

U.S. Senator Maria Cantwell

Opening Statement at Nominations Hearing

Witnesses: Mr. Eric Soskin, of Virginia, to be Inspector General, Department of Transportation; Mr. Robert Primus, of New Jersey, to be a Member of the Surface Transportation Board; Ms. Sarah Feinberg, of West Virginia, to be a Director of the Amtrak Board of Directors; Mr. Chris Koos, of Illinois, to be a Director of the Amtrak Board of Directors

August 6, 2020

CANTWELL: Thank you, Mr. Chairman. Today we have nominees for three agencies with extremely important transportation missions. First is the Amtrak Board of Directors. Amtrak faces a series of critical challenges in the near future as we deal with the severe decline in travel as a result of the COVID 19 pandemic. In an effort to address these challenges, Amtrak's management has proposed severe cuts in service, including reducing long distance train to three days a week and deep staffing reductions. I'm very concerned that these cuts may significantly harm communities served by Amtrak and threaten the long term viability of our national rail network. I hope that my colleagues will step up in this next COVID package and make sure that there is support for Amtrak, the communities, and the workforce.

Amtrak also needs leadership, and I'm pleased that we have two excellent nominees for the Amtrak Board of Directors here. Sarah Feinberg served as the Administrator of the Federal Railroad Administration as the Chair mentioned from 2015 to 2017 and in her current role as president of New York City Transit. So during her time at the FRA, she also sat on the Amtrak board and is well aware of the challenges facing Amtrak and the importance of rail service to communities across the nation.

We're also joined by Chris Koos, the mayor of Normal, Illinois. Mr. Koos' city is served by two Amtrak routes including one long distance line, the Texas Eagle, so he's very familiar with Amtrak's operations and keenly aware of the value it provides to small and mid--town--mid-sized communities.

We're joined by Robert Primus who was nominated to serve as a member of the Surface Transportation Board. The STB plays a very important role in resolving railroad rate and service disputes as well as reviewing railroad mergers and restructuring activities. So Mr. Primus has had a long career as a congressional staffer, including working on these activities in the House Transportation Infrastructure, so I look forward to hearing his views on these very important issues.

And finally we have the nomination of Eric Soskin to be the Inspector General at the US Department of Transportation. The Inspector General of DOT plays a key role in not only preventing waste, fraud and abuse, but also ensuring that the agency carries out its core safety mission, or our nation's transportation network.

One area the IG is currently investigating is the Federal Aviation Administration's certification of the 737 Max and the FAA's subsequent response to two crashes involved in the aircraft. I would mention, Mr. Chairman, I saw yesterday a fine by the FAA on South Carolina for intimidation of employees who were part of the FAA certification process, the very issue that we try to fix in our legislation that we've worked on together. And the very legislation that when the administrator was before the committee, basically told us he didn't agree that there were any problems, and yet now we see them issuing fines.

So clearly there is a problem, and clearly there is intimidation and we want an independent workforce who is going to basically let the engineers be engineers. Let them do the work and not have fear of intimidation or reparation. So anyway, I looked at that interesting development yesterday, Mr. Chairman and looking forward to getting back to those issues.

So, the Inspector General Act of 1978 specifically states the IG should be appointed without regard to political affiliation and solely based on integrity and demonstrated ability and accounting, auditing, financial analysis, law, management analysis, and public administration or investigation. So Mr. Soskin, I will be asking you questions because I am concerned that I want to know that you have the experience that lines up with this important position that oversees so many infrastructure jobs in the United States. And I definitely plan to ask you a question.

This is this--the White House expressed its intent to nominate Mr. Soskin on May 15. This is the same day that the former Acting Inspector General Mitch Behm, a longtime employee of the DOT Inspector's Office was removed by the President, so I'm concerned about the timing of these things. So I hope we can spend some time addressing those concerns today. So thank you, Mr. Chairman, for this hearing and look forward to hearing from the nominees.

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Q&A with Witnesses at Nominations Hearing

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CANTWELL: Thank you, Mr. Chairman, I think that last point though is really important. Whatever sector of transportation, keeping our workforce safe as they provide us transportation is a key thing that I hope we continue to spend time and focus on. The hearing gives us obviously a lot to cover here on the broad spectrum of people, so you'll excuse me if I have to jump around between a couple of different issues here.

But let's start with you, Mr. Soskin. The independence of your job is critically important. A recent GAO report highlighted that the IG must be independent both of mind and appearance, and earlier this year the President abruptly removed the DOT Acting IG, a career official, and installed a politically appointed PHMSA administrator to fill both of those roles simultaneously. The GAO has specifically expressed concerns about whether this situation is inconsistent, that it's not being consistent with the independence requirements generally accepted for auditing and standards and other professional standards. Would you agree that the abrupt removal of an Acting IG and replacing them with a political appointment creates an appearance of bias?

MR. SOSKIN: [Microphone off] What I can speak to is my qualifications, my commitment to you to be an objective and independent voice to combat waste, fraud and abuse, and to oversee the Office of Inspector General with integrity if confirmed. I've spent 14 years as a career civil servant in the Department of Justice across three administrations, and I've been entrusted with politically sensitive matters, and to have hard conversations throughout that time, and I am prepared to continue to do so and act objectively as the Inspector General if confirmed.

CANTWELL: So if you're confirmed, would you talk about not interfering in investigations involving the Secretary or political appointees at the department?

MR. SOSKIN: I will serve with objectivity and integrity. I'm not sure I totally understood your question—

CANTWELL: Do you agree that you will not interfere with investigations involving the Secretary or political appointees at the department? So if somebody comes in and investigates the Secretary or a political appointee at the department, outside.

MR. SOSKIN: We will investigate all allegations and all issues without fear or favor and without regard to whether it involves a political nominee or not. The public is entitled to have oversight of everyone in the Department of Transportation, including political appointees.

CANTWELL: So you wouldn't interfere if there was another investigation? Maybe I should put this in writing because I think you're hesitating. And I want to make sure that I'm clear about what I'm asking and then you can respond in writing for the record to that. That would be helpful. I remain very concerned about what happened there, and well, very concerned about various positions within the administration that I think are overly political.

But let's go to the Amtrak organization and the two nominees that we have here. Obviously, Amtrak is critical for millions of people and for us, the two lines, Washington state, the Coast Starlight and the Empire Builder, they serve 15 communities and a majority of them being small and rural communities. So, I would like to ask the nominees, do you--what kind of commitment can we get that you're going to preserve the Amtrak long distance service, and the economic lifeline that it provides to rural communities? Mr. Koos or Ms. Feinberg?

MR. KOOS: Thank you. Senator Cantwell, I'm very committed to the national network of long distance trains. Without those trains, we don't have a national network. And I think it's crucial for the function of Amtrak. I think people sometimes gloss over the long distance routes, as saying they're from point A to point Z, but a lot of people don't realize the use those trains get for shorter distances along that corridor, and that's a critical part of our daily operations. I understand the need right now to be prudent about the frequency of those routes in a COVID-19 world. I'm strongly committed to, at such time as we can safely travel through this country without the fear of COVID-19, to return to daily service on the long distance routes.

CANTWELL: Ms. Feinberg? Commitment to preserving the long distance service?

MS. FEINBERG: Yes, Senator. Thank you for the question. You have my commitment. I'm from a small town in a rural state myself, I'm from West Virginia, and I'm well aware of the importance of that long distance service to those communities, and also just the station and the employees there acting as touch points to the community. You have my commitment.

CANTWELL: So in 2017 we had a horrific accident which claimed the lives of three individuals and injured 65 people. The Chairman of the NTSB, Robert Sumwalt, provided an ominous warning about the Amtrak safety culture. He said, "Amtrak safety culture is failing and is primed to fail again until and unless Amtrak changes its ways in safety management." The former CEO, Richard Anderson, testified about improving the safety culture. And so this is a very big issue.

I think you probably are both aware of the DuPont accident that happened when the train derailed onto I-5 and shut down I-5. It was a maiden voyage through a new route that speed control and awareness just didn't seem to be there, and it was a very costly accident, both to life and to property. So will you ensure that reforming the safety culture--I get positive train control, it's going to help us--but that we have a safety culture that remains top priority at Amtrak?

MS. FEINBERG: Absolutely.

CANTWELL: Mr. Koos?

MR. KOOS: Safety culture is critical for an effective and safe system.

CANTWELL: Okay. Well I would hope that--I'm going to ask a follow up for that in writing, exactly how you would continue to focus on that. I think that we definitely want to have service, we definitely have big challenges with COVID, so thank you Mr. Chairman.