

**NOMINATION
TO THE FEDERAL MARITIME COMMISSION,
NATIONAL TRANSPORTATION SAFETY BOARD,
AND THE AMTRAK BOARD OF DIRECTORS**

HEARING

BEFORE THE

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

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

SEPTEMBER 25, 2024

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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**NOMINATION
TO THE FEDERAL MARITIME COMMISSION,
NATIONAL TRANSPORTATION SAFETY BOARD,
AND THE AMTRAK BOARD OF DIRECTORS**

WEDNESDAY, SEPTEMBER 25, 2024

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

The Committee met, pursuant to notice, at 10:02 a.m., in room SR-253, Russell Senate Office Building, Hon. Maria Cantwell, Chair of the Committee, presiding.

Present: Senators Cantwell [presiding], Klobuchar, Peters, Tester, Cruz, Wicker, Fischer, Sullivan, Young, Schmitt, and Capito.

**OPENING STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

The CHAIR. Good morning. The Senate Commerce Committee will come to order.

We are here to consider three of the nominees for various positions. First, we have Carl W. Bentzel, who has been renominated as the Federal Maritime Commissioner. Mr. Bentzel is a Commerce Committee staff alum, having served as a Senior Democratic Counsel, spent four years with the House on the Merchant Marine and Fisheries Committee, and has served on the FMC since 2019, where he spent a great deal of time focused on the issues that we experienced through the COVID pandemic, obviously U.S. supply chain disruption, but more importantly, carriers who were leaving U.S. products on the dock and returning without our cargo.

Mr. Bentzel has been very active in the Commission's efforts to increase transparency, awareness, and accountability for those involved in the maritime shipping supply chain and the impacts that we suffered under. Under the Shipping Act the Commission protects shippers and consumers from unfair and deceptive practices in the shipping industry.

The COVID-19 pandemic exposed deep maritime supply chain resiliency challenges, and Congress responded in two important ways. To address the capital challenge, we had a historic \$2.25 billion in port infrastructure in the Bipartisan Infrastructure Law, and we passed the Ocean Shipping Reform Act, which provides the Commission with the tools they need to crack down on bad actors, protect American businesses and consumers. And we look forward

to hearing from you on that continued important work on the Commission.

Next, we have Tom Chapman, who has been nominated to serve as a Member of the National Transportation Safety Board, where he has been a Member since 2020. In his four years on the Board, Mr. Chapman has been a strong advocate for safety system approaches to everything from highway traffic safety, and has championed NTSB's research into preventing intoxicated driving and speeding-related deaths. Mr. Chapman is also a strong advocate for safety at highway grade crossings for rail workers, having lost his grandfather in a grade-crossing accident when he was younger.

I am sorry for that loss, Mr. Chapman.

I must note that Mr. Chapman also has roots here in the Committee, first working for Senator Nelson, and then on the Aviation Subcommittee for a time period before he went to NTSB. With more than four decades of experience in transportation-related matters, Mr. Chapman has served in roles at U.S. Airways, Southwest Airlines, and the Aircraft Owners and Pilots Association. He has also earned his own private pilot certificate, and I believe his background on aviation is critical to the ongoing Alaska Investigation. I believe that the NTSB's work has never been more important or more needed, East Palestine's Ohio rail derailment, or the Alaska issue, or the San Francisco Scott Key Bridge incident in Baltimore.

So it is important that our Committee reauthorized the NTSB for another five years, given its highest funding authorization that it has received in decades, to have more investigators respond to emerging technology and continue its mission to save lives.

The FAA authorization also directed the FAA to implement critical NTSB recommendations to strengthen aviation safety, including a new requirement to install a 25-hour cockpit voice recorder in commercial aircraft to help investigators at the NTSB, and also directing the FAA to adopt surface surveillance technology, ASDE-X, at every large and medium hub airport to reduce close calls across the country. We appreciate Mr. Chapman's tireless work on these issues in the NTSB investigations, and I am sure we will hear more about how to enhance safety, from Mr. Chapman.

And last, but certainly not least, we have Mr. Lanhee J. Chen, who has been nominated to serve on Amtrak's Board of Directors. The Amtrak Board of Directors plays an important role in ensuring safety and quality service on our Nation's transportation system. I think we are here this morning as opposed to last week because I do not think we have the paperwork finished, and so that is why you were not included with some of the other colleagues.

But including overseeing the historic investment in Amtrak in the Bipartisan Infrastructure Law, Mr. Chen has had a distinguished career in academia, public service, and the private sector. And from 2014 to 2018, he was confirmed by the Senate as a Member of the Social Security Advisory Board, previously serving as a senior official at the Department of Health and Human Services during the Bush administration.

He has also served as Policy Director for Senator Mitt Romney's 2012 Presidential Campaign. Our colleague is here from Utah, I am sure, to give us some more words of wisdom on support of Mr.

Chen. So we thank you for joining us today. And after I turn to my colleague, we will then turn to you for your remarks.

But Amtrak is in the middle of one of the most significant transformation—transportation changes since its founding more than 50 years ago, with ridership on track to exceed pre-pandemic levels this year. As we said earlier this month, we are happy to consider the nominees who bring much-needed geographic diversity to the Board, and thanks to the advocacy of my colleagues from the West, like Senator Tester, on these issues, we are seeing that diversity.

So I look forward to hearing from all of you. Thank you for your willingness to serve and come before the Committee. Now I will turn to Ranking Member Cruz for his opening remarks.

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

Senator CRUZ. Thank you, Madam Chair. This morning, we will hear from nominees to the Amtrak Board of Directors, the Federal Maritime Commission, and the National Transportation Safety Board, the (NTSB). The nominee to the Amtrak Board is Mr. Lanhee Chen. Mr. Chen received his J.D. and Ph.D. from Harvard and has deep experience in business, financial management, and policy.

In addition to serving on the Boards of both private companies and nonprofits, he was nominated and confirmed by voice vote to the Social Security Advisory Board in 2014. Mr. Chen would be a strong addition to the Amtrak Board. Having a director with his acumen is particularly important as Amtrak examines service expansions and struggles to manage major capital projects effectively. I look forward to hearing more about his qualifications for this important post from Senator Romney, his former boss, and our colleague, who will be formally introducing him in just a moment.

The Federal Maritime Commissioner, Carl Bentzel, will also appear before us today. Mr. Bentzel has been nominated for a second term on the Federal Maritime Commission, or the FMC. The FMC is the Federal agency charged with ensuring ocean transportation is competitive and abides by the Shipping Act, protecting both American consumers and shippers. Last Congress, Senators Thune and Klobuchar worked on legislation to reauthorize the FMC, the Ocean Shipping Reform Act of 2022. I look forward to hearing from Mr. Bentzel on the Commission's progress implementing that legislation, as well as his views on what may be next for the FMC.

Mr. Bentzel's confirmation hearing is timely, as the U.S. teeters on the brink of the first union strike among East and Gulf Coast ports since 1977. As usual, the Biden-Harris administration seems to have been caught unaware of the potential for a strike and has shown little leadership in bringing the parties together to negotiate a deal and prevent a strike.

Let us be clear about the potential consequences of a strike. A J.P. Morgan analysis, quoted in *The New York Times* yesterday, projected that a port strike could cost the American economy \$5 billion per day. I hope the administration is able to avert that strike.

While the FMC will not have a role in the negotiations themselves, the Commission issued a notice on Monday that it will continue to monitor transportation stakeholder practices for any viola-

tions of the Shipping Act as transportation providers and shippers look to move their goods.

Finally, we will hear from Thomas Chapman, who has been nominated for a second term on the NTSB. The NTSB investigates transportation accidents and other incidents to identify their causes and to recommend safety improvements to prevent similar incidents in the future. The NTSB is not a regulator and has no power to mandate the adoption of its recommendations. But because of the NTSB's reputation for thorough and accurate investigations, the results of its investigations are well regarded around the world, and agencies and companies often implement NTSB recommendations, voluntarily.

The NTSB also provides valuable information for Congress and Federal agencies to consider when developing transportation policy. Mr. Chapman has many years of experience working on aviation issues, including on staff to this very Committee. During his first term at the NTSB, Mr. Chapman increased his attention on roadway safety and recommended several changes to traffic policy. I agree that roadway safety is an important priority. According to the National Highway Traffic Safety Administration, there were almost 41,000 motor vehicle traffic fatalities last year. I look forward to hearing from Mr. Chapman on how we might reduce those numbers without burdensome regulations or reducing consumer choice.

Thank you, Madam Chair.

The CHAIR. Thank you, Senator Cruz. And before I turn to our colleague, Senator Romney; I just want to note that in the audience with us today is NTSB Chair, Jennifer Homendy. Thank you for being here. I am assuming in support of our nominee.

We also have two FMC Commissioners, Commissioner Vekich and Senator—I mean, Commissioner Maffei, thank you for being here as well.

Senator Romney, welcome to the Commerce Committee. We look forward to hearing your remarks.

**STATEMENT OF HON. MITT ROMNEY,
U.S. SENATOR FROM UTAH**

Senator ROMNEY. Thank you, Chair Cantwell, and thank you, Ranking Member Cruz. I have to admit that had I seen this hearing room before, I might have been very tempted to become a member of this Committee. It is a lot better than the ones I normally attend.

I am delighted today to be able to introduce a friend of mine, a colleague, and someone I respect very deeply, Lanhee Chen. He has been an adviser for me for more than a decade, and I actually think he would be an excellent member of the Board of Directors of Amtrak.

Obviously, Amtrak's Board is responsible for setting policy and overseeing management, and the strategic direction of Amtrak. And I cannot think of a person more intellectually and emotionally suited for a role of that nature than Lanhee Chen, because he is brilliant, because he is a man of integrity, and because his life experience shows that he has had a career that has spanned the government sector, the private sector, policy areas, and academia, really quite an extraordinary man.

As you know, he is the son of Taiwanese immigrants, and he attended Harvard College, where he graduated magna cum laude in Government. Then he went on to get a Ph.D. in political science at Harvard University and get a law degree from Harvard Law School. It seems no other university would take him.

[Laughter.]

Senator ROMNEY. Lanhee has served on the Board of both of my Presidential campaigns, and I entrusted him to spearhead the policy direction for my campaign, and to be my chief policy adviser. He did that without a partisan bent; he did that entirely based upon the intellectual capacity that he brought to the team, and offered superb advice.

From 2014 to 2018, as Chair Cantwell has indicated, he was appointed by President Obama to serve as a member of the Social Security Advisory Board. He is currently the Director of Domestic Policy Studies, and a lecturer at Stanford University, as well as a fellow at the Hoover Institution. He lives in the Bay Area with his wife, Cynthia who, by the way, is brilliant in her own right. And they have two children. Lanhee Chen.

The CHAIR. Thank you. Thank you, Senator Romney. I very much appreciate you in your busy schedule, coming here to advocate on behalf of Dr. Chen. So thank you.

We will now turn to our nominees and witnesses. And we will start with you, Mr. Bentzel. Thank you for being here.

STATEMENT OF HON. CARL W. BENTZEL, NOMINEE TO BE A COMMISSIONER, FEDERAL MARITIME COMMISSION

Mr. BENTZEL. Chair Cantwell, Ranking Member Cruz, Members of the Committee, good morning, and thank you for the opportunity to appear here to be considered for nomination as FMC Commissioner.

I would ask your permission for my formal statement to be inserted in the record.

The CHAIR. Without objection.

Mr. BENTZEL. I would like to recognize my Chairman, Dan Maffei, and Commissioner Vekich, and thank them for being here in support of my attendance. And most importantly, I want to recognize my wife, Suzanne Bentzel, whom I met and fell for while I was a staffer here in the Senate Commerce Committee. I would also like to—

The CHAIR. Mark one down for the Commerce Committee.

Mr. BENTZEL. Finally, I would like to thank President Biden for renominating me. When I came before this Committee as a nominee 5 years ago, the world and the Federal Maritime Commission were in a different place. The pandemic had not yet gripped the country. The shipping industry, although essential to the Nation's economy, was invisible to the public eye. Then it wasn't.

The earliest part of the pandemic resulted in reductions of over 20 percent of imports through our West Coast ports. By early summer, we swung to over 30 percent increases, a stunning change in demand. During the entirety of the pandemic, we saw 27 percent increases in imported containers, and one percent increases of exports. The movement of enhanced cargo volumes was first stymied on the West Coast with a lack of intermodal chassis, and then by

Chinese Government-controlled container manufacturers intentionally suppressing production of containers.

Container shipping lines were ultimately forced to wait off the coast of the United States for one to two weeks over, essentially, what became a two-year period. The result of congestion and enhanced supply need were that spot shipping rates increased by factors of 10 to 15 times prior to the pandemic. And even more importantly, transits took more than three times longer.

In my view, this was the single most important factor in driving inflationary costs. Congress, and specifically this Committee, responded to the shipping challenges by passing the Ocean Shipping Reform Act of 2022. And since that time, the Commission has been busy and engaged in the implementation of the Act.

This summer, the Commission released final rules on detention and demurrage and refusals of service. In addition, the FMC has put in place a charge complaint process mandated through OSRA that allows shippers to file complaints and get streamlined resolution for shipper conflicts. Over \$12 billion were assessed in detention and demurrage by ocean carriers and marine terminals over the course of the pandemic, some were justified, others were not.

The FMC is challenged in accommodating the volume of legal cases and are currently processing more complaints than at any time in our history.

The FMC is an independent Agency with specialized experience in international ocean liner transportation services. The Agency is charged with the responsibility of administering a law that, in addition to protecting the public from unfair practices, provides a focused antitrust regulatory regime tailored to factors affecting regularly scheduled international ocean shipping trade.

For the sake of brevity, the FMC's objectives are to maintain an open, competitive, and reliable international ocean shipping system and to protect the shipping public from unlawful, unfair and deceptive ocean shipping practices. I did want to identify a few general policy areas that I believe will be important as the FMC moves to the future.

The maritime industry is increasingly tied to the efficiencies of their intermodal partners in moving cargo through marine terminals and ports and onto the surface transportation modes. There are multiple players involved in port and maritime terminal management, and throughput infrastructure is often a shared venture. Fostering greater intermodal connectivity, while addressing societal, environmental, and quality-of-life challenges, will continue to be at the forefront of any new investments.

Another area of potential concern, are impacts of consolidation. While I believe the ocean shipping market remains strongly competitive, I also recognize the need for continued vigilance. The U.S. Antitrust guidelines governing competition, used by the FMC, can be used to conclude that the international ocean liner industry market is very competitive. However, we need to continue to require greater scrutiny given the nationalization of some of the shipping lines, and the economic stakes that could be involved in potential market manipulation.

I would be remiss if I did not mention one area of particular concern related to the overall health and long-term stability of the

international shipping industry, and that is the concerted efforts by the People's Republic of China to secure market dominance in international shipping. The PRC has invested heavily to ensure that China will continue to dominate in multiple aspects of maritime trade as an instrument of its foreign policy. Chinese Government-controlled companies manufacture over 98 percent of the marine containers used in world trade, 80 percent of the intermodal shipping chassis used in trucking containers, 60 percent of the ships used in the international commercial fleet, and over 20 percent of our regularly scheduled ocean carrier service providers are government-controlled.

In my view, this issue needs more attention than what we can do at the FMC, but it is an expanding risk.

Chair Cantwell, and Ranking Member Cruz, I want to thank you and your staffs again for your courtesies. And I am pleased to answer any questions that you have.

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

PREPARED STATEMENT OF CARL W. BENTZEL, NOMINEE TO BE A COMMISSIONER,
U.S. FEDERAL MARITIME COMMISSION

Chair Cantwell, Ranking Member Cruz and members of the Committee, good morning and thank you for the opportunity to appear here before you today as a nominee to be Commissioner of the Federal Maritime Commission (FMC). I would also thank you both for the courtesies that your staff extended to me throughout the nomination process. I would like to recognize my Chairman, Dan Maffei and thank him for being here in supportive attendance. Most importantly, I would like to recognize my wife, Suzanne, who I met and fell for while working here on the Commerce Committee. Finally, I would like to thank President Biden for nominating me for a second term.

When I came before this Committee, as a nominee, five years ago, the world and the Federal Maritime Commission were in a different place. The pandemic had not yet gripped the country. The shipping industry although essential to the Nation's economy was invisible to the public eye. Then it wasn't. The earliest part of the pandemic resulted in reductions of over 20 percent imports of containerized cargo through West Coast ports, and then by early summer swung to over 30 percent increases, a stunning change in demand. During the entirety of the pandemic, we saw 27 percent increases of imported containers and 1 percent increases of exports.

Movement of enhanced cargo volumes were at first stymied on the West Coast with the lack intermodal chassis, and then by intentional suppression of container availability, as the Chinese government-controlled container manufacturers intentionally suppressed production. Container shipping lines ultimately were forced to wait off the U.S. coast for 1-2 weeks before berthing. The result of congestion and enhanced supply needs were that shipping rates were increased on the spot market by 10 to 15 times the rate prior to the pandemic, and transits took more than three times longer. In my view this was the most singularly important factor in driving inflationary cost.

Congress and specifically this Committee, responded to the shipping challenges by passing the Ocean Shipping Reform Act of 2022, which the President signed into law on June 16, 2022. Since that time, the Commission has been busy and engaged in implementing OSRA-22. This summer the Commission released two final rules, on Detention and Demurrage and the second a rule on Refusal to Deal or to provide service.

In addition, the FMC has put in place a charge complaint process, mandated through OSRA, that allows shippers to file complaints and get streamlined resolution to their shipping conflicts. This has been a revelation for smaller and larger shippers alike, especially exporters that do not have the financial resources to file large scale cases. It has also demanded that the ocean carriers come to the table and engage in conflict resolution. Over 12 billion dollars was assessed in detention and demurrage by ocean carriers and marine terminals over the course of the pandemic, while many of these penalties could be justified, others were unfairly assessed. The Federal Maritime Commission is currently stressed accommodating the

volume of legal challenges to the evaluation of the reasonableness of penalty assessments. We are currently processing more complaints than any other time in our history.

The FMC is an independent agency with specialized experience in the international ocean transportation industry. The agency is charged with the responsibility of administering a law that, in addition to protecting the public from unfair practices, provides a focused antitrust regulatory regime tailored to factors affecting regularly scheduled international ocean shipping trade. Under the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998, Congress found that collaborative joint venture agreements between and among ocean carriers and marine terminal operators may and can provide efficiencies and reduced costs that ultimately benefit U.S. importers and exporters and save the U.S. consumer money. The Commission's responsibility is to review agreements and determine that they do not unreasonably reduce competition or increase transportation costs. The FMC reviews and continues to actively monitor these joint collaborations and agreements under the Shipping Act to ensure that pro-competitive efficiencies and cost savings are obtained for the benefit of U.S. consumers.

The FMC also engages in a variety of activities to protect the public from financial harm, including licensing, registration, and monitoring the practices of intermediaries and implementing financial bond requirements for over 6,000 ocean transportation intermediaries (OTI). Our statutes require the FMC to investigate and prosecute unreasonable or unjust practices or rules on private party complaints alleging Shipping Act violations. These activities contribute to the competitiveness, integrity, fairness, and efficiency of the Nation's import and export supply chains and the ocean transportation system.

The FMC has authority under the Foreign Shipping Practices Act of 1988, and Section 19 of the Merchant Marine Act, 1920 to evaluate the practices of foreign governments to determine whether they are unfavorable or discriminatory. The FMC is authorized to take certain actions in response to the discriminatory practices of foreign governments, after investigation and due process, to help address anti-competitive discriminatory foreign shipping practices. Finally, the FMC is required to impose certain additional protections with respect to foreign carriers that are operate under government control to ensure that they do not engage in predatory pricing practices.

In sum, the FMC's objectives are to maintain an open, competitive reliable international ocean shipping system, and protect the shipping public from unlawful, unfair and deceptive ocean shipping practices.

It is with great pleasure and honor that I was re-nominated for this position. In 1995, I was hired to work as a Senior Counsel for the Senate Committee on Commerce, Science and Transportation where I worked for Senators Hollings, Breaux and Inouye on maritime and surface transportations issues. During this time, we worked closely and on a bi-partisan basis with Senators Stevens and Lott to deregulate ocean shipping requirements to allow confidential shipping contracts, and to furnish the current regulatory structure governing international ocean liner shipping and FMC operations today. The Ocean Shipping Reform Act of 1998 was a landmark change in the way we regulate ocean shipping, where I believe we adequately balanced the need for a more competitive regulatory environment with a proper degree of oversight.

My time spent as a staffer working for the Senate Commerce Committee was a work career highlight and gave me opportunities to learn more about the maritime industry than perhaps any other employment position. I have had the opportunity to experience firsthand, port and marine terminal operations, visit shipping lines to understand their logistics challenges, and garner a greater understanding of intermodal trucking and rail issues pertaining to services through our ports. I feel graced to have had this opportunity.

While it would not be appropriate to comment on specific areas where the FMC is currently considering policy, I did want to identify a few general policy areas that I believe will be important for the FMC as the agency moves forward to the future.

The maritime industry is increasingly tied to the efficiencies of their intermodal partners in moving cargo through marine terminals and ports and onto the surface transportation modes of trucking and rail. There are multiple players involved in port and maritime terminal management, and throughput infrastructure is often a shared venture. Freight volume increases, while providing economic benefit, also carry with it negative impact on surrounding community's environmental quality.

Another area of potential concern are the impacts of consolidation. However, I believe that the ocean shipping market remains strongly competitive, but also recognize the need for continued vigilance. The U.S. antitrust guidelines governing competition utilized by the FMC in consideration of filed agreements generally can be

used to conclude that the international ocean liner industry market is very competitive, but I believe that we need to continue to require greater scrutiny given the nationalization of some of the shipping lines, and the economic stakes that could be involved in potential market manipulation.

I would be remiss if I did not mention some of the macro-supply chain challenges that are and will continue to stress the shipping industry and will cause competitive impacts and reduce efficiency of our supply chain.

First, the People's Republic of China (PRC) has invested heavily to ensure that China will continue to dominate in multiple aspects of maritime trade as an instrument of foreign policy. Chinese government-controlled companies manufacture, conservatively, over 98 percent of the marine containers used in world trade, 80 percent of the intermodal shipping chassis used in trucking containers, 60 percent of the ships used in the international commercial trade. Over 20 percent of our regularly scheduled ocean carrier service providers are Chinese government controlled. We need to continually scrutinize this market for potential market abuse to protect against what has already been established as Chinese market dominance.

Secondly, Red Sea shipping attacks on innocent merchant shipping and the effective closure of the Suez Canal are actions with international consequence, and I do not believe that the public understands the costs to world economies that we are already paying as result of international inaction. International will seem to be lacking. The Red Sea shipping route is an international maritime superhighway, could you imagine the reaction if a terrorist organization highjacked usage of I-95—but that's what is essentially happening.

Finally, an International Maritime Organization (IMO) rule, commonly referred to as "IMO 2050", requires ocean carriers reach an enhanced common ambition to achieve net-zero GHG emissions from international shipping by or around, *i.e.*, close to, 2050. While I believe that the target is attainable and support the target, I am concerned that implementation of the new requirements will shift the fuel used in maritime transportation from a single petroleum source to 3 or 4 alternative fuels. We need further assessment to ensure that clean energy sourcing can occur, consistent with other societal protections and energy use obligations. Ultimately, the market will adjust to the new fuel requirements.

Chair Cantwell and Ranking Member Cruz, if given the privilege of continuing to serve as a Federal Maritime Commissioner, I pledge to you that I will follow the statutory requirements of the law in an objective and unbiased basis. I also pledge to be fully responsive and engaged with any demand or request of this Committee as you discharge of your legislative and regulatory oversight of the FMC.

I wish to thank you and your staffs once again, and I am pleased to answer any questions that you might have.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Carl Whitney Bentzel.
2. Position to which nominated: Commissioner, Federal Maritime Commission.
3. Date of Nomination: July 11, 2024.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Federal Maritime Commission (FMC) (Office) Suite 1026, 800 North Capitol St NW, Washington, DC 20573.
5. Date and Place of Birth: 07/25/1963; Bethesda, MD.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
Spouse: Suzanne Marie Bentzel employed by the West Virginia University.
Children—C.J. Bentzel (21),
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.
B.A. Degree (History), St. Lawrence University, 1985
J.D. Degree, University of Alabama, 1989
L.L.M. Degree in Admiralty Law, Tulane University, 1990
8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs

held and any non-managerial jobs that relate to the position for which you are nominated.

Democrat Counsel for Maritime Policy, House Committee on Merchant Marine and Fisheries (1990–1994).

Democrat Senior Counsel, Subcommittee on Surface Transportation and Merchant Marine, Senate Committee on Commerce, Science and Transportation (1995–2004).

Vice President, DCI Group LLC (2004–2014). Partner, SB Capitol Solutions (2014–2016).

Principal, Bentzel Strategies LLC (2016–2019).

Commissioner, U.S. Federal Maritime Commission (2019 to present).

9. Attach a copy of your résumé.

Attached at end of questionnaire.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age.

Not Applicable.

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.

List of entities for whom I consulted:

- Hydrogen Energy California LLC
- Specialized Carrier and Rigging Association
- American Roll-on Roll-off Carriers
- American Task Force Argentina
- CEMEX
- Exxon Mobil
- Great River Economic Development Foundation
- Owner-Operator Independent Drivers Association (OOIDA)
- Verizon
- Inspire STEM Coalition
- Intelligent Car Coalition
- DCI Group LLC

12. Please list each membership you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) 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 disability.

Propeller Club of Washington DC (2008–2012, est.)

Country Club at Woodmore (2004 to present)

Both organizations do not discriminate.

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.

Not applicable.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

Not applicable.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

Joe Manchin (\$2516)

Cheri Bustos (\$500)

Rick Nolan (\$500)
 Garret Graves (\$1500)
 Sam Graves (\$1000)
 Shelley Moore Capito (\$250)
 Patrick McHenry (\$500)
 Dan Lipinski (\$500)

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

Coast Guard's Medal for Meritorious Public Service
 Maritime Security Council's Man of the Year Award

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

Prior to my position as Commissioner, I published the following materials related to my expertise in maritime shipping, transportation and energy, and have included access to these materials below.

Book:

McGraw-Hill's Handbook on Homeland Security, port security chapter, (chapter 36).

Op-Eds:

- Security in U.S. ports is severely lagging 3/1/2006:
<https://maritime-executive.com/article/2006-03-01commentary-by-carl-benzel-on-dubai-por>
- All of the Above Transportation Funding 3/17/2017:
<https://morningconsult.com/opinions/transportation-funding-its-all-of-the-above/>
- Trump Should Reverse Obama-Era South Atlantic Oil and Gas Restrictions 4/07/2017
<https://morningconsult.com/opinions/trump-reverse-obama-era-south-atlantic-oil-gas-restictions/>
- It's Not About a Wall, but It Is All About Over, Under, Around, and Through 11/27/2017:
<https://morningconsult.com/opinions/its-not-about-a-wall-but-it-is-about-over-around-under-through/>

As Federal Maritime Commissioner I have issued the following two reports:

- Assessment of the People's Republic of China's Control of Container and Intermodal Chassis Report:
<https://www.fmc.gov/wpcontent/uploads/2022/03/ContainerandChassisManufacturingFinalReport.pdf>
- Maritime Transportation Data Initiative (MTDI) Views and Report:
[content/uploads/2023/04/MTDIReportandViews.pdf](https://www.fmc.gov/wpcontent/uploads/2023/04/MTDIReportandViews.pdf)

18. List all speeches, panel discussions, and presentations (e.g., PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

During the course of my close to fifteen-year work experience in both the House of Representatives and the Senate, I was asked on average about five times a year to provide legislative update speeches to groups involved in maritime and transportation policy. All speeches were given under the constraints of my professional obligations to the House and Senate Committees where I worked. All remarks that I made were made off the cuff, and I do not have notes either. I have attached Internet access to all speeches and events that I could readily locate that discussed my comments.

<http://www.thebreakingnews.com/files/articles/ncorpcharlestontranscript.pdf>,
 National Council on Readiness and Preparedness (port security on 11/30/2006)
<https://www.upi.com/Washington-Agenda-GeneraU62791021663216/> Center for Strategic and International Studies holds a program with U.S. Transportation

Secretary Norman Mineta to discuss Post-9/11 Environment. (port security on 5/20/2002)

<http://www.tworldwide.com/events/hdi/070307/> Border, Maritime and Transportation Security Conference (port security on 3/7/2007)

<https://m.marinelog.com/docs/MLEGMMIV/mle2MMIV2.html> Marine Log Conference (maritime legislative update on 9/23/2004)

<https://www.truckinginfo.com/108276/in-the-end-truckers-costs-are-shippers-costs-too> NIT League panel discussion (trucking driver shortage on 5/23/2012)

<http://www.island.lk/2004/07/05/busine06.html> Washington Press Club Panel Discussion (port security on 5/7/2004)

During the course of my close to five-year work experience on the Federal Maritime Commission, I was asked on average about three to five times a month to provide maritime policy and maritime regulatory policy update speeches to groups involved in maritime and transportation policy. All speeches were given under the constraints of my professional obligations as a Federal Maritime Commissioner. I have included my schedule of speaking events, however, most remarks that I made were made off of the cuff, I have attached any power point presentations that are still accessible as. I have attached Internet access to all speeches and events that I could readily locate that discussed my comments.

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

Below is a list of speaking engagements to industry groups. The topics have typically been educating on the FMC mission, pandemic and supply chain disruptions, Ocean Shipping Reform Act of 2022 (OSRA-22) Maritime Transportation Data Initiative (MTDI) and general agency and industry updates. Many of my presentations had a standard power point document, prepared to provide structure to the discussion. I have linked these presentations with the speaking engagement whenever possible.

- January 8, 2020. Speaking Engagement Port of Houston. I accompanied a fellow Commissioner and provided general comments and background on myself as a new Commissioner. (Houston, TX).
- Sept 22, 2020. Charleston Maritime Exchange (1647 King Street St. Extension). No prepared remarks but provided comments on my background working with the S.C. delegation as a staffer for the Commerce Committee and to former Chairman Hollings. (Charleston, SC).
- October 22, 2020. U.S. Department of Commerce. *Supply Chain Advisory Committee Meeting Inland Waterway*)
- February 16, 2021. National Association of Waterfront Employers (NAWE) Key-note Presentation. *NAWE*
- February 18, 2021. American Association of Port Authorities (AAPA). *Communications, Administration & Legal Issues Seminar—Carl Bentzel Recording Session (Detention and Demurrage)*
- February 18, 2021, Agriculture Transportation Coalition. USDA Ag Shipper Workshop w/FMC Commissioners Bentzel and Maffei (No prepared remarks).
- February 22, 2021. *The State of Shipping, featuring Commissioner Carl Bentzel of the Federal Maritime Commission National Association of Chemical Distributors (NACD) presentation and conversation with shipping industry subjects that may include the shipping delays, customer service, rate increases, port issues, and more.*
- March 4, 2021. AAPA Anywhere: *Winter Security Committee Meeting*
- March 18, 2021. *European Maritime Law Organization (EMLO)* “U.S. Maritime Policy Under the Biden Administration: Continuity or Change?” The other panelists include Bill Doyle (port focus) and R. Adm. Mike Rodriguez.
- March 18, 2021. National Industrial Transportation League (NITL) Summit presentation (No prepared remarks)
- March 30, 2021. *In Conversation with FMC’s Commissioner Carl Bentzel—Demurrage and Detention & Managing Port Operations*
- May 10, 2021. *Institute of Scrap Recycling Industries Board meeting;*
- May 12, 2021. *Five California District Export Councils Virtual Meeting Virtual Capitol Summit (CalChamber—CA Legislative Issues Summit)*

- June 3, 2021. *TIA Airfreight & International Logistics Conference Quarterly Meeting Featuring Commissioner Bentzel*, FMC
- June 24, 2021. *American Trucking Association (ATA) IMCC Board Presentation regarding FMC priorities and discuss key motor carrier concerns.*
- July 15, 2021. *Steptoe Supply Chain University*
- July 26, 2021. *DISCUS Webinar on International Shipping with the Federal Maritime Commission* (Join DISCUS for a conversation with Federal Maritime Commissioner Carl W. Bentzel to discuss FMC's role in addressing the various challenges facing importers and exporters, such as demurrage and detention practices, increased freight costs, container shortages, and port delays.
- August 11, 2021. *NACD Board Meeting: (San Antonio TX)*
- August 25, 2021. *State of Shipping U.S. Exporters Competitive Maritime Council (ECMC)*
- August 25, 2021. *Commissioner Bentzel Meeting with Global Soy Trade Exchange and Specialty Grains Conference* (St. Louis, MO)
- August 30, 2021. Roundtable, *"Build Back Better—the Supply Chain"* (Port of Oakland).
- September 1, 2021. Stakeholder Roundtable on Data Transparency with Commissioner Bentzel and Congressman Lowenthal Mario Cordero and Gene Seroka, 415 W. Ocean Blvd., Long Beach, CA 90802 (No prepared remarks—this was a listening session).
- September 17, 2021. *Tulane Maritime Law Society Virtual Presentation by Federal Maritime Commissioner—Carl Bentzel on Maritime Law Industry*
- September 24, 2021. *American Pyrotechnics Association Annual Convention (Keynote Speaker) San Antonio TX*
- September 28, 2021. *American Automotive Leasing Association Annual Meeting (Keynote) Houston, TX*
- September 29, 2021. *Breakbulk Conference Speech* (Houston, TX).
- October 5, 2021. *Cal Chamber (Zoom meeting re Port Congestion)*
- October 13, 2021. NYSHEX Symposium (Washington DC)—General Remarks on the history of shipping act reauthorization bills (no prepared remarks).
- October 14, 2021—Private Railcar Food and Beverage Association Meeting—What's Going On With Ocean Freight?
- October 23, 2021—*Wine and Spirits Shippers Association (WSSA)* (Savanah, GA).
- November 8, 2021—International Chemical Trade Association (What's Going On With Ocean Freight?). (no prepared remarks).
- November 15, 2021. Port and Ocean Shipping Task Force Webinar (National Association of Manufacturers Port Task Force). (no prepared remarks).
- November 29, 2021. NTD News Business Interview with Commissioner *Bentzel*
- January 26, 2022. *American Ship Brokers Association Annual General Meeting in NYC (Keynote Speaker)*
- February 15, 2022. *Keynote Speaker The National Association of Foreign-Trade Zones (NAFTZ) 2022 Legislative Summit (Washington, DC)*
- February 25, 2022. *Keynote Remarks Ecosystem of the American Maritime Industry (Teams)*
- February 28, 2022. Trans-Pacific Maritime (TPM) Conference Speaking Engagement (with Peter Tirshwell) (Long Beach, CA).
- March 17, 2022. The National Association of Maritime Organizations (NAMO) (to speak on MTDI) (Washington, DC). (no prepared remarks).
- May 2, 2022. Intermodal Association of North America Education Session (Chicago, IL).
- May 10, 2022. AASHTO Water Transportation Council on the Assessment of the People's Republic of China's Control of Container and Intermodal Chassis Manufacturing Report (Zoom).
- May 14, 2022. *Transportation Lawyers Association Annual Conference (Keynote) Williamsburg, VA*
- May 15, 2022. World Ports Conference Talk on Maritime Transportation Data Initiative (MTDI) (Vancouver BC).
- June 7, 2022. *Call with Retail Industry Leaders Assn (RILA)—member companies (BCOs)*

- June 9, 2022. *Maritime Trades Department speaking engagement (Philadelphia)*
- June 15, 2022. *USA Poultry & Egg Export Council Annual Meeting (Keynote) (TEAMS)*
- July 11, 2022. Commissioner Bentzel Interview with Digital Container Shipping Association (DCSA).
- September 22, 2022. *Chamber of Commerce’s Transportation Infrastructure Logistics Committee*
- September 30, 2022. *Utah Chamber of Commerce (Washington DC)*
- October 6, 2022. *Lunch Keynote Speaker—Maritime Security Symposium (Navy League Event) (NY, NY)*.
- October 17, 2022. AAPA Legislative Policy Committee (LPC) on MTDI, Orlando, FL.
- November 3, 2022. *NYSHEX Annual Conference Panel (MTDD (NY, NY))*.
- December 15, 2022. *NAWE Annual Conference*
- January 4, 2023. Specialty Soy and Grains Alliance Remarks (prerecorded).
- February 2, 2023. *NY/NJ Foreign Freight Forwarders Association in Jersey City*
- February 7, 2023. American Chemistry Council Board Rail, Transportation and Infrastructure Committee (no prepared remarks).
- February 15, 2023. Department of Commerce Supply Chain Advisory Committee (OSRA–22 Implementation) (no prepared remarks).
- February 27, 2023. TPM Keynote Discussion (OSHA–22 Implementation) (no prepared remarks). (Long Beach, CA).
- March 13–17, 2023. Ports of Antwerp and Rotterdam Europe Trip (Meeting with EU on MTDI and DCSA Standards Committee on MTDI)
 - March 15th—*Commissioner Bentzel MTDI Presentation to Digital Container Association Board of Directors, Amsterdam, Netherlands.*
- April 5, 2023. *Creating Standards for Port Optimization Systems—Port of the Future Conference (Houston, TX)*.
- April 18, 2023. *Institute of Scrap Recycling Industries Convention & Exposition Maritime Transportation Data Initiative (MTDI Recommendation, Memphis, TN)*
- April 24, 2023. OMSA Membership and Board of Directors 2023 Spring Conference (Washington, DC). (no prepared remarks).
- April 25, 2023. Construction Industry Supply Chain Roundtable (Washington, DC) (no prepared remarks).
- April 26, 2023. Cargomatic Fireside Chat (zoom)
- April 27, 2023. *Chamber of Commerce Infrastructure Committee (Washington, DC)*. (no prepared remarks).
- May 16, 2023. *Ocean Carrier Equipment Management Association (OCEMA) Lunch Speaker (Washington, DC)*. (no prepared remarks).
- May 23, 2023. *Freight Buyers Club Interview (Mike King)*. (no prepared remarks).
- June 16, 2023. *American Cotton Shippers Association (“ACSA”) Keynote, Park City, Utah*
- September 11, 2023. *NCBFAA Annual Government Affairs Conference (GAC) (Washington, DC)*
- September 12, 2023. Global Shipping Crime Conference (USDOT). (no prepared remarks).
- October 5, 2023. Maritime Security Conference (NY, NY). (no prepared remarks).
- October 11, 2023. *NITL Engage Conference—The Supply Chain Nexus: A Forward Thinking Conversation with FMC, STB and DOT (Columbus, OH)*.
- October 31, 2023. *Houston International Maritime Conference—How OSRA Continues to Impact the Industry 2nd Annual Houston International (Houston, TX)*.
- November 1, 2023. *ASTM—Maritime Transportation Data Initiative (MTDI Preliminary Recommendations And Next Steps)*
- November 3, 2023. NYSHEX Ocean Strategy Forum (NY, NY)
- November 7, 2023. *Legal/Regulatory Hot Topics: A Conversation with Commissioner Bentzel (Health & Personal Care Logistics Conference) (Chicago)*

- December 5, 2023. *Harnessing and Harmonizing Data Through Information Sharing FMC Commissioner Carl W. Bentzel Smart Digital Ports of the Future Conference 2023—Halifax, Canada*
- February 28, 2024. Supply Chain & Logistic Summit, PR Manufacturers Association (Keynote speaker) San Juan, Puerto Rico. (no prepared remarks).
- March 13, 2024. Illinois Trucking Association (Teams meeting). (no prepared remarks).
- March 27, 2024. *Participant in Port of Gulfport, MS Roundtable* (see linked agenda. No prepared remarks)
- May 1, 2024. Brief Remarks at ZEBOS (Arlington, VA) (no prepared remarks)
- May 14, 2024. Northwest Seaport Alliance-Peak Season Planning Conference presentation
- May 15, 2024. *Expeditors State of the Industry*, Key Note Presentation (Seattle, WA)
- May 22–23, 2024. *Crossroads of the World Summit*, Utah Chamber of Commerce Participant (no prepared remarks. Agenda linked)
- July 31, 2024. AgTC-USDA Ag Shipper Workshop: Federal Maritime Commissioner Carl Bentzel (No prepared remarks)
- August 19, 2024. National Shipper Advisory Committee—August 2024 Meeting (No prepared remarks)

During my term as an FMC Commissioner, I provided regular updates on Road Dog Trucking (*channel 146*) featuring Mark Willis (Road Dog News) and Dan Ronan (Transport Topics) on industry conditions and issues of the day. My remarks have been my own and not of the FMC. The general issues I have discussed over the past four years have been pandemic shipping and supply chain conditions, passage and deliberation of the Ocean Shipping Reform Act of 2022, the Maritime Transportation Data Initiative (MTDI); Detention and Demurrage (D&D). Below are the dates that I have appeared on Trucker Radio. The clips are only posted for three days after the appearance.

- February 13, 2020—Road Dog Trucking (*channel 146*) featuring Mark Willis
- May 7, 2020—Road Dog Trucking (*channel 146*) featuring Mark Willis
- May 12, 2020—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics
- July 13, 2020—Road Dog Trucking (*channel 146*) featuring Mark Willis
- January 12, 2021—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics
- March 15, 2021—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics
- April 17, 2021—Road Dog Trucking (*channel 146*) featuring Mark Willis
- June 21, 2021—Road Dog Trucking (*channel 146*) featuring Mark Willis
- September 15, 2021—Road Dog Trucking (*channel 146*) featuring Mark Willis
- October 21, 2021—Road Dog Trucking (*channel 146*) featuring Mark Willis
- March 15, 2022—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics
- June 6, 2022—Road Dog Trucking (*channel 146*) featuring Mark Willis
- June 21, 2022—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics (Passage of OSRA–22)
- June 24, 2022—Road Dog Trucking (*channel 146*) featuring Mark Willis (Passage of OSRA–22)
- August 23, 2022—Road Dog Trucking (*channel 146*) Dan Ronan—Transport Topics
- October 11, 2022—Road Dog Trucking (*channel 146*) featuring Mark Willis
- December 19, 2022—Road Dog Trucking (*channel 146*) featuring Mark Willis
- May 8, 2023, Interview w/Dan Ronan on Dave Nemo Show (Trucker Radio-146)
- October 23, 2023—Road Dog Trucking (*channel 146*) featuring Mark Willis
- March 12, 2024—Road Dog Trucking (*channel 146*) featuring Mark Willis
- April 22, 2024—Road Dog Trucking (*channel 146*) featuring Mark Willis
- May 6, 2024—Road Dog Trucking (*channel 146*) featuring Mark Willis
- August 1, 2024—Road Dog Trucking (*channel 146*) featuring Mark Willis

Additional Radio and TV appearances, news articles, and statements:

- January 23, 2020. FMC's newest commissioner dives into role
- October 7, 2020. Commissioner Bentzel Tours South Atlantic Ports
- December 06, 2021. FMC Commissioner Bentzel's grade on U.S. logistics system: D-plus
- January 28, 2021. Rural Radio Interview *David Nelson Interview (Live)*
- Feb 9, 2021. *Commissioner Bentzel Interview with Brian Sullivan (NBC) Empty Containers*
- March 9, 2021. *Demurrage, Detention & Managing Port Operations: A Conversation with FMC's Commissioner Carl Bentzel*
- May 11, 2021. Rural Radio on CA Port—export issues (live)
- June 15, 2021. *Chairman Maffei and Commissioner Bentzel Tour the Port of New York and New Jersey, Meet with Stakeholders on Cargo Operations and FMC Enforcement Priorities*
- September 16, 2021. *Commissioner Bentzel hosts two roundtables in California, meets with Supply Chain Stakeholders and Federal and State Officials*
- November 12, 2021. *Letter of Commissioners Carl Bentzel and Louis Sola to Secretary Janet Yellen*
- *The Beacon Winter 2021 Online-OP/ED The Health of Our Maritime Industry Will Lead Our Economy Back*
- November 18, 2021. *Why Utah is positioned to move goods throughout the West and beyond Federal maritime commissioner docks in Utah to talk supply chain issues*
- November 29, 2021. *NTD Business Commissioner on New Plan to Improve Supply Chain Data Sharing*
- December 8, 2021. *Commissioner Bentzel Hosts Inaugural Meeting of FMC Data Initiative*
- March 30, 2022. *Statement by Commissioner Bentzel On the release of the Assessment of the People's Republic of China's Control of Container and Intermodal Chassis Manufacturing*
- April 1, 2022. *China's chassis, container role 'entrenched' by government: FMC's Bentzel*
- April 5, 2022. *Commissioner Bentzel Interview with John Gallagher (FreightWaves) on Data Initiative*
- April 25, 2022. *What the Truck (12:02–12:10) (Radio Interview)*
- May 20, 2022. *Statement of Commissioner Bentzel Summarizing; Remarks Delivered to the International Association of Ports and Harbors on the Maritime Transportation Data Initiative and the need for Continuing Engagement on National & Global Data Standards*
- Aug 9, 2022. by *The Maritime Executive Bentzel: Buildup of Empties at East Coast Ports Near "Emergency Level"*
- September 29, 2022. *Statement by Commissioner Bentzel On Surface Transportation Board Testimony On Kansas City Southern and Canadian Pacific Merger*
- October 18, 2022. *FMC Commissioner Carl Bentzel Proposes Rule Emphasizing Transparency*
- December 1, 2022. *Statement of Commissioner Carl Bentzel on Coalition for Reimagined Mobility Report: Solving the Global Supply Chain Crisis with Data Sharing*
- December 7, 2022. *Statement by Commissioners Bentzel and Sola Following Meetings with Gulf Coast Region*
- December 8, 2022. *Statement by Commissioners Bentzel and Vekich on Amending Statutes Governing Review of VOCC and MTO Agreements*
- March 31, 2023. *Statement of Commissioner Carl W. Bentzel On Meeting with the Digital Container Shipping Association (DCSA) Board of Directors Regarding a Data Standards Framework for International Container Shipping*
- April 3, 2023. *Commissioner Bentzel to release final recommendations relating to MTDI soon*
- April 12, 2023. *Statement of Commissioner Carl Bentzel Concerning the Uyghur Forced Labor Protection Act and Potential Supply Chain Disruptions*
- May 2, 2023. *FMC Commissioner Calls for Transparency in Shipping Industry*

- August 23, 2023. *Statement of Commissioner Carl W. Bentzel on the Release of the Maritime Transportation Data Initiative (MTDD Request for Information (RFI))*
- February 7, 2024. *Opening Statement of Commissioner Carl Bentzel at Informal Hearing of the Federal Maritime Commission Examining Impacts to Shipping Resulting from Current Conditions in the Red Sea and Gulf of Aden Regions*
- February 20, 2024. *Statement of Commissioner Carl W. Bentzel on his IAMPE "Port Perspectives" Podcast Interview*
- February 23, 2024. *Statement of Commissioner Carl W. Bentzel on the Demurrage and Detention Billing Requirements Final Rule*
- March 1, 2024—*Can anyone crack China's monopoly on shipping containers?*
- March 18, 2024—*What the Truck?*
- March 19, 2024—AAPA Commissioner's Seminar (No prepared remarks)
- April 2, 2024 *Statement By Commissioner Carl W. Bentzel on the Puerto Rico Manufacturers Association's Inaugural Supply Chain & Logistic Summit*
- April 16, 2024 *Statement by Commissioner Carl W. Bentzel On The Release of the Second Request for Information for the Maritime Transportation Data Initiative*
- April 22, 2024 *Commissioner Carl Bentzel's call to action to supply chain stakeholders—2nd RFI*
- April 23, 2024—*Statement of Commissioner Carl W. Bentzel on Letter to President Biden on Suggested Relief for Impacted Workers and Companies Due to the Francis Scott Key Bridge Collapse*
- June 4, 2024 *By Land and By Sea* podcast
- June 11, 2024 *Statement of Commissioner Carl W. Bentzel on the Northwest Seaport Alliance Peak Planning Session participation and Expeditors Keynote speech*
- July 26, 2024—*Statement of Commissioner Carl W. Bentzel on The Refusal to Deal Final Rule*

20. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the full name of an "alias" or "handle", including the complete URL and username with hyperlinks, you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

LinkedIn:

<https://www.linkedin.com/in/carl-bentzel-2732all/>

Face book:

<https://www.facebook.com/people/Carl-Bentzel/100015626198312>

Twitter:

<https://twitter.com/cbentstrat1>

All accounts are mostly dormant except LinkedIn, and none had an alias.

21. 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.

Presidential Advisory Commission on Conferences in Ocean Shipping: 4/1992. I participated as a Congressional Staff Advisor to a Commission advising the President as to potential regulatory changes to our system of regulating international ocean shipping. https://www.archives.gov/files/recordsmgmt/rcs/schedules/independent-agencies/rg-0220/nl-220-92-011_sfl_15.pdf

Interagency Commission on Crime and Security in U.S. Seaports: Fall 2000. I participated as a Congressional Staff Advisor to a Commission advising the President as to issues related to port security. <https://www.hsdl.org/?abstract&did=437742>

The Coast Guard held a public meeting on 11/9/2012 to receive comments on the development of a Facility Security Officer training program, pursuant to the requirements of Section 821 of the Coast Guard Authorization Act of 2010 (Pub. L. 111-281). I testified on behalf of the National Association of Waterfront Employers about the issues raised in this Federal Register Notice. (<https://www.federalregister.gov/documents/2012/10/11/2012-25055/facility-security-officer-training-requirements>). I did not provide written testimony.

United States Department of Energy, Quadrennial Energy Review, Public Stakeholder Meeting. I testified on a panel on Barge -Waterborne Transportation of Energy in the Inland Waterway, Across the Great Lakes, and Along Our Nation's

Coasts (8/8/2014). https://www.enen?V.,i;ov/sites/prod/files/2014/08/f18/transcript_chicago ger.pdf

United States Committee on Commerce, Science and Transportation. I testified and provided written testimony for my nomination as Federal Maritime Commissioner. <https://www.commerce.senate.gov/2019/7/nominations-hearing> Nomination Hearing July 24, 2019 (1:15.03)

Hawaii Public Utilities Commission. In an individual capacity, I wrote a letter of testimony in Hawaii P.U.C. Docket No. 2020-0084, Emergency Investigative Proceeding Regarding Young Brothers L.L.C. Financial Condition, Order No. 374. *PUC Case: 2020-0084 (site.com)*

United States Surface Transportation Board. I testified and provided testimony, on behalf of myself, in opposition to the Canadian Pacific—Kansas City Southern railroad merger. Docket No. FD_36500 <https://www.stb.gov/proceedings-actions/dockets-and-service-lists/>

22. 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?

During the course of my close to fifteen years of service as a staffer in both the House of Representatives and the Senate, I was the primary Democrat staffer assigned responsibility of overseeing the operations of the Federal Maritime Commission (FMC). I handled all oversight of their budget and operations functions, and considered issues related to any legislation.

While a House staffer, I participated as a congressional advisor to a Presidentially appointed commission reviewing the functions of the FMC. While in the Senate, in 1996, I was the primary Democrat staffer involved in amending the organic legislative structure governing international ocean shipping. I believe that I have a deep and thorough knowledge in this area of policy, and I enjoy the continuing ability to learn in my role as Commissioner.

The criticality of the maritime shipping network has become ever more salient to me during my time as a Federal Maritime Commissioner (FMC). After being appointed and confirmed in 2019 right before the pandemic took hold of the country, I systematically witnessed the impact our supply chain, ports, terminals and labor play on a daily basis. Starting with the toll COVID-19 took on the maritime workforce. I worked directly with the White House, MARAD and the Department of Health & Human Services to raise awareness and funding for access for testing early on in the pandemic and later for vaccinations for maritime workers. Coinciding with this effort, I worked with the Administration on the tremendous surges of cargo volumes through our ports.

Throughout the pandemic I identified choke point challenges impacting our supply chain, starting with the realization of our Nation's reliance on the Chinese government control of manufacture of all international marine containers. I documented this policy failing in a report I issued in 2022. I then identified the need for harmonization of maritime operational information and data, after review of most all major seaport operations as a major impediment and cost to the economy, and in large part contributing to the costs of inflation. This initiative, started in 2022, was supported by the convening of eighteen public meetings on what has become the Maritime Transportation Data Initiative. This was followed up by a Final Report released last Spring, work continues on this important initiative. I am pleased throughout my tenure as a Commissioner to have worked openly and transparently with all members of Congress, the Administration and the shipping public.

23. 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?

If confirmed, as one of five commissioners serving the Federal Maritime Commission, I would have limited authority to manage the budget of the agency, as that is reserved for the Chairman of the Commission. However, I would have authority to manage the budget of the office of a commissioner, and I would pledge to manage the budget functions required of the Office of Commissioner in a fiscally prudent manner.

The Chairman of the Federal Maritime Commission is required to consult with all Commissioners on major operational issues, and, if re-nominated, will continue to exercise a role in consultation. In addition, I meet at least annually to discuss proper management and fiscal controls with the FMC's Office of Inspector General.

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

I think the three major challenges facing the FMC are: 1) increasing industry consolidation of international maritime shipping companies and what that means to the U.S. port and maritime service providers and U.S. shippers, 2) the challenges of helping to establish the proper regulatory environment to foster the challenge of transferring maritime shipments off to their modal railroad and trucking partners, importantly including harmonization of standards for maritime/intermodal shipping data and, 3) responding to the unique challenges posed to global commerce by political and force majeure issues impacting international shipping, such as merchant shipping attacks in the Red Sea, restrictions on Panama Canal usage, and efforts expended by the People's Republic of China to exert control over maritime trade.

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, such as a 401(k) or pension plan.

Not Applicable.

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.

Not Applicable.

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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the agency's designated agency ethics official (DAEO) 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 the DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

All of the investments owned by myself, or my wife are in publicly available mutual funds.

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. Explain how you will resolve each potential conflict of interest.

Not Applicable.

5. Identify any other potential conflicts of interest and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the agency's designated agency ethics official (DAEO) 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 the DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest. Commission's regulations and requirements governing conflicts of interest, and how they should be addressed. I will abide by any agency, or general government standards, governing conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, 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.

Prior to assumption of my current five-year service period as Federal Maritime Commissioner, I was involved in the business of representing clients and their interests in the execution of regulations and policies and legislation. During this five-year time frame, I was less involved in lobbying Congress directly on legislation, and more involved in issues at Federal agencies.

Prior to the ten-year time frame and since transitioning from service as Senior Counsel on the Senate Committee on Commerce, Science and Transportation in 2004, I had been involved in consulting and lobbying for companies and Associations that were engaged in transportation, infrastructure development, energy or chemical regulation. I had also been involved on a more limited basis in lobbying and consulting on immigration and environmental policy.

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, adminis-

trative agency, the Office of Special Counsel, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of court, 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.

Not Applicable.

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, in 1990, after attending a college football game in Greenville, North Carolina, Pitt County. I was arrested and convicted of a DUI. I complied with the terms of my sentence, and since then, other than minor traffic violations have had no further legal issues.

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.

Yes. See Question #2 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.

No further relevant information.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistleblowers 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.

CARL W. BENTZEL

FEDERAL MARITIME COMMISSIONER

FMC Commissioner

Commissioner
December 2019 to Present

Confirmed by the Senate and sworn in on December 9. After the onset of the Pandemic, immediately went to work assessing the health of the maritime industry and supply chain. Worked to establish maritime labor as essential workers, streamlining prioritization for testing and vaccinations for workforce. Identified the fluidity of containers as chassis as key to a balanced supply chain and identifying in a nationally recognized report that close to 100 percent of maritime containers are manufactured in the PRC. Identified information and data sharing as a key component for freight fluidity. Convened 18 public meetings with over 80 supply chain experts and issued a report on data availability and transmission of information. The result was a Final Recommendations and Views Report, released in April 2023 is currently pending further Commission action. Adjudicated maritime regulatory issues under the purview of the Federal Maritime Commission.

Principal

Bentzel Strategies L.L.C.

August 2016–November 2019

Established my own public policy consulting firm focused on policies related to transportation, energy and other areas of federally regulated commercial and environmental law. Assess policy issues, provide strategic advice, represent client interests on Capitol Hill and before federal agencies, as well as helping clients develop third party alliances. Areas of focus included introducing myself to potential press opportunities in strategic areas of interest.

Partner

SB Capitol Solutions L.L.C.
June 2014–August 2016

Partnered with a smaller boutique public relations/lobbying shop centrally located on Capitol Hill, primarily focused on transportation issues. Helped to develop an active fundraising profile for the firm, and re-brand the company.

Vice President

DCI Group L.L.C.
August 2004–June 2014

Led the lobbying division for the DCI Group. DCI Group is one of the largest public relations/grassroots lobbying firms in Washington D.C., and I provided political and legislative insight to the firm's larger public relations efforts, as well as directly lobbying for DCI's clients, and those clients developed on my own. Participated in the creation and development of third-party coalitions. Worked to provide government relations services for Fortune 50 companies, associations and other entities. Focused on realizing the benefits of grassroots activism and third-party coalition building supporting policy initiatives on Capitol Hill or at Federal agencies.

Senior Counsel

Senate Committee on Commerce, Science and Transportation
January 1995–August 2004

Functioned as the primary legislative and policy counsel for the Senate Subcommittee on Surface Transportation and Merchant Marine. Explicitly assigned to provide legislative counsel and advice to Senators John Breaux and Daniel Inouye. Was engaged, in the negotiation and passage of all legislation on trucking, railroad, maritime, pipeline and hazardous materials transportation legislation, as well as homeland security aspects of these modes of transportation. Spearheaded the Committee's efforts to pass national standards for port security, and an international treaty on port security, and worked on organic homeland security legislation. Handled Committee issues requiring national security clearance.

Counsel / Counsel for Maritime Policy

House Committee on Merchant Marine and Fisheries
August 1990–December 1994

Hired to work as maritime counsel to work on implementation of the Oil Pollution Act of 1990, and to cover all issues related to international maritime shipping. After an internal Committee transition, was employed in an expanded role to cover all issues related to maritime policy, including shipping and offshore oil and gas or other resource development.

Education

Bachelor of Arts (B.A.), St. Lawrence University, 1985
Juris Doctor (J.D.), University of Alabama School of Law, 1989
Master's degree in law (L.L.M.) in Admiralty Law, 1990

Honors

Coast Guard's Medal for Meritorious Public Service
Maritime Security Council's Man of the Year Award

Publications

McGraw-Hill's Handbook on Homeland Security, port security chapter
"Assessment of P.R.C Control of Container and Intermodal Chassis Manufacturing."
March 2022
"Final Recommendations on the Maritime Transportation Data System Requirements" April 2023

The CHAIR. Thank you, Mr. Bentzel, and we will definitely get to those very important FMC questions, and the Shipping Reform Act, and many other things.

Mr. Chapman, welcome back, welcome back to the Committee.

Mr. CHAPMAN. Thank you. Thank you.

The CHAIR. Thank you for your willingness to serve another term.

**STATEMENT OF HON. THOMAS B. CHAPMAN, NOMINEE TO BE
A MEMBER, NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. CHAPMAN. Chair Cantwell and Ranking Member Cruz, thank you very much for the opportunity to appear before you today. I am honored to be nominated by the President to serve a second term as a Member of the National Transportation Safety Board.

I very much appreciate the support of NTSB Board Chair, Jennifer Homendy, who is here with us today. And I am grateful to my remarkable colleagues at NTSB for all they do to promote safety. My work as a board member has been a rewarding opportunity to apply my experience and skills in a role allowing me to give back through public service.

Before proceeding, I want to say a few words about the two people most important to me, for an important reason I will explain, neither of them were able to accompany me today. My wife, Scotty O'Connell, is my partner, and my best friend, and she has been for these past 38 years. Scotty is currently in London with our amazing son, Patrick, helping him to settle into what the British call "a flat". Next week, Patrick begins his course of study in pursuit of a master's degree at the London School of Economics, and his old mom and dad could not be more proud.

Madam Chair, my more than four decades of experience, most of it in the aviation industry, have prepared me well for the tasks I find so fulfilling at NTSB. Throughout my career, I have been deeply involved in an extensive range of issues, often playing a key role in identifying and negotiating resolutions. And in varying degrees, virtually every aspect of aviation involves considerations of safety. Consequently, an awareness and a sensitivity to a pervasive culture of safety is embedded in my professional approach.

I have sought to bring that perspective to my work as a board member in pursuit of the critical safety mission of the NTSB. In addition to my experience, I bring at least two qualities to the position, which I believe are valuable.

First, I benefit from an established reputation for collegiality and consensus-building. Second, I am committed to public service, and I believe that much is expected from those who are most fortunate.

I am an aggressive advocate for the policy positions I am professionally obliged or personally committed to represent, however, I strive to demonstrate respect and appreciation for the views of those with whom I may disagree. And I believe in compromise. I take pride in crafting solutions that will accommodate, seemingly, conflicting points of view. Many of those I consider my most valued professional friends and associates are also those with whom I have most significantly clashed over past policy disputes.

As for my commitment to service, I view it as a responsibility for those who are fortunate to have prospered from professional life in

the private sector. Immediately prior to joining NTSB, I was privileged to serve for 6 years on the staff of the Senate Committee on Commerce, Science, and Transportation. In 2014, I left the airline industry and joined the Aviation Subcommittee staff in anticipation of the major legislative effort required to reauthorize the Federal Aviation Administration.

Throughout my years with the Committee, I worked collaboratively with the bipartisan Senate team, and our efforts contributed to the passage of various significant legislative measures, including the FAA Extension, Safety, and Security Act of 2016, and the FAA Reauthorization Act of 2018.

As an NTSB Board Member, I devote much of my attention to traffic safety because that is where our greatest safety challenges lie. I speak extensively on the Safe System approach to traffic safety, pedestrian safety, alcohol and drug impairment, and rail worker and highway-rail grade crossing hazards. I am especially active on key initiatives to address two stubbornly persistent challenges, that is alcohol-impaired driving and excessive speed.

I am proud of the important public policy accomplishments to which I have contributed, as a former member of the Commerce Committee staff, and since joining the National Transportation Safety Board. I welcome the prospect of building on those efforts through additional service as a second-term member of the NTSB.

That concludes my formal remarks. And I am happy to respond to questions.

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

PREPARED STATEMENT OF THOMAS B. CHAPMAN, NOMINEE TO BE A MEMBER,
NATIONAL TRANSPORTATION SAFETY BOARD

Chair Cantwell and Ranking Member Cruz, thank you for the opportunity to appear before you today. I am honored to be nominated by the President to serve a second term as a Member of the National Transportation Safety Board. And I am grateful to my remarkable colleagues at NTSB for all they do to promote safety in transportation. My work as a Board Member has been a rewarding opportunity to apply my experience and skills in a role allowing me to give back through public service.

Before proceeding, I want to say a few words about the two people most important to me. For an important reason I will explain, neither of them were able to accompany me today. My wife Scotty O'Connell is my partner and best friend, and she has been for these past 38 years. Scotty is currently in London with our amazing son Patrick, helping him to settle in to what the British call a "flat." Next week, Patrick begins his course of study in pursuit of a Master's degree at the London School of Economics. His old Mom & Dad couldn't be more proud.

Madam Chair, my more than four decades of experience, most of it in the aviation industry, have prepared me well for the tasks I find so fulfilling at NTSB. Throughout my career, I have been deeply involved in an extensive range of issues, often playing a key role in identifying and negotiating resolutions. In varying degrees, virtually every aspect of aviation involves considerations of safety. Consequently, an awareness and sensitivity to a pervasive culture of safety is imbedded in my professional approach. I have sought to bring that perspective to my work as a Board Member, in pursuit of the critical safety mission of the NTSB.

In addition to my experience, I bring at least two qualities to the position which I believe are valuable. First, I benefit from an established reputation for collegiality and consensus building. Second, I am committed to public service and believe that much is expected from those who are most fortunate.

I am an aggressive advocate for the policy positions I am professionally obliged or personally committed to represent. However, I strive to demonstrate respect and appreciation for the views of those with whom I may disagree. I believe in compromise, and I take pride in crafting solutions that will accommodate seemingly con-

flicting points of view. Many of those I consider my most valued professional friends and associates are also those with whom I have most significantly clashed over past policy disputes.

As for my commitment to service, I view it as a responsibility for those who are fortunate to have prospered from professional life in the private sector. Immediately prior to joining NTSB, I was privileged to serve for six years on the staff of the Senate Committee on Commerce, Science, & Transportation. In 2014, I left the airline industry and joined the Aviation Subcommittee staff in anticipation of the major legislative effort required to reauthorize the Federal Aviation Administration. Throughout my years with the Committee, I worked collaboratively with the bipartisan Senate team. Our efforts contributed to passage of various significant legislative measures, including the FAA Extension, Safety, and Security Act of 2016 and the FAA Reauthorization Act of 2018.

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I am proud of the important public policy accomplishments to which I have contributed as a former member of the Commerce Committee staff and since joining the National Transportation Safety Board. I welcome the prospect of building on those efforts through additional service as a second-term member of the National Transportation Safety Board.

That concludes my formal remarks. I am happy to respond to questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Thomas B. Chapman.
2. Position to which nominated: Board Member, National Transportation Safety Board.
3. Date of Nomination: July 31, 2024.
4. Address (List current place of residence and office addresses):
Residence: Information not released to the public.
Office: National Transportation Safety Board, 490 L'Enfant Plaza, Washington, DC 20594.
5. Date and Place of Birth: December 18, 1954; Denver, Colorado.
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).
 - Married January 25, 1986, to Mary Scott O'Connell ("Scotty"). My wife retired in 2015 from the National Air & Space Museum. She was with the Smithsonian Institution for 25 years, nearly all of it at the Air & Space Museum.
 - Proud parents of Patrick Thomas O'Connell Chapman, born May 31, 2002. Currently pursuing a Master's degree at the London School of Economics. (Age 22)
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.

American University Washington College of Law, Washington, D.C.

Attended September 1979 through May 1982.

Juris Doctor, May 1982.

Admitted to the practice of law in Washington, D.C. and Maryland.

C.W. Post College, Greenvale, N.Y.

Attended September 1973 through May 1978.

Bachelor of Fine Arts in Music, May 1978.

Full participant in Honors Program.

Areas of concentration: political science, literature, and education.

8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Board Member

National Transportation Safety Board

January 2020 to Present.

Serve as the 46th Member of the National Transportation Safety Board.

Counsel

Senate Subcommittee on Aviation Operations, Safety, & Security

Committee on Commerce, Science, & Transportation

Senator Bill Nelson, Ranking Member

July 2014 to January 2020.

Joined Aviation Subcommittee staff in anticipation of legislative effort to reauthorize the Federal Aviation Administration. Worked collaboratively with bipartisan Senate team throughout the 114th Congress to develop comprehensive FAA Reauthorization bill passed by the Senate in April of 2016. Subsequent negotiations with the House culminated in the *FAA Extension, Safety, and Security Act of 2016*, passed by Congress in July of 2016. Efforts to agree on long-term, comprehensive legislation continued in the 115th Congress, resulting in passage of the *FAA Reauthorization Act of 2018*, signed into law October 5, 2018. The five-year package negotiated on a bipartisan basis ensured long-term stability and various important reforms of the FAA. It also reauthorized and reformed the Transportation Security Administration and the National Transportation Safety Board.

Vice President for Government Affairs

US Airways, Washington, D.C.

October 2006 to January 2014.

Recruited to manage Washington, D.C. office for the “new” U.S. Airways. Newly established company resulted from 2005 merger of former U.S. Airways and America West Airlines. Served as primary Washington representative on legislative matters and contributed significantly to Federal regulatory work and dealing with news media on government affairs matters. During tenure, launched enhanced internal fundraising campaign for *US Airways Political Action Committee*, doubling the rate of employee participation and tripling PAC financial resources. Heavily involved in developing and implementing government affairs strategies promoting industry consolidation—a company priority. Efforts to promote consolidation helped build foundation for successful agreement merging U.S. Airways and American Airlines, creating the world’s largest airline.

Legislative Counsel

Southwest Airlines Co., Washington, D.C.

January 1998 to October 2006.

Recruited to establish and manage new Washington, D.C. office to represent Southwest Airlines. Establishment of full-time Washington office significantly enhanced the effectiveness of the Company’s government affairs efforts. Served as primary Washington representative on legislative and regulatory matters. Frequently called upon to represent the Company in state and local government affairs arena, particularly in the airline’s newer east coast destination cities. Helped organize and launch the Company’s first ever PAC, the *Southwest Airlines Freedom Fund*. Dealt with news media on government affairs matters.

Senior Vice President for Government & Technical Affairs

Aircraft Owners & Pilots Association, Washington, D.C.

December 1996 to January 1998.

Promoted to direct all federal, state, and local government affairs activities for AOPA—a major national association representing interests of over 340,000 members. Managed full-time professional staff of eighteen in AOPA’s Washington, D.C. and Frederick, Maryland offices. Also managed state and local activities of twelve Regional Representatives. AOPA’s government affairs program often cited as among the most active of all national membership associations.

Vice President & Legislative Counsel

Aircraft Owners & Pilots Association, Washington, D.C.

November 1988 to December 1996.

Promoted to direct Federal and state legislative programs and PAC for AOPA. Managed staff of six in AOPA’s Office of Legislative Affairs. During tenure, substantially increased effectiveness and organization of AOPA’s legislative programs. Increased PAC fund-raising capability to secure it solidly among 50 largest PACs in the United States.

State Legislative Counsel

Aircraft Owners & Pilots Association, Washington, D.C.

June 1985 to November 1988.

Promoted to expand and direct AOPA's state legislative program. Coordinated state legislative activities of twelve Regional Representatives.

Associate Counsel, Office of the General Counsel
Aircraft Owners & Pilots Association, Washington, D.C.
May 1982 to June 1985.

Established and coordinated successful state legislative program for AOPA. Drafted or reviewed all Association contracts and participated heavily in contract negotiations. Responsible for all trademark and copyright issues. Gained experience in broad spectrum of corporate legal matters.

9. Attach a copy of your résumé.

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 after 18 years of age.

None to report.

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.

None to report other than those listed in response to Question No. 8, above.

12. Please list each membership you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) 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 disability.

Member of the 116 Club, a private lunch club located at 234 3rd Street, NE, in Washington, DC. Member since 2012.

I have never been a member of nor have I associated with any club or organization which discriminates on the basis of sex, race, color, religion, national origin, age, or disability.

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. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

None to report.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

None to report.

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

Recognized by the ARC of Frederick County, Maryland for voluntary fundraising efforts in support of the organization's programs to help people with developmental disabilities.

Recognized by both the National Parks Service and the Federal Aviation Administration for efforts as one of nine members appointed by the Clinton Administration to serve on the National Park Overflights Working Group. Over a two-year period, the Working Group successfully forged a compromise that formed a solid foundation for the FAA to develop reasonable regulations applying to scenic air tours over National Parks.

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

I am providing a link to the page on the NTSB website which lists each of the blogs and podcasts I have generated during my time as a member of the National Transportation Safety Board—

Blogs & Podcasts: <https://safetycompass.wordpress.com/thomas-chapman/>

Prior to my term at NTSB. Through Internet research and a review of my personal files, I was able to identify several articles published in my name. In a separate file, I am providing a digital copy of each article listed below.

Additional articles were likely published in my name, especially during my tenure on the staff of the Aircraft Owners & Pilots Association. However, I no longer have access to that material, nor was I able to identify other publications in the course of my research.

- “Daschle is right about duplicate checks,” Sioux Falls Argus-Leader, June 3, 1995.
- “Election ‘94—Aviation’s Political Spectrum,” AOPA Pilot Magazine, February 1, 1994.
- “Capitol Dispatch,” AOPA Pilot Magazine, February 1992.
- “Taxing Struggles: Legislative Update—1991,” AOPA Pilot Magazine, February 1991.
- “State Affairs: 1987 in Review,” AOPA Pilot Magazine, January 1988.

18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

I am providing a link to the page on the NTSB website which lists each of the speeches I have delivered during my time as a member of the National Transportation Safety Board—

Speeches:

<https://www.nts.gov/Advocacy/Activities/Pages/activities.aspx?BoardMemberName=Thomas%20B.%20Chapman>

I delivered few formal speeches during my career prior to becoming a NTSB Board Member. I no longer have copies of those speeches, nor was I able to find them via online searches. During those years, I participated in significant numbers of panel discussions, conferences, and question-and-answer sessions. The instances during which I participated in such events are too numerous to recall.

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

As an NTSB Board member, it is my responsibility to participate in formal Board meetings at which final accident investigation reports are discussed and adopted or at which key evidence is sought relevant to a pending investigation. Likewise, I regularly participate in and often serve as the host for safety advocacy events sponsored by NTSB. I have also recorded several public service announcements advocating NTSB’s position on key safety priorities. Finally, when I “launch” with our investigators to the scene of a major transportation accident, an important part of my role is to serve as the agency spokesperson in media briefings conducted during the first few days of the investigation.

These appearances are typically captured on video, and NTSB maintains a YouTube channel on which most or all have been posted for later viewing.

I am providing a link to the NTSB YouTube channel: <https://www.youtube.com/user/NTSBgov>

In the wake of these video appearances, Board members are often quoted in print media reporting on the topics discussed. This is especially the case when I or a fellow Board member conduct a media briefing in the early stages of an NTSB investigation of a major transportation accident. Such instances are generally numerous and difficult to track. For that reason, I am unable to provide a list of news articles in which I have been quoted or radio or TV reports which have included my recorded remarks.

Prior to my term at NTSB. For the period prior to my term at NTSB, through Internet research and a review of my personal files, I was unable to identify any other relevant public statements I made during the past ten years.

20. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the full name of an “alias” or “handle”, including the complete URL and username with hyperlinks, you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

@tbchapman01
<https://www.instagram.com/tbchapman01/>

21. 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 am providing a link to the page on the NTSB website which lists all of the congressional and state legislative testimony I have delivered during my time as a member of the National Transportation Safety Board—

Testimony:
<https://www.nts.gov/news/Testimony/Pages/testimony.aspx?BoardMemberName=Thomas%20B.%20Chapman>

Prior to my term at NTSB. I testified before the Senate Commerce Committee at my first confirmation hearing on December 11, 2019.

To the best of my recollection, I testified before Congress on two previous occasions—both prior to 1998, while I was still employed by the Aircraft Owners & Pilots Association.

I represented AOPA at a hearing before the Aviation Subcommittee of the House Committee on Public Works & Transportation. I testified regarding the impact of the so-called Wright Amendment, which limited flights out of Dallas Love Field in the State of Texas. I also represented AOPA at a hearing of the Senate Transportation Appropriations Subcommittee and testified regarding funding priorities for the coming Fiscal Year.

Despite efforts to identify the details, I am unable to reference the precise dates on which these hearings took place.

22. 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 am honored to be nominated to serve a second term as a Member of the National Transportation Safety Board. My work as a Board Member has been a rewarding opportunity to apply my experience and skills in a role allowing me to give back through public service.

My more than four decades of experience, most of it in the aviation industry, have prepared me well for the task. Throughout my career, I have been deeply involved in an extensive range of issues, often playing a key role in identifying and negotiating resolutions. In varying degrees, virtually every aspect of aviation involves considerations of safety. Consequently, an awareness and sensitivity to a pervasive culture of safety is imbedded in my professional approach. I have sought to bring that perspective to my work as a Board Member, in pursuit of the critical safety mission of the NTSB.

In addition to my experience, I bring at least two qualities to the position which I believe are valuable. First, I benefit from an established reputation for collegiality and consensus building. Second, I am committed to public service and believe that much is expected from those who are most fortunate.

Immediately prior to joining NTSB, I was privileged to serve for six years on the staff of the Senate Committee on Commerce, Science, & Transportation. Throughout my years with the Committee, I worked collaboratively with the bipartisan Senate team. Our efforts contributed to passage of various significant legislative measures, including the FAA Extension, Safety, and Security Act of 2016 and the FAA Reauthorization Act of 2018.

As an NTSB Board Member, I devote much of my attention to traffic safety, because that is where our greatest safety challenges lie. I am especially active on key initiatives to address two stubbornly persistent challenges—alcohol impaired driving and excessive speed.

I am proud of the important accomplishments to which I have contributed as a member of the Commerce Committee staff and since joining the National Transportation Safety Board. I welcome the prospect of building on those efforts through additional public service as a second-term member of the National Transportation Safety Board.

23. 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?

If confirmed, I will continue to work collaboratively with the Chairman, my fellow Board Members, and the staff of NTSB to ensure the limited resources available to the agency are targeted efficiently and appropriately to fulfill the NTSB's legislative

mandate and to achieve its priority objectives. As I understand those objectives, they include serving as a global leader in conducting independent accident investigations, promoting transportation safety through creation of relevant materials and products, stakeholder engagement in the advancement of transportation safety, and promoting NTSB staff involvement and innovation to ensure effectiveness of the agency.

My experience as an executive for three large entities has prepared me well for a leadership role at NTSB. I am familiar and experienced with budgeting and cost control practices, having been responsible for developing and managing budgets for the various departments I have led throughout my career. Likewise, I have managed teams involving significant numbers of employees, focusing on establishment and fulfillment of team objectives, response and adaptation to changing circumstances, and growth and development of individual team members.

I look forward to applying my management experience and skills to help ensure the continuing success and effectiveness of the world's premier transportation safety agency.

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

My views regarding the top challenges facing NTSB have remained consistent since I was first nominated to serve as a Board member in 2019. With the benefit of my several years of tenured service, I believe the agency is responding appropriately to meeting these challenges:

Autonomous vehicles & new technology. Advances in automation and the development of autonomous vehicles hold great promise for enhancing transportation safety. However, these advances present new questions and challenges—some of which will be difficult to anticipate. NTSB must keep pace with the rapid changes. It must ensure that appropriate staff expertise is maintained and that appropriate tools and technical skills are available or developed to meet the challenge.

Keeping pace with demand. NTSB's reputation as the world's premier transportation safety agency is well deserved. With such a reputation comes high expectations, and meeting those expectations in a timely fashion is ever more important. The resources available to the agency are limited and may become more so. The agency has performed admirably in ensuring that resources are targeted effectively. Maintaining that discipline will remain essential.

Maintaining & developing staff. NTSB staff are renowned for their skill and expertise. The work of the agency is highly dependent on the dedication and unique abilities of its employees. Recruiting and retaining skilled team members is a challenge for any government agency, and particularly for one such as NTSB which requires such unique skillsets.

Key to success in this area is ensuring the well-regarded culture and work environment of the agency is maintained.

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, such as a 401(k) or pension plan.

Pursuant to an Executive Change in Control & Severance Benefits Agreement with U.S. Airways Group, Inc. & U.S. Airways, Inc., my family and I receive lifetime flight privileges on American Airlines.

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 to report.

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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB's DAEO to identify potential conflicts of interest. I agreed to take those actions that are outlined in the letter to the DAEO. A copy is enclosed. These commitments constitute my ethics agreement as identified in the ethics regulations.

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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the National Transportation Safety Board's DAEO to identify potential conflicts of interest. I agreed to take those actions that are outlined in a letter to the DAEO. A copy is enclosed.

These commitments constitute my ethics agreement as identified in the ethics regulations. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the NTSB's DAEO 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 the NTSB's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, 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.

- *From July 2014 to January 2020, served continuously as Counsel to the Senate Subcommittee on Aviation Operations, Safety, & Security.*
- *From January 2020 to the present, have served continuously as a Member of the National Transportation Safety Board.*

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, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of court, 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 not personally been a party to or otherwise involved in any administrative agency proceeding, criminal proceeding, or civil litigation. Each of the private sector organizations which has employed me during my professional career was involved in business related litigation typical of any large and sophisticated corporate entity. While I was often aware of such proceedings, I was never a party in interest nor did I actively participate in the litigation.

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 to report.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistleblowers 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.

THOMAS B. CHAPMAN

PROFESSIONAL HISTORY

Board Member

National Transportation Safety Board
January 2020 to Present

Serves as the 46th Member of the National Transportation Safety Board. Speaks extensively on the Safe System Approach to traffic safety, pedestrian safety, alcohol and drug impairment, and rail worker and highway-rail grade crossing hazards. Active on key initiatives to address two stubbornly persistent safety challenges—alcohol impaired driving and excessive speed. Leading advocate for requiring all new vehicles be equipped with passive vehicle-integrated alcohol impairment detection systems or advanced driver monitoring systems capable of detecting driver impairment by alcohol. Regularly promotes NTSB's recommendation that states establish a per se Blood Alcohol Concentration limit of .05 or lower. Also advocates requiring all new vehicles be equipped with Intelligent Speed Assistance systems that, at a minimum, warn the driver when the vehicle exceeds the speed limit.

Counsel

Senate Subcommittee on Aviation Operations, Safety, & Security
Committee on Commerce, Science, & Transportation
Senator Bill Nelson, Ranking Member
July 2014 to January 2020.

Joined Aviation Subcommittee staff in anticipation of legislative effort to reauthorize the Federal Aviation Administration. Worked collaboratively with bipartisan Senate team throughout the 114th Congress to develop comprehensive FAA Reauthorization bill passed by the Senate in April of 2016. Subsequent negotiations with the House culminated in the *FAA Extension, Safety, and Security Act of 2016*, passed by Congress in July of 2016. Efforts to agree on long-term, comprehensive legislation continued in the 115th Congress, resulting in passage of the *FAA Reauthorization Act of 2018*, signed into law October 5, 2018. The five-year package negotiated on a bipartisan basis ensured long-term stability and various important reforms of the FAA. It also reauthorized and reformed the Transportation Security Administration and the National Transportation Safety Board.

Vice President for Government Affairs

US Airways, Washington, D.C.
October 2006 to January 2014.

Recruited to manage Washington, D.C. office for the "new" U.S. Airways. Newly established company resulted from 2005 merger of former U.S. Airways and America West Airlines. Served as primary Washington representative on legislative matters and contributed significantly to Federal regulatory work and dealing with news media on government affairs matters. During tenure, launched enhanced internal fundraising campaign for *US Airways Political Action Committee*, doubling the rate of employee participation and tripling PAC financial resources. Heavily involved in developing and implementing government affairs strategies promoting industry consolidation—a company priority. Efforts to promote consolidation helped build foundation for successful agreement merging U.S. Airways and American Airlines, creating the world's largest airline.

Legislative Counsel

Southwest Airlines Co., Washington, D.C.
January 1998 to October 2006.

Recruited to establish and manage new Washington, D.C. office to represent Southwest Airlines. Establishment of full-time Washington office significantly enhanced the effectiveness of the Company's government affairs efforts. Served as primary Washington representative on legislative and regulatory matters. Frequently called upon to represent the Company in state and local government affairs arena, particularly in the airline's newer east coast destination cities. Helped organize and launch the Company's first ever PAC, the *Southwest Airlines Freedom Fund*. Dealt with news media on government affairs matters.

Senior Vice President for Government & Technical Affairs

Aircraft Owners & Pilots Association, Washington, D.C.

December 1996 to January 1998.

Promoted to direct all federal, state, and local government affairs activities for AOPA—a major national association representing interests of over 340,000 members. Managed full-time professional staff of eighteen in AOPA's Washington, D.C. and Frederick, Maryland offices. Also managed state and local activities of twelve Regional Representatives. AOPA's government affairs program often cited as among the most active of all national membership associations.

Vice President & Legislative Counsel

Aircraft Owners & Pilots Association, Washington, D.C.

November 1988 to December 1996.

Promoted to direct Federal and state legislative programs and PAC for AOPA. Managed staff of six in AOPA's Office of Legislative Affairs. During tenure, substantially increased effectiveness and organization of AOPA's legislative programs. Increased PAC fund-raising capability to secure it solidly among 50 largest PACs in the United States.

State Legislative Counsel

Aircraft Owners & Pilots Association, Washington, D.C.

June 1985 to November 1988.

Promoted to expand and direct AOPA's state legislative program. Coordinated state legislative activities of twelve Regional Representatives.

Associate Counsel, Office of the General Counsel

Aircraft Owners & Pilots Association, Washington, D.C.

May 1982 to June 1985.

Established and coordinated successful state legislative program for AOPA. Drafted or reviewed all Association contracts and participated heavily in contract negotiations.

Responsible for all trademark and copyright issues. Gained experience in broad spectrum of corporate legal matters.

EDUCATION

American University Washington College of Law, Washington, D.C.

Juris Doctor, May 1982.

Admitted to the practice of law in Washington, D.C., and Maryland.

C.W. Post College, Greenvale, N.Y.

Bachelor of Fine Arts in Music, May 1978.

Full participant in Honors Program.

Areas of concentration: political science, literature, and education.

PERSONAL INFORMATION

- Born December 18, 1954, Denver, Colorado.
- Married January 25, 1986, to Mary Scott O'Connell ("Scotty").
- Proud parents of Patrick Thomas O'Connell Chapman, born May 31, 2002.

ARGUS-LEADER
SIOUX FALLS, SD
DAILY \$2,000
SATURDAY
JUN 3 1995
BURNELLE'S

Daschle is right about duplicate checks

By THOMAS B. CHAPMAN

People unfamiliar with the complexities of aviation may be confused by what they hear or read about a proposal offered by Senate Minority Leader Tom Daschle, D-S.D.

We at the AOPA (Aircraft Owners and Pilots Association) legislative action group support Sen. Daschle's proposal to eliminate duplicate inspections of charter aircraft companies, which perform work for government agencies such as the Forest Service.

As the world's largest civil aviation organization, we want you to know why.

The Federal Aviation Administration is the government agency tasked by Congress to regulate and promote aviation safety. The FAA is well-equipped to perform this vital function, and the agency does an outstanding job.

For example, the most recent safety statistics released in January by the National Transportation Safety Board show that the total number of accidents involving general aviation aircraft during 1994 was the lowest since before World War II. According to NTSB statistics, there were fewer than two fatal general aviation accidents



DIFFERENT VOICES

Thomas B. Chapman, 60, is vice president and executive director for AOPA Legislative Action, affiliated with the 825,000 member Aircraft Owners and Pilots Association. There are 684,000 licensed pilots nationwide, with approximately 2,500 living in South Dakota.

Articles that reflect a different voice may be submitted by individuals or organizations. All contributions will be considered, but the newspaper cannot guarantee that all will be published. Please include your mailing address and telephone number. Mail for Different Voices, Argus Leader, P.O. Box 9934, Sioux Falls, S.D. 57117-0934.

per each 100,000 hours of flying last year—the lowest fatal-accident rate since 1955.

Among the chief reasons for this outstanding safety record is the FAA's expertise and diligence in regulating the aviation industry. In light of the FAA's demonstrated technological competence, we find no logic in permitting other government agencies to spend scarce taxpayer dollars by duplicating the safety inspections already performed by the FAA.

This is particularly true in cases where a government agency has contracted with a charter operator to provide routine transportation services for government employees

traveling from point to point. Those providing such charter services must meet FAA's already high regulatory standards. Duplicate inspections by other agencies, which have no specific expertise in aviation, contribute little or nothing in the way of increased safety.

Some charter services of a more unique nature probably do involve special considerations, such as aircraft engaged in firefighting. However, there is no significant reason why any special inspection requirements of a government agency in such cases cannot be incorporated into the normal inspection process already conducted by the FAA. We have complete

confidence in the ability of FAA's inspection personnel to easily integrate these special requirements into their existing inspection protocol.

No matter how much the safety record for our industry improves, we all share the sense of tragedy when individuals are harmed in an accident. The accident that occurred in February 1994 in Minot, N.D., killing three Indian Health Services doctors, was indeed a sorrowful tragedy. They died when a plane owned by B & I Aviation of Rapid City crashed. B & I's owner had complained to Daschle about overly critical inspections by the U.S. Forest Service.

But as the official NTSB investigation of that accident revealed, it had nothing whatsoever to do with inspections. The aircraft and the pilot involved in the accident had been fully inspected and passed by both the FAA and the Forest Service.

We offer these comments to help maintain the proper focus on how best to ensure the continued safety record for general aviation—and better yet, how to improve upon it. As pilots ourselves, we hope the day will come when tragedies such as the accident in Minot can be eliminated altogether.

AOPA

ELECTION '94

AVIATION'S POLITICAL SPECTRUM

February 1, 1994

AOPA allies from coast to coast. During the months leading up to the November election, AOPA Legislative Action has profiled prominent congressional candidates up for election who are especially strong allies of general aviation.

AOPA allies from coast to coast.

During the months leading up to the November election, AOPA Legislative Action has profiled prominent congressional candidates up for election who are especially strong allies of general aviation.

With the election just weeks away, however, it is appropriate to make pilots aware of all the candidates who have received the support of the AOPA Political Action Committee. AOPA-PAC is one of the largest and most effective candidate support organizations in the country, and the PAC is a valuable tool in our lobbying efforts on behalf of general aviation.

As you review the list of candidates on the next few pages, you may be surprised to find the names of men and woman representing nearly every point on the political spectrum—conservatives and Liberals, Republicans and Democrats. The list contains approximately 130 names, divided nearly evenly between the two political parties. Many are welcome newcomers. Others are well-known Leaders who have dedicated productive and distinguished careers to public service.

You may agree or disagree with some of these individuals when it comes to other important issues of the day. But if the subject is general aviation, you'll find that everyone on the List has demonstrated support in one way or another. Some more than others, to be sure. The List tends to change somewhat from election to election, reflecting the inevitable shifts in our network of congressional contacts. But, in total, these are the people who have consistently shown that they understand the important contributions of general aviation.

As you review the list, keep in mind the factors which influence whether AOPA-PAC will support a specific candidate. First, those who are general aviation pilots obviously receive serious consideration because of their demonstrated interest and familiarity with aviation issues.

Second, you'll notice that members of several specific congressional committees tend to be among those who have earned PAC support. These are the so-called "committees of jurisdiction"—the committees which have responsibility for matters affecting general aviation. In the House, these important committees are the full Committee on Public Works and Transportation and its subcommittee on aviation, and also the Committee on Science, Space, and Technology and its subcommittee on technology, environment, and aviation. The Public Works Committee has broad responsibility over most aviation issues, while the Science Committee has more limited jurisdiction over the FAA's research programs.

In the Senate, most aviation matters come within the jurisdiction of the Committee on Commerce, Science, and Transportation and its subcommittee on aviation. And in both the House and Senate, the appropriations committees play a key role by determining the spending priorities for Federal dollars allocated to aviation programs. The FAA's annual budget is crafted by the transportation appropriations subcommittees of both the House and Senate, and several of the members of these two powerful subcommittees are among those with whom we work most closely.

Finally, a host of other factors may influence whether a candidate receives support—such as assistance provided as a member of the congressional leadership or as a member of other important committees, including the Ways and Means Committee or the House Rules Committee (which controls the flow of legislation to the House floor). But all of these candidates have one thing in common: each has demonstrated an understanding of the importance of general aviation.

With these factors in mind, here are the candidates who have earned AOPA-PAC support in 1994.—*Thomas B. Chapman, Vice President Executive Director, AOPA Legislative Action*

ALABAMA

- Representative Sonny Callahan (R)—Energy and Commerce Committee member, helpful with environmental issues.
- Representative Bud Cramer (D)—Member of both Public Works and Science committees.

ALASKA

- Representative Don Young (R)—Established AOPA supporter.

ARIZONA

- Representative Jon Kyl (R)—Established AOPA supporter, running for Senate.

ARKANSAS

- Representative Tim Hutchinson (R)—Public Works Committee member.

CALIFORNIA

- Representative Bill Baker (R)—Member of both Public Works and Science committees.
- Representative George E. Brown (D)—Chairman of Science Committee.
- Representative Randy Cunningham (R)—AOPA member and pilot. established AOPA supporter.
- Representative Bob Filner (D)—Public Works Committee member.
- Representative Dan Hamburg (D)—Public Works Committee member.
- Representative Steve Horn (R)—Aviation subcommittee member.
- Representative Jay C. Kim (R)—Aviation subcommittee member.
- Representative Howard McKeon (R)—Aviation subcommittee member.
- Representative Norman V. Mineta (D)—Chairman of Public Works Committee, former chairman of aviation subcommittee, established AOPA supporter.
- Representative Ron Packard (R)—Appropriations Committee member, former aviation subcommittee member, established AOPA supporter.

COLORADO

- Representative David E. Skaggs (D)—Appropriations Committee member, former aviation subcommittee member, established AOPA supporter.

CONNECTICUT

- No candidates in 1994.

DELAWARE

- No candidates in 1994.

FLORIDA

- Representative Corrine Brown (D)—Aviation subcommittee member.
- Representative John L. Mica (R)—Aviation subcommittee member.
- Representative Douglas Peterson (D)—Pilot established AOPA supporter.

GEORGIA

- Representative Mac Collins (R)—Aviation subcommittee member.
- Representative Nathan Deal (D)—Member of both Public Works and Science committees.
- Representative Newt Gingrich (R)—Former ranking Republican on aviation subcommittee, member of House Republican Leadership (minority whip), established AOPA supporter.
- Representative John Lewis (D)—Ways and Means Committee member, former aviation subcommittee member, member of House Democratic Leadership (chief deputy whip).

HAWAII

- No candidates in 1994.

IDAHO

- No candidates in 1994.

ILLINOIS

- Representative Jerry F. Costello (D)—Aviation subcommittee member.
- Representative Richard J. Durbin (D)—Pilot, transportation appropriations subcommittee member.
- Representative Thomas W. Ewing (R)—Aviation subcommittee member.
- Representative William O. Lipinski (D)—Aviation subcommittee member.

INDIANA

- Representative Dan Burton (R)—Established AOPA supporter.

IOWA

- Representative Jim Lightfoot (R)—AOPA member and pilot. Appropriations Committee member, former aviation subcommittee member, established AOPA supporter.

KANSAS

- Representative Dan Glickman (D)—Cochairman of Congressional Aviation Forum, member of technology, environment, and aviation subcommittee, leading proponent of product liability reform, established AOPA supporter.

KENTUCKY

- Representative Jim Bunning (R)—Ways and Means Committee member.

LOUISIANA

- Representative Jimmy Hayes (D)—Aviation subcommittee member.

MAINE

- No candidates in 1994.

MARYLAND

- Senator Paul S. Sarbanes (D)—Established AOPA supporter.
- Representative Benjamin L. Cardin (D)—Ways and Means Committee member.
- Representative Wayne T. Gilchrest (R)—Aviation subcommittee member.
- Representative Steny H. Hoyer (D)—Appropriations Committee member, member of House Democratic leadership (caucus chairman).
- Representative Constance Morella (R)—Member of technology, environment, and aviation subcommittee.

MASSACHUSETTS

- Representative Peter I. Blute (R)—Member of both Public Works and Science committees.
- Representative Joseph Moakley (D)—Chairman of Rules Committee.
- Representative John W. Olver (D)—Appropriations Committee member.

MICHIGAN

- Representative Bob Carr (D)—AOPA member and pilot. chairman of transportation appropriations subcommittee, established AOPA supporter, running for Senate.
- Representative James A. Barcia (D)—Public Works Committee member.
- Representative David E. Bonier (D)—Member of House Democratic leadership (majority whip).
- Representative John D. Dingell (D)—Chairman of Energy and Commerce Committee, helpful with product liability and environmental issues.
- Representative Vern Ehlers (R)—Aviation subcommittee member.
- Representative Peter Hoekstra (R)—Public Works Committee member.
- Representative Dale E. Kildee (D)—Established AOPA supporter.
- Representative Fred Upton (R)—Former aviation subcommittee member, member of Energy and Commerce Committee.

MINNESOTA

- Representative James L. Oberstar (D)—Chairman of aviation subcommittee, established AOPA supporter.
- Representative Collin C. Peterson (D)—AOPA member and pilot, chairman of government operations subcommittee on employment, housing, and aviation, established AOPA supporter.
- Representative Martin O. Sabo (D)—Transportation appropriations subcommittee member, chairman of Budget Committee.

MISSISSIPPI

- Senator Trent Lott (R)—Member of Commerce, Science, and Transportation Committee. established AOPA supporter.
- Representative Mike Parker (D)—AOPA member and pilot. aviation subcommittee member, established AOPA supporter.

MISSOURI

- Representative Patricia Danner (D)—Aviation subcommittee member.
- Representative Bill Emerson (R)—Aviation subcommittee member.
- Representative Richard A. Gephardt (D)—House majority leader.
- Representative Mel Hancock (R)—AOPA member and pilot, Ways and Means Committee member, former aviation subcommittee member, established AOPA supporter.
- Representative Alan Wheat (D)—Rules Committee member, established AOPA supporter, running for Senate.

MONTANA

- Senator Conrad Burns (R)—Member of both Appropriations and Commerce, Science, and Transportation committees, established AOPA supporter.

NEBRASKA

- Senator Robert Kerrey (D)—Appropriations Committee member, established AOPA supporter.
- Representative Bill Barrett (R)—Pilot, established AOPA supporter.

NEVADA

- Senator Richard Bryan (D)—Aviation subcommittee member, established AOPA supporter.
- Representative Barbara F. Vucanovich (R)—Pilot, established AOPA supporter.

NEW HAMPSHIRE

- Representative Dick Swett (D)—Aviation subcommittee member.

- Representative Bill Zeliff (R)—Public Works Committee member.

NEW JERSEY

- Senator Frank Lautenberg (D)—Chairman of transportation appropriations subcommittee, helpful with DUATS funding issue, established AOPA supporter.
- Representative Robert Franks (R)—Public Works Committee member.
- Representative Robert Menendez (D)—Public Works Committee member.

NEW MEXICO

- Senator Jeff Bingaman (D)—Established AOPA supporter.
- Representative Joe Skeen (R)—AOPA member and pilot, Appropriations Committee member.

NEW YORK

Senator Daniel Patrick Moynihan (D)—Chairman of Finance Committee.

- Representative Sherwood L. Boehlert (R)—Aviation subcommittee member.
- Representative David A. Levy (R)—Aviation subcommittee member.
- Representative Susan Molinari (R)—Public Works Committee member.
- Representative Jack Quinn (R)—Public Works Committee member.
- Representative Gerald B. Solomon (R)—Ranking Republican on Rules Committee.

NORTH CAROLINA

- Representative Cass Ballenger (R)—Former aviation subcommittee member, established AOPA supporter.
- Representative David Price (D)—Transportation appropriations subcommittee member.

NORTH DAKOTA

- Senator Kent Conrad (D)—Finance Committee member, established AOPA supporter.

OHIO

- Lt. Governor Mike DeWine (R)—Established AOPA supporter, running for Senate.
- Representative Ralph Regula (R)—Transportation appropriations subcommittee member.

OKLAHOMA

- Representative Bill Brewster (D)—Ways and Means Committee member, former Public Works Committee member, established AOPA supporter.
- Representative James M. Inhofe (R)—AOPA member and pilot, cochairman of Congressional Aviation Forum, aviation subcommittee member, responsible for modifying secretive Petition for Discharge rules, established AOPA supporter, running for Senate.
- Representative Frank D. Lucas (R)—Established AOPA supporter.

OREGON

- No candidates in 1994.

PENNSYLVANIA

- Representative Robert A. Borski (D)—Aviation subcommittee member.
- Representative William F. Clinger (R)—Ranking Republican on aviation subcommittee, established AOPA supporter.
- Representative Thomas M. Foglietta (D)—Transportation appropriations subcommittee member.
- Representative Rick Santorum (R)—Established AOPA supporter, running for Senate.
- Representative Bud Shuster (R)—Ranking Republican on Public Works Committee, established AOPA supporter.

RHODE ISLAND

- No candidates in 1994.

SOUTH CAROLINA

- Representative James E. Clyburn (D)—Public Works Committee member.

SOUTH DAKOTA

- Representative Tim Johnson (D)—Established AOPA supporter.

TENNESSEE

- Senator Jim Sasser (D)—Chairman of Budget Committee, Appropriations Committee member.
- Representative Bob Clement (D)—Aviation subcommittee member, established AOPA supporter.
- Representative John J. Duncan (R)—Aviation subcommittee member.
- Representative Bart Gordon (D)—Rules Committee member.
- Representative James H. Quillen (R)—Former ranking Republican on Rules Committee, helpful with flight service station issues, established AOPA supporter.

TEXAS

- Senator Kay Bailey Hutchison (R)—Member of Commerce, Science, and Transportation Committee, established AOPA supporter.
- Representative Richard K. Arme (R)—Member of House Republican leadership (conference chairman), established AOPA supporter.
- Representative Henry Bonilla (R)—Appropriations Committee member.
- Representative Jim Chapman (D)—AOPA member and pilot, Appropriations Committee member, established AOPA supporter.
- Representative Ronald D. Coleman (D)—Transportation appropriations subcommittee member.
- Representative Thomas D. Delay (R)—Transportation appropriations subcommittee member, member of House Republican Leadership (deputy whip and conference secretary), established AOPA supporter.
- Representative Chet Edwards (D)—AOPA member and pilot, established AOPA supporter.
- Representative Pete Geren (D)—Aviation subcommittee member, established AOPA supporter.
- Representative Eddie Bernice Johnson (D)—Public Works Committee member.
- Representative Sam Johnson (R)—AOPA member and pilot, established AOPA supporter.
- Representative Greg Laughlin (D)—Aviation subcommittee member, established AOPA supporter.
- Representative Charles W. Stenholm (D)—Established AOPA supporter.

UTAH

- Representative James V. Hansen (R)—AOPA member and pilot, Leading proponent of product liability reform, established AOPA supporter.
- Representative Bill Orton (D)—Pilot, established AOPA supporter.

VERMONT

- Senator James M. Jeffords (R)—Established AOPA supporter.

VIRGINIA

- Senator Charles S. Robb (D)—Member of Commerce, Science, and Transportation Committee, established AOPA supporter.
- Representative Herbert H. Bateman (R)—Established AOPA supporter.
- Representative Thomas J. Bliley (R)—Energy and Commerce Committee member, helpful with environmental issues.
- Representative Leslie L. Byrne (D)—Public Works Committee member.
- Representative Bob W. Goodlatte (R)—Established AOPA supporter.
- Representative Lewis F. Payne (D)—Ways and Means Committee member, former aviation subcommittee member, established AOPA supporter.
- Representative Frank R. Wolf (R)—Ranking Republican on transportation appropriations subcommittee, established AOPA supporter.

WASHINGTON

- Senator Slade Gorton (R)—Aviation subcommittee member, Appropriations Committee member, established AOPA supporter.
- Representative Maria Cantwell (D)—Aviation subcommittee member.
- Representative Jennifer Dunn (R)—Aviation subcommittee member.
- Representative Thomas S. Foley (D)—Speaker of the House.

WEST VIRGINIA

- Senator Robert C. Byrd (D)—Chairman of Appropriations Committee.
- Representative Nick J. Rahall (D)—Aviation subcommittee member.
- Representative Robert E. Wise (D)—Public Works Committee member.

WISCONSIN

- Representative David R. Obey (D)—Chairman of Appropriations Committee.
- Representative Thomas E. Petri (R)—Aviation subcommittee member.

WYOMING

- Representative Craig Thomas (R)—Pilot, established AOPA supporter, running for Senate.

CAPITOL DISPATCH



Report from the Hill

BY THOMAS B. CHAPMAN

THE second session of the 102nd Congress has convened, and AOPA has greeted legislators with a full agenda of issues important to general aviation. Among the most critical this year will be legislation renewing authorization of the Airport and Airway Trust Fund. As always, this is sure to generate lively debate and will serve as a primary vehicle for promoting causes advocated by AOPA and the rest of the aviation community.

For 1992, AOPA's chief objective is legislation to address the product liability woes plaguing GA. Because of longstanding obstacles to tort reform, AOPA is taking a fresh approach—advancing a package of initiatives that will help stimulate the production of affordable aircraft.

Congress will also take up legislation to renew the FAA's controversial Civil Penalty Assessment Demonstration Program. To ensure fairness and an objective appeals process for pilots subject to FAA enforcement action, AOPA will advocate that appeals in civil penalty cases should be transferred from the FAA to the National Transportation Safety Board. No issue in recent memory has stirred such strong opinions within the aviation legal community (see "Pilot Counsel: An Outline Of FAA Enforcement Procedures," December 1990 *Pilot*).

Other major initiatives include ongoing technical or regulatory issues—including auxiliary flight service stations (XFSSs), research into alternative aviation fuels, tax issues, and proposals to shoot down aircraft suspected of

drug-smuggling activity. AOPA's success during the past year suggests that 1992 will be challenging and productive. Here is a roundup of the most important congressional issues AOPA members faced during 1991.

Clean Air Act—Ban on New Aircraft Engines

While fuel prices increased dramatically as a result of hostilities in the Persian Gulf, several long-term fuel availability problems emerged during 1991 that seriously threatened the future of general aviation. Chief among these was the possibility that production of new aircraft engines would be banned by recent amendments to the Clean Air Act. Consequently, AOPA launched a major initiative to ensure that the Environmental Protection Agency would correctly interpret Sec-

Members of AOPA's office of congressional and legislative affairs in Washington: Ann C. Hodges, Christopher T. Peace, Douglas P. Miskew, Thomas B. Chapman, David B. Kennedy, Danyale R. Ury.

tion 226 of the Clean Air Act Amendments of 1990.

Section 226 prohibits the manufacture, sale, or introduction into commerce of any "nonroad" engine produced after model year 1992 that requires leaded gasoline. A superficial reading of this new legislation suggests that it could ban the production of aircraft engines. In fact, that is how some EPA officials initially interpreted it. But AOPA maintained that the ban does not apply to GA aircraft engines because nonroad emissions and aircraft emissions are addressed separately under other provisions of the Clean Air Act. We argued, therefore, that Congress intended the same distinction under Section 226.

Our efforts focused on the powerful House Committee on Energy and Commerce, chaired by Representative John D. Dingell (D-MI), who is among the most influential members of the House of Representatives. He emphasized that there was no compelling evidence that anyone in Congress had intended for the engine ban to apply to aircraft. Through AOPA's efforts, Dingell's voice was joined by other key players—including the Democratic and Republican leadership of the House Committee on Public Works and Transportation, which has jurisdiction over most aviation matters in the House. Senator Barbara Mikulski (D-MD), chairman of the Senate subcommittee that controls the EPA's budget, also provided valuable assistance, writing to EPA Administrator William Reilly and urging that the ban should not be applied to GA.

AOPA's intensive lobbying efforts with Congress as well as the FAA and the Department of Transportation paid off. In September, the EPA issued a formal legal interpretation of Section 226 that agreed in every respect with AOPA's argument. The EPA concluded that Congress did not intend to apply the ban to GA aircraft.

While we won this battle, the GA industry has learned an important lesson. The legitimate environmental and economic reasons to "get the lead out" of aviation gasoline will continue to grow. With political and technical leadership from AOPA, the industry has moved aggressively during the past year to develop alternative aviation fuels that do not require lead. The outlook is optimistic—and success is vital to the long-term viability of GA.

Clean Air Act—Ban on New Aircraft Engines



AOPA relied on the assistance of two powerful members of Congress, Rep. John D. Dingell (D-MI) and Sen. Barbara Mikulski (D-MD), to protect GA's avgas supply.

Auxiliary Flight Service Stations



Sen. Ted Stevens (R-AK) teamed with Sen. Mikulski to sponsor FSS legislation.

Auxiliary Flight Service Stations

The FAA's network of FSSs is the vital link on which general aviation pilots rely to obtain critical preflight and en-route weather information. Under the FAA's FSS modernization program, the 317 FSSs existing in 1981 were to be closed and consolidated into 61 new automated FSSs (AFSSs). Roughly 120 of the 317 original stations are still operating, but all the remaining sites were scheduled to be closed during the next two years.

One of AOPA's most significant successes in many years is the new XFSS program. Congress passed legislation during 1990 mandating that the FAA develop a system of manned XFSSs to supplement the services of the 61 AFSSs. The new XFSSs are located in areas of unique weather or operational conditions. In November 1991

Drug Interdiction—Shoot Down or Force Down



Rep. James M. Inhofe (R-OK) and House aviation subcommittee Chairman James L. Oberstar (D-MN) cooperated to amend the onerous force-down proposal.

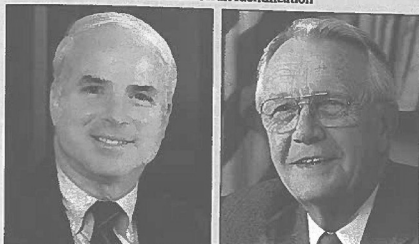
the FAA finally responded to pressure from Congress and announced that supplemental services would continue to be provided to pilots at 46 sites in the continental United States and Alaska. AOPA's technical staff is working closely with the FAA on implementation of the plan.

In the meantime, legislation was passed in 1991 to ensure that Congress and the pilot community are allowed ample time to review the list of proposed auxiliary sites and the level of service to be provided at the new XFSSs. The legislation was sponsored by senators Ted Stevens (R-AK) and Mikulski. Supported by AOPA, the Stevens/Mikulski legislation prohibits the FAA from closing any existing FSS until nine months after the date in November when the FAA officially an-

land. AOPA viewed this "force-down" proposal as less onerous than shoot-down, but the force-down legislation was flawed because it did not require any suspicion of criminal activity, raising the possibility that innocent pilots could be ordered to land and might be subject to severe criminal and civil penalties for failing to obey an order to land.

AOPA sought for more than a year to amend the force-down legislation to specifically require suspicion of criminal activity before an aircraft could be ordered to land. We encountered strong opposition from the U.S. Customs Service and the Coast Guard—suggesting the possibility that what law enforcement agencies actually sought was authority to randomly order GA aircraft to land.

Airman and Aircraft Identification



Senators John McCain (R-AZ) and Wendell H. Ford (D-KY) have urged the FAA to consider less burdensome procedures for airman and aircraft identification.

nounced its proposed list of XFSSs.

Drug Interdiction—Shoot Down or Force Down

AOPA has defeated several attempts during the past three years to enact legislation authorizing law enforcement officials to shoot down aircraft suspected of drug-smuggling activity. The latest attempt came in July 1991, when AOPA turned back plans by Representative Lawrence Coughlin (R-PA) to attach his version of "shoot-down" legislation to major U.S. Coast Guard legislation. AOPA has opposed shoot-down legislation because of the potential for tragedy resulting from mistaken identity.

A new twist was added in 1990 when Bush Administration officials proposed legislation that would authorize federal law enforcement officials to order suspected aircraft to

AOPA finally secured a favorable modification of the proposal. In the final week of the congressional session, a House and Senate Conference Committee reached agreement that reasonable suspicion of drug-smuggling activity must be established before a federal law enforcement officer will be permitted to order aircraft to land. Leading the effort to amend the force-down measure were House aviation subcommittee Chairman James L. Oberstar (D-MN) and Representative James M. Inhofe (R-OK), AOPA 238902. Before Congress adjourned, the House approved the compromise crime legislation crafted by the Conference Committee, but the legislation stalled in the Senate, where conservative Republicans objected to several provisions of the bill that were unrelated to the force-down.

Even if the larger crime bill should fall to gain final approval, our position on the force-down issue is very strong now that there is general agreement on an acceptable measure. Passage of carefully limited force-down legislation will greatly reduce the possibility that our old nemesis, the shoot-down, will ever be enacted.

Appropriations
AOPA has continued to improve its working relationship with the powerful House and Senate Appropriations committees, which determine each year how much money will be made available for the FAA to spend on capital improvement projects, other FAA programs, and operation of the air traffic control system. The appropriations process offers AOPA an annual opportunity to influence the amounts that will be allocated for various FAA programs and how that money will be spent.

Despite severe federal budget constraints, the transportation appropriations bill for fiscal year 1992 calls for a record FAA budget of \$9.34 billion. Congress places a high priority on spending to support the national air transportation system, and the aviation community has fared reasonably well as a result. AOPA lobbied for two special funding initiatives that were included in the FY92 appropriations legislation.

First, \$635,000 was set aside to enable the FAA to resume its research into alternative fuels for GA aircraft. Prior to 1988, the FAA's Technical Center in New Jersey had conducted promising alternative fuels research. Because of political and market pressures to develop a fuel to replace the 100LL avgas burned by most GA aircraft, AOPA urged Congress to revive the FAA research program this year.

AOPA also lobbied for \$2.2 million in earmarked funds to improve charting for terminal control areas and other controlled airspace. Pilots are already beginning to see the concrete results of AOPA's past initiatives to earmark dollars for charting improvements. For example, AOPA focused its efforts during 1990 on a program to enhance the ability of pilots to use Ioran for navigation. Three-letter identifiers now appear on VFR sectional charts next to each airport name. This helpful improvement is a direct result of AOPA's work in the appropriations process to implement

useful near-term technical benefits for the membership.

Dodging a Bullet—The Gas Tax Increase

Through an odd combination of circumstances, general aviation faced the possibility of an unintended tax increase during 1991.

As congressional leaders sought to hammer out new highway funding legislation over the summer, an attempt was made to increase the highway gasoline tax by 5 cents per gallon. The federal avgas tax is calculated

based on the number of gallons of fuel used, and the possibility of unintended or unnecessary tax increases for aviation.

Airman and Aircraft Identification
The FAA has proposed substantial modifications to existing airman and aircraft identification procedures in response to the 1988 omnibus drug bill, wherein Congress sought to enhance ID procedures in order to assist law enforcement officers in controlling airborne drug smugglers.

The FAA's proposed regulations promise to place substantial administrative burdens on individual pilots—

subcommittee wrote to then-FAA Administrator James B. Busey in June. Subcommittee Chairman Wendell H. Ford (D-KY) and ranking Republican John McCain (R-AZ) urged Busey to consider less burdensome alternatives—including AOPA's proposals. Meanwhile, AOPA is continuing efforts to persuade House leaders that there are more effective ways of improving identification procedures for both airman and aircraft.

Product Liability

AOPA has continued to support efforts by Representative Dan Glickman (D-KS) and Senator Nancy L. Kassebaum (R-KS) to relieve product liability costs for general aviation manufacturers. The legislation has consistently faced major obstacles in Congress, and 1991 was no exception. The outlook for passage of the Glickman and Kassebaum legislation is increasingly poor.

The longstanding obstacles to product liability reform have caused AOPA to begin rethinking the problem. Frankly, passage of product liability legislation alone will not achieve the objective of ensuring the future availability of affordable aircraft. It will help, but it is not a complete answer to the problems of the industry. AOPA is seeking to identify other ways in which to stimulate the production of affordable GA aircraft.

For 1992, we are exploring a package of possible legislative initiatives that, individually or in combination, will help foster our fundamental objective. For example, AOPA has consistently advocated the concept of new aircraft certification rules creating a Primary category aircraft as one way of reducing manufacturing costs for the producers of basic models of GA aircraft. In addition, working with Congress, perhaps a package of small-business incentives could be developed that would help attract entrepreneurs to the industry. Also, there might be key components of the product liability bill itself that, if proposed separately, would stand a better chance of passing than the existing legislation in its entirety.

These are some of the possibilities AOPA is considering. The downward spiral of our industry continues, and we must develop creative approaches to reverse the trend.

Veterans' Flight Training
Legislation sponsored by Senator Thomas A. Daschle (D-SD), AOPA

Product Liability



AOPA continues to lobby for passage of the product liability reform legislation sponsored by Rep. Dan Glickman (D-KS) and Sen. Nancy L. Kassebaum (R-KS).

using a complex formula linked to the rate of tax imposed on highway fuel. Consequently, the tax increase would have applied to avgas, even though that was clearly not the intent of those who proposed it.

The House Ways and Means Committee drafted legislation that would have required pilots to pay the tax increase at the pump and then apply for a rebate. A rebate system would place a huge administrative burden on the government, with absolutely no revenue benefit. In fact, it would cost the government money.

Opposition from AOPA contributed to growing efforts to stop the increase—efforts that were already under way by groups with a direct interest in the highway tax. But the lesson was learned, and AOPA is now lobbying the tax-writing committees in Congress to overhaul the formula for calculating the avgas tax. By eliminating the existing link with the tax on highway fuel, we can avoid the possi-

as well as the agency itself. The FAA's Airman and Aircraft Registry in Oklahoma City is years behind in record-keeping capability and computer technology, and the Oklahoma City budget is one of the first to suffer when the FAA is forced to implement spending cuts.

AOPA has argued that there is a better and less burdensome way to improve airman and aircraft ID procedures. For example, we do not believe it is necessary to require a new photo ID of every pilot, as the FAA has proposed. AOPA recommends that the FAA merely require pilots flying internationally to carry a driver's license, passport, or other existing form of standard photo ID. After all, it is those flying internationally whom law enforcement officials seek to identify. These existing forms of photo ID are already recognized universally as appropriate ID.

In response to AOPA's concerns, the leadership of the Senate aviation

LEGISLATIVE REPORT

820658, was passed in 1989, authorizing vocational flight training benefits for veterans eligible under the Montgomery GI Bill. AOPA has been the major proponent of reinstating vocational flight training benefits, which were terminated by Congress in 1981.

During 1990, AOPA supported an additional effort by Daschle to expand the program to include veterans eligible under the Veterans Educational Assistance Program (VEAP). When 1991 opened with Operation Desert Storm and heightened concern regarding veterans' programs, Daschle took advantage of the opportunity and attached his flight training legislation to a comprehensive veterans' benefits package, which sailed through Congress during the early months of the year.

Daschle is not finished. AOPA sup-

Veterans' Flight Training



Legislation by Sen. Thomas A. Daschle (D-SD) has made flight training available to a larger number of veterans.

ports his proposal to make solo flight training expenses eligible for reimbursement. Currently, only dual instruction expenses are reimbursable. AOPA will continue to work with the senator to ensure the success of this worthwhile vocational program for veterans.

These were the most significant congressional issues for general aviation during 1991. AOPA members can take pride in the credibility of their association on Capitol Hill, as we who represent AOPA members before Congress take pride in the grass-roots influence of 300,000 active and well-informed members.

Thomas B. Chapman is AOPA's vice president of the office of congressional and legislative affairs.

STATES' RITES

Report from the statehouse

BY DAVID B. KENNEDY

THE past year was surprisingly successful for AOPA on the state level, considering the poor economy and the continuing ripple effect on state governments of the massive federal budget deficit. The states are struggling with major fiscal concerns, reflected by the large number of tax and budget issues with which AOPA was involved during 1991. Yet general aviation weathered the storm—faring well in most states where pilots and aircraft owners were targeted for tax increases or other potentially adverse budgetary actions.

For 1992, AOPA expects state fiscal problems to worsen, and that spells trouble. But AOPA members can also expect continued successes on positive issues such as airport zoning and efforts to restructure existing tax schemes and improve funding for GA airports. A review of AOPA's state activities in 1991 can shed light on what we might expect in 1992.

During 1991, AOPA participated in efforts to restructure the aviation fuel tax in Alabama. Legislation was introduced that would have changed the method used to calculate the avgas tax.

Currently, pilots in Alabama pay a fuel tax based on the need to collect \$600,000 annually—an artificial cap placed by law on aviation funding. The

rate is adjusted at specific intervals in order to achieve this amount. The current tax on avgas is 3 cents per gallon. This is a cumbersome system to administer and results in an unstable tax rate for AOPA members.

The proposed legislation would have set the tax at a fixed rate of 5 cents per gallon. It would also have removed the \$600,000 cap on the department of aeronautics' funding, allowing all the aviation tax money collected to be used for aviation improvements in Alabama.

The legislation did not pass, mostly due to strong opposition from the air carriers. AOPA will continue to work for passage of this important proposal.

As in many states facing major revenue shortfalls, the California legislature looked to numerous tax increases and budget cuts in an effort to achieve a balanced budget.

Funding for aviation programs would have been cut drastically under some of the bills considered. One proposal would have repealed the exemption from the state sales tax on jet fuel purchased by the airlines. AOPA has favored this idea for some time, but under this proposal, the money generated by repealing the exemption would have been diverted to other state uses rather than to the state aeronautics account. Worse still, the legislation would have also di-

verted the money generated by the sales tax on noncommercial jet fuel to the general fund. Under present law, these dollars are dedicated to the state aeronautics account. Working with other aviation interests in the state, AOPA was able to prevent this diversion. We will continue to work to have the revenue generated by the sales tax on commercial jet fuel used for aviation purposes.

California was one of several states to consider a luxury tax similar to the federal luxury tax imposed by Congress in 1990. Legislation was introduced that would have taxed the sale of new GA aircraft at the rate of 5 percent of the value in excess of \$100,000. The legislative vehicle for the luxury tax was a wide-ranging revenue bill, and AOPA was able to have the sessions that contained the luxury tax dropped.

Airport land use is always a controversial issue in California. As one legislative aide put it, airports are "LULUs"—that is, "Locally Unpopular Land Uses." This past year, AOPA worked to defeat or modify several bills that would have adversely affected GA airports in the state. One proposal would have prevented any airport development within 2 miles of a school. AOPA Regional Representative Joe Croni worked with the California Division of Aeronautics to have this legislation modified to require consideration

LEGISLATIVE UPDATE-1991

TAXING



STRUGGLES

*Looking back—and forward—at the issues
facing general aviation nationwide.*

BY THOMAS B. CHAPMAN AND DAVID B. KENNEDY

THE 101st Congress, which convened in January 1989 and adjourned on October 27, 1990, was perhaps the busiest and most productive ever for AOPA. We achieved an especially high degree of visibility on major policy issues affecting general aviation and the air transportation system as a whole. It was also a period of extraordinary challenge: The pressures exerted by the fed-

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eral budget deficit affect nearly every facet of American life, including GA.

Reauthorization of the Airport and Airway Trust Fund was among the highest priorities for 1990. Legislation governing the trust fund was to expire at the end of 1990, and Congress had to pass new legislation reestablishing the trust fund and the programs it supports. This process, repeated every few years, represents an important opportunity for the aviation community to influence the direction of the nation's aviation policy.

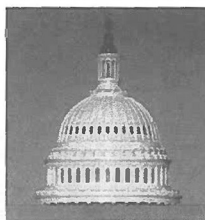
A trust fund reauthorization bill spearheaded by House aviation subcommittee Chairman James L. Oberstar (D-MN) and ranking Republican William F. Clinger, Jr., (PA) received the approval of the full House, but Senator Wendell H. Ford (D-KY), chairman of the Senate aviation subcommittee, would not take up Oberstar's bill in the Senate. Instead, Ford introduced his own reauthorization bill—which would require the Department of Transportation to develop a national aviation noise policy to preempt the patchwork of locally implemented noise policies and procedures. AOPA found this aspect of Ford's bill appealing because noise regulation is among the arguments proponents use to justify many of the more onerous restrictions they seek to impose on GA access to airports.

The compromise reauthorization legislation passed in the final hours of the 101st Congress combined elements of both the House and Senate packages. AOPA's priorities fared well in the process. Two special AOPA efforts were our auxiliary flight service station proposal and our satellite technology initiative.

In 1981, the Federal Aviation Administration unveiled a major airspace and air traffic control modernization program called the National Airspace System Plan. One of the significant components of the NAS Plan is the FSS modernization and consolidation program under which the 317 FSSs existing in 1981 were to be consolidated into 61 new automated FSSs. The House trust fund reauthorization bill contained a provision advocated by AOPA that would require the FAA to develop and maintain a network of auxiliary FSSs to be located in areas of unique weather or operational conditions. We also succeeded in persuading Senator Ford to attach the proposal to the fiscal year 1991 transportation appropriations bill, and he included our FSS language in his own reauthorization package as well.

Ultimately, the measure passed as part of both the trust fund reauthorization and the FY1991 transportation appropriations bill.

AOPA will aggressively pursue implementation of its auxiliary FSS program, seek additional ILSs to enhance the utility of general aviation aircraft, recommend and advocate adequate funding for much-needed charting improvements, pursue more rapid implementation of Ioran instrument approaches nationwide, and vigorously maintain our opposition to MLS and other aspects of the NAS Plan that offer little or no benefit to the users of the



AOPA achieved an especially high degree of visibility on major policy issues affecting general aviation.

system or the air-traveling public.

Last year, in advocating expedited transition to a space/earth system for navigation, communications, and surveillance, AOPA uncovered more than \$11 billion that could be saved with reductions in spending for the NAS Plan. We will continue in our quest to assure more rapid implementation of emerging satellite technology and reduce the cost of flying for our members.

A provision advocated by AOPA, included in the final trust fund reauthorization bill, requires the FAA to develop a plan to transition to the next generation of satellite technology. The FAA is to report the plan to Congress by October 1. In addition, the transportation appropriations bill allocates \$3.6 million specifically to pay for development of the satellite transition plan. Monitoring the FAA's development of the transition

plan as mandated by Congress last year and following up as necessary on the Hill head the association's congressional agenda for 1991.

The trust fund reauthorization mandates continued federal spending under the trust fund but also permits individual airports to collect PFCs, locally imposed passenger facility charges. Large airports sought authority to collect PFCs from airline passengers to help pay for capital development projects. Ford's concept of a national aviation noise policy was also retained in the final reauthorization package. DOT will be developing the policy's specifics during the coming months. AOPA will take an active role in the development of a national noise policy. We further will participate in the development of the criteria for implementation of PFCs to ensure that needy reliever and general aviation airports receive their fair share of the entitlement dollars relinquished by major airports.

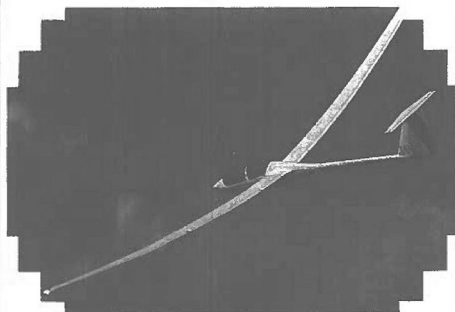
Several drug-related issues remain a concern for GA pilots. AOPA experts will be involved in these issues as they emerge. These include FAA proposals mandated by Congress to modify airman and aircraft identification procedures, drug testing requirements for those involved in commercial aviation activities, and proposals sure to surface once again to shoot down aircraft suspected of carrying illegal narcotics.

Also on our congressional agenda for 1991 are issues relating to airport access for general aviation, the gathering and dissemination of weather information, flight training benefits for veterans, the conversion of closing military air bases to civil use, the FAA's enforcement/compliance/civil penalty programs, and product liability.

Despite his "no new taxes" pledge, the budget submitted by President George Bush in January 1990 proposed to increase federal excise taxes on aviation by 25 percent. AOPA opposed the increases from the day they were announced. AOPA was confident the President's proposal would be rejected by Congress, considering the \$14-billion balance and the nearly \$8-billion surplus in the aviation trust fund. These facts simply did not justify an increase in aviation taxes.

But it soon became clear that the budget summit negotiators were likely to include an aviation user tax increase among the wide-ranging list of tax increases encompassed in a budget deficit

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package. As AOPA members undoubtedly realized after watching the political spectacle night after night on the evening news, ment had little to do with the individual components of such a large and all-encompassing package. And the congressional leadership deliberately made it very difficult procedurally to influence individual pieces of the package.

Under the final budget deficit reduction deal, the tax paid by aircraft operators on avgas was increased from 12 cents to 15 cents per gallon. The federal tax on jet fuel used in GA aircraft was increased from 14 cents to 17.5 cents per gallon. The federal tax on airline tickets was increased from 8 to 10 percent.

In addition to opposing the tax increase, AOPA vigorously opposed the diversion of new revenues away from the trust fund for deficit reduction purposes. We won a partial victory in the final budget deal. Budget negotiators agreed that revenues from the aviation tax increase would be used for deficit reduction during only the first two years of the five-year deficit reduction plan. In theory, all aviation tax revenues will once again be deposited in the trust fund beginning the third year of the deal. AOPA and others in the aviation com-

munity will be keeping a wary eye on this shaky "deal with the devil," as it was called by one prominent insider.

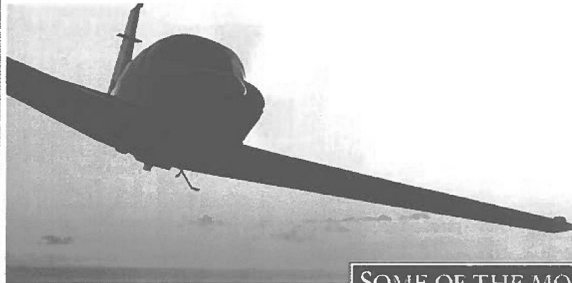
AOPA succeeded in efforts to head off a potentially devastating new luxury tax on smaller, newly manufactured aircraft. The budget deficit agreement includes a 10-percent tax on so-called "luxury" items such as expensive automobiles, yachts, furs, and jewelry. All GA aircraft were to be included as well. That was bad enough, but when the proposal was subsequently narrowed to include only aircraft weighing less than 5,000 pounds, AOPA turned to friends of GA in Congress—especially Senator E. J. (Jake) Garn (R-UT), Senator Robert Dole (R-KS), and Representative Dan Cliveman (D-KS). AOPA also employed intense lobbying, media attention, and efforts to mobilize smaller airframe manufacturers to get the message through that such a tax would devastate the light aircraft industry and raise a meager sum of \$8 million or less.

Under the final budget agreement, only aircraft valued at \$250,000 or more are taxable, and the 10-percent luxury tax is limited to the amount in excess of \$250,000. In addition, aircraft used at least 80 percent of the time for business



AOPA succeeded in efforts to head off a potentially devastating new luxury tax on smaller new aircraft.

are exempt, as are flight training aircraft, crop-dusters, and emergency and law enforcement aircraft. The combination of these exemptions and the \$250,000 floor should ensure that the impact of the luxury tax is minimal. Nevertheless, AOPA remains extremely concerned by



SOME OF THE MOST DEMANDING

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the precedent of imposing a luxury tax on GA aircraft.

As disturbing as the budget result was, it may have been merely a preview of trouble to come. Few experts believe that the deficit problem has been resolved. Congress will be forced to face the issue again. AOPA has long advocated a more responsible approach to federal spending. As the 102nd Congress convenes, there will be increased pressure to focus limited federal dollars on those areas of greatest national need. Prioritization will be of paramount importance, and competition among disparate interests will be keen. It will be up to the Administration and Congress to strike an adequate balance between aviation and other transportation interests and our national defense, the environment, health care, agriculture, and other aspects of our nation's foreign and domestic policy.

Yet as demanding as this session of the new Congress will be for AOPA and its members, the federal budget crisis ensures an equally difficult year in the states. The financial predicament has been passed down to the next level of government. States will increasingly feel the pinch as a result of more limited fed-

eral spending. Many will be compelled to pick up some of the slack.

Overall, 1990 was a positive year in the states, as AOPA continued to enjoy successes on such issues as airport zoning and efforts to restructure existing tax schemes and improve funding for GA.

Like many states, California faced major revenue shortfalls. One proposal was to "borrow" \$4.5 million from the California Aeronautics Fund to help offset the state's projected \$4-billion budget deficit. AOPA opposed this measure, particularly in light of the recent increase in all transportation taxes following voter approval of Proposition 111. In the final budget passed in early August, no funds were taken from the aeronautics fund to be used for nonaviation purposes. AOPA also successfully opposed legislation sought by Los Angeles County to gain an exemption from California's innovative airport land-use planning laws. At our urging, Governor George Deukmejian vetoed the measure, agreeing that the legislation would have set a terrible precedent. The governor's action was a big victory for AOPA.

A major legislative issue ongoing in Colorado is the disposition of funds raised by the state jet fuel sales tax.

While the state constitution provides that "any taxes imposed upon aviation fuel shall be used exclusively for aviation purposes," the tax, which nets about \$8 million a year, has been allocated to the general fund. AOPA joined the Colorado aviation community in asserting that aviation is not receiving money to which it is constitutionally entitled. Governor Roy Romer, an AOPA member, directed his attorney general to investigate and provide an opinion concerning the proper disposition of the funds. In August, the attorney general opined that these funds do in fact have to be used for aviation. AOPA is working with state aviation groups and lawmakers to draft legislation that will assure these funds are used appropriately to benefit GA in Colorado.

In Florida, a substantial increase in aviation funding will result from a 1.2-cents-per-gallon fuel tax increase approved by the legislature. Along the way, however, AOPA helped defeat two tax increase proposals that would have resulted in a tax of nearly 9 cents per gallon by 1994. The compromise bill that was finally passed provides for major increases in aviation funding for Florida airports and reinforcement of the



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state's airport zoning statutes.

Fuel taxes also topped AOPA's legislative agenda in Idaho, where the existing tax on aviation fuel is 3.5 cents per gallon. The state bureau of aeronautics proposed increasing this by 1 cent to help fund airport improvements. When legislation was introduced to implement the increase, however, airlines and other major jet fuel users lobbied strongly against it. The legislature responded with a substitute bill that increased only the tax on avgas to 7 cents per gallon, a completely unacceptable proposal. The 7-cent tax passed the House, but AOPA kept this bill from reaching the Senate floor. The legislature adjourned before addressing the overall funding of aviation in Idaho, an issue that will surely return this year.

Legislation introduced in Kentucky would have dedicated all sales taxes collected on jet fuel to the development and maintenance of airport facilities in the state. While this proposal is supported by AOPA and the Kentucky aviation community, it was blocked in the House Appropriations and Revenue Committee. As we have seen in other states, any proposal that directs money away from a state's general fund is vigorously opposed by state lawmakers. Our efforts will continue to secure these funds for aviation purposes. A dangerous piece of legislation was introduced late in the session that would have made the owner of an aircraft absolutely liable for injury to persons or property on the ground resulting from operation of an aircraft. AOPA and the Kentucky Aviation Association, working with the chairman of the Senate Transportation Committee, Senator Woody May, were able to convince the bill's sponsor to withdraw it.

In Louisiana, a bill was introduced that would have set the tax on jet fuel at 16 cents per gallon. Working with Louisiana Aeronautics Director Joe Levera, AOPA was able to help ensure that this measure did not even receive committee attention. We may continue to see such proposals in this cash-strapped state.

Many of the problems facing GA on a national level were manifested in Massachusetts, a state in serious financial difficulty. Early in 1990, responding to a projected budget deficit of \$1 billion, legislators forced through a tax package that included an increase in the state income tax, large increases in fees for state services, and extension of sales tax to many previously untaxed services. A

new 7.5-percent tax on avgas yields a tax of 15 cents or more per gallon at current prices. Aircraft registration fees were tripled. While some new funding was provided for the Massachusetts Aeronautics Commission, most of the new revenue will go toward balancing the budget. AOPA will continue attempts to repair the damage.

Several years of effort finally paid off for AOPA's Missouri members. We were successful in eliminating the 11 cents per gallon motor fuel tax on avgas, which was replaced by an avgas tax of 9 cents per gallon, dedicated entirely to aviation. (While we advocated a tax of



Monitoring the FAA's development of the satellite transition plan heads AOPA's 1991 congressional agenda.

about 4 cents, we agreed to not oppose an 8-cent tax. When the bill reached the state Senate, however, the tax was changed to 9 cents.) We also continued to support legislation under which up to 30 percent of the revenue on jet fuel sales taxes, approximately \$4.2 million a year, would be dedicated to aviation improvement programs. The bill failed to receive sufficient support for passage, the primary objection being the loss of general revenue. AOPA will continue its efforts to ensure that these funds are used for aviation improvements.

The most pervasive legislative issue in New Jersey is airport zoning. AOPA has worked closely with the Mid-Atlantic Aviation Coalition and the New Jersey Association of Airport Owners and Operators to ensure enforcement of the innovative Air Safety and Hazardous Zoning Act of 1983. A consistent attack on

this positive legislation has been maintained in recent years by the New Jersey League of Municipalities. AOPA worked to head off several legislative proposals that would have substantially weakened this act. In addition, we have sought support from the New Jersey Department of Transportation in enforcing New Jersey's airport zoning act. The new administration has taken steps already that suggest it is serious about enforcing the act. Only time will tell.

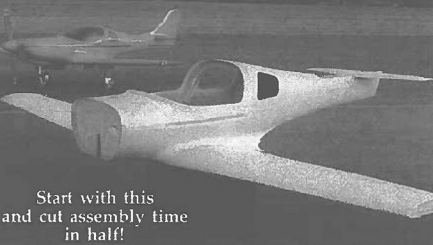
Near the end of New Mexico's short legislative session, a bill was introduced that would have doubled the registration fees on GA aircraft. The fee increase was proposed by the New Mexico Aviation Division to cover the cost of administering the registration system. AOPA believed such a substantial increase was not necessary, and we opposed the legislation. It failed to pass.

AOPA continued its fight for equal personal property tax treatment of aircraft owners in Texas. In 1989, following a 10-year effort, we helped gain passage of state legislation that exempts non-income-producing personal property from the personal property tax. But contained in the law is a provision that allows local jurisdictions to continue the tax. The city of Dallas decided to exercise the local option but targeted only aircraft and automobiles. AOPA does not interpret the exemption as permitting localities to pick and choose the property that will be taxed. AOPA filed suit against the city last spring to force it to rescind the discriminatory tax. If our "all or nothing" interpretation prevails, political considerations should keep most localities from exercising the local option.

AOPA and other representation groups are bracing for what may be one of the most difficult years in a decade on the state legislative front. Considering that 1990 was an election year, we face a surprising number of state tax increase proposals. That bodes ill for this year because the year immediately following an election is generally the most politically desirable period to seek a tax increase. AOPA anticipates tax increase proposals in an unusually high number of states during 1991, and the kind of state budget crisis exemplified by Massachusetts during 1990 could be commonplace among the states in 1991. Storm clouds are gathering. □

Thomas B. Chapman is AOPA's vice president of congressional and state legislative affairs. David B. Kennedy is AOPA's associate director of state legislative affairs.

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SPECIAL REPORT

STATE AFFAIRS: 1987 IN REVIEW

Victories and challenges at the state level

BY THOMAS B. CHAPMAN

The level of AOPA's state legislative activity continues to grow each year and so does its success. AOPA and its members were involved with legislative issues in 25 states last year. Compare that to 1986, when AOPA dealt with issues in 17 states. For 1988, AOPA's office of state affairs is already anticipating activity in as many as 40 states.

As for 1987, state legislatures and governors, fresh from an election year, were anxious to put the unpleasant business of raising taxes behind them, leaving a good deal of time for voters' memories to fade before the next election.

General aviation faced proposed tax increases in seven states during 1987: Idaho, Iowa, Louisiana, Maryland, Oklahoma, Texas and Wisconsin. AOPA worked to keep flying more affordable by helping to defeat the increases in every one of those seven states except Maryland, where a modest penny-per-gallon fuel tax increase was approved as part of a comprehensive

transportation funding plan. Even in Maryland, the fuel tax issue was used to bring attention to a more far-reaching concern—the need to significantly improve funding for general aviation airports in the state.

As a result of AOPA's nationwide legislative campaign, seven states now have laws that require that pilots renting aircraft be advised of the extent to which they are or are not covered under the insurance carried by the FBO from which an aircraft is rented. Those states are California, Minnesota, Nebraska, Ohio, Oklahoma, Oregon and Pennsylvania. As many as three more states may be added to the list during 1988: Delaware, Michigan and Wisconsin.

In the nearly three years since AOPA's office of state affairs was established in 1985, a growing grass-roots network of involved AOPA members has developed all across the country. Whether they participate through state and local pilot groups or simply as inter-

ested individuals, AOPA members are the reason that your association's state legislative program is so successful.

Much of the credit belongs to AOPA's hard-working and dedicated corps of regional representatives. Operating under the guidance of AOPA's office of state affairs, these 10 individuals enable AOPA to work effectively through a local presence. AOPA regional representatives serve as the interface between AOPA headquarters in Frederick, Maryland, and the association's 260,000 individual members nationwide.

Along with occasional previews of some of the important issues for 1988, here is a state-by-state summary of AOPA's state legislative activities during the past year.



AOPA's State Affairs team: (Top row, left to right) Robert E. Minier, Southeastern states regional representative; Stephen R. Bassett, vice president of AOPA's office of state affairs; Peter H. Burgher, Great Lakes area; Grover C. Jones, Florida; Joseph R. Croft, Western states; Robert Acker, Midwest; (Bottom row, left to right) Thomas B. Chapman, legislative counsel; Robert H. Willis, New England; William Hamilton, Central states; Ray Costello, Pacific Northwest; Kenneth W. Medley, Mid-Atlantic. Not shown, Henry L. Newman, Southeastern states.

Alabama: Alabama is one of several states that is seeking or plans to seek tall towers legislation. AOPA headquarters reviewed and commented on a draft bill proposed by the Alabama Aeronautics Commission last year. AOPA supported the bill after it was submitted to the legislature.

The proposal passed the Alabama House and received serious consideration in the state Senate. While the clock ran out before the measure could be passed by the Senate, the bill obviously made enough progress to establish a credible foundation for another attempt.

AOPA is especially encouraged by the Alabama effort because it represents the first significant legislative opportunity that the association and its members have had in that state.



Arizona: State Senator Doug P. Todd, AOPA 487137, introduced legislation last year in Arizona to abolish the avgas fuel tax refund system. His legislation replaces the refund with a simple flat tax on aviation fuel at the present net rate of five cents per gallon. Passage of the measure was the next step in the aviation tax reform effort that began in Arizona during 1986.

Prior to the tax reform effort, aircraft owners in Arizona paid an avgas tax of 16 cents per gallon. While all but one cent of the tax was refundable, only a few pilots bothered to comply with the cumbersome procedures necessary to obtain a fuel tax refund.

Aircraft owners also paid a substantial one percent of fair market value "lieu tax" on their aircraft each year. One aspect of the lieu tax particularly concerned part-time residents: An aircraft owner whose aircraft was based in Arizona for more than 90 days cumulatively during the year was liable for the full amount of the annual lieu tax, regardless of how long the aircraft was actually based in the state.

As a result of the tax reform effort, pilots now pay a flat tax of five cents per gallon on avgas, and the annual aircraft lieu tax has been cut in half. Furthermore, part-time residents pay the lieu tax according to a prorated formula. They are no longer liable for the full amount of the tax if their aircraft are not in the state full-time. All revenues generated by the avgas tax and the aircraft lieu tax are dedicated to the state aviation fund.

As an extra benefit of the tax reform effort, the significant revenues generated by the taxes paid by the airlines have been transferred from the general fund to the state aviation fund. AOPA supported this proposal, as well. Todd expects that the aviation fund will realize an additional \$3 million per year in funding as a result of the transfer.

In 1986, Todd's hard work earned him the AOPA Hartman Award for the public official who did the most to benefit general aviation.

The efforts of two other AOPA mem-

bers within the Arizona legislature were also vital to the success in that state: Representatives Bob Denny, AOPA 778872, and Gus Arzberger, AOPA 269102.



California: Two particularly important bills were passed toward the end of the California legislative session and were sent on to Governor George Deukmejian for his signature.

The first was a measure introduced by state Assemblyman Gerald Eaves, which would have significantly improved aviation funding for the state. The bill would have guaranteed that all revenues derived from the collection of taxes on both jet fuel and avgas used in general aviation aircraft be deposited in the Aeronautics Account.

The second bill was introduced by state Senator Don Rogers. It refines the existing law which requires establishment of an airport land use commission in each county in California served by an airport.

Rogers' land use commission bill was approved by the governor and will fine-tune a law that AOPA already views as innovative. Since enactment of the original law several years ago requiring that airport land use commissions be established, these commissions have served as useful vehicles in California for heading off disruptive controversies regarding land use around airports. They also provide an appropriate forum for resolving those conflicts that are unavoidable.

Rogers' new legislation requires that at least two members of an airport land use commission have expertise in aviation. The bill also establishes a procedure for private parties to initiate legal action in cases where no airport land use commission has been established or where an airport land use plan has not been adopted. The legal action could be brought to ensure that any newly proposed land use within one mile of an airport boundary is compatible with air safety and with the promotion of air

commerce at the airport. Finally, the bill repeals a sunset provision included in the original law.

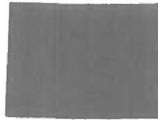
While Rogers' bill was signed into law, Eaves' funding bill did not fare as well. It was vetoed by the governor. The governor's financial advisors objected to the bill because it would have taken what is effectively general fund money and dedicated it to aviation.

One provision of the bill would have transferred the 4.75-percent state portion of the sales tax on general aviation jet fuel from the Retail Sales Tax Fund to the Aeronautics Account. This is where the major impact of the legislation would have been realized. Reallocating the jet fuel sales tax would have added \$3 million to the Aeronautics Account each year.

The funding bill would also have repealed a statutory provision that technically permits avgas purchasers to apply for fuel tax refunds. This would have been an important change from the perspective of those in California who have experienced the frustrating "Catch 22" of the present law—a law that merely transforms the refunded amount into sales tax and moves it from the Aeronautics Account over to the Retail Sales Tax Fund. Currently, the pilot who applies for a refund of the avgas tax receives nothing.

At a time when public concern about aviation safety in California is at a high point, AOPA is disturbed that the governor would veto a bill intended to improve aviation facilities. Nevertheless, efforts to improve funding will continue.

For the past two years, AOPA has also supported another major bill that would dedicate all jet fuel sales tax revenues to aviation—including the roughly \$100 million paid by the air carriers. That bill remains alive and will be carried into the next session. A major push to obtain its passage is likely in 1988.



Colorado: Another effort was made in 1987 to establish an office of aviation in Colorado. The bill, which would have created the state aviation agency, was introduced by Representative Lewis Entz, AOPA 307796. Under the bill, the

proposed office of aviation would have been funded by the proceeds of a new tax on fuel sold for use in general aviation aircraft. In exchange for adoption of a reasonable fuel tax, the existing state aircraft registration fee would have been abolished.

AOPA supported the effort to create an office of aviation in 1987, as it did during 1986. The one point of continuing discussion among AOPA, its members and Entz has been the amount of the proposed new fuel tax—that, again, will replace the existing state aircraft registration fee. For 1987, however, the question was academic.

The chairman of the House Transportation and Energy Committee sent the proposal to a previously established interim study committee, along with another bill intended to replace the powerful Colorado Department of Highways with a new state department of transportation. The study committee is scheduled to report its findings to the governor and the state legislature during the 1988 legislative session.

This suggests that if a state agency responsible for aviation matters is to be created in Colorado, it might come as part of a package to establish a new state department of transportation. That is an arrangement that will require careful consideration by AOPA and its members in the state. There are clear risks in entrusting aviation to a DOT heavily dominated by the potentially unsympathetic remnants of the existing department of highways.

Newly elected Governor Roy R. Romer is an AOPA member (AOPA 514757) and an accomplished pilot. AOPA President John L. Baker had an opportunity to meet with both the governor and Representative Entz during a trip to the West early in 1987. AOPA is hoping that Romer's understanding and appreciation of general aviation will be helpful in Colorado.



Connecticut: For several years, the issue of personal property taxes has concerned the aviation community in Connecticut. A fee in lieu of taxes is the approach that has been suggested as a means of obtaining tax relief.

Two years ago, state Senator James McLaughlin invited AOPA to partici-

pate in a group to study the issue. Since then, other state legislators have taken an interest, including state Senator James Maloney. In addition, AOPA is working with two relatively new pilot organizations in Connecticut that have become involved in the personal property tax issue, along with several individual AOPA members in the state.

This is the kind of difficult issue that will take time to resolve. AOPA has supported the general concept of an aircraft registration fee in lieu of taxes. However, the association is seeking to ensure that any fee that is adopted will be reasonable and will in fact result in tax relief for the majority of AOPA members. The tax rates and the extent to which personal property taxes are actually collected varies widely in the state. This aspect of the issue must be carefully considered.

AOPA is working with all those interested in the issue to reach a consensus and formulate a satisfactory and concrete fee proposal that can be carried to the legislature. If all goes well, legislation will be introduced during the 1988 session of the Connecticut legislature.



Delaware: For 1988, the Delaware Transportation Authority is proposing a substantial revision of the state Aeronautics Code.

The package includes positive changes such as a provision that would require those renting aircraft to inform pilots of the extent to which they are insured, as well as a repeal of the outdated state law imposing absolute liability on aircraft owners for personal injury or property damage. These are both standing legislative priorities for AOPA that the association and its members should be able to support.

The package also includes a proposal to significantly improve funding for general aviation airports—a proposal that is likely to be controversial. Funding would be improved by collecting a new state aircraft registration fee and by revising the existing fuel tax structure in Delaware.

The new aircraft registration fee would range from \$30 for a single-engine aircraft to \$150 for a turboprop aircraft. The fuel tax proposal will probably take the form of a flat tax of five cents

per gallon on avgas and three cents per gallon on jet fuel. Presently, those who purchase jet fuel pay no fuel tax. In contrast, the existing tax on avgas is 16 cents per gallon, all of which is refundable—but only to the minority of pilots who bother to apply. In Delaware, the unrefunded avgas tax goes to highways rather than to aviation, as it does in some other states.

The Delaware proposal calls for some tough decisions. AOPA is carefully studying the issue and encourages its members in Delaware to express their opinions to the staff of AOPA's office of state affairs.



Idaho: In 1987, AOPA opposed a substantial increase in the state aircraft registration fee—a proposal that has been considered by the Idaho state legislature for the last several years. An increase in the state aviation fuel tax has also been proposed in past years, although not in 1987.

The proposed increase in the registration fee was defeated again last year. AOPA is now waiting to see whether it will resurface during 1988.



Illinois: One of the major issues in Illinois is an ongoing effort to develop an effective tall towers bill. AOPA is represented on the Illinois Hazard Zoning Task Force, which is preparing legislation to be introduced in 1988. AOPA has provided both legal and technical guidance to the task force. The outlook is good.

During 1987, AOPA also joined a broad spectrum of business and aviation groups in Illinois that opposed legislation to impose a curfew at Chicago-

A grass-roots network of involved AOPA members has sprouted across the country.

O'Hare International Airport. While the curfew would have applied only to scheduled aircraft operations, AOPA was concerned by the possible precedent that would have been established. The curfew measure was defeated, but we may see it again in 1988.



Indiana: Legislation was passed in Indiana last year that for the first time authorizes the state to contribute funds to match federal airport improvement grants made to *privately owned* airports. Of course, only privately owned airports designated as reliever airports by the Federal Aviation Administration are eligible to receive federal funds. Because there is only one such airport in Indiana, the immediate impact of the new law obviously will not be great.

The issue helped the association make some important legislative contacts in Indiana. In addition, it appears that the foundation has been laid for a broader program of state support for privately owned, public-use airports in Indiana. Certainly, that is what AOPA plans to pursue when the legislature meets again.



Iowa: In Iowa, legislation was introduced that would have increased the tax on avgas from 16 cents to 20 cents per

gallon, all as part of Governor Terry Branstad's proposed "Transportation 2000" program. In addition to increasing the tax, the proposal would have eliminated the existing avgas tax refund. The tax is presently refundable, although an amount equal to the four-percent sales tax on fuel purchases is required to be deducted from each refund. Avgas is exempt from sales tax at the pump.

United opposition from AOPA and other groups paid off in Iowa when the governor's tax package was finally defeated. However, the issue went down to the wire, and AOPA is expecting the governor to reintroduce his transportation funding package again in 1988. We may be in for another tough fight.



Louisiana: The 1987 tax battle for general aviation began during a very short special session held in Louisiana—a session that actually convened late in 1986.

A proposal surfaced during the special session that would have imposed a new six cents per gallon tax on all aviation fuel sold in Louisiana. AOPA learned that the measure would be heard in the House Ways and Means Committee on short notice.

Working quickly, AOPA's opposition to the proposal was made absolutely clear to the chairman of the committee, and all of the association's contacts in the state were made aware of the tax issue. When the committee met to consider the fuel tax proposal, it did so in a room packed with angry aviation folks. The sponsor of the measure had anticipated little opposition. She quickly withdrew her bill from consideration.

The effort in Louisiana demonstrated just how effective AOPA's state and local networks can be on very short notice.



Maryland: Last year, Governor Donald Schaefer included a one-cent per gallon

aviation fuel tax increase in his comprehensive transportation funding plan. The increase took the tax from four cents to five cents per gallon. AOPA opposed the increase and used the issue to bring attention to the extremely low level of commitment to Maryland's general aviation airports. It was an excellent opportunity.

The Maryland effort recently culminated in a newly proposed program of financial support for privately owned, public-use airports—a program prepared and proposed by the state aviation administration. AOPA has reviewed the proposal and is encouraged. The program would be a significant step if it is implemented.

It appears that progress is being made in Maryland. AOPA plans to continue working with its members and the state to help ensure that a quality system of general aviation airports is maintained in Maryland.



Massachusetts: The Massachusetts Aeronautics Commission hopes to have tall towers legislation ready to be introduced during the 1988 legislative session. AOPA is prepared to support the proposal.

On other fronts in Massachusetts, AOPA is representing its members in the controversies surrounding general aviation at Boston's General Edward Lawrence Logan International Airport and the curfew at Norwood Airport. AOPA's office of state affairs will be working on these issues during 1988, as well.



Michigan: Just as 1987 was dawning, Michigan's governor signed a bill that

AOPA supported to substantially revise and improve the Michigan Tall Structures Act. A new tall towers bill was the first priority on the legislative agenda established jointly by AOPA and the Michigan Aeronautics Commission in December 1985. The new Michigan tall towers bill is one of the existing state laws that AOPA is suggesting as models for other states seeking to address the tall towers issue.

AOPA is continuing to work on other priorities on the joint legislative agenda—including a proposal to repeal the harsh rule of vicarious liability applicable to aircraft owners in Michigan. Aircraft rental insurance disclosure legislation may also be passed sometime during the next year.

The working relationship between AOPA, the Michigan Aeronautics Commission and members of the Michigan state legislature is strong and growing.



Montana: After several previous attempts, legislation was finally passed last year in Montana that substitutes a reasonable aircraft registration fee for the substantial personal property taxes that aircraft owners have been forced to pay in the past. The new fee will save aircraft owners a very significant amount—from 60 to 80 percent in some cases.

AOPA strongly supported the Montana effort, but the real credit belongs to the members of the Montana Pilots Association, who mounted an organized and aggressive campaign last year to achieve their goal.

A less positive issue in Montana concerns a threat to West Yellowstone Airport. The problem arose last spring when the Montana Division of Aeronautics asked the state legislature to appropriate \$65,000 for repair of the roof at the West Yellowstone terminal. The money was to have come out of the proceeds paid to the state under the so-called "Snipper Well Settlement Agreement," an arrangement that is being administered by the U.S. Department of Energy.

The legislature passed a bill that pur-

Despite public concern about aviation safety, California's governor vetoed a bill intended to improve aeronautics.

ported to appropriate the \$65,000, but an amendment was added that directs the division of aeronautics to transfer the state-owned airport to the city of West Yellowstone. If the airport cannot be transferred, the division must prepare a plan to close the airport and present the plan to the legislature when its next biennial session convenes in 1989.

The city of West Yellowstone is probably not in a position to assume responsibility for the airport, nor does the division of aeronautics have any real desire to transfer the airport. AOPA is working closely with local AOPA members and the West Yellowstone Chamber of Commerce to turn this issue around. Community leaders in West Yellowstone seem to have a clear understanding of the enormous importance of the airport to their local economy—a refreshing change of pace.



New Jersey: The 1987 session of the New Jersey state legislature does not actually end until January 12, 1988. Several bills have generated concern among AOPA members in New Jersey during the 1987 session.

Of most concern was a bill that would have weakened the existing Air Safety and Hazardous Zoning Act by permitting more residential development in the vicinity of airports than is currently permitted. The bill made limited progress in the Assembly, but it is unlikely the measure will receive any additional attention before the session ends.

Balloonists in New Jersey were troubled by a bill that would have imposed unreasonable fines on them for landing in agricultural fields without permission. The bill passed the state Senate, but efforts to stop the measure in the Assembly appear to have paid off.

Two additional bills also attracted attention last year in New Jersey. One would have severely restricted helicopter operations, while the other would have limited parachuting activities. Both of these bills appear to be dead—although AOPA is watching.



New York: For some time, AOPA has been working with local members on a tax-relief bill for privately owned, public-use airports in New York. A bill was introduced by Assembly Minority Leader Clarence Rappleyea in 1987. As expected, the bill made little progress before the legislature adjourned. However, a foundation was established for what AOPA hopes will be a stronger effort in 1988.



North Carolina: For the second straight year, AOPA supported a proposal developed by the North Carolina Division of Aviation to authorize a "continuing annual appropriation" for aviation. The proposal passed in 1987. It will generate at least an additional \$5 million annually for aviation and perhaps much more. In effect, the new law will dedicate sales tax revenues collected from the aviation community.

AOPA is also assisting in an effort to obtain passage of tall structures legislation for the state. Legislation introduced by state Representative Joe Mavrotic made limited progress last year, and the measure is now being studied by a special legislative commission. Prospects for passage in 1988 look good.



Oklahoma: Oklahoma was one of two states that passed AOPA's model air-

craft rental insurance disclosure legislation during 1987. The issue helped strengthen the strong legislative contacts that were initially developed by AOPA during 1985 and 1986 in a successful effort to exempt individual flight instructors from regulation by the Oklahoma Board of Private Schools.

The insurance disclosure legislation was sponsored by state Representative Steve Lewis, who is chairman of the House Appropriations Committee and was also one of the sponsors of the 1986 flight instructors bill. The insurance disclosure legislation was co-sponsored last year by Representative Glen Johnson and Senator Roy Sadler.

AOPA's success in Oklahoma would not have been possible without the outstanding efforts of several local AOPA members, as well as the assistance of the Oklahoma Pilots Association.

count for aviation, railroad and waterway transportation projects. The tax revenues derived from the sale of fuel to the aviation, railroad and boating communities are to be deposited in the fund, which was originally scheduled to begin operating on July 1, 1987. The new fund is expected to increase state funding for aviation and airports from the previous level of approximately \$2 million to more than \$10 million annually.

AOPA helped organize the state aviation community and pushed for an acceptable compromise that includes postponing implementation of the fund for only six months. As a result, millions of dollars in state fuel taxes will be dedicated to Tennessee airport projects beginning in January 1988—a date that ensures there will be no further opportunities for the legislature to consider additional "postponements."

sands of individual AOPA members who contacted their state legislators after receiving an "Action Alert" from AOPA last March.

Adoption of the proposed constitutional amendment was the most difficult step in the complicated political journey towards tax relief. However, the effort is not finished yet. The next step will be to obtain passage of the legislation necessary to actually establish the tax exemption for non-income producing personal property. The new constitutional amendment merely authorizes such an exemption. The legislature *must* act on that authority. The next opportunity to pass the implementing legislation will not come until 1989, when the Texas legislature will convene again in its next regular biennial session.

Texas was also one of the seven states in which fuel taxes were an issue during 1987. In fact, there were two proposals in Texas. One would have imposed a new two cents per gallon tax on all aviation fuel sold in the state. The other would have imposed a tax at the same rate, but only on fuel used in general aviation aircraft. AOPA helped turn back both proposals.



Oregon: Oregon is the other of the two states last year that adopted AOPA's model aircraft rental insurance disclosure legislation. The Oregon measure was carried as an administration bill, with Oregon Aeronautics Administrator Paul Burket advocating the legislation on behalf of pilots in the state.



Texas: In 1987, AOPA members in Texas won a major victory in the long effort to obtain relief from personal property taxes on aircraft.

In the closing hours of the legislative session, a proposed amendment to the Texas state constitution was approved that will permit the legislature to exempt all non-income producing personal property from taxation, which includes aircraft. The amendment appeared on the November 3 ballot for consideration by Texas voters and it passed by a significant margin. The amendment was sponsored in the state legislature by Representative Mark Stiles and Representative Charles Evans, both of whom worked very hard on the issue.

One of the greatest concerns of AOPA members in Texas for many years has been the inequitable taxation of aircraft. Resolution of the problem has been a major legislative priority for AOPA. Cooperation and a persistent effort finally paid off in 1987. Key to the success was the overwhelming response of thou-



Wisconsin: Fuel taxes were the issue in Wisconsin last year, as well. A proposal put forth by the Wisconsin Bureau of Aeronautics would have increased the general aviation fuel tax by 80 percent, taking it from six cents to 11 cents per gallon. The substantial increase was intended to help improve airport funding and to pay for an automated weather observation system. Obviously, the proposal was well-intended. It was also expensive.

In response to the concerns of AOPA members and most of the general aviation community within the state, Governor Tommy G. Thompson eventually withdrew the proposed five-cents per gallon increase. He was able to find additional money elsewhere in the budget to pay for the worthwhile programs the increase was to have funded. □

Thomas B. Chapman is legislative counsel in AOPA's office of state affairs.



Tennessee: The issue in Tennessee during 1987 was what to do with existing aviation fuel tax revenues—not whether to increase taxes, as it was in so many other states. To help reduce a sizeable budget deficit, Tennessee Governor Ned Ray McWherter suggested a one-year postponement of the new Transportation Equity Fund, which AOPA and other aviation groups worked so hard to create during 1986. AOPA was concerned that the political translation of "postponement" might turn out to be "elimination."

The new Transportation Equity Fund is intended to operate as a dedicated ac-

The CHAIR. Thank you, Mr. Chapman.
Dr. Chen, welcome. We look forward to your remarks.

STATEMENT OF DR. LANHEE J. CHEN, NOMINEE TO BE A DIRECTOR, AMTRAK BOARD OF DIRECTORS

Dr. CHEN. Thank you, Chair Cantwell, Ranking Member Cruz, and Members of the Committee. My name is Lanhee Chen, and I am honored to appear before you today as a nominee for the Amtrak Board of Directors. I am grateful to the President for the trust he has placed in me and honored by Leader McConnell's support of me over many years. I am also deeply indebted to Senator Rom-

ney, who has been a mentor and friend, and humbled by his overly kind introduction of me.

I am so happy to be joined today by my daughter, Adeline, who gets to see her daddy, and perhaps more importantly, the Senate at work. There are two other members of my family who could not be here today; my wife, Cynthia, for whom I am always grateful, and our son, Tobin.

I was born in North Carolina, the son of two immigrants from Taiwan whose decisions to come to America made all of this possible, and for that, I am grateful. I grew up in Southern California and now live in the San Francisco Bay Area. I have spent my career at the intersection of business, government, and public policy, and believe this background will bring much-needed perspective to the Amtrak Board.

I have significant experience as a board member in corporate, nonprofit, and government settings. For example, I have served since 2015 on the Board of El Camino Health, a community-based healthcare system in Northern California. I chaired the Board for 5 years, currently chair its Governance Committee, and formerly chaired both the Audit and Executive Compensation Committees.

I was nominated by President Obama and confirmed by the Senate to serve on the Social Security Advisory Board from 2014 to 2018, which provides counsel on the Social Security program to policymakers in Congress, and beyond.

My interest in passenger trains began when I was a young boy. I would visit the Fullerton, California, railroad station with my dad to see the Amtrak trains that stopped there. We scoured local hobby shops for model Amtrak locomotives and coaches, which I proudly displayed in my room or sometimes got to run on tracks, which took over our entire living room.

I am fortunate to still live in California, which has frequent Amtrak service along multiple corridors that link many of its major metropolitan areas and smaller communities in between, thanks largely to past state investments. I have been a passenger on Amtrak state-supported routes in California, like the Pacific Surfliner and Capitol Corridor, and on trains along the Northeast Corridor. I believe that Congress clearly intended to have more representation from the national network on the Amtrak Board, and as a Californian, I look forward to helping to realize that goal.

There are several things I believe I would bring to the Amtrak Board if confirmed. The first is Board experience in a quasi-public setting. The health system board on which I have served for nearly a decade has both fiduciary responsibilities and a public mission. That is also true of Amtrak, which by law is directed both to operate like a business and to provide passenger rail service that may not produce financial returns but benefits the travelers and communities it serves, particularly those without other transportation options. Balancing financial prudence and a public mission is not an unfamiliar concept to me.

I also have significant business experience. I furnished counsel to corporate leaders on strategic and reputational concerns, evaluated and recommended investments in early stage companies, and advised businesses as they navigate the marketplace and consider the impacts of regulation and policy on their work.

Finally, I have familiarity with both Federal and State policy issues, including infrastructure and publicly funded programs, as a result of my service on the Social Security Advisory Board, my work as a policy adviser to four Presidential campaigns, my candidacy for the position of California State controller, my state's chief fiscal officer, and my work in academia at the Hoover Institution, one of America's leading research institutes.

From my board service, I recognize that one of the most important responsibilities of any director is to ensure that management is accountable for results. That obligation is heightened for organizations like Amtrak, which receives government funding intended to benefit the American people. This accountability must extend beyond the Board to Amtrak's customers, employees, taxpayers, and the elected officials like you who approve its funding.

Amtrak's Board has a responsibility not only to ensure that the taxpayer dollars the organization receives are well spent, but also to emphasize the importance of maintaining the highest standards of safety, timeliness, and customer service, and to help formulate a strategy to increase revenues so that more funding is available for services and investments that fulfill the organization's mission.

If confirmed to the Amtrak Board, I will work to ensure that Amtrak does business transparently, operates in a fiscally responsible manner, and serves the needs of passengers who ride its trains, and the states that provide funding both for daily service and longer-term capital investments.

Again, thank you for the opportunity to appear before you today, and I look forward to answering your questions.

[The prepared statement and biographical information of Dr. Chen follow:]

PREPARED STATEMENT OF DR. LANHEE CHEN, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS

Chair Cantwell, Ranking Member Cruz and members of the committee: My name is Lanhee Chen, and I am honored to appear before you today as a nominee for the Amtrak Board of Directors.

I was born in North Carolina, grew up in Southern California, and now live in the San Francisco Bay Area. I have spent my career at the intersection of business, government, and public policy, and believe this experience will bring much needed perspective to the Amtrak Board. Today, I am a Fellow at the Hoover Institution, teach at Stanford University, and am a partner at the Brunswick Group, a global business advisory firm.

I have significant experience as a board member in corporate, nonprofit, and government settings. For example, I have served since 2015 on the board of El Camino Health, a community-based healthcare system in Northern California. I chaired the board for five years, currently chair its governance committee, and formerly chaired both the audit and executive compensation committees. I was nominated by President Obama and confirmed by the Senate to serve on the Social Security Advisory Board from 2014 to 2018, which provides counsel on the Social Security program to policymakers in Congress and beyond.

My interest in passenger trains began when I was a young boy. I would visit the Fullerton, California railroad station with my dad to see the Amtrak trains that stop there. We scoured local hobby shops for model Amtrak locomotives and coaches, which I proudly displayed in my room or sometimes got to run on tracks which took over our entire living room.

I am fortunate to still live in California, which has frequent Amtrak service along multiple corridors that link many of its major metropolitan areas and smaller communities in between, thanks largely to past state investments. I have been a passenger on Amtrak's state-supported routes in California, like the *Pacific Surfliner* and the *Capitol Corridor*, and on trains along the Northeast Corridor. I believe that

Congress clearly intended to have more representation from the National Network on the Amtrak Board and, as a Californian, I look forward to helping realize that goal.

There are several things I believe I would bring to the Amtrak Board if confirmed. The first is Board experience in a quasi-public setting. The health system board on which I have served for nearly a decade has both fiduciary responsibilities and a public mission. That is also true of Amtrak, which by law is directed both to operate like a business and to provide passenger rail service that may not produce financial returns, but benefits the travelers and communities it serves, particularly those without other transportation options. Balancing financial prudence and a public mission is not an unfamiliar concept to me.

I also have significant business experience. I have furnished counsel to corporate leaders on strategic and reputational concerns; evaluated and recommended investments in early-stage companies; and advised businesses as they navigate the marketplace and consider the impacts of regulation and policy on their work.

Finally, I have familiarity with both Federal and state policy issues, including infrastructure and publicly-funded programs, as a result of my service on the Social Security Advisory Board; my work as a policy advisor to four presidential campaigns; my candidacy for the position of California state controller, my state's chief fiscal officer; and from my work in academia, at one of America's leading research institutes.

From my board service, I recognize that one of the most important responsibilities of any Director is to ensure that management is accountable for results. That obligation is heightened for organizations like Amtrak, which receives government funding intended to benefit the American people. This accountability must extend beyond the Board, to Amtrak's customers, employees, taxpayers, and the elected officials like you, who approve its funding. Amtrak's Board has a responsibility not only to ensure that the taxpayer dollars the organization receives are well spent, but also to emphasize the importance of maintaining high standards of safety, timeliness, and customer service, and to help formulate a strategy to increase revenues, so that more funding is available for services and investments that fulfill the organization's mission. If confirmed to the Amtrak board, I will work to ensure that Amtrak does business transparently; operates in a fiscally responsible manner; and serves the needs of the passengers who ride its trains and the states that provide funding both for daily service and longer-term capital investments.

Again, thank you for the opportunity to appear before you today, and I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Lanhee Joseph Chen.
2. Position to which nominated: Board of Directors, AMTRAK.
3. Date of Nomination: September 9, 2024.
4. Address (List current place of residence and office addresses):
 - Residence: Information not released to the public.
 - Office: 434 Galvez Mall, Stanford, CA 94305-6010.
5. Date and Place of Birth: July 4, 1978; Fayetteville, NC, USA.
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).
 - Cynthia Fung Chen, Employed by State of California, County of Santa Clara, Superior Court San Jose CA
7. List all college and graduate schools attended, whether or not you were granted a degree by the institution. Provide the name of the institution, the dates attended, the degree received, and the date of the degree.
 - Harvard University (2000-09), Graduate School of Arts and Sciences, PhD in Political Science (2009)
 - Harvard University (2000-09), Graduate School of Arts and Sciences, AM in Political Science (2004)
 - Harvard Law School (2004-07), JD *cum laude* (2007)
 - Harvard College (1995-99), AB *magna cum laude* in Government (1999)
8. List all post-undergraduate employment, including the job title, name of employer, and inclusive dates of employment, and highlight all management-level jobs

held and any non-managerial jobs that relate to the position for which you are nominated.

Please see Attachment A–8, for the information requested here.

9. Attach a copy of your résumé.

Please see Attachment A–9, for my current resume.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above after 18 years of age.

Not Applicable.

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.

Partner, Brunswick Group, San Francisco, CA (2023 to present)

Owner, Launch Policy Strategies (Sole Proprietorship), Mountain View, CA (2013 to present)

Director, El Camino Health, Mountain View, CA (2015 to present)

Director, Foundation for Research on Equal Opportunity, Austin, TX (2016 to present)

Director, David A. Winston Health Policy Fellowship, Washington, DC (2022 to present)

12. Please list each membership you have had after 18 years of age or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.) 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 disability.

Member, State Bar of California, Bar Number 258185 (admitted 12/2/2008, inactive 2/1/2012–10/21/2015)

Member, Policy Advisory Board, Free the Facts, a Project of Entitlements How, Inc., Washington, DC (2016 to present)

Member, Advisory Council, The Asian American Foundation (TAAF), New York, NY (2021 to present)

Member, Committee of 100, New York, NY (2015 to present)

Member, Council of Scholars, Better Medicare Alliance, Washington, DC (2017 to present)

Member, Advisory Board, Global Taiwan Institute, Washington, DC (2020 to present)

Founder, Golden State Watchdog PAC, Irvine, CA (2023 to present)

Member, Advisory Board, Golden Together, Los Angeles, CA (2023 to present)

Member, Nixon Seminar on Conservative Realism and National Security, Yorba Linda, CA (2021 to present)

Member, Advisory Committee, Aspen Institute/Anti-Defamation League Civil Society Fellowship, Aspen, CO (2019 to present)

Member, External Advisory Committee, Association of American Medical Colleges (AAMC) Research and Action Institute (2021 to present)

JAMA Forum Contributor, *JAMA Health Forum*, a Journal of the American Medical Association (2022 to present)

Former Member, Board of Directors, Healthcare Consumer Rights Foundation (2020–2022)

Former Member, Editorial Board, Salem Radio Network (2017–2022)

Former Member and Director, Aspen Economic Strategy Group (Director, 2017–18; Member 2017–21)

Former Member, National Advisory Committee, Democracy Fund (2018–2020)

Former Visiting Thought Leader, China Europe International Business School, Shanghai, China (2019)

Former Member, International Advisory Board and Health Advisory Board, APCO Worldwide (2014–2018)

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.

Candidate for California State Controller, 2022, campaign has no outstanding debt

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

Founder, Golden State Watchdog PAC (FEC #C00838219)

Delegate and former member of the Initiatives Committee, California Republican Party Senior Adviser on Policy, National Republican Senatorial Committee (2014, 2018)

Senior Adviser, Marco Rubio for President (2015–16)

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$200 or more for the past ten years.

Kevin Faulconer, Faulconer for Supervisor (San Diego County, CA), \$500, 6–30–2024; 12–08–2023

Tom Cotton, Cotton for Senate, \$2,600, 4–14–2014

Elise Stefanik, Stefanik for Congress, \$300, 3–2–2014

Jim Bognet, Bognet for Congress, \$1,000, 3–31–2020

Greg Bledsoe, Bledsoe for Arkansas, \$1,000, 2–6–2021

Republican Party of California, \$850, 4–1–2022

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

Harvard College, John Harvard Scholar

Harvard College, Harvard College Scholar

Harvard College, Dean's List

Harvard University, Thomas E. Upham Class of 1868 Scholarship

Harvard University, Derek Bok Center for Learning and Teaching, Certificate of Distinction in Teaching

Harvard University, Graduate School of Arts and Sciences, Summer Research Fellowship

The Heritage Foundation, Winnie Neubauer Visiting Fellowship in Health Policy Studies

Hoover Institution, David and Diane Steffy Fellow in American Public Policy Studies

17. List each book, article, column, letter to the editor, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. If a link is not available, provide a digital copy of the publication when available.

I have written and commented extensively on public policy issues. Attachment A–17 provides a listing of radio and television interviews from 2020–2024 inclusive, as well as additional resources for written material in the years prior. The listing represents best efforts to compile the requested information and may not be comprehensive.

18. List all speeches, panel discussions, and presentations (*e.g.*, PowerPoint) that you have given on topics relevant to the position for which you have been nominated. Include a link to each publication when possible. If a link is not available, provide a digital copy of the speech or presentation when available.

California Chamber of Commerce, *2017 Capitol Summit*, May 31, 2017, Sacramento, CA

Peter G. Peterson Foundation, *2019 Fiscal Summit*, “From One Generation to the Next: Our Fiscal and Economic Legacy”, June 11, 2019, Washington, DC

Hoover Institution, Hoover Council Virtual Event, “Biden’s First 100 Days and the Conservative Policy Response,” February 18, 2021, Online (Powerpoint [Here](#))

19. List all public statements you have made during the past ten years, including statements in news articles and radio and television appearances, which are on topics relevant to the position for which you have been nominated, including dates. Include a link to each statement when possible. If a link is not available, provide a digital copy of the statement when available.

“*This bill is a win-win for Democrats and Republicans,*” *CNN Opinion*, June 24, 2021

Radio Interview on *Left, Right and Center*, KCRW Public Radio, “Infrastructure Week, maybe for real this time,” April 2, 2021

20. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the full name of an “alias” or “handle”, including the complete URL and username with hyperlinks, you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

All accounts listed below are active and I have no accounts that are dormant or have been deleted.

X/Twitter: @lanheechen: <https://twitter.com/lanheechen>

Facebook (Lanhee Chen): <https://www.facebook.com/lanhee.chen>

Facebook (Chen For California, Campaign Page):
<https://www.facebook.com/ChenforCalifornia/>

Instagram (Lanhee Chen): <https://www.instagram.com/lanheechen>

LinkedIn (Lanhee Chen): <https://www.linkedin.com/in/lanheechen/>

21. 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.

September 6, 2024. *Remarks* before the House Committee on Foreign Affairs, Subcommittee on Indo-Pacific, Member Roundtable: “Global Ties, Local Impact: Why Taiwan Matters for California”

January 28, 2014. Testimony before the House Committee on Ways and Means, Hearing on the Impact of the Affordable Care Act (ACA) Employer Mandate’s Definition of Full-Time Employee on Jobs and Opportunities. Committee transcript, including verbal testimony, linked [here](#). Submitted testimony will be attached.

May 8, 2014. Testimony before the Senate Committee on Finance, Hearing to consider presidential nominations. Submitted testimony linked [here](#) and committee proceedings available [here](#).

22. 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 believe that my general business background—including extensive experience on corporate, nonprofit and government boards, in addition to my work as an investor and critical issues adviser, qualifies me for appointment to the AMTRAK Board of Directors. In my academic and research roles over the course of my career, I’ve also had occasion to analyze and discuss some of the public policy issues that will come before the AMTRAK Board.

23. 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?

This is one of the principal responsibilities of each member of AMTRAK’s Board of Directors, and I intend to take very seriously my mandate to ensure that there are proper management and accounting controls at the corporation. This is particularly significant given that AMTRAK benefits from billions of dollars in taxpayer funding each year. I have significant experience in overseeing and managing large organizations, including as former Chair of the Board, former Chair of the Audit and Compliance and Executive Compensation Committees, and current Chair of the Governance Committee of El Camino Health, a billion-dollar health care system in

Northern California, as well as in a wide variety of operational settings over the course of my career.

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

First, modernizing our rail network and ensuring that we are making proper investments in improving infrastructure—not just in the Northeast Corridor, but throughout AMTRAK's national network. Second, ensuring that AMTRAK continues to meet the needs of customers throughout the country in an effective and efficient manner, including in those communities that depend on AMTRAK for their critical transportation needs. Finally, ensuring proper and rigorous oversight of taxpayer dollars, to ensure that resources are being wisely stewarded and well spent.

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, such as a 401(k) or pension plan.

My arrangements are fully described in Part III of my Executive Branch Confidential Financial Disclosure Report (OGE Form 450).

In connection with the nomination process, I have consulted with the designated Amtrak ethics representative to identify potential conflicts of interest.

Any potential conflicts of interest will be resolved in accordance with the Amtrak Board of Directors' Code of Business Conduct and Ethics and the terms of Amtrak's Ethics Opinion Letter which has been provided to this Committee.

I am not aware of any other potential conflicts of interest.

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.

As I have been nominated to serve on a part-time Board, I intend to continue all current employment arrangements and affiliations as detailed above.

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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and AMTRAK's designated agency ethics official (DAEO) 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 the Administration's DAEO 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. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and AMTRAK's designated agency ethics official (DAEO) 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 the Administration's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and AMTRAK's designated agency ethics official (DAEO) 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 the Administration's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, 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.

Not Applicable.

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, adminis-

trative agency, the Office of Special Counsel, an Inspector General, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of court, 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. 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.

Not Applicable.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistleblowers 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.

Lanhee J. Chen, Ph.D.

Mountain View, California, United States

[linkedin.com/in/lanheechen](https://www.linkedin.com/in/lanheechen)

Experience

-  **David and Diane Steffy Fellow in American Public Policy Studies**
 The Hoover Institution, Stanford University
 Feb 2013 - Present (11 years 1 month)
 Conduct research and provide commentary on contemporary American public policy issues, with a focus on health care policy, economic policy, and US-China relations. Work closely with federal and state policymakers and regulators to provide policy counsel and recommendations, congressional testimony on areas of expertise. Co-chair the Hoover Institution Health Care Policy Working Group and participate in the Hoover Institution Project on Taiwan in the Indo-Pacific Region. Co-author of "Choices For All: Healthcare Reforms for the Future."
-  **Partner**
 Brunswick Group
 Jan 2023 - Present (1 year 2 months)
 Partner and Co-Lead of the US Public Affairs, Policy, and Regulatory practice at a global critical issues consulting firm. Provide public affairs and issues management counsel to senior corporate and nonprofit leaders primarily in the health care, technology, media, and telecommunications sectors. Help to manage and mentor dozens of colleagues across the firm and around the world. Senior Counselor at the firm from 2018-2021.
-  **Director of Domestic Policy Studies and Lecturer in Public Policy**
 Stanford University
 Apr 2013 - Present (10 years 11 months)
 Teach undergraduates and graduate students at Stanford University on public policy formation, implementation, and the crossover between politics and public policymaking.
-  **NBC News Contributor**
 NBC News
 Dec 2023 - Present (3 months)
 Serve as on-air contributor to NBC's Meet the Press
-  **Member of the Board of Directors**
 El Camino Health
 Jul 2015 - Present (8 years 8 months)
 Serve as a member of the Board of Directors of El Camino Hospital, a community-based, nonprofit healthcare system serving the San Francisco Bay Area. Also serve as a member of the Board's Compliance and Audit Committee and Chair of the Governance Committee. Served as Chairman of the Board from July 2017-July 2022.

 **Regular Contributor and author of The Right Angle with Lanhee Chen, CNN Opinion**

CNN

Jan 2021 - July 2024 (3 years 6 months)


Write regular commentary on policy and political topics for CNN Opinion.

Candidate, California State Controller

Chen for California

Jul 2021 - Nov 2022 (1 year 5 months)

Republican nominee for California State Controller, the state's chief fiscal officer, in 2022. Won more votes than any other Republican candidate in the country in the general election and earned endorsements from every major newspaper in the state, including the Los Angeles Times, Sacramento Bee, San Jose Mercury News, and San Francisco Chronicle.

 **Operating Partner and Strategic Advisor**

NewRoad Capital Partners

Jul 2018 - Jul 2021 (3 years 1 month)

Sourced and diligenced potential deals for SEC registered investment firm investing in growth equity and growth buyout opportunities in select U.S. Supply Chain & Logistics and Retail & Consumer Packaged Goods sectors in the lower middle market. Focused on deals in consumer and digital health care sectors for \$176 million Fund III.

 **Editorial Board Member**

Salem Media Group

Nov 2016 - Jul 2021 (4 years 9 months)

 **Inaugural Director and Member, Aspen Economic Strategy Group**

The Aspen Institute

Sep 2017 - Jan 2021 (3 years 5 months)

Served as the first director and an original member of the Aspen Economic Strategy Group, a diverse, bipartisan group of distinguished leaders and thinkers promoting evidence-based solutions to significant U.S. economic challenges.

 **Counsel**

Arent Fox

Oct 2015 - Oct 2018 (3 years 1 month)

 **Board Member**


Social Security Advisory Board


Sep 2014 - Sep 2018 (4 years 1 month)

Appointed by President Barack Obama (upon the recommendation of Senate Republican Leader Mitch McConnell) and unanimously confirmed by the United States Senate to serve as member of a federal board tasked with providing policy counsel on the Social Security, Disability Insurance and Supplemental Security Income programs to the President, Congress, and Commissioner of Social


Security.


 **Lecturer in Law**
Stanford Law School
Jan 2014 - Apr 2018 (4 years 4 months)


 **Columnist, Bloomberg View**
Bloomberg
Feb 2013 - Feb 2015 (2 years 1 month)

 **Policy Director**
Romney for President
Apr 2011 - Nov 2012 (1 year 8 months)

Deputy Campaign Manager and Policy Director
Steve Poizner for Governor 2010
Jun 2009 - Aug 2010 (1 year 3 months)

 **Associate Attorney**
Gibson Dunn
Nov 2008 - Jun 2009 (8 months)

 **Senior Counselor to the Deputy Secretary**
U.S. Department of Health and Human Services (HHS)
May 2008 - Nov 2008 (7 months)

 **Domestic Policy Director**
Romney for President
Jun 2007 - Feb 2008 (9 months)

 **Winnie Neubauer Visiting Fellow in Health Policy Studies**
The Heritage Foundation
Jun 2003 - Aug 2003 (3 months)


Education

 **Harvard University**
Ph.D., Political Science
2000 - 2009

 **Harvard Law School**
JD

2004 - 2007

 **Harvard University**
A.M., Political Science

 **Harvard University**
A.B., Government
1995 - 1999

Licenses & Certifications

State Bar of California

Skills

Public Policy • Political Campaigns • Politics • Policy Analysis • Coalitions • Legislative Relations •
Grassroots Organizing • Political Consulting • Public Affairs • Political Science

Lanhee J. Chen*More Significant Writings, Media and Longer Form Interviews (2020 and Prior)*

1. Columns written during time as a columnist for Bloomberg View, the opinion page of the Bloomberg media network: <https://www.bloomberg.com/opinion/authors/AQwQdiROxoc/lanhee-j-chen>
2. Podcast I hosted called “Crossing Lines”: <https://www.listennotes.com/podcasts/crossing-lines-with-lanhee-chen-the-umpIWe-5cvB/>
3. Doctoral Dissertation, “Essays on Elections,” Faculty of Arts and Sciences, Harvard University, 2009, Copy Appended
4. *Bloomberg Television Appearances (Many in 2020 and Prior)*
5. *Fox Business Television Appearances (Many in 2020 and Prior)*
6. KQED (SF PBS Affiliate) *Television Appearances* (Some Interviews Itemized in 2021–24)
7. Hoover Institution Podcasts
 - a. “*Rationalizing Immigration*”: June 27, 2014
 - b. “*COVID–19 and the Politics of the WHO*”: May 21, 2020
 - c. “*Lanhee Chen: Republican Rift?*”: Oct. 31, 2019
 - d. “*Fiery But Mostly Peaceful*”: Aug. 28, 2020
8. Hoover Institution Videos
 - a. Available by search [here](#), only the first 13–15 entries appear relevant.
 - b. “*COVID–19, China and the Political Fallout*”
 - c. PolicyEd Videos: *Public Option; Health Insurance Competition*
 - d. “*Federalism and COVID–19*”: A conversation with Gov. Larry Hogan
 - e. “*A Discussion on America’s Future After COVID–19*”: A conversation with Sen. Marco Rubio
9. Aspen Institute Programs
 - a. Lanhee Chen and Andy Slavitt: *A Major Difference of Opinion* (full discussion [here](#)).
 - b. Mitt Romney and Lanhee Chen: *Aspen Ideas Festival*
 - c. *Follow the Money: Investing in Health*
 - d. KHN’s ‘What the Health’ *Podcast Taping*
10. Major Television Appearances (2020 and Previous)
 - a. This Week with George Stephanopoulos (ABC): 6/25/2017, 11/19/2017, 2/25/2018, 9/9/2018, 4/7/2019, 6/2/2019, 10/11/2020
 - b. Meet the Press (NBC): 6/5/2016, 10/14/2018, 2/24/2019, 4/7/2019, 6/28/2019, 10/27/2019, 4/12/2020, 6/6/2021
 - c. Face the Nation (CBS): 9/18/2016, 11/20/2016, 1/22/2017, 2/26/2017, 7/2/2017, 12/10/2017, 10/28/2018, 4/28/2019, 9/22/2019, 1/26/2020, 2/23/2020, 5/13/2020, 12/13/2020
 - d. Fox News Sunday: 8/2/2020
 - e. State of the Union with Jake Tapper: 8/31/2014, 9/14/2014, 3/22/2020
 - f. Real Time with Bill Maher: 9/23/2016
11. Other Videos
 - a. Veritas Forum: *Faith & Politics, Perspectives Across the Aisle*
 - b. *Committee of 100: “Chinese American Journeys: Lanhee Chen, Hoover Institution, Stanford University”*
 - c. CBS News Red&Blue: *Lanhee Chen on GOP’s Future*
 - d. Foundation for American Innovation: *Lanhee Chen on Elections*
 - e. AmCham China: *How important is China to the U.S. election?*
 - f. USPAACC LiveTalk: *Realistic and Responsible Plan to Reopen the Economy*
 - g. Wide World of News (Mark Halperin): *A Conversation with Lanhee Chen*
 - h. Hugh Hewitt Conversation with Andrew Slavitt and Lanhee Chen on *WH Covid Response*
 - i. CPAC 2019 Panel
 - j. Stanford CDDRL: *Public Policy and the 2020 Elections*
 - k. ASU GSV Summit (2016): *Why is Education Not More Central to the American Political Discourse?*

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| Position Held | Duties and Responsibilities | Dates | Reason for Leaving | Notes |
|---|---|--|--|---|
| Research Fellow, Hoover Institution; Lecturer in Public Policy and Director of Domestic Policy Studies in the Public Policy Program, Stanford University Partner, Brunswick Group | Conduct research and provide analysis and commentary on public policy issues. Teach classes in public policy and participate in associated faculty discussions Jan. 2023–Present | Feb. 2013–Present | Still in role | |
| Provide public affairs and communications counsel to clients of critical issues business consulting firm NBC News Contributor, NBC Universal Inc. Member of the Board of Directors, El Camino Health/El Camino Hospital | Provide on-air commentary for Meet the Press Provide oversight for community-based nonprofit health system | Dec. 2023–Present Jul. 2015–Present | Still in role Still in role | Not an employee; compensated as independent contractor Not an employee; compensated as independent contractor |
| Regular Contributor, CNN Opinion, Turner Entertainment Group Inaugural Director and Member, Aspen Economic Strategy Group | Write columns for CNN Opinion Direct meetings and priorities of bipartisan group of economic policy leaders | Jan. 2021–July 2024 Sep. 2017–Jan. 2021 | Opinion page ceased operations Term of participation ended | Not an employee; compensated as independent contractor Compensated by Aspen Institute through 2019 as Director and then was not compensated as a regular member of the group |
| Operating Partner, NewRoad Capital Partners | Source and diligence health care deals for Fund III of private equity firm | 2018–2020 | Fund exited health care investing | Not an employee; compensated as independent contractor; retain carried interest in Fund III |
| Editorial Board Member, Salem Media Group | Provide editorial guidance and publish commentaries for radio network | Nov. 2016–Jul. 2021 | Voluntary departure, to run for CA statewide office | Not an employee; compensated as independent contractor |
| Counsel, Arent Fox | Provide legal and public affairs counsel to clients of law firm | Oct. 2015–Oct. 2018 | Voluntary departure, to accept different role | Not an employee; compensated as independent contractor |
| Board Member, Social Security Advisory Board | Serve as presidentially-appointed and Senate confirmed member of board providing recommendations on Social Security program to relevant Federal policymakers | Sep. 2014–Sep. 2018 | Term ended, was not reappointed | Compensated as part-time, special government employee |
| William E. Simon Visiting Professor, Pepperdine University School of Public Policy Lecturer in Law, Stanford Law School, Stanford University | Teach class on policymaking and advise graduate students Teach law school classes | Aug. 2017–Dec. 2017 Jan. 2014–Apr. 2018 | Academic term ended Voluntary departure, was no longer needed to teach courses assigned | |
| Political Commentator, CNN, Turner Entertainment Group | Provide on-air commentary for CNN and CNN International programming | Jul. 2016–Dec. 2016 | Voluntary departure; to accept different role | Not an employee; compensated as independent contractor |
| Columnist, Bloomberg View, Bloomberg LP | Write columns for Bloomberg View (Opinion Page) | Feb. 2013–Feb. 2015 | Voluntary departure, to accept different role | Not an employee; compensated as independent contractor |
| Policy Director, Romney for President and Mitt Romney's Free and Strong America PAC | Provide policy advice to presidential candidate and run policy shop of PAC and then presidential campaign | Jan. 2011–Nov. 2012 | Campaign ended | |
| Deputy Campaign Manager and Policy Director, Poitner for Governor (CA) | Provide policy advice to gubernatorial candidate and run policy shop of CA gubernatorial campaign | Jun. 2009–Aug. 2010 | Campaign ended | |
| Associate Attorney | Gibson, Dunn & Crutcher LLP | Nov. 2008–Jun. 2009 | Voluntary departure, to accept different role | Also worked as a Summer Associate here, May 2006–Aug. 2006 |
| Senior Counselor to the Deputy Secretary, Department of Health and Human Services | Provide counsel to Deputy Secretary of Health and Human Services | May 2008–Nov. 2008 | Voluntary departure; to accept different role | |
| Domestic Policy Director, Romney for President, Inc. | Provide domestic policy advice to presidential candidate | Jun. 2007–Feb. 2008 | Campaign ended | |
| Summer Associate, Paul, Hastings Janofsky & Walker LLP | Author legal memos, conduct legal research and fulfill other responsibilities for law firm | May 2005–Aug. 2005 | End of summer, return to law school | |
| Visiting Fellow, Heritage Foundation | Conduct research and provide analysis and commentary on health policy issues | May 2003–Aug. 2003 | Term of fellowship ended, returned to graduate school | |
| Health Policy Advocate, The ERISA Industry Committee (ERIC) | Advocated for the employee health benefits interests of America's large employers | Jul. 2001–Aug. 2002 | Voluntary departure, to return to graduate school | |
| Teaching Fellow, Harvard University | Served as teaching assistant for a variety of undergraduate classes in the Department of Government at Harvard University | Feb. 2003–May 2005 | End of academic terms | The academic terms worked were: Spring 2003 (Feb. 2003–May 2003); Fall 2003 (Sep. 2003–Jan. 2004); Spring 2004 (Feb. 2004–May 2004); Fall 2004 (Sep. 2004–Jan. 2005); Spring 2005 (Feb. 2005–May 2005). |
| Staff Assistant, APCO Worldwide, Inc. (then APCO Associates, Inc.) | Provide public affairs and communications counsel to clients of public relations firm | Jul. 1999–Jan. 2000 | Voluntary departure, to attend graduate school | |

The CHAIR. Thank you, Dr. Chen.

We will now go to questioning. And I will start this off with you, Mr. Bentzel. Detention and demurrage fees greatly impact our shippers, and this was part of the Ocean Reform Shipping Act, as well as the American consumer. And between 2020 and 2022, nine of the largest carriers serving U.S. liner trade charged approximately \$8.9 billion in demurrage and detention fees above the shipping costs.

Last week, the Commission published a final rule on detention and demurrage and what practices could be used to help cut down

on costs and improve transparency. Can you explain how you think this new rule will help American businesses?

Mr. BENTZEL. Yes, Chairman. Well, I believe that what you did here in the Commerce Committee to provide guidance on how to evaluate these claims for detention and demurrage was the singular most important thing that we could have done, and challenging those that were unfairly assessed really gave a prescriptive set of requirements on how you should provide a billing and assessment to the claims.

So I think the steps that you took to require a simplified process is the number one tool that we can use to challenge those that are unfairly assessed. We also, Chairman Maffei, established an audit of all of the ocean carriers to assess their process, and our staff works routinely with them. I think those two efforts have really taken a lot of the challenge that we would have faced ordinarily without legislative change.

The CHAIR. Well, this was a very bipartisan effort, obviously, our colleagues, Senator Klobuchar, and Senator Thune taking the lead on that legislation, and then us working with our House colleagues, and Congressman Garamendi, to make sure that we got this over the goal line. But what is it in the transparency aspect that is allowing the U.S. to feel more comfortable? Is it that we are being able to discern these issues and thereby being able to detect something that is an unfair practice?

Mr. BENTZEL. You know, we do not have as much transparency as I would like in the ocean shipping world. If I were to take a—try to get an airline ticket to LA five months from now, I would know exactly what was going to happen and when it would—when it would arrive. And so I am looking at issues related to creating greater transparency on the system of movement.

Really, we are now not in a position of allowing U.S. consumers to do advance planning or to anticipate when there are delays in shipping, and there are delays. And it is not always the fault of the carriers; it is issues related to the Red Sea, and Suez Canal, and Panama. But we do need—

The CHAIR. Or you would say that when U.S. products—U.S. agricultural products were left on the docks and ships returned empty because they could make more money by hurrying back than taking U.S. products back, that was a problem.

Mr. BENTZEL. It is a huge problem. We are here to protect the U.S. consumer, and to ensure that services are fair and reasonably accessible to all parties.

The CHAIR. I think our point was if you are calling on U.S. ports, then you have to have a fair trade; you have to have a fair transportation trade. You can't have mysterious practices where all of a sudden you have to go, and leave things on the dock. So that was our main point. Unfortunately, I have got to get to other people.

Dr. Chen—and it may take me two rounds on all our questions, but that is OK we have lots of colleagues who want to ask questions—thank you again for your willingness to serve. You know, these issues about the Amtrak Board and experience, and you certainly have a wealth of experience, and so it is good to hear your love and passion for the rail system.

One of the things that came up is your work, obviously, working for Senator Romney and the fact that some—you have expressed support for President Trump's (sic) budget. I just need to know where you are on long-distance Amtrak service? What are your thoughts about that?

Dr. CHEN. Chair Cantwell, thank you for the question. I am very supportive of Amtrak's long-distance mission. I think Amtrak has a couple of goals, as I noted in my introductory remarks. Obviously, there is a mandate for Amtrak to be run as a business, but more importantly perhaps, there is a public mission to Amtrak as well, and the long-distance component is critically important to the future of Amtrak. If you look historically, it is a big part of Amtrak's heritage as well.

So if confirmed to the Board, I would be an advocate and supporter of long-distance trains and long-distance rail and the communities it serves throughout the United States, urban and rural.

The CHAIR. Thank you, that is good to hear. And I am glad to hear of your support on the high-speed rail corridor in California. I am sure Californians will be happy about that. We obviously have our own ideas in the Northwest about what we would like to see, but we will get to that in a second round.

Senator Cruz.

Senator CRUZ. Thank you, Madam Chair; and thank you to each of the three nominees for being here today.

Mr. Bentzel, since the horrific October 7th massacre in Israel, almost one year ago, the Houthi terrorists in Yemen have been launching attacks on commercial vessels in the Red Sea. So far, the Houthis have targeted over 70 vessels, including U.S. flagships which resulted in sinkings, shipping delays, and increased costs as many vessels were diverted around Africa. Mr. Bentzel, you noted the Houthis are targeting international trade to support Hamas against Israel.

During a recent FMC hearing, you said that you were evaluating whether the Houthis, quote, "Politically generated attacks on international shipping are violations of U.S. and international law." You explained that, "Yemen could be the target nation for failure to adequately protect the right of innocent passage through its territorial waters."

Mr. Bentzel, you clearly believe supporting the Houthis rocket attacks is a violation of international law, and I agree with you. What countries are supporting the Houthis?

Mr. BENTZEL. I am not the best person to get into that issue, but I believe there are some issues related to Chinese support of the Houthis. There are issues in Iran as well that affect shipping. So the issue has been a hotspot, a troubled area. Most nations adhere to the law of the sea, which requires the protection of innocent passage through their waters. And so looking at that, I feel reasonably comfortable in saying they are in violation, at least in Yemen, which is questionable in terms of their territorial prerogatives and sovereignty, of violating the articles of the—in the Law of the Sea that require them to protect innocent passage.

Senator CRUZ. Well, you are certainly right that both China and Iran have active involvement in the Houthis' attacks. Although the Houthis operate out of Yemen, Iran is providing them with money,

with training, with equipment, and strategic information, according to the Defense Department, without Iran's assistance, quote, "The Houthis would struggle to effectively track and strike vessels navigating shipping lines through the Red Sea and the Gulf of Aden. What is more, China is knowingly facilitating these attacks by purchasing 90 percent of Iran's oil." Do you believe Iran and China may be violating international law themselves by supporting the Houthis?

Mr. BENTZEL. I would not feel qualified to get into that area. I do believe there is potential violations of International Maritime Law on the protection of access into and out of areas that are required for transit. I would not be—I could not evaluate those other areas that might be potential violations.

Senator CRUZ. Have you approached the State Department about your concerns?

Mr. BENTZEL. I have talked to the State Department about shipping issues related to the attacks on merchant shipping, yes.

Senator CRUZ. And has the State Department taken any action in response to your concerns?

Mr. BENTZEL. Not yet.

Senator CRUZ. OK. In your judgment, why is it important to address the Houthis attacks on shipping and Iran's support for those attacks?

Mr. BENTZEL. I mean, we go back historically, I think the last time that you had seen a navigational strait under attack, military attack, was in the 1800s when the Barbary Pirates were attacking access into the Mediterranean. So there has always been an importance on the protection of navigational straits. They are sort of a maritime superhighway. So I believe that there should be more focus on restrictions. Right now, 80 percent of the cargo that went through the Red Sea and the Suez Canal is not going there.

Senator CRUZ. Thank you. Dr. Chen. Thank you for being here, thank you for your service. Please tell the Committee, in your judgment, what in your background qualifies you to serve on the Board of an entity that is at the intersection of both the public and private sectors?

Dr. CHEN. Thank you, Ranking Member Cruz, for the question. I believe that I bring both, experience in public policy as well as in business, and more importantly, in governance and oversight. The governance and oversight piece, Senator Cruz, I believe is particularly important at this stage of Amtrak's development and growth. I think it is important to have board members who understand the fiduciary responsibility that the Board has to the American people, to the American taxpayer, to you who provide funding to Amtrak. I think I have got deep experience particularly in the quasi-public setting, which makes Amtrak unique.

I also think that given my experience in public policy, understanding some of the challenges and issues that lie ahead with respect to the implementation of the infrastructure bill, continued issues around how to improve customer service, and looking at what the future of Amtrak will be in states throughout this country, I think that combination of policy and business background would be unique to the Board.

I would also be remiss if I did not mention the fact that I am from California, and I think representation of the national network is crucially important.

Senator CRUZ. Well, having married a native Californian, I will agree with that proposition as well. Thank you.

Thank you.

The CHAIR. Senator Wicker.

**STATEMENT OF HON. ROGER WICKER,
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Well, thank you, and I congratulate all three of the nominees for being selected—

The CHAIR. If I could just interrupt, before you arrived, Senator Romney praised the decor of this room, and so we want to give due gratitude to you and your leadership for this.

Senator WICKER. Well, yes, I think he expressed committee envy. OK.

[Laughter.]

Senator WICKER. Well, OK. If I might, before you start my clock running.

[Laughter.]

Senator WICKER. Of course, many things that begin as bad news turn out to be fortuitous. We were the first Committee during my chairmanship to have an opportunity to redecorate because there was a flood on one of the floors above us, and it had to be repaired. But I think Senator Romney should also speak to my wife, Gayle, about her sense of color and proportions. So thank you for that. And again, thank you to all the people who are here to serve.

I am here today because I am absolutely delighted at Dr. Chen's appointment to the Amtrak Board, and I think Dr. Chen, you will be a great addition. And I loved what you said about governance oversight and the fact that this is quasi-public and answers both to the customers and the public, as well as to those of us who have a legislative sense.

There will be, soon, perhaps in January, perhaps in February 2025, a new line reopened. It has been closed between Mobile, running through Mississippi with four stops, and going to New Orleans on a twice-daily basis. We are very excited about this. It is amazing to me that a line that had to close because of Hurricane Katrina, in 2005, has taken this long to be restored, but it has been a lot of work, and we have made a lot of assurances.

As you know, Dr. Chen, the railroad companies got out of the passenger business in an agreement with Amtrak and the Federal Government that the Amtrak trains could run on the privately owned rail lines, and there would be an accommodation there. When it was clear that we were determined to reopen this line, there was naturally some concern, some questions by the freight rail lines as to how this would affect them, and eventually a lawsuit had to be filed by Amtrak before the Surface Transportation Board, which brought this matter to a head, and there was finally a settlement.

The result really is that the freight lines have been enhanced, and that will accommodate more freight and also accommodate our

hope to run this rail line on time and as an advantage to the people who live along the coastline between New Orleans.

If we have a grand opening and a ribbon cutting, you are not averse to coming and visiting with your many, many friends on the Gulf Coast of Mississippi and being part of that grand opening, are you?

Dr. CHEN. I look forward, Senator Wicker, to visiting, hopefully you, and the great people of your state. And I, too, am looking forward to that reopening of service.

Senator WICKER. Well, thank you very, very much. We are excited about it, and the governments of all three states, and the municipalities have been a part of this. I appreciate your answer to the distinguished Chairwoman about long-distance passenger rail. And let me just say on the record, she and I are together on that issue, and that answer was very reassuring to me.

As someone who has had to make the trains run on time in other respects, do you have any thoughts about how we are going to make sure that the customer is going to be able, on all of our lines, to rely on reliable service and adherence to the schedules?

Dr. CHEN. Senator, thank you for the question. The first priority of Amtrak needs to be safety, the safe transport of our passengers. But certainly, reliability is a very important factor as well. There are a number of reasons why there have been challenges on the on-time issues. Some of that is because of the behavior of the host railroads not making available right of way when they have been obligated to, and that is an issue that, as you noted, is being addressed via litigation.

I would also say we have to make sure that Amtrak is making the necessary investments in fleet, as well as in all of the administrative elements, to make sure that we are doing our part to get passengers from A to B in a safe and timely manner. So it is a combination, I think, Senator, of ensuring that Amtrak is doing its job. We also need our host railroads to do their job as well to ensure that passengers are able to reliably get from where they are at, to where they are going.

Senator WICKER. Thank you very much. And thank you, Madam Chair, for passing along that compliment. You and I have been advocates of reliable quasi-government passenger rail for a long, long time, and I appreciate you continuing to ask the question about long-distance service. This is indeed a national agreement and something that should be able to work. And I will just tell you, I do not know why someone like Dr. Chen has not been nominated long ago, because he is such an excellent public servant, and I welcome and support his nomination. I yield back.

The CHAIR. Thank you, Senator.

Senator WICKER. Thank you, ma'am.

The CHAIR. Thank you. I think in our last hearing of Amtrak Nominees, we brought up the I-10 Corridor, and just Amtrak is a big economic development tool that connects communities and builds capacity. So we are just very big fans of this whole discussion on long-distance service throughout the West, throughout the South, you know, obviously the East Coast has an established service, but there is more to do to knit together very small communities

that really would benefit from this and the traveling public. So thank you for emphasizing that so much.

While we are waiting for some of our colleagues, I am going to go to—oh, I see Senator Klobuchar. So we are not waiting, Senator Klobuchar.

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

Senator KLOBUCHAR. Very good. Thank you, and thank you for holding this hearing.

I think I am going to start, Dr. Chen, about Amtrak here. Minnesota, you just added a route, Amtrak added a route between Chicago and Minnesota as part of the Empire Builder, I would like to note that it has had ridership no one expected. It is been very high, so we now have two routes. I think people like that. And so we are going to just mention how important this is. As you know, the Empire Builder route is one of Amtrak's largest rail lines, provides a vital link, and contributes greatly to the economy. Can you speak, Mr. Chen, about the economic importance of long-distance routes? Because I know there is a lot of emphasis on the East Coast, get it, but how important is that for rural communities?

Dr. CHEN. Thank you, Senator Klobuchar. The Empire Builder is an impressive route that starts out in the west, actually, Senator Cantwell, and makes its way through the Upper Midwest states. All of Amtrak's long-distance routes are of critical importance to the economies of the states through which they run.

We are talking about a few elements, Senator Klobuchar. First of all, it is not just the well-paying good jobs that Amtrak itself creates, but also the economic vibrancy of the towns through which these routes run. It plays an important role in generating economic growth in those towns, but also, more importantly, provides for tourism and various elements that allow people to see parts of the country that they would not be able to see otherwise. And so I think that that is why long distance is an important element of this; it is because it gives people that opportunity.

Senator KLOBUCHAR. Yes, and one pitch I want to make is that there is—that DOT has prioritized its Northern Light Express route from Twin Cities to Duluth, and we are still working out some details on that. But it has been trying—we have been trying to get it done for quite a while, so I hope it is something that you can look at.

Commissioner Bentzel, thank you for your work on the Ocean Shipping Reform Act, for implementing it. I understand that the Federal Maritime Commission has already received over twice as many new cases in the first two months of 2024 as in the entire year of 2020. Could you talk about how the Ocean Shipping Reform Act has empowered shippers to file complaints about unreasonable practices?

Mr. BENTZEL. Well, thank you for the question, Senator. It has been a big change. The market is relatively restricted in that there are only a few carriers, 10 or 11, that are internationally providing services. So there has always been a little reticence about trying to engage and protect yourself. I think the work that you did, and your colleagues did on the Committee—

Senator KLOBUCHAR. Senator Thune, I would note, was the lead Republican on it, yes.

Mr. BENTZEL. OK. Senator Thune, and you, and all of those that did that, set up a simplified process for challenging these complaints. I think that was the singular most important thing that occurred to change the willingness to challenge what, in certain cases, can be allegations of unfair treatment and penalties that would be implemented as a result of that. We have also taken some steps in the Agency. Our Chairman directed an audit of all of the ocean carriers to review their practices.

So we sort of have a carrot-and-stick approach to upgrading these invoices, to make sure they are fair, but there were just an immense amount, I guess I think in total \$12 billion of assessments over the course of the pandemic when you had congestion, and it was difficult to pick up cargo, and retrieve cargo, and put your containers back. So I give a lot of the credit to this Committee for what we have been able to achieve.

Senator KLOBUCHAR. Thank you. Mr. Chapman, I have worked hard on a train derailment issue in Raymond, Minnesota, with the rail company, with Burlington Northern, as well as with the NTSB. I appreciate that, and I am glad we passed the Railway Safety Act last May. I think I will ask you a question on the record about that, but in my remaining time, I wanted to ask you about close calls and runway incursions.

There have been an alarming number of close calls on runways in recent years. A recent collision in January at the Tokyo Airport and some close ones in the U.S., we need to ensure planes are equipped with, of course, existing technology that would alert pilots to the presence of other planes on the runway. Could you talk about how that technology would make planes safer and what else we should be doing to ward off what could be accidents with disastrous consequences?

Mr. CHAPMAN. Absolutely, Senator. And thank you for the question. It is not a matter of just technology in the airplane; it is also technology at the airports to—

Senator KLOBUCHAR. Exactly.

Mr. CHAPMAN.—to ensure that we are able to detect when an incursion is occurring or is about to occur, and then ensure that the people who most need to know that are alerted. That includes controllers, but also those operating the aircraft, the crews onboard the aircraft. We have technology that can do that. We need to ensure that that technology is in place and functioning. We have an outstanding safety record over particularly the last 15 years, but there are some serious red flags that all of us are aware of, and all of us are taking very seriously. We need to pursue those and ensure that we address whatever is occurring out there that is resulting in this uptick in close calls.

Senator KLOBUCHAR. Very good. Thank you.

And thank you, Madam Chair.

The CHAIR. Thank you, Senator Klobuchar. And we did give you and Senator Thune praise for your work in getting the Ocean Shipping Reform Act before the Committee, and everyone's hard work, and our colleague Congressman Garamendi—

Senator KLOBUCHAR. Yes.

The CHAIR.—for his work in the House.

Senator KLOBUCHAR. And Rusty of South Dakota, Rusty Johnson.

The CHAIR. Yes.

Senator KLOBUCHAR. But it would not have happened without you, Madam Chair, so thank you for your work.

The CHAIR. Well, thanks to everybody. I think that is the way we solve these changing supply chain issues. So we are glad that Congress, on this particular point, paid attention to give our farmers really, and some of our other shippers, really, the type of backup that they needed to deal with international carriers. So I am very excited about what the FMC has been able to achieve. But again, thank you for your leadership.

Senator KLOBUCHAR. Thanks.

The CHAIR. We will now, as we are waiting—oh, I see maybe—Senator Capito, if you would like to go, that would be great, if not, I can give you a minute, so it is up to you.

Senator Capito.

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

Senator CAPITO. Yes. Thank you, Madam Chair. Thank you to all of the three gentlemen for being willing to take on some onerous roles. And I appreciate that.

I am going to start with the NTSB candidate, and I would like to ask you—and we talked about this in my office, on the train derailment issue in East Palestine. What lessons did the NTSB learn from the way you reacted and the way the reactions were that we can help with the community response, in particular, that we talked about, to be able to make sure that the community gets, not just the full information, but as quickly as possible?

Mr. CHAPMAN. Yes, thank you, Senator. And I enjoyed our visit yesterday, and I enjoyed our discussion about this issue, which is very important. Certainly, there were lots of lessons learned from the investigation itself. I have to say, from a sort of a process standpoint, as I indicated when we spoke yesterday, I felt that the onsite visits—the onsite meetings that we convened in East Palestine last—summer before last, a two day investigative hearing, and then in this past summer our final meeting and the adoption of our report.

I felt that those were incredibly productive, helpful exercises in terms of demonstrating support and concern, listening to the community, and helping the community understand that there are people out there that are sensitive to their concerns, and the harm that they have suffered as a result of that horrible accident. I think that it is not something we can do all the time, but I do think it is something that is a very useful exercise when you have a particularly egregious incident like East Palestine.

Senator CAPITO. Yes. And I think something that you told me yesterday that stuck with me, and I think is certainly true in cases like this, is that people want to be heard. They want to feel like you care, that you are listening, and that whatever formulations you are taking in are going to have an impact on what your decisions might be in the future. So I appreciate that.

Mr. Chen, again thank you for the visit. And a topic I brought up with you, and if you ascend to the Board, which I plan to support your nomination for that, the prices at Amtrak are going up, some of them pretty steep, particularly what I see at the Northeast Corridor. How do you address that? I mean, not so much do you bring them down; I am not asking for that kind of promise. I am asking, what kind of lens do you look through when you are looking at pricing?

Dr. CHEN. Senator Capito, thank you for the question. I think it is something I look forward to digging into. There is obviously a business question, which is what is the optimal pricing to ensure that all the different factors that need to be accounted for are accounted for. But there are other factors as well. For example, we want to make sure that we are investing in the right technology so that the rails are safe. I think that is important. We want to make sure that we do everything we can to keep the trains timely, and all that requires resources. So it is something I look forward to looking into more if I am confirmed, because certainly, we also want it to be affordable. We want people to be able to access the rail experience as well.

Senator CAPITO. Right. And it is—obviously it is important in certain corridors for ease of traffic. You know, as I always say, you want to make sure the trains run on time, but at the same time, it is rather eye-popping, at least for me, when I look to price a ticket. It seems as though the prices have gone up. The only change I see in the service, and it has been very much on time, which I appreciate, has been the assigned seating, which I hear people grousing about all the time. But I actually, I kind of like it because then you know where you are going. You know where you are going to sit. So I would encourage you to keep that aspect of it.

Mr. Bentzel, I have been asked about the—and excuse me if you have been asked this question, and welcome—about the possibility of a dockworker strike. This would have really devastating effects on all kinds of goods and services as we are moving into the holiday season, I am sure that is something that a lot of merchants are thinking about as well. Where are you all on this, and do you have any indications of what the administration is thinking?

Mr. BENTZEL. Well, statutorily, our agency is actually immunized from the collective bargaining process. We are not supposed to get involved in it; we are more involved on the consumer side. So we have provided some advice to consumers who may be impacted, shipping consumers, to ensure that they still have rights and protections at the Federal Maritime Commission that went out yesterday. It is a big—huge economic concern. It worries me because of the volume of trade that our economy needs and relies on.

So it is in the collective bargaining process, which is sort of immunized from a lot of the other elements of government. So I am hopeful that they will get an agreement to not go into a work dispute. I am in contact when the administration calls to ask about some of the industry participants, and I will continue to do that on an ad hoc basis, but we are mostly out of the game other than protecting the rights of consumers during a strike.

Senator CAPITO. Let me just add one quick little follow-up question here just for history and my own edification. They renegotiate every 5 years, correct? Am I correct on that?

Mr. BENTZEL. It depends, but there is—basically an agreement, coastwise agreement on the West Coast that covers Vancouver to San Diego, and then an Atlantic and Gulf Coast agreement. So they can negotiate the terms, but five or six years is usually the term.

Senator CAPITO. OK. Is it customary that we get this close to a—I mean, have we gotten this close to a strike in the recent past?

Mr. BENTZEL. No.

Senator CAPITO. No.

Mr. BENTZEL. In the East Coast, traditionally there has been a little bit more labor peace freedom; it has been a little bit more contentious on the West Coast. In this case, what happened was the ocean carriers had incredible profits during the pandemic, and the labor union was not with a rate structure that reflected that, so they are far apart on wages.

Senator CAPITO. I see. All right, thank you.

Thank you, Madam Chair.

The CHAIR. Thank you, Senator Capito.

I am going to turn to you now, Mr. Chapman, but I just want to say to my colleagues, if there is anybody else who plans to come to the hearing, now would be a great time to do it. Otherwise, after my questions, we will probably close out.

But Mr. Chapman, I did not get a chance to ask you in the first round, so I have a couple of different issues I want to cover. First, June of this year marked the 25th anniversary of the Olympic Pipeline Explosion in Bellingham, Washington, which killed three children. The company's negligence was so severe that multiple company executives were sentenced to jail, and the judge in the case decried the lack of effective Federal oversight.

One of the issues we have had concern about is the lack of resources preventing NTSB from being an effective safety watchdog in the accident part. The Board failed to investigate the 2022 Keystone leak, which resulted in the largest onshore oil spill in the last decade, and another leak in Mississippi which struck dozens of people, making them sick. So the FAA Authorization Bill, which we all fought hard for here, authorized an eight percent increase in funding for NTSB. How would those additional resources help the NTSB effectively investigate accidents in the pipeline area?

Mr. BENTZEL. First of all, Madam Chair, thank you to you and the Committee for your support and your good work on the FAA Reauthorization, generally, but specifically with regard to the NTSB component of that. Very important, and very important with respect to the resources made available to us, the authorized funding levels. The staffing is certainly our biggest challenge at NTSB. We are a small agency, and we can only be where we have the staff to allow us to be.

And so the increase in funding that we have seen over this last year, or so, and the increase in reauthorization is very helpful to us with regard to those staffing levels, pipeline and rail to the areas where we, frankly, need the most help I think. That and highway, I would say, where we have some real challenges.

The CHAIR. What is the expertise do you think we need at NTSB on pipeline?

Mr. BENTZEL. Well, the sorts of folks, first of all, that have that kind of expertise—that is a fairly limited group of people, so we need to be able to attract those people to the Agency and ensure that we can make it attractive enough for them to stay. But we need folks that do have experience and expertise in pipeline issues, and the increased resources will help us in that regard.

The CHAIR. Thank you. You mentioned in your opening statement about traffic fatalities and the leading cause. Last year we had over 40,000 people die in accidents on our road. You are saying intoxicated driving and speeding are two of the biggest issues. What are the most important things that we can do now to improve safety on our transportation system?

Mr. CHAPMAN. Well, we have a lot of tools in the toolbox. I believe strongly that with regard to, frankly, what I see as the three biggest challenges, certainly impairment, alcohol impairment, specifically, is still a huge problem for us. Speeding, excessive speed, and then distraction as well. I believe that technology has a major role to play in helping us address those issues going forward.

We have a lot of technology on our automobiles right now that, frankly, a lot of folks are not even aware is there, they do not know. And that is not all bad because often it is working passively. But there is more we can do with regard to alcohol impairment. We have recommended the installation of passive alcohol detection technology on all newly manufactured vehicles, or driver monitoring systems that can detect alcohol impairment as well as, by the way, fatigue or distraction. Or those technologies in combination, we think that that has a lot of potential for addressing alcohol impairment going forward.

We believe that with regard to speeding, intelligent speed assistance, a technology that will, at a minimum, warn a driver when they have exceeded the speed or has exceeded by a certain amount. Distraction, again, driver monitoring systems hold a lot of promise. There are plenty of other tools that we are working on, we are advocating for, a 0.05 blood alcohol content with regard to alcohol impairment. We would like to see all the states adopt 0.05. I spent a lot of time on that issue, but I do think technology has a lot of promise moving forward.

The CHAIR. And does the NTSB have the expertise in emerging technologies?

Mr. CHAPMAN. We do have that expertise, and these are major areas of focus for us in terms of traffic safety.

The CHAIR. Well, I think this would be a subject that the Committee would like to hear about in the future and understand that expertise and those recommendations and the illumination, as Chair Homendy has said in the past, the lessons of an accident investigation and what are like the top ten things we should do. I think that would be, particularly, as it relates to our highways, something the Committee should look at in the future.

Mr. CHAPMAN. I know the Chair would agree with me, this is—or Chair Homendy would agree with me, this is our number one concern, our number one priority is getting our arms around the tragedy on our highways.

The CHAIR. Thank you. If I could turn to the NTSB's two-day investigation hearing on August 6 and August 7 into the Alaska Airline Flight 1282 door plug accident. The Board examined the FAA's oversight of manufacturers, including production line audits. The FAA 102 audits from January and February of this year found widespread safety failings at both Boeing and Spirit aerosystems, even after the FAA told me in an April letter that they had conducted a collection of 298 audits of both manufacturers in the past years. This was an effort with then Acting Administrator Billy Nolen to get a response to the need for audits.

At NTSB's investigative hearing, the FAA highlighted its work to implement enhanced, across the aviation system safety; however, after hundreds of FAA audits over the last two years, we are still seeing persistent production quality issues, so this does not reassure the traveling public that the FAA is identifying, proactively, the issues in front of the Agency. Let alone the issues about the manufacturers, but its oversight in general.

Based on the NTSB's preliminary investigations, do you think it is important for the FAA to have an effective agencywide Safety Management System to strengthen the coordinated effectiveness oversight?

Mr. CHAPMAN. I do, Senator. And I support the concepts that are represented in the legislation that I know that you have introduced. We are big advocates of Safety Management Systems, and that certainly is not limited to private sector operators. I think there is a lot to be said for embracing the principles of Safety Management Systems in government and at the FAA.

As you, undoubtedly, saw during the hearing, there are, I would say, three areas that we are particularly focused on. And I do not want to get too far ahead of our investigators on this, but at least in terms of the way I saw the discussion at the hearing, certainly we want to find out exactly what happened, specifically what happened. But we also are focused heavily on Boeing's safety culture, but also FAA's oversight. And I would go so far as to say FAA's safety culture as well.

The CHAIR. Well, I think in that regard that is why we have called for an SMS, but instead of just—I think where the Committee has been, as people allowed for a voluntary SMS, you can see through the expert panel testimony, a lot of confusion on the ground out at Boeing, about what that even means, or if there is one safety system or reporting.

I did like that, FAA Administrator Whitaker did testify before this Committee that, yes, the workforce should have a direct pipeline system. That is, be able to raise safety awareness issues directly to the FAA without being, somehow, gone through a process first at the company. So I very much appreciated that. But we need the FAA to have a robust safety system, management system too. And so, I think we, Senator Duckworth and I, the Co-Chair of the Subcommittee, have looked at this issue and thought the expert panel did such great work, that exactly how an SMS would be used at the FAA would be a helpful tool, as opposed to just going through another process where somebody implements a half-step on safety management system.

I do not know if you could speak to this, but the Board's consideration of FAA production line audits during the investigation, do you think it is important the FAA be able to conduct surprise audits or short notice on these safety and quality issues?

Mr. CHAPMAN. I know that your legislation that you and Senator Duckworth have put forward calls for shortening the timeframe, I do not know that we have a recommendation; I do not believe we do have a recommendation on that specifically. I personally support it. I think that these audits are effective when they are conducted on relatively short notice. We should not be, essentially, signaling that this is coming and allowing operators and manufacturers to sort of clean up the place before the audit occurs.

The CHAIR. Thank you. Thank you for that. And again, thank you for your willingness to serve another term. I thought if I put out a clarion call for all members that somehow my colleague from Alaska would show up.

And so would you like to ask questions now, Senator Sullivan?

**STATEMENT OF HON. DAN SULLIVAN,
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. I just have one question. Safety, I always think about safety and vulnerability, and I do not want to give bad people ideas, but you know, occasionally when you drive—and when you take Amtrak, you see vulnerabilities. So how do we—what are we thinking about, you know, you have had some—you have had some issues on trains in Europe and stuff, how are we thinking about that? Mr. Chen.

Dr. CHEN. Senator, thank you for the question. I think, first of all, we need to make sure that we are investing enough in the infrastructure that we need to ensure the safe passage of passengers on Amtrak rails.

Senator SULLIVAN. But you know what I mean? If like a bad guy wants to get on a train and do some damage to passengers the way they have done on airplanes. That it looks like—again, I do not like giving people ideas, but I hope we are doing more, like I hope we have more kind of stuff going on, that maybe you do not see as a rider. Do you know what I mean?

Dr. CHEN. It is something, if confirmed, Senator, I will commit to working on. I think it is important, and I agree with you because safety should be the first priority. No question about it.

Senator SULLIVAN. And just a maybe a kind of deep dive on vulnerabilities, given what has happened in, you know, passenger trains overseas.

Dr. CHEN. Senator, certainly that is something I am happy to commit to, if confirmed.

Senator SULLIVAN. OK, thank you. Thank you, Madam Chair, that is the one question I had.

The CHAIR. Thank you, Senator Sullivan. And I am assuming, Dr. Chen, that Amtrak working with other agencies on threats and on hardening the safety procedures are a critical aspect of what you think needs to happen?

Dr. CHEN. Indeed, Chair Cantwell, that interaction is very important.

Senator SULLIVAN. What we do not want to have happen is have something happens and then we react. You know what I mean? We need to be proactive, and if you get on and just walk around, you can see vulnerabilities. I do not want to make it like getting on an airplane, but we can still do a lot to prevent, you know, bad guys from hurting the Amtrak passenger and scaring people.

The CHAIR. Thank you.

Senator SULLIVAN. Thank you.

The CHAIR. Thank you, Senator Sullivan, thank you for being here this morning.

Before we close today's hearing, I have one more question, which is to ask all the nominees, if confirmed, will you pledge to work collaboratively with this Committee, and provide thorough and timely responses to our requests, and information that, as we put together and address important policy issues, appear before the Committee, as requested?

Mr. BENTZEL. I will.

Mr. CHAPMAN. Yes, Madam Chair.

Dr. CHEN. Yes, Madam Chair.

The CHAIR. Thank you for that commitment. I kind of thought that would be the answer, and very much appreciate that.

Senators will have until close of business Monday, September 30, to submit questions for the record to the Committee. Witnesses will have until close of business October 7 to respond to those questions.

Thank you all, again, for being here, and for your testimony.

That concludes today's hearing.

[Whereupon, at 11:18 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
HON. CARL W. BENTZEL

People's Republic of China Shipping Dominance

It is no secret that China has become the world's leading shipbuilder. In terms of gross ship tonnage, China, Korea and Japan build over 90 percent of the total world tonnage. The United States builds about 0.2 percent. At the end of 2022, it was reported that China had 1,794 commercial ships under construction and the U.S. had 5. This is in spite of Federal programs to support and boost U.S. domestic commercial ship building.

Question 1. How will you continue your work on the Federal Maritime Commission to improve U.S. competitiveness in the commercial shipping industry?

Answer. I will continue to work on behalf of the U.S. shipper and exporter in ensuring that they receive timely and reasonable ocean liner service. This means keeping abreast of industry trends as well as ensuring, along with my colleagues, that the Federal Maritime Commission (FMC) continues to process complaints and utilize its enforcement capabilities, when appropriate. I am committed to this premise, and consistent with other statutory and legal obligations, will continue to promote the need for a robust U.S. shipping industry.

Finally, the FMC has authority under the Foreign Shipping Practices Act and Section 19 of the Merchant Marine Act, 1920 to investigate actions impacting shipping in the foreign commerce and take certain actions to remedy unfavorable conditions. Additionally, FMC statutes require additional scrutiny of government-controlled carriers, most of which are owned by China. I favor aggressive utilization of these statutes when considering issues impacting our Nation's maritime industrial base.

Question 2. How can the Federal Maritime Commission work with the Maritime Administration and other maritime agencies to increase the U. S's focus on expanding our shipping capabilities?

Answer. The FMC does work and collaborate with the Maritime Administration whenever possible. The Maritime Administration is the promotional arm of the U.S. maritime industry, while the FMC is the regulatory arm. Both serve an important purpose. As an FMC Commissioner I believe it is important the U.S. maritime industry continue to expand its presence in the supply chain discussions. These discussions will lead to great understanding of the need for the U.S. to expand its U.S. maritime capabilities, which I am committed to fostering.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO
HON. CARL W. BENTZEL

Maritime Transportation Data Initiative

You have spent a considerable amount of time on your Maritime Transportation Data Initiative (MTDI), which recommends a suite of regulations to require data sharing. Several stakeholders have raised concerns about the burdens of your MTDI proposals. For example, the Houston Port Authority and the Northwest Seaport Alliance noted they do not have all the information you would require ports to share, as well as that there would be significant costs for the software, more personnel time required, and additional data server capacity needed to share the data.

Question 1. Considering your recommendation to mandate ocean carriers, marine terminal operators (MTOs), ports, and railroads to share the data you described in the MTDI, how much will your recommendations cost in money and resources for these stakeholders to implement? Please provide a dollar amount for the cost.

Answer. Before drafting the initial MTDI Recommendations and Views, I convened 18 one-hour meetings that included over eighty supply chain experts. These meetings were public and are currently housed on the Federal Maritime Commis-

sion (FMC) YouTube channel. In these meetings the same four questions focused on information availability and information sharing were asked of each meeting participant. Industry meeting participants spanned the supply chain, ranging from truck drivers, Class 1 railroads, technology companies, BCOs, chassis providers, terminals, ocean carriers and Federal government partners.

Throughout every meeting, what became evident was that all stakeholders were running into the same problems, lack of visibility, lack of timely information, lack of a standardized lexicon that often led to additional miscommunication. I do not have an exact cost that this level of inefficiency cost the U.S. economy, but conservatively the lack of reliable ocean shipping information has cost our Nation billions of dollars.

As for mandating, we are still refining where, and if, within the supply chain these mandates should occur. The MTDI seeks to establish an agreed upon common practice for information attendant to the movement of goods for those cargo movements subject to FMC regulation. The MTDI recommendations do not require the FMC to collect data or store data but would require the ocean carriers to provide reliable updated schedule and arrival information using the internet. The recommendations would not require the creation of new data sets, and information would largely continue to flow through existing private sector resources. Simply put the recommendations would require ocean carriers to share operational information in a timely and efficient manor for the purpose operational fluidity. This information is already available, but not always readily shared.

The MTDI recommendation for Marine Terminal Operators (MTO) would require a terminal provide advance information on terminal access and to harmonize the status of cargo while under its control. The harmonization recommendations were made, after consultation with terminal operating systems companies, to make sure that harmonization could be made within the construct of existing data and technology. Importantly, in my view the recommendation does not compromise competition, because information on shipper cargo would be required to be kept confidential, as it is currently, but rather reduce inefficiency by allowing a shipper to receive more reliable information to help with cargo delivery or retrieval.

The MTDI as it is proposed now would not cost operators substantial additional funding or resources, however, it would require operators to convey operational information that could impact the shipment to colleagues that provide outward facing Internet informational service. I have been in continued dialogue with both the Port of Houston and the Northwest Seaport Alliance over the course of the development of the MTDI recommendations and agree that they do not have the necessary MTDI information to share, but both ports shared with me their interest in receiving more reliable data to allow them to manage their terminals and ports. Technology costs for the ports to collect information will not be insubstantial, in the overall scheme a relatively lower cost vis-à-vis other infrastructure costs, but I believe the government has a role in supporting the implementation of this technology.

Ranking Member Cruz, I cannot provide an estimate at this point on cost. However, the recommendation in its current form would not require any new data formulation, all information is already collected and available. The data would not be required to be transmitted or collected in any other format than what it is currently provided, *i.e.*, the internet. The primary cost would be the cost of operational personnel transferring more frequently updated and reliable information within their own company to those operational personnel managing company websites.

Question 2. What software, personnel, and data server capacity do you expect these entities would require complying with the MTDI? Please be specific about the costs and feasibility of acquiring such resources.

Answer. MTDI is technology-neutral and does not recommend software or data server capacity, it only requires information to be available through an Application Programming Interface (API). MTDI is simply the establishment of practice in sharing information in a timely manner. Already every carrier, marine terminal and port has in place the information system to deliver this information. This operational information will be shared at some point, the MTDI recommendation focuses on squeezing the inefficiency out of supply chain operations by ensuring reliable information on a timely basis. The cost would be nominal and is highly dependent on the sophistication of the entities operational and information sharing structure.

Question 3. Given the MTDI requirements are expected to be, “a major undertaking and a financial risk for ports,” have you considered whether ocean carriers, ports, MTOs, and railroads may have to raise prices to meet the requirements described in the MTDI?

Answer. Given that there is no technology requirement and that the information to be shared is already collected and generated by MTOs, ocean carriers and railroads, I would not anticipate that industry would have to raise prices to meet the information reliability standard that is proposed by MTDI.

Question 4. What is the FMC's statutory authority to mandate these data sharing requirements on railroads?

Answer. The FMC's statute was amended under the Shipping Act of 1984 to provide clarification that ocean carriers and non-vessel-owning carriers (NVOCC's) had authority to provide international intermodal shipping contracts by defining carrier authority to offer through rates for through transportation (46 U.S.C. §§ 40102(25)(26)).

The FMC does not have any explicit authority over a railroad acting independently as they are not subject the prohibited acts section of our statute, which is only applicable to ocean common carriers, marine terminal operators, Ocean Transportation Intermediaries (FMC regulated entities). However, in instances where a railroad delivers cargo as a subcontractor for an ocean carrier the FMC is not restricted from reviewing all aspects of the practices of the intermodal move.

In pertinent part 46 U.S.C. § 41102(c) requires FMC regulated entities to "establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property".

Your MTDI report endorses the lexicon developed by the Digital Container Shipping Association (DCSA) to impose the recommended reporting requirements. However, DCSA, in comments responding to the MTDI, said that mandating a standard would be counterproductive because it could pause industry efforts to voluntarily adopt standards. Moreover, updating standards through regulation would be much slower and harder to do in response to changes in the industry.

Question 1. Given this concern from DCSA, whose standards you endorsed, do you share DCSA's concerns that new mandates would slow adoption of those standards?

Answer. DCSA has a large standard setting agenda, primarily focused on ocean carriers, and has done a good job getting consensus within most of the global shipping industry. For instance, they provide a wide range of materials harmonizing the process of soliciting and booking of cargo, and implementation of electronic Bills of Lading and other trade facilitation areas. We have worked closely with them on one area of focus, and that was the DCSA Track and Trace methodology, in order to facilitate the transparency of the container movement. The lexicon selected was only selected to implement a Track and Trace Methodology. The MTDI recommendation is to implement the DCSA methodology and as such it does not rely on standards but would require implementation of this methodology through timely reporting. The industry has not adopted voluntary standards to implement more reliable shipping information.

Question 2. Do you share DCSA's concerns that mandating standards could make it more difficult to amend the standards in the future to address changes in the industry because any changes would have to go through a formal FMC process?

Answer. The MTDI recommendation is to implement the DCSA methodology and as such it does not rely on standards but would require implementation of this methodology through timely reporting. I believe that the supply chain is always in evolution. The MTDI is not intended to lock companies and entities into an operational standard that would hinder efficiency and operational flexibility. Rather, establishing an operational practice where information is shared in a timely and efficient manner will be a process that will evolve and, in many cases, foster innovation.

Question 3. Have you consulted with DCSA to determine, or otherwise evaluated, whether the very proposal of mandatory standards might have already begun to chill voluntary adoption? If so, what methodology have you employed to conduct the evaluation?

Answer. Yes, I have talked with DCSA throughout this process. It has been a collaborative effort. They have been great at keeping us abreast of their standards and how and when they have been implemented. To date, we have not yet found any area where MTDI recommendations differ from the proposal by DCSA for implementation of their Track and Trace methodology, and we continue to talk regularly.

Inflation

Question 1. In your written testimony, you said the transportation and supply chain challenges during the pandemic were, "the most singularly important factor in driving inflationary cost." Do you believe that government spending contributed to inflation, yes or no?

Answer. Yes, I do, in part.

Independence of FMC

Question 1. Do you believe the Federal Maritime Commission is an independent agency? If so, please describe in your own words what that means.

Answer. By statute, the Federal Maritime Commission is “an independent establishment of the United States Government.” 46 U.S.C. 46101(a). When the Commission was first created under Reorganization Plan No. 7 of 1961, that Plan explained that the “Commission shall not be a part of any executive department or under the authority of the head of any executive department.” What that means to me is that my role as an independent Commissioner is to evaluate and enforce our statutes separate and apart from the considerations of any executive department.

Question 2. To whom do you report as a Commissioner?

Answer. As a Commissioner, I officially report to the President of the United States. I also work with my fellow Senate-confirmed Commissioners and the Chairman. The Chairman manages Agency operations and is required to consult with Commissioners on operations. And of course, I am responsive to the U.S. Senate and U.S. House of Representatives.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO
HON. CARL W. BENTZEL

During the negotiation of the Ocean Shipping Reform Act of 2022, Congress debated extending the FMC’s authority to regulate additional parties, to include Intermodal Equipment Providers. That authority was intentionally excluded from that legislation. The FMC’s ruling in *IMCC vs. OCEMA* (Docket #20–14) goes against Congressional intent.

The FMC denied a petition for reconsideration on *IMCC vs. OCEMA*, cited that the ruling was “not final”. Despite this, the FMC recently announced that the Bureau of Enforcement, Investigations & Compliance was launching an investigation in response to reports that chassis providers are not complying with a cease-and-desist order issued by the FMC on February 13.

Question 1. What authority does the FMC have to investigate the alleged non-compliance despite the ruling not being final?

Answer.

1. Intermodal Motor Carriers Conference v. OCEMA

As background, a brief review of the Federal Maritime Commission’s decision in *Intermodal Motor Carriers Conference v. OCEMA* (*OCEMA*) may be helpful. Docket No. 20–14, 2024 WL 641501 (FMC Feb. 13, 2024). The decision addresses motor carriers’ (truckers) claims that ocean common carriers and their associations (*OCEMA* Respondents) imposed rules and restrictions that unreasonably and unjustly prevent truckers and shippers from negotiating with and using the chassis provider of their choice. Ocean common carriers (and other entities regulated by the Commission) are prohibited by 46 U.S.C. § 41102(c) from establishing and enforcing unjust or unreasonable “regulations and practices related to or connected with receiving, handling, storing, or delivering property.” The Commission found the *OCEMA* Respondents’ rules assigning an exclusive chassis provider for merchant haulage and using that requirement to their financial advantage to obtain lower chassis rental rates for themselves violates section 41102(c). When shippers choose merchant haulage, they are responsible for arranging and paying for the chassis rental yet were deprived of the opportunity to negotiate rates and service terms with the chassis provider of their choice. The Commission ordered the *OCEMA* Respondents to cease and desist these unlawful practices.

The cease-and-desist order only requires action and rule changes by the *OCEMA* Respondents—all of whom are ocean common carriers obligated to comply with section 41102(c) and other Shipping Act prohibitions. It does not direct the chassis providers to take any action or cease engaging in any practice. To the extent that chassis providers may be affected indirectly by changes the *OCEMA* Respondents make to their contracts and business practices, that is the result of how the *OCEMA* Respondents chose to structure their business and contractual relationships with the chassis providers and how they decide to change those rules to comply with the cease-and-desist order.

Regulated entities cannot evade Shipping Act restrictions or Commission oversight by incorporating terms in their contracts with third parties, then claiming those terms render their practices exempt from Commission review or Shipping Act compliance because discontinuing them will disrupt third parties’ business operations. If that were permissible, regulated entities could evade compliance by simply incorporating questionable rules or practices into their third-party contracts, then

invoking repercussions on third parties to justify noncompliance with the Shipping Act and Commission orders.

The Commission has not yet ruled on the OCEMA Respondents' motion to reconsider the February 2024 decision and cease and desist order. The Commission issued an order holding that motion in abeyance until Administrative Law Judge Erin Wirth resolves other claims that remain in the case.

2. Commission Authority to Enforce the Cease-and-Desist Order

The Commission has received informal reports that the OCEMA Respondents are not complying with the cease-and-desist order. If those reports are true, the OCEMA Respondents are violating the Shipping Act (section 41102(c)) and the cease-and-desist order on an ongoing basis. The Commission directed its Bureau of Enforcement, Investigations, and Compliance (BEIC) to investigate the OCEMA Respondents' current practices for merchant haulage so that it has verifiable information and a reliable basis for determining whether there are grounds for seeking injunctive relief 46 U.S.C. § 41307(a) to halt ongoing violations. BEIC is conducting the investigation under the Commission rules governing non-adjudicatory investigations. *See* 46 C.F.R. § 502.281–291.

The Shipping Act authorizes the Commission to investigate “any conduct” that it “believes” may be in violation of the Act. 46 U.S.C. § 41302(a). This investigative authority is directly tied to authorization under section 41307(a) to seek a temporary restraining order or preliminary injunction to halt conduct that violates the Shipping Act. Section 41307(a) provides that:

In connection with an investigation under section 41301 or 41302 of this title, *the Federal Maritime Commission may bring a civil action to enjoin conduct in violation of this part* After notice to the defendant, and a showing that the standards for granting injunctive relief by courts of equity are met, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation.

46 U.S.C. § 41307(a) (emphasis supplied). Under section 41307(a), the Commission can enforce Shipping Act restrictions and take action to halt ongoing violations while a case is still before the agency and a final decision has not yet been issued.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERIC SCHMITT TO HON. CARL W. BENTZEL

Question 1. Has the Federal Maritime Commission engaged with the State Department or other relevant agencies regarding the impact of the People's Republic of China's grey-zone activities on maritime commerce? How does the increased assertiveness of the Chinese Coast Guard affect freedom of navigation and adherence to international maritime laws, particularly in terms of disrupting global trade and transportation routes?

Answer. The FMC does communicate and on occasion collaborate with the State Department. However, I am unaware if the FMC as a whole has engaged the State Department on the PRC's gray zone activities as it pertains to maritime commerce.

However, as an independent Commissioner, I am concerned about Chinese activity, including potentially disruptive impacts on passages through the Strait of Malacca. I strongly believe in the adherence to international maritime laws, specifically the Law of the Sea provisions governing innocent passage and causing the disruption of global trade and transportation routes. I further believe that the Houthi attacks from within Yemen on ocean shipping carriers on the Red Sea is a direct violation of international maritime law and am evaluating our statutes to consider whether we could challenge these kinds of degradations to international shipping and the right of innocent passage.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO HON THOMAS B. CHAPMAN

NTSB Authorization Levels

The last Federal Aviation Administration reauthorization bill increased the NTSB's authorization level to \$738 million through FY28.

Question 1. Can you explain why this funding increase is so critical to NTSB's work?

Answer. We are grateful for the good work of this Committee in the effort to ensure NTSB's authorization level was increased. Relative to most of our Federal part-

ners, NTSB is a small agency. Yet we make a vital contribution to transportation safety across the Nation and in all modes of transportation. Further, NTSB's reputation as the world's premier transportation safety agency is well deserved. Increased resources are essential to ensure NTSB is able to invest in the skilled workforce and enhanced authorities our agency needs to advance transportation safety.

Question 2. How do these funding levels relate to the NTSB's ability to maintain a robust workforce and complete timely investigations?

Answer. NTSB staff are renowned for their skill and expertise. The work of the agency is highly dependent on the dedication and unique abilities of our employees.

Recruiting and retaining skilled team members is a challenge for any government agency, and particularly for one such as NTSB which requires such unique skillsets. Increased resources are essential to ensure we are able to attract and retain qualified team members. Also key to success in this area is ensuring the well-regarded culture and work environment of the agency is maintained.

Highway-Rail Crossings

The Department of Transportation has reported, in the year of 2024, a total of 12 fatalities at Highway-Rail Grade Crossings in Illinois. The reported data includes any impact between on-track railroad equipment with an automobile, bus, truck, motorcycle, bicycle, or pedestrian. We need to do a better job at making our Nation's rail crossings safe.

Question 1. Can you speak to how you will continue NTSB's work identifying additional safety enhancements that can help save lives at rail crossings?

Answer. For personal reasons, I have an especially strong interest in rail safety, generally, and specifically in grade crossing safety. In the early 1950s, my grandfather was struck and killed in a railroad grade crossing crash. My grandfather was a volunteer firefighter. He and a colleague were returning from a call when the collision occurred. My mother was a high school student at the time, and the tragedy had a devastating impact on her and her family. It is for these reasons I have made grade crossing safety a personal priority during my time on the Board.

I welcome and actively seek opportunities to advocate improved safety on and around tracks and at highway-rail grade crossings. Likewise, I support and participate in effective public awareness campaigns such as those led by our friends at Operation Lifesaver.

Measures to mitigate grade crossing risks include physically reconfiguring crossings or eliminating them altogether (when possible). Technology can also play a role, with "connected vehicle" capabilities holding great promise. Existing navigation apps should be configured to warn drivers of upcoming crossings.

The statistics have improved over the years, and the trend is positive. The work of NTSB has undoubtedly contributed to that progress. Yet we continue to lose more than 200 of our fellow citizens in grade crossing accidents each year. Every one of these losses is a preventable death, and each is tragic and far reaching. We have plenty of work to do.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY AMY KLOBUCHAR TO HON. THOMAS B. CHAPMAN

Railway Safety Act

Train derailments—from East Palestine, Ohio to Raymond, Minnesota—have shown the high stakes of rail safety. Communities along rail routes are counting on us to make sure our country has modernized rail infrastructure, adequate community and emergency preparedness, and robust safety standards. I cosponsor the Railway Safety Act, legislation to put in place stronger rail safety standards and more accountability for violations, such as allowing for more time for inspections. The National Transportation Safety Board (NTSB) determined that the cause of the March 2023 derailment in Raymond, Minnesota was a broken rail along a section of BNSF track near the town.

Question 1. How would NTSB's current recommendation for railways increase the frequency of autonomous track inspections prevent these types of accidents?

Answer. Various factors contribute to train derailments. The East Palestine derailment, for example, resulted from a failed bearing on an individual car. The bearing overheated and caused the axle to separate, derailing the train and leading to a postderailment fire. NTSB's investigation report on the East Palestine derailment included recommendations intended to help address bearing failures as a cause of train derailments.

In contrast, the Raymond, Minnesota derailment was caused by a broken rail—as you note. Track conditions were also determined to be the probable cause of a tragic Amtrak derailment which occurred in September of 2021 near Joplin, Montana. Eight of the ten passenger cars derailed, killing three of the 165 passengers and crew onboard the Amtrak train. Another 49 people were injured.

In the investigation report on the Joplin derailment, NTSB concluded that the expanded use of automated “vehicle/track interaction” monitoring systems could reduce the likelihood of derailments through early detection of problematic track geometry conditions. For that reason, NTSB recommended that all Class 1 and inter-city railroads operating on main tracks equip all trains with an autonomous monitoring system, such as “vehicle/track interaction” systems, to detect track geometry defects.

NTSB also recommended that the Federal Railroad Administration establish interoperability requirements among railroads to implement a process in which a predetermined critical alert from a “vehicle/track interaction” system would require an immediate slow order. Such a slow order should remain in place until a walking inspection is performed and repairs are completed.

Faulty track conditions are a significant cause of train derailments. If fully implemented, NTSB’s Joplin recommendations would help prevent such incidents by increasing the frequency and effectiveness of automated track inspections.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO
HON. THOMAS B. CHAPMAN

Question 1. The National Transportation Safety Board (NTSB) has called for passive intelligent speed assistance technology in all new cars to help reduce speeding. This technology uses a car’s GPS and cameras to monitor and compare a car’s speed to the posted speed limit. If the car exceeds the speed limit, the system will alert the driver and may also override the driver and force the car to slow down.

a. Given the historical challenges in consumer acceptance of safety technologies like seatbelts, to what extent have you factored in consumer acceptance of intelligent speed assistance technology?

Answer. I appreciate the opportunity to comment on NTSB’s technology-related recommendations to help address two of our most persistent safety challenges . . . that is, alcohol impaired driving and excessive speed.

With respect to alcohol impairment, the latest figures compiled by the National Highway Traffic Safety Administration indicate there were 13,524 traffic fatalities in 2022 in which alcohol-impairment was a factor. That is 32 percent of all U.S. traffic fatalities for the year. With respect to speed, NHTSA statistics indicate there were 12,151 speeding-related fatalities in 2022. That is 29 percent of all U.S. traffic fatalities for the year.

Regarding intelligent speed assistance, or ISA, we know from past experience that consumer acceptance of new safety technologies can be an issue. It’s possible that might be the case when it comes to ISA.

A recent survey conducted by the Insurance Institute for Highway Safety is encouraging. The survey found that more than 60 percent of drivers would find it acceptable if their vehicle provided an audible and visual warning when they exceed the posted speed limit. This capability is known as “passive” ISA. Also interesting is that, according to IIHS, about half of the drivers surveyed said “they wouldn’t mind vehicle technology that makes the accelerator pedal harder to press or automatically restricts speed.” This technology is generally referred to as “active” ISA.

In terms of promoting consumer acceptance, the U.S. is positioned to learn from the experience of European safety regulators. The U.S. trails Europe, which made intelligent speed assistance mandatory for every new car sold in the European Union beginning this year. And since 2009, the European New Car Assessment Program has promoted the installation of speed assistance systems that help drivers to control their speed.

b. With active intelligence speed assistance systems relying on GPS and location data, what measures do you think should be taken to protect drivers’ privacy?

Answer. In my view, intelligent speed assistance systems should be designed to ensure they do not retain tracking data related to the locations, routes, or driving patterns of individual drivers. This is not a matter of concern exclusive to ISA systems, of course, since most of us carry personal devices which are GPS and location enabled. To the extent data is retained by such technologies, access should be subject to constitutional and relevant privacy law protections.

c. In your opinion, how should intelligent speed assistance technologies account for the different driving and traffic conditions in urban and rural areas, if at all?

Answer. It might prove to be appropriate to adjust the parameters of intelligent speed assistance systems to account for different driving conditions. Precisely whether or how to do so is difficult to anticipate at this early stage. The experience of European regulators could be helpful, since intelligent speed assistance was made mandatory for every new car sold in the European Union beginning this year.

d. Should insurers be provided access to the data collected by this technology for assessing insurance premiums as an additional deterrent to speeding?

Answer. For privacy reasons, I do not believe insurers should be provided routine access to data retained by intelligent speed assistance systems. Any impact on insurance premiums should be related to an individual driver's claims history and record of speeding or other serious traffic law violations.

Question 2. The NTSB has called for all new vehicles to have alcohol impairment detection systems. These systems are designed to detect a driver's blood alcohol concentration (BAC) and prevent the vehicle from starting if the driver's BAC is over the legal limit. One approach is a breath-based system that captures the driver's exhaled breath through a sensor in the vehicle. Another method is a touch-based system using infrared light to detect a driver's BAC when the driver touches the ignition button or gearstick.

a. How do you foresee such technology handling false positives or system malfunctions that prevent sober individuals from starting their vehicles?

Answer. I do not presume to suggest I am an expert in the engineering necessary to design and implement passive vehicle-integrated alcohol impairment detection systems. These technologies remain in development, and there is widespread sensitivity to the implications of false positive and other system malfunctions—including failures to detect potential impairment. It is incumbent on those with the expertise and opportunity to continue refining such systems to ensure the likelihood and consequences of potential malfunctions is mitigated to the greatest extent possible.

b. Do you expect insurers to impose higher rates on drivers whose vehicles are not equipped with these systems?

Answer. It would be disappointing if insurers were to penalize drivers whose vehicles *are not* equipped with these systems. Rather, I anticipate insurers would incentivize drivers to equip vehicles by offering discounts or credits against base premiums otherwise charged. It's my understanding that has been the approach by insurers to encourage drivers to adopt features such as seat belts, anti-lock brakes, air bags, daytime running lights, and anti-theft devices.

Question 3. The NTSB has also called for advanced driver monitoring systems. These systems could use cameras or other technologies to monitor a driver's performance, such as detecting the driver's eyes or facial behavior to see if the driver is looking away from the road or closing his or her eyes for too long. If a vehicle detects that a driver is distracted or impaired the vehicle could take steps such as alerting the driver with sounds or haptic warnings.

a. How do you foresee such technology handling false positives or system malfunctions that affect the performance of the vehicle?

Answer. As I indicated in the context of passive alcohol impairment detection systems, I am likewise not an expert in the engineering necessary to design and implement driver monitoring systems. Here, too, there is widespread sensitivity to the implications of false positive and other system malfunctions—including failures to detect potential impairment or distraction. It is incumbent on those with the expertise and opportunity to continue refining such systems to ensure the likelihood and consequences of potential malfunctions is mitigated to the greatest extent possible.

b. What measures, if any, do you think should be taken to protect drivers' privacy?

Answer. In my view, advanced driver monitoring systems should be designed to ensure they do not retain data related to the behavior or driving patterns of individual drivers. To the extent data is retained by such technologies, access should be subject to constitutional and relevant privacy law protections.

c. Do you support insurers imposing higher rates on drivers whose vehicles are not equipped with these systems in order to increase compliance?

Answer. I would not support insurers imposing higher rates on drivers whose vehicles are not equipped. Rather, I anticipate insurers would incentivize drivers to equip vehicles by offering discounts or credits against base premiums otherwise charged. It's my understanding that has been the approach by insurers to encourage drivers to adopt features such as seat belts, anti-lock brakes, air bags, daytime running lights, and anti-theft devices.

d. Should underwriters be able to use the collected data to determine premiums?
 Answer. For privacy reasons, I do not believe insurers should be provided routine access to data retained by advanced driver monitoring systems. Any impact on insurance premiums should be related to an individual driver's claims history and record of serious traffic law violations.

Question 4. NTSB maintains its reputation for transportation safety by undertaking thorough investigations that take time. Yet when a major transportation incident makes headlines, media outlets and stakeholders often rush to prejudge the case and offer speculative solutions.

a. Do you agree it is generally important for regulators and Congress to wait for the NTSB to complete its final report on an investigation along with any recommendations it may have?

Answer. I agree it is generally prudent to reserve judgment until NTSB has completed an investigation and issued any relevant recommendations. NTSB's role is to avoid speculation and determine the facts. Our investigations take time because facts may not be obvious.

b. Why it is important to understand the cause of an accident before taking action? Please cite specific examples.

Answer. Without an understanding of the cause of an accident, the factual basis for taking action is necessarily incomplete. NTSB's role is to determine the cause of accidents and to issue recommendations to help ensure similar accidents are avoided. All of us associated with the agency are proud of NTSB's record of success in fulfilling that role.

I offer two high profile examples which help illustrate the significance of NTSB's investigative findings in terms of crafting appropriate actions.

The first is NTSB's investigation of TWA Flight 800, which exploded and crashed off the coast of Long Island, NY. The accident occurred on July 17, 1996. In the days immediately following the accident, there was widespread speculation that Flight 800 was brought down as the result of terrorism. In fact, NTSB determined the probable cause of the TWA Flight 800 accident was an explosion of the center wing fuel tank, resulting from ignition of the flammable fuel & air mixture in the tank. The appropriate action to address the actual cause was dramatically different from what might have been called for had the Flight 800 disaster been the result of terrorism.

A more recent example is the derailment and subsequent fire and hazardous materials release in East Palestine, Ohio. The derailment and the events which followed occurred over several days beginning on February 3, 2023. NTSB's investigation determined that a relatively complicated chain of factual incidents resulted in the derailment, first, and then compounded the consequences of the derailment. Initially, an overheated bearing caused an axle to separate, derailing the train and leading to a postderailment fire. The fire likely began with the release of a flammable liquid from a DOT-111 category tank car that was punctured during the derailment—a category of tank cars which NTSB has long recommended should be phased out. The community was further traumatized by the flawed and unnecessary decision to conduct a rare vent and burn procedure on five hazardous materials tank cars carrying vinyl chloride monomer.

It is unlikely a full range of actions to address the East Palestine derailment could have been crafted in the absence of the factual understanding afforded by NTSB's investigation. The recommendations issued by NTSB seek to address each of the chain of events which occurred in East Palestine—for example, better detection of failed and overheating bearings, accelerated phase out of DOT-111 tank cars, improved sources of information and better decision-making processes relating to vent and burn procedures, and better training and preparation of first responders to ensure their safety in similar circumstances.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
 LANHEE J. CHEN

Long Distance Rail

Amtrak is a national network that plays a vital role in the transportation of customers to all corners of the U.S. Long-distance Amtrak routes connect large cities to small rural towns and vice versa. Chicago plays an outsized role in that network—50 percent of all of Amtrak's long-distance customers ride trains that either begin or end at Chicago Union Station.

Question 1. If confirmed, would you continue to support Amtrak long-distance routes?

Answer. Yes. Long-distance routes are an important part of Amtrak's past, present, and future, and if I am confirmed, I will work to ensure that Amtrak retains its long-distance network.

Chicago Hub Improvement Program (CHIP)

Amtrak's Chicago Hub Improvement Program (CHIP) would help alleviate rail congestion in Chicago. This congestion slows down intercity passenger rail across the Midwest and across the country. The CHIP program would be particularly helpful for Michigan, Indiana, Missouri, Minnesota and Wisconsin, as well as Illinois.

Question 1. If confirmed, will you commit to visiting Chicago Union Station to see this project?

Answer. Yes.

Question 2. If confirmed, will you agree to maintain the commitments Amtrak has made to the Midwest region on improving intercity passenger rail through Chicago?

Answer. Yes.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ERIC SCHMITT TO
LANHEE J. CHEN

On July 22, 2019, Eileen Larence, Acting Assistant Inspector General for Audits, released a report titled *Safety and Security: Physical Security Vulnerabilities at Washington Union Station and Ivy City Yard (OIG-A-2019-009)*. The report noted that since Amtrak did not own Washington Union Station then, the review would focus on security measures in areas the company controlled or subleased.

However, on July 29, 2024, Amtrak assumed full control of operations at Washington Union Station, including safety and security oversight. The report highlighted significant security deficiencies at Amtrak's second-busiest station, citing issues such as inadequate perimeter and interior security, poor lighting, nonfunctional video surveillance cameras, and an outdated incident reporting process, exacerbated by obsolete radio equipment.

Question 1. If confirmed, how will you ensure clear attribution of roles and responsibilities for providing security that effectively protects travelers at Washington Union Station?

Answer. The safety of Amtrak's passengers when they are riding the rails, as well as their security while transiting through stations, will be of paramount importance to me if confirmed as a member of the Board of Directors. I look forward to learning more about the specific security deficiencies identified by the Office of Inspector General at Washington Union Station. I concur with its recommendation that the company have a plan to address the deficiencies and that the plan delineate "clear roles and lines of accountability, resources, timeframes, and performance metrics to assess progress." If confirmed as a Board Member, I will ensure proper oversight of the company's efforts to furnish appropriate security to protect the traveling public.