*, Atlanta Business Chronicle, March 31, 2016.
- g. Editorial: Guest column on state of politics in Washington, Atlanta Journal-Constitution, October 3, 2013.
- h. Editorial: Guest column on status of the Voting Rights Act, Atlanta Journal-Constitution, March 7, 2013.
- i. Editorial written with Tom Price: Guest column on gas prices, Atlanta Journal-Constitution, April 25, 2012.
- j. Editorial: *Power the Nation with American-made energy*, Newnan Times-Herald, April 12, 2012.
- k. Editorial: Guest column on Dodd-Frank and CFPB, Atlanta Journal-Constitution, December 22, 2011.
- l. Editorial: *Costly earmark undercuts fighter*, Atlanta Journal-Constitution, May 4, 2010.
- m. Editorial: *"Ticks" sucking taxpayers dry*, Columbus Ledger-Enquirer, May 2, 2010.
- n. Editorial: *A patriotic duty doable in 10 minutes*, Atlanta Journal-Constitution, March 7, 2010.
- o. Editorial: *Congress needs to fix the Voting Rights Act*, Rock Hill Herald, July 1, 2009.

- p. Editorial: *Package hasn't stopped the slide*, Atlanta Journal-Constitution, June 28, 2009.
- q. Editorial: *Congress can fix its mistakes on Voting Rights Act*, Columbus Ledger-Enquirer, June 28, 2009.
- r. Editorial: *Fiscal sanity dies in Obama budget*, Atlanta Journal-Constitution, April 9, 2009.
- s. Editorial: *Dogfighting penalty best handled by states*, Atlanta Journal-Constitution, September 6, 2007.
- t. Editorial: *The Emmett Till Act: New funds unneeded for 'cold' civil rights murders*, Atlanta Journal-Constitution, June 22, 2007.
- u. Editorial: *Our present strategy in Iraq has failed to halt the escalation of violence*, Columbus Ledger-Enquirer, March 4, 2007.
- v. Editorial: *Voting Rights Act Renewal*, Atlanta Journal-Constitution, May 29, 2006.
- w. Editorial: *Our economy hums because of tax cuts*, Atlanta Journal-Constitution, December 14, 2005.
- x. Editorial: *Storm victims will get housing, not heave-ho*, Atlanta Journal-Constitution, November 21, 2005.
- y. Editorial: *Prosecutor set sights on DeLay*, Atlanta Journal-Constitution, September 30, 2005.
- z. Editorial: *Flag protection amendment what Americans, states want*, Atlanta Journal-Constitution, July 4, 2005.
- aa. Editorial: *Who should decide Terri Schiavo's fate? Take opportunity to show we value the sanctity of life*, Atlanta Journal-Constitution, March 22, 2005.
- bb. Editorial: *Fairer district lines will serve all Georgians*, Atlanta Journal-Constitution, February 11, 2005.
- cc. Editorial: *Equal Time: Bill Recognizes Religious Values' Influence*, Atlanta Journal-Constitution, February 19, 2004.
- dd. Editorial: *Other Opinion: Don't Raise Taxes; Rein in Spending*, Atlanta Journal-Constitution, March 30, 2003.

I gave speeches on a number of topics during my time in Congress that are contained in the Congressional Record. I do not have records of any other speeches that I gave to other groups.

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

I have not testified before a Congressional committee in any capacity.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

While serving in Congress, I learned a great deal about the railroad industry and the needs of the transportation sector serving on the Transportation and Infrastructure Committee and its Railroad Subcommittee. In addition, my own history managing a business gives me a unique perspective on the needs of Amtrak and how it can best be directed going forward. I believe I can be of great assistance to the staff at Amtrak and provide helpful feedback.

My wife and I regularly rode Amtrak from Atlanta to DC when I began my service in Congress, so I have a personal connection to the service that others are unlikely to have.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

Boards for large organization do not exist to run the organization itself. The executives are experienced and handle day-to-day operations. The board, particularly for Amtrak, functions as a key check on the executives. Not only does the board have a role in picking the right executives and reviewing their performance, but the board must also carefully monitor and assess the internal controls in use at an organization like Amtrak.

My time engaging in Congressional oversight of government agencies has given me experience reviewing what is happening inside complex institutions. I also chaired the oversight subcommittee for the National Security Agency, which is also a complex organization. In addition, having run my own businesses before and after

my time in Congress, I know how to review the types of reports that the Amtrak Board will need to review.

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

First, Amtrak faces a long-term challenge encouraging individuals to choose its service over other competing methods of transportation. With the rise of ride-sharing and the potential of its use for longer trips, Amtrak has to think strategically about getting Americans to choose what may seem to be a slower method of transportation than they would like. Amtrak has to educate Americans about the advantages of rail service and the benefits that using those services offer.

Second, Amtrak must continue to address questions of security and safety. As a target of potential terrorist attacks, the security of Amtrak trains and facilities is a continuing need. In addition, derailments due to operator error not only cause loss of life and economic losses—they also undermine the mission of persuading individuals to choose rail over other transportation methods.

Third, Amtrak must continue building out the high-speed rail plans it currently has. If Amtrak is to remain competitive, it must have options that go beyond standard rail service. The Acela has been successful in part because of its time-saving design, although even that option needs improvement.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

- Westmoreland Strategies, LLC, I am the sole owner of this business and provide strategic advice to businesses who wish to interact with the Federal Government or State of Georgia. My income consists of monthly consulting fees and no clients are related to the railroad industry.
- I am a beneficiary of the Federal Employee Retirement System.
- I am a beneficiary of a defined benefit plan of the Georgia Legislative Retirement System. I am not aware of any financial holdings of the system.

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

I will continue to operate Westmoreland Strategies LLC, but will refrain from working for any client that works in the railroad industry or has a business arrangement with Amtrak.

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

None.

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

None.

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

As a member of Congress, I regularly voted on legislation and made recommendations about policy. I have not worked as a lobbyist in the state of Georgia or in any capacity with the Federal Government and thus have not attempted to directly or indirectly influence any of these processes.

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

I have no conflicts of interest, but will refuse contracts with any entity or individual that would create a conflict and will immediately terminate any agreements that would cause a conflict if a conflict arose.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.
- No.
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.
- No.
3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.
- I have been a defendant in two lawsuits related to my homebuilding business. Both were civil cases filed in Fayette County, Georgia in the late 1980s. I do not have any records related to the cases. Both cases were filed by homeowners alleging there were problems with the houses I built. I contested both cases, but ultimately both were settled out of court prior to any substantial discovery. In one case I was represented by Buck Murphy. I do not recall who represented me in the other case.
4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.
- No.
5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.
- No.
6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.
- I am not aware of any additional information that should be disclosed.

D. RELATIONSHIP WITH COMMITTEE

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

RESUMÉ OF LYNN A. WESTMORELAND

Experience

WESTMORELAND STRATEGIES, Grantville, Georgia (January 2017 to the present)

Principal and Sole Member

Provides strategic consulting for clients wishing to interact with state and Federal governments.

U.S. HOUSE OF REPRESENTATIVES, Washington, D.C. (January 2005 to January 2017)

Member

Represented the Third Congressional District.

Served on Transportation and Infrastructure Committee, including chairing Railroad Subcommittee Served on Permanent Select Committee on Intelligence, including chairing NSA Oversight Subcommittee

Served on Financial Services Committee

Appointed to House Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi

GEORGIA HOUSE OF REPRESENTATIVES, Atlanta, Georgia (January 1993 to April 2004)

Member, Districts 104 and 86.

Served as House Minority Leader beginning in January 2001.

LAW BUILDERS, Newnan, Georgia (1982 to January 2005)

Owner

Worked as specialty homebuilder primarily south of Atlanta.

CREST HOMES, Fayetteville, Georgia (1976 to 1982)

Vice President, Construction

Oversaw residential construction.

LAWRENCE AND COMPANY, Fayetteville, Georgia (1972 to 1976)

Worked on commercial construction projects.

DELTA AIR LINES, Atlanta, Georgia (1969 to 1972)

Ramp Service Agent

Worked on loading baggage and other service to customers.

Education

- Graduate of Therrell High School, Atlanta, Georgia, 1968.
- Attended Georgia State University, Atlanta, Georgia 1969.

Senator BLUNT. Thank you, Lynn.

Ms. Furchtgott-Roth.

STATEMENT OF DIANA FURCHTGOTT-ROTH, NOMINEE FOR ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY, U.S. DEPARTMENT OF TRANSPORTATION

Ms. FURCHTGOTT-ROTH. Chairman Blunt, Ranking Member Booker, distinguished members of the Subcommittee, thank you so much for the opportunity to appear before you today. I am honored to be nominated for the position of Assistant Secretary for Research and Technology of the Department of Transportation. Over the past month, I have met many staffers and Senators, and I appreciate the opportunity to do so and to hear your concerns about America's transportation networks. Should I have the honor of being confirmed, I look forward to working with you closely in the future.

I would like to introduce my husband, Harold Furchtgott-Roth, and my father, Gabriel Roth. My son Jeremy is here with his wife Channi and my grandson Isaac. My sons, Theodore and Richard, are here on fall break from college in New Jersey. Unfortunately, my other children, Leon, Francesca, and Godfrey are not able to be here due to work and school commitments.

Since 2001, I have been supervising economic research. As Chief of Staff of the Council of Economic Advisers at the White House, I managed the hiring of a staff of academic economists who were generally on leave from their universities for a one-year period. At the Council, I coordinated and supervised the production of the 2002 Economic Report of the President. Then, as Chief Economist at the U.S. Department of Labor under Secretary Elaine Chao, I oversaw research, including publication of the volume "America's Dynamic Workforce." At the Manhattan Institute, I managed the economics division known as Economics21, including its research initiatives and the Shadow Open Market Committee.

I believe strongly that the product of research must be trustworthy and that data should not be manipulated in order to get a preferred conclusion. It is possible for different researchers to interpret data differently or to use different models or data sets to arrive at their findings, but basically facts are facts. We can have differences of opinion, but we should not invest in research that is not intellectually honest. If I am confirmed, I pledge to adhere to this standard.

Transportation is used by Americans in some form every day. Even if they do not travel by plane, bus, car, or bicycle, they use goods that were brought to them through our transportation system. There is nothing more important to the well-being of Americans than a properly functioning transportation system. Assisting Secretary Chao in the operation of America's transportation network would be a great privilege.

There are many questions that surround issues of infrastructure financing and the implementation of new technologies that could be explored.

For example, autonomous vehicles hold great promise. Almost 40,000 people were killed on the roads in 2016, an increase of over 8 percent from 2015. Autonomous vehicles have the potential to offer improved safety, accessibility for all Americans to transportation, and improved technology and economic growth. We need to understand all of these better.

But autonomous vehicles may also have unintended consequences. What effects will these vehicles have on employment? Will our systems be able to stand up to cyber criminals? What effects will autonomous vehicles have on patterns of road usage? How might this affect the economy in terms of numbers of cars, the wholesale and retail sectors, population distribution, property values, and other aspects of the economy?

Drones also offer promising new technology and a wide variety of applications. For example, we joke about ordering a pizza and having it delivered by drone. This technology could cut delivery times not just for pizzas but also for a wide variety of goods. It raises questions of the effects on the workforce. There are also security and privacy issues involved. More research is needed.

Other countries are making rapid advances in transportation infrastructure and technology, and we must redouble our efforts to remain in a position of global leadership. If confirmed, I look forward to working with others at DOT and all of you in Congress to attain this end.

Thank you so much for listening, and I look forward to answering your questions.

[The prepared statement and biographical information of Ms. Furchtgott-Roth follow:]

PREPARED STATEMENT OF DIANA FURCHTGOTT-ROTH, NOMINEE FOR ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY, U.S. DEPARTMENT OF TRANSPORTATION

Chairman Thune, Ranking Member Nelson, Distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today. I am honored to be nominated to the position of Assistant Secretary for Research and Technology at the Department of Transportation. Over the past month I have met with many staffers and Senators, and I appreciate the opportunity to do so and hear your concerns about America's transportation networks. Should I have the honor of being confirmed, I look forward to working closely with you in the future.

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Since 2001 I have been supervising economic research. As chief of staff of the Council of Economic Advisers at the White House, I managed the hiring of a staff of academic economists who were generally on leave from their universities for a

one-to two-year period. At the Council, I coordinated and supervised the 2002 Economic Report of the President. Then, as chief economist of the U.S. Department of Labor under Secretary Chao, I oversaw research, including publication of the volume “America’s Dynamic Workforce.” At the Manhattan Institute, I manage the economics division, known as Economics21, including its research initiatives and the activities of the Shadow Open Market Committee. I have written papers and articles on a number of transportation topics.

I believe strongly that the product of research must be trustworthy and that data should not be manipulated in order to get a preferred conclusion. It is possible for different researchers to interpret data differently, or to use different models or data sets to arrive at their findings, but basically facts are facts. We can have differences of opinion, but we should not invest in research that is not intellectually honest. If I am confirmed, I pledge to adhere to this standard.

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But autonomous vehicles may also have unintended consequences. What effects will these vehicles have on employment? Will our systems be able to stand up to cybercriminals? What effect will autonomous vehicles have on patterns of road usage? How might this affect the economy in terms of the number of cars, the wholesale and retail sectors, population distribution, property values, and other aspects of the economy?

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Other countries are making rapid advances in transportation infrastructure and technology, and we must redouble our efforts to remain in a position of global leadership. If I am confirmed, I look forward to working with others at DOT and in Congress to achieve this end.

Thank you for listening, and I would be glad to answer any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
Diana Furchtgott-Roth (formerly Diana Roth, until June 21, 1983).
2. Position to which nominated: Assistant Secretary for Research and Technology, U.S. Department of Transportation.
3. Date of Nomination: October 2, 2017.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: Manhattan Institute, 1200 New Hampshire Avenue, Suite 570, Washington, D.C. 20036.
5. Date and Place of Birth: April 4, 1958; London, England.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
Harold Furchtgott-Roth, President, Furchtgott-Roth Economic Enterprises, 1200 New Hampshire Avenue, Fourth Floor, Washington D.C. 20036. In addition, Senior Fellow, Hudson Institute, and Adjunct Professor, Brooklyn Law School
Leon Furchtgott (29); Francesca Furchtgott (27); Jeremy Furchtgott (26); Godfrey Furchtgott (23); Theodore Furchtgott (21); Richard Furchtgott (19).
7. List all college and graduate degrees. Provide year and school attended.
Swarthmore College, BA in Economics, 1975–1979

Oxford University, M.Phil. in Economics, 1979–1983

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

Manhattan Institute for Policy Research, 2009 to present. (Managerial)
Senior Fellow and Director, Economics 21. Manage Manhattan Institute's Washington office including Shadow Open Market Committee meetings and publications. Write papers, books, articles, and columns on a variety of economic issues, including taxation, economic growth, income inequality, and labor market regulation. Author of five books, including *Disinherited: How Washington Is Betraying America's Young* (Encounter Books, 2015), winner of Sir Antony Fisher International Memorial Award, 2016. Testify before congressional committees. Speak on college campuses. Appear on radio and TV, including CNBC, Fox Business News, and BBC's Business Matters.

George Washington University, 2016 to present (Relates to position)
Adjunct Professor. Teach Labor Economics and Public Policy in the Applied Economics MA program.

Friedberg Economics Institute, Jerusalem, Israel, 2015–2016 (Relates to position)

Lecturer. Taught seminars on free-market economics to Israeli undergraduate and graduate students.

Trump Presidential Campaign and Transition, 2016 to 2017. (Relates to position)

Appeared frequently on radio and TV and wrote op eds to promote Mr. Trump's policy agenda. Assisted with economic advice. Recruited prominent women as surrogates for Women for Trump. As member of Labor Department Action Team and Landing Team, assisted on detailed plans for Day 1 and Day 100.

Hudson Institute, 2005–2011. (Managerial)
Senior Fellow and Director, Center for Employment Policy. Wrote papers on labor economics, including entrepreneurship, effects of financial policies, and education and job training, in the United States and overseas. Editor, *Overcoming Barriers to Entrepreneurship in the United States* (Lexington Books, 2008).

U.S. Department of Labor, 2003–2005. (Managerial)
Chief Economist. Performed and directed research on topics of interest to the Secretary and senior staff, such as regulatory changes, effects of regulation, minimum wage, pensions, health care, immigration, and the changing workforce. Provided regular reports and briefings to Secretary Elaine L. Chao about the economy, macroeconomic and microeconomic policy, and the employment situation in the United States, Europe, and Asia. Delivered speeches on the economy and administration policy. Organized and edited *America's Dynamic Workforce*, Department of Labor, 2004.

Council of Economic Advisers, Executive Office of the President, 2001–2003. (Managerial)

Chief of Staff; Special Adviser to the Council. Supervised production of the *Economic Report of the President*. Managed 35-person staff for the Chairman. Organized economists' representation at meetings within the Executive Office of the President and outside agencies and their interaction with White House staff. Coordinated recruiting of senior economists, staff economists, research assistants, and administrative assistants.

American Enterprise Institute, 1993–2001. (Relates to position)
Resident Fellow; Assistant to the President. Performed research on taxation, labor economics, and sex discrimination. Coauthor of two books on women in the workforce. Organized seminars and conferences on economic and regulatory issues.

The White House, 1991–1993. (Managerial)
Associate Director and Deputy Executive Secretary, Domestic Policy Council; Associate Director, Office of Policy Planning. Prepared and reviewed domestic policy options for President Bush in the areas of deregulation and taxation. Coordinated interagency working groups on domestic policy issues.

American Petroleum Institute, 1987–1991. (Relates to position)
Economist. Conducted studies, wrote papers, and directed research on tax, energy, and environmental issues.

Council of Economic Advisers, Executive Office of the President, 1986–1987.

Junior Staff Economist. Provided support to the Chairman and Members of Council on microeconomic issues including labor, tax policy, and regulation.

Policy Economics Group, 1985–1986.

Economist. Analyzed the effects of proposed changes in tax laws on various industries including banking, railroad, and trucking.

Booz, Allen and Hamilton Inc., 1983–1984. Senior Consultant.

The Urban Institute, Summer, 1981. Research Assistant.

9. Attach a copy of your resumé. A copy is attached.

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

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

Board Chair, In Shifra's Arms (Crisis Pregnancy Center).

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

In Shifra's Arms, Chair of Board, 2014 to present. Board member, 2009 to 2014. Does not restrict membership.

Ohev Sholom, The National Synagogue, 2005 to present. Restricts membership to Jews.

Reform Club, London, UK. July 2017 to present. Club does not restrict membership.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period. None.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements. None.

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

Books

Disinherited: How Washington is Betraying America's Young, with Jared Meyer, Encounter Books, May 2015. Winner of Sir Antony Fisher International Memorial Award, Atlas Foundation, 2016

Regulating to Disaster: How Green Jobs Policies Are Damaging America's Economy, Encounter Books, 2012.

Women's Figures: An Illustrated Guide to the Economic Progress of Women in America, AEI Press, 2012.

How Obama's Gender Policies Undermine America, Encounter Books, 2010.

Overcoming Barriers to Entrepreneurship in the United States (edited volume), Lexington Books, 2008.

The Feminist Dilemma: When Success Is Not Enough, with Christine Stolba, AEI Press, 2001.

Women's Figures: An Illustrated Guide to the Economic Progress of Women in America, with Christine Stolba, AEI Press and Independent Women's Forum, 1999.

Op Eds and Columns

"Working Wives Widen 'Income Gap'," *Wall Street Journal*, Tuesday, June 20, 1995.

- “Congress Scores Again,” *Investor’s Business Daily*, Tuesday, November 28, 1995.
- “Abuses of Income Distribution Tables in Tax Policy,” *Tax Notes*, Volume 69, Number 11, Monday, December 11, 1995, pp. 1414–1416.
- “Revolution of the Heart,” review of *Revolution of the Heart* by Bill Shore, *IntellectualCapital.com*, October 3, 1996.
- “Affirmative Action for Women: Just Don’t Do It,” *IntellectualCapital.com*, October 31, 1996.
- “The Gender Gap in Taxation: Women Stand to Gain Most from Reform,” *IntellectualCapital.com*, December 12, 1996.
- “The Myth of the Glass Ceiling,” *IntellectualCapital.com*, January 23, 1997.
- “Should Women Worry About Glass Ceilings?” *Insight on the News*, February 10, 1997, pp. 25–27.
- “A Good Starting Point,” review of *Taxing Women* by Edward McCaffery, *IntellectualCapital.com*, April 24, 1997.
- “Put a Stop to Comp-Time Discrimination,” *Investor’s Business Daily*, Monday, June 2, 1997.
- “Women’s Work: Choice or Necessity?” review of *The Time Bind: When Work Becomes Home and Home Becomes Work* by Arlie Russell Hochschild, *IntellectualCapital.com*, June 26, 1997.
- “A Working Woman’s Retreat,” review of *When Work Doesn’t Work Anymore* by Elizabeth Perle McKenna, *IntellectualCapital.com*, September 18, 1997.
- “The Skyline Tax,” with Kevin Hassett, *The Weekly Standard*, September 29, 1997, pp. 13–14.
- “Plato Speaks of Gender,” review of *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* by Martha Nussbaum, *Washington Times*, October 22, 1997.
- “Uncle Sam’s Dowry,” with Kevin Hassett, *IntellectualCapital.com*, October 30, 1997.
- “The Trial of the Unabomber: A Moral Guide,” review of *Drawing Life: Surviving the Unabomber* by David Gelernter, *IntellectualCapital.com*, November 27, 1997.
- “Tax Code Penalizes Work, Not Marriage,” *Investor’s Business Daily*, Friday, January 16, 1998.
- “Women Don’t Need Equal Pay Day,” with Christine Stolba, *Investor’s Business Daily*, Monday, April 6, 1998, A36.
- “Sex and Affirmative Action,” *Heterodoxy*, Volume 6, Number 8, October 1998, 11.
- “Faster Than You Think,” review of *Why So Slow? The Advancement of Women* by Virginia Valian, *IntellectualCapital.com*, October 8, 1998.
- “Undoing Favoritism That Serves to Disfavor,” with Christine Stolba, *Washington Times*, Thursday, November 12, 1998, A15.
- “American Women Aren’t Really So Cheap,” with Christine Stolba, *Wall Street Journal*, Friday, November 20, 1998, A18.
- “The Pitfalls of Politicizing Science,” review of *The Baltimore Case: A Trial of Politics, Science, and Character* by Daniel Kevles, *IntellectualCapital.com*, January 7, 1999.
- “‘Comparable Worth’ Makes a Comeback,” with Christine Stolba, *Wall Street Journal*, Thursday, February 4, 1999, A22.
- “Money Can’t Buy Fulfillment,” review of *What Our Mothers Didn’t Tell Us: Why Happiness Eludes the Modern Woman* by Danielle Crittenden, *IntellectualCapital.com*, March 4, 1999.
- “Sense and Sensibility in the Tax Reform Debate,” review of *The Greedy Hand: How Taxes Drive Americans Crazy and What to Do about It* by Amity Shlaes, *IntellectualCapital.com*, March 25, 1999.
- “Keep Goose That Lays Golden Eggs,” *Los Angeles Times*, Thursday, April 1, 1999, A17.
- “MIT Report Flunks Statistics 101,” *Investor’s Business Daily*, May 4, 1999, A22. “Call Off the Troops,” review of *Ceasefire! Why Women and Men Must Join Forces to Achieve True Equality* by Cathy Young, *IntellectualCapital.com*, July 15, 1999.

- “The Victim Myth,” *Investor’s Business Daily*, Friday, July 30, 1999.
- “Your Surplus Checks Aren’t in the Mail Yet,” with Kevin Hassett, *Los Angeles Times*, Thursday, August 5, 1999, A17.
- “The Myth of the Wage Gap,” *Civil Rights Journal*, Fall 1999, 28–30. “Suicide Mission: The Union Push for Comparable Worth,” *Labor Watch*, Capital Research Center, December 1999.
- “Eliminating the Marriage Penalty through Flatter Taxation,” *New York Law School Journal of Human Rights*, Volume XVI Part One, Symposium 1999, pp. 153–158.
- “This Pay Gap Is a Phony,” *Washington Post*, Monday, January 31, 2000, A19.
- “On One Tax Proposal, Clinton Has It Right,” *Investor’s Business Daily*, Thursday, February 10, 2000, A24.
- “Subpoena Elian,” *Washington Times*, Monday, May 1, 2000, A17.
- “Equal or Equivalent? Feminist Activists Ignore the Data about Women’s Pay,” *Investor’s Business Daily*, Thursday, May 11, 2000, A24.
- “Bourgeois-Bohemian Rhapsody,” review of *Bobos in Paradise: The New Upper Class and How They Got There* by David Brooks, *IntellectualCapital.com*, June 1, 2000.
- “Harry Potter’s America,” *IntellectualCapital.com*, Thursday, July 13, 2000.
- “Tired Feminist Claims,” *National Review Online*, Thursday, July 13, 2000.
- “Left with the Bill: Women, Not Men, Carry the Largest Estate Tax Burden,” *Investor’s Business Daily*, Thursday, July 20, 2000, A26.
- “Euro Record Troubling So Far,” United Press International, Friday, August 11, 2000.
- “Where’s the Crisis? Democrats Decry the World’s Best Health Care System,” *Investor’s Business Daily*, Friday, August 25, 2000, A28.
- “Comparable Worth Is Back,” *The American Spectator*, September 2000, 38–43.
- “Susan Estrich’s America: Why Can’t a Woman Be More Like a Man?” *The Weekly Standard*, November 13, 2000, 32–34.
- “Good Policy Should Stay Sans Linda,” *National Review Online*, Wednesday, January 10, 2001.
- “What U.S. Labour Laws Can Teach Europe,” *Financial Times*, Friday, August 11, 2005.
- “Roberts Was Right,” *New York Sun*, Tuesday, August 23, 2005.
- “Labor: Past, Present and Future,” *Indianapolis Star*, Sunday, September 4, 2005.
- “La France Peut Mieux Faire,” (“France Can Do Better”) *Le Figaro*, Friday, September 30, 2005.
- “Even the Low-Wage Workers Move Up,” *Indianapolis Star*, Sunday, October 25, 2005.
- “High Holy Days Ticket Prices Are Costing Community,” *Forward*, Friday, November 4, 2005.
- “In Anacostia, A Model for Job Training,” *The Washington Post*, Sunday, November 6, 2005.
- “Challenges in Staffing,” *HR Magazine*, 50th Anniversary 2005, December 2005.
- “A ‘Moral Road Map’ for Israel’s Economy,” *The Jerusalem Post*, Friday, February 17, 2006.
- “A True Believer,” review of *Washington’s God: Religion, Liberty and the Father of Our Country* by Michael and Jana Novak, *New York Post*, Sunday, March 12, 2006.
- “Getting the Sack Really Would Help French Workers,” *The Sunday Times*, Sunday, March 19, 2006.
- “10K Handout: Better Than Welfare,” review of *In Our Hands* by Charles Murray, *New York Post*, Sunday, April 2, 2006.
- “Immigrants Don’t Depress Wages,” *New York Sun*, Wednesday, April 12, 2006.
- “ACI Spells Progress in ‘Funded Science’,” *Investor’s Business Daily*, May 8, 2006.
- “No Honor, No Victory,” review of *Honor: A History* by James Bowman, *New York Post*, Sunday, June 4, 2006.

- “Sexist Taxation,” review of *Leaving Women Behind: Modern Families, Outdated Laws*, by Kimberly Strassel, Celeste Colgan, and John Goodman, *New York Post*, June 4, 2006.
- “Walls to No Avail,” *New York Sun*, July 19, 2006.
- “Friends for Life, Today and Then,” review of *Friendship: An Exposé*, by Joseph Epstein, *New York Post*, August 20, 2006.
- “The Case for Immigration,” *New York Sun*, September 22, 2006.
- “America, Job Frontier,” *New York Sun*, October 9, 2006.
- “The Borjas Blame Game,” *New York Sun*, October 13, 2006.
- “Minimum Wage, Still Crazy After All These Years,” *New York Sun*, October 20, 2006.
- “Cheer Up, Homeowner,” *New York Sun*, October 27, 2006.
- “Doing Just Fine after All,” *New York Sun*, November 6, 2006.
- “Keeping America Competitive,” *New York Sun*, November 10, 2006.
- “Now Wage a Campaign for Economic Growth,” *Washington Post*, November 11, 2006.
- “Money Myths: Work Really Does Pay,” review of *Income and Wealth*, by Alan Reynolds, *New York Post*, November 12, 2006.
- “Where the Money Goes,” *New York Sun*, November 17, 2006.
- “Watch How They Shop,” *New York Sun*, November 24, 2006.
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15. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

- “The Puzzle of Job Vacancies,” testimony before the Joint Economic Committee, July 12, 2017.
- “The Environmental Protection Agency’s Flawed Cost-Benefit Analysis Methodology,” testimony before the Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Senate Committee on Environment and Public Works, October 21, 2015.

- “Raising the Minimum Wage for Fast Food Workers,” before New York Wage Board, June 22, 2015.
- “Empowerment in the Workplace,” testimony before the U.S. Joint Economic Committee, June 18, 2014.
- “The Benefits of Natural Gas Exports,” testimony before the U.S. Joint Economic Committee, June 24, 2014.
- “The Disadvantages of High Marginal Tax Rates,” testimony before the New York Senate Standing Committee on Finance and Standing Committee on Investigations and Government Operations, October 4, 2013.
- “If Climate Change Is Happening Now, What Do We Do?” testimony before the Senate Environment and Public Works Committee, July 18, 2013.
- “Effects of the Affordable Care Act on Jobs,” testimony before the Subcommittee on Health of the House Energy and Commerce Committee, March 13, 2013.
- “Sequestration: Examining Employers’ WARN Act Responsibilities,” testimony before the Subcommittee on Workforce Protections of the House Committee on Education and the Workforce, February 14, 2013.
- “Effects of Regulatory and Fiscal Uncertainty on Entrepreneurs,” testimony before the Senate Committee on Small Business and Entrepreneurship, November 29, 2012.
- “The American Energy Initiative: No More Solyndras” testimony before the Subcommittee on Energy and Power of the House Committee on Energy and Commerce, July 12, 2012.
- “Green Jobs in the U.S. Economy,” testimony before the House Committee on Oversight and Government Reform, June 6, 2012.
- “Solving the Long-Term Unemployment Crisis for Older Workers,” testimony before the Senate Special Committee on Aging, May 15, 2012.
- “Disincentive Effects of the PPACA on Job Creation,” testimony before the Subcommittee on Health Care of the House Committee on Ways and Means, March 29, 2012.
- “How to Lower Gasoline Prices,” testimony before the House Committee on Natural Resources, March 21, 2012.
- “The Advantages of a Balanced Budget Amendment,” testimony before the Subcommittee on the Constitution, Civil Rights, and Human Rights of the Senate Committee on the Judiciary, November 30, 2011.
- “The Effects of the Affordable Care Act on Work and Marriage,” testimony before the Subcommittee on Health Care, District of Columbia, Census, and the National Archives of the House Committee on Oversight and Government Reform, October 27, 2011.
- “Take 2: The President’s Proposal to Stimulate the Economy and Create Jobs,” testimony before the Subcommittee on Regulatory Affairs, Stimulus Oversight, and Government Spending of the House Committee on Oversight and Government Reform, September 13, 2011.
- “Regulatory and Statutory Barriers to Employment,” testimony before the Joint Economic Committee, July 12, 2011.
- “Social, Behavioral, and Economic Science Research: The Need for Federal Investments and Priorities for Funding,” testimony before the Subcommittee on Research and Science Education of the House Committee on Science, Space, and Technology, June 2, 2011.
- “The Future of Union Transparency and Accountability,” testimony before the Subcommittee on Health, Employment, Labor, and Pensions of the House Committee on Education and the Workforce, March 31, 2011.
- “The Gender Pay Gap,” testimony before the Joint Economic Committee, September 28, 2010.
- “Long-Term Unemployment: Problem and Solutions,” testimony before the Joint Economic Committee, April 29, 2010.
- “The American Samoa Protection of Industry, Resources, and Employment Act,” testimony before the Subcommittee on Insular Affairs, Oceans, and Wildlife, of the House Committee on Natural Resources, November 4, 2009.
- “Testimony on Medical Debt: Can Bankruptcy Reform Facilitate a Fresh Start?” testimony before the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, October 20, 2009.

“Testimony on the Effects of Health Reform Proposals on Women,” testimony before the Senate Committee on Health, Education, Labor and Pensions, October 15, 2009.

“Testimony on the Gender Pay Gap,” testimony before the Joint Economic Committee, April 28, 2009.

“Testimony on the Growing Income Gap in the American Middle Class,” testimony before the Subcommittee on Workforce Protections of the House Committee on Education and Labor, July 31, 2008.

“Promoting U.S. Worker Competitiveness in a Globalized Economy,” testimony before the Subcommittee on Investigations and Oversight of the House Committee on Science, June 24, 2008.

“Consequences and Solutions to America’s Energy Crisis,” testimony before the House Committee on Natural Resources, June 18, 2008.

“Testimony on the Employment Status of Women,” testimony before the Joint Economic Committee, June 4, 2008.

“Testimony on Promoting Worker Competitiveness in a Globalized Economy,” testimony before the House Committee on Ways and Means, June 14, 2007.

“Testimony on the Future of Undocumented Immigrant Students,” testimony before the House Judiciary Committee’s Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, May 18, 2007.

“Testimony on the Paycheck Fairness Act,” testimony before the House Committee on Education and Labor, April 24, 2007.

“Economic Security for Working Families,” testimony before the House Committee on Education and Labor, January 31, 2007.

“Testimony on Behalf of Judge John Roberts to Be Chief Justice of the Supreme Court,” testimony before the Senate Committee on the Judiciary, September 15, 2005.

“The Challenges of the 21st Century Workforce,” testimony before the Senate Committee on Health, Education, Labor, and Pensions, May 26, 2005.

“The Statistically Misleading 74 Cent Wage Gap,” testimony before the Equal Employment Opportunity Commission, Philadelphia, Pennsylvania, April 12, 1999.

“The Economic Effects of Capital Gains Taxation,” testimony before the Senate Committee on Agriculture, Nutrition, and Forestry, February 26, 1997.

“The Working Families Flexibility Act,” testimony before the House Committee on Education and the Workforce, Subcommittee on Workforce Protections, February 5, 1997.

“The Difficulty of Interpreting Income Distribution Tables,” testimony before the National Commission on Economic Growth and Tax Reform, July 12, 1995.

16. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I would be nominated for Assistant Secretary for Research and Technology. Nothing is more important to the economic health of America than getting the private sector involved in rebuilding the Nation’s infrastructure. As an economist with over 30 years of experience, I have studied the provision of infrastructure and transportation extensively. I have written articles on transportation issues and on regulation. In addition, I have managed staffs at the Council of Economic Advisers, at the Department of Labor, and at the Manhattan Institute. I have reviewed hundreds of papers and articles to determine their quality and suitability for publication.

17. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

I would be responsible for managing the Office of the Assistant Secretary for Research and Technology. I would make sure that the programs in the Office are efficiently run and that the legal and technical responsibilities of the Office are met. I would ensure that Congress’s appropriated funds were properly managed. I have managed the staff of the Council of Economic Advisers, a staff of 35 professionals at the White House. For the past several years I have managed the Washington office of the Manhattan Institute for Policy Research.

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

The first challenge is managing the Office of the Assistant Secretary and the research portfolio. The second challenge is making sure that the quality of the research is as high as possible. This is particularly difficult given the rapidly changing technology, such as autonomous vehicles and drones. The third challenge is getting the private sector involved in rebuilding America's infrastructure.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I am currently paid a salary by the Manhattan Institute and I receive an annual bonus. The Manhattan Institute contributes to my retirement account. I am paid a salary by George Washington University for teaching labor economics if I teach a course, although I am not teaching at present. I would no longer be employed by the Manhattan Institute nor George Washington University if I were to be confirmed. I have no deferred compensation or continuing dealings with these institutions.

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

No.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

I have never been a registered lobbyist. I have no consulting clients. I have never accepted funds for taking any positions. I have written many columns advocating lower taxes, less regulation, and lower government spending in an effort to change our government's policies. I wrote a paper for the Advanced Medical Technology Association measuring the employment effects of the Medical Device Tax, for which I was paid \$15,000 in 2009 and \$10,000 to update it in 2011.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

C. LEGAL MATTERS

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

If yes:

a. Provide the name of agency, association, committee, or group;

- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain. No.
 3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.
 4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.
 5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain. No.
 6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

D. RELATIONSHIP WITH COMMITTEE

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

RESUMÉ OF DIANA FURCHTGOTT-ROTH

Employment

Manhattan Institute for Policy Research, 2009 to present.

Senior Fellow and Director, Economics 21. Manage Manhattan Institute's Washington office. Coordinate the Shadow Open Market Committee meetings and publications. Write papers, books, articles, and columns on a variety of economic issues, including taxation, economic growth, income inequality, and labor market regulation.

George Washington University, 2016 to present.

Adjunct Professor. Teach Labor Economics and Public Policy in the Applied Economics MA program.

Hudson Institute, 2005–2011.

Senior Fellow and Director, Center for Employment Policy. Wrote papers on labor economics, including entrepreneurship, effects of financial policies, and education and job training, in the United States and overseas. Editor, *Overcoming Barriers to Entrepreneurship in the United States* (Lexington Books, 2008).

U.S. Department of Labor, 2003–2005.

Chief Economist. Performed and directed research on topics of interest to the Secretary and senior staff, such as regulatory changes, effects of regulation, minimum wage, pensions, health care, immigration, and the changing workforce.

Council of Economic Advisers, Executive Office of the President, 2001–2003.

Chief of Staff; Special Adviser to the Council. Supervised production of the *Economic Report of the President*. Managed 35-person staff for the Chairman. Organized economists' representation at meetings within the Executive Office of the President and outside agencies and their interaction with White House staff.

American Enterprise Institute, 1993–2001.

Resident Fellow; Assistant to the President. Performed research on taxation, labor economics, and sex discrimination. Coauthor of two books on women in the workforce. Organized seminars and conferences on economic and regulatory issues.

The White House, 1991–1993.

Associate Director and Deputy Executive Secretary, Domestic Policy Council; Associate Director, Office of Policy Planning. Prepared and reviewed domestic policy options for President Bush in the areas of deregulation and taxation. Coordinated interagency working groups on domestic policy issues.

American Petroleum Institute, 1987–1991.

Economist. Conducted studies, wrote papers, and directed research on tax, energy, and environmental issues.

Council of Economic Advisers, Executive Office of the President, 1986–1987.

Junior Staff Economist. Provided support to the Chairman and Members of Council on microeconomic issues including labor, tax policy, and regulation.

Policy Economics Group, 1985–1986.

Economist. Analyzed the effects of proposed changes in tax laws on various industries including banking, railroad, and trucking.

Booz, Allen and Hamilton Inc., 1983–1984. *Senior Consultant*.

Books

Disinherited: How Washington is Betraying America's Young, with Jared Meyer, Encounter Books, May 2015. Winner of Sir Antony Fisher International Memorial Award, Atlas Foundation, 2016.

Regulating to Disaster: How Green Jobs Policies Are Imaging America's Economy, Encounter Books, 2012.

Women's Figures: An Illustrated Guide to the Economic Progress of Women in America, AEI Press, 2012.

How Obama's Gender Policies Undermine America, Encounter Books, 2010.

Overcoming Barriers to Entrepreneurship in the United States (edited volume), Lexington Books, 2008.

The Feminist Dilemma: When Success Is Not Enough, with Christine Stolba, AEI Press, 2001.

Women's Figures: An Illustrated Guide to the Economic Progress of Women in America, with Christine Stolba, AEI Press and Independent Women's Forum, 1999.

Columns

Weekly columnist for MarketWatch.com, 2012–2017.

Monthly columnist for *Tax Notes*, 2010–2017.

Weekly columnist for *Washington Examiner*, 2010–2014.

Weekly columnist for RealClearMarkets.com, 2009–2015.

Weekly columnist for Reuters.com, 2008–2009.

Weekly columnist for *New York Sun*, 2006–2009.

Education

M. Phil. in Economics, Oxford University, 1982.

B.A. cum laude in Economics, Swarthmore College, 1979.

Senator BLUNT. Thank you.

Mr. Martinez.

STATEMENT OF RAYMOND P. MARTINEZ, NOMINEE FOR ADMINISTRATOR, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. MARTINEZ. Thank you very much, Chairman Blunt, Ranking Member Booker, and members of the Committee. Thank you for the opportunity to appear before you today as the President's nominee for Administrator of the Federal Motor Carrier Safety Administration. I am grateful to President Trump and Secretary Chao for the opportunity to be nominated to serve in this key position. It is integral to improving the safety of our Nation's roadways.

As the former Motor Vehicle Commissioner and Chairman of the Governor's Safety Committee in New York State and the current Chairman and Chief Administrator of the State of New Jersey Motor Vehicle Commission, I have been a partner with other State agencies, as well as stakeholders, to advance safety on our roadways. I have developed close working relationships with both the FMCSA, NHTSA, as well as safety advocates, including AAA, the National Safety Council, and other national, State, and local safety groups. I believe that open communication and collaboration are very important and would continue this practice as FMCSA Administrator.

The FMCSA has jurisdiction over more than 550,000 trucks and bus companies and 6 million commercial driver license holders who share the road with 250 million other motorists. The majority of the FMCSA staff is field-based, about 1,100 strong. But much of its mission is to encourage State partners to join in safety initiatives and to be a force multiplier for commercial motor vehicle enforcement.

In both New York and New Jersey, to ensure that we were utilizing the best available data when approaching transportation and traffic safety challenges, we also routinely engaged with thought leaders at some of the university research institutions in our region that continue to do great work in the area of traffic safety, including the Institute for Traffic Safety Management and Research ITSMR at the State University of New York at Albany, the Vorhees Transportation Research Center at Rutgers University, the consortium of 19 major universities that make up the University Transportation Research Center based at the City University of New York, and the transportation research program at Princeton University. I have found this open dialogue and cross pollination of ideas essential to problem solving. Implementation of laws and promulgating regulations should be done with the best information available and must be viewed by stakeholders as reasonable, rational, and fair. If confirmed as FMCSA Administrator, I would continue to pursue data-driven policies.

Each year, the safety landscape on our roadways becomes more and more complex and challenging. The tried and true approach of applying the three E's of traffic safety: engineering, that is, applying the application of new technologies; education, meaning the better training and testing of those in the truck and bus industry, but also those sharing the road with trucks and buses; and enforcement, effective enforcement of our existing laws and regulations. As an important mode within the Department of Transportation, the FMCSA needs to do its part to keep our highways as safe as possible and to drive the number of crashes, injuries, and fatalities down to zero. Note I say crashes." I try not to refer to accidents. Crashes are preventable. There is a cause or causes, and we have to find them and reduce those causes.

Early on, my parents instilled in me that citizenship carried responsibilities, including civic engagement, and that public service was a good and honorable endeavor. Indeed, like many here, I have found public service to be a calling. It has given me a chance to work with dedicated and knowledgeable colleagues in a field that

makes a real difference in people's lives and has the potential to improve the communities we all live in.

I thank the Committee for your consideration. If confirmed, I would look forward to working with you and your staff on our mutual goals of highway safety and effective transportation. I stand ready to answer any questions that you may have. Thank you.

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

PREPARED STATEMENT OF RAYMOND P. MARTINEZ, NOMINEE FOR ADMINISTRATOR,
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, U.S. DEPARTMENT OF
TRANSPORTATION

Chairman Thune, Ranking Member Nelson, and members of the Committee:

Thank you for the opportunity to appear before you today as the President's nominee for Administrator of the Federal Motor Carrier Safety Administration. I am grateful to President Trump and Secretary Chao for the opportunity to serve in this key position that is integrally involved in improving safety on our Nation's roadways.

As the former Motor Vehicle Commissioner and Chairman of the Governors Traffic Safety Committee in New York State and the current Chairman & Chief Administrator of the State of New Jersey Motor Vehicle Commission, I have been a partner with other state agencies as well as stakeholders to advance safety on our roads. I have developed close working relationships with both FMCSA and NHTSA as well as with safety advocates, including AAA, the National Safety Council, and MADD. I believe that open communication and collaboration are very important and would continue this practice as FMCSA administrator.

Additionally, FMCSA has jurisdiction over more than 550,000 truck and bus companies and 6 million commercial driver license holders who share the road with 250 million other motorists. The majority of the FMCSA staff is field based, and much of its mission is to encourage state partners to join in safety initiatives and to be a force multiplier for CMV enforcement.

In both New York and New Jersey, to ensure that we were utilizing the best available data when approaching transportation and traffic safety challenges, we also routinely engaged with thought leaders at some of the university research institutions in our region that continue to do great work in the area of traffic safety including the Institute for Traffic Safety Management and Research (ITSMR) at the State University of New York at Albany, the Vorhees Transportation Center at Rutgers University, and the consortium of 19 major universities that make up the University Transportation Research Center (UTRC) based at the City University of New York. I have found this open dialogue and cross pollination of ideas was essential to problem-solving. Implementation of laws and promulgating regulations should be done with the best information available, and must be viewed by stakeholders as reasonable, rational and fair. If confirmed as FMCSA administrator, I would continue to pursue data-driven policies.

Each year, the safety landscape on our roadways becomes more and more complex and challenging. The tried and true approach of applying the three "E's" of traffic safety: *Engineering* applies the application of new technologies; *Education* means better training and testing of those in the truck and bus industry and the sharing of important safety information for those who share the road with trucks and buses; and *Enforcement* of laws and regulations. As an integral part of the Department of Transportation, FMCSA needs to do its part to keep our highways as safe as possible and to drive the number of crashes, injuries and fatalities down to zero.

Early on, my parents instilled in me that citizenship carried responsibilities, including civic engagement, and that public service was a good and honorable endeavor. Indeed, like many, I have found public service to be a calling. It has given me a chance to work with dedicated colleagues in a field that makes a real difference in people's lives and has the potential to improve the communities we all live in.

I thank the Committee for your consideration. If confirmed, I would look forward to working with you and your staff on our mutual goals of highway safety and effective transportation. I stand ready to answer any questions you may have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
Raymond Phillip Martinez.
2. Position to which nominated: Administrator, Federal Motor Carrier Safety Administration, U.S. Department of Transportation.
3. Date of Nomination: September 29, 2017.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.
Office: New Jersey Motor Vehicle Commission, 225 East State Street, Trenton, NJ 08666.
5. Date and Place of Birth: December 9, 1960; Bronx County, New York City, New York.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
Spouse: None.
7. List all college and graduate degrees. Provide year and school attended.
Juris Doctor—1993—St. John's University School of Law
Baccalaureate—1983—Long Island University/C.W. Post College
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

All post-undergraduate employment

1/10—Present New Jersey Motor Vehicle Commission—Chairman & Chief Administrator
 12/05–1/09—United States Department of State—Deputy United States Chief of Protocol
 12/00–12/05—New York State Department of Motor Vehicles Commissioner/Chairman Governors Traffic Safety Committee—State Highway Safety Representative
 2/99–12/00—Long Island Power Authority—Assistant General Counsel
 7/97–1/99—New York State Attorney General's Office—Deputy Chief of Staff & Special Counsel
 1/94–7/97—Davidoff & Mali, LLP—Associate Attorney
 2/92–6/93 Queens County District Attorney's Office—Criminal Court Bureau Legal Assistant
 6/89–3/90—Citicorp/Citibank—Assistant Vice President for Protocol & Special Events
 9/86–2/89—The White House—Deputy Director for Scheduling & Advance for the First Lady
 3/85–9/86—U.S. Department of Housing & Urban Development, Region II—Special Assistant
 12/82–2/85—New York State Senate, 6th Senatorial District—Legislative Aide to Senator

Current and Past employment related to position to which I have been nominated

Chairman & Chief Administrator—New Jersey Motor Vehicle Commission
 Commissioner New York State Department of Motor Vehicles/Chair Governors Traffic Safety Committee—State Highway Safety Representative
 New York State Attorney General's Office—Deputy Chief of Staff & Special Counsel
 New York State Senate—Legislative Aide

9. Attach a copy of your resumé. Resumé attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.
As Chairman & Chief Administrator of the New Jersey Motor Vehicle Commission I serve as a Member of the Executive Board of the Federal Bureau of Investigation, Joint Terrorism Task Force for New Jersey.

As Chairman & Chief Administrator of the New Jersey Motor Vehicle Commission I serve as the Governors appointee on the New Jersey State Planning Commission.

Both of these positions are uncompensated. If confirmed, I will resign from both positions.

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

None/Not Applicable.

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

Member of the Board of Directors of the American Association of Motor Vehicle Administrators (AAMVA). I serve on this Board by virtue of my position as the Chief Motor Vehicle Administrator for the State of New Jersey. This organization has no membership restrictions based upon sex, race, color, religion, national origin, age or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

I have never been a candidate for public office or incurred campaign related debt. I currently serve as Chairman & Chief Administrator of the New Jersey Motor Vehicle Commission, a state cabinet level position which requires nomination by the Governor and confirmation by the State Senate.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

I have not held office with or rendered services to any state or national political party or election committee in the past ten years.

My contributions to individuals, campaign organizations, political parties, political action committees or similar entities of \$500.00 or more in the last ten years are as follows:

5/22/2009—\$500. To the Republican Campaign Committee of New York
 10/04/2011—\$1,000. To State Senator Joe Kyrillos, N.J. 13th Legislative District
 10/25/2012—\$500. To Mitt Romney Presidential Campaign
 2/11/2013—\$1,000. To Chris Christie, 2013 Governor Primary Campaign
 6/28/2013—\$500. To Christopher J. Christie 2013 Governor General Campaign

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

Summer 2005—American Association of Motor Vehicle Administrators (AAMVA) Fellowship to the John F. Kennedy School of Government/Harvard University, Program for Senior Executives in State & Local Government
 2005—New York State Bar Association and the Committee on Volunteer Lawyers—Award for Leadership

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

Presenter—Princeton University Smart Driving Vehicle Summit
 Presenter—New Jersey Association of Chiefs of Police
 Presenter—New Jersey Traffic Officers Association
 Presenter—Constitutional Officers Association of New Jersey
 Presenter—International Association of Transportation Regulators
 Presenter—City University of New York—Urban Transportation Research Center
 Presenter—NYU—Connected & Autonomous Vehicles Symposium
 Presenter—Connect:ID, Identification Security Conference

All of these speeches have been given in my official capacity as Chairman & Chief Administrator of the New Jersey Motor Vehicle Commission and I have received no additional compensation for their presentation.

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

I have not testified orally or in writing before Congress.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

The mission of the FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. As Chairman and Chief Administrator of the New Jersey Motor Vehicle Commission, an organization of 2,300 employees located throughout the state, I believe I am qualified to lead the FMCSA. I am eager to assist the FMCSA focus on its mandate by developing and enforcing data driven regulations that enhance safety, with a particular focus on higher risk carriers; ensuring proper attention and resources are dedicated to enforcement; targeting educational messages and information to carriers, commercial drivers, and the public; and partnering with stakeholders including Federal, State, and local enforcement agencies, the motor carrier industry, safety groups, and organized labor on efforts to reduce bus and truck related crashes.

Similarly, as Commissioner of the New York Department of Motor Vehicles and Chairman of the Governors Traffic Safety Commission, I coordinated statewide traffic safety activities and promoted the state's highway safety program to provide for the safe transportation of people and goods on the roadways throughout the state. I managed the state highway safety program by reviewing and monitoring grant programs, coordinating special programs throughout the state and providing guidance and oversight to state and local agencies. I believe this experience will enable me to be an effective partner with other modal administrations at DOT to improve safety.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls. and what experience do you have in managing a large organization?

I have experience in leading large public agencies and agree that accountability is critically important. If confirmed, I would expect to be charged with the responsibility of establishing or maintaining processes and procedures that would generally provide the Secretary and Congress continued assurance that:

FMCSA data and information is accurate, reliable, complete and timely; the actions of FMCSA personnel are at all times in compliance with all applicable law, regulation, policies, standards and procedures; FMCSA employees are effectively deployed, engaged, and encouraged in accomplishing the mission; and that FMCSA is a good, honest steward of public resources.

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

1. Safety must remain the FMCSA top priority. Emerging technologies like highly automated or self-driving vehicles, especially large trucks, provide potential for great improvement in highway safety as well as operational efficiencies for industry stakeholders. However, these same emerging technologies and related safety concerns and enforcement issues also pose challenges to the FMCSA regulatory and oversight role and its safety mission. The FMCSA must ensure appropriate, balanced regulation and seamless integration of any new and developing technologies into the existing highway safety landscape without hindering innovation.
2. The FMCSA is increasingly dependent upon its IT infrastructure and the use of outside vendors in order to accomplish its core safety mission. Safeguarding this infrastructure by employing stringent management and strong risk mitigation will help to ensure the security, stability and sustainability of its data management and communications capability.
3. The FMCSA must continue to expand and enhance its relationship with its transportation safety partners at every level of government as well as with those stakeholders in the private sector. Highway traffic safety, especially in relation to the truck and motorcoach sectors, requires extensive and continued cooperation between all of these entities. Effective regulation and continued improvement of safety in this area can only be achieved by leveraging current.

valid and verifiable data from all of these sources in order to identify areas of risk and focus enforcement efforts more efficiently on those identified areas.

B. POTENTIAL CONFLICTS OF INTEREST

A. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

I currently receive a salary from the State of New Jersey for my position as Chairman & Chief Administrator of the State Motor Vehicle Commission. If confirmed, I will resign from my salaried position as Chairman & Chief Administrator of the State Motor Vehicle Commission.

My retirement accounts include in total, state retirement accounts from New York and New Jersey:

A New York State Deferred Compensation Plan [a 457 Plan]. Neither my former employer nor I, currently or in the future, will make contributions to this plan.

A New Jersey Defined Contribution Retirement Plan [a 401(a) Plan] and a New Jersey State Employees Deferred Compensation [a 457 Plan]. If confirmed, neither I nor my current employer will make any further contributions to the plans.

I also have a Thrift Savings Plan Account from my previous Federal service. If confirmed, I will retain my TSP account.

I have no other financial arrangements or agreements that would involve continuing dealings with current associates, clients, or customers.

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

No.

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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's (DOT) Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last ten 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

I serve as the Chairman & Chief Administrator of the New Jersey Motor Vehicle Commission (NJMVC). In that capacity, I and the Motor Vehicle Commission are asked by both the Governor and the Legislature to assess the impact of proposed legislation that is in any way related to the NJMVC. In any given legislative session dozens of bills are submitted that require review and submission of comments through the Legislative Liaison in the NJMVC Office of Legislative and Regulatory Affairs.

On an annual basis, I testify before both the State Assembly and the State Senate Budget Committees.

I have also testified before the State Senate and State Assembly Transportation Committees on matters related to the Motor Vehicle Commission.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of inter-

est will be resolved with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

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

Yes—DUI 8/89, Nassau County, New York

Yes—DUI 9/87, Fairfax County, Virginia

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

No. I have not been a party to civil litigation, administrative agency proceedings, or criminal proceedings, except as described in response to Question 4 below. The public agencies of which I have been an officer have on occasion been parties to litigation, but none of those litigation matters has concerned activities involving me personally.

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

Yes—DUI 8/89, Nassau County, New York (Same as above)

Yes—DUI 9/87, Fairfax County, Virginia (Same as above)

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

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

D. RELATIONSHIP WITH COMMITTEE

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

Yes, to the extent reasonable and feasible.

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

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

Yes, to the extent consistent with legal and customary requirements.

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.

RESUMÉ OF RAYMOND P. MARTINEZ

Experience

January 2010–Present

New Jersey Motor Vehicle Commission—Trenton, NJ

Chairman & Chief Administrator

Nominated by the Governor to serve in his Cabinet and confirmed by the State Senate. Chief Executive of a public agency with 2,500 employees located at 70 locations throughout the state handling over 25 million customer contacts annually. Advisor

to the Governor and the Legislature on all areas of motor vehicle transportation and traffic safety. Serve as the Chairman of the MC Board, a regulatory policy making body made up of government and public members. Interact daily with local, state and federal government officials. Responsible for the development of the agency legislative and regulatory agenda and all project prioritization. Oversee an operating budget of 330 million dollars and an annual revenue stream of over 1 billion dollars. Spokesperson on motor vehicle traffic safety issues via legislative testimony, news media and public service announcements. Board Member of the New Jersey State Planning Commission representing the state in oversight of land use, environmental protection issues, transportation planning and development. Executive Board Member—U.S. Department of Justice/FBI, Joint Terrorism Task Force for New Jersey (JTTF). Federal clearance level: DOJ/Secret.

December 2005–January 2009

United States Department of State & The White House—Washington, DC

Deputy Chief of Protocol of the United States

Managed five operational divisions: Diplomatic Affairs; Foreign Visits; Ceremonial Events; Blair House; and Administration. Accompanied the President on official visits abroad. Oversaw U.S. delegations appointed by the President and traveled with them overseas for meetings with foreign leaders. Served as the President's liaison to 186 foreign Ambassadors in Washington. Coordinated the visits of foreign heads of state and coordinated meetings with members of congress, cabinet officials and the President. Served as counsel on diplomatic immunity issues pursuant to U.S. and international law. Managed a staff of 70 and an annual budget of 8 million. Acted as spokesman for all media issues. Responsible for all operational matters including human resources, legal, budget, intergovernmental relations and public affairs. Served on U.S. Government missions to over 70 countries. Federal clearance level: White House/State Department—Top Secret/SCI.

December 2000–December 2005

New York State Department of Motor Vehicles—Albany, NY

Commissioner

Nominated by Governor George Pataki to serve in his Cabinet and confirmed by the State Senate Chief Executive of a state agency that served more than 20 million customers per year and generated over \$1 billion in annual revenues. Oversaw network of 129 offices statewide, including Administrative Law Judges, Legal Department and a State Investigators unit. Responsible for annual budget of over 350 million dollars. Served Chairman of the Governor's Traffic Safety Committee, administering over 50 million dollars annually in federal funds for state and local highway safety projects. Interacted daily with local, state and Federal officials. Developed Department legislative and regulatory agenda, project prioritization and budget. State spokesperson on traffic safety issues via legislative testimony, news media and public service announcements.

February 1999–December 2000

Long Island Power Authority—Uniondale, NY

Assistant General Counsel

Handled legal matters for large public utility. Supervised work of numerous outside legal counsel. Prepared briefings for the Chairman and General Counsel. Regular interaction with local, state and Federal officials.

July 1997–January 1999

New York State Attorney General's Office—New York & Albany, NY

Deputy Chief of Staff and Special Counsel

Reported to the Attorney General on wide variety of sensitive projects, interacted daily with elected officials, advocates, business groups and attorneys on legislative and case related matters. Supervised legal aspects of responses to the media, other government officials and the public.

January 1994–July 1997

Davidoff & Mali, LLP—Albany, NY

Associate Attorney

Handled legal assignments in the areas of government relations, legislation, administrative and municipal law.

March 1992–June 1993

Office of the Queens County District Attorney—Queens, NY

Criminal Court Bureau Legal Assistant (while attending law school)

Appeared in court for daily calendar and hearings. Reviewed motions and prepared responses. Assisted Bureau Chief in organizing case materials for homicide trial.

June 1989–March 1990

Citicorp/Citibank, Corporate Headquarters—New York, NY
Assistant Vice-President for Protocol & Special Events
Handled program development and event management for the Chairman and Board of Directors.

Sept 1986–Feb. 1989

The Whitehouse—Washington, DC
Deputy Director for Scheduling & Advance for the First Lady
Planned public events for the President and First Lady. Prepared detailed schedules and briefings. Traveled extensively throughout the U.S. and abroad. Federal Clearance Level: White House—Top Secret/SCI.

March 1985–Sept. 1986

United States Department of Housing & Urban Development—New York, NY
Special Assistant to the Regional Administrator for Region II
(New York, New Jersey, Puerto Rico, and the Virgin Islands)
Handled projects involving regional policy issues. Served as liaison to government officials, business and citizens groups within the region.

Dec. 1982–Feb. 1985

New York State Senate—Albany & Garden City, NY
Legislative Aide to Senator John R. Dunne
Principal community relations assistant. Prepared reports on developing public policy issues and represented senator at public hearings, business and community group meetings throughout the district and the region.

Education & Training

St. John's University School of Law—Jamaica, NY
Juris Doctor—Admitted to practice in New York State in February 1994

Long Island University/C.W. Post College—Greenvale NY
B.A. in Political Science—June 1983

Summer 2005 Fellow

John F. Kennedy School of Government/Harvard University—Cambridge, MA
Program for Senior Executives in State & Local Government

Teaching & Independent Consulting

2010–Present	Presenter—New Jersey Association of Chiefs of Police Presenter—New Jersey Traffic Officers Association Presenter—Constitutional Officers Association of New Jersey Presenter—International Association of Transportation Regulators Presenter—CUNY—Urban Transportation Research Center
2005–2009	Presenter—National Association of State Secretaries of State Presenter—Washington, D.C. Consular Corps Presenter—U.S. House of Representatives retreat
2000–2005	Presenter—United States Secret Service Electronic Crimes Task Force Presenter—New York Prosecutors Training Institute DPresenter—New York State Sheriffs Association Presenter—New York State Association of Chiefs of Police
1994–1997	Adjunct Faculty—Long Island University/C.W. Post College, Greenvale, N.Y. School of Public Administration

Professional Associations

2015	International Board, American Association of Motor Vehicle Administrators (AAMVA)—Representing the State of New Jersey
2004–2005	International Board, American Association of Motor Vehicle Administrators (AAMVA)—Representing the State of New York
2005	President, AAMYA—Region I (Mid-Atlantic and New England states & Northeast Canadian Provinces) Worked with counterpart commissioners and other jurisdiction officials throughout the northeast region of the United States and Canada.
2008	St. John's University School of Law—Distinguished Alumni in Government Service

Senator BLUNT. Thank you, Mr. Martinez.
Mr. Landsberg.

**STATEMENT OF BRUCE S. LANDSBERG, TO BE A MEMBER OF
THE NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. LANDSBERG. Thank you, Chairman Blunt, Ranking Member Booker, and distinguished Members of the Committee. I am honored to appear before you today as you consider my nomination as a member of the National Transportation Safety Board. And I am grateful to President Trump for the confidence he has placed in me in making this nomination.

I am joined today by my son Matthew who is here to observe the proceedings.

My entire working career has been devoted to safety, either directly or indirectly. As a young Air Force officer assigned to nuclear weapons, safety was paramount. As a flight instructor, my job was not only to keep the training aircraft safe but to impart safety knowledge to my students.

Although I flew both light and corporate turbine aircraft during my tenure here, that was never my primary responsibility. For the last 33 years, my employers have had the word "safety" in the organization name. For 22 years, I was the Executive Director and President of the AOPA Foundation and the Air Safety Institute. The mission was to promote safety for all pilots with an emphasis on business and personal flight operations where ongoing effort is placed to improve their safety record.

I have served on many government committees, including NASA's Aviation Safety Committee and the National Weather Service's Modernization Transition Committee, as the aviation representative. For the FAA, I served on the Research, Engineering and Development Advisory Committee and was the Industry Co-Chair on runway incursions, which remains an ongoing challenge. My longest and most recent committee assignment was as the Industry Co-Chair of the Joint Aviation Steering Committee, which is similar to the Commercial Airline Safety Team.

As industry co-chair, I spent 14 years working collaboratively with FAA, NTSB, and many industry groups to identify the primary sources of fatal accidents and address them. We made many recommendations, and I am pleased to say that there has been a significant reduction in the general aviation fatal accident rate. There is still more to be done.

If confirmed, there are several areas that I believe would be beneficial for the NTSB to address.

Automation implementation across all modes, surface, airborne, and marine. The engineering and human factors challenges are significant and urgent.

The integration of drones, or unmanned aerial systems, into airspace to prevent collisions with manned aircraft.

And finally, the continuing and ongoing emphasis on human factors across all modes.

There is a fine balance between appropriate and essential regulation for the protection of life and practical recommendations that allow as much freedom and innovation consistent with safety. By learning from past tragedies across all modes, there is great opportunity. As accidents become fewer and data collection improves, looking for precursors to high-risk operations and situations be-

comes the next frontier. Data leads the way, but safety first, always.

If confirmed, it would be my honor to serve. I look forward to working collaboratively with my fellow board members, the NTSB staff, and this Committee to enhance transportation safety for all modes for the benefit of all.

Thank you for the opportunity to be here, and I look forward to your questions.

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

PREPARED STATEMENT OF BRUCE S. LANDSBERG NOMINEE TO BE A MEMBER,
NATIONAL TRANSPORTATION SAFETY BOARD

Thank you, Chairman Thune, Ranking Member Nelson, and distinguished Members of the Committee. I am honored to appear before you today as you consider my nomination as a Member of the National Transportation Safety Board (NTSB). I am grateful to President Trump for the confidence he has placed in me to make this nomination.

My entire working career has been devoted to safety, either directly or indirectly. As a young Air Force Officer, assigned to nuclear weapons, safety was paramount. As a flight instructor, my job was not only to keep the training aircraft safe but to impart safety knowledge to my students.

Although I flew both light and turbine corporate aircraft, that was never my primary responsibility. For the last 33 years my employers have had the word "Safety" in the organization name. For 22 years I was executive director and president of the AOPA Foundation and Air Safety Institute. The mission was to promote safety for all pilots with emphasis on business and personal flight operations where ongoing effort is placed to improve the safety record.

I have served on many government committees, including NASA's Aviation Safety Committee and National Weather Service Modernization Transition Committee as aviation representative. For the FAA, I served on the Research, Engineering and Development Advisory committee and was Industry Co-Chair for Runway Incursions, which remains an ongoing challenge. My longest and most recent committee assignment was Industry Co-Chair for the General Aviation Joint Steering Committee—similar to the Commercial Airline Safety Team.

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If confirmed, there are several areas that I believe would be beneficial for the NTSB to address:

1. Automation implementation across all modes, surface, airborne and marine. The engineering and human factors challenges are significant and urgent.
2. The integration of drones, or UAS, into the airspace to prevent collisions with manned aircraft.
3. The continuing and ongoing emphasis on human factors across all modes.

There is a fine balance between appropriate and essential regulation for the protection of life and practical recommendations that allow as much freedom and innovation consistent with safety. By learning from past tragedies across all modes there is great opportunity. As accidents become fewer and data collection improves, looking for precursors to high-risk situations becomes the next frontier. Data leads the way. Safety comes first, always!

If confirmed, it would be my honor to serve. I look forward to working collaboratively with my fellow Board Members, the NTSB staff and this committee to enhance transportation safety across all modes for the benefit of all.

Thank you for the opportunity to be here. I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames: Bruce S. Landsberg.

2. Position to which nominated: NTSB—Board Member, Vice Chair.
3. Date of Nomination: September 29, 2017.
4. Address (List current place of residence and office addresses):
 Residence: Information not provided to the public.
 Office: Information not provided.
5. Date and Place of Birth: July 15, 1949; Washington, D.C.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
 Spouse—Janet D. Landsberg; Son—Matthew E. Landsberg; Son—Neil C. Landsberg (Deceased)
7. List all college and graduate degrees. Provide year and school attended.
 B.A. Psychology, 1971, University of Maryland
 M.A. Industrial Technology, 1976, University of Maryland
8. List all post-undergraduate employment and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
 1973–1976: Beacon Flying Service, Assistant Chief Flight Instructor
 1977–1980: Cessna Aircraft Company, Manager Air Age Education
 1981: American Airlines Training Corporation Instructor
 1981–1992: Product Marketing Manager Flight Safety International
 1992–2014: A Foundation & Air Safety Institute, Executive Director/President
 2015–2016: AOPA Air Safety Institute, Senior Safety Advisor
9. Attach a copy of your resumé. Attached.
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.
 2001–2015: FAA—General Aviation Joint Steering Committee—Industry Chair
 2001–2010 (dates approximate) NASA Aviation Safety Reporting System Committee—Member
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.
 Aviation Accreditation Board International (A)—Board member, safety committee member (approximate) 2009–2014
12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.
 Coalition to End Veteran Suicide: 2014–2017, charitable group—No restriction
 East Cooper Pilots Association Member: 2015–Present—No restriction
13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. No.
14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period. None.
15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.
 Aero Club of New England—Presidents Award
16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.
 Making presentations was an integral part of my position with the Air Safety Institute with hundred of programs over the past 22 years. Subject was general avia-

tion safety, pilot techniques, accident reviews and procedure. Speeches were almost entirely to pilot groups and occasionally to aviation associations. Did not use notes or keep records.

2016 Speeches: NTSB Panelist—Pilot Report Forum—DC

Annual Speeches—given to these same groups every year
Aero Club of New England—Crash Course—Boston, MA—March
NATCA—Communicating for Safety—Las Vegas, March
Sun-N-Fun—Lakeland, FL—April
EAA Air Venture—Oshkosh, WI—July

Articles and Columns

My position at AOPA entailed considerable writing including monthly magazine columns. Topics address aviation safety, pilot procedures and techniques.

Articles—Below is a brief listing of recent writings. Many more can be found at www.aopa.org/news-and-medialartic/es-by-author/bruce-landsberg

AOPA Pilot Magazine

*Margins to live by—August 2017—*Pilots who successfully push the envelope at larger airports sometimes find difficulty at the bucolic grass strips where many go to vacation.

*Sideways Slide—June 2017—*Crosswinds affect all aircraft, big and small. This “Landmark Accident” illustrates that previous experience and training doesn’t always serve us well.

*Vertical Thinking—February 2017—*Controlled flight into terrain (CFIT) is the third leading cause of fatal accidents in general aviation, according to the FAA.

*Only using the Hammer to Train—December 2016—*There’s a consensus that much of the flight training system is broken, and has been for decades.

*Flameout—December 2016—*Distraction is present in one form or another in almost every accident scenario, and the priorities have to be clear as to what gets resolved first.

*Soft Field, Soft Thinking—Sept 2016—*When is a pilot-in-command not responsible for a takeoff gone wrong? What is the role of regulation and common sense?

*Weather Wolves and Crowdsourcing—May 2016—*Have you ever been told that VFR was not recommended, or that there was moderate turbulence ahead, or icing—and nothing bad happened? Ever expected to have an easy flight, and all of those things happened?

*Nobody’s Flying Today—April 2016—*It was a little more than three years ago when a Mooney pilot decided to challenge a big wind in New Mexico.

*Hosed—December 2015—*Love the smell of jet fuel in the morning? You’d better be flying a turbine or a diesel aircraft, because Jet A in a conventional aircraft piston engine will cause a lot of trouble.

*The Annual Brush-up—November 2015—*Feeling a bit rusty? Or, perhaps you’re the self proclaimed ace of the base. How about an honest second opinion?

*Watch That Basket—October 2015—*One of the challenges pilots face in powered flight is what to do when the flight becomes unpowered. Clyde Cessna noted nearly a century ago that, “If the engine stops for any reason, you are due to tumble, and that’s all there is to it!”

*Distracting Distractions—August 2015—*The NTSB looks at the annual carnage that occurs in all modes of transport to determine its top 10 list of things not to do.

*Trust But Verify—July 2015—*The quote, “First, do no harm”—often attributed, erroneously, to the Hippocratic Oath—does have application to aircraft mechanics.

*Aviate First—June 2015—*The late comedian, George Carlin, offered solid advice to, “Always do what is next.” We aviators usually hear it as “Aviate, navigate, communicate.”

*Losing it—May 2015—*It’s always a bad thing when we lose it—whatever “it” may be. In flying, loss of control (LOG) might lead to the ultimate calamity—the loss of life. The NTSB put LOC on its top-10 list for 2015.

*Wild Wings on Takeoffs—February 2015—*The Lancair IV-PT is one of the highest performance kit-built aircraft ever conceived. While the pilot had consider-

able experience in high-performance jets, including vintage fighters, he had received no instruction in this amateur built speedster.

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

Industry Co-Chair, FAA Runway Incursion Subcommittee of FAA Research, Engineering & Development Advisory Committee—November 13, 1997 http://comm docs.house.gov/committees/Trans/hpw105-47.000/hpw105-47_Of.htm

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

As an active pilot and flight instructor for over 45 years, I've had an abiding interest in safety, participating in both corporate and personal aviation. My career has been dedicated to improving pilot education and training, involving both turbine and light aircraft. My most recent career position, which I held for over two decades, addressed the challenges of the largest and most diverse group of flight operations to improve their safety record, ranging from turbine business aircraft to the lightest of training aircraft.

All channels were employed (live seminars, online Weimar and courses, video, direct mail and publications) much like NTSB. While considerable safety improvement has been made, there is still much to be done in all modes.

The NTSB's enabling legislation directs it to conduct independent, unbiased investigation of accidents across all modes of transportation. There can be no higher calling than to preserve life. It would be a great honor to serve our Nation and its citizens in this capacity.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

My role will be to support the Chairman and Managing Director to insure proper setting of priorities with commensurate investment and oversight to prevent waste and overspending.

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

1. Assessing effects of automation across all modes and making safety recommendations.
2. The pros and cons of drones, or UAS, should be understood and appropriate recommendations made to allow greatest possible use without creating unacceptable risk to the public.
3. Continuing to expand understanding of human factors across modes, including complacency, distraction and fatigue.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

- AOPA, deferred compensation 457(b) plan—estimated final cash payment to be received in January 2018, (AOPA has no control over this item.)
- FlightSafety International, defined benefit plan pension-retirement payments received monthly—annuity via Mass Mutual Life Insurance. (FlightSafety has no control over this item.)
- AOPA Defined Benefit Plan: Metropolitan Life Insurance Fixed Annuity—value not ascertainable—have not started annuity. (AOPA has no control over this item.)

More detail provided in Section E—Financial Data

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. None

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

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or

acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. None

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy. None

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

There are no conflicts of interest.

C. LEGAL MATTERS

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

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

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

Civil litigation, DC Superior Court, 2014CA80, settled July 2016, Medical Malpractice.

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

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

D. RELATIONSHIP WITH COMMITTEE

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

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

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

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

RESUMÉ OF BRUCE LANDSBERG

Experienced aviation safety executive with broad industry background and extensive volunteer government service seeks appointment to the National Transportation Safety Board (NTSB).

Employment History

All positions required technical expertise, integrity, ability to collaborate with others to accomplish complex tasks and programs, creativity and persistence to achieve goals. With exception of USAF, positions involved corporate flight operations, accident analysis, safety promotion and management perspective.

Aircraft Owners and Pilot Association (AOPA) Air Safety Institute/AOPA Foundation—Executive Director/President, 1992–2014—Developed and expanded general aviation safety education programs including a national live seminar program working in conjunction with FAA, managed development of more than three dozen online training courses and accident review case studies, developed national general aviation (GA) accident database to provide pilots, industry and government free universal access and published a nationally recognized annual report (Joseph T. Nall Report) to specifically track accidents and analyze general aviation safety trends for accident reduction purposes. Considerable interaction with National Transportation Safety Board.

FlightSafety International—Product Marketing Manager, 1981–1992 Created marketing programs for general aviation pilots of turbine and high performance

multiehgine piston aircraft promoting initial and recurrent simulator training, developed an airline transition training program for new regional airline pilots, new business development, insurance company liaison.

*Cessna Aircraft Company—Manager, Aviation Education Department, 1977–1980—*Assisted colleges and universities integrate aviation operations into their curriculum. Developed fleet sales program adjudication programs/workshops to provide guidance to educational institutions.

U.S. Air Force—Missile Launch Officer 1971–1977, Nuclear ICBMs (Minuteman II/III), Required high level of safety awareness and procedural discipline, Top Secret Cryptographic clearance, includes reserve duty.

Aviation Qualifications

Current aircraft owner and active pilot, Airline Transport Pilot, Flight Instructor, Ground Instructor Flight Experience: 6,200+ hours, 3,000+ hours flight instruction.

Committees and Working Groups

Provided service over 35 years to industry and government in support of aviation safety, training, and accident prevention.

*Aviation Accreditation Board International (AABI)—2010–2014, Board Member, Safety Committee member—*provided general guidance regarding aviation flight operations and accreditation to collegiate aviation programs.

FAA Research, Engineering and Development Committee member—1994–1998, served as general aviation representative to assist FAA in choosing appropriate programs for future investment.

FAA Runway Safety Program Industry Co-Chair—1997 (est), developed recommendations for FAA Flight Standards, Airports, Air Traffic Control and industry on how to reduce runway incursions. Key guidance reduced ambiguity of ATC clearances and improved ground signage.

FAA General Aviation Joint Steering Committee (GAJSC) Industry Co-chair—2000–2014, in leadership position, collaborating with FAA and industry on improving General Aviation safety—successful in exceeding 10 year goal of reducing GA fatal accidents by ten percent.

FAA Accident Prevention Counselor—1975–1977, served as FAA safety representative to small DC area GA airport (W32).

General Aviation Manufacturers Assn Transition Training Committee Chair—1988 (est.), One year lead of an industry team to develop a standard syllabus for transition into more complex aircraft.

NASA—Aviation Safety Reporting System (ASRS) Advisory Committee member—1998–2006, Develop implementation plan for current and future aviation safety needs and Federal Aviation Administration requirements.

NASA Advanced General Aviation Transportation Experiment (AGATE) member—1996–2001, provided industry perspective and assistance in helping to design weather in the cockpit and other aspects of modern aircraft, including Cirrus Design SR20/SR22, highway in the sky avionics.

National Weather Service—Modernization Transition Committee, aviation representative—1994–1999, assisted NWS in executing congressional oversight on consolidation of hundreds of forecast offices with no degradation of service to either aviation entities or the general public.

Publications & Education Outreach

*Monthly safety columnist and feature writer for AOPA Pilot & Flying Magazine—*Safety, training articles and accident reviews. (*AOPA Safety Pilot, Landmark Accidents, AOPA Leading edge blog*)—Several hundred articles. Provided editorial guidance for video and online courses.

*Keynote speaker and seminar presenter—*major air-shows, domestic and international conferences, aviation events, various aircraft owner groups, colleges and university safety events.

Education

University of Maryland—BA, Psychology, English, AFROTC

University of Maryland—MA, Industrial Technology—[Thesis: comparison of safety and effectiveness using various pilot training protocols—published *Flying Magazine*].

Senator BLUNT. Well, thank you, Mr. Landsberg.

And we will start a series of 5-minute rounds of questions with Senator Booker and I and then others in the order that they have come to the hearing today.

I know that all of you have had substantial public service before, and we appreciate that. I also know that you each would have reasons to appreciate the importance of cooperation between the Executive Branch and the Congress. However, having a hearing gives us a chance to put you on the record to be sure that that is a commitment that you are making.

And so the question to each of you is, if confirmed, will you pledge to work collaboratively with this Committee and its Members and to provide thorough and timely responses to our requests for information? This is a yes or no question, and only a no will solicit a follow-up. So Congressman Westmoreland?

Mr. WESTMORELAND. Yes, sir.

Senator BLUNT. Ms. Furchtgott-Roth?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BLUNT. Mr. Martinez?

Mr. MARTINEZ. Yes, Chairman.

Senator BLUNT. Mr. Landsberg?

Mr. MARTINEZ. Absolutely, Chairman.

Senator BLUNT. Well, then let us start with questions.

Mr. Martinez, you had a substantial job dealing with motor vehicles, and you mentioned the 250 million people that are on the road that are not commercially on the road. Your experience has been pretty much on the non-commercial side up till now. Just a brief sense of how you think that has helped you get ready for now regulating this important commercial industry and the drivers in the industry?

Mr. MARTINEZ. Certainly. In the two previous positions as the Motor Vehicle Commissioner in New Jersey and the Motor Vehicle Commissioner and Traffic Safety Chief in New York State, it gives you the broad view of the traffic safety landscape in both of those jurisdictions. Obviously, we license commercial driver license holders and have to suspend some of them when they run afoul.

Certainly when it comes to truck safety and bus safety, in New Jersey—it is set up differently in many different states, but in New Jersey, we do the inspection of commercial buses. The Motor Vehicle Department does that. So we have involvement in that aspect of it.

But I understand that this is a very complex area, and I would look forward to working with all of our stakeholders.

Senator BLUNT. Thank you.

Ms. Furchtgott-Roth, I think the job you have been nominated for is a relatively new job looking at research across the Transportation Department. And your sense of how you deal with that intermodally, how you look at all aspects of transportation and be sure that the research that needs to be done for all of those aspects of transportation is being done. Just a brief sense of your thoughts on that up till now?

Ms. FURCHTGOTT-ROTH. My priority would be working with Secretary Chao and with all of you on research that can inform policy proposals and policy decisions. I see very important areas in autonomous vehicles safety, effect on the workforce, funding highways,

cybersecurity. So I would hope to be able to work closely with all of you.

Senator BLUNT. We appreciate that. And I think there will be some more questions that come up on specific areas. Like autonomous vehicles are one of the things that this Committee is spending a lot of time thinking about, thinking about the Federal role as opposed to the 50 states and what they might do. And I think we will probably get back to that and other areas of research here in a minute.

Congressman Westmoreland, there have been instances in the past when you voted against Amtrak funding. Could you explain the reasons for that vote? I think even on the last transportation bill, there was a vote or two that you might want to talk about, and I would be pleased to hear your thoughts on those votes and how you think they would impact, if at all, your job on the Amtrak Board?

Mr. WESTMORELAND. Yes, sir. Thank you. Mr. Chairman, I did vote for the FAST legislation. In the past, there have been amendments that have been tried to be put on the transportation bill that called into question some of the supplement that was paid on some of these train tickets. And what the amendment said—and this has been more than one. There is about four of these that I have listed on the sheet that I was given—that basically said if the cost of the rail ticket was subsidized twice more than what the passenger paid, that it would not be funded.

And so I think this is a responsibility in my district, the Congressional district I represent, a very conservative district. It would be hard for me to explain to my folks at home that jumping on a train to ride to Washington or New York or Boston or New Jersey—why their ticket is not subsidized in the same amount as somebody else. And so, therefore, I voted with conscience of my constituents and also for the fact that we have to be conscious of these supplements that we give.

And so I joined several Members on this Committee in a lot of these votes. And so I think it was just a really—not that I do not believe in the transportation system that we have here but just as a matter to have these things looked at to see if there is not some type of remedy that we can do to cut down on the supplemental pay.

Senator BLUNT. Thank you.

I think I will maybe get back to you later, Mr. Landsberg. We will have a second round of questions if anybody needs them. And to try to set the standard here that we will stay within the 5 minutes on the first round, I am going to go to Senator Booker.

Senator BOOKER. Out of respect to my colleague's time, I am going to pass to Senator Klobuchar.

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you very much. I appreciate it and thank both of you.

And congratulations to all of you.

Mr. Westmoreland, I thought I would start with you. I assume you served some with my friend and former Congressman who died

a few years ago, Jim Oberstar, who I think you know cared a lot about rail and transportation and was always the one that said, "there is no such thing as a Democratic bridge or a Republican bridge." And I hope you will bring that philosophy to rail at Amtrak.

And I just wanted to remind you there is the Empire Builder. I know we talk a lot about coastal services here, but there is a very important service from Chicago that goes through Minnesota and for cities like Winona where Amtrak has a station and all the other towns. For the Empire Builder, it is very, very important.

Mr. WESTMORELAND. Sure, and I agree with you, Senator. And Chairman Oberstar was a great Chairman until he started speaking in French.

[Laughter.]

Mr. WESTMORELAND. It was very hard to interpret what he was trying to get across.

But I understand that. You know, rural communities have got to have access to transportation, and sometimes rail is that access that they have to get from one place to the other. And I understand that. And my desire is that the Board—and I could work with the Board to make sure that we make those possible and do them in a very cost efficient way.

Senator KLOBUCHAR. Very good. And I think for us just the on-time issue and some of the things being a route that only has a few trains that go a day is very, very important for us.

Mr. WESTMORELAND. Yes, ma'am.

Senator KLOBUCHAR. Mr. Landsberg, I have worked a lot on the pilot safety issue. Of course, former Senator Wellstone died in a tragic crash. So I got interested in it because of that. And we have, of course, passenger pilots. We put some safety rest requirements in place, which was a bit of an issue in this crash in Minnesota. But as we know, the Colgan flight 3407 really brought it to light for all of us. And I am trying to work on a bill that Captain Sullenberger is very strongly behind that would apply these same rules to cargo pilots. Despite using the same runways and airspace, they currently have looser rest requirements.

Could you talk about the pilot fatigue issue and how you see this as applying to cargo pilots?

Mr. LANDSBERG. Absolutely, Senator. I have not noticed that cargo pilots are significantly different than pilots flying passenger planes, and they suffer from the same fatigue issues. I realize that there are fewer people on board those aircraft. I think it is difficult sometimes to put cost-benefit analyses to these because our system is so safe. But having flown many, many hours myself, including on the back side of the clock, I think we really do need to defer to human factors. And I would think that it makes sense to have cargo pilots adhere to the same standards.

Senator KLOBUCHAR. Thank you.

I have also worked distracted driving for quite a while. Senator Hoeven and I passed a bill. And I just think for my colleagues to think about this. We have had a lot of declines for the last 5 decades with traffic fatalities, and that is a lot of good work that has gone on here with seatbelt rules and drunk driving rules on the State basis. All kinds of good things have happened and education

campaigns. Well, unfortunately, from 2015 to 2016, there was a 5.6 percent increase in traffic fatalities. And we know that much of this is attributed to distracted driving. And can you commit to work with me on this issue? I still think there is more we have to do.

And, Ms. Furchtgott-Roth, I just sent a letter to Administrator Rosekind urging him to work with us on getting the data on this for individual states. I always figured, as you said, you can use data in a better way if you have good data to come up with policies.

But if you, Mr. Landsberg, could——

Mr. LANDSBERG. Senator, I could hardly wait.

Senator KLOBUCHAR. Wow. You are really enthusiastic about my issues. This has made my day. So I appreciate it.

In light of the time and Senator Blunt's admonition here, I will ask my question about rail on the record. Thank you.

Senator BLUNT. Thank you.

Before I go to Senator Inhofe, I have two letters in support of Ms. Furchtgott-Roth. These letters were submitted by William Winston, the Senior Fellow at The Brookings Institute, and Erica Goshen at Cornell University's Industrial Labor Relations School. So without objection, those will be included.

[The letters referred to follow:]

BROOKINGS
Washington, DC, October 11, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chairman Thune:

It is a pleasure for me to write a letter in support of Diana Furchtgott-Roth's nomination to be Assistant Secretary for Research and Technology in the U.S. Department of Transportation. I have known Diana for decades and she is a highly intelligent, honest, and dedicated researcher and policy analyst, who will greatly enhance policymaking at DOT.

By way of background, I am a general transportation economist, who studies all modes and infrastructure in the process of analyzing domestic and international transportation policy issues. I have interacted with Diana since the 1980s when I presented research at the American Enterprise Institute and sought her feedback on issues including deregulation of the airlines and surface freight transportation industries and efficient pricing and investment of highways and airports. I have always found Diana to offer constructive and balanced insights, with sound policy judgments. I have also read Diana's research at AET and more recently at Economics21 and found it to be of high quality. Diana has a healthy respect for the price system and a balanced view toward finding constructive government policy interventions when appropriate.

Those qualities will serve her and the Nation well in her responsibilities as an Assistant Secretary for Research and Technology. In addition, Diana is honest about empirical analysis and data quality, which are essential for credible policy recommendations.

In sum, I believe DOT would be fortunate to attract someone with the intelligence, research abilities, judgment, and integrity as Diana Furchtgott-Roth and I strongly hope the Senate gives unanimous consent to her nomination.

Sincerely

CLIFFORD WINSTON,
Senior Fellow.

CORNELL UNIVERSITY
New York, NY, October 12, 2017

Chairman JOHN THUNE,
 Senate Committee on Commerce, Science, and Transportation,
 Washington, DC.

Senator BILL NELSON,
 Ranking Member,
 Senate Committee on Commerce, Science, and Transportation,
 Washington, DC.

Dear Senators Thune and Nelson:

I write to provide input on the nomination of Diana Furchtgott-Roth to the position of Assistant Secretary of Transportation for Research and Technology. As Assistant Secretary, Ms. Furchtgott-Roth would oversee the Bureau of Transportation Statistics and the Office of Research, Development and Technology. I believe that Ms. Furchtgott-Roth understands the need for trustworthy Federal statistical data and will fully respect the integrity of the Bureau of Transportation Statistics and data-producing areas within her sphere.

On January 27, 2017, I finished my four-year term as the Commissioner of the Bureau of Labor Statistics (BLS) in the Department of Labor. As a former statistical agency head, I know the importance of reporting to a leader who understands and supports the independence and mission of the agency.

I have known Ms. Furchtgott-Roth professionally for many years. I have seen that she has been consistently been supportive of the need for gold-standard Federal statistical data to inform public and private decision-making. When she served as Chief Economist for the Department of Labor, she worked closely with BLS economists on detail to her and interacted regularly with BLS leaders and staff. She treated the BLS with the utmost respect and never attempted to suppress or otherwise interfere with BLS data or undermine the agency's independence.

I hope you find this information useful and I would be happy to respond to any follow-up questions you have.

Sincerely,

ERICA L. GROSHEN,
Visiting Senior Scholar,

Cornell University—Industrial and Labor Relations School.

Senator BLUNT. And we will go to Senator Inhofe.

**STATEMENT OF HON. JIM INHOFE,
 U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. Well, thank you, Mr. Chairman.

First of all, Mr. Landsberg, I am really excited that you are going to be on the NTSB. I have had a lot of experience, as you are fully aware of, and your time was very valuable that you spent with the AOPA and particularly with the safety group. I have had an opportunity to see your work personally, and I am going to share with you an experience.

Five years ago, I introduced the Pilots Bill of Rights, and that was one that had a lot to do with the NTSB. I had other things in there too, other issues that we had that we found that pilots were not really being treated properly. But one of the main ones was if you were accused of something in the field, as I was down in Port Isabel, Texas—that was 5 years ago—when I had done nothing wrong, and it would go to the FAA. Then if I wanted—now, it never got that far with me, but with others it has—to take that on to the NTSB, then our experience has been that 91 percent of all of the recording changes or appeals that went to the NTSB were virtually rubber stamped by the NTSB. And they did not even deny it because when I talked to the NTSB, well, that investigation has already been going forward.

So we added something to the first Pilots Bill of Rights, and that is de novo so that if it then went to the next—it went past the NTSB and went to the Federal district courts, they would have start all over again. And that policy then was assumed to be the same way as it went to the NTSB.

So my question of you is, will you see to it on anything that is any action against a pilot that is appealed to the NTSB from the FAA, that it be treated as a de novo in terms of the investigation that would bring you to the conclusion to either approve or disapprove the action of the FAA?

Mr. LANDSBERG. Absolutely, Senator. To the extent that an investigation is appealed to the NTSB, there is obviously a certain amount of energy and importance to that. And I think in fairness to all and following due process and for the NTSB to maintain its independent stature, it is appropriate for them to take a very thorough look at that rather than just saying we will let this go by the board.

Senator INHOFE. Yes. And you have actually had that experience before in working with the NTSB from the experience that you had with AOPA. Is that not correct?

Mr. LANDSBERG. Yes, sir, not personally, but I have on occasion seen circumstances where I am not sure that things worked out as fairly as they might have.

Senator INHOFE. Yes. Well, anyway, I think it is going to work out real well to have someone with your background in that position. And I am looking forward to working with you.

Let us see. Mr. Martinez, the Federal Motor Carrier Safety Administration has issued exemptions to Federal hours of service based on what I call real world circumstances. And I was disappointed that the FMCSA issued guidance excluding certain types of commercial from being able to fully operate around the service of oil and gas well sites. Now, I am from Oklahoma and we do have a lot of these. And I appreciate very much your coming into my office and going over this.

But right now, in terms of servicing, if you are involved in hydraulic fracturing, you have six different trucks that are waiting in line for their place, each moving up. You have your heavy coil vehicles, the wireline trucks, the cement pumps, the frack pumps, and the blenders, and the sand trucks. And all six of them have to get to the site to make that work. And only one of those does not have the same exemption that the rest of them do.

Now, I will not ask you if you would change that, but I would ask you that if your research tells you that all six of these perform the same function in terms of their application in waiting in line, would you then either consider adding the sand truck to the rest of them.

This is a huge thing because if just one of these six trucks has to go in a different way, that interrupts the whole process. It makes it much more expensive.

Do you follow my thoughts here?

Mr. MARTINEZ. I do, Senator. And thank you. I have been made aware of this issue. I would look forward to, if confirmed, working with my colleagues at the FMCSA and engaging your office and

learning more and also with other stakeholders to learn more about the specifics of this issue to see how it could be addressed.

Senator INHOFE. All right. Well, I think that is all I would really ask, and I appreciate that very much.

Senator BLUNT. Thank you, Senator Inhofe.

We will go to Senator Schatz and then Senator Capito.

**STATEMENT OF HON. BRIAN SCHATZ,
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Mr. Chairman.

Thank you to all of you for your willingness to serve.

My first question is for Ms. Furchtgott-Roth. In discussing the prospects of a government shutdown during the previous administration, you highlighted the Department of Transportation as being an appropriate target for spending cuts. You stated, quote, perhaps we could benefit from a shutdown by identifying nonessential services that could be eliminated permanently. One sector ripe for cuts is transportation. You have also repeated a call for the Federal Government to devolve responsibility for the Federal highway system to the states.

Is that still your view? Do you believe that it is vital to our national interests that the Federal Government ensures a fast, safe, efficient, accessible, and convenient transportation system?

Ms. FURCHTGOTT-ROTH. Well, I think that transportation is important to everybody. There are many new facts that have come to light, and I am open to talking about this to you and changing my opinion. As everybody knows, there are many, many important programs of the Department of Transportation, including those under the Office of the Assistant Secretary for Research.

Senator SCHATZ. So do you want to take that back? Perhaps we could benefit from a shutdown. One sector ripe for cuts is transportation.

Ms. FURCHTGOTT-ROTH. I think that in light of new facts that have come to light, I think that a shutdown is not helpful for anybody.

Senator SCHATZ. Do you think that the transportation sector is ripe for cuts?

Ms. FURCHTGOTT-ROTH. I think that the transportation sector is extremely important and needs to be given a lot of support.

Senator SCHATZ. Is that a yes or a no? I mean, you said that one sector that is ripe for cuts and nonessential services that could be eliminated permanently is the transportation sector. Is that still your view?

Ms. FURCHTGOTT-ROTH. I have not been in the Department of Transportation, and so I do not really know if these cuts—I have not looked at the budgets, and I would have to look at it in order to give you a more informed answer.

Senator SCHATZ. But you had that view before your nomination.

Ms. FURCHTGOTT-ROTH. But the budget of the Transportation Department is different from what it is right now.

Senator SCHATZ. OK.

In 2013, you testified before the Senate EPW Committee that a review of the data over the past 100 years does not show a steady increase in major storms such as hurricanes nor a steady increase

in the number of floods, even though greenhouse gas emissions have increased.

What is your view on extreme weather?

Ms. FURCHTGOTT-ROTH. Well, we have certainly seen a lot of extreme weather this past year, and climate change is certainly happening. In the 1960s, we used to regularly skate on the C&O canal right next to the Potomac River, and now it hardly ever freezes over.

Senator SCHATZ. Do you think climate change is primarily caused by humans?

Ms. FURCHTGOTT-ROTH. Certainly some aspects of it, of course, by humans, and I think no one has the precise amount.

Senator SCHATZ. Do you think it is primarily caused by humans?

Ms. FURCHTGOTT-ROTH. Well, this is a scientific issue. It is certainly caused by humans, and no one can specify the precise amount.

Senator SCHATZ. What is the predominating view among scientists?

Ms. FURCHTGOTT-ROTH. The predominating view among many scientists is that it is caused by humans. And I am an economist, and this is a subject that I would leave to the scientists. And it is not a matter of the research under the auspices of the Assistant Secretary for Research.

Senator SCHATZ. In looking at your writings, particularly on American workers, there seems to be a common thread. And let me just quote. You said that Congress should end the Highway Trust Fund and devolve authorities to states because, quote, such devolution of responsibility to states would release them from expensive Federal laws and regulations associated with current highway spending, such as environmental laws, nor would states be bound by Davis-Bacon prevailing wage requirements and project labor agreements which require the use of costly unionized labor. Is that still your view?

Ms. FURCHTGOTT-ROTH. I support the current law. Davis-Bacon is the current law, and changing it would be up to Congress.

Senator SCHATZ. You also said that allowing collective bargaining rights for air traffic control could determine whether the Nation's air traffic control system is thriving and a vibrant part of the U.S. aviation or it becomes as infamous as the Post Office, Amtrak, and TSA. Is that still your view?

Ms. FURCHTGOTT-ROTH. I support all American workers and the rights of all American workers.

Senator SCHATZ. Thank you.

Senator BLUNT. Thank you, Senator Schatz.

Senator Capito.

**STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman, and thank you for bringing these folks before us. And thank you for your willingness to serve.

Congressman Westmoreland, well, well, well, I have been waiting for 12 years that I served with you in the House to be able to grill you in front of America.

[Laughter.]

Mr. WESTMORELAND. This should be fun.

[Laughter.]

Senator CAPITO. Anyway, it is good to see you. And I remember our trip to Noonan, Georgia, and look forward to, hopefully, supporting you and having you on the Amtrak Board.

In West Virginia, Amtrak services 10 stations across the state, and ridership has increased by over 1,700 passengers between 2015 and 2016. In the country, a record 31 million traveled on America's railroad, and nearly 400,000 more than in 2015. And ticket revenue has been up, \$12 million compared to last year.

My question is—and I know these were votes that came up frequently over on the House side because we were there together. Your votes on funding for Amtrak I think reflected a need to look at the spending, use your business background, and use the dollars more efficiently. Could you address some of your feelings on that particular issue?

Mr. WESTMORELAND. Sure. Senator, I voted in the affirmative for passage of the Surface Transportation Act and FAST Act, which included Amtrak.

Some of the votes that people are concerned with are some of the amendment votes. And I think you have to show your constituents and some of the agencies that there is concern for some of the way they are operating. We have an entire railroad system for this whole country. As you mentioned in West Virginia, a lot of the rural areas need this railroad transportation just to get back and forth to work. And the Northeast Corridor is one of the biggest commuter rail systems in the world, I think.

But the votes—I think that if you look at what has happened since some of this attention has been brought, like you said, revenues are up. The debt is down. I think Mr. Moreland and I know that Mr. Anderson are going to continue to work in that direction. But from all indications, I think some of these votes helped them and helped the Board to say we need to identify some of these problems and work on them. And they have been successful with doing that.

Senator CAPITO. Thank you.

Mr. Landsberg, on May 9, 2017—I am not sure if you are aware of this—a cargo plane crashed and killed two people at Charleston's Yeager Airport. It was early in the morning. I just wanted to take this opportunity again—I have done this from the Committee—to thank the NTSB for their quick response, for their transparency, and for the professionalism with which they moved forward in the investigation of that particular accident.

So I guess in terms of how you see—I heard you address the difference between cargo pilots and others. But how do you see the NTSB's role in terms of transparency and immediacy in reacting to one of these accidents, whether it is an air accident or a train accident or something of that nature?

Mr. LANDSBERG. Well, I have had the privilege of working with the NTSB for quite a number of years, including Chairman Hart, Senator. But I think it is absolutely essential that they respond quickly. They are the premier accident investigation group in the world. And to bring their expertise to bear in a timely fashion I

think is essential that we get to the bottom of whatever happened and learn what we can as quickly as we can.

Senator CAPITO. Thank you. And I join with you on your commitment for that.

Ms. FURCHTGOTT-ROTH, you mentioned in your testimony—I just have a minute left. But you mentioned at the very end of your testimony that some of the innovations in the transportation sector are occurring outside the United States. If you could pick one or maybe two examples of where you see some really innovative ideas occurring outside the United States that you think would be good ideas for us to look at, could you name, off the top of your head, one or two of those countries?

Ms. FURCHTGOTT-ROTH. For example, there are the congestion charges in London where if you come in during certain hours, vehicles have to pay because they are imposing costs on others. In New Zealand, there are these hubometers for electric cars. So they are charged for their use of the road because they do not pay gasoline taxes.

Senator CAPITO. And what are they called?

Ms. FURCHTGOTT-ROTH. They call them hubometers because you charge up your car with a certain number of miles, and that alleviates privacy concerns because you are actually putting a number of miles in your electric vehicle, a charge that would be equivalent to a gas tax charge that they have for their normal gasoline—

Senator CAPITO. Well, that is an issue that we tried to face with the transportation costs in the trust fund is with the electric vehicles and others, how do you make an even playing field in terms of road usage and paying for the road usage.

Thank you all very much.

Senator BOOKER. Ms. Duckworth, we are going to go to you.

**STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM ILLINOIS**

Senator DUCKWORTH. All right. I am ready to go. Thank you. I want to thank the Chair and Ranking Member for convening today's hearing, and I want to thank the nominees for participating in this very important conversation.

Mr. Landsberg, you have been nominated to serve in an incredibly important position that requires a strong commitment to independence and speaking hard truths despite the risk of upsetting industry and other government agencies.

As you know, Congress has given NTSB a unique mission to prioritize safety above all other concerns. And NTSB's role in providing clear guidance to Congress and the public on what is the safest course of action, irrespective of costs or political hurdles, is incredibly valued. That is why we value NTSB.

When it comes to civil aviation policy, we already have plenty of industry back panels and diligent government agencies who are required to listen to all stakeholders and seek compromises to achieve and improve the status quo. What we only have one of is a strong, credible, and independent voice that is solely focused on improving transportation safety.

That is why I was concerned to learn about your previous writings that suggest that you believe that the FAA's 1,500 hour

rule has not benefited the flying public. As recently as last month, FAA Administrator Michael Huerta has suggested that our Nation's civil aviation system remains safer and better off as a result of the 1,500 hour rule.

So yes or no. Do you agree with Administrator Huerta?

Mr. LANDSBERG. Senator, first off, as a family who has lost a loved one due to the incompetence of others, I have great empathy for the Colgan families and I commend their response to taking action.

As far as my writings were concerned, which I think—

Senator DUCKWORTH. Well, my question of you was, do you agree with Michael Huerta's statement that our Nation's civil aviation system remains safer and better off as a result of the 1,500 hour rule? It is a simple yes or no.

Mr. LANDSBERG. I think that there are two aviation rulemaking advisory committees—

Senator DUCKWORTH. Are we better off since the rule?

Mr. LANDSBERG.—as recently as last week, who had struggled with this. I believe in the performance of pilots, and I think that setting an arbitrary number is not necessarily the best way to go.

Senator DUCKWORTH. Looking at the accident rates since the 1,500 hour rule, in terms of fatalities in U.S. commercial aviation, yes or no, do you agree with Administrator Huerta?

Mr. LANDSBERG. The accident rate has gone down.

Senator DUCKWORTH. OK, thank you. Thank you. I am running out of time. I apologize. I apologize. The Chairman can give you more time to respond, but I only have 2 minutes left.

Mr. LANDSBERG. I understand.

Senator DUCKWORTH. Pilots need to know how aircraft respond in all conditions. Classroom and simulator experience is helpful, but they are not a substitute for preparing a pilot for the split second decisions required to operate aircraft safely.

Before the 2009 Colgan air crash, pilots only needed 250 hours of experience before becoming a first officer. This included only 50 hours of cross country experience, 5 hours of night experience, and 10 hours of instrument time. And today pilots must obtain 500 hours of cross country experience, 100 hours of night experience, and 75 hours of instrument time, as well as gain multi-engine aircraft experience and an aircraft type rating. This is why it has been safer since the 1,500 hour rule was put into effect.

Since these rules were enacted 8 years ago, we have had zero fatalities on passenger airlines compared with 154 tragic airline fatalities in the 8 years preceding the reforms, in addition to the Colgan air crash.

If confirmed, Mr. Landsberg, are you committed to providing independent recommendations for pilot and first officer training certification requirements that would achieve the safest civil aviation system, not what is the safest system balanced against industry claims of pilot shortages, just simply what is safest?

Mr. LANDSBERG. Yes.

Senator DUCKWORTH. OK. Thank you.

Ms. Furchtgott-Roth, very quickly, thank you for joining us today.

If confirmed, you will oversee several U.S. DOT programs, including the Bureau of Transportation Statistics. Is that correct?

Ms. FURCHTGOTT-ROTH. Correct, yes.

Senator DUCKWORTH. As you may know, on November 2, U.S. DOT published its final rule entitled, "Reporting of Data of Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Compartments." And yet, that rule has not yet been complied with.

If confirmed, will you commit to prioritizing the development of reporting requirements for the baggage, wheelchair, and scooter rule and guarantee their successful implementation ahead of the new January 2019 deadline?

Ms. FURCHTGOTT-ROTH. I would be very happy to work with you on that. I have not yet been at the Department, so I am not familiar with that rule.

Senator DUCKWORTH. Thank you.

Mr. Chairman, I am over time. I would like to ask for consent to enter the following documents into the record.

Senator BLUNT. Without objection.

Senator DUCKWORTH. Do you want me to name them?

Senator BLUNT. If you want to name them.

Senator DUCKWORTH. Sure. October 25, 2017, the letter for Mr. Landsberg asking him to clarify his position on the 1,500 hour rule. Second, Mr. Landsberg, October 30, 2017, response to that letter. The third, Ms. Furchtgott's June 2009 article entitled "Starting a Trade War with Buy America." An October 25, 2017 from Bloomberg *Business Week* entitled "Under Trump Made in America is Losing Out to Russian Steel." And the fifth item is an October 30, 2017 letter from the American Association for Justice opposing Ms. Furchtgott-Roth's nomination.

Senator BLUNT. Without objection.

[The information referred to follows:]

UNITED STATES SENATE
Washington, DC, October 25, 2017

BRUCE LANDSBERG,
Nominee as Board Member,
National Transportation Safety Board,
Washington, DC.

Dear Mr. Landsberg:

Congratulations on your nomination by President Trump to serve on the National Transportation Safety Board ("NTSB."). We write to determine the degree to which you, if confirmed, would faithfully execute this important responsibility, and to request specific commitments from you as we consider your pending nomination before the United States Senate.

NTSB operates as an independent Federal agency responsible for investigating and determining the probable cause of every civil aviation accident in the United States, along with significant accidents in other modes of transportation railroad, highway, marine, and pipeline. With this vested responsibility, NTSB develops recommendations to prevent future accidents or reduce their effects in terms of injury, loss of life, or damage to property. With a reputation for objectivity and thoroughness, NTSB has achieved such success in shaping transportation safety.

NTSB was instrumental in effectuating change in the wake of the horrific tragedy of the Colgan Air flight 3407 that crashed into a house in Clarence Center, New York, killing all 49 passengers and crew onboard, as well as one person on the ground. The crash alerted the Nation to shortfalls in our aviation safety system, particularly at the regional airline level, and following subsequent investigation by NTSB and numerous congressional hearings, Congress passed the *Airline Safety*

and *Federal Aviation Administration Extension Act of 2010*. This law required the FAA to issue new safety regulations governing pilot fatigue, training and minimum qualifications, including duty time and rest requirements and a requirement that all prospective commercial pilots have 1,500 hours of flight time before receiving an Airline Transport Pilot Certificate. Since these regulations have been in place, there have been no airline passenger fatalities on a U.S. domestic carrier, far surpassing the previous longest period without a fatal commercial crash.

If confirmed, you would be responsible for ensuring the NTSB continues to investigate and develop thorough recommendations to prevent or reduce the effects of tragic accidents such as the Colgan Air flight 3407. The NTSB is critical to providing honest and thoughtful recommendations for how to improve transportation safety without being biased by industries that all too often fight common sense safety regulations. While we hope that you will continue in this important objective, it has come to our attention that while employed by the Aircraft Owners and Pilots Association (AOPA) you made a number of public comments about important safety requirements. In order to understand your willingness to fulfill the responsibility of serving on the NTSB, we request that you respond to the following questions:

1. While employed by AOPA, you authored multiple articles appearing to attack the 1,500 hour flight time safety regulation issued by the FAA following the *Airline Safety and Federal Aviation Administration Extension Act of 2010*. Specifically, in November 2012, you wrote the following about the rule:

“The Colgan accident was tragic and avoidable. There was a systemic failure that needed to be addressed, but this result is disappointing. A blunt instrument was used when a scalpel would leave fewer scars and promote faster healing. Sometimes even good intentions result in an unintended and undesirable outcome. There are better ways to address the Colgan disaster.”

Can you please clarify these comments and provide additional detail about your view of the 1,500 hour rule? As you can imagine, these comments are particularly concerning to us because they seem to suggest that you do not support the current law. As recently as September 2017, FAA Administrator Huerta stated Congress raised the safety standard when requiring the FAA issue the 1,500 hour rule and that the system remains safer and better off with the rule in place, do you share that view?

2. In addition, you wrote the following in a 2012 article about the rule:

“Nowhere in any of this are the first officer’s flight-hour qualifications mentioned as a cause or a factor, yet a law has passed addressing a non-issue. This non sequitur was caused by the understandable grief and outrage of the families who lost loved ones on the flight. They somehow were led to believe that the FO was under-qualified and she was a proximate cause.”

Can you please provide additional clarification on your position that first officer qualifications are a “non-issue”? Is this a view you continue to hold? We have been working closely with the Families of Flight 3407 since the horrific crash and there is no doubt that their strength, determination, and advocacy has helped to improve aviation safety. But to be clear, the landmark *Airline Safety and Federal Aviation Administration Extension Act of 2010* was not passed as a result of outrage or grief, but rather as a clear and substantive effort to improve aviation safety and address tragic shortfalls in the existing regulations, including the different levels of safety that existed across the aviation industry. For you to categorize their efforts in this fashion is concerning, at best.

3. Furthermore, in 2015 Capt. Chesley B. “Sully” Sullenberger III provided the following testimony to Senate Commerce Committee:

“Some lobbyists would like you to significantly roll back the 1,500-hour minimum. Short of that, they want the FAA to allow simulator and academic training hours to count toward meeting the 1,500-hour minimum. They see this as an easier, more convenient, less expensive path to getting young pilots into regional airline cockpits. But there are no shortcuts to experience. There is no shortcut to safety. The standards are the standards because they are necessary.”

Do you agree with Capt. Sullenberger’s testimony that the current standards are necessary? If confirmed, are you committed to upholding, and under no circumstances recommending weakening, existing pilot and first officer training certification requirements which have proven to deliver the longest period of time without a fatal commercial airline crash?

4. Finally, the full text of a 2010 column written by you on *Safety Pilot* has been removed from the AOPA website. Can you please provide the full transcript of this article and any other articles you have authored on pilot training and aviation safety standards?

The United States traveling public deserve the highest integrity and objectivity when NTSB determines an accident's probable cause and then issues safety judgments and recommendations. We plan to continue to hold NTSB accountable for delivering on this responsibility. We look forward to hearing from you and receiving answers to our questions in a timely manner.

Sincerely,

CHARLES E. SCHUMER,
United States Senator.

RICHARD BLUMENTHAL,
United States Senator.

CORY A. BOOKER,
United States Senator.

TAMMY DUCKWORTH,
United States Senator.

MARGARET WOOD HASSAN,
United States Senator.

KIRSTEN GILLIBRAND,
United States Senator.

October 30, 2017

Hon. TAMMY DUCKWORTH,
United States Senate,
Washington, DC.

Dear Senator Duckworth:

Thank you for your letter dated October 25, 2017, regarding my pending nomination to serve on the National Transportation Safety Board (NTSB).

This appointment is a responsibility that I will faithfully execute to the best of my abilities and, if confirmed by the United States Senate, will uphold the Board's longstanding objectivity and thoroughness with respect to accident investigations.

With respect to aviation safety, I have always relied solely on a review of the facts and data analysis in my decision-making process, which has helped in the formulation and implementation of safety programs intended to educate and train general aviation pilots to reduce or eliminate accidents.

My past writings with respect to the Airline Safety Act are based solely on facts as outlined by the NTSB's accident investigation findings. The captain's poor airmanship, the crew's distraction, complacency, fatigue, and failure caused that tragedy. Significant management failures in Colgan training programs and FAA oversight were also prominently cited. The failure to identify the captain's ongoing sub-standard performance, the lack of monitoring for procedural compliance regarding sterile cockpit and distraction, training inadequacies relative to the Q400s stall warning indications/recovery, and others were cited by the NTSB.

Also, my "non-issue" comment was made in the context of specific NTSB findings and recommendations in the Colgan accident final report, which did not recommend any flight hour minimums for pilots. It was never intended as a comment that pilots should not be fully qualified and competent. All pilots must meet certification requirements to ensure a high level of knowledge, skills, and professionalism.

My role at the NTSB would be to objectively analyze accident data and review the facts and make recommendations accordingly. You have my commitment to adhere to these principles.

Also, as you requested, here is the link, [https://www.aopa.org/news-and-media/all-news/2010/november/01/safety-pilot-\(5\)](https://www.aopa.org/news-and-media/all-news/2010/november/01/safety-pilot-(5)), to a 2010 Column that appeared in *Safety Pilot*. In addition, following are links to other aviation safety columns that I authored regarding this issue:

<https://www.aopa.org/news-and-media/all-news/2010/may/pilot/safety-pilot-a-personal-and-systemic-failure>

<https://blog.aopa.org/aopa/2012/11/14/not-exactly-the-intended-destination/>

<https://www.aopa.org/news-and-media/all-news/2014/december/pilot/landmark>

In addition, the Air Safety Institute produced many online safety courses, safety seminars, and publications during my tenure. These can be seen at *www.airsafetyinstitute.org* and are open to the public.

My writings on accidents and aviation safety matters were derived from NTSB accident reports and nearly 50 years as an active private pilot, flight instructor, and other pilot certifications including an Airline Transport Pilot (ATP) certificate.

I believe we share the belief that integrity and objectivity are essential to the NTSB's function of ensuring the Nation's transportation safety. A facts-based driven analysis is paramount in the field of safety and accident prevention. I also fully expect the Congress to hold NTSB Board members and staff fully accountable to fulfill this critical mandate.

Sincerely,

BRUCE LANDSBERG.

The Great Debate—June 19, 2009

STARTING A TRADE WAR WITH “BUY AMERICA”

By Diana Furchtgott-Roth

Diana Furchtgott-Roth, former chief economist at the U.S. Department of Labor, is a senior fellow at the Hudson Institute. The views expressed are her own.

When Congress inserted “Buy America” protectionist provisions that required some goods (such as steel, cement, and textiles) financed by the stimulus bill to be made in America, our government invited a trade war with important economic partners. Now China and Canada are imposing their own protectionist regulations, potentially destroying well-paid American jobs in the export sector. Other countries may follow suit.

This week China reported that the government now requires stimulus projects to use domestic suppliers when possible, even though in February it promised to treat foreign companies equally. The Chinese \$585 billion stimulus package has resulted in a World Bank growth forecast of 7.2 percent for China this year, far above other industrialized countries.

And on June 6 the delegates at the Federation of Canadian Municipalities passed a resolution calling on “local infrastructure projects, including environmental projects such as water and wastewater treatment projects, [to] procure goods and materials required for the projects only from companies whose countries of origin do not impose trade restrictions against goods and materials manufactured in Canada.”

The tragic losers of “Buy America” are free trade agreements and potential job growth in the American economy. Seductively, “Buy America” promises workers they can have it all—cheap goods from China, oil from Canada, as well as protection from global competition. But real life just doesn't work that way. In reality, “Buy America” is shorthand for fewer jobs as other countries retaliate.

Many markets no longer have national boundaries but global reaches. America sits at the center of global markets for technology, equipment manufacturing, finance, banking, fashion, and advertising—to name but a few. When international markets expand, America grows. When barriers are erected to trade, jobs—and also wages—shrink.

Trade creates jobs not just through investments of foreign companies at home, but also by increasing employment at exporting firms. This effect, though less obvious, is far more significant. That's why “Buy America” hurts employment.

Andrew Bernard, a professor at Dartmouth College, together with economists Bradford Jensen and Peter Schott, find that firms that trade goods employ over 40 percent of the American workforce. They conclude that approximately 57 million American workers are employed by firms that engage in international trade.

They analyze American imports and exports using customs documents that accompany shipments of goods crossing the border, along with reports of firms' employment. The resulting information provides the most precise picture available of the employment effects of American trade.

Back in February, Caterpillar spokesman Jim Dugan declared, “Our position is that, while ‘Buy American’ may sound good, in fact we're very concerned that if this stimulus legislation contains the ‘Buy American’ provision, other nations and regions of the world would follow our lead and pass similar provisions.” He was right.

Trade also benefits millions of families who cut their shopping bills by buying low-cost imports. To take just one example, the amount that Americans spend on cloth-

ing has declined by 21 percent in real terms over the past 20 years, yet our closets are fuller than ever.

The benefits of free trade, such as increased employment, higher economic growth, and lower prices, are often taken for granted. But the disadvantages of free trade—such as the occasional instances of shuttered plants and lost jobs where American firms are not as efficient as international competitors—are all too visible.

Trillions of international dollars pass through America each year not because we are isolated, but because we are the hub of the world. Terrorists twice attacked the World Trade Center because the building symbolized international trade. They destroyed a building and murdered thousands of innocent Americans, but they failed to vanquish world trade. Sadly, politicians who erect barriers to trade are hostile not only to trade but to our country and to our jobs.

October 25, 2017, 4:00 AM EDT, Updated on October 25, 2017, 6:01 PM EDT

UNDER TRUMP, MADE IN AMERICA IS LOSING OUT TO RUSSIAN STEEL

By Margaret Newkirk and Joe Deaux

An oligarch-owned steel company is winning pipeline contracts, and foreign steel imports are up 24 percent this year.



President Trump signed presidential memoranda on Jan. 24, 2017, reviving the construction of two controversial oil pipelines including Keystone XL, but said the projects would be subject to renegotiation. PHOTOGRAPHER: NICHOLAS KAMM/AFP/GETTY IMAGES

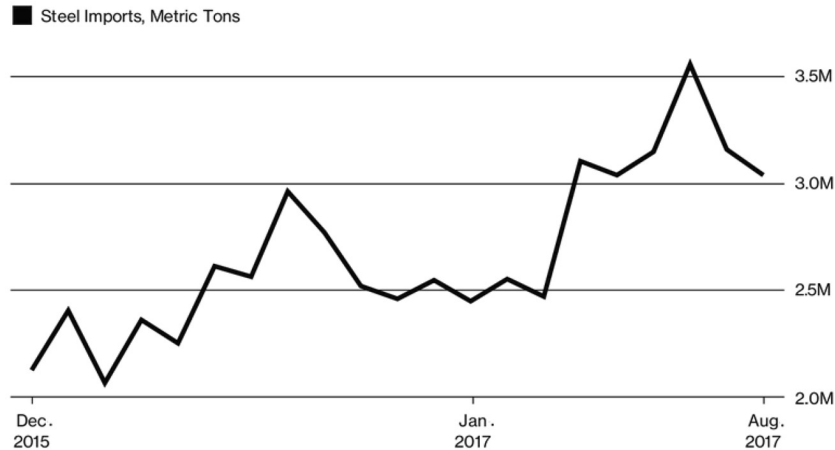
Four days after his inauguration, Donald Trump signed a handful of executive memos to advance the Keystone XL pipeline and revive the U.S. steel industry. He invited builder *TransCanada Corp.* to reapply for a permit denied by Barack Obama and ordered up *fast-track rules* forcing not only Keystone but also all new U.S. pipelines to be made from American steel. “From now on, we’re going to be making pipeline in the United States,” he said.

Made-in-America Keystone was a stunt. Most of its pipes had already been manufactured, a fact the White House grudgingly admitted when it exempted the project from any new Buy American rules a few months later. While some of Keystone’s pipes were made in the U.S., at least a quarter of them came from a Russian steel company whose biggest shareholder is an oligarch and Trump family friend. The company, *Euras North America*, supplied Keystone from its steel plants in Canada and for years has lobbied in Washington against Trump-style protectionism.

Ten months after his Keystone event, Trump has yet to deliver on his pledge to boost the fortunes of American steel. Two self-imposed deadlines for trade action, one in June and one in July, have come and gone. Meanwhile, the prospect of tariffs has led to a surge of cheap foreign steel into the U.S., with imports rising 24 percent in 2017, the fastest increase in years.

Steel Trouble

U.S. steel imports are up 24 percent this year and on pace for the biggest gain since 2014.



Data: U.S. Census Bureau

As Federal and congressional investigators probe Moscow's interference in the 2016 U.S. election, Evraz North America shows that Russians are also involved in pressing against one of Trump's main campaign promises. The company is a wholly owned subsidiary of *EvrAZ Plc*, Russia's second-largest steelmaker. It has two factories in the U.S., in Colorado and Oregon, and four in western Canada, where it produces steel and large-diameter steel pipe. The company's top shareholder is Roman Abramovich, a billionaire who owns 31 percent of Evraz's stock. In 2005 he was the first oligarch allowed to sell his oil company to the state, taking in \$13 billion in a deal approved by Vladimir Putin.

Abramovich's ties to the Trumps stem from a decade-long friendship between Ivanka Trump and Abramovich's wife, Dasha Zhukova, from whom he announced a separation in August. Jared Kushner and his brother, Joshua, invested in Zhukova's art collection business. The Russian couple hosted Ivanka and Jared in Russia in 2014, when they shared a table at a fundraiser for Moscow's Jewish museum. Zhukova went to the 2016 U.S. Open tennis tournament with Ivanka and attended Trump's inauguration as Ivanka's guest.



From left, Ivanka Trump and Dasha Zhukova attend the U.S. Open men's singles final on Sept. 11, 2016, in Queens, N.Y. PHOTOGRAPHER: ELSA/GETTY IMAGES

Evraz won its share of the Keystone XL business in 2009 and hired a Washington lobbyist named John Stinson the next year, according to disclosures collected by Bloomberg Government and Open Secrets, a nonprofit that tracks money in politics. Over the next seven years, Stinson lobbied the House, Senate, U.S. Department of Commerce, and Office of the U.S. Trade Representative, earning \$2.2 million for representing Evraz's interests. He fought Buy American language in Federal spending bills for transportation, water infrastructure, and defense, as well as in a bill specifically about Keystone in 2015—the same year Obama denied its cross-border permit.

According to Federal disclosures, Evraz paid Stinson \$100,000 in the first half of 2017 to persuade Congress and the Commerce Department to exclude its Canadian products from Trump's steel import crackdown. Stinson declined to comment. Christian Messmacher, the company's vice president for development, says its lobbying efforts are typical for the industry. "We, like all other North American companies, work to provide public officials with our insights on issues that affect us and our ability to provide good North American jobs," he says.

In late May, Evraz won a contract with liquefied natural gas company *Cheniere Energy Inc.* to supply the steel pipe for a 200-mile pipeline to bring natural gas from Oklahoma to the Gulf Coast. The contract, worth an estimated \$100 million, was expected to go to a Florida-based company, *Berg Steel Pipe Corp.*, according to the American Line Pipe Producers Association. The association put out a press release in June arguing that Evraz was undercutting U.S. companies. It asked the Trump administration to act quickly on new rules and stop "Russian-owned Evraz" from "aggressively" seeking U.S. contracts ahead of any new tariffs or quotas on imports.

The Cheniere contract shows how hard it is to differentiate between foreign and U.S.-made steel. While losing out to Evraz cost Berg 216 jobs, or 42 percent of its workforce, company Vice President Jonathan Kirkland *told the Mobile, Ala., Press-Register* in June, Berg makes pipelines using steel from Germany and France. U.S. steel supplies aren't reliable enough, Chief Executive Ingo Riemer told the U.S. International Trade Commission last year.

In September, Commerce Secretary Wilbur Ross said the administration will defer a decision to impose tariffs on foreign steel so it can focus on tax reform. The industry is getting impatient. Steel executives have been meeting with administration officials. More than 60 steelworkers met with members of Congress on Sept. 21 to tell them of their growing frustration with the White House's delays. "The president makes his policy decisions based on what is best for the American people," says White House Deputy Press Secretary Lindsay Walters. "Moreover, to place unrelated information about his daughter's social engagement with the ex-wife of one of a company's shareholders in a story about actual policy is incredibly irresponsible and misleading."

Given the promises Trump made in the campaign, there may be political blowback if he doesn't deliver. Although the United Steelworkers union endorsed Hillary Clinton, many of its members voted for Trump, helping him to narrow victories in states across the Midwest. "Those workers absolutely won't forget if they are empty promises," says Dan Simmons, president of Steelworkers Local 1899 in Granite City, Ill. "Like Elvis says, we want a little less talk and a little more action."

(Updates with comments from White House Deputy Press Secretary in the 10th paragraph.)

October 30, 2017

Hon. JOHN THUNE,
Chairman,
Committee on Commerce, Science, and
Transportation,
U.S. Senate,
Washington, DC.

Hon. BILL NELSON,
Ranking Member,
Committee on Commerce, Science, and
Transportation,
U.S. Senate,
Washington, DC.

Dear Chairman Thune and Senator Nelson,

The American Association for Justice (AAJ), the world's largest trial bar, writes to you today to express our vehement opposition to the nomination of Diana Furchtgott-Roth as Assistant Secretary for Research and Technology at the U.S. Department of Transportation (DOT).

Ms. Furchtgott-Roth lacks the substantive experience to prepare her for this role, a role which will become increasingly important as driverless cars and other technological innovations advance at a rapid pace on our Nation's roadways. Ms. Furchtgott-Roth is unequipped and unqualified to lead DOT's regulatory efforts on research and technology. Other than a few articles loosely related to transportation, there is nothing in the public record to explain why she is a suitable—much less the best—person to fill this post.

Beyond the fact that she lacks any relevant knowledge and experience, it's important to note that this position will be at the center of the debate on driverless cars, serving as the lead for the DOT's entire driverless car regulatory program. This technology has the potential to dramatically affect public safety, redefine our transportation infrastructure and literally change our American way of life. It is critical that DOT have a leader in this position with a strong grasp of this technology and the potential benefits and dangers it will bring. Ms. Furchtgott-Roth is not that leader.

AAJ believes that driverless cars have the potential to eventually reduce accidents and provide for safer travel, but we do not believe that will happen overnight. There will be a time between introduction and full deployment when new driverless cars will share the roadways with human drivers. There will be a need for strict, minimum safety standards for all the various technologies these new vehicles will utilize. The DOT needs to carefully and thoughtfully craft a regulatory framework that will adequately govern the way driverless cars perform, and ensure access to the courts when defective driverless cars inevitably crash and cause injuries. To that end, the person responsible for that program should have the necessary experience to successfully and thoughtfully oversee driverless technologies and other transportation innovations—experience that Ms. Furchtgott-Roth lacks.

Even more disturbing than her lack of substantive experience is her repeated public questioning of the need for workplace rights and protections for women, which informs her management style and decision-making as a Federal official. She has routinely and categorically discounted the importance of the civil justice system to provide remedies for those who are harmed, and to serve as a deterrent for corporate wrongdoing. She has commented that sexual harassment laws breed "employer overreaction," that no gender gap exists, and that it is unnecessary to strengthen or improve the existing laws that serve to provide a remedy for victimized women. Ms. Furchtgott-Roth even said that "differences in pay and position

stemming from women's choices are not a reason to pass more workplace pay discrimination regulations such as the Paycheck Fairness Act."

As an organization whose mission is to safeguard victims' rights and strengthen the civil justice system, we firmly believe that these kinds of beliefs have no place in public office or anywhere else. Once the committee reviews her sordid history and lack of expertise, we are confident you will conclude that she is unfit for this office and reject her nomination.

Given Ms. Furchtgott-Roth's lack of topical transportation experience and her harmful views on gender equity, we urge you to oppose her confirmation.

Sincerely,

LINDA A. LIPSEN,
Chief Executive Officer,
American Association for Justice.

Senator BLUNT. Senator Cruz.

**STATEMENT OF HON. TED CRUZ,
U.S. SENATOR FROM TEXAS**

Senator CRUZ. Thank you, Mr. Chairman.

Good morning. Welcome to everyone testifying. Congratulations on your nominations.

Let me start, Ms. Furchtgott-Roth, with a question, one concerning the Department of Transportation's Office of Positioning, Navigation and Timing and Spectrum Management, which coordinates the development of departmental positions on PNT spectrum and policy and is a program in the Office of the Assistant Secretary.

As you may be aware, our Nation's global positioning system, GPS, is used by a number of critical infrastructure and other key resource sectors. In 2014, the Department of Homeland Security publicly recognized that of the Nation's 16 critical infrastructure sectors, 15 of them use GPS. Should GPS be disrupted or even flicker for a few hours, the U.S. could potentially see widespread failure of cellular and telecommunications networks, disruption or failure of the power grid, breakdown of our financial system, air traffic control-related failures, which occurred on January 25, 2016 when GPS had a 7-hour internal flicker, and first responder network failures, which also occurred on January 25.

Do you have concerns about the vulnerabilities confronting GPS, and do you see the need for a backup system?

Ms. FURCHTGOTT-ROTH. I have not yet been in the Department, so I have not looked precisely at this issue. But there is certainly a great need to address issues of cybersecurity, and I would hope that the research, should I be honored being confirmed, would definitely inform that. Cybersecurity is a priority. We have had many high-level hacks recently. I know that even if the Internet goes down in my house, it is a disaster with my six kids. They are clamoring to get it fixed. And I would commit to working with you on this very important issue.

Senator CRUZ. Now, one potential solution. Since 2001, U.S. Federal agencies and Presidential directives have warned of our dependence on GPS and lack of a backup and have recommended using eLORAN as a backup system and that the eLORAN signal is 1.3 million times stronger than GPS and said to be virtually jam- and spook-proof. Given tight budgets, would you be willing to work with Congress on a public-private partnership that would stand up eLORAN or another suitable system as a backup system to GPS?

Ms. FURCHTGOTT-ROTH. I would definitely want to work with you on that issue.

Senator CRUZ. Let me shift to another topic.

Mr. Martinez, one of my top priorities in Congress is regulatory reform, and it has been a significant priority for the administration. One of the major areas of policy victories in this new administration have been the advances we have been making on reg reform. You will not be surprised to know that many industries involved in trucking have contacted my office expressing concerns about the implementation of the Federal Motor Carrier Safety Administration's electronic logging device, or their ELD mandate, which the Obama administration estimated would cost \$2 billion to implement. In fact, I have in my possession a letter that President Obama sent to John Boehner on August 30, 2011 which confirms that the mandate is estimated to cost \$2 billion.

In light of the costs, do you believe that the FMCSA should delay the implementation of the ELD mandate prior to December 18, 2017?

Mr. MARTINEZ. Senator, first of all, I believe that regulatory reform should be an ongoing process. My understanding with regard to ELDs are that they are now legally required and that there is a December deadline for implementation with a phase-in, with an ultimate deadline of December 2019.

If confirmed and in position, I would look forward to working with industry and all stakeholders, safety advocates, and particularly impacted sectors of commerce. I have heard that this rule could cause serious hardship to some small independent truckers, particularly those working in the agricultural sector. So I would want to meet with those involved in those areas who oppose the rule to learn more about their concerns. The goal is not to cripple commerce. The goal is to make our roadways safer. That is our mission, and everything that we approach this with is through that lens of safety. So it would be my intention, if confirmed, to first and foremost abide by the law but also to have an open door policy and work with all the impacted stakeholders.

Senator CRUZ. Very good. I look forward to working with you on that issue and working to mitigate the cost to small businesses and agriculture in particular.

Senator BLUNT. Thank you, Senator.

Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thanks, Mr. Chairman.

Thank you all for being here and your willingness to serve.

Ms. Furchtgott-Roth, I am told—I have not seen it, but I am told that in 2015 you wrote that, “unwanted touching is not sexual assault in a piece arguing that rape and sexual assault on campus is over-reported.” Is that correct?

Ms. FURCHTGOTT-ROTH. That is correct.

Senator BLUMENTHAL. Do you continue to believe that unwanted touching is not sexual assault?

Ms. FURCHTGOTT-ROTH. For example, if I touch Mr. Westmoreland like this, he might not want me to touch him, but that is not the same as sexual assault.

Senator BLUMENTHAL. OK. So unwanted touching, as in touching a part of your body that is private, is not sexual assault?

Ms. FURCHTGOTT-ROTH. That definitely could be sexual assault. Definitely, yes.

Senator BLUMENTHAL. It could be but not always?

Ms. FURCHTGOTT-ROTH. Touching a part of the body that is private in an unwanted fashion is sexual assault.

Senator BLUMENTHAL. Is sexual assault on campus over-reported?

Ms. FURCHTGOTT-ROTH. Well, this issue does not pertain to the Assistant Secretary for Research in Transportation.

But I just want to say that the data from the Department of Justice is very different from the commonly used data that 25 percent of young women are going to be raped on campus. It is a tragedy when anyone is sexually assaulted, but the Department of Justice data show 3 percent rather than 25 percent and that was the purpose of writing my article. But it is definitely something that we need to be addressing. We need to be protecting young women on campuses.

Senator BLUMENTHAL. It is, but you continue to believe that sexual assault on campus is over-reported.

Ms. FURCHTGOTT-ROTH. Not by the Department of Justice. It is not over-reported by the Department of Justice.

Senator BLUMENTHAL. Who is over-reporting it?

Ms. FURCHTGOTT-ROTH. The common statistic that 25 percent of young women on campus are going to be raped at college is over-reported. That is an exaggerated statistic that does not meet the Department of Justice statistical standards.

Senator BLUMENTHAL. Not all sexual assault, though, is rape.

Ms. FURCHTGOTT-ROTH. That is correct, yes.

Senator BLUMENTHAL. It can be unwanted touching.

Ms. FURCHTGOTT-ROTH. Correct.

Senator BLUMENTHAL. And can you give us some examples of how unwanted touching might not be sexual assault?

Ms. FURCHTGOTT-ROTH. Yes. For example, if I touch Mr. Westmoreland like this. This is not sexual assault, but it could be unwanted touching.

Senator BLUMENTHAL. And what is the line?

Ms. FURCHTGOTT-ROTH. It is difficult to draw the line. It does not have anything to do with transportation research.

Senator BLUMENTHAL. It has nothing to do with transportation research per se, but your statement, unwanted touching is not sexual assault, is a pretty blanket statement that indicates to me some lack of precision in an area demanding both sensitivity and precision. Correct?

Ms. FURCHTGOTT-ROTH. Sensitivity is extremely important and precision is also extremely important.

Senator BLUMENTHAL. And in many transportation issues?

Ms. FURCHTGOTT-ROTH. Yes, Senator.

Senator BLUMENTHAL. You come to this job with relatively little background in transportation or safety, if any, issues pertaining to

transportation. I recognize you have a lot of background and training in economics but none in the area that you have been assigned to oversee in the position for which you have been nominated. Correct?

Ms. FURCHTGOTT-ROTH. I have overseen a very broad range of research since 2001 as Chief of Staff—

Senator BLUMENTHAL. Any relating to transportation?

Ms. FURCHTGOTT-ROTH. There was transportation at the Council of Economic Advisors, and I have also written papers on transportation. I am familiar with many of the issues. I was speaking to Professor Kornhauser at Princeton on Sunday about his concerns about autonomous vehicles.

Senator BLUMENTHAL. But you have had some conversations about it.

Let me ask you. Just a few months ago, you wrote that the wage gap is, to quote you, a myth. You wrote, quote, legislation to close the gender wage gap is misguided. In reality there is no gap to close. I think there is a lot of information, in fact, that a wage gap exists in a high percentage of occupations and likely in transportation. Do you agree?

Ms. FURCHTGOTT-ROTH. There is a wage gap I believe in equal pay for equal work. That is the law of the land, and there are many laws that enforce that and I support the enforcement of those laws.

Senator BLUNT. Thank you, Senator.

Senator BLUMENTHAL. Well, you have not answered my question. I just want the record to reflect that you have not answered my question.

My time has expired, Mr. Chairman, but the fact is that you have contended factually there is no wage gap. Yes, there are laws that forbid discrimination, but you have denied that there is a wage gap. Correct?

Ms. FURCHTGOTT-ROTH. There is an overall aggregate wage gap, but when experience, time in the workforce, and profession are taken into account, it is a standard result in labor economics that the wage gap is diminished. It still exists but it is not the traditional 77 cents on the dollar. Professor June O'Neill, Professor Marianne Bertrand, and other professors all come to the same conclusion.

Senator BLUNT. Thank you, Senator.

Senator Cortez Masto.

There will be time for a second round of questions, if anyone wants to stay for that.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, I appreciate that, Mr. Chair. Welcome. Thank you all to the nominees and your willingness to serve. Welcome to your families, if they are here as well.

I apologize. I had another committee hearing, so I could not be here for your statements. But thank you for the written statements. They are very, very helpful.

Mr. Westmoreland, let me start with you. I am from Nevada and parts of Nevada are very rural. And I was just recently during the August break in some of our rural communities, one of them being

Elko, and had a chance to visit with our local leaders there who really reiterated to me their fear over the administration's efforts to cut funding to the California Zephyr line service that stops in Elko, Winnemucca, and Reno, Nevada where we have an average of 84,000 Nevada riders there.

Do you support the President's Fiscal Year 2018 budget, especially the transportation aspects of it?

Mr. WESTMORELAND. Ma'am, I have not seen the President's budget but let me address the rural lines.

Rail is very important to our rural communities across this country. I do think that there is a time to look at the cost of some of these rural routes and what the percentage is of supplement over what the cost of the ticket is. And I think that needs to be considered. I believe that the government and Congress and this administration has the right or the necessity to fund our rail system, but I do think that as a member of the Board of Directors of Amtrak, that we need to do our due diligence to find out what we can do to bring down some of those subsidies that go to some of these rural lines. But I hope that every person in America could have access to train service.

Senator CORTEZ MASTO. And I get the challenge that you are going to have. I would like a commitment, though, because there are so many parts of rural communities not just in Nevada but all across this country, as you well know. And they are challenged. They are challenged for transportation to get around and transportation to get to services that they need whether they be doctors or any other type of service. So I would hope I can get at least a commitment that you would be willing to work with me on—and I am sure you have heard from some of my other colleagues on rural rail service and how we still bring that service to our rural communities because that sometimes is the only transportation they have to get to services they need outside of their communities.

Mr. WESTMORELAND. Yes, Senator, I would be willing to work with you on that. And if anybody really wants to see this country and see the rural side of it, take a train ride across the country and you will see a lot of the rural nature.

Senator CORTEZ MASTO. That is right. Thank you. I appreciate that.

Ms. FURCHTOTT-ROTH, in June 2009, you penned, it looks like, a Reuters op-ed and you highlighted a position of transitioning gasoline taxes to a form of vehicle miles traveled system to fund our roads.

Ms. FURCHTOTT-ROTH. Yes.

Senator CORTEZ MASTO. Will you be asserting that position in your role if you are to become the Assistant Secretary of Transportation?

Ms. FURCHTOTT-ROTH. My role would just be to oversee research that would inform policymakers. It would not have anything to do with transitioning to different forms of highway financing. We have projects such as at the University of Nevada in Reno looking at columns with high-strength steel and investigation and design implications of seismic response to span bridge systems. So we commission different kinds of reports and then those are used to inform policy. The actual decisions to policy is up to—

Senator CORTEZ MASTO. Thank you. It sounds like you have done your homework.

One of the things that you may not know, though, and one of my concerns and that I have heard from this administration is getting the private sector involved in rebuilding Nevada's infrastructure. Although I think there always should be a public-private partnership, I am concerned about that private partnership taking over infrastructure in many communities across the country. And quite honestly, in Nevada there is no incentive. In Nevada, it is against the law to have toll roads. In Nevada, it is against the law to have fees on some of our roads. And so I am curious if you are going to play a role in the incentivizing or bringing in that private sector to invest in our transportation infrastructure across the country.

Ms. FURCHTGOTT-ROTH. No. That is not the role of the Assistant Secretary for Research and Technology.

Senator CORTEZ MASTO. OK. Thank you. I appreciate that.

And I know my time is running out. So, gentlemen, I have other questions for you, but I will submit those on the record. Thank you.

Senator BLUNT. Senator, if you want to stay, there will be a second round opportunity here.

Senator Booker has not taken his first round yet in deference to getting everybody else's questions asked. That was deeply appreciated by Members who have had to come and go, and it is time for some of your questions, Senator.

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

I just want to again echo what everybody is saying. Thank you all for putting yourself forward to serve your country. It is really something that is very grateful.

Mr. Martinez, Ms. Furchtgott-Roth, I really appreciate that both of you are speaking boldly with New Jersey accents.

[Laughter.]

Senator BOOKER. So real quick, I am going to try to go as quickly as I can to mercifully maybe not to have a second round. So forgive me if I am abrupt or cutting anybody off.

But just real quickly, Congressman Westmoreland, I am glad that you and I finally get to talk. I am sick of sitting next to this man, my Chairman, and having him tell me all the good things about you.

But just real quickly, if we were running our country like America, Inc., which we are not, or running like a board of directors looking for the biggest return, of all the transportation dollars you can spend, a dollar spent on the Gateway Program is probably one of the best in terms of returns for economic growth in a region that sends so much more money to Washington than it gets back. Just about every dollar invested in the Gateway Program produces about \$4 in expansion and economic growth.

Do you agree that the Gateway Program is critical and needs to be built?

Mr. WESTMORELAND. Yes, sir. In fact, in my recent study of the Gateway project, I am amazed at the infrastructure, some of it dating back to the Civil War on some of the tunnels and some of the infrastructure that is there. And it has been quite amazing to me. In fact, I think that Amtrak, as I have expressed, would do a good job of going around and making sure that Members of Congress on

both the Senate and the House understand what that Northeast Corridor does.

Senator BOOKER. Sir, I am going to cut you off. If you continue talking like that, Chris Christie and I will make you an honorary New Jerseyan.

[Laughter.]

Senator BOOKER. Thank you for that answer. That is all I wanted to do.

Mr. WESTMORELAND. I know I do not have a Jersey accent.

Senator BOOKER. It sounds very Jersey to me right now. Keep talking the way you are talking.

So these are some additional rail priorities. Do you support increased funding for Amtrak, including Federal support for distance passenger rail services?

Mr. WESTMORELAND. Sir, I do support the funding for Amtrak and making sure that we have a rail system that serves the entirety of this country. I do think some of these long distance routes need to be looked at to make sure they are the best economic policies that we have, and I am sure that Mr. Moreland and Mr. Anderson are working hard towards that. They brought down the debt. They are bringing up the revenue. They are increasing the passengers.

Senator BOOKER. I am going to stop you there. You are saying all the right things, sir.

I am going to try to catch you on this one. He and I both agree on the importance of positive train control, getting that implemented. Is that something that is a priority for you, sir?

Mr. WESTMORELAND. Yes, it is. And that is one of the reasons that I think I could help the Board. In my experience as Subcommittee Chair of Cybersecurity on the House Intel Committee, when you start doing cyber stuff to control trains, there is a big worry there for me, and we need to make sure that that system is safe.

Senator BOOKER. I am going to only get through one more line of questioning for Mr. Martinez. I want to be deferential to Chairman Thune, one of the few Senators who can bench press more than I can.

Real quickly, a speed round for you, sir. Mr. Martinez, where are you from, sir?

Mr. MARTINEZ. Port Monmouth, New Jersey.

Senator BOOKER. What state? I am sorry.

Mr. MARTINEZ. Port Monmouth, New Jersey.

Senator BOOKER. Thank you very much.

Do you believe that fatigue is a serious safety issue that should be addressed?

Mr. MARTINEZ. No question about it, Senator.

Senator BOOKER. And that is a priority for you to address the fatigue issue?

Mr. MARTINEZ. Absolutely. It is critical.

Senator BOOKER. Thank you very much.

The electronic logging issue came up with Senator Cruz. You said you would support electronic logging devices. Why is that important, sir?

Mr. MARTINEZ. What we have experienced in the past was it was paper-based, which means that it was very susceptible to fraudulent entries and altered entries.

Senator BOOKER. Thank you very much.

Do you support requiring automatic braking systems to help mitigate crashes?

Mr. MARTINEZ. I believe we should look at all technologies that would help safety.

Senator BOOKER. What about speed limiters on trucks?

Mr. MARTINEZ. I think that we have to look at the cost-benefit analysis on that, but I am willing to look at all opinions on it.

Senator BOOKER. OK. Minimum insurance has not been changed for 30 years. I know in the State of New Jersey, these massive accidents happen, and folks just do not have the insurance to cover all of it.

In response to pre-hearing questions, you indicated that more data may be necessary to make a determination about raising minimum insurance levels. What further data is important for you? I am pretty much convinced it just seems common sense. Can you just let me know where you stand on that?

Mr. MARTINEZ. That 30-year number certainly raises my eyebrows, but I would really need—it comes down to an economic question as well. I would like to get more information with regard to the cost of those crashes and whether that is sufficient.

Senator BOOKER. I will not press you on that because my time is about to be out. But I really hope you will look at the data.

And just to finish my line of questions so you do not have to deal with me again, in response to pre-hearing questions, you said you support making improvements to FMCSA's assessment of safety performance of motor carriers and the identification of high-risk carriers. What sort of data and metrics do you think are necessary there, sir?

Mr. MARTINEZ. I believe that we have to be a data-driven organization. We only have 1,100—and I say “we.” If I am fortunate enough to be confirmed and join the FMCSA, we rely on 13,000 partners in the State level who are also stretched. We have to be focused in our efforts, and we need data to do that, appropriate data to do that.

Senator BOOKER. Thank you, sir. And repeat for the record one more time what state are you from, sir?

Mr. MARTINEZ. New Jersey, sir.

[Laughter.]

Senator BOOKER. Thank you.

Senator BLUNT. Chairman Thune.

**STATEMENT OF HON. JOHN THUNE,
U.S. SENATOR FROM SOUTH DAKOTA**

The CHAIRMAN. Thank you, Mr. Chairman.

I do want to thank all of our panelists here today. You are up for some important positions. Congressman Westmoreland, welcome back. Nice to have you here. Ms. Furchtgott-Roth, Mr. Landsberg, and Mr. Martinez, for your willingness to serve or in some cases continue to serve our Nation.

And thank you, Senator Blunt, for chairing the hearing today.

The Committee once again has a group of very well-qualified nominees that have been selected to fill critical positions in the Federal Government. If confirmed, each of you is going to have an opportunity to bring considerable leadership and expertise to your respective positions and to move our Nation forward. We have been, on this Committee, active on a wide range of transportation-related legislation and oversight. And so I wanted to follow up with just a few priorities of mine, and I will start with Mr. Martinez.

Pursuant to the FAST Act, FMCSA is working to update the compliance, safety, and accountability, or CSA, program to ensure the scores assigned to motor carriers are more reliable and reflective of actual risk. In your experience with data management, including as the head of New Jersey's Motor Vehicle Commission and as New York's Commissioner of Motor Vehicles, how best can we utilize and apply reliable data to improve motor carrier safety?

Mr. MARTINEZ. First of all, I agree with the overall thrust of this program. The safety data needs to be verifiable and supportable, and we need to be using sound science. The key thing here is whether the data used to compile the assessments is accurate, reliable, and fair, in short, sound science. If the data is unreliable, we lose credibility, and we lose credibility with our stakeholders. We lose credibility with the entities that we regulate. And I think we do a disservice to the public.

If confirmed, it would be my intention to review the recent findings of the National Academy of Sciences' report on the CSA program and make appropriate changes as recommended to evaluate how best we can move forward.

There is also an effort beyond compliance. That is, we should be setting a very high standard that companies should be aspiring to, whether it is mandated or incentivized. So that is the type of environment that we should be setting forth in this country.

The CHAIRMAN. Ms. Furchtgott-Roth, as you know, the FAST Act sought to address a data gap in the movement of goods into and out of our ports and how those flows connect with the rest of the transportation system. Specifically, the FAST Act required development of a port performance freight statistics program to be informed by a working group composed of the key stakeholders to provide recommendations on the data measurements used in the metric development process.

Going forward, do you commit to working closely with the working group and across the Department to report robust, nationally consistent data and metrics that adequately gauge the efficiency and productivity of our ports providing a better understanding of our overall transportation network?

Ms. FURCHTGOTT-ROTH. Yes.

The CHAIRMAN. Good. That was easy.

So this is for Mr. Landsberg. The NTSB plays an important role in investigating transportation accidents and promoting safety. The last authorization of the NTSB was enacted over 10 years ago, and I think it is time for this Committee to look at reauthorizing the agency, modernizing its investigative tools, and increasing transparency as we promote a risk-based, data-driven approach to safety recommendations. So I look forward to collaborating with my col-

leagues on this committee in considering some of those reauthorization ideas.

Do I have your commitment to work closely with this Committee in the development of this proposal and to offer the Board's expertise as we evaluate potential improvements to existing NTSB authorities?

Mr. LANDSBERG. Yes, Mr. Chairman.

The CHAIRMAN. And I have got a little bit of time left. So I would like to have perhaps Mr. Landsberg, if you could elaborate a little bit. I think perhaps this question or discussion came up earlier. Is there anything else that you feel it is important to get out and talk about with regard to your views on the 1,500 hour flight hour requirement? I understand that came up earlier and that you did not get an opportunity to give a full answer. So I would like to ask you that question directly.

Mr. LANDSBERG. Thank you, Mr. Chairman.

I believe in performance-based regulation as opposed to an arbitrary one-size-fits-all rule. And in the case of the Colgan 3407 accident, which was the genesis of all of this, 4,000 hours was not enough for the captain of that aircraft to perform satisfactorily.

We have pilots coming from many different backgrounds. The military can train pilots in 300 to 500 hours in very high performance aircraft with great success. They should be given some consideration for that.

The feed mechanism for pilots, as I said, many different sources, and just as doctors, civil engineers, and attorneys do not all go to Harvard Law School, they all have to go through the same certification process in order to get their certificates.

So I do not want this to be construed as I am not in favor of high standards. I am. But I think it becomes—no degradation of safety. That is my litmus test that people can meet the performance requirements as opposed to just saying, well, you have to have 1,500 hours no matter what.

The CHAIRMAN. Mr. Chairman, thank you. Thank you all very much.

Senator BLUNT. Thank you, Chairman.

Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

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

Congressman Westmoreland, in March, a public works official was killed when his snowplow was struck by an Amtrak train at a rail crossing in Long Meadow, Massachusetts. This tragic event marks the fifth death and the seventh collision at that location since 1975, making the crossing the deadliest in Massachusetts.

Fortunately, the State and local governments are seeking to implement safety improvements at the crossing and have already secured over \$700,000 in Federal assistance. But to implement these safety features, Amtrak, the owner of the rail line, must first confirm that the crossing is public, approve a design, and construction plan, and may need to contribute a portion of the cost.

So today I sent a letter with Senator Warren and Congressman Richie Neal from western Massachusetts calling on Amtrak to help to address this matter.

Congressman Westmoreland, if confirmed, how will you address these types of safety issues where the local community wants to have action taken?

Mr. WESTMORELAND. Thank you, Senator.

I know that Amtrak has been working with your State and local officials and trying to bring some resolution of that particular crossing. Crossings are a situation where some of them are private, some of them are public. And the funding of it has always been, I guess, a confusing issue of who is going to pay for it. But I will make a commitment with you to work with you on that.

We also need to look at trespassing across railroad property that has led to a lot of deaths also. But safety is the biggest concern I think any of us can have with any mode of our transportation.

Senator MARKEY. Again, I agree with you. Safety is at the core of Amtrak's mission, and I think it is absolutely imperative that we ensure that this issue and issues like it get addressed as quickly as possible.

Mr. WESTMORELAND. Yes, sir.

Senator MARKEY. On Amtrak funding, a long distance rail line runs through the heart of Massachusetts connecting Boston, Worcester, Framingham, and Pittsfield and providing my constituents with high-quality rail access to major destinations including Chicago and Cleveland.

Regrettably, the Trump administration's budget request proposed slashing over \$600 million of funding for these critical long distance routes. Do you support these types of cuts, Congressman Westmoreland?

Mr. WESTMORELAND. Well, Senator, I have been around here for a while, and I have never known a President's budget to pass as submitted. And I am sure with just the concern that I have seen from this Committee and I know the concern of some on the House Transportation Committee, I doubt that that number will be zero.

What I do agree with the President on is that these routes do need to be looked at, and they need to make sure that we are doing everything economically possible to make these routes more pay for themselves. And so I am all for the funding to make this because we do have to have an entire railroad system that serves this country. But at the same time, we owe it to our taxpayers to make sure that we are doing these routes as economically as possible.

Senator MARKEY. Well, a cut of \$600 million in funding actually would make the problem worse. I know that Congresswoman Cortez Masto agrees with me on this, that it is just something that takes us in the wrong direction, and it is something that we are going to fight for to make sure that there is full funding in the years ahead.

And I have one minute left. I would like to ask you, Mr. Martinez, a question, which is that businesses and consumers should have the right to know the safety records of truck companies when selecting which company to use and to help Americans make better, safer selections to government used to make the safety scores of truck companies available to the public.

Regrettably, a provision in the FAST Act hid these safety scores from public view. I am concerned that businesses and consumers will find it difficult, if not impossible, to identify safe truck companies without the public display of those safety scores. And I am also concerned that truck companies will have little incentive to improve their safety records if the scores are not made public.

Mr. Martinez, how will you ensure that full safety scores will again one day be made publicly available?

Mr. MARTINEZ. Senator, thank you for that question.

I am an advocate for transparency. Certainly on the State level where I have specific oversight over school buses, we have a report card that we do where we are transparent with regard to the reports of our inspections. But the data does have to be accurate in order to be effective for the consumer to use and also to be fair for the industries that are regulated.

I look forward, if confirmed, to working with the FMCSA staff to see what they have, what they are working on and working with your staff to see how best we can achieve the goal of transparency and reporting.

Senator MARKEY. Yes. It is absolutely imperative that these safety scores are made available. Then the public can decide. And ultimately that is really the way the marketplace should work. The public sees a company is not doing their job. Then they can just move over to another company. So transparency is key.

Senator BLUNT. Thank you, Senator Markey.

Senator Baldwin.

**STATEMENT OF HON. TAMMY BALDWIN,
U.S. SENATOR FROM WISCONSIN**

Senator BALDWIN. Thank you, Mr. Chairman.

I will be focusing my questions on a topic that my colleagues on this Committee have heard me discuss multiple times before: domestic content preferences, commonly called Buy America.

Ms. Furchtgott-Roth, in 2009, you wrote that Buy America preferences in the stimulus bill would invite a trade war. Thankfully, we can say that this trade war did not come to pass. In fact, a recent GAO report that I requested found that the U.S. procurement market is the most open in the world, offering more access than the next five largest partners combined.

I am curious to know if you still believe that enforcing or strengthening our Nation's Buy America rules will invite a trade war?

Ms. FURCHTGOTT-ROTH. Well, first, this is not within the purview of the Assistant Secretary for Research. And you know, data have shown that what I wrote was not correct. So no. The answer is no, it would not invite a trade war. When the data change, I change my mind.

Senator BALDWIN. OK. So I want to get into a little bit more specifics on this. President Trump has frequently said that he supports Buy America policies, issuing a Buy America executive order and promising an infrastructure plan for Congress that will be guided by a buy American and hire American principle.

If confirmed, you will be working with Secretary Chao, President Trump, and Congress on infrastructure legislation. Yet, you have

written that you strongly oppose Buy America policies. Do you support Congress and the President working together to strengthen Buy America policies in infrastructure legislation? Yes or no?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BALDWIN. What specific Buy America infrastructure policies and reforms would you suggest for the President's infrastructure plan?

Ms. FURCHTGOTT-ROTH. I have not yet been at the Department, and I have not seen an infrastructure plan. And so I do not have any comments on what the infrastructure plan is right now or how it could be improved.

Senator BALDWIN. Well, let me give you a couple of examples of pending legislation. Do you support my legislation to make permanent a requirement that water infrastructure projects should be made, when possible, with American iron and steel?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BALDWIN. Do you support changing the definition of "Buy America" to increase the amount of American-made content required to be considered Buy America, as Senator Stabenow's Make It in America Act would do?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BALDWIN. And do you support cracking down on waivers that make it too easy for foreign companies to get around Buy America requirements?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BALDWIN. Thank you.

Senator BLUNT. Thank you, Senator Baldwin.

Senator Peters.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Mr. Chairman.

And to each of our witnesses today, thank you for your willingness to serve the American people in the capacity you have been nominated for. I appreciate that.

Mr. Westmoreland, it has been more than 2 years since the tragic Amtrak 188 derailment which the National Transportation Safety Board found could have been entirely prevented if the rail line was equipped with positive train control, as you know. With the deadline approaching to fully implement positive train control by December 31, 2018, I would just like to get your thoughts on that, and will you commit to make sure that Amtrak and other railroads meet their commitments under that provision?

Mr. WESTMORELAND. Absolutely, sir. As I have stated before, safety should be the number one priority of any of our modes of transportation in this country.

The positive train control on the Amtrak lines is implemented. We have that. There have been some problems with some of the other rail lines about interconnectivity of this, and they are working very hard to do it. Amtrak is doing their part, and hopefully we will continue to work with these partners to make sure that it is fully implemented by December 2018.

Senator PETERS. If confirmed, I appreciate your focus on this issue going forward.

Mr. WESTMORELAND. Yes, sir.

Senator PETERS. Thank you.

Ms. Furchtgott, I was concerned with some of your past remarks that you have made. Certainly I was concerned about your Buy America comments in particular, and I appreciate Senator Baldwin focusing her questioning on that issue because it is incredibly important that we think about American workers and American jobs first, and we always put American workers at the head of the line.

But I was also concerned about some of your past remarks about the state of the environment and the climate, where you have continued to propagate climate denier arguments and you have echoed criticisms of corporate average fuel economy standards for automobiles even though those arguments have been pretty routinely debunked.

If confirmed, you will be in charge of running a research operation that must uphold the integrity, as well as the impartiality of transportation statistical data. I helped introduce the Scientific Integrity Act at the beginning of this Congress with the Ranking Member of this Committee, Senator Nelson, as well as 26 other Senators, due to our concern that this administration could seek to suppress scientific findings because the results may not fit their particular ideology or their political agenda.

If confirmed, will you commit to ensuring that the researchers working under your supervision will be allowed to communicate their findings with the public, the press, and Congress?

Ms. FURCHTGOTT-ROTH. Yes.

Senator PETERS. If confirmed, will you uphold the principle of open communication of scientific findings and prevent the suppression of scientific findings?

Ms. FURCHTGOTT-ROTH. Yes. I have the utmost respect for Pat Hu, head of the Bureau of Transportation Statistics, and Rolf Schmitt, the Deputy Director of the Bureau of Transportation Statistics. They do excellent studies which are routinely published outside.

Senator PETERS. Great.

I have also heard directly from engineers at American automakers who believe that the best drivetrain for self-driving cars will be electric. We are expecting a transformation of the auto industry, as you know, with self-driving vehicles, it will be revolutionary, that will likely all be powered with electricity if the engineers have their way. But that also means, if that is the case, we are going to have some infrastructure challenges that could impede the development of conventional electric vehicles. So I am hopeful that one day we will be able to realize this potential. But I want to know what role will the research arm of the Department of Transportation play in helping our country enable the development and the deployment of these technologies?

Ms. FURCHTGOTT-ROTH. I would hope that should I be honored being confirmed, I could work with you on specific research projects in these areas. It is very important that research be done on electric vehicles and autonomous vehicles, including safety, in order to inform the policymaking process.

Senator PETERS. So because as you mentioned, the incredible safety advantages, we have to deploy them as quickly as possible,

and they are coming a whole lot quicker than I think the American public realizes. That means the research needs to be accelerated as well, and I hope that would be something you would focus on.

Ms. FURCHTGOTT-ROTH. Definitely, yes. Yes. There is actually research on—the University of Michigan is a lead on promoting safety, and there is a project at Washtenaw Community College.

Senator PETERS. Well, I appreciate you mentioning those two great institutions from Michigan. Thank you. You have obviously done your homework, ma'am. Thank you.

The President reportedly told a group of lawmakers in 2017 that public-private partnerships in infrastructure are, “more trouble than they are worth.” And in 2014, you seemed to agree by saying that “public-private partnerships are no substitute for serious transportation policy.” However, I have heard you praising them recently. Where are you on public-private partnerships?

Ms. FURCHTGOTT-ROTH. Well, there are different kinds of public-private partnerships, how much the private sector is involved, how much the public sector is involved. And it is not really a matter of the Assistant Secretary for Research, and I would support whatever Secretary Chao wanted to do with private-public partnerships and give her whatever research she needed.

Senator PETERS. Thank you.

Senator BLUNT. Thank you, Senator.

We will start a second round of questions that will be interrupted only if people come back who have not asked their first round of questions yet.

Mr. Martinez, this Committee through the FAST Act has really worked to try to focus reforming the regulatory process where it would be more data-driven than it has been in the past. Do you have any thoughts on how we could better use data to determine whether a regulation was needed or whether a regulation was working?

Mr. MARTINEZ. It is critical for the efficient use of our resources to use good data and to use good models and approaches. And so everything that my fellow nominee has been saying is music to my ears.

On the State level, we relied on gathering data from our counties and we still do—crash data—because of the limited resources that we have for enforcement and education to focus where the problem is. And the same thing goes with regard to the FMCSA that we look for problem operators and we would look for problem drivers. And the only way we can get to that is with using good data.

Senator BLUNT. Well, what about the cumulative impact of regulation generally? How do you analyze whether one regulation is making it harder to comply with the other one? How do you use data in that area?

Mr. MARTINEZ. We do see that sometimes they bump up against each other. What I would look forward to is working with my colleagues at the DOT, should I be fortunate enough to join them, and with members of your staff to see how we could streamline that so that we could be more efficient and not have that occur.

Senator BLUNT. Ms. Furchtgott-Roth, one issue that has not come up today really is the port issue. A third of the economy is tied to trade one way or another. I think as world food demand in-

creases dramatically over the next 25 years or so, the inland ports become more important.

The Department really has not come up with effective ways to evaluate either inland or other port traffic. Would you talk about what we could do to get that information to where it is more usable and more understandable as it relates to the rest of transportation?

Ms. FURCHTGOTT-ROTH. There is an annual port performance report, and I understand the Bureau of Transportation Statistics is adding to it the time spent in ports. Should I have the honor of being confirmed, I would hope I could work with you on further adding to that particular port performance report so that it can inform policymaking.

Senator BLUNT. Well, I think it definitely needs to be added to. I think the metrics are not what they need to be for us to really use that or for the Department to use it or for the affected ports to use it.

Ms. FURCHTGOTT-ROTH. Exactly.

Senator BLUNT. And I would suggest that was an important area for you to look at how we can use our research and data collection in a greater way.

Senator Booker.

Senator BOOKER. If there is nobody else that wants to ask a second round, except with Senator Blumenthal, I will follow up with a few more questions. But if you would allow for me to defer to Senator Blumenthal.

Senator BLUNT. Well, Senator Blumenthal, and as others come back or stay, we will give them a chance also. But, Senator, go ahead.

Senator BLUMENTHAL. Thank you. Thank you, Mr. Chairman.

Congressman Westmoreland, I know you have been asked about your votes against Amtrak funding. Maybe you can explain why you opposed I think just about every Federal dollar going into Amtrak?

Mr. WESTMORELAND. Well, I do not know that I opposed all Amtrak funding because I did vote for the final passage of these bills. What I did vote for was some amendments that would hold Amtrak more accountable for the way they were spending some of their money. And I think that is all of our responsibility as this Congress is really an oversight of these Federal agencies. I will say that if you look at some of those votes, I was not by myself and how I voted with some of the members on this Committee.

But, Senator Blumenthal, the one thing I realize is that we have to fund Amtrak. And I think it is the Board of Directors' responsibility to make sure that the things that we are funding and the things the government is funding for Amtrak is the best use of our tax dollars.

Senator BLUMENTHAL. Why did you vote to cut funding for Amtrak?

Mr. WESTMORELAND. Well, it was cut funding in certain areas. Some of those areas were on long distance routes where we were subsidizing the price of a ticket twice as much as the ticket cost the passenger. And I do think in instances like that I was accountable to my constituents, and I represented a very conservative district in Georgia, to explain to them that they were going to get on

the train and go to Chicago or to New York or to Washington, D.C., why in the world they were not subsidizing their fare like they were subsidizing other fares.

Senator BLUMENTHAL. Will you commit to support increases in Amtrak funding?

Mr. WESTMORELAND. Yes, sir. In fact, I will declare right now that when this infrastructure bill passes—and I do believe we will have an infrastructure bill passed—I am going to do everything I can to fight for the money to update the infrastructure that we have on our rail system. I have been appalled to look at some of the information we have of the age and the condition of some of the rail—

Senator BLUMENTHAL. You would oppose any attempts by the President to cut Amtrak funding?

Mr. WESTMORELAND. Yes, sir, I would.

Senator BLUMENTHAL. And you would support efforts to install positive train control throughout the system?

Mr. WESTMORELAND. Absolutely. In fact, Amtrak on the part of the lines that they own—the PTO has been installed, and they are working right now to make sure there is the interconnectivity between the other lines and the other railroads to make sure that we can complete this by the December 18 date.

Senator BLUMENTHAL. I want to ask you about a couple of your positions just to give you an opportunity to explain them in the event that they arise between now and the time of the vote.

You fought vigorously against the Emmett Till Act, a bill that provided Department of Justice resources necessary to pursue prosecutions against anyone who might be lynched and murdered during the civil rights era. You were one of two in the House to oppose that bill.

You also opposed the Voting Rights Act.

Perhaps you can explain those two votes.

Mr. WESTMORELAND. Yes, sir. The Emmett Till vote was for the FBI to go back and reopen investigations prior to 1970. I thought the money could much better be spent on investigating things that were happening right now. Hopefully, the people that happened before 1970 could be handled accordingly, but I did not see setting up a whole new unit just to hound those cases that had been done prior to 1970.

As far as the Voting Rights Act, I come from a Southern State, and I feel like that it has not been fair to us and the progress that we have shown with our elections and our abilities to hold fair elections. And what I was trying to do in opposing the Voting Rights Act was to make sure that this whole country was under a Voting Rights Act.

I also fought against the section 5 portion of it, which the Supreme Court eventually overturned, because I thought some of the things that were being inferred to southern states happened in the 1968 election. A lot of things have changed since the 1968 election. And you cannot use data from an election that is 50 years old to make your assumption about what the Voting Rights Act should be today.

Senator BLUMENTHAL. Have you supported Confederate symbols?

Mr. WESTMORELAND. Have I supported them?

Senator BLUMENTHAL. Yes, sir.

Mr. WESTMORELAND. In what way would I support them? I mean, I think it is very proper that people can recognize their heritage. My great grandfather joined the Confederacy when he was 82 years old so he could go with his two sons. And so I do respect the heritage that my family has had with the Confederacy and that the honor they served in being part of the state that made a decision. So I am proud of my heritage.

Senator BLUMENTHAL. But you would not advocate for use of Confederate symbols at any point on the routes of Amtrak?

Mr. WESTMORELAND. No. I do think that is in Amtrak's purview. But I do not see that happening.

Senator BLUMENTHAL. Thank you.

Mr. WESTMORELAND. Yes, sir.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

Senator BLUNT. Thank you, Senator.

Senator Hassan.

**STATEMENT OF HON. MAGGIE HASSAN,
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Thank you very much, Mr. Chair.

And just briefly to Mr. Westmoreland, I will add my concerns to those that I understand other Committee Members have expressed. I am a longtime supporter of Amtrak. I have been trying to work to get it into my state. So I am concerned and just want the record to note my concern about your record of voting to eliminate all Amtrak funding.

I did want to move on to Mr. Martinez. I wanted to thank you, sir, for meeting with me in my office regarding your confirmation. And I would like to address some of the issues we discussed just to get them on the public record.

Could you describe, please, how you will work to ensure that FMCSA works closely with State legislators and how states can collaborate with FMCSA as you carry out the duties of this role?

Mr. MARTINEZ. Thank you, Senator. As you are aware, the FMCSA works closely with our 13,000 State partners. As a former Governor, you are well aware of that. And as a State stakeholder right now, that is currently what I do. I act on FMCSA's behalf to ensure that the citizens and motorists in New Jersey are safe. I have an open door policy, and I believe it is critical that we have a good working relationship.

Senator HASSAN. Well, thank you. This may be a given but just again for the record. Will you ensure for this Committee that, if confirmed, safety will remain a top priority for this agency?

Mr. MARTINEZ. Everything that we do should be viewed through the lens of safety.

Senator HASSAN. Thank you.

Ms. Furchtgott-Roth, good morning.

Ms. FURCHTGOTT-ROTH. Good morning.

Senator HASSAN. Almost afternoon.

On the topic of sexual harassment in the workplace, you have written that you do not support labeling behaviors such as leering and making suggestive remarks as forms of sexual harassment, even saying that, "feminists who cry wolf with regard to harass-

ment and violence will eventually face a public skeptical of any of their claims about violence.”

You further state that measures taken to prevent sexual harassment that create a hostile work environment mean that, “relationships between men and women in the workplace inevitably suffer.” And you suggest that it is prudent for male employees in positions of authority to avoid interacting with female colleagues in order to avoid claims of sexual harassment.

These statements raise serious concerns about how you will respond as a manager to any sexual harassment charges among your employees. Given these statements, what assurances can you provide us that you will properly address any accusations of harassment?

Ms. FURCHTGOTT-ROTH. Well, I would follow the law. And there is an office of civil rights within the Department, and I would fully support the office of civil rights.

Senator HASSAN. And will you ensure a work environment that is safe and productive for all employees regardless of gender?

Ms. FURCHTGOTT-ROTH. Definitely, yes.

Senator HASSAN. Well, thank you.

I would just note that when there are suggestions that male supervisors should never meet with female subordinates alone, it obviously puts those female subordinates at a career disadvantage if they cannot have the same kind of one-on-one relationship with their supervisors that men can. So you can understand how that kind of statement and perspective concerns a lot of us.

And to that end, without objection, I would like to submit a statement of opposition to the nomination of Ms. Furchtgott-Roth from the National Women’s Law Center.

Senator BLUNT. Without objection.

[The information referred to follows:]

National Women’s Law Center Press Release

NWLC EXPRESSES DEEP CONCERN AT NOMINATION OF DIANA FURCHTGOTT-ROTH TO DEPARTMENT OF TRANSPORTATION ASSISTANT SECRETARY POSITION

Posted on October 27, 2017

(Washington, D.C.) On October 31, 2017, the Senate Committee on Commerce, Science, and Transportation is scheduled to hold its confirmation hearing for Diana Furchtgott-Roth as Assistant Secretary for Research and Technology at the U.S. Department of Transportation.

The following is a statement by Emily Martin, General Counsel and Vice President for Workplace Justice at the National Women’s Law Center:

“The National Women’s Law Center has serious concerns about the nomination of Diana Furchtgott-Roth to serve as Assistant Secretary for Research and Technology for the U.S. Department of Transportation. Furchtgott-Roth routinely distorts data to argue against legal protections for women’s rights at work and elsewhere. Furchtgott-Roth argues there is no gender wage gap and that it is unnecessary to strengthen equal pay laws or improve enforcement of existing laws-despite the undeniable fact that gender gaps appear in almost every occupation even when correcting for factors such as education and experience. She has asserted sexual harassment laws breed “employer overreaction,” and implied that workplace sexual harassment is over-reported, despite significant data indicating that the majority of women who experience sexual harassment never make a formal complaint. Top research positions in our government should be filled by public servants who are committed to principled, rigorous analysis. Unfortunately, Furchtgott-Roth’s record shows she is far too ready to offer up political ideology in place of this analytical work.”

Senator HASSAN. Thank you, and I yield back my time.

Senator BLUNT. Senator Cortez Masto or Senator Booker?

Senator BOOKER. I am going to make this brief. I just have one line of questioning for Ms. Furchtgott-Roth. I think you pointed out that your child is going to college in which state?

Ms. FURCHTGOTT-ROTH. I have two children, two voters in New Jersey, and they are both here in the audience.

Senator BOOKER. Thank you very much. Would the New Jersey student please identify himself? Both of them. Thank you very much for being here, gentlemen. You make fine choices with where you get your education.

Mr. Landsberg, I apologize. I will have no questions for you during this hearing. It does not mean I do not like you. It is just that you have no New Jersey connection whatsoever.

[Laughter.]

Mr. LANDSBERG. I am sorry, sir. Well, I have friends in New Jersey.

Senator BLUNT. Maybe you do have some questions.

[Laughter.]

Mr. LANDSBERG. And some of the best air traffic control occurs in New Jersey.

Senator BOOKER. I appreciate that prodigious pandering. Thank you very much.

[Laughter.]

Senator BOOKER. Ms. Furchtgott-Roth, thank you again. And I know it has been a long afternoon, and this will be as briefly as possible.

In your questionnaire to the Committee, you talked a lot about rebuilding infrastructure, and I am really grateful for that. I just want to drill down on just some specifics because as somebody who was a former Mayor, I believe in public-private partnerships, any way to get it done, get it built, get it made. And I know you share that commitment and the role that the private sector can play. In my city it helped us get the first hotel built in 4 years. Finding public-private partnerships helped us to build infrastructure, create jobs, turn a city around that literally now we are growing in population. So I know we share those values.

I do have some concern about infrastructure funding that is in areas where there really is not a private sector potential and the idea that in some areas where there is really no way for the Department to recoup but still for rural areas, it is still important that they get access to things like rail, for example. You would agree with that. Right?

Ms. FURCHTGOTT-ROTH. Yes.

Senator BOOKER. And as we contemplate massive infrastructure spending efforts here, some of that is going to have to be direct government funding. Do you agree with that?

Ms. FURCHTGOTT-ROTH. Yes, yes. And in fact, one of the research projects funded by the Assistant Secretary is at Rutgers University dealing with mobility and these kinds of issues.

Senator BOOKER. OK. Thank you for dropping Rutgers University in there. It is always helpful with your answers.

And so President Trump has said we can put millions of people to work rebuilding our infrastructure. Do you agree with that, that infrastructure actually creates jobs as well? Correct?

Ms. FURCHTGOTT-ROTH. Definitely, yes, yes.

Senator BOOKER. And so there is a multiplier effect if we are looking at economics, that if you put a dollar into infrastructure, it can create—studies I have seen—and you have probably looked at more of the research than I have. In the Gateway Region, a dollar produces \$4 in economic development. I have seen studies that show a dollar invested in infrastructure produces about \$2 in returns.

Ms. FURCHTGOTT-ROTH. It produces returns that enables people to get to their jobs. It enables more development in that particular area. We can see it with airports when private stores operate in airports like they do at a mall.

Senator BOOKER. Right. And that is why Republican President Eisenhower did the National Highway Program with tremendous Federal investments, to the tune of about a trillion dollars in today's dollars. It has produced perhaps some of the greatest economic growth on the planet earth. Correct?

Ms. FURCHTGOTT-ROTH. Correct, yes.

Senator BOOKER. And it is problematic that we have gone from the highest ranking infrastructure on the planet earth to now most engineering associations, nationally, internationally, rank us out of the top 10 in terms of crumbling, decaying infrastructure.

Ms. FURCHTGOTT-ROTH. It is very, very troubling.

Senator BOOKER. I really appreciate your loyalty and commitment to data.

I just want to give you a chance to elaborate on some of the answers. And I just want to give you the chance on General Schatz. He is not a general. Senator Schatz.

Senator BLUNT. Are you going to tell him he is not a general?

Senator BOOKER. I will definitely tell him. He does not bench press more than I do.

[Laughter.]

Senator BOOKER. He asked questions about you, and you responded that there were some new facts that changed your mind on transportation funding. He was drilling down on that just devolve it all to the states versus having direct Federal spending. Can you just elaborate in response to his questioning? I will just give you a little more space to do that.

Ms. FURCHTGOTT-ROTH. Yes. Well, first of all, this is a question for Congress to decide rather than for an Assistant Secretary for Research.

I was trying to make a point that if states had more flexibility with their highway trust funds, they could make the dollars go further so that if they had more control over how these funds were spent.

Senator BOOKER. OK.

But you understand that Congress' role is about how it is done. Right?

Ms. FURCHTGOTT-ROTH. Definitely.

Senator BOOKER. I really appreciate you saying that.

And the last thing I want to say because I have read a lot of your writing, and I think that you are one of those academics who—and we were actually talking about this up here, not that this has not been the most exciting hearing of my life, but about just how you seem to want to follow the data, data first, and then form opinions based on the data. And I really appreciate you saying that for the record.

And I just want to say this. I got a lot of flags from different labor groups. I am going to submit some of the labor concerns for the record.

But you and I know about trends going on in the United States' economy right now, and one of those is that in the 1960s, if you had a full-time job and you were paid minimum wage. It is the equivalent of about making \$20 an hour today. So back then, if you were willing to work hard in America, America worked for you. The problem is we have an economy—because you and I both love technology and innovation, and I am one of those people that has used this Committee to talk about over-regulation and things like the drone industry. It was crazy that in France, they were doing so much more with drones before we would even issue permits for drones to do anything more than film movies, which was outrageous to me. If the FAA was around during the time of Orville and Wilbur Wright, we might not have even gotten off the ground, for crying out loud.

But one thing that is happening in this world of increasing technology is this changing the nature of work. And we have a lot of folks out in America now that are working full-time jobs finding extra shifts where they can, and they still find themselves at or below the poverty line, having to rely on the social safety net, food stamps, like people in my city, food stamps. They rely on Medicaid. They rely on public housing. But yet, they are working just as hard as those folks back in the 1960s, but the economy is not working for them.

And I have looked at data and analysis. And you have to understand. You know me as a former mayor. We have some shared history. I fought with brass knuckles to try to get the best deal for my taxpayers, which meant that sometimes I had unions out protesting in front of city hall protesting me. But I have just looked at the data. And people who are a union janitor versus a non-union janitor—in fact, the *New York Times* did a great article. I wish I could be quoting the *Washington Post*—excuse me. The *Wall Street Journal* might be more respected by my colleague. But they did a great analysis of a janitor that worked for Apple versus a Janitor that worked for Kodak. You probably saw the article. And the data basically shows that people that have union jobs, the same job, versus somebody that does not tend to make a living wage versus a significant lowering of income. Have you seen that data? Am I wrong in that analysis?

Ms. FURCHTOTT-ROTH. You are correct, yes.

Senator BOOKER. So that is why some of the things that the language—and I will submit it for the record. But I really respect you as an academic—that some of the language you have said about unions in the past has been troubling to a lot of people at least on this side of the dais. And I just want to say that for the record.

But I am really encouraged by your willingness to look at that. We in America have a real problem right now. Almost 50 percent—not all—the data shows, are working in jobs in America that make \$15 an hour or less. We have a situation where in the baby boomer generation, by the time that baby boomers were 30, 90 percent were making more money than their parents. I am very sad that my generation, the X-geners, that we see now that trend really declining sharply, that the data shows that if you were born in 1980, by the time you are 30, only 60 percent are doing better than their parents. And it is getting worse because of the changing nature of work.

We can have a discussion because this is my belief is that right now unions are the bulwark between the sliding of wages, while we see the gains in this economy going increasingly toward the highest wage workers. So I just want to say that to you in this open hearing.

I am actually confident that you are one of those people I can reach out to. We are going to have more conversations.

But I just want to say that my colleague here, the Chairman of this Committee, has been incredibly respectful, run a good hearing. I think I have now strained his patience, and I am going to end my remarks. But I want to thank everyone here.

Senator BLUNT. My patience continues, and thanks for your comments.

Thanks to all of the people who have appeared today and to your family for coming with you and to those others who are here to support you.

Senator Booker has mentioned a couple of times questions for the record. It is our hope that each of you will be before the Committee for our markup decisions on really the next hearing. So the record will remain open through Thursday, November 2, for questions to be submitted. During this time, Senators will be able to do that.

Upon the receipt of those questions, nominees need to respond as quickly as possible, but no later than the close of business on Monday, November 6. And if there are outstanding questions, unlikely that you would be one of the nominees that we would be able to move on at the next markup. But I think that will not happen. We hope to move each of these nominees quickly.

We are grateful that you are willing to serve, grateful for the service that each of you have given in the past, and look forward to your service in the future.

And with that, this hearing is concluded.

[Whereupon, at 12:10 p.m., the hearing was adjourned.]

A P P E N D I X

AMERICAN TRUCKING ASSOCIATIONS
Arlington, VA, September 29, 2017

Hon. JOHN THUNE,
Chairman,
Senate Committee on Commerce,
Science, and Transportation,
United States Senate,
Washington, DC.

Hon. BILL NELSON,
Ranking Member,
Senate Committee on Commerce,
Science, and Transportation,
United States Senate,
Washington, DC.

Dear Chairman Thune and Ranking Member Nelson:

On behalf of the American Trucking Associations (ATA), I write to express the associations' strong support for the nomination of Raymond Martinez to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA). Mr. Martinez has a strong understanding of the trucking industry and exudes the kind of professionalism, integrity, and focus on safety that FMCSA needs. We encourage the Committee to support his nomination to this critical role.

ATA is the Nation's preeminent organization representing the interests of the U.S. trucking industry, encompassing more than 30,000 companies and every type and class of motor carrier operation. Within that role, ATA consistently advocates for the increased safety of our Nation's roads and bridges as a top priority for the trucking industry. In fact, ATA has determined that the industry invests at least \$9.5 billion annually in safety. These investments include technologies on the truck such as collision avoidance systems, electronic logging devices for driver hours of service compliance, and video event recorders. They also include driver safety training, driver safety incentive pay, and compliance with safety regulations.

As FMCSA Administrator, Mr. Martinez would work directly with legislators, law enforcement, and the industry to improve highway safety for commercial motor vehicles. Given his extensive experience—currently serving as the Chairman and Chief Administrator of the New Jersey Motor Vehicle Commission, and previously as the Commissioner of the New York State Department of Motor Vehicles—we are confident that Mr. Martinez is prepared to work hand-in-glove with the trucking industry to ensure the safety of our motoring public.

ATA looks forward to working closely with Mr. Martinez, FMCSA, and the Committee on important highway safety issues, and asks that you move ahead confidently with the approval of his nomination.

Sincerely,

CHRIS SPEAR,
President and CEO,
American Trucking Associations.

Cc: Members of the Senate Committee on Commerce, Science, and Transportation

November 2, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Senator Thune,

I am writing in strong support of the nomination of Diana Furtchgott-Roth to be Assistant Secretary for Research and Technology at the Department of Transportation. I have had the pleasure of getting to know Diana through her work with the Shadow Open Market Committee, which I became a member of early this year. She quickly caught my attention with her unusually incisive questions and ability to shift seamlessly between her roles as organizer, convener, and contributor to the

meetings. That motivated me to read some of her publications, which I found to be well-reasoned and fair. Clearly her background working as Chief of Staff for the Council of Economic Advisers and Chief Economist for the Labor Department is excellent preparation for productively managing the researchers at DOT. Both of those organizations also are well known for the quality and impartiality of their research, and I am sure she would bring those values to this job as well. In sum, I don't think it would be possible to find a more suitable candidate for this position.

Please feel free to contact me if I can be of further assistance in this regard.

Sincerely,

DEBORAH LUCAS,
Sloan Distinguished Professor of Finance Director,
MIT Golub Center for Finance and Policy.

THE UNIVERSITY OF MICHIGAN-FLINT
Flint, MI, November 3, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

Senator BILL NELSON,
Ranking Member,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

RE: Letter of Support for Diana Furchtgott-Roth

Dear Senators Thune and Nelson:

I am writing this letter to express my strong support for Diana Furchtgott-Roth who has been nominated for the position of Assistant Secretary for Research and Technology at the Department of Transportation. I have been familiar with Diana's research and writing for almost 20 years, going back to the late 1990s when I read her 1998 book "Women's Figures: An Illustrated Guide to the Economic Progress of Women in America." At that time, I was very impressed with Diana's well-research, detailed analysis of the economic progress of women in America, which included many dozens of detailed tables, charts, graphs and figures. I still have a copy of that book on my bookshelf, and occasionally refer to it. Fortunately, there is an updated 2012 version of Diana's book, and I was one of the reviewers of that updated version for The American Enterprise Institute.

In addition to being affiliated with the University of Michigan for more than 20 years, now as a full professor of economics at the Flint campus, I have also been affiliated with The American Enterprise Institute (AEI) for almost the last ten years, as an economist and scholar. It was in my role as a scholar at AEI that I had the opportunity in 2012 to review Diana's updated version of her book "Women's Figures" and was again impressed with her attention to detail, and her graphical representation of economic data relating to the economic progress of women in America.

Having spent much of the last nine years living in Washington, D.C., I have had many occasions to meet Diana Furchtgott-Roth in person, have attended several of Diana's speaking engagements, and have read her many op-eds and articles. I also had the opportunity to spend almost a week with Diana in Israel in 2015 at a conference sponsored by The Friedberg Economics Institute, which invited both of us to be speakers for an invitation-only conference for talented college students.

Therefore, I am very familiar with Diana both on a professional and personal basis over a period to time spanning several decades. As a fellow economist, I would rate Diana's research and writing skills as first-rate, and she is also a person of the highest level of professional and personal integrity. If she is approved as Assistant Secretary for Research and Technology at the Department of Transportation, I am confident that Diana Furchtgott-Roth will serve the public and the Department of Transportation as a very competent and experienced researcher/economist, as a dedicated public servant, and as a person of the highest integrity and character.

Sincerely,

MARK J. PERRY, PH.D.,
Professor of Economics and Finance,
University of Michigan-Flint.

UNIVERSITY OF CALIFORNIA, BERKELEY
Berkeley, CA, November 4, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Senator Thune,

I am writing in support of Diana Furchtgott-Roth's nomination to be Assistant Secretary for Research and Technology at the Department of Transportation.

As a Berkeley professor of social welfare and Co-editor-in-Chief of the Oxford University Press Series on International Social Policy, I am familiar with Ms. Furchtgott-Roth's accomplishments as a researcher and policy scholar. In her work on a volume for our OUP series she recruited a distinguished group of economists representing a refreshing mix of progressive and conservative orientations. And, more generally, I've been impressed by her thoughtful and bracing analyses of statistics on sensitive topics such as sexual assault and gender wage gaps. Ms. Furchtgott-Roth is a policy analyst with a healthy intellectual appreciation for diverse perspectives and fearless respect for empirical evidence—qualities that are imminently suited for an Assistant Secretary of Research and Technology.

Sincerely,

NEIL GILBERT,
Chemin Professor of Social Welfare.

UNIVERSITY OF MARYLAND
November 6, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

Senator BILL NELSON,
Ranking Member,
Senate Committee on Commerce,
Science, and Transportation,
Washington, DC.

Dear Chairman Thune and Ranking Member Nelson:

It is my honor to write in support of the nomination of Diana Furchtgott-Roth to be Assistant Secretary for Research and Technology at the Department of Transportation.

I am a professor at the University of Maryland School of Public Policy and a Senior Fellow at the Atlantic Council. I was a president, vice president, and director of international conferences of the Association for Public Policy Analysis and Management. I have also been a senior scholar at both the Brookings Institution and the American Enterprise Institute. In addition, I have taught law at New York University, Georgetown University, and the College of William and Mary.

I have known Diana for more than twenty years, read many of her publications, and attended many meetings where she presented. Many would describe her as a conservative analyst. In fact, she would probably do so herself. These days in Washington, that leads many on the left to challenge an analyst's bona fides.

Invariably, I found Diana to be an exceptional scholar and gracious colleague.

As the first director of the U.S. National Center on Child Abuse and Neglect, I worked extensively on the issue of child sexual abuse. That, in turn, led me to study sexual harassment, assault, and rape. These are serious social problems finally gaining the attention they require. Nevertheless, it is too easy to let sincere concern for victims create an exaggerated view of the nature and extent of the problem. While some may disagree with Diana's exact findings, I have no doubt that her research and that of others has provided a needed note of caution to the policy process.

The same is true of her work on income and earnings, of women in particular, but of all Americans, in fact. It is too easy to oversimplify the factors that lead to low incomes for women and specific social groups. Her analysis, again firmly grounded in well-accepted data, provides an important additional dimension for understanding recent developments.

In my role as co-editor in chief of the Oxford University Press (OUP) Handbook series on international social policy, I asked Diana to be the editor of the American section of one of the OUP volumes, *Global Trends in Income, Wealth, Consumption, and Well-Being*. As editor of that section she has assembled a first-rate group of authors that span the ideological spectrum. They include: Karlyn Bowman, Richard Burkhauser, Edward Conrad, Jeffrey Larrimore, Bruce Meyer, June O'Neill, Emmanuel Saez, and John Weicher.

Diana also serves as the senior American reviewer for the European papers being prepared for the OUP handbook by scholars under the leadership of senior staff at the European Commission. Under OUP auspices, she met in Paris with the European authors to help shape their chapters and ensure that their analyses are as balanced as possible. Even as she was making strong points about elements missing or needing modification, she demonstrated an ability to lower the anxiety and defensiveness of more junior scholars while pointing them in a more productive direction.

In these contentious times, we need more researchers and public servants like Diana, who understands the basis for differing opinions and seeks to narrow them through honest, evidence-based analysis.

I would be happy to provide any additional information or material that might be helpful.

Sincerely,

DOUGLAS J. BESHAROV,
Professor, School of Public Policy,
University of Maryland.

URBAN INSTITUTE
Washington, DC, November 7, 2017

Chairman JOHN THUNE,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Senator BILL NELSON,
Ranking Member,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chairman Thune and Ranking Member Nelson:

I am writing to give my strong estsupport for the nomination of Diana Furchtgott-Roth to be Assistant Secretary for Research and Technology at the Department of Transportation. She is a prolific and respected policy-oriented researcher.

I have known Ms. Furchtgott-Roth for over 20 years. Having worked with her on research projects, I know that she takes a dispassionate approach to data, one that is not influenced by ideology. Although we sometimes approach public policy issues from different angles, we share a mutual respect for the research that accurately captures the facts. As a guest speaker in my class at American University, Ms. Furchtgott-Roth provided an interesting, clear, and sound presentation and analysis of economic data. She has served well in major and relevant positions within the government, including chief economist at the U.S.

Department of Labor and Chief of Staff at the Council of Economic Advisers. Her personal connections to the economic research community will be valuable were she confirmed as Assistant Secretary. Finally, I am confident in ability to manage resources effectively and work collaboratively. I believe she will be highly successful in her new role.

Please let me know if you need any further information.

Sincerely,

ROBERT I. LERMAN,
Institute Fellow,
Emeritus Professor of Economics,
American University.
Research Fellow,
IZA (Bonn, Germany).

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO
HON. LEON (LYNN) A. WESTMORELAND

Question 1. Congressman Westmoreland, my colleagues, including Senator Nelson, Senator Booker, and others worked hard to ensure that passenger rail, including Amtrak, was authorized in the FAST Act. Appropriators led by Senator Cochran funded the full Amtrak system—not only the Northeast Corridor but state supported and long-distance routes as well. When you were my colleague in the House, you voted against funding for Amtrak in general and the long distance routes in particular, on more than one occasion. Those long distance trains can provide a vital

transportation link and economic development opportunities for rural areas including my state. Is that still your position?

Answer. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system. One of the main roles of Congress is oversight and one of the most efficient ways to demonstrate Congress' close attention is through funding mechanisms. Amtrak got that message, and the significant efficiency improvements that followed helped to keep the national system viable. I think it is also important to note, I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak. I am very confident that the current Amtrak leadership will continue to provide our communities with the service they need, and I look forward to working with them to help make that happen.

Question 2. My colleagues and I have worked with a host of partners along the Gulf Coast to restore passenger rail service lost due to Katrina. A big supporter and necessary partner of this effort has been Amtrak. We cannot restore this vital service to Louisiana, Alabama, Mississippi, and Florida without that strong partnership with Amtrak. Are you going to be that partner?

Answer. I completely understand the interest the communities and their leaders and elected representatives have taken in the service restoration effort on the Gulf Coast. I have been impressed by the ongoing activity, and I look forward to working with you and with them to find a way forward as we explore all the available options for service restoration.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
HON. LEON (LYNN) A. WESTMORELAND

Gulf Coast Rail Service. Congressman Westmoreland, as you know, earlier this year the Gulf Coast Working Group issued its final report on the restoration of Gulf Coast Rail Service, which provides a path to restoring service. Restoration of rail service will help the region meet its transportation needs and boost tourism and local economies.

Question 1. Do you commit to work towards restoring rail service to the Gulf Coast?

Answer. I am very aware of the efforts the people of the Gulf Coast and their leaders have invested in this service restoration effort, and I looking forward to working with them and with you to explore the full range of possible options for service restoration.

Question 2. Do you support continued Federal funding for long distance lines, including the Auto Train, Silver Meteor, and Silver Star, that run in Florida?

Answer. I believe Amtrak's national network has a vital role to play, particularly in providing service to areas without transportation alternatives, and I support it, provided it is run in a manner that safeguards the taxpayers' interests. I would also note that I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak.

Question 3. At the hearing, you mentioned that you were concerned about the cost effectiveness of long distance routes and would like to evaluate the routes. What specifically do you want to evaluate and which routes do you plan to evaluate? Under what, if any, circumstances would you consider discontinuing long distance service?

Answer. I think that the system should be regularly evaluated to ensure that it continues to deliver relevant transportation choices to the communities it serves at an affordable cost to the taxpayer. This is a complex question, but I have a lot of confidence in the ability of the current management and the Amtrak Board to identify options for the improvement of existing services.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
HON. LEON (LYNN) A. WESTMORELAND

Congressman Westmoreland, if there's one thing we don't need in Washington state, it's more traffic. Over 1.2 million people use Amtrak trains each year in our state, keeping a lot of cars off the road. The Administration's budget proposed eliminating funding for long distance routes which effect the two National Network trains that run through Eastern Washington, potentially ending service for over 50,000 Amtrak users in Spokane.

Question 1. In your questionnaire you stated that you have a personal connection to Amtrak because you rode it from Atlanta to D.C. as a junior Congressman. Given this appreciation for Amtrak important mission, can you explain your reasoning for voting to defund Amtrak while you were serving in the United States House of Representatives?

Answer. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system. One of the main roles of Congress is oversight and one of the most efficient ways to demonstrate Congress' close attention is through funding mechanisms. Amtrak got that message, and the significant efficiency improvements that followed helped to keep the national system viable. I think it is also important to note, I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak. I am very confident that the current Amtrak leadership will continue to provide our communities with the service they need, and I look forward to working with them to help make that happen.

Question 2. As the Director of Amtrak, would you support the administration's proposed budget cuts or would you be an effective advocate for Amtrak within the Administration?

Answer. The Amtrak Board of Directors has significant fiduciary responsibilities to the company, which carry the obligation to ensure that they act in the best interests of the company. Last year, in its 2018 General and Legislative Annual Report, Amtrak reported to Congress that the elimination of the long distance services would cost an additional \$423 million. That would be a significant financial problem for Amtrak, and if confirmed, I would need to consult closely with the rest of the Amtrak Board and Congress before coming to a conclusion.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
HON. LEON (LYNN) A. WESTMORELAND

Question 1. Do you agree that Amtrak is an important contributor to the Nation's economy?

Answer. Yes, I believe Amtrak makes a very strong contribution to the Nation's economy in every region it serves. In the Northeast, it supports the Nation's economic powerhouse; in the South and West, it provides towns and communities with few transportation choices and connectivity to major urban centers. I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak.

Question 2. Do you agree that Amtrak is an important contributor to the economy of your home state, Georgia?

Answer. I do. Amtrak provides the state with important scheduled transportation connections it would otherwise lack. A U.S. DOT study a few years back found that Georgia saw a 28 percent drop in bus service coverage for rural residents between 2005 and 2010. That makes Amtrak service that much more important to the rural parts of the state. Amtrak does substantial business in Georgia, and it spent more than \$56 million on procurement in the state in 2016, and it has a payroll of nearly \$7 million in the state.

Question 3. Did you vote in 2007 as a member of the House Transportation and Infrastructure Committee to cut security funding from Amtrak?

Answer. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system. One of the main roles of Congress is oversight and one of the most efficient ways to demonstrate Congress' close attention is through funding mechanisms. Amtrak got that message, and the significant efficiency improvements that followed helped to keep the national system viable. I think it is also important to note, I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak. I am very confident that the current Amtrak leadership will continue to provide our communities with the service they need, and I look forward to working with them to help make that happen.

Question 4. Did you vote in 2010 as a member of the House Transportation and Infrastructure Committee to cut funding from Amtrak's capital and debt service grants by approximately \$1.2 billion?

Answer. Yes.

Question 5. Did you vote in 2011 as a member of the House Transportation and Infrastructure Committee to cut funding from Amtrak's capital and debt service grants by approximately \$446.9 million?

Answer. Yes, however, I was not a member of the House Transportation and Infrastructure Committee in 2011.

Question 6. Did you vote in 2015 as a member of the House Transportation and Infrastructure Committee to cut funding from Amtrak's capital and debt service grants by approximately \$850 million?

Answer. Yes, however, I was not a member of the House Transportation and Infrastructure Committee in 2015.

Question 7. Did you vote in 2015 as a member of the House Transportation and Infrastructure Committee to cut funding from Amtrak's operating grants by approximately \$288 million?

Answer. Yes, however, I was not a member of the House Transportation and Infrastructure Committee in 2015.

Question 8. Did you ever vote in favor any amendment as a member of the House Transportation and Infrastructure Committee that would deauthorize Federal financial support for Amtrak?

Answer. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system.

Question 9. Do you stand by your votes in relation to Amtrak?

Answer. Yes, I do. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system. One of the main roles of Congress is oversight and one of the most efficient ways to demonstrate Congress' close attention is through funding mechanisms. Amtrak got that message, and the significant efficiency improvements that followed helped to keep the national system viable. I think it is also important to note, I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak. I am very confident that the current Amtrak leadership will continue to provide our communities with the service they need, and I look forward to working with them to help make that happen.

Question 10. If you have changed your mind about these votes, what led you to change your mind?

Answer. A member of Congress has the obligation to represent his constituents, and I think I did that. As a Board member, however, I would have a different set of obligations. Directors are expected to act in the best interests of the company, which would lead me to take a different position on Amtrak funding issues. I would note that I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak.

Question 11. It is promising in your questionnaire to this committee that you have now voiced support for Amtrak and for high-speed rail. Do you now support an increase in funding for Amtrak?

Answer. I would support increased funding for capital investment, because I believe that Amtrak faces major infrastructure challenges that must be addressed. I would stress, however, as we appropriate more capital, it is important that the company also ensure that the taxpayers receive the best possible value for their money with these investments.

Question 12. What level of funding should Amtrak receive annually from the Federal Government?

Answer. Amtrak should receive sufficient funding to meet its statutory obligation to operate the national intercity passenger rail system, and to address its growing infrastructure and fleet recapitalization needs.

Question 13. How would you convince members of the Senate and House that we need to increase investment in the network?

Answer. I believe the best argument for Amtrak is its current financial success. If we can go to Senators and House members with a demonstrated record of managerial excellence and successful operations that serve the nation, those facts will make a very effective argument of the value Amtrak brings to the taxpayers, and for the very significant needs for capital investment to deal with the system's capacity needs and state of good investment backlog.

Question 14. In response to the committee's questionnaire, you state "If Amtrak is to remain competitive, it must have options that go beyond standard rail service." Do those options include high-speed rail?

Answer. Yes, they do. The improvements that Amtrak has made in its financial position have been largely attributable to better management and better service. High speed rail could, if properly located, designed and managed, make a great contribution both to the national economy and Amtrak's bottom line.

Question 15. What should the source of funds be for new high-speed rail efforts?

Answer. I would be willing to explore all options, including the Federal appropriations process, FAST-authorized grant programs, and other innovative strategies.

Question 16. In response to the committee's questionnaire, you state "The Acela has been successful in part because of its time-saving design, although even that option needs improvement." What improvements do you suggest?

Answer. As I am sure you know, Amtrak is purchasing new Acela trainset, with the first set slated for delivery and testing in 2019. These will provide a larger capacity and support better and more frequent service, particularly as targeted infrastructure improvements are completed. There is clearly a need for investment in additional capacity and trip time improvements on the Northeast Corridor, in addition to the clearly identified need for repair and replacement of aging and deteriorating infrastructure.

Question 17. What efforts will you take to improve safety on the Amtrak network?

Answer. I believe the current management has set achievable goals and a good strategy to improve safety, and I will work with them to ensure that they have the tools and support they need to accomplish that task.

Question 18. What efforts will you take to improve security on the Amtrak network?

Answer. I will encourage management to ensure that safety and security remain their top priorities, and work with them to identify and implement effective strategies to secure the Amtrak system. As a former member of the House Permanent Select Committee on Intelligence, I have gained a strong perspective on both the threat and the means that are available to deal with it—including current Federal and private best practices. I believe there will be potential opportunities for improvement at Amtrak, and I will work closely with the Board and management to pursue every available opportunity to keep the traveling public safe.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. EDWARD MARKEY
AND HON. CATHERINE CORTEZ MASTO TO HON. LEON (LYNN) A. WESTMORELAND

Amtrak provides a valuable service to tens of millions of Americans across the country, including those living in rural communities who travel on Amtrak Long-Distance routes. These routes connect 40 percent of rural America, offering an important option for scheduled intercity travel for many of those living in these areas.

At the hearing, you acknowledged the importance of passenger rail service to rural communities, stating that funding our rail system is a "necessity." However, as a Member of Congress you voted to cut and eliminate Amtrak operating and capital grants and funding for Long-Distance routes, like those that serve multiple stops in Northern Nevada (Reno, Elko and Winnemucca) and connect Boston and Western Massachusetts residents to major destinations like Chicago and Cleveland.

Regrettably, the Trump Administration's budget request proposed slashing over \$600 million of funding for these critical long-distance routes.

Question. If confirmed, what steps would you take as a member of Amtrak's Board of Director to make Long-Distance routes cost effective?

Answer. I will work with my colleagues on the Amtrak Board and with management to study the system and identify opportunities for financial improvement, consistent with our responsibilities to operate and maintain the national system.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. CORY BOOKER TO
HON. LEON (LYNN) A. WESTMORELAND

Question. During your confirmation hearing, you described the urgent need to build the Gateway Project. If confirmed, will you support increasing Federal funding for projects of national significance like the Gateway project?

Answer. I will certainly support efforts that, like Gateway program, are designed to invest to address identified capacity, condition, and replacement needs. I believe there is a place for Federal capital investment in projects of this magnitude, provided it is made in a fiscally prudent and responsible manner.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MAGGIE HASSAN TO
HON. LEON (LYNN) A. WESTMORELAND

Mr. Westmoreland, I have long championed the idea of expanding and increasing rail services in New Hampshire. I had planned to ask you about whether this is something you would consider supporting and working with me on, if confirmed to this position.

Then I took a look at your voting record.

In the U.S. House of Representatives, you voted to eliminate ALL Amtrak funding, you voted to eliminate Amtrak operating grants, and you voted to close down several rail lines altogether. To be clear, as a member of the House of Representatives you were no friend of Amtrak's.

Question. How do you remedy the need for the Amtrak system to operate with your seeming desire to shut it down; and what assurances does this committee have that you will act in the best interest of Amtrak, and not work to dismantle it?

Answer. I do not want to shut Amtrak down. I want it to run in a manner that safeguards the taxpayers' investment. When I represented my district, my constituents expected me to protect the taxpayers' interests. I used my vote to remind Amtrak that Congress was watching, and expected careful stewardship of the public investment in its system. One of the main roles of Congress is oversight and one of the most efficient ways to demonstrate Congress' close attention is through funding mechanisms. Amtrak got that message, and the significant efficiency improvements that followed helped to keep the national system viable. I think it is also important to note, I supported the 2015 FAST Act and voted for passage of the final version which reauthorized funding for Amtrak. I am very confident that the current Amtrak leadership will continue to provide our communities with the service they need, and I look forward to working with them to help make that happen.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO HON. LEON (LYNN) A. WESTMORELAND

Question. Congressman Westmoreland, you highlighted rail security threats in both your questionnaire and your testimony. Can you speak a little more about your expertise in that area, and what you think you may add that isn't being considered on the current Amtrak board?

Answer. As a former member of the House Permanent Select Committee on Intelligence, I have gained a strong perspective on both the threat and the means that are available to deal with it—including current Federal and private best practices. I believe there will be potential opportunities for improvement at Amtrak, and I will work closely with the Board and management to pursue every available opportunity to keep the traveling public safe.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
DIANA FURCHTGOTT-ROTH

Impacts of Climate Change. Ms. Furchtgott-Roth, as we have tragically seen in the most recent hurricanes, Florida and territories like Puerto Rico are particularly susceptible to extreme weather and the impacts of sea level rise.

Question 1. Do you believe that it is important to help make communities resilient to extreme weather and climate variability? If yes, what actions should we take to address resiliency and prevent damage caused by hurricanes and other forms of extreme weather?

Answer. Yes. We have benefited from advances in weather forecasting, to help communities prepare for such weather disasters. We also need to have research into how to make roads, ports, and airports more resilient after storms, such as research on the durability of various materials that could be used for surface areas. We also need robust energy and communications systems, particularly at ports and airports, to make sure that supplies and building materials can enter the impacted areas.

Question 2. Do you support Federal funding to help with immediate emergency relief and long-term rebuilding?

Answer. Yes.

Highway Trust Fund. You have written several articles that have been very critical of Federal involvement in highway and transit funding. They have even included calls by you to either scale back the Federal Highway Trust Fund dramatically or to get rid of it altogether.

Question 3. What impact would your proposal have on our ability to ensure that our roads and bridges are safe? What research have you done to come to this conclusion?

Answer. One aspect of being both an academic and a columnist is to throw out ideas for discussion and reaction. And because revenues from the Highway Trust Fund are diminishing, we need to consider solutions to the problem of how to maintain and improve highway infrastructure. To be clear, I support the current law, which includes the Highway Trust Fund. But we should do more research into alternative sources of funding so that Americans can have a safe infrastructure system.

Question 4. If confirmed, would you continue to advocate for the elimination of or a reduction to the Highway Trust Fund? Please explain. 2

Answer. No. The position is a research position, not a policy or an advocacy position.

Privatization of Air Traffic Control. In a 2016 article supporting privatizing air traffic control, you stated: “Congress should free each airport to choose the air-traffic-control service it prefers. There could be one agreed-upon set of communications protocols, and each service provider would have to abide by these protocols.”

Question 5. Can you explain how such a plan would preserve the National Airspace System and ensure the safety of the flying public? What data have you relied on to come to this position?

Answer. Safety is paramount. When I wrote the article, I believed that an agreed-upon set of communications protocols would ensure that different air traffic control systems would work together, just as people with Verizon phones can talk to people with T-Mobile phones. But the future of the air traffic control system would not be my decision if confirmed as Assistant Secretary for Research and Technology. I would not be advocating for any changes in the current system.

LGBT Rights. In an August 24, 2016, article on marketwatch.com titled “Obama’s bathroom law fails to protect those who need it most: girls,” you stated the following: “That simple moral compass has been turned on its head in America, where the Obama administration has unwittingly invited Peeping Toms and perverts to enter any girls’ bathrooms and locker rooms under the guise of fairness to the transgender community. Not only are the lechers invited in, but the Obama administration even sought to make it unlawful to keep them out.”

Question 6. Do you stand by this statement? Please explain.

Answer. Quite honestly, as the parent of a girl, I would have been upset if a school had allowed boys, even those who identified as girls, into girls’ bathrooms or locker rooms.

Funding for the Manhattan Institute. In your response to my pre-hearing questions, you stated that you “do not have information concerning the donors to the Institute.” This did not appropriately respond to my concern, which involves potential conflicts.

Question 7. Please provide a list of all entities that have provided funding to the Manhattan Institute for Policy Research since 2009.

Answer. I have asked the Manhattan Institute if it has a public donor list, and no such list is published. Fundraising is done by the Institute’s Office of Development in New York. As an employee of the Institute, I am not informed about who the contributors are for precisely the reason that you cite: that it could pose a conflict of interest and taint our research products.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
DIANA FURCHTGOTT-ROTH

Ms. Furchtgott-Roth, you have written very extensively about your opposition to the government’s role in helping to develop sustainable energy sources, and you’ve been a forceful proponent of public-private partnerships when it comes to building infrastructure.

One of missions of the Office of the Assistant Secretary for Research and Technology is to “Advance innovation, technology development, and breakthrough knowledge.”

Question 1. If confirmed, will you work to promote and advance innovation and technology development which will bring much-needed improvements in efficiency and environmental benefits, even though some of those technologies may stand in contrast to many of your writings?

Answer. Yes

Question 2. If confirmed, will you prioritize research and technology development on the best available science?

Answer. Yes

Question 3. You've been a strong proponent of public-private partnerships, yet not all states are equipped or even willing to hand over responsibility for key transportation infrastructure to the private sector. How will you account for that when advising the administration on much-needed infrastructure overhaul?

Answer. The position to which I have been nominated is a research position and not a policy position. If confirmed, I hope to generate research that shows which types of public private partnerships work, and which ones do not, and in what circumstances. I do not believe there can be "one-size-fits-all" approach. I hope that the research of the Office would inform policy.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
DIANA FURCHTGOTT-ROTH

Experience and familiarity with transportation.

Question 1. What experience do you have in transportation?

Answer. I have had an interest in transportation from an early age, as my father, Gabriel Roth, was a transportation economist at the World Bank and recently a fellow at the Independent Institute. He has published several books and numerous articles that have appeared in transportation journals. In my own career as an economist, I have written on a range of transportation subjects, including ports, pipelines, highway funding, and CAFE standards. I have managed research teams at the Council of Economic Advisers, the U.S. Department of Labor, and at the Manhattan Institute. Researchers affiliated with these offices have conducted research on a wide variety of topics, including transportation.

Question 2. What positions have you held in the transportation industry?

Answer. None, but I would suggest that this could be construed as a positive in that my work in the Office of Research and Technology would not be influenced by past industry associations.

Question 3. What entities have you worked for in the transportation sector?

Answer. I worked at the American Petroleum Institute for four years.

Question 4. What positions have you held that oversee safety matters?

Answer. None.

Question 5. What positions have you held that are focused on science (exclusive of economics-focused positions)?

Answer. Most economists would say that they are scientists. Economics follows scientific methods of analysis of data and statistics. I am not a physical scientist, but as an economist, I study how humans react to various externalities, such as price, availability, availability of substitutes, and so forth. In transportation, safety is often a function of human behavior; consumers make choices between travel by air or rail; state and local governments consider the present value of building road A versus road B. Economics is an appropriate discipline for the Assistant Secretary for Research and Technology. I have led research teams at the Council of Economic Advisers, the U.S. Department of Labor, and at the Manhattan Institute. Researchers affiliated with these offices have conducted research on a wide variety of topics, including transportation. Finally, I wish to note that the incumbent in this position was a lawyer so being a physical scientist or engineer does not seem to be a prerequisite for holding this position. 5

The Federal Government's role funding transit and rail and overseeing rail and trucking safety.

Question 6. In 2014, did you write that the Federal Government should "no longer require states to use gas tax funds to pay for mass transit"?

Answer. Yes. I wrote a column reviewing legislation by Representative Earl Blumenauer from Oregon, entitled the Road Usage Fee Pilot Program Act of 2013. He proposed replacing the gas tax with a fee for miles travelled.

Question 7. Do you hold the view that the Federal Government should no longer require states to use gas tax funds to pay for mass transit?

Answer. I support the law of the land, which requires states to spend funds on mass transit. The position to which I have been nominated is not a policy position.

Question 8. In 2011, did you write that "passenger service on fixed rails . . . is an old and outmoded technology"?

Answer. Yes.

Question 9. Do you hold the view that passenger service on fixed rails . . . is an old and outmoded technology?

Answer. The article was in the context of President Obama's search for areas to cut the deficit. Proposed high speed rail projects were major budget items. I recognize that for many Americans, particularly along the Northeast corridor, passenger and commuter rail is the most efficient form of transportation.

Question 10. What do you propose be done to replace passenger service on fixed rails if you do indeed believe it is an old and outdated technology?

Answer. Future concepts in transit technology, such as MagLevs and hyperloops, are being developed, and one day soon could be reality. In the meantime, fixed rail service should be supported, particularly on well-traveled routes such as the Northeast corridor.

Question 11. In 2011, did you write a piece telling the Obama administration to "cut, don't promote high-speed rail"?

Answer. I did not write that. That was the headline given by the Washington Examiner.

Question 12. Do you believe the Trump administration should lessen investment in passenger rail?

Answer. Some routes are worthy of additional investment, particularly the Northeast Corridor.

Question 13. Have you ever questioned the Federal Government's role as a safety regulator?

Answer. No.

Question 14. Do you support the Federal Government serving as a strong safety oversight authority?

Answer. Yes.

Question 15. Have you ever retweeted articles that argue for safety and economic benefits of deregulated rail and trucking industries?

Answer. I do not recall. I deleted my Twitter account weeks ago and I have no record of my Tweets or Retweets.

Question 16. Have you ever tweeted any articles arguing that self-policing by an industry yields better public safety?

Answer. I do not recall tweeting those articles.

Question 17. A recent surface transportation reauthorization bill authorizes significant funding for transit and rail for Connecticut. Do you support the investment of those funds in rail and transit?

Answer. If Congress makes the judgment that such funding is in the public's interest, then I believe in carrying out those provisions. I do not expect that the Office of Research and Technology would be called upon to opine on such funding decisions.

Question 18. Should we invest more Federal funds into passenger rail?

Answer. Some routes are worthy of additional investment, particularly the Northeast Corridor.

Question 19. Should the Federal Government do more or less to regulate safety?

Answer. When there are safety issues that can be effectively addressed by regulation, I believe the Federal Government should address it. I believe safety is paramount and is an appropriate role of government.

Question 20. In your confirmation hearing, Sen. Schatz asked about your past support for reducing investments in transportation, citing a statement from you in 2011, "One sector ripe for cuts is transportation." You stated your position on this has changed as "new facts" "have come to light." What "new facts" have you discovered that made you change your position?

Answer. In the six years, since I wrote this article, traffic congestion has gotten worse, the average flight time is longer from destination to destination, drones are now used in a number of ways, and automated vehicles are getting closer to introduction on the roads. The Department of Transportation must have the resources necessary to effectively promote proper testing of new technologies, regulate and enforce laws, and assist state and local governments finance new infrastructure. However, I continue to believe that all Federal departments, not just the Department of Transportation, have a duty to restrain spending whenever possible. Accumulating debt is a serious matter that will impact generations to come.

Question 21. Have you ever tweeted a statement or retweeted the statement: "It's long past time to put an end to Chevron Deference"?

Answer. I do not recall tweeting or retweeting that statement. I have not written on Chevron Deference. It is possible that I retweeted an article from our daily

Ebrief, which is a collection of 7 economics articles that go out every morning from E21.

Question 22. What legal framework do you propose replace this principle?

Answer. This is a legal topic, and not one on which I have taken a position.

Impartiality in scientific studies.

Question 23. The position for which you've been nominated—the head of the department's office of research and technology—plays an instrumental role evaluating safety data and testing ways to save lives. That role also requires impartiality—the hallmark of good science—“upholding the integrity and impartiality of transportation statistical data,” as the agency's website states. In one of your books, you refute policies at DOT. The agency oversees CAFE standards, which reduce harmful, unhealthy auto emissions. You wrote in 2012 “higher CAFE standards would be the nail in the automobile industry's coffin.” Do you maintain the views you've expressed in the past concerning CAFE standards?

Answer. A 2002 National Research Council study concluded that the first CAFE standards resulted in 1,300 to 2,600 more Americans killed on the roads in 1993, a typical year, because cars were lighter. Safety should be paramount.

Question 24. How can we trust you will be impartial in questions of raising CAFE standards?

Answer. Decisions concerning CAFE standards are the purview of NHTSA, not the Assistant Secretary for Research and Technology. However, I believe I have a reputation for allowing the research speak for itself and adhering to the principle of impartiality.

Question 25. Will you recuse yourself from working on CAFE matters?

Answer. I will follow the instructions of the Office of General Counsel's Ethics Officer.

Privatization of public infrastructure.

Question 26. In 2017, did you retweet an op-ed urging privatization of our roads and highways?

Answer. I do not recall.

Question 27. In 2017, did you write, “Privatize interstates for better roads, affordable tolls and guaranteed basic income.”?

Answer. No. The phrase was from an op ed by the economics Nobel Prize winner Vernon Smith in the Wall Street Journal on June 27 entitled “Privatize the Interstates.” The article was aggregated in the Economics21 daily “Ebrief.” The Ebrief is a collection of 7 articles on economic topics which is sent out by my office every weekday. Anyone may subscribe.

Question 28. What research did you perform into this subject before posting this statement?

Question 29. What interstates do you suggest we “privatize”?

Question 30. What would be an “affordable” toll?

Question 31. What would be the value of the “guaranteed basic income”?

Answer. Please see above response to #27. This was not my article or my argument.

Gender equality.

Question 32. In 2014, did you write that female Secret Service agents are less capable of protecting the president than the male agents?

Answer. Yes. I wrote that “female Secret Service officers have to meet lower standards of fitness than male officers do.”

Question 33. Do you believe women are less capable of protecting the president than men?

Answer. No. Only if they have lower standards of fitness. All Secret Service officers should be held to the same standard.

Question 34. In 2001, did you argue that women feel sexually harassed when unattractive men approach them, but not when attractive men approach them?

Answer. I do not recall writing that.

Question 35. Do you believe that women feel sexually harassed when unattractive men approach them, but not when attractive men approach them?

Answer. No.

Question 36. In 2001, did you argue that when off-color jokes, leering, and suggestive remarks are placed on a continuum with assault and rape, it amounts to crying wolf with regard to harassment and violence?

Answer. I may have, but I do not recall.

Question 37. Do you believe that when off-color jokes, leering, and suggestive remarks are placed on a continuum with assault and rape, it amounts to crying wolf with regard to harassment and violence?

Answer. Yes. Off-color jokes are not the same as assault and rape. It is offensive to anyone who has suffered violent assault or rape to suggest that it is the equivalent of an off-color joke.

Question 38. Have you ever you stated that in workplaces with strong policies against harassment, “Relationships between men and women in the workplace inevitably suffer”?

Answer. This quote is taken from “The Feminist Dilemma: When Success Is Not Enough,” written by Christine Stolba and myself. The title of the chapter is “No Laughing Matter: Sexual Harassment.” The chapter describes the extraordinary problems women face from sexual harassment.

Question 39. In 2001, did you argue that it is prudent for men in positions of authority to avoid interacting with women to protect themselves from harassment claims?

Answer. We argued that “women’s workplace advancement might suffer” precisely because men will limit their exposure to “potentially ambiguous situations.” Senator Hassan also noted this concern during the hearing. I urge senators to read the entire book and not selective quotes taken out of context. See, for instance, a full discussion on page 103.

Question 40. Do you believe that it is prudent for men in positions of authority to avoid interacting with women to protect themselves from harassment claims?

Answer. See answer above.

Question 41. If confirmed, will you urge male subordinates who remain in positions of authority over women to avoid interacting with women?

Answer. No. 10

Question 42. Will your views on gender discrimination and workplace harassment be germane to the position for which you are nominated?

Answer. If confirmed, I will follow all laws and rules about workplace harassment and discrimination. In my 30-plus year career, I have experienced my share of workplace harassment, and I am very sympathetic to such problems that occur in the workplace.

Question 43. Does the position for which you are nominated oversee employees focused on civil rights?

Answer. I am aware that the organization chart shows an Office of Civil Rights that reports to the Assistant Secretary for Research and Technology. I am told that this box is a holdover from when the Office of Research and Technology was a separate operating administration. As you know, it is now an office within the Office of the Secretary. Complaints of civil rights violations within the Office of the Secretary are filed directly with the departmental Office of Civil Rights, which is a discrete office and reports directly to the Secretary. The Assistant Secretary for Research and Technology would not be supervising that office.

Question 44. Will the views you’ve expressed concerning sexual harassment be applied to women under your supervision?

Answer. My book states that women in the workplace deserve all rights to professional advancement without being subjected to sexual harassment. I have always held that view, and I have had no complaints from men and women under my supervision in the past.

Labor.

Question 45. Have you ever written an article with a title claiming unions are “roach motels”?

Answer. I did not pick the title nor use the phrase in the article. My original article was published in U.S. News and World Report on August 17, 2016, and was entitled “Leaving Is Too Much Labor.” It was republished by the Foundation for Economic Education on August 19, 2017, and given a different title.

Question 46. Have you ever argued that “the middle class is getting ‘hollowed out’—but only because workers are getting richer”?

Answer. Yes. In February 2016, National Review published an article I wrote on the topic. I was quoting a report from the Center for American Progress written by Harvard professor Richard Freeman. I wrote, “As CAP admits, ‘about three-quarters of the reduction [in the middle class] resulted from a rising share of high-wage workers.’ Between 1969 and 2007, the household income of the median adult rose by 52 percent. This increase was seen across the income distribution—even the in-

come of those at the 25th percentile of the income distribution grew by 40 percent from 1969 to 2007.”

Question 47. What workers “are getting richer”?

Answer. Please see answer above. The Center for American Progress estimated that three-quarters of the reduction in the middle class resulted from a rising share of high-wage workers.

Question 48. Have you ever suggested air traffic controllers are responsible for flight delays?

Answer. No, I did not say that air traffic controllers are responsible for delays. I did write an article saying that it is odd that 17 air traffic controllers did not have to show up for work because they are on “official time,” full-time working for their union.

Question 49. Have you ever claimed that air traffic controllers make too much money?

Answer. I never claimed that working air traffic controllers make too much. I have suggested that non-working air traffic controllers make too much.

Question 50. Have you ever urged the adoption of technology to eliminate the air traffic control workforce?

Answer. I do not recall urging the adoption of technology to eliminate the air traffic control workforce.

Question 51. Will the position for which you’ve been nominated require you to work closely with and collaborate with many labor unions?

Answer. I support all American workers, union and non-union. Labor unions are important stakeholders in transportation; but because I will not be in a policy-making role, I do not anticipate a day-to-day collaboration with labor. However, I welcome the opportunity to work with anyone.

Question 52. What do you say to labor unions who might look at your statements as hostile and evidence of an unwillingness to work together?

Answer. Please see answer above.

Autonomous Vehicles (AV) and drone policy.

Question 53. Should DOT require manufacturers of AVs to perform a minimum level of due diligence testing and analysis to ensure that AVs work safely and properly before they are tested on public roads or sold to consumers?

Answer. Yes.

Question 54. Have you done any consulting for companies involved in the development of autonomous vehicles?

Answer. No.

Question 55. Have you ever consulted with any businesses that consult for manufacturers of autonomous vehicles?

Answer. Not to my knowledge.

Question 56. Do any AV manufacturers provide financial contributions to any entities to which you are an employee or contractor?

Answer. Not to my knowledge.

Question 57. If you answered yes to questions 53 to 56, will you recuse yourself from working on AV matters?

Answer. I will comply with all ethics rules.

Question 58. Did you ever write “President Obama usurping state land in Utah and Nevada? Let states make their own decisions”?

Answer. No. This was from a Point/Counterpoint in our daily Ebrieff on January 3, 2017. Every Ebrieff features a Point/Counterpoint with two opposing views. I did not write either article. On that day we asked “Should Republicans undo Obama’s designation of new national monuments?” and we paired DeSanctis (Reversing Obama’s Last Minute Land Grab) in National Review with Eilperin and Dennis (Obama Adds to Environmental Legacy) in the Washington Post.

Question 59. Do you believe states should retain the ability to make “their own decisions” in relation to AVs?

Answer. This is a legal issue and a matter for Congress to decide.

Question 60. Do you believe states should retain the ability to make “their own decisions” in relation to drones?

Answer. This is a legal issue and a matter for Congress to decide.

Transparency.

Question 61. Do you maintain a personal Twitter account?

Answer. No.

Question 62. Have you posted any opinions about policy on such account?

Answer. I do not currently have an account.

Question 63. Do you continue to stand by the statements you've provided on such account?

Answer. I do not currently have an account. For anything I may have tweeted during the period that I maintained a Twitter account, it is impossible to know whether I still stand by any particular tweet or not without knowing what it is. I have testified that I have changed my views on certain issues if facts and circumstances change.

Question 64. Have you deleted any tweets you've authored since your nomination?

Answer. I closed my Twitter account prior to my nomination.

Question 65. Why did you delete these tweets?

Answer. I did not delete any tweets since my nomination.

Question 66. Will you provide the Committee with all the deleted tweets?

Answer. I had a Twitter account before I was nominated, and closed it before I was nominated. I do not have access to those tweets because Twitter does not keep closed accounts.

Question 67. What steps have you taken to retrieve deleted tweets?

Answer. I did not delete any tweets. I closed down the account. I looked online to see if the tweets could be retrieved, and they could not be retrieved.

Question 68. Does the deletion of your tweets conflict with your pledge to collaborate and be transparent with the committee?

Answer. I did not delete tweets. I reaffirm my pledge to be transparent and cooperate with the committee.

Question 69. Have you ever registered or used any other group or jointly controlled social media accounts (to include but not limited to Facebook and LinkedIn)? If so, please list the name of the account(s) and provide a copy of the content posted on such account(s).

Answer. I used to have Facebook and LinkedIn accounts, but I closed them months before I was nominated. I can reactivate these accounts if you are interested in seeing them because Facebook and LinkedIn keep the data. I have a private Strava account to track my cycling, a private family WhatsApp group, and a private family Instagram account. None of these are relevant to my nomination as Assistant Secretary for Research and Technology.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO
DIANA FURCHTGOTT-ROTH

Question 1. During the hearing, you stated that due to "new facts that have come to light" you believe that a Federal Government shutdown is not helpful. Please provide the new facts that have led to a change in your position.

Answer. Shutdowns seriously inconvenience Americans, and have had no beneficial results.

Question 2. In response to the question of whether it is vital to the national interest that the Federal Government ensures a fast, safe, efficient, accessible and convenient transportation system, you stated that "the transportation sector is extremely important and deserves a lot of support." Do you believe it is the role and responsibility of the Federal Government to provide direct funding to interstate highways, transit and safety programs?

Answer. Yes. It is both the law of the land and prudent to maintain an efficient transportation network to facilitate commerce.

Question 3. In an article entitled 'Starting a trade war with "Buy America",' you wrote "The tragic losers of "Buy America" are free trade agreements and potential job growth in the American economy. . . "Buy America" is shorthand for fewer jobs as other countries retaliate." Do you support "Buy America" provisions? Do you believe that "Buy America" requirements create higher wages and employment rates for workers in the United States?

Answer. I support current law, including laws with Buy America provisions. These laws create higher wages and employment rates for many American workers.

Question 4. In a 2009 article entitled "Drivers Should Pay For the Roads They Use," you wrote "the Department of Transportation should no longer require states to use gas tax funds to pay for mass transit." Do you support Federal funding for mass transit?

Answer. Federal funding for mass transit through the Highway Trust Fund is the law, and I support implementing the law.

Question 5. In a 2015 article detailing findings by the New York City Panel on Climate Change published in response to Superstorm Sandy entitled “Climate change could bring higher temperatures, much higher sea levels, and more flooding to NYC: report”, you are quoted as saying “Money we are using for potential, unproved happenings in 2080 could better be used today for the health and safety of our citizens.” Do you believe that research should be conducted on the impact of future extreme weather events on infrastructure? Should state departments of transportation and local planning authorities consider science-based modeling of future extreme weather events in planning and assessment activities?

Answer. Yes. As recent events have shown, research in this area is vital. Transportation and communications networks need to be able to operate. We should try to identify effective ways to make infrastructure more resilient.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CORY BOOKER TO
DIANA FURCHTGOTT-ROTH

Climate Change.

Question 1. I am concerned about some of your writings on climate change. Do you believe that climate change is real and that there is overwhelming scientific evidence that humans are the primary driver? Will you ensure that researchers, scientists, and those working on data can freely do their work to address the impacts of climate change without interference?

Answer. Climate change is real. As I mentioned in the hearing, my siblings and I used to regularly skate on the C & O Canal in the late 1960s. Now it is rare for the canal to freeze. Most climate scientists agree that humans are the primary driver of climate change. If confirmed, I would defer to the expertise of DOT’s climate scientists. I would ensure that researchers, scientists, and those working on data can freely do their work to address the effects of climate change without interference.

Labor.

Question 2. You have referred to labor unions as “roach motels” and made efforts to blame unions without factoring in all potential impacts. Do you support collective bargaining right among workers in the transportation industry?

Answer. I did not pick the title nor use the phrase in the article. My original article was published in U.S. News and World Report on August 17, 2016, and was entitled “Leaving Is Too Much Labor.” It was republished by the Foundation for Economic Education on August 19, 2017, and given a different title with “roach” in it. I support workers’ rights to join and leave unions.

Question 3. Can you please provide assurances that you will provide fair and balanced research particularly when it comes to issues impacting collective bargaining rights and prevailing wage laws?

Answer. Yes, I can assure you that my research will be fair and balanced. I believe my reputation is for research that informs policy-making, not research that merely blesses a predetermined conclusion.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MAGGIE HASSAN TO
DIANA FURCHTGOTT-ROTH

Question. During your confirmation hearing, you stated that if a complaint of sexual harassment if an employee came to you, you would refer it to the Office of Civil Rights within the Department of Transportation. According to the organizational chart for the Department of Transportation,¹ the Office of Civil Rights would be under your purview if you were to be confirmed.

Please clarify the role your office plays with regard to the Office of Civil Rights. If a complaint of sexual harassment or assault, what specific steps would you take to address it?

Answer. I am aware that the organization chart shows an Office of Civil Rights that reports to the Assistant Secretary for Research and Technology. I am told that this box is a holdover from when the Office of Research and Technology was a separate operating administration. As you know, it is now an office within the Office of the Secretary. Complaints of civil rights violations within the Office of the Secretary are filed directly with the departmental Office of Civil Rights, which is a discrete office and reports directly to the Secretary. The Assistant Secretary for Research and Technology would not be supervising that office.

¹<https://www.transportation.gov/transition/assistant-secretary-for-research-and-technology>

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO DIANA FURCHTGOTT-ROTH

SMART Communities. I have introduced the *Moving FIRST Act* to create additional competitive Federal funding opportunities for these communities and would encourage the administration to supportive of such efforts to help improve safety, connect more of our constituents, and tackle various difficult quality of life realities for them.

Question. How much exposure have you had to the concept of smart communities, where innovation and technologies are being implemented to tackle challenges from congestion and development, to transportation access and environmental concerns? Is it something you are supportive of?

Answer. I am very interested in the concept of Smart Cities. It is vital to use technology to reduce traffic accidents and fatalities, decrease time spent in traffic, lower emissions, make it easier to get to jobs and school, and revitalize underserved communities. Smart Cities have the potential to do all these things. We should also be examining potential benefits of intermodal approaches. Should I have the honor of being confirmed, I hope to be able to work with you on the issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO
RAYMOND P. MARTINEZ

Question 1. In a recent listening session hosted by the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration on Electronic Logging Devices and Hours of Service, South Dakota small business owners and drivers raised several issues with current Federal requirements.

With that in mind, do you commit to taking a comprehensive look at requirements with the aim of providing appropriate relief for drivers as you work to advance the safe and efficient transportation of goods?

Answer. Yes. I look forward to working with all stakeholders, including small independent trucking companies, and especially those who, such as livestock haulers, would be most affected by this rule. I will have an open-door policy to work with all stakeholders to meet with them and hear their concerns.

Question 2. The 2016 U.S. Department of Transportation's Report to Congress (DOT), Comprehensive Truck Size and Weight Limit Study, recognized the need for additional data regarding truck characteristics at the time of a crash, including loaded weight.

Given that the DOT has highlighted this data limitation, if you are confirmed, will you get back to the committee regarding whether the DOT is considering loaded weight as a part of data collection, mandatory or voluntary, within the context of accident reporting or any other related accident data collecting?

Answer. Yes, if confirmed, I will get back to the Committee regarding the Department's plans to address the lack of loaded weight data as a limitation in state level accident reporting. I will consult FMCSA staff as well as my colleagues at the Federal Highway Administration on this data reporting issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO
RAYMOND P. MARTINEZ

Question 1. In 1994, Congress passed the Federal Aviation Administration Authorization Act, or F4A. This bill included a preemption on state laws related to the price, route, or service of a motor carrier. However, some states are implementing regulations related to issues like meal and rest breaks that go beyond the 1994 law. How important is it to have transportation policies that are consistent across state lines? Does a patchwork of state laws hinder the ability of carriers to move freight?

Answer. In general, I believe uniformity in the rules for interstate commerce is important to ensure efficient flow of goods and services nationwide. However, the question of whether preemption applies to any particular set of facts and circumstances is a legal question that I am not in a position to answer without consulting the Office of General Counsel.

Question 2. The FAST Act required a study of the Compliance, Safety, Accountability program due to concerns about the use of faulty data, which was then publicly posted. The National Academy of Sciences recently released their report on CSA, which recommended a new algorithm, known as the Item Response Theory model, to collect data and address enforcement. What are your thoughts on the recommendations made by the National Academy of Sciences?

Answer. If confirmed, safety will remain FMCSA's highest priority. Continued improvement of safety can only be achieved by leveraging current, valid and verifiable data in order to identify areas of risk and focus enforcement efforts more efficiently on those identified areas. The National Academy of Sciences (NAS) has provided a thorough review of the Safety Measurement System and recommendations for improvement of the system. The recommendations provide a more scientific approach to how FMCSA uses the inspection and investigation data to assess the safety culture and compliance of companies. In addition, the NAS provided FMCSA recommendations on improvement to the quality of its data, which I believe strongly, will help in its mission to improve safety. I will work with FMCSA on corrective action plan that addresses the NAS recommendations. It is my understanding that FMCSA has also contracted with NAS to establish a standing committee to provide advice during evaluation and implementation of the recommendations.

Question 3. Will you ensure that the methodology used to collect information on a motor carrier is thoroughly researched and developed before that information is made public?

Answer. Yes. If confirmed, I will ensure that FMCSA data and information is accurate, reliable, complete and timely. FMCSA has committed to a public process of implementation of the NAS recommendation.

Question 4. As you know, the trucking industry is facing a significant driver shortage, which is currently estimated at nearly 50,000 drivers. If confirmed, will you work with Congress and industry stakeholders to help make real progress on this issue?

Answer. Yes. I would be eager to work with Congress and our industry partners to help address the driver shortage within the industry. I know that FMCSA has already taken several actions under its existing regulatory authority to help address the driver shortage such as outreach programs to assist veterans become licensed drivers and to permit certain qualified individuals 18–21 to drive interstate. I look forward to working with FMCSA to continue these efforts and to identify additional ways to address the driver shortage issue.

Question 5. The driver shortage is exacerbated by skills testing delays in several states. It has been reported that CDL applicants are waiting two weeks or more to take the CDL exam. In some instances, wait times have exceeded 40–60 days. These prolonged periods of time prevent people with new job skills from getting to work. If confirmed, will you commit to addressing this issue and making the CDL application and testing process more fair and efficient?

Answer. As the New Jersey Motor Vehicle Commission Chair and Chief Administrator, I have dealt firsthand the problems faced by states on the long delays involved in CDL testing. If confirmed, one of the first steps I will take is to bring together FMCSA and my former colleagues at the American Association of Motor Vehicles to address the requirements in the CDL skills tests to see where we can make adjustments to reduce delays inherent in the system but still provide an adequate level of testing. I am also aware that the Federal Motor Carrier Safety Administration is collecting data from each state, including New Jersey, on driver license skills test delays and related information. Findings from this effort will help all of us better understand this important issue and potential contributing factors.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JIM INHOFE TO
RAYMOND P. MARTINEZ

Question 1. This committee has had a number of hearings related to Autonomous Vehicles and the opportunity new technology has to make our roads safer for all drivers of all motor vehicles. In fact, this committee just passed legislation that would allow for the testing, certification, and deployment of autonomous vehicles.

What role do you see for the Federal Motor Carrier Administration in the development and deployment of autonomous vehicles?

Answer. I believe that FMCSA should continue to work together with all of the modes of the Department of Transportation to provide an adaptive and flexible regulatory framework for autonomous CMVs and still ensure the safety of the driving public. FMCSA should also work on developing guidance for manufacturers, state and local agencies, and other entities involved in the development and deployment of automated CMV technology.

Question 2. Commercial Driver's License testing wait times can be a major impediment for individuals seeking their CDL and entering the job market. The FAST Act included Section 5506, which required the "FMCSA Administrator to report these wait times and describes specific steps that the Administrator is taking to ad-

dress skills testing delays in states that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.”

How would you begin to address issues related to skills testing delays in states that have wait times of longer than 7 days?

Answer. As the New Jersey Motor Vehicle Commission Chair and Chief Administrator, I have dealt firsthand the problems faced by states on the long delays involved in CDL testing. If confirmed, one of the first steps I will take is to bring together FMCSA and my former colleagues at the American Association of Motor Vehicles to address the requirements in the CDL skills tests to see where we can make adjustments to reduce delays inherent in the system but still provide an adequate level of testing. I am also aware that the Federal Motor Carrier Safety Administration is collecting data from each state, including New Jersey, on driver license skills test delays and related information. Findings from this effort will help all of us better understand this important issue and potential contributing factors.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TODD YOUNG TO
RAYMOND P. MARTINEZ

Question 1. Mr. Martinez, as you are well aware, the trucking industry is confronted with a significant driver shortage issue. Some projections indicate that within seven years the trucking and logistics industry could see a shortage as high as 175,000 individuals. My colleague Senator Fischer worked to include a pilot program within the FAST Act to permit drivers between the ages of 18–21 to drive across state lines if they are active duty or reserve members of the military. However, this pilot program has seen fewer than 10,000 participants sign up. I would like to work with your office to identify if there are further opportunities to allow young adults into the trucking industry without reducing safety. As statistics become available from this pilot program, will you pledge to work with this committee to build upon this pilot program?

Answer. Yes. I would be eager to work with Congress, our industry and other stakeholders to help address the driver shortage.

Question 2. Mr. Martinez, your testimony touches on the importance of utilizing data driven policy focused on the best information available as well as your commitment to reasonable stakeholder engagement. I look forward to working with you to ensure FMCSA prioritizes the implementation of safety regulations that are robustly supported by data. In that vein, the Electronic Logging Device (ELD) implementation date is swiftly approaching in six weeks. I have heard from numerous Hoosiers in the logistics industry regarding their concerns with this pending regulatory implementation. Will you pledge to work with small and independent operators to address their concerns as this implementation date approaches?

Answer. Yes. I look forward to working with all stakeholders, including small independent trucking companies, and especially those who, such as livestock haulers, would be most affected by this rule. I will have an open-door policy to work with all stakeholders to meet with them and hear their concerns.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
RAYMOND P. MARTINEZ

Truck Safety. Side and rear under guards on trucks can help save lives. The Insurance Institute for Highway Safety conducted a test of side underride guards that showed significant benefits, including preventing a car traveling at 35 miles per hour from going underneath the side of a truck.

Question 1. What do you believe are the benefits of under guards to safety? Do you believe this is an issue the Department of Transportation should consider?

Answer. Under guards may reduce the attendant injuries and fatalities associated with large truck crashes. However, more information may be needed to determine whether rulemaking would be effective. If confirmed, I will work with officials both at FMCSA and the National Highway Traffic Safety Administration, which regulates vehicle manufacturers, to evaluate the extent to which these crashes could be reduced through available technologies and the cost of such efforts.

Rulemakings. The Federal Motor Carrier Safety Administration has stopped and delayed important rulemakings, including sleep apnea, minimum insurance, and safety fitness determination.

Question 2. Will you commit to review these rules and reevaluate continuing the rulemaking process? Will you commit that, if confirmed, you will not roll back any other truck and bus safety rules?

Answer. If I am confirmed, I would be open to reviewing and re-evaluating any new evidence or any new technology regarding these matters.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
RAYMOND P. MARTINEZ

Insurance. DOT sets minimum insurance levels for trucking companies. The minimum is \$750,000 for most carriers of property. This amount was last changed in 1985—32 years ago—even though \$750,000 pales in comparison to the damage a massive, 80,000-pound rig can do to motorists on our highways. (The minimum amount for bus companies is \$5 million.) DOT has tried increasing this amount, concluding in 2014 that “current financial responsibility minimums are inadequate to fully cover the costs of some crashes in light of increased medical costs and revised value of statistical life estimates.” Unfortunately, the FAST Act—while an important bill with many positive elements—institutes a delay, requiring an exhaustive study of the industry before any rulemaking can even commence that ensures trucking companies are adequately insured. I fought against that, but sadly it made it into the law alongside many good provisions I do support.

Question 1. Do you recognize that the cost of crashes increases due to inflation—but the coverage from insurance doesn’t, leaving victims at a loss?

Answer. The issue of minimum levels of financial responsibility is complex and continuing discussion between FMCSA and stakeholders (e.g., the insurance industry, State agencies, transportation industry associations, safety advocacy groups, etc.) is necessary to fully understand all the factors that should be considered in determining the appropriate levels of insurance.

Question 2. What steps will you take to resolve this?

Answer. If confirmed, I would work with stakeholders and my colleagues at FMCSA to better understand what additional data would be needed in order to fully evaluate an increase in minimum insurance.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL
AND HON. EDWARD MARKEY TO RAYMOND P. MARTINEZ

Sleep apnea. A study cited on FMCSA’s website found almost one-third (28 percent) of commercial truck drivers suffer from sleep apnea. And additional studies have shown that truck drivers with untreated sleep apnea have a rate of preventable crashes that is five times higher than unaffected truckers.

The Obama administration recognized this problem and put forward proposed rules to combat these dangers—allowing screening and treatment so dangers could be mitigated while workers kept their jobs. This proposal applies to rail workers and truck drivers. The Trump administration, however, rolled them back in August 2017, concluding current efforts were sufficient. This is troubling, as it seems the agency may not be concerned about sleep apnea.

Question 1. What current safety programs at FMCSA mitigate the risks due to sleep apnea?

Answer. I am aware that FMCSA and the Canadian government developed the North American Fatigue Management Program, which provides a comprehensive approach to reducing the risk of drivers operating while fatigued. The program includes information on sleep disorders screening and treatment, which includes the topic of OSA and other fatigue risk-management issues.

In addition, FMCSA issued a bulletin to the healthcare professionals on its National Registry of Certified Medical Examiners (the National Registry) of the current physical qualifications standard and advisory criteria concerning the respiratory system. The bulletin explains how the requirements apply to drivers that may have obstructive sleep apnea (OSA). FMCSA is currently working on a revision of its OSA bulletin to incorporate the 2016 recommendations of the Agency’s Medical Review Board.

Question 2. Do you agree that we should bring back the proposed rulemaking?

Answer. My understanding is that the sleep apnea proposal was withdrawn because sleep apnea is already governed by existing safety regulations. If I am confirmed, I would be open to reviewing any new evidence or any new technology regarding sleep apnea.

Question 3. What steps do you plan to take to address sleep apnea?

Answer. Driver fatigue is a major risk factor associated with commercial motor vehicle (CMV) crashes. Preventing the fatigued operation of CMVs is a complex challenge, one that requires the effort of FMCSA, state and local governments, industry, and drivers' associations and unions. Currently, FMCSA is a key partner with industry in providing education and training for commercial drivers and carriers. This work is intended to address overall work-rest schedules, and balancing family and work life in a manner that enables the driver to rest during off-duty periods.

Outstanding rulemakings. Forward collision avoidance and mitigation systems—also known as “F-CAM”—prevent large trucks from plowing into small cars ahead of them, cars that the truck driver often doesn't see until too late. There are at least 2,000 of those crashes a year, which result in hundreds of deaths. F-CAM technology would prevent those tragedies.

Speed limiters would dramatically reduce high-speed truck crashes. It would also save hundreds of lives. We know how effective it is—it's required throughout Europe.

Underguards and sideguards prevent small cars from sliding under big trucks, brutally decapitating those in the car. Crashes like that happen nearly every day nationwide, resulting in hundreds of deaths as well. A sideguard might have saved the life of the passenger in the self-driving Tesla that crashed into a truck last year; but the passenger died—a preventable tragedy—as we all know from the NTSB report released a few weeks ago.

Question 4. Should we focus on these proven, life-saving devices?

Answer. I share your interest in enhanced technologies that could improve the safety of commercial motor vehicle transportation and will encourage additional testing and evaluation of such technologies.

Question 5. What is your commitment toward making them a reality?

Answer. It is true that F-CAM, speed limiters, siderails, etc., may prevent crashes and the attendant injuries and fatalities. However, more information may be needed in order to fully evaluate the effectiveness of any one technology. If confirmed, I will work with National Highway Traffic Safety Administration, which regulates vehicle manufacturers, to evaluate the extent to which these crashes could be reduced through available technologies and cost of such efforts.

Deaths Caused by Large Truck Crashes. Truck crashes continue to occur at an alarmingly high rate. Every year on average, over 4,000 people are killed and nearly 100,000 are injured in large truck crashes. Sadly, fatalities in crashes involving large trucks increased by five percent in 2016 and, since 2009, have increased a staggering 28 percent.

Question 6. If confirmed as Administrator of Federal Motor Carrier Safety Administration (FMCSA), what actions will you take to ensure that the agency creates and implements a plan that will reduce truck crash deaths and injuries?

Answer. If confirmed, I would have discussions with the department's leadership team, senior executives in FMCSA, and meet with stakeholders to get their perspectives on how the Agency can work more collaboratively than in previous years to address the challenges we are now facing in highway safety.

I would also work with stakeholders to implement improvements to FMCSA's approach to assessing the safety performance of motor carriers and the identification of high-risk carriers. The National Academy of Sciences (NAS) published its report titled, “Improving Motor Carrier Safety Measurement,” which contained recommendations for improvement in measuring performance. If confirmed, I would push forward with a plan to move forward with this work.

Question 7. What major truck safety initiatives do you plan to take to improve truck safety?

Having worked in State government for many years, I truly appreciate the role the states play in highway safety. I would ensure the effective implementation of FMCSA's grant programs, including the amendments included in the FAST Act that were intended to consolidate programs and reduce administrative burdens on states. I also believe impaired driving is a serious issue. The abuse of opioids, for example, has become a nationwide epidemic, and FMCSA must consider ways of addressing this issue among commercial drivers.

Truck Driver Fatigue. Truck driver fatigue is a well-known safety problem. Large truck drivers can operate very long shifts without adequate sleep, on constantly changing schedules that conflict with biological circadian rhythms. Studies show that driver fatigue is a factor in up to as many as 31 percent of truck crashes.

For the second time in a row, the National Transportation Safety Board's (NTSB) Most Wanted List for 2017–18 includes “Reduce fatigue-related accidents.” Accord-

ing to the NTSB, “fatigue degrades a person’s ability to stay awake, alert, and attentive to the demands of controlling their vehicle safely.”

Question 8. If confirmed as Administrator of FMCSA, what immediate actions have you identified that the agency can take to combat truck driver fatigue?

Answer. Driver fatigue is a major risk factor associated with commercial motor vehicle (CMV) crashes. Preventing the fatigued operation of CMVs is a complex challenge, one that requires the effort of FMCSA, state and local governments, industry, and drivers’ associations and unions. Currently, FMCSA is a key partner with industry in providing education and training for commercial drivers and carriers. This work is intended to address overall work-rest schedules, and balancing family and work life in a manner that enables the driver to rest during off-duty periods. If confirmed I will continue these efforts and work with stakeholders and Congress to address driver fatigue.

Regulations Required by Congress. Congress as part of the Fixing America’s Surface Transportation Act (FAST Act, Pub. L. No. 114-94) and the Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141) has required FMCSA to conduct several studies and issue safety regulations. Many of these tasks have yet to be completed.

Question 9. If you are confirmed as Administrator of FMCSA, will you commit to moving forward and completing the rulemakings and studies required by Congress?

Answer. If confirmed, I will continue FMCSA’s efforts to address the requirements under MAP-21 and FAST Act.

Motorcoach Safety Scores. According to the American Bus Association (ABA) Motorcoach Census, in 2014 there were 604 million passenger trips on motorcoaches. This amounts to over 1.65 million per day. In Section 32707 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141) Congress directed the Federal Motor Carrier Safety Administration (FMCSA) to assign safety ratings to all motorcoach service providers by October 2015.

Question 10. Mr. Martinez, has the FMCSA assigned a safety rating to all motor carriers registered in the United States?

Answer. FMCSA has fully implemented the provisions of the MAP-21 reauthorization bill requiring all companies operating motor coaches to be assigned a safety rating every three years and new motor coach carriers to receive a rating within two years.

Question 11. If not, how many carriers have yet to receive a safety rating and will you commit to ensuring that those carriers receive a safety rating within one year of your confirmation?

It is my understanding that MAP-21 requirements apply specifically to companies operating motor coaches. As noted in my previous response, FMCSA has successfully implemented those requirements and is assigning safety ratings every 3 years and within 2 years for new companies. If confirmed, it would be my intention to comply with the provision of MAP-21.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CORY BOOKER TO
RAYMOND P. MARTINEZ

Question 1. Electronic Logging Devices. During your confirmation hearing you described the benefits of electronic logging devices. Do you believe electronic logging devices should be implemented in all trucks?

Answer. If confirmed, I will continue FMCSA’s efforts to implement the provisions of the MAP-21 reauthorization bill requiring electronic logging devices. In doing that, I will continue to listen to the concerns of all stakeholders.

Speed Limiters. The National Highway Traffic Safety Administration (NHTSA) found that between 2004 and 2013, there were on average 1,044 fatalities annually in crashes in which the speed of a heavy vehicle likely contributed to the severity of the crashes. In 2006, safety and industry groups petitioned the NHTSA and FMCSA for a regulation requiring speed governors in heavy trucks to be set to limit top speeds to improve safety and conserve fuel. In September of 2016, the Federal Motor Carrier Safety Administration (FMCSA) and NHTSA issued a proposed rule to mandate the use of speed limiters in heavy vehicles. The agency stated in that proposal that “[s]tudies examining the relationship between travel speed and crash severity have confirmed the common-sense conclusion that the severity of a crash increases with travel speed. Impact force during a crash is related to vehicle speed, and even small increases in speed have large effects on the force of impact.” The

agency concluded that limiting the speed of heavy vehicles to 60 mph could save as many as 498 lives and prevent as many as 10,857 injuries annually.

Question 2. During your confirmation hearing, you indicated a need to examine the cost benefit analysis around the use of speed limiters on trucks. Given the strong evidence that reducing the speed of trucks saves lives, do you support the use of speed limiters on trucks and if confirmed will you work to expand the use of speed limiters?

Answer. I believe that safety technologies can play a major role in reducing roadway crashes. FMCSA should continue to support technological improvements and encourage voluntary implementation of safety technology. The issue is whether the benefits are sufficient to outweigh the costs of a Federal one-size-fits-all rule. Any new Federal requirement will undoubtedly increase the cost of shipping goods by truck and will affect both consumers and drivers. However, any decision about proposing a new rule, such as a speed limiter, should be based on sound analysis of data and a consideration of all points of view. To this end, if confirmed, I will work with the experts at FMCSA to explore the expanded use of automatic emergency braking and other technologies that have the potential to improve safety on our Nation's highways.

Obstructive Sleep Apnea (OSA). This week the National Transportation Safety Board held a hearing on a 2016 crash between a motorcoach and a truck near Palm Springs, CA. One of the determinations made was that the truck driver most likely fell asleep "due to fatigue related to his undiagnosed, moderate-to-severe obstructive sleep apnea." As a result of this crash, the bus driver and 12 passengers died and more than 30 people were injured. This crash highlights the serious and tragic consequences of OSA.

Question 3. Do you believe commercial driver's license (CDL) holders afflicted with OSA should be required to receive treatment before being permitted to operate a motorcoach or large truck?

Answer. I believe that we should address any health issues of CDL drivers that pose a problem for public safety.

Question 4. FMCSA has identified this issue as a significant threat to public safety. What steps will you take to ensure that drivers with OSA are being diagnosed and are receiving proper treatment?

Answer. It is my understanding that FMCSA issued a bulletin to the healthcare professionals on its National Registry of Certified Medical Examiners of the current physical qualifications standard and advisory criteria concerning the respiratory system. The bulletin explains how the requirements apply to drivers that may have obstructive sleep apnea (OSA). Also that FMCSA is currently working on a revision of its OSA bulletin to incorporate the 2016 recommendations of the Agency's Medical Review Board.

Question 5. If you are confirmed as Administrator of FMCSA, will you commit to review the agency's decision to withdraw the previous rulemaking and report to this Committee on your findings?

Answer. If I am confirmed, I would be open to reviewing any new evidence or any new technology regarding sleep apnea.

Minimum Insurance. A fatal, multi-vehicle truck accident can cost over \$20 million to compensate families, care for the injured, and pay for the destruction of our Nation's highway infrastructure. However, the requirement to carry at least \$750,000 in minimum insurance has not been increased in 30 years, even to account for inflation, which has led to taxpayers having to foot the bill in the aftermath of major truck accidents. If the minimum level was raised to an adequate level of around \$4 million, according to Dawson Transportation Services, most small carriers would just see their premiums increase \$1,750.

Question 6. If confirmed, do you commit to working to raise the minimum insurance levels?

The issue of minimum levels of financial responsibility is complex and continuing discussion between FMCSA and stakeholders (*e.g.*, the insurance industry, State agencies, transportation industry associations, safety advocacy groups, etc.) is necessary to fully understand all the factors that should be considered in determining the appropriate levels of insurance. If confirmed, I would work with stakeholders and my colleagues at FMCSA to better understand what additional data would be needed in order to fully evaluate an increase in minimum insurance.

Question 7. Automatic Braking Systems. In the hearing, you supported the use of technology to address safety challenges, including the use of automatic braking systems. What specific steps do you plan to take at the Department to advance the use of automatic braking systems?

Answer. I support the utilization of proven and effective advanced safety technologies and will work to identify measures which can accelerate the voluntary adoption of these technologies such as automatic emergency braking and other collision mitigation systems. I will work with our stakeholders across the commercial motor vehicle community such as manufacturers, suppliers, fleets, safety advocates, and drivers to leverage their expertise and support. Whether or not these technologies are appropriate for rulemaking would require more study and data.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO RAYMOND P. MARTINEZ

Question 1. Human Trafficking. Please address your potential plans, or personal history, on addressing our crisis of human trafficking in the U.S., and internationally.

Answer. If confirmed, I would work closely with the agencies that have lead roles in addressing human trafficking to ensure that FMCSA is providing all the support it can. At a minimum, I will ensure that FMCSA investigators and our State partners continue to be aware of red flags that may indicate the presence of human trafficking in a vehicle or company and know how to engage the proper law enforcement agencies.

SMART Communities. I have introduced the Moving FIRST Act to create additional competitive Federal funding opportunities for these communities and would encourage the administration to supportive of such efforts to help improve safety, connect more of our constituents and tackle various difficult quality of life realities.

In your testimony, you highlight transportation data and analysis for safety and congestion.

Question 2. How much exposure have you had to the concept of smart communities, where innovation and technologies are being implemented to tackle challenges from congestion and development, to transportation access and environmental concerns?

Answer. As the New Jersey Motor Vehicle Commission Chair and Chief Administrator, I have worked with the Governor's office and local governments as we endeavored to promote intelligent transportation systems and its promise of safer and more efficient travel.

Question 3. Is it something you are supportive of?

The idea of harnessing technology to improve transportation networks is something I have long supported. We must be cognizant of ways to integrate technology in effective ways.

Truck Drivers.

Question 4. While there are various issues you'll have before you that impact trucking businesses and safety, what do you see as two or three priorities you can do on behalf of truck drivers?

Answer. The biggest priority for FMCSA is to ensure our highways are as safe as possible for all Americans, and particularly truck and bus drivers that make their living traveling our highways. In addition, I will ensure FMCSA actively enforces its regulations prohibiting harassment and coercion of drivers so that they are free to operate their vehicles safely without pressures or retaliation from their employers.

Question 5. What can you do in this role to improve their quality of life or everyday work environment for the over 10,000 truck drivers, and roughly 90,000 CDL (commercial driver's license) holders in Nevada?

Answer. I fully appreciate that truck and bus drivers keep America moving. If confirmed, I will ensure that FMCSA rulemakings and programs fully consider the impacts to drivers. In addition, I will open a dialog to seek input from the driving community on how FMCSA can serve them better.

Safety.

Question 6. In your questionnaire, you reference your eagerness to "focus on higher risk carriers." Can you define what those operations look like to you?

Answer. FMCSA has used data to identify those behaviors common to carriers that have higher crash rates. The Agency uses available carrier safety data to identify similar trends in violation data. Using this information, FMCSA identifies and prioritizes those carriers for investigations by FMCSA or state law enforcement resources. If confirmed, I will ensure that FMCSA continues to prioritize investigations on these higher risk carriers.

Question 7. And what do you have in mind to raise the bar of safety to protect everyone on the road from those type of carriers?

Answer. I believe that to continue to improve safety we must use a multi-faceted approach that is rooted in data, and incorporates a wide variety of strategies including outreach and education in addition to compliance and enforcement activities.

Question 8. Specifically, I'd ask about ensuring the safety of detrimental bus operations. Nevada is a tourist destination, and we have significant number of visitors we welcome to the state by way of a bus or tour company. What can you say to commit that they will be able to safety to and from places like Las Vegas or the Hoover Dam?

Answer. If I am confirmed, passenger carrier safety will remain as one of our highest priorities at FMCSA. Inspecting buses in highly populated areas is challenging due to the specialized nature of the bus inspections and the space and equipment needed to inspect a large bus or motor coach. FMCSA and State Agencies may not conduct en route inspections and are limited to identifying locations where buses will be when they are empty, and then the facilities must be adequate for the inspection. That would include what are called "destination" inspections at locations such as theme parks, sporting events or resort areas.

I will ensure that FMCSA continues to execute the provisions of the MAP-21 authorization bill requiring regular investigations of certain bus companies, and will continue to find way to identify those carriers most at risk of having a crash. In addition, I will work to refine the algorithm for identifying carriers that go out of business and then reestablish themselves under another name to avoid compliance, known as "reincarnating."

Finally, motorcoaches have been required to have seat belts installed since November of 2016. I will work to increase compliance for seat belt use in motorcoaches by having passenger carrier and outreach offices work side by side with the industry and users of buses to ensure passengers know the importance of using this critical safety equipment.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN THUNE TO
BRUCE S. LANDSBERG

Question. In 2010, Congress directed the Federal Aviation Administration (FAA) to update flight and duty time regulations. In crafting these rules, the agency made a distinction between operations conducted by passenger and cargo pilots and, after a thorough cost-benefit analysis, the FAA excluded cargo pilots from the rule. In March of last year, the U.S. Court of Appeals for the D.C. Circuit denied a petition challenging this rule. In doing so, the court found that the FAA acted within its discretion to exempt cargo operations from part 117 rules.

Could you further explain your thoughts on this rule and if you believe that a one-size-fits-all approach to safety is appropriate, particularly given the large variance in the operational considerations between cargo and passenger carriers, fatigue management plans already in place, and total hours flown? While the NTSB is not required to take costs into consideration in making recommendations, isn't it appropriate for agencies promulgating rules to do so?

Answer. Fatigue is certainly an issue for pilots in all operations and I also recognize that regulatory agencies should consider costs and benefit before promulgating rules in any area. A one-size-fits-all approach is, in certain circumstances, not the best solution, especially in the expanse of safety. Certainly, a risk-based approach to resolving safety issues is a preferred methodology to improving and enhancing a safe operational environment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
BRUCE S. LANDSBERG

1,500 Hour Rule. Important lessons were learned in the wake of the 2009 crash of Colgan

Flight 3407 near Buffalo, NY. Congress passed comprehensive legislation to address various safety concerns, including a mandate that all airline pilots must have at least 1,500 hours of flight experience to qualify for certification. Previously, "first officers" (or co-pilots) were required to have a mere 250 hours of experience.

Question 1. You have been critical of what is now known as the "1,500 Hour Rule."

Please clarify your position on the Rule. Do you support and acknowledge the 1,500 Hour Rule as the law of the land?

Answer. The NTSB found the Colgan accident to be due to the Captain's poor airmanship, poor hiring and retention practices and inadequate transition training. FAA's poor oversight and fatigue were also cited. Not cited, however, was the first officer and her lack of experience or training as it related to minimum flight hours. Improved system safety is based on the many changes, including parts of the Airline Safety Rule, that occurred after the crash. The NTSB made 24 recommendations after Colgan and many were implemented. I concur with those recommendations.

I acknowledge the 1,500 hour rule is the current law of the land. My review and resulting recommendations of any accident will be based on the facts of that accident, data analysis and casual trends. I strongly believe in compliance with all rules and standards and believe that quality training programs and oversight provide a higher level of safety.

Third Class Medical. In 2016, Congress passed legislation that substantially revised the

Third Class Medical procedures applicable to general aviation pilots. AOPA was the chief proponent of legislation to modify Third Class Medical procedures. The proposal generated significant controversy and a compromise was eventually adopted.

Question 2. What is your position on the modification of general aviation pilot medical procedures? Did you support AOPA's original proposal? Are the compromise procedures sufficient to preserve safety? What additional modifications or refinements would be prudent?

Answer. I applaud the compromise reached by this Committee and the Congress and that the new law is sufficient to preserve safety. The data reveal that there are very few accidents caused by medical incapacitation in Part 91 operations. I am particularly encouraged by the medical education requirement in the new law.

I am confident that the NTSB and FAA will be monitoring this area closely for changes in the medical incapacitation accident rate as we go forward.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
BRUCE S. LANDSBERG

The FAA's first officer qualification and training requirements enacted by regulation in 2013 were prompted by Congress in 2010 following multiple fatal airline accident investigations that identified the pilots' lack of flight experience and training as factors in the accidents. There are some within the industry who have expressed strong opposition to these rules, although there is no consensus across the industry about whether a genuine pilot shortage currently exists.

Since the bill was enacted, U.S. aviation has enjoyed its safest period in history. During that same period, while you worked for AOPA, you wrote critically against the 1,500 hour rule, calling it "an undesirable outcome."

Question 1. Do you continue to believe that the 1,500 hour rule is unnecessary, or do you believe that it has not improved the safety of our commercial air system?

Answer. As previously stated, I believe in performance-based criteria, as opposed to a standard that is not supported by any empirical evidence.

Question 2. If confirmed, will you be hesitant to point out instances where more training in any mode of transportation is needed as a result of your involvement with the 1,500 hour rule?

Answer. If the data support that additional training (or experience) is needed in any mode to enhance safety, I would never hesitate to make such a recommendation.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. RICHARD BLUMENTHAL TO
BRUCE S. LANDSBERG

Outstanding safety recommendations. One issue I have raised repeatedly in this committee concerns outstanding safety recommendations from the NTSB to the myriad agencies and industries that NTSB investigates. As you know, they are only recommendations—they are not mandates.

Question. How will you ensure that agencies and entities carry them out?

Answer. NTSB serves as a safety advocate which cannot, by its enabling legislation, force a regulatory agency to enact a recommendation. However, it is entirely appropriate for NTSB to make its recommendations known to the regulatory authority, the respective industry and the public in order to approve safety all modes of transportation. If confirmed, I will work with my fellow Board Members to advocate for adoption of NTSB recommendations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO BRUCE S. LANDSBERG

Question 1. Past NTSB Recommendations. Are there current, or past, NTSB recommendations you have taken exception to, or have disagreed with in the past?

Answer. I do not believe so.

Question 2. If yes, roughly how many recommendations or investigation assessments do you think you've opposed or disagreed with over the years? N/A

Question 3. Can you please provide some of the specifics of those circumstances?

Answer. N/A

Question 4. How do you rate the importance of cost-benefits when determining safety rulemakings or recommendations, especially in your potential role with the NTSB?

Answer. NTSB is not charged with conducting cost-benefit analysis but recommendations are not made in a vacuum. There will be cases where significant benefit can be achieved at acceptable cost and the regulatory agencies will be more likely to adopt quickly. As technology advances, follow-on improvements can often be made to improve safety even more.

Hazardous Materials by Rail. In your questionnaire, you underscored your responsibility of "supporting the (NTSB) Chairman" and highlighted "continuing to expand understanding of human factors across modes, including complacency, distraction and fatigue" in your list of challenges for NTSB.

And the NTSB Chairman has previously noted for us that "Since 1969, the NTSB has investigated 148 rail accidents that could have been prevented if an operational positive train control (PTC) system been in place." I note this, because rail safety, and the possible shipment of nuclear waste is an incredibly important safety issue, not just for me, but for the 44 states, and over 300 congressional districts, who would see this product traverse through their communities.

Question 1. In your expert safety opinion, do you think there would be safety concerns with large amounts of nuclear waste traveling from say Minnesota, Texas, or Mississippi, all the way to Nevada, by rail?

Answer. There are always safety concerns with the transport of any hazardous cargo whether by rail or vehicle. Clearly, we need to ensure that necessary precautions are taken to manage risks.

Question 2. For example, are you aware if we even have a safe and certified rail car available to move spent nuclear fuel?

Answer. I am not aware of the availability such rail cars, but, if confirmed, I will continue to seek to learn more about this issue.

Question 3. Would you think it would be a logical expectation that we wouldn't move significant amounts of nuclear waste by rail until those operations have trustworthy innovations like PTC and ECP brakes more roundly installed, and utilized, by the industry?

Answer. As previously stated, I believe that the transport of any hazardous cargo requires necessary precautions to be taken in order to manage risks. Measures such as those recommended by the NTSB are necessary to ensure safety, and if confirmed I pledge to look further into this issue.

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