

U.S. Senator Maria Cantwell

**Commerce Committee Hearing on Steven Bradbury's Nomination to be Deputy Secretary of
Transportation**

February 20, 2025

Sen. Cantwell Opening Remarks and Q&As

Sen. Cantwell Opening Remarks

[\[VIDEO\]](#)

Sen. Cantwell: Thank you, Mr. Chairman. Mr. Bradbury, I appreciate you being here today. And welcome to your family. I also would like to recognize and welcome two MAX family individuals that are here: Nadia Milleron and Konjit Baleker. Both of them have been so active in continuing the focus on safety and thank you for that advocacy.

We're here right now because we need leadership at DOT that recognizes that safety is the top priority. There is no issue about saving dollars if you're not saving lives. And I think that what's wrong at FAA and at DOT overall, is that we've had too much of a light touch on these very important issues.

So Mr. Bradbury, I do have concerns about your record. During your time at DOJ, you authored what is widely known as the Torture Memos, justifying the use of waterboarding and other torture techniques. I'm not going to go through the whole list of situations that arose from that, but alarming, they found evidence that your legal analyses "were written with a goal of allowing the ongoing CIA program to continue."

These legal opinions were so contrary to what this country stood for that the Senate refused to confirm you as the Assistant Attorney General during the Bush administration, and Congress passed the McCain-Feinstein amendment to the 2016 NDAA, codifying the legality of the torture methods that you bent the law to justify. We cannot afford in the aviation sector, someone who thinks that we can bend the law to an outcome. Your record of using the law selectively to predetermine the outcome raises questions about [your] time at DOT during the first Trump Administration.

You were "responsible for overseeing the department's regulatory actions and implementing President Trump's regulatory reform agenda." In this role, you orchestrated the rollback of multiple safety requirements under the guise of advancing a reform agenda.

For example, just nine days, nine days after the first of the two fatal Boeing 737 MAX crashes in 2018, your office sidelined a proposed safety management system rule making for aviation manufacturers like Boeing.

I would say, Mr. Chairman, if somebody adds up all the costs that the MAX crashes have done to the aviation sector, it's way more costly, way more costly than any efficiency that somebody has suggested.

What that analysis did was the industry had agreed, the FAA had agreed, that we needed a mandatory safety management system. Why? Because that's the gold standard for aviation safety. Why was the rule sidelined? Well, according to a Bloomberg article titled "The Trump DOT Blocked Safety Rule

deemed critical in the 737 MAX Probe,” you used your general counsel position to shelve the draft rule. A former FAA official who chaired an industry committee on SMS, Tony Fazio, asserted that the Transportation Department under Mr. Bradbury's watch unleashed a restrictive policy that has run amok, undercutting FAA's workers to enhance the safety and sidelining the SMS rule. This is particularly alarming, giving this committee's focus on safety and the fact that we passed an ANCSA a mandatory SMS rule.

But after you sidelined the rule, you next used the authority of the general counsel office to impede the committee's investigation into the 737 MAX crashes. As you noted in your testimony today, the general counsel's office was involved in “The FAA's response to the 737 MAX disasters.”

Well, your involvement, I would say, doesn't show for the better. According to the committee's December 2020 investigative report on the MAX crashes your office “intentionally withheld relevant information requested by the committee,” and “improperly redacted information in documents, hindering the committee's oversight into the investigation.”

The report further found evidence that your staff intervened and prevented the FAA from meaningfully engaging with the committee on this investigation, and the report concluded that the FAA and DOT's cooperation with the committee “has bordered on obstruction.”

As Chairman Wicker at the time said himself during a committee hearing on June 17, 2020, the only conclusion we could reach based on the record is that “the FAA has deliberately attempted to keep us in the dark. And by that, I mean our investigative staff, our committee and me.”

I was here when Senator wicker made those statements. I consider him a very demure Southern gentleman who sometimes pulls his punches. He didn't pull his punches that day.

As I noted at the time, these findings give me serious concerns about your commitment to the transparency that Congress and the American people deserve. The families of the 737 MAX crashes wrote to Chairman Cruz earlier this week to express their concerns, they specifically voiced their concerns about the role in obstructing the investigation.

So, Mr. Chairman, I look I ask unanimous consent to their letter into the record.

Sen. Cruz: Without objection.

Sen. Cantwell: From the general counsel's office, Mr. Bradbury, you also saw the loosening of fatigue prevention requirements for truck drivers. At the same time, vehicle safety was being called into question, and we saw an increase in fatalities.

There are some other issues that I will bring up, but Mr. Bradbury, we need a leader on safety. We need someone who is going to make it the number one priority, not modify the rule to suit the industry. Thank you, Mr. Chairman.

Cantwell Q&A Part 1

[VIDEO]

Sen. Cantwell: Mr. Chairman, thank you. Mr. Bradbury, I brought up the SMS rule in my opening statement, and I'm assuming you know enough about safety management systems to have this discussion. That safety management system is about a continuous improvement and an analytical approach. So it basically means, when you come up with a problem, you're going to stop and fix it. So, it's not - you can't keep moving forward. So, in this article that was reported, we know that the rule was halted nine days after the MAX crash. Why did you stop the rulemaking from happening?

Bradbury: Well, I don't know that I stopped it.

Sen. Cantwell: That's what's reported in the paper, and I mentioned the FAA person, who was in charge of the process, who said the industry and everybody wanted to move forward, and it was submitted, and then next thing you know, it's pulled so...

Bradbury: Well, certainly we go through a review of every regulation, and as I recall, in that regulation, there were questions on the merits about which entities it should apply to and how it might apply to small businesses or small entities. Those are the kinds of questions that need to be addressed whenever you're-

Sen. Cantwell: So you're saying you might have killed the SMS rule because you didn't want it to apply to all manufacturers.

Bradbury: I wouldn't say I killed the SMS rule. And let me say-

Sen. Cantwell: We still don't have one. Our committee has worked hard to get one, and now it's going to be in law. But I have more questions about this. But yes, you did stop it from happening. There was a recommendation to move forward on it, and your office stopped it.

Bradbury: Well, Senator Cantwell, let me say I strongly support safety management systems as an approach to regulation.

Sen. Cantwell: A mandatory, a mandatory.

Bradbury: I would support mandatory safety management systems, and I would appreciate the opportunity to work with this committee to make sure we have them in place, not just in aviation, but in other transportation sectors, because I think it's a smart way to regulate. You put the onus on the operators and the manufacturers to avoid safety problems, defects. You put it on them. They have to come up with the system to do it, and then you hold them accountable. I think we can-

Sen. Cantwell: Did you agree with the FAA's decision to allow the Boeing Company to continue to fly MAX's after the first crash.

Bradbury: That was, I know, an agonizing period, and I know the experts at FAA were looking very hard at it, looking at what might have been involved in that. And the secretary's office, I was assisting the secretary, we were very closely monitoring the FAA, the professionals at the FAA in that. We certainly supported their decision to ground the 737 MAX.

In hindsight, a lot could be said for doing it sooner. It was an unprecedented situation for the FAA to ground an entire fleet of aircraft like that. But I think they made the right decision. And then, you know, we were very involved-

Sen. Cantwell: The right decision?

Bradbury: To ground the plane, to ground the plane.

Sen. Cantwell: Okay, but back to- the FAA went to Seattle after the Indonesian crash, and basically didn't do any kind of thorough review. Again, a safety management system would have required an analysis - that's what safety management system is- of critical features. But the FAA, filled with light touch people, which we've tried to root out, and that's why we try to pass strong legislation, because we don't want a light touch in aviation. And we can't have an efficiency approach or a bean counter approach, because that's not saving lives. And in reality, it's not saving money either. So we need an FAA and a DOT and a general counsel who is going to stand up to get these rules in place.

Bradbury: I agree. I agree that we need strong safety management systems, as I indicated before, with accountability.

Sen. Cantwell: Okay.

Bradbury: With real penalties, and we need to be tougher on Boeing. We need to be tougher on the industry. We need to be tougher on the railroads, as we've seen with the East Palestine disaster.

Sen. Cantwell: Okay, I don't have a ton of time left, but so when this committee passed- so we did what the FAA wouldn't do. We mandated a safety management system that still is now rolling out, but you were still there when we passed that. You could have just popped up the rule and said, "Let's go." But you didn't. Do you know why?

Bradbury: I don't recall the ins and outs, let me just-

Sen. Cantwell: Do you see what I'm saying about that? You had this old rule in your back pocket. We passed it. We said, now do this. You were still there. You could have said, "Well, let's get going. This is clear. Let's get going." But you didn't. Did you have any thoughts about that? Because I have one more issue I wanted to get to quickly.

Bradbury: I never stopped regulatory efforts directed at safety in order to achieve cost savings or meet the President's two for one requirement on rule making. We never stop safety critical rules for that reason.

Sen. Cantwell: Okay here's one that's really bothersome right now, and that is this letter that came out from Eleanor Holmes Norton that now shows this week that ADS-B Out, was routinely turned off by the military. He says in the letter, I have it, I'll enter it in for the in for the record.

The question was: "Due to the sensitive nature of mission supporting the movement of very important personnel in and around the NRC that the Army Aviation Brigade at Fort Belvoir and Marine Helicopter Squadron will execute 100% of their missions with ADS-B off."

That was June 8, 2023. So, the military was saying- now, the reason this is important is because the Obama administration said, let's have a rule, and let's not have these people exempted from the rule.

The Trump administration came in and said, “No, we're going to write a rule and they are exempted. Oh, but by the way, it's really only in these few instances and these few times.” And then we find this letter that basically says it's 100% of the time we're not having that turned on. So, you were involved in rule making. That was different than the prior administration's attempt to try to rein this in.

And so listen, I get it. I don't - I've been in the private sector. Guess what? There is bureaucracy in the private sector. Big is a problem. Okay, big is a problem everywhere, but in this instance, what this country needs right now is people that will adhere to safety first. It is the gold standard. It will help us lead in the next generation. But we can't do it if we continue to have people who fall into this, “Yes, we're going to allow this exemption. We're going to allow this to happen. We're going to do this in the name of efficiency.”

So, I'm sure we'll have more time, Mr. Chairman, but I if you have a response that you know of now to this ADS-B issue, great. If not, I'll take it for the record.

Bradbury: Well, I do think the Secretary will want to work with the Secretary of Defense with regard to military aircraft in civilian airspace in the US, to ensure that systems that are needed for safety are used as appropriate. And that that's an example of something where there needs to be coordination.

Sen. Cantwell: Like, just for the record, your thoughts on the former Obama rule and then the rule you proposed exempting them. Thank you, Mr. Chairman,

Sen Cruz: Thank you. And I would note that the ranking member and I think are both agreed that the military's policy of routinely turning off ADS-B on flights in and around Reagan and other airports, even on routine training missions, was completely indefensible and needs to be altered.

I suppose for clarity, I should point out that the letter the ranking member quoted from, written to Holmes Norton, was written in 2023, and in 2023 Joe Biden was the president. Lloyd Austin was the Secretary of Defense. It was a Democrat administration that followed the policy of turning off ADS-B Out.

I think we are now agreed on both sides of the aisle. That was a mistake. But to be clear, you were not at the Department of Transportation in 2023, is that right?

Bradbury: That's correct.

Sen. Cantwell: Mr. Chairman, I don't think anybody knew that that was our policy.

Sen. Cruz: I agree

Sen. Cantwell: When you and I, when we had a briefing, they never said that that was their policy. This just came to light when some, my guess, is whistleblower, or someone in the community saw all of this happening and came and said, “Oh, there's this letter. This is what their policy really is”. Or at least, this is what somebody stated to Eleanor Holmes Norton.

Sen. Cruz: Well and the Department of the Army did tell us in our briefing here, they came close to telling us that that they regularly turn off ADS-B Out. They didn't say 100%. 100% is, sadly, it's not surprising, and I think it's indefensible.

I feel confident that policy will change, either by this administration unilaterally, or I feel confident that that Congress will make that policy change given the tragedy that happened over DCA.

Cantwell Q&A Part 2

[[VIDEO](#)]

Sen. Cantwell: Thank you, Mr. Chairman, Mr. Bradbury, I wanted to go back- maybe teeny bit of an expansion of what my colleague was just asking- do you think there is a possibility that Elon Musk has conflicts of interest as it relates to the FAA?

Bradbury: Well, he certainly has business interests through SpaceX that the FAA is involved in regulating, licensing. And so I think it's important to ensure and be diligent that conflicts are not involved in this process.

Sen. Cantwell: What would you think those conflicts look like? Tell me-

Bradbury: Well, I don't know the what the specifics would be.

Sen. Cantwell: Well, you know what the law says, right? You know what the law says.

Bradbury: Yes, and I think the President has made it clear that –

Sen. Cantwell: The President exempted him illegally, I am sure, from the conflict of interest, and now he has real conflict of interest. And so I'm just trying to understand from you as the General Counsel and a nominee, where you think that would cross the line. Because we already know that he basically has launch interests, and we already know that he got mad because he got fined for launching at a time when the FAA told him not to launch and then said, “That guy should be fired.”

So, there's all sorts of issues right there. But now I'm asking, What do you think would be the bright lines that you would be concerned about?

Bradbury: Well, I think that the individuals involved in these activities, as I understand it, are coming in as employees of the Department, maybe on a temporary basis, but employees go through-

Sen. Cantwell: Do you think he should be an employee of that department, if he has business before that department. I am pretty sure that doesn't exist anywhere.

Bradbury: I'm pretty sure that Elon Musk is not an employee of the Department, okay, but the people involved in actually the activities under the supervision of the Secretary are employees of the Department, and go through all the conflicts checks and requirements that are necessary for those to onboard those temporary employees and in terms of what they're engaged in. So I believe there is a conflicts check process that goes through

Sen. Cantwell: Do you think he should sign a conflict of interest agreement making sure that he avoids conflict of interest.

Bradbury: I don't-

Sen. Cantwell: Why wouldn't that be good prudent business? Why wouldn't that just be good prudent business? Given this, this issue of we just had this crazy, unfortunate, tragic situation where DOD and FAA weren't talking to each other. And clearly no one was in charge and responsible for like, “Why, in God's name, are we allowing these two paths to intersect so closely?”

And now we have this increase, this committee has dealt with this a lot, this increase in demand for spectrum and FAA launch, and everybody has lots of different issues of when they want to do various things. So it's already a challenged environment. So why wouldn't we be concerned that somebody who's already taken a swing at the agency, because they have commercial interest, that they wouldn't be influencing this whole safety regime, which has been the center of our discussion this morning?

Bradbury: Well, I view the whole DOGE effort as a way to take a hard audit look at systems, personnel, staffing, funding, and regulations to identify potential areas of inefficiency, things where it's not functional.

Sen. Cantwell: Okay, I think I heard that answer, and I appreciate that to my colleagues. So, I'm not focusing on DOGE as much as I'm focused on where a true conflict of interest. So why don't you take that for the record and decide where you think a conflict of interest is, and where you think that line would be crossed, and that would be very helpful to know from you.

Bradbury: Thank you.

Sen. Cantwell: Thank you.