

**NOMINATIONS TO
THE DEPARTMENT OF TRANSPORTATION,
SURFACE TRANSPORTATION BOARD,
AND THE AMTRAK BOARD OF DIRECTORS**

HEARING

BEFORE THE

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

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

AUGUST 6, 2020

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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THURSDAY, AUGUST 6, 2020

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

The Committee met, pursuant to notice, at 10 a.m. in room SR-253, Russell Senate Office Building, Hon. Roger Wicker, Chairman of the Committee, presiding.

Present: Senators Wicker [presiding], Cantwell, Young, Durbin, Moran, Blumenthal, Baldwin, Tester, and Rosen.

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

Senator WICKER. This Full Committee Nomination hearing will come to order.

This morning, the Committee will consider four nominations to key transportation positions within our jurisdiction. The nominees before us today are Eric Soskin, the nominee to be Inspector General for the Department of Transportation; Robert Primus, who's been nominated to be a Member of the Surface Transportation Board; Sarah Feinberg, nominated to be a Director of the Amtrak Board of Directors; and Chris Koos, who's been nominated to be a Director on the Amtrak Board of Directors.

The Inspector General for the Department of Transportation oversees critical audits and investigations of DOT's programs with the end goal of ensuring that our national transportation system is safe, efficient, and effective for the American people.

Eric Soskin has been nominated for this important role. Mr. Soskin is a Senior Trial Counsel in the Federal Programs Branch at the U.S. Department of Justice where he has served since 2006.

During his tenure at the Justice Department, he has managed complex litigation and he was chosen for a detail assignment as policy counsel in the Office of the Assistant Attorney General, Civil Division.

Earlier in his career, Mr. Soskin served as clerk for a Federal District Court judge.

He is a graduate of Williams College and earned his law degree from Harvard Law School.

As the independent Federal agency which handles the economic regulation of various modes of surface transportation, the work of the Surface Transportation Board is vital.

Robert Primus has been nominated to serve as a Member of the Surface Transportation Board. He has a distinguished record as a long-time staff member to multiple members of the U.S. House of Representatives. He has served in senior roles in the House, including Chief of Staff and Senior Advisor.

While working with former Congressman Michael Capuano during the time he was Ranking Member of the House Transportation and Infrastructure Subcommittees on Railroads, Pipelines, and Hazardous Materials, Mr. Primus gained valuable expertise on matters involving rail policy.

His legislative experience includes work on the Surface Transportation Reauthorization Act of 2015.

After graduating from Hampton University, Mr. Primus began his career on the Hill with the late Senator Frank Lautenberg, a distinguished member of this committee.

The Amtrak Board of Directors provides guidance and direction to National Railroad Passenger Corporation or Amtrak.

Sarah Feinberg is one of the two nominees before the Committee today to be a Director of the Amtrak Board of Directors and she joins us by video link.

Ms. Feinberg has notable experience in passenger rail matters. She is currently the Interim President of New York City Transit, the largest transit system in North America.

From 2015 to 2017, she served as the Acting Administrator and Administrator of the Federal Railroad Administration and while serving in this role, she was Transportation Secretary Anthony Fox's designee to the Amtrak Board.

Ms. Feinberg formerly served as Chief of Staff at the U.S. Department of Transportation, in private sector roles and as a Special Assistant to the President and Senior Advisor to the Chief of Staff under President Obama.

Mayor Chris Koos has also been nominated to serve on the Amtrak Board of Directors and he, too, joins us today by video.

Mayor Koos has served as the Mayor of Normal, Illinois, since 2003 and a principal achievement for his municipality during this time was the development and construction of a multimodal station servicing Amtrak ridership in downstate Illinois on Lincoln Service Texas Eagle Trains.

Previously, he served as council member for the Town of Normal and he is a small business owner. He served our country as an Infantry Platoon Leader with the Army's 101st Airborne Air Mobile Division in Vietnam.

I want to thank all the nominees for testifying today and for your willingness to serve in these important and instrumental transportation sector roles.

And I also want to thank Senator Cantwell for her cooperation in our preparation for this hearing and recognize her now for any opening remarks.

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

Senator CANTWELL. Thank you, Mr. Chairman.

Today, we have nominees for three agencies with extremely important transportation missions. The 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 trains to 3 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 work force.

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 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, 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-sized communities.

We are 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, and 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 of the U.S. 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 for 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 tried 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 look at an 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 in 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 definitely plan to ask you a question.

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 long-time 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.

Senator WICKER. Thank you very much, Senator Cantwell.

Two of our members would like to say words of introduction and I'd now turn to Senator Young.

**STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA**

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

I am delighted today to introduce to the Committee and to the Senate the nominee for Inspector General for the Department of Transportation Eric Soskin.

Eric is a fellow Hoosier. We had an opportunity to speak on the phone yesterday and Eric spent his formative years in the Indianapolis area, as I did. By and large, Eric's experience as a career civil servant and his valuable expertise in the law will bring confidence to the important position that he aspires to hold at DOT.

Following his early years in Indiana, Eric went on to study mathematics and political economy at Williams College and graduated with high honors from Harvard Law School.

Today, Eric serves as a Senior Trial Counsel for the Department of Justice where he has successfully spearheaded major litigation about the Constitution, administrative law, and national security for numerous agencies across the U.S. Government over the last 14 years. So he has extensive experience.

Prior to joining the DOJ, Eric clerked for Judge Paul S. Diamond in the U.S. District Court for Eastern Pennsylvania. Thus far, Eric has built a reputation as an exemplary civil servant and a tremendous legal advocate, and I'm delighted that he's taking on the challenge of Inspector General at the Department of Transportation.

He has great potential to bring objectivity, accountability, and integrity to DOT, which is precisely what we want from this position. Eric, thank you. Thank you for someone with your incredible credentials, someone of your caliber and clearly your heart for service, for your desire to serve in this capacity.

Mr. Chairman, I thank you for the opportunity to introduce this great Hoosier to this committee.

Senator WICKER. Thank you very, very much, Senator Young.

I'm told that Senator Durbin is ready to join us via video link. Are you there, Richard?

**STATEMENT OF HON. DICK DURBIN,
U.S. SENATOR FROM ILLINOIS**

Senator DURBIN. I'm here. Can you hear me?

Senator WICKER. Yes.

Senator DURBIN. Good. Senator Wicker and Senator Cantwell, thank you for giving me a few moments to introduce Chris Koos, the Mayor of Normal, Illinois.

Chris has been a dear friend of mine for years. Those of us who are fortunate enough to represent small town America, Rural America know that there's an ongoing battle to save downtown, virtually every one of those communities.

The Town of Normal, Illinois, has done that under the leadership of its Mayor Chris Koos who's been in that position for 17 years. The most important element in saving Downtown Normal for this hearing is the fact that he centered it on the Amtrak service in Downtown Normal.

You see, Normal turns out to be the Number 2 station in the state of Illinois for Amtrak passengers, over 240,000 a year. It's the home of Illinois State University and Illinois Wesleyan University. There are lots of students moving back and forth, as you can imagine.

Chris decided to build an intermodal facility in Downtown Normal as kind of the anchor for the redevelopment of downtown. I helped him to secure a \$22 million TIGER grant and we moved forward with a beautiful facility. He capitalized on that and turned it into a \$173 million more of investment in downtown. You have to see it to believe it. It really does make you feel good that Amtrak is at the heart of this effort.

Chris is an Amtrak passenger. As you mentioned, Senator Wicker, at the outset, he is also a small business man in the Normal community. He always wants to keep people moving. His business sells running shoes and bicycles. So, in addition to his love for Amtrak, he certainly has a passion for people on the move.

I'm glad to be giving a few words of support for Chris today. He's a dear friend of mine. He's tackled challenges and has a vision which I think Amtrak will benefit from.

It was Chris Koos who decided that his Town of Normal would electrify all of the vehicles the town used and for that, he received national recognition. He's just a step ahead time and time again.

I'm honored to call him a friend and I think he'll be a great asset when it comes to the future of Amtrak.

Senator WICKER. Well, thank you very, very much, Senator Durbin, and also Senator Young. We appreciate you spending time

with us today and vouching for these nominees. So thank you so much.

At this point, I want to recognize the witnesses for opening statements. As is the custom, your full statements will be placed in the record at this point and we ask that you summarize your testimony in 5 minutes or under.

So, Mr. Soskin, you are recognized for your statement. Welcome.

**STATEMENT OF ERIC SOSKIN, NOMINEE TO BE INSPECTOR
GENERAL, DEPARTMENT OF TRANSPORTATION**

Mr. SOSKIN. Senator Wicker, Ranking Member Cantwell, and distinguished members of this Committee, thank you for the opportunity to appear before you today. I appreciate your consent for placing my full statement in the record which I will summarize here.

Thank you all for arranging this hearing consistent with public health guidance.

Thank you also to the President for nominating me to serve as the Inspector General of the Department of Transportation. It is a profound honor.

I'd also like to thank Senator Young of my home state of Indiana for his words of introduction. Our great Hoosier state always remains the place I long to see and be.

I'm likewise grateful for the support of my family, friends, and colleagues, especially my wife, Miran, a naturalized U.S. citizen who came fearlessly to this country as an adult to study accounting and to realize her dreams. She inspires me every day and has made me the luckiest person I know.

I would also like to thank our two children, Aaron and Lev, who bring so much curiosity and joy to my life. I am so proud to be the father of each of you.

At an early age, I learned that public service is a high calling and have aspired to heed that call. My father, a lawyer, was a leader in fighting to protect the civil rights of institutionalized persons. My mother began her career as a librarian before becoming an expert on emerging technologies, education, and training.

My career in public service has also been inspired by many mentors along the way. I wish I had the time to recognize them all today for the roles they have played.

Since entering Harvard Law School in 2002, I have been committed to public service, joining the Department of Justice as a career civil servant and representing the United States with independence and integrity for nearly 14 years.

As a litigator with the Federal Programs Branch, I provide leadership in a vast array of matters, representing agencies from across the entire Executive Branch in legally difficult, high stakes, and politically sensitive lawsuits that affect the lives of millions of Americans or involve hundreds of millions of dollars of taxpayer funds.

Managing many of these cases at one time as a generalist, one of my core skills is digging deeply into the complex details of new statutes, programs, and factual situations to quickly understand the issues and objectively assess the challenges they entail.

Law enforcement agencies are among my most important clients and my practice involves leading cross-functional teams, directing factual investigations, and communicating orally and in writing with many types of stakeholders.

Throughout my career with the Department of Justice across three Administrations, I have upheld the highest standards of professionalism of the department.

These are all skills that will lend themselves directly to my successful tenure as Inspector General of the Department of Transportation. My experience working across government agencies has led me to recognize the critical role of the Inspector General in each agency in combating waste, fraud, and abuse, and advancing efficiency and effectiveness in the delivery of government programs.

An IG should be, like me, a leader passionate about upholding public confidence in our Federal institutions and sustaining our democracy by ensuring accountability and thereby delivering the results the public is entitled to expect from their government.

As IG, I will provide oversight to the department and ensure that core DOT values are upheld, including safety for the traveling public and efficiency in the department's programs to sustain and improve the arteries of public prosperity.

Beyond my experience and dedication to public service, I bring to the job of Inspector General a trained, fresh eye, accustomed to looking at complex situations and establishing priorities. This is a vital skill in an office that routinely initiates new audits and investigations to safeguard taxpayer funds and to ensure that the department adheres to the letter of the law and the established will of Congress.

I would be honored to lead the Office of Inspector General and staff of talented career civil servants in accordance with Congress's commands of independence and objectivity.

If confirmed, I will act with integrity and be honest and impartial in continuing the office's work. My team and I will use the tools established by Congress in the IG Act to provide accountability, promote transportation safety, and enhance public confidence while maintaining the office's high standards of clear, timely, and transparent communications with you, the rest of the Congress, and the public.

Thank you again for this opportunity to be considered by the Senate and to appear before you. I sincerely appreciate your time and look forward to answering your questions.

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

PREPARED STATEMENT OF ERIC SOSKIN, NOMINEE TO BE INSPECTOR GENERAL,
DEPARTMENT OF TRANSPORTATION

Senator Wicker, Ranking Member Cantwell, and distinguished Members of this Committee, thank you for the opportunity to appear before you today. Thank you all for arranging this hearing consistent with public health guidance. Thank you also to the President for nominating me to serve as the Inspector General of the Department of Transportation. It is a profound honor. I'd also like to thank Senator Young of my home state of Indiana for his words of introduction. Our great Hoosier State always remains the place I long to see and be.

I am likewise grateful for the support of my family, friends, and colleagues, especially my wife, Miran, a naturalized U.S. citizen who came fearlessly to this country as an adult to study accounting and realize her dreams. She inspires me every day

and has made me the luckiest person I know. I would also like to thank our two children, Aaron and Lev, who bring so much curiosity and joy to my life. I am so proud to be the father of each of you.

At an early age, I learned that public service is a high calling and have aspired to heed that call. My father, a lawyer, was a leader in fighting to protect the civil rights of institutionalized persons. His father was an accountant known for his generous assistance to the underserved in the community. My mother began her career as a librarian before becoming an expert on emerging technologies, education, and training. And her father, who we called “Zeyde,” landed on the beaches of Normandy and fought his way into the heart of Germany with the Allied advance. My step-parents, Steve Haskin and Katherine Soskin, have likewise been important influences for many decades.

My career in public service has also been inspired by mentors along the way. I wish I had the time to recognize them all today for the roles they have played. Judge Paul Diamond, who served as an Assistant District Attorney and counsel to Senator Arlen Specter prior to his judicial service, instilled in me the values of a public servant. Peter Wells, a cornerstone of the Williams College faculty, taught me that a good leader actively seeks ideas for improvement from every source imaginable. And Jane Keller, my childhood chaperone, taught me life lessons about graceful living and overcoming hardship, and inspired my appreciation for the inherent value of all people and their creation in God’s image. I also remember with gratitude the influence of the many terrific educators at Park Tudor School in Indianapolis, at Little Flower Montessori (now called Montessori Academy at Edison Lakes) in Mishawaka, at Williams College, and at Harvard Law School, and would like to thank them collectively here.

Since entering Harvard Law School in 2002, I have been committed to public service, joining the Department of Justice as a career civil servant and representing the United States with independence and integrity for nearly fourteen years. Every day when I enter my office, I see there a book by Elliott Richardson, who served as Attorney General, Secretary of Defense, Secretary of Commerce, and Secretary of Health, Education, and Welfare. In his book, I have highlighted his words reminding me that “there is no greater reward than the satisfaction of applying professional knowledge to the benefit of your fellow citizens.” This daily inspiration renews my appreciation for the great honor and privilege that I have in serving the people of the United States. This is what brought me to the Department of Justice and it is why my path has brought me to this hearing today, at which I aspire to continue to serve the people by providing oversight of the Department of Transportation with independence and without fear or favor.

As a litigator with the Federal Programs Branch of the Civil Division, I provide leadership in a vast array of matters, representing agencies from across the entire Executive Branch in legally difficult, high-stakes, and politically-sensitive lawsuits that affect the lives of millions of Americans or involve hundreds of millions of dollars of taxpayer funds. Managing many of these cases at one time as a generalist, one of my core skills is digging deeply into the complex details of new statutes, programs, and factual situations to quickly understand the issues and to objectively assess the challenges they entail. Law enforcement agencies are among my most important clients, and my practice involves leading cross-functional teams, directing factual investigations, and communicating orally and in writing with many types of stakeholders. Throughout my career across three administrations, I have upheld the highest standards of professionalism of the Department of Justice.

These are all skills that will lend themselves directly to my successful tenure as Inspector General of the Department of Transportation. My experience working across government agencies has led me to recognize the critical role of the Inspector General in each agency in combating waste, fraud, and abuse and advancing efficiency and effectiveness in the delivery of government programs. An IG should be, like me, a leader passionate about upholding public confidence in our Federal institutions and sustaining our democracy by ensuring accountability and thereby delivering the results the public expects from their government. As IG, I will provide oversight to the Department and ensure that core DOT values are upheld, including safety for the traveling public and efficiency in the Department’s programs to sustain and improve the arteries of public prosperity.

Beyond my experience and dedication to public service, I bring to the job of Inspector General a trained, fresh eye accustomed to looking at complex situations and establishing priorities, a vital skill in an office that routinely initiates new audits and investigations to safeguard taxpayer funds and to ensure that the Department adheres to the letter of the law and the established will of Congress. I would be honored to lead the Office of Inspector General and its staff of talented, career civil servants in accordance with Congress’s commands of independence and objec-

tivity. If confirmed, I will act with integrity and be honest and impartial in continuing the office's work. My team and I will use the tools established by Congress in the IG Act to provide accountability, promote transportation safety, and enhance public confidence while maintaining the Office's high standards of clear, timely, and transparent communications with you, the rest of the Congress, and the public.

Thank you again for this opportunity to be considered by the Senate and to appear before you. I sincerely appreciate your time and I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Eric Joseph Soskin.
2. Position to which nominated: Inspector General, Department of Transportation.
3. Date of Nomination: June 22, 2020.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: 1100 L Street, NW, Washington, DC 20005.
5. Date and Place of Birth: September 26, 1977; South Bend, Indiana.
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: Miran Soskin, self-employed as a Realtor, in the brokerage Barcroft Realty Group LLC, 8315 Lee Highway, Suite 300, Fairfax, VA 22031.
7. List all college and graduate degrees. Provide year and school attended.
 B.A., Williams College, 1999 (attended 1995–1999)
 J.D., Harvard Law School, 2005 (attended 2002–2005)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
 Analyst, Mercer Management Consulting, Lexington, MA (1999–2001)
 Rowing Coach, West Springfield High School Crew, Springfield, VA (2001–2002)
 Consultant, GivingWorks, Inc., Washington, DC (2002)
 Consultant, AvalonBay/Reznick, Fedder, & Silverman, Alexandria, VA (2002)
 Law Clerk, Department of Justice, Civil Division, Aviation, Space, & Admiralty Branch, Washington, DC (2003)
 Summer Associate, DLA Piper Rudnick, Washington, DC (2004)
 Summer Associate, Procter & Gamble Co. Legal Division, Cincinnati, OH (2004)
 Law Clerk, U.S. Attorney's Office, Criminal Division, Boston, MA (2004–05)
 Summer Law Intern, Department of Justice, Civil Division, Federal Programs Branch, Washington, DC (2005)
 Judicial Clerkship, The Hon. Paul S. Diamond, United States District Judge for the Eastern District of Pennsylvania, Philadelphia, PA (2005–06)
 Senior Trial Counsel/Senior Counsel/Trial Attorney, Department of Justice, Civil Division, Federal Programs Branch, Washington, DC (2006 to present)
 Policy Counsel, Department of Justice, Civil Division (detail 2017–2018) Nominations Counsel, Department of Justice, Office of Legal Policy (detail 2018)
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, within the last ten years. None.
11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

Class of 1999 Treasurer, Williams College Society of Alumni (2009–2019)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affili-

ation 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, United States Naval Institute (1997 to present)
 Life Member, National Rifle Association (2009 to present)
 Member, Federalist Society (2002 to present, with some possible lapses)
 Member, Alexander Hamilton Society (2011–2015)
 Member, Indiana Society of Washington, DC (2011–2012, 2016–2018)
 Williams College Society of Alumni, Class of 1999 Treasurer (2009–2019)
 Member, Purple Bull Roklub, 2001 to present

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. N/A.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

Contributor, Mitt Romney for President, 2012 (\$1000)

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

Elizur Smith Prize for Public Speaking, Williams College (1999)
 Arthur Graves Prize in Political Economy, Williams College (1999)
 Attorney General Distinguished Service Award (2019)

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Books, Articles, and Columns

Comment and Discussion, Proceedings of the U.S. Naval Institute, October, 2010: <https://www.usni.org/magazines/proceedings/2010/october/comment-discussion>

Comment and Discussion, Proceedings of the U.S. Naval Institute, September, 2009: <https://www.usni.org/magazines/proceedings/2009/september/comment-and-discussion>

Comment and Discussion, Proceedings of the U.S. Naval Institute, January, 2008: <https://www.usni.org/magazines/proceedings/2008/january/comment-discussion>

Articles, Williams Free Press

2–3 articles about campus activities written in the fall of 1995. Not available online.

Possible articles, Williams Record

1–2 articles describing performance of Williams Men's Crew during previous weekend.

Speeches

EPHx1999: Federal government service: trends and experience (part of roundtable discussion). Audience: Williams College/Class of 1999 reunion attendees. Date: June 8, 2019.

Blog Postings

I blogged as part of a group blog of Williams College alumni and others in the Williams community, *EphBlog*, from 2010–2011, and again from 2015–2016.

Links to posts from 2010 to 2011 are here:

<http://ephblog.com/2011/04/11/no-longer-sledding-uphill/>
<http://ephblog.com/2011/04/06/satullo-75-on-the-city-of-brotherly-love/>
<http://ephblog.com/2011/03/01/the-adjustment-bureau-opens-friday-nationwide/>
<http://ephblog.com/2011/03/03/more-social-network/>
<http://ephblog.com/2011/03/03/new-musical-from-finn-74/>
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<http://ephblog.com/2011/03/08/antone-johnson-93-on-legal-economics/>
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<http://ephblog.com/2011/03/12/lipp-60-endows-senior-curator-at-the-clark/>
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<http://ephblog.com/2011/02/17/what-kind-of-lectures/>
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<http://ephblog.com/2011/02/20/orzel-93-seeks-input-for-hugo-award-nominations/>
<http://ephblog.com/2011/02/21/sayles-amigo-gets-domestic-distribution-deal/>
<http://ephblog.com/2011/02/23/george-washington-and-the-revolutions/>
<http://ephblog.com/2011/02/24/texas-governor-launches-drive-for-10000-bachelors-degree/>
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<http://ephblog.com/2011/01/28/youtube-favorite-phil-shuman-79/>
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<http://ephblog.com/2010/07/30/found-williams-a-leader-in-social-register-atten-dance/>
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<http://ephblog.com/2010/04/27/cartoon-controversy-volume-n/>
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<http://ephblog.com/2010/05/05/eph-bookshelf-thereby-hangs-a-tail/>
<http://ephblog.com/2010/05/06/a-download-to-grab/>
<http://ephblog.com/2010/05/10/keep-your-friends-close-and-your-family-closer/>
<http://ephblog.com/2010/05/15/examining-the-warrior/>
<http://ephblog.com/2010/05/18/brenauhigh-museum-partnership/>
<http://ephblog.com/2010/05/21/national-bike-to-work-day/>
<http://ephblog.com/2010/05/21/eph-bookshelf-carry-a-chicken-in-your-lap-draft/>
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<http://ephblog.com/2010/06/17/youtube-biennial/>
<http://ephblog.com/2010/06/20/clark-art-institute-roundup/>
<http://ephblog.com/2010/06/23/smith-chaplains/>
<http://ephblog.com/2010/06/24/624-world-cup-open-thread/>
<http://ephblog.com/2010/06/27/golf-interlude/>
<http://ephblog.com/2010/06/30/eph-bookshelf-the-fourth-star/>
<http://ephblog.com/2010/07/11/art-mafia-down-under/>
<http://ephblog.com/2010/07/14/eph-bookshelf-6-steinbrenner/>

These posts from 2010 and 2011 appear under the pseudonym “Anonymous Senior.” Other posts under that name were made from August, 2016 to June, 2017, by another author. I did not author the posts under the name “Anonymous Senior” following 2011.

However, in 2015 and 2016, I did author blog posts at EphBlog under a different pseudonym, “Edward W. Morley ’60.”

All posts under this pseudonym are available at this link: <http://ephblog.com/author/esoskin/>

I blogged as part of a group of bloggers at a Harvard Law School blog, *Ex Parte*, from November, 2003 through March, 2005, with an interruption (while the blog was relocated from one host to another during December, 2004 and January, 2005). No links to individual posts are available, but the entire contents of that blog are available through the Internet Archive’s “Wayback Machine,” on pages grouped by month from November, 2003 to November, 2004, and by week from February, 2005 to the end of March, 2005. These links are as follows:

November 1, 2003 to November 30, 2003:
https://web.archive.org/web/20040806223337/http://fedsoc.blogspot.com/2003_11_01_fedsoc_archive.html
 December 1, 2003 to December 31, 2003:
https://web.archive.org/web/20040902044647/http://fedsoc.blogspot.com/2003_12_01_fedsoc_archive.html
 January 1, 2004 to January 31, 2004:
https://web.archive.org/web/20040910045937/http://fedsoc.blogspot.com/2004_01_01_fedsoc_archive.html
 February 1, 2004 to February 29, 2004:
https://web.archive.org/web/20040818031028/http://fedsoc.blogspot.com/2004_02_01_fedsoc_archive.html
 March 1, 2004 to March 31, 2004:
https://web.archive.org/web/20040806225046/http://fedsoc.blogspot.com/2004_03_01_fedsoc_archive.html
 April 1, 2004 to April 30, 2004:
https://web.archive.org/web/20041018083803/http://fedsoc.blogspot.com/2004_04_01_fedsoc_archive.html

May 1, 2004 to May 31, 2004:

https://web.archive.org/web/20040725074255/http://fedsoc.blogspot.com/2004_05_01_fedsoc_archive.html

June 1, 2004 to June 30, 2004:

https://web.archive.org/web/20040808101253/http://fedsoc.blogspot.com/2004_06_01_fedsoc_archive.html

July 1, 2004 to July 31, 2004:

https://web.archive.org/web/20050405012642/http://fedsoc.blogspot.com/2004_07_01_fedsoc_archive.html

August 1, 2004 to August 31, 2004:

https://web.archive.org/web/20040901204734/http://fedsoc.blogspot.com/2004_08_01_fedsoc_archive.html

September 1, 2004 to September 30, 2004:

https://web.archive.org/web/20050226053453/http://fedsoc.blogspot.com/2004_09_01_fedsoc_archive.html

October 1, 2004 to October 31, 2004:

https://web.archive.org/web/20050125124059/http://fedsoc.blogspot.com/2004_10_01_fedsoc_archive.html

November 1, 2004 to November 30, 2004:

https://web.archive.org/web/20050213091535/http://fedsoc.blogspot.com/2004_11_01_fedsoc_archive.html

February 6, 2005 to February 12, 2005:

https://web.archive.org/web/20060507142652/http://exparte.powerblogs.com/archives/archive_2005_02_06-2005_02_12.shtml

February 13, 2005 to February 19, 2005:

https://web.archive.org/web/20060507142723/http://exparte.powerblogs.com/archives/archive_2005_02_13-2005_02_19.shtml

February 20, 2005 to February 26, 2005:

https://web.archive.org/web/20060507142626/http://exparte.powerblogs.com/archives/archive_2005_02_20-2005_02_26.shtml

February 27, 2005 to March 5, 2005:

https://web.archive.org/web/20060507142727/http://exparte.powerblogs.com/archives/archive_2005_02_27-2005_03_05.shtml

March 6, 2005 to March 12, 2005:

https://web.archive.org/web/20060507142831/http://exparte.powerblogs.com/archives/archive_2005_03_06-2005_03_12.shtml

March 13, 2005 to March 19, 2005:

https://web.archive.org/web/20060314011401/http://exparte.powerblogs.com/archives/archive_2005_03_13-2005_03_19.shtml

March 20, 2005 to April 8, 2005:

<https://web.archive.org/web/20050409073527/http://exparte.powerblogs.com/>

18. List 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 name of an “alias” or “handle” 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.

Twitter:

Brickyard99 (dormant)

ArlHoosier (active)

Facebook

Eric Soskin (dormant)

Flyertalk.com

Hoosiereph (dormant)

Chowhound.com

Hoosiereph (dormant)

Donrockwell.com

Hoosiereph (dormant)

19. 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. N/A.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your back-

ground or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

As a career civil servant in the Department of Justice, I already recognize and appreciate the importance of the institution of inspector general. IGs serve as an important, independent voice in my client agencies across the government and are essential to ensuring that the Executive Branch is effectively and appropriately carrying out critical missions and in providing oversight to those agencies in their operations, thereby helping to maintain taxpayer confidence in our institutions. Throughout my career, I have demonstrated my passion for improving public service, including by offering counsel and advice to improve agency performance in complying with the rule of law and providing oversight to agencies as they respond to litigation and as they implement their policy priorities. And I have exhibited the integrity and nonpartisan performance necessary to earn the confidence of clients, colleagues, and leadership in multiple administrations.

The major national investments in infrastructure over the last several years and those expected in the coming years have only increased the significance and importance of the accounting and financial controls that are one of the essential functions of the Inspector General. Further, in the next decade and beyond, the Department of Transportation will be pivotal in facilitating and regulating the development of many of the most transformative technology areas—drones, autonomous vehicles, commercial space launches, and key aspects of infrastructure in roads and rail. And the safety responsibilities that are the cornerstone of DOT's mission will be challenged by these technologies as well as by emerging threats to U.S. security in the physical and cyber domains. To ensure the integrity and effectiveness of DOT activities with regard to these investments, technologies, and threats, the inspector general will need to be a fluid, on-the-job learner who is able to assimilate facts and develop a thoughtful understanding of new subject areas in short order, and who understands the critical role of law enforcement in securing safety and economic prosperity. As a litigator responsible for defending many of the most important lawsuits brought against the U.S. government, and as a generalist without specific subject matter responsibilities and who has worked closely with law enforcement, my career demonstrates that I thrive in these capacities. Further, my expertise in building relationships with witnesses, team members, clients, and opposing counsel with all kinds of backgrounds, attitudes, and skill sets prepares me for managing the relationships that are critical to the effectiveness of the Inspector General. And as the policy counsel for the Civil Division, I have put my skills to use in the specific capacity of reviewing legislation and rule making, and making recommendations for improvements in legal compliance and agency performance in diverse fields.

21. 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?

As Congress made clear in the IG Act, the mission of the Inspector General is not limited to redressing individual instances of ineffectiveness, waste, or malfeasance identified in an individual audit or investigation, although those are of great importance, but to recommend policies, and provide leadership to activities, that ensure that the agency as a whole is operating with economy, efficiency, and effectiveness, and without fraud and abuse. That means identifying opportunities for the agency to improve its management and accounting controls, to make recommendations regarding such improvements, to persuade the agency that the implementation of these recommendations is vital to the agency's mission, and to offer expertise, assistance and oversight to ensure that such recommendations are carried out. This is consonant with the importance of the Inspector General's law enforcement activities, which set the expectation that the agency—and its constituents, including personnel, contractors, recipients of funds, and regulated parties—will adhere to the law.

One of the most important functions for the Inspector General is in guiding the establishment of priorities within each of these activities. Prioritization is a high leverage function for the Inspector General, because decisions to focus enforcement and auditing activities in the right places and to persuade the agency to implement recommendations with alacrity make the IG's overall job easier and ensure that the office's hard-working personnel punch above their weight in protecting taxpayer funds and improving agency operations. As a career government lawyer who has managed complex litigation within acute time and resource constraints, exercising judgment in the service of prioritization is in my core skill set, and I am prepared for the challenge of continually refining the identification of areas of highest risk and communicating the hierarchy of priorities to the agency, the public, and the Congress.

My experience litigating complex cases is well suited to managing the Office of the Inspector General and the relationships between OIG and stakeholders inside and outside the DOT. Although it is not obvious to all those who lack a background in government litigation, marshaling the energy of others is a practical legal skill that is constantly used, and that I use in virtually every case. This includes managing and influencing the actions of others at one or more layers of remove: many of the substantive tasks in litigation are carried out by working through agency counsel to direct and influence the actions of agency personnel; and, correspondingly, by building relationships with and working through opposing counsel to influence the decisions and actions of their clients. As a litigator responsible for managing a dozen or more of his own cases at any given time, I have spent my career developing important skills in these respects, and I am confident that I can further develop and leverage those skills in place as the inspector general.

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

As the unprecedented Federal response to the public health and economic emergencies created by the novel coronavirus epidemic continues, the oversight of CARES Act funds in an economical and effective manner, and the protection of those funds against fraud and abuse, will be one of DOT's leading challenges. As I understand it, the CARES Act presents DOT with nearly a one-third increase in its appropriations for the current Fiscal Year, an immense surge in funding that will require hard work and thoughtful leadership to administer, monitor, and audit. Prioritization of the controls, and review responsibilities, for this funding must be high on DOT's priority list to ensure the confidence of the taxpayers who have entrusted these sums to us.

At a broader level, as we seek to return to economic growth, the United States must seize the opportunities being created by new technologies. One of the biggest challenges of the next decade will be in ensuring the safety of transformative technologies within the purview of DOT, including unmanned and autonomous vehicles, private access to space, and other transportation technologies to ensure their embrace by the public. For these to unleash their full potential to provide economic opportunity to hundreds of millions of Americans, we must strike the right balance between establishing safety—and, as importantly, the perception of safety—to ensure the business and consumer confidence needed for widespread adoption and to enable a diversity of new business models, while also creating an environment in which innovation can flourish. The Inspector General's responsibility in promoting economy, efficiency, effectiveness and safety, in securing taxpayer funds from fraud and abuse, and in enforcing the law against those who would take advantage of new opportunities to engage in illicit activities, are critical to ensuring that the United States prospers from new technologies.

Finally, looking to the resurgence of international geopolitics in American headlines and the multi-headed nature of the threats posed to American security by both state and non-state actors, one of the biggest challenges for DOT will be assuring infrastructure and transportation security from both physical and cyber threats.

In each of these areas, the IG's audits and investigations will have an important role in identifying opportunities for the agency to improve its performance, and the IG will need to be prepared to use that information, and the IG's broad familiarity with the Department and its strengths and deficiencies, to make recommendations to agency leadership and to facilitate DOT's ability to enable American success and leadership a decade from now.

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. None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain. No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. 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 Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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

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

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.

As a constituent, I have made occasional calls or written letters to my elected representatives in the United States Congress, the Virginia legislature, and the Fairfax County government regarding legislation or other public policy matters. I do not recall any specific legislation regarding which I have contacted elected representatives.

C. LEGAL MATTERS

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

If yes:

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

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

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

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

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

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, 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 whistle blowers from reprisal for their testimony and disclosures? Yes.

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

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

RÉSUMÉ OF ERIC J. SOSKIN

PENNSYLVANIA BAR • TS/SCI CLEARANCE

PROFESSIONAL EXPERIENCE

U.S. Department of Justice, Federal Programs Branch, Senior Trial Counsel (2006 to present).

Outstanding oral and written advocacy, team leadership, and representation of clients across the U.S. Government in nationwide litigation practice. Highlights include:

- *Extensive Experience With Politically Sensitive Litigation*, including Executive Orders on travel and immigration; the Department of Justice's ban on bump stocks; Secretary Clinton's e-mail account; and the constitutional eligibility of Executive Branch officials.
- *Leadership in Bill of Rights Litigation*, with particular expertise in the First Amendment, Second Amendment, and Fourth Amendment. Lead counsel resisting the Washington Redskins' First Amendment challenge to trademark laws. Recognized as Department's lead authority on defending district court Second Amendment claims. Experienced in litigation and issues related to the use of sealed warrants and other confidential process.
- *Protection of National Security*, including defending *habeas corpus* actions from terrorists held at Guantanamo Bay; leading the team that enforces National Security Letters ("NSLs") in district court; asserting the state secrets privilege and using documentary substitutes to prevent the disclosure of classified information; and safeguarding the limits on receipt of process imposed by the DNI and Congress on Internet and social media companies.
- *Experience With a Wide Range of Executive and Legislative Branch Agencies & Statutes*, including the APA, Title VII, RFRA, FOIA, the Congressional Accountability Act, the Fair Housing Act, the Equal Credit Opportunity Act, the National Flood Insurance Program, and the Medicare Prospective Payment System.
- *Authoritative Knowledge of Discovery Techniques and Privileges*, including experience with presidential communication, law-enforcement, and confidential-informant privileges.
- *Skilled in Training and Hiring*. Frequent instructor in depositions and trial advocacy at DOJ's National Advocacy Center and repeated service on attorney and intern hiring committees.

Office of the Assistant Attorney General, Civil Division, Policy Counsel (Detail).

- Supervised and coordinated Civil Division input on legislation and rulemaking, including through participation in DOJ and inter-agency working groups.
- Provided legal opinions and litigation risk assessments for proposed rules and legislation.
- Assisted in representation of DOJ and Civil Division on Civil Rules Committee.

West Springfield High School Crew, Rowing Coach (2001–2002).

Mercer Management Consulting, Analyst, Core Consulting Group (1999–2001).

EDUCATION AND CLERKSHIP

Judge Paul S. Diamond, U.S. District Court, E.D. Pennsylvania, Law Clerk (2005–2006).

Harvard Law School. J.D., magna cum laude, 2005.

- Submissions Editor, *Harvard Journal of Law and Technology*.
- Notes Editor, *Harvard Journal of Law and Public Policy*.

Williams College. B.A. in Mathematics and Political Economy, magna cum laude, 1999.

- Treasurer, Class of 1999 Alumni, 2009–2019.

- Coxswain, Varsity Crew and Purple Bull Masters Alumni Crew.
- Co-Director and Treasurer, Williams College Debate Union.

Senator WICKER. Thank you very much, Mr. Soskin.
Mr. Primus, you are recognized. Welcome.

**STATEMENT OF ROBERT E. PRIMUS, NOMINEE TO BE A
MEMBER, SURFACE TRANSPORTATION BOARD**

Mr. PRIMUS. Thank you.

Good morning, Chairman Wicker, Ranking Member Cantwell, and distinguished members of the Committee.

Thank you for affording me the opportunity to appear before you today in consideration of my nomination to serve on the Surface Transportation Board.

There are several people responsible for my success who, due to the pandemic, could not be present with me this morning, and I would be remiss if I did not take a moment to acknowledge them.

I would like to thank and acknowledge my amazing wife Gladys for her love and unwavering support, my three energetic and train-loving sons, Benjamin, Jacob, and Aaron Francis, my mother Betty Primus, my sister Marcine, and her family, and my brother Michael.

I would also like to acknowledge the influence and support of my late father William Primus.

Last, I want to thank my friend, teacher, and mentor, former Congressman Mike Capuano, for giving me the opportunity to serve as his Chief of Staff for 18 of the 20 years he served in Congress.

My desire to join the Surface Transportation Board is borne from the idea that I want to continue my career in public service, assisting in the oversight of an industry that is of great interest to me and significant importance to the Nation.

My appreciation for our Nation's rail system began when I was a child surrounded by family members who worked for railroads and has culminated during my time with Congressman Capuano when he served as Ranking Member on the House Transportation and Infrastructure Committees, Subcommittee on Railroads, Pipelines, and Hazardous Materials.

During that time, I was afforded the opportunity to work directly with the various sectors of the rail community and gained a more complete understanding of the legislative and regulatory policies that govern our national rail network.

The Surface Transportation Board plays a critical role in ensuring our Nation's rail network is sound and functioning properly. This committee specifically and the Congress as a whole recognized the Board's importance through the passage of the Surface Transportation Board Reauthorization Act of 2015.

Through the legislation, this committee strengthened the authority of the Board to oversee, investigate, and adjudicate matters that have long been a concern to industry stakeholders and Congress alike.

Paramount among these concerns is the need to address deficiencies associated with the rate case process. Chairman Ann Begeman, along with Board Members Patrick Fuchs, and Marty

Oberman, have since made considerable strides to address the issue.

I look forward to working with them to implement changes that, consistent with sound economic principles, will streamline the rate case process to substantially reduce costs and timelines and ultimately enhance the Board's effectiveness in handling such cases.

Another area of interest is the attention the Board gives to the smaller- and mid-sized shippers and the Class 2 and 3 railroads that provide vital services to our Nation's small towns and rural communities.

During my time in Congress, I made sure that the concerns of constituents who did not have the ability or resources to navigate the congressional and Federal process were appropriately heard.

If confirmed, it would be a priority to ensure that the voices of the small shipper and small regional and shortline railroads are amplified and that their issues continue to occupy a place of importance among the Board.

I also plan to value and amplify the importance of our Nation's passenger rail service. As someone who grew up riding trains and continues to do so, visiting relatives in the South, I am acutely aware of the importance of passenger rail service to the national rail network and, in particular, the many rural communities that rely on it.

I applaud the Committee's efforts to address issues related to passenger rail service. If confirmed, I look forward to working with the other Board members on issues that are of concern to the passenger rail community and within the jurisdiction of the Board.

In closing, I have sought over my nearly 25 years of public service to build a reputation centered on objectivity and fair-mindedness which in turn has allowed me to become a strong consensus-builder and problem-solver.

I hope to bring my background solving complex and multidimensional problems into a regulatory environment where I believe an unbiased, thoughtful, and unconventional approach will lead to fresh ideas and ultimately solutions to some of the challenges the Board is tasked to address and resolve.

Again, thank you for the opportunity to come before you this morning, and I look forward to answering any questions.

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

PREPARED STATEMENT OF ROBERT E. PRIMUS, NOMINEE TO BE A MEMBER,
SURFACE TRANSPORTATION BOARD

Chairman Wicker, Ranking Member Cantwell and distinguished Members of the Committee, thank you for affording me the opportunity to appear before you today in consideration of my nomination to serve on the Surface Transportation Board.

There are several people responsible for my success who, due to the pandemic, could not be present with me this morning, and I would be remiss if I did not take a moment to acknowledge them. I would like to acknowledge my amazing wife Gladys for her love and unwavering support; my three energetic and train-loving sons Benjamin, Jacob and Aaron Francis; my mother Betty Primus, my sister Marcene and her family and my brother Michael. I would also like to acknowledge the influence and support of my late father, William Primus. Lastly, I want to thank my friend, teacher and mentor, former Congressman Mike Capuano, for giving me the opportunity to serve as his Chief of Staff for eighteen of the twenty years he served in Congress.

My desire to join the Surface Transportation Board is borne from the idea that I want to continue my career in public service assisting in the oversight of an industry that is of great interest to me and significant importance to the Nation. My appreciation for our Nation's rail system began when I was a child, surrounded by family members who worked for railroads, and has culminated during my time with Congressman Capuano when he served as the Ranking Member on the House Transportation and Infrastructure Committee's Subcommittee on Railroads, Pipelines and Hazardous Materials. During that time, I was afforded the opportunity to work directly with the various sectors of the rail community and gained a more complete understanding of the legislative and regulatory policies that govern our national rail network.

The Surface Transportation Board plays a critical role in ensuring our Nation's rail network is sound and functioning properly. This Committee specifically, and the Congress as a whole, recognized the Board's importance through the passage of the Surface Transportation Board Reauthorization Act of 2015. Through the legislation, this Committee strengthened the authority of the Board to oversee, investigate and adjudicate matters that have long been a concern to industry stakeholders and Congress alike. Paramount among these concerns is the need to address deficiencies associated with the rate case process. Chairman Ann Begeman, along with Board Members Patrick Fuchs and Marty Oberman have since made considerable strides to address the issue. I look forward to working with them to implement changes that, consistent with sound economic principles, will streamline the rate case process to substantially reduce costs and timelines and ultimately enhance the Board's effectiveness in handling such cases.

Another area of interest is the attention the Board gives to the smaller and mid-sized shippers and the Class II and III railroads that provide vital services to our Nation's small towns and rural communities. During my time in Congress, I made sure that the concerns of constituents who did not have the ability or resources to navigate the Congressional and Federal process were appropriately heard. If confirmed, it would be a priority to ensure that the voices of the small shipper and small regional and shortline railroads are amplified and that their issues continue to occupy a place of importance among the Board.

I also plan to value and amplify the importance of our Nation's passenger rail service. As someone who grew up riding trains and continues to do so when visiting relatives in the South, I am acutely aware of the importance of passenger rail service to the national rail network and in particular, the many rural communities that rely on it. I applaud the Committee's efforts to address issues related to passenger rail service. If confirmed, I look forward to working with the other Board Members on issues that are of concern to the passenger rail community and within the jurisdiction of the Board.

In closing, I have sought, over my nearly twenty-five years of public service, to build a reputation centered on objectivity and fairmindedness, which in turn has allowed me to become a strong consensus builder and problem solver. I hope to bring my background, solving complex and multi-dimensional problems, into a regulatory environment where I believe an unbiased, thoughtful and unconventional approach and perspective will lead to fresh ideas and ultimately solutions to some of the challenges the Board is tasked to address and resolve.

Again, thank you for the opportunity to come before you this morning and I look forward to answering any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Robert Edmund Primus.
2. Position to which nominated: Member, Surface Transportation Board.
3. Date of Nomination: July 21, 2020.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: 2438 Rayburn House Office Building, Washington, DC 20515.
5. Date and Place of Birth: October 25, 1969; Denville, New Jersey.
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).
 Gladys Barcena, Clerk—House Committee on Appropriations, Subcommittee on Transportation, HUD and Related Agencies (spouse).
7. List all college and graduate degrees. Provide year and school attended.

Bachelors of Science, Marketing—Hampton University, Hampton, Virginia, 1991.

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

Chief of Staff, The Honorable Tony Cardenas, United States House of Representatives, Washington, DC—March 2020 to present.

Senior Advisor, The Honorable Tony Cardenas, United States House of Representatives, Washington, DC—February 2020–March 2020

Senior Advisor, The Honorable Tim Ryan, United States House of Representatives, Washington, DC—November 2019–February 2020

Chief of Staff, The Honorable Nanette Diaz Barragan, United States House of Representatives, Washington, DC—January 2019–October 2019

Chief of Staff, The Honorable Michael E. Capuano, United States House of Representatives, Washington, DC—September 2002–January 2019

Legislative Director, The Honorable Michael E. Capuano, United States House of Representatives, Washington, DC—March 1999–August 2002

Registered Lobbyist, Van Scoyoc Associates, Inc., Washington, DC—January 1995–February 1999

Legislative Assistant, The Honorable Mel Reynolds, U.S. House of Representatives, Washington, DC—January 1994–December 1994

Legislative Assistant The Honorable Carrie P. Meek, U.S. House of Representatives, Washington, DC—July 1993–January 1994

Staff Assistant, The Honorable Frank R. Lautenberg, U.S. Senate, Washington, DC—November 1991–July 1993

Intern, The Honorable Frank R. Lautenberg, U.S. Senate, Washington, DC—August 1991–November 1991

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, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years. None.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or 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.

Congressional Black Associates 1991–Present

The 116 Club, Member, 2016–Present

The National Democratic Club, Member, 2015–2018

None of these organizations restrict membership 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.

Yes. I was elected to serve as Correspondence Secretary for the Ward 7 Democrats in Washington, DC. The campaign did not have any 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.

2010 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.

2012 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.

2014 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.

2016 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.

2018 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Michael E. Capuano—Served as liaison between the Congressman's official office and campaign.

2020 Congressional Election Cycle—Chief of Staff and Political Designee to U.S. Representative Tony Cardenas—Serve as liaison between the Congressman's official office and campaign.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

I have never made any political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more.

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

Youth for Tomorrow Mentoring (Chicago) Excellence in Service Award
Washington Government Relations Group Augustus F. Hawkins Award
Congressional Black Associates Trailblazer Award
Honorary Citizen of Louisville, Kentucky
Honorary Kentucky Colonel

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have not authored, individually or with others, any books, articles, columns, Internet blog postings, or other publications, neither have I given any speeches on topics relevant to the position for which I have been nominated.

18. List 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 name of an "alias" or "handle" 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/robert-primus-a651ab2/>

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

I have never testified before Congress.

20. 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 had the distinct pleasure of serving under former Congressman Michael E. Capuano while he was a member of the House Transportation and Infrastructure Committee's Subcommittee on Railroads, Pipelines and Hazardous Materials. The Congressman served on the Subcommittee from 2013 to 2018 and was its Ranking Member from 2015 through the end of 2018. As the Congressman's Chief of Staff, I was afforded the opportunity to work directly with the various sectors of the rail community and gained a more complete understanding of the legislative and regulatory policies that governs our national rail network. During his tenure as Ranking Member, the Subcommittee held hearings and briefings, and the Congressman had a number of individual meetings specifically related to the Surface Transportation Board, and in particular, the Surface Transportation Board Reauthorization Act of 2015. Accordingly, I developed a deeper knowledge and appreciation of Board's func-

tions and oversight and became very familiar with industry and stakeholder issues within the freight and passenger railroad community.

My desire to join the Surface Transportation Board is borne from the idea that I want to continue my career in public service assisting in the oversight of an industry that is of great interest to me and significant importance to the Nation. I want to bring my success solving complex and multi-dimensional problems at the Congressional level into a regulatory environment where I believe an unbiased, thoughtful and, at times, an unconventional approach and perspective will lead to fresh ideas and ultimately contribute to highly effective solutions to some of the challenges the Board is tasked to resolve. Fairness, reasonableness and equity are principles that have guided me throughout my career. Over my nearly twenty-five years of public service, I have sought to build a reputation centered on objectivity and fair-mindedness, which in turn have allowed me to become a strong consensus builder and problem solver. When considering the responsibilities of a Surface Transportation Board Member, I believe these attributes are not only relevant, but necessary.

21. 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?

First and foremost, I believe it would be my responsibility and duty to support Chairman Ann Begeman in her role as the administrator of the agency's operations. It is incumbent upon me and other Board Members to assist her in her efforts to properly oversee administration functions within the Agency and effectively address all identified deficiencies. With respect to proper management and accounting controls, I believe special attention should be given to Congressional directives outlined in the Surface Transportation Board Reauthorization Act of 2015, as well recommendations brought forth by the Department of Transportation's Inspector General.

For the past eighteen years, I have had the honor of serving as a Chief of Staff to three different Members of Congress. In this capacity, I have been responsible for overseeing not only Capitol Hill offices, but district and political offices as well. In addition to being senior policy and political advisor for each Member, I was also the primary human resource officer, compliance officer, budget/finance officer and ethics officer. I strongly believe my successful tenure as a senior manager on Capitol Hill will serve me well on the Board as it relates to the oversight and operation of the Agency.

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

- (1) The Board needs to continue its work related to the Surface Transportation Board Reauthorization Act of 2015. Congress was very clear in its desire to see the Board address deficiencies associated with rate case processes. Chairman Begeman, along with Board Members Fuchs and Oberman, have made considerable strides to address this issue. I look forward to working with them to fully implement a rate reform model that will streamline the rate case process, consistent with sound economic principles, to reduce costs and timelines and ultimately enhance the Board's effectiveness in handling such cases.
- (2) The Board must continue to make headway with respect to its pending proceedings. There are a number of key issues that have major implications for both the railroad and shipping communities. Again, the current Board membership, under the leadership of Chairman Begeman has made great strides in tackling many of these issues and I hope that I can help to contribute to the resolution of these pending matters in a way that is both timely and appropriate.
- (3) The Board must continually evaluate how its oversight and investigatory responsibilities can ensure a fair and balanced relationship between the railroad and shipping communities, and it must assert its responsibilities where appropriate. Changing business models within the railroad industry raise new and important issues. The Board should continue its active engagement with its advisory committees and the public, and it should consider use of its new authority, endowed by Congress, to investigate issues of national and regional significance as appropriate.

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.

As a Federal employee, I participate in the Federal Employees Retirement System and the Thrift Savings Plan.

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

I have no commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during my appointment.

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.

As reflected in my Ethics Agreement with the STB, my spouse has a small home business called Happies Closet. For as long as my spouse continues to work in this business, I will not participate personally and substantially in any particular matter involving specific parties in which I know my spouse is a party unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d). I do not have any other investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which I have been nominated.

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.

I have not had any business relationship, dealing, or financial transaction during the last ten years that could in any way constitute or result in a possible conflict of interest in the position to which I have been nominated.

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

I do not have 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.

Over the past ten years, in my capacity as a Chief of Staff and Senior Advisor to four different Members of Congress, it was often my responsibility to develop, coordinate and execute strategies on behalf of the respective Members that would directly influence the passage, defeat or modification of legislation that came before the House of Representatives.

C. LEGAL MATTERS

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

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

I have never been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group.

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 1992, while my parents were out of town, I had accidentally locked myself out of their townhouse, located in a gated community in Washington, DC. An individual living in their gated community thought I was trespassing and aggressively confronted me, which resulted in a physical altercation between the two of us. I was subsequently arrested and charged with a misdemeanor simple assault. I plead not guilty and requested a jury trial before the DC Superior Court. I was found not guilty by a jury of my peers and my arrest record was sealed and ultimately expunged.

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, I have never been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation.

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, I have never been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis.

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

I have no further information that I wish to provide.

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 whistle blowers from reprisal for their testimony and disclosures? Yes.

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

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

RÉSUMÉ OF ROBERT E. PRIMUS

SUMMARY

A team-oriented, senior professional with over twenty-five years of substantive experience in the legislative and advocacy fields; adept at researching and analyzing complex legislative and public policy issues while working in demanding environments; possesses excellent written and oral skills; results-oriented, with a solid record of legislative and policy accomplishments built upon proven abilities in strategic planning, administration and project management.

PROFESSIONAL EXPERIENCE

OFFICE OF THE HONORABLE TONY CÁRDENAS, (CA–29)

U.S. House of Representatives, Washington, DC

Chief of Staff March 2020–Present

Primary responsibilities

Chief advisor and administrator; develop and execute political and policy agendas; oversee the office's day-to-day operations and management; hire staff and implement personnel policies and procedures.

OFFICE OF THE HONORABLE TONY CÁRDENAS, (CA–29)

U.S. House of Representatives, Washington, DC

Senior Advisor February 2020–March 2020

Primary responsibilities

Advised the Member and Chief of Staff on legislative and political matters.

OFFICE OF THE HONORABLE TIM RYAN, (OH–13)

U.S. House of Representatives, Washington, DC

Senior Advisor November 2019–February 2020

Primary responsibilities

Provide legislative background and expertise to the Member and Chief of Staff in the areas of healthcare, transportation, budget and appropriations, and national security. Drafted an updated Office Employee Handbook that included a number of modifications as directed by the Chief of Staff and Deputy Chief of Staff. Provided formal and informal guidance to members of the Congressman's legislative team.

OFFICE OF THE HONORABLE NANETTE DIAZ BARRAGÁN, (CA–44)

U.S. House of Representatives, Washington, DC
Chief of Staff January 2019–November 2019

Primary responsibilities

Responsible for the day-to-day operations and management of the Congresswoman's office. Primary staff liaison to the Democratic leadership, as well as the Energy and Commerce Committee and the Congressional Hispanic Caucus. Provide legislative background and expertise in the areas of healthcare, transportation, budget and appropriations, and national security. Serve as the Congresswoman's staff liaison to her Washington- and California-based fundraisers and works with the fundraisers to coordinate fundraising events.

OFFICE OF THE HONORABLE MICHAEL E. CAPUANO, (MA-7)
U.S. House of Representatives, Washington, DC
Chief of Staff September 2002–Present

Primary responsibilities

Chief advisor and administrator; develop and execute political and policy agendas; oversee the office's day-to-day operations and management; hire staff and implement personnel policies and procedures; manage legislative portfolio related to health care, national security, transportation, homeland security and national intelligence; primary staff contact for the Congressional Community Health Center Caucus, of which the Congressman is a co-chair; chief liaison to the House Leadership and the Massachusetts Congressional delegation; primary point-of-contact with the Congressman's Washington-based fundraiser and works with the fundraiser to develop and coordinate all fundraising events in Washington; develop, coordinate, and manage all district- and state-specific appropriations projects.

Leadership Accomplishments/Roles

- Staff point-of-contact for the Democratic Steering and Policy Committee
- Chief liaison for Chairman Capuano's Democratic Caucus' Organization, Study and Review Committee during the 2006 overview of Caucus rules and procedures
- Staff liaison for Chairman Capuano's Transition for Incoming House Democratic Majority in 2006
- Liaison and special advisor to the Committee on House Administration 2007–2010
- Supported Mr. Capuano's efforts to elect Congressman John Larson Vice Chair of the Democratic Caucus
- Managed the healthcare portfolio within the most health-centric congressional district in the country
- Worked directly with the Commonwealth of Massachusetts during the implementation of the Affordable Care Act
- On the Massachusetts delegation team assisting 1115 Medicaid waiver applications to CMS
- Worked closely with leading Massachusetts health care institutions on critical health care issues including Medicaid waivers, the Area Wage Index, the PACE program, the 340B drug program, the Graduate Medical Education program, the dual-eligible program, community health center funding, and issues surrounding behavioral health
- Secured more than \$400 million in Congressionally directed Federal funding for the district
- Organized, coordinated, and staffed CODEL Capuano to Afghanistan and Pakistan, which was the first American delegation to meet with then newly elected Pakistani Prime Minister Syed Yousaf Raza Gillani

Notable Misc.

- Deep personal ties to an extensive list of Democrat and Republican members and staff
- Strong relationships with House Leadership and Committee staff
- Strong relationships with members and staff of the Congressional Black Caucus, Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus
- Possess an active Top-Secret Security clearance

Legislative Director March 1999–September 2002

Served as senior policy advisor, responsible for the coordination and oversight of all legislative activities; oversaw the constituent correspondence operation; managed all district- and state-specific appropriations projects; responsible for the Congressman's legislative portfolio related to national and homeland security and intelligence.

In this capacity, acted as the primary staff contact for the House Democratic Whip Team during the Congressman's tenure as a regional whip; served as the Congressman's associate committee staff during his time on House Budget Committee; and researched and drafted the Juvenile and Young Adult Witness Protection bill of 1999, which was later included in a comprehensive juvenile justice bill that was subsequently signed into law.

VAN SCOYOC ASSOCIATES, INC., WASHINGTON, DC

Registered Lobbyist January 1995–February 1999

Represented major corporate, not-for-profit, healthcare, academic, and state government clients before the United States Congress and the Executive Agencies.; responsible for the development and execution of client strategies; provided drafted client testimony, report language, and briefing materials; coordinated and conducted briefings with Members of Congress and their staff; provided legislative research and analysis for clients.

OFFICE OF THE HONORABLE MEL REYNOLDS, (IL–2)

U.S. House of Representatives, Washington, DC

Legislative Assistant January 1994–December 1994

Briefed and advised the member on legislation and the impacts to the district; served as staff representative to the White House Conference on Small Business and the Democratic Health Care Seminars; served as a Team Captain on the Democratic Leadership's Message Board; drafted and analyzed legislation individually and in collaboration with colleagues in other member offices.

OFFICE OF THE HONORABLE CARRIE P. MEEK, (FL–17)

U.S. House of Representatives, Washington, DC

Legislative Assistant July 1993–January 1994

Briefed and advised the member on legislation related to national security, telecommunications, trade, and agriculture policy; drafted Dear Colleagues, constituent letters and floor statements; met with industry representatives and constituents.

OFFICE OF THE HONORABLE FRANK R. LAUTENBERG, (NJ)

U.S. Senate, Washington, DC

Staff Assistant November 1991–July 1993

Assisted the Administrative Assistant, Legislative Director and State Director with time sensitive and sometimes confidential mail inquiries; assisted senior staff with tracking and researching legislation; drafted briefing memos for legislative fellows.

EDUCATION

HAMPTON UNIVERSITY—*Hampton, Virginia* May 1991

Bachelor of Science Degree in Marketing

Graduated *Cum Laude*

HARVARD UNIVERSITY—*Cambridge, Massachusetts* Summer 2007

John F. Kennedy School of Government

Senior Managers in Government—Certificate Program

Senator WICKER. Thank you very, very much, Mr. Primus.

We had some technical glitches with our remote witnesses yesterday, Madam Ranking Member. I have a feeling these two are going to go very smoothly.

So let's turn to Ms. Sarah Feinberg. Ms. Feinberg, are you with us, and can you hear us all right?

**STATEMENT OF SARAH E. FEINBERG, NOMINEE TO BE A
DIRECTOR, AMTRAK BOARD OF DIRECTORS**

Ms. FEINBERG. I am. I can hear you and I can see you and hopefully you can hear me and see me.

Senator WICKER. OK. Good. Well, you are recognized for 5 minutes and thank you so much for being with us today.

Ms. FEINBERG. Thank you so much.

Chairman Wicker, Ranking Member Cantwell, and to the other distinguished members of the Commerce Committee, I want to thank you for holding this morning's hearing during what is an unprecedented time for this country and this body.

I know your time is incredibly valuable and you have many demands on your attention and I thank you for your service and for your interest today.

I appear in front of you as a nominee to the Amtrak Board of Directors. This is a Board I served on previously in 2015 and 2016 while also serving as the Federal Railroad Administrator at the U.S. Department of Transportation.

As Federal Railroad Administrator, I served as the country's safety regulator of both passenger and freight rail. During that stint on the Amtrak Board, I had the opportunity to help shape the company's approach to safety, its continued implementation of positive train control, and its approach to making its system more accessible for all.

I also worked closely with the company and with my fellow board members as we implemented service system improvements across the country, including on state-supported routes and on the company's long-distance service, including the contemplation of the return of Gulf Coast service.

At each turn, I felt our Board was able to simultaneously work with the company and work closely with the Congress, including this committee and its staff, to further safety, improve service for riders, improve business performance, and protect taxpayer dollars.

To that end, I view the possibility of a second stint on the Amtrak Board as an opportunity to continue to push forward with safety improvements for all passengers and to serve both the traveling public and taxpayers.

Without a doubt, Amtrak is facing an unprecedented moment and a challenging future. Like all transportation entities, its finances have been severely impacted by the COVID pandemic. Ridership has decreased dramatically and the timing of its return is uncertain while cleaning costs have risen.

I believe Amtrak is taking the right steps to address this crisis head on with leaning and disinfection, requiring masks and social distancing, and matching service levels to current ridership demands.

I believe members of the Amtrak Board have a serious fiduciary responsibility to the company as well as to taxpayers. Members of the Board must also fulfill a responsibility and share a commitment to improving safety, service, and reliability for Amtrak's passengers. I can assure you I take those responsibilities seriously.

In the immediate term, if my nomination is successful, I will look forward to working closely with Amtrak to ensure continued protection of passengers during the pandemic and to return stability to the company, its work force, and its finances.

My current day job is serving as the Interim President of New York City Transit, the largest public transit agency in North America, and it is my day job that prevents me from being with you in person today as I remain in New York City leading our agency as we continue our clean-up and restoration efforts following Tropical

Storm Isaias and, of course, our ongoing work to recover from our first wave of COVID and prevent a second or subsequent wave.

It is an honor to be with you today, even virtually, and I look forward to taking your questions.

Thank you.

[The prepared statement and biographical information of Ms. Feinberg follow:]

PREPARED STATEMENT OF SARAH E. FEINBERG, NOMINEE TO BE A DIRECTOR,
AMTRAK BOARD OF DIRECTORS

Chairman Wicker, Ranking Member Cantwell, and to the other distinguished members of the Commerce Committee, I want to thank you for holding this morning's hearing, during what is an unprecedented time for this country and this body. I know your time is incredibly valuable and you have many demands on your attention, and I thank you for your service and for your interest today.

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During that stint on the Amtrak Board, I had the opportunity to help shape the company's approach to safety, its continued implementation of Positive Train Control, and its approach to making its system more accessible to all. I also worked closely with the company and with my fellow board members as we implemented service improvements across the country, including on state supported routes and on the company's long distance service, including the contemplation of the return of Gulf Coast service.

At each turn, I felt our board was able to simultaneously work with the company, and work closely with the Congress, including this committee and its staff, to further safety, improve service for riders, improve business performance, and protect taxpayer dollars. To that end, I view the possibility of a second stint on the Amtrak board as an opportunity to continue to push forward with safety improvements for all passengers, and to serve both the traveling public, and taxpayers.

Without a doubt, Amtrak faces an unprecedented moment and a challenging future. Like all transportation entities, its finances have been severely impacted by the COVID pandemic. Ridership has decreased dramatically, and the timing of its return is uncertain, while cleaning costs have risen. I believe Amtrak is taking the right steps to address this crisis head on—leaning into cleaning and disinfection, requiring masks and social distancing, and matching service levels to current ridership demands.

I believe members of the Amtrak Board have a serious fiduciary responsibility to the company, as well as to taxpayers. Members of the board must also feel a responsibility and share a commitment to improving safety, service and reliability for our passengers. I can assure you I take those responsibilities seriously. In the immediate term, if my nomination is successful, I would look forward to working closely with Amtrak to ensure continued protection of passengers during the pandemic, and to return stability to the company, its workforce, and its finances.

My current day job is serving as the Interim President of New York City Transit, the largest public transit agency in North America. And it is my day job that prevents me from being with you in person today—as I remain in New York City, leading our agency as we continue our clean up and restoration efforts following Tropical Storm Isaias, and of course our ongoing work to recover from our first wave of COVID and prevent our second and subsequent waves.

It is an honor to be with you today, even virtually, and I look forward to taking your questions.

Thank you.

A. BIOGRAPHICAL INFORMATION

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

Sarah Elizabeth Feinberg.

2. Position to which nominated: Member, Board of Directors, Amtrak.

3. Date of Nomination: May 17, 2020.

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

Residence: Information not released to the public.

Office: 2 Broadway 30th Floor, New York, NY 10004.

S. Date and Place of Birth: October 3, 1977; Charleston, West Virginia.

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).

Joshua Tyranigel, COO and Chief Content Officer, Kunhardt Films.

7. List all college and graduate degrees. Provide year and school attended.

Washington and Lee University, BA in Politics.

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

See attached CV.

9. Attach a copy of your résumé.

See attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

All listed in CV.

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

All are listed in CV other than consulting work via Feinberg Strategies, LLC. Feinberg Strategies LLC client list is attached.

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or 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.

Only memberships are via board seats—StoryCorps Board of Directors and NHPF Board of Directors—both of which are described and included on CV.

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

Yes—I was appointed to be Acting Administrator at the Federal Railroad Administration, and then was confirmed by the U.S. Senate and became Administrator, Federal Railroad Administration. There were no campaigns, or debts, associated with these positions.

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.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

See attached.

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

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have done my best to identify any books, articles, columns, or other publications and relevant speeches, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. The

speeches I gave as Federal Railroad Administrator have been removed from the USDOT website, but may exist in archives. I have located the following:

3/9/2020

My promise to NYC straphangers: The new subway and bus boss lays out her priorities

<https://www.nydailynews.com/opinion/ny-oped-my-promise-to-nyc-straphangers-20200309-7yefxvqi6vertkna2vrx3wj3m-story.html>

4/27/2020

City Hall must not let the subways turn into a homeless shelter

<https://nypost.com/2020/04/27/city-hall-must-not-let-the-subway-turn-into-a-homeless-shelter/>

5/10/2020

Transit boss says progress being made during overnight subway shutdowns

<https://www.amny.com/oped/transit-boss-says-progress-being-made-during-overnight-subway-shutdowns/>

6/3/2020

A safe return for the subways: The head of the NYC Transit Authority outlines what will be different when the city begins reopening

<https://www.nydailynews.com/opinion/ny-oped-a-safe-return-for-the-subways-20200603-7graokfwxvcpfufmxop3eco4a-story.html>

6/8/2020

MTA is glad to have you back for the NYC reopening

<https://www.bxtimes.com/op-ed-mta-is-glad-to-have-you-back-for-the-nyc-reopening/>

7/6/2020

An early welcome back to Phase 3 of NYC's reopening

<https://qns.com/story/2020/07/06/op-ed-an-early-welcome-to-phase-3-of-new-york-citys-reopening/>

18. List 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 name of an “alias” or “handle” 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.

Twitter—@feinbergsarah

Active

Instagram—@sarahfeinberg

Active

Facebook—<https://www.facebook.com/Sarah.Elizabeth.Feinberg/>

Active

19. 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 testified several times between January 2015–January 2017:

<https://railroads.dot.gov/testimonies/oral-statement-field-hearing-continued-oversight-california-high-speed-rail>

<https://railroads.dot.gov/testimonies/written-statement-field-hearing-continued-oversight-california-high-speed-rail>

<https://railroads.dot.gov/testimonies/oral-statement-sarah-e-feinberg-house-committee-oversight-and-government-reform>

<https://railroads.dot.gov/testimonies/written-statement-sarah-feinberg-house-committee-oversight-and-government-reform>

<https://www.transportation.gov/testimony/oversight-ongoing-rail-pipeline-and-hazardous-materials-rulemakings>

<http://www.transportation.gov/testimony/passenger-rail-reauthorization-future-northeast-corridor>

<https://www.transportation.gov/testimony/oversight-amtrak-accident-philadelphia>

<https://www.transportation.gov/testimony/state-positive-train-control-implementation-united-states-0>

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your back-

ground 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 my time serving as the Administrator of the Federal Railroad Administration, Chief of Staff at the U.S. Department of Transportation, member of the Board of Directors at the Metropolitan Transportation Authority, and Interim President of New York City Transit have prepared me and qualified me for Amtrak board service. I also believe my previous stint as a member of the Amtrak Board of Directors has prepared me well for this position.

I want to serve in this role again because I believe safe, efficient passenger rail is critical to the survival and success of economies around this country—from the massive economies of the cities of the Northeast Corridor, to the smaller economies of the small towns dependent upon regional rail service.

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

As a member of the Amtrak Board of Directors, I would have a fiduciary duty to protect and act as a good and faithful steward of taxpayer dollars and resources.

I have managed large organizations throughout my career, including my current management of New York City Transit, my tenure as FRA Administrator, and my service as Chief of Staff at USDOT.

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

I believe Amtrak's greatest challenges are:

- Making important and tangible progress, even during the midst of an economic downturn, to identify the potential for long term planning and expansion of regional rail across the Deep South and other regions.
- Even during the economic downturn, continuing to do the hard work to shore up Amtrak's finances in order to remain a viable and leading transportation option.
- Even during the economic downturn, remaining focused on State of Good Repair work, particularly on the Northeast Corridor.

B. POTENTIAL CONFLICTS OF INTEREST

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

I remain the interim President of New York City Transit.

I remain the owner of Feinberg Strategies, LLC, my firm. During my time as President of NYCT, I have taken a leave of absence from the firm. Only one client remains with the firm since my leave. Two of my colleagues run and manage the firm and the client work for the remaining client. I do not engage in client work at this time, and I do not solicit new clients.

No deferred compensation agreements.

I continue to hold a Thrift Savings Account from my time in Federal government service, and I hold various IRAs.

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

I will remain the interim President of NYCT during my board service, and I will remain the owner of my firm during my board service.

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.

My only potential conflict of interest is my current employment with NYCT, but both parties are comfortable with existing recusals in place, and I am happy to revisit at the Senate's discretion.

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 2017 and early 2018, Amtrak was a client of my firm, Feinberg Strategies, LLC. I no longer have a business relationship with Amtrak and have no intention of having a future business relationship with Amtrak. If Amtrak's counsel or any other

party suggested this previous business relationship to be a conflict of interest I would be comfortable putting an appropriate recusal in place.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest. None.

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.

No activity apart from carrying out my regular duties as Chief of Staff at USDOT, Administrator of the Federal Railroad Administration, and interim President of New York City Transit.

C. LEGAL MATTERS

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

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

Never, none.

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

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

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

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

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, 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 whistle blowers from reprisal for their testimony and disclosures? Yes.

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

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

FEINBERG STRATEGIES CLIENT LIST 2017–PRESENT

Aion Foundation
American Council of Engineering Companies
Amtrak
Ava Labs
Copperfield Advisory
Facebook
FitOps Foundation
Honeybee Health
Madhive

Markle Foundation
 Orchid
 Parity Technologies
 Partnership for New York City
 Ridgley Walsh
 Running Mate Media
 Solana
 WeConnect Recovery
 Served in an advisor capacity:
 Blockchange Ventures
 Oaktree Transportation Infrastructure Fund
 Uptake Technologies

RÉSUMÉ OF SARAH E. FEINBERG

Sarah E. Feinberg is the interim President of New York City Transit, the largest transit system in North America, employing more than 54,000 people and moving an average of more than 8 million people per weekday. She previously served on the Board of the Metropolitan Transportation Authority, where she chaired the Transit Committee.

Feinberg is a former senior White House and Obama administration official and a senior public policy and communications leader. Feinberg is also the founder of Feinberg Strategies, LLC, where she led a strategic consulting practice focused on the transportation and tech sectors.

During the Obama administration, Feinberg first served as Senior Advisor to the Chief of Staff at the White House, and then later went on to become Chief of Staff at the U.S. Department of Transportation, and then Administrator of the Federal Railroad Administration. Feinberg led the Federal Railroad Administration first as Acting Administrator starting in January, 2015, and later as Administrator following confirmation by the Republican-controlled U.S. Senate. Under Feinberg's leadership, FRA completed work on significant policy initiatives including finalization of crude-by-rail regulations, implementation of Positive Train Control, expansion of drug and alcohol testing, and finalization of a \$2.458 loan to Amtrak—the largest loan in USDOT history. Feinberg also led and represented FRA and USDOT through multiple major rail incidents and investigations, and at multiple congressional hearings and in public appearances.

EMPLOYMENT

Interim President, New York City Transit. March 2020–Present. Interim President of the largest transit system in North America. Overseeing all subway and bus operations and a team of 54k employees. Most recently led the organization through the COVID pandemic and ongoing financial crisis.

Member, Board of Directors, MTA. Chair, Transit Committee. Vice Chair, Finance Committee, MTA Board. Spring 2019–March 2020.

Administrator, Acting Administrator, Deputy Administrator, Federal Railroad Administration. 2015–2017. The Federal Railroad Administration is a 1,000-person enforcement and investigative agency within the U.S. Department of Transportation. FRA is the chief safety regulator of the U.S. rail system—responsible for regulating all passenger and freight railroads, promulgating and enforcing all rail safety regulations, administering and managing more than \$1B annually, and improving railroad safety for the traveling public. The administrator is a White House appointment requiring Senate confirmation.

Chief of Staff, U.S. Department of Transportation. 2013–2015. Responsible for management of all operational, strategic, legislative initiatives across the department. Managed the day-to-day operations of the multi-modal, 57,000 person agency, implementing the Secretary's operational and policy visions, and executing upon White House transportation priorities. Led DOT's efforts with regard to the immediate challenges facing the department, including expiration of the surface transportation programs, expansion of drone and autonomous vehicle programs, and the department's management of safety issues. Served as chief strategist and advisor to the Secretary of Transportation.

Director, Policy Communications, Facebook. 2011–2013. Managed message strategy and communications surrounding litigation, regulation, safety, security, privacy and data use, and other federal, state and local legislative issues. Managed Facebook's

Washington-based outreach and communications, as well as the company's political and crisis communications.

Director, Global Communications and Business Strategy, Bloomberg LP. 2010–2011. Managed Bloomberg's Washington-based communications, co-managed Bloomberg's New York-and London-based communications. Focused on expanding Bloomberg's communications, business and media presence globally.

Special Assistant to the President and Senior Advisor to the Chief of Staff, The White House. 2008–2010. Served as senior advisor to WH Chief of Staff Rahm Emanuel in the White House and during the transition. Responsible for serving as Emanuel's lead and liaison to several operations within the White House, including the economic team, the communications and domestic policy departments, the national security apparatus. Responsible for managing day-to-day crisis and issue oversight for the Chief of Staff (specifically: the banking and economic crisis, H1N1 pandemic, national service issues, WV mining disaster); member of the senior White House staff.

OTHER EMPLOYMENT

- Communications Director, U.S. House of Representatives Democratic Caucus, Chairman Rahm Emanuel
- National Press Secretary, Democratic Congressional Campaign Committee, Chairman Rahm Emanuel
- National/Leadership Press Secretary, Office of the Senate Minority Leader, Senator Tom Daschle
- Deputy Staff Director, Senate Democratic Communications Committee

EDUCATION

B.A. in Politics, Washington and Lee University, Lexington, VA. June 1999
Incomplete: M.A. in Strategic National Security Studies, National Defense University, Fort Lesley McNair, Washington, DC. (Exited program in January 2009 upon start of White House employment.)

BOARD SERVICE

Amtrak—Served on Board of Directors 2015–2017
StoryCorps—Served on Board of Directors 2012–2015 and 2017–present
Metropolitan Transportation Authority—Member, Board of Directors, Spring 2019–March 2020
NHP Foundation—Member, Board of Directors, 2020

DONATIONS TO POLITICAL CANDIDATES

9/30/2011—Barack Obama—\$500
7/31/2012—Barack Obama—\$500
10/28/2012—Barack Obama—\$500
5/6/2013—Facebook PAC—\$500
5/9/2016—Hillary Clinton—\$500
7/16/2016—Hillary Clinton—\$1200
9/8/2016—Hillary Clinton—\$500
6/5/2017—Maria Cantwell—\$500
4/25/2019—Joe Biden—\$500
Fall 2019—Do not recall date—Katie Porter—\$1000

Senator WICKER. Thank you. Thank you very, very much.
And we now turn to Mayor Koos. Can you hear us loud and clear?

STATEMENT OF CHRIS KOOS, NOMINEE TO BE A DIRECTOR, AMTRAK BOARD OF DIRECTORS

Mr. KOOS. I can, Senator. Thank you.

Senator WICKER. You're recognized for 5 minutes. Thank you for joining us.

Mr. KOOS. I am Chris Koos, and I have proudly served as the Mayor of the Town of Normal for 17 years.

I thank you, Chairman Wicker, Ranking Member Cantwell, and distinguished members of the U.S. Senate, Committee on Commerce, Science, and Transportation, for the opportunity to testify before you today.

I would like to take a moment to thank this committee under the leadership of Chairman Wicker and Ranking Member Cantwell for including passenger rail in the Surface Transportation Bill.

I would like to thank President Trump, Secretary Chao, and Senators Durbin, Duckworth, and Schumer for advancing my nomination.

I would also like to thank Congressman Davis and Congressman LaHood for their strong support of my nomination.

If confirmed, I hope to bring my experience as a mayor, small business owner, and frequent Amtrak customer to the Board of Directors.

These experiences have instilled in me the belief that passenger rail is a necessary investment that increases mobility, promotes economic growth, and improves the quality of life for all communities it serves.

I have seen positive impact of passenger rail firsthand in Normal which is served by an Amtrak station at an uptown station. The station has been key to revitalizing the Town of Normal's Central Business District.

This revitalization would not have happened if the business community and political leaders in the region did not recognize the importance of inner city passenger rail and transit-oriented development.

I have a deep respect for the organization, its history, and its employees who are committed to making Amtrak a convenient and reliable transportation option for all Americans.

I believe that a healthy national passenger rail system will be crucial to solving many of the toughest problems we face today as a nation. From providing a viable addition to our transportation network, fighting climate change, and to create new and sustainable jobs, Amtrak can be a valuable part of this solution.

As much as I admire Amtrak, I recognize the organization faces a number of challenges that I would hope to focus on if my appointment to the Board of Directors is confirmed.

As a member of the Board, I would reaffirm my support for the long-distance passenger rail system. My community is served by both state-supported and long-distance lines. I recognize the importance of the long-distance train travel for many of my constituents who are often unable to travel by plane, bus, or car.

Amtrak also plays a major role in the mobility and independence of the disability community. This cannot be ignored.

In order to make passenger rail an effective transportation option, we need to significantly improve on-time performance. This means engaging new metrics and new standards as well as holding freight rail companies accountable for following agreed-upon time tables.

I am also invested in making Amtrak a safer system. I would use my position as a director on the Board to advocate for safe rail crossings, improved grade separation, and right-of-way improve-

ments that create safer conditions, decreased travel times, and improved on-time performance.

I would advocate for a strong safety culture for Amtrak's management and employees.

If confirmed, I look forward to tackling some of these challenges.

In closing, as a mayor, I understand firsthand the benefits of inner city passenger rail to my community and our Nation. I hope I have the opportunity to work closely with the members and staff of this committee as well as the entire Congress to create a more effective and efficient passenger rail system for our country.

I look forward to your questions, and thank you for having me here today.

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

PREPARED STATEMENT OF HON. CHRIS KOOS, MAYOR, TOWN OF NORMAL, IL

Introduction

Chairman Wicker, Ranking Member Cantwell, and distinguished Members of the United States Senate Committee on Commerce, Science, and Transportation, thank you for the opportunity to testify before you today. I am Chris Koos, and I have proudly served as the Mayor of the Town of Normal, Illinois since 2003. I am deeply honored to have been nominated by the President to serve on the Amtrak Board of Directors. If confirmed, I hope to bring my experience as a mayor, small business owner, and frequent Amtrak customer to the Board of Directors.

These experiences have instilled in me the belief that passenger rail is a necessary investment that increases mobility, promotes economic growth, and improves the quality of life for all communities served. I have seen the positive impact of passenger rail firsthand in Normal, which is served by Amtrak at Uptown Station. Our intermodal passenger rail station is the second busiest in Illinois, with 238,626 boardings and alightings in FY18. The station has been key to revitalizing the Town of Normal's central business district. This revitalization would not have happened if the business community and political leaders in the region did not recognize the importance of intercity passenger rail and transit-oriented development.

I have a deep respect for the organization, its history, and its employees, who are committed to making Amtrak a convenient and reliable travel option for all Americans. I believe that a healthy national passenger rail system will be crucial to solving many of the toughest problems we face today as a Nation. From providing a viable addition to our transportation network, fighting climate change to creating new and sustainable jobs, Amtrak must be a part of the solution.

About Normal

The town of Normal was originally founded as a railroad town in 1865. The Town is located in McLean County in Central Illinois; adjacent to the City of Bloomington. We sit at the crossroads of two major Midwestern cities: Chicago and St. Louis. Normal is about 120 miles southwest of Chicago and 160 miles northeast of St. Louis.

Normal is home to Illinois State University, which is Illinois' oldest public university. Our community is also home to Heartland Community College, Illinois Wesleyan University, and Lincoln College. We pride ourselves on being a business-friendly community. You can find businesses such as State Farm Insurance, Growmark Inc., COUNTRY Financial, and Rivian, an exciting and visionary American automaker developing and manufacturing next generation electric vehicles, in Normal, Illinois

Amtrak's Impact on Bloomington-Normal

The Bloomington-Normal community is served by two Amtrak routes: *The Texas Eagle*, a long-distance line, and the *Lincoln Service*, a state-supported line. *The Texas Eagle* connects Chicago to St. Louis, Dallas, Austin, and San Antonio. *The Lincoln Service* provides even more frequent service between Chicago and St. Louis.

In 2010, Normal was awarded one of the first TIGER, now known as BUILD, grants in the Nation for the redevelopment of Uptown Station in downtown Normal. The \$46 million dollar project, which received \$22 million from the TIGER grant, \$11 million in additional Federal funding, and more than \$13 million in state and

local contributions, was the first TIGER grant project in the Nation to break ground and begin construction.

As Mayor of Normal, I was a part of a partnership between the Federal government, the State of Illinois, local contractors, and local unions; all focused on delivering a high-quality facility on time and within budget. We met that goal in 2012, less than two years after breaking ground. The redeveloped Uptown Station included a new Amtrak station, space for public transit and regional buses, three stories of office space now used by the Town of Normal, and parking lots for visitors and commuters. The station is also adjacent to the Constitution Trail, which is a rail-to-trail conversion running through Normal and Bloomington and offering safe pedestrian walkways as well as bike lanes and new bike infrastructure. Finally, a dangerous five-way intersection was transformed into a significantly safer green roundabout. The roundabout has become an attractive public space and diverts thousands of gallons of untreated stormwater from nearby creeks.

The Uptown Station construction project was an incredible success and a testament to the importance of intercity rail and transit-oriented development in our cities and towns, no matter the size. The transportation center created hundreds of jobs during its two-year construction period (nearly 140,000 hours of work for construction workers). This meant good-paying jobs for ironworkers, electricians, bricklayers, plumbers, sprinkler fitters, and sheet metal workers throughout the region.

The project also created many indirect jobs. Private spinoff development anchored by the new station totaled at \$175 million, in investments in new housing and construction. The project has also brought a new Children's Discovery Museum, two hotels, and a conference center to Normal. Thanks to Amtrak's Bloomington-Normal Station, our success is still playing out. We continue to attract new jobs, residents, and retail dollars to the community without contributing to sprawl.

In addition to the incredible economic growth the Town has seen since the redevelopment of Uptown Station, Normal has received the U.S. EPA's 2011 National Award for Smart Growth Achievement in the category of Civic Places for the Uptown Normal Roundabout. Uptown Station also received a LEED Silver certification for its environmentally responsible and efficient construction and design.

Success in Partnerships

I believe that the key to the success of Uptown's redevelopment has been our philosophy of partnership and engagement with Federal agencies, elected officials, the private sector, and the community. I believe that positive unified relationships between all stakeholders are key to the future success of intercity passenger rail in the United States. This means support for passenger rail at both the Federal and state level as well as support from private developers, labor groups, and the residents of the community.

The Uptown Station project would not have been completed on time and within budget without the support of all stakeholders. All of our stakeholders agreed that a redeveloped Amtrak station would provide better access to jobs and educational opportunities while spurring transit-oriented development.

The Future of Amtrak

As much as I admire Amtrak, I recognize that the organization faces a number of challenges that I would hope to focus on if my appointment to the Board of Directors is confirmed. As a member of the Board, I would reaffirm my support for long-distance passenger rail. My community is served by both state-supported and long-distance lines. I recognize the importance of long-distance train travel for many of my constituents, who are often unable to travel by plane, bus, or car. Amtrak plays a major role in the mobility and independence of the disability community; this cannot be ignored.

As a Director, I would be a strong ally to the disability community. I was shocked when Amtrak made news in January after asking two wheelchair-users to pay \$25,000 to ride from Chicago to Normal's Uptown Station. The normal price for that ticket would be \$16. I understand that former Amtrak CEO Richard Anderson committed to improving accessibility on Amtrak trains and properties through a comprehensive review of current accessibility policies. We need to go above and beyond the bare minimum for our passengers with disabilities. This means upgrading and purchasing rolling stock to better suit the needs of disabled passengers as well as upgrading station infrastructure, to make the Amtrak experience accessible and reliable for all passengers.

In order to make passenger rail an effective transportation option, we need to significantly improve on-time-performance (OTP). This means introducing new metrics and standards as well as holding freight companies accountable for following agreed-upon timetables.

I am also invested in making Amtrak a safer system. I would use my position as a Director on the Board to advocate for safer rail crossings. Improved grade-separation and right-of-way improvements have helped create safer conditions, decreased travel times, and improved OTP, while increasing ridership in our town. I believe that this should be replicated in communities across the United States. Finally, in order to ensure the safety of all passengers, we need to reach 100 percent PTC implementation on all route miles throughout the U.S.

If confirmed, I look forward to tackling these challenges, and whatever challenges present themselves in the future. I, as well as the entire Bloomington-Normal community, understand firsthand the benefits of intercity passenger rail as well as the costs associated with a failing system, such as traffic congestion, lowered property values, and increased greenhouse emissions. I believe that Amtrak must be a part of the solution when addressing these issues which affect almost every single American.

In closing, I again thank President Trump and Secretary Chao for their confidence in my ability to serve on the Amtrak Board of Directors. I hope to have the opportunity to work closely with the Members and staff of this Committee as well as the entire Congress to create a more effective and efficient passenger rail system.

A. BIOGRAPHICAL INFORMATION

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

Christopher C. Koos
Chris Koos

2. Position to which nominated: Amtrak Board of Directors.

3. Date of Nomination: 5/21/2020.

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

Residence: Information not released to the public.

Office: 206 South Linden Street, Normal, IL 61761.

11 Uptown Circle, Normal, IL 61761—Mayor, City Hall address.

5. Date and Place of Birth: 07/06/1948; Bloomington, IL.

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).

N/A; Josh Favus—Age 50.

7. List all college and graduate degrees. Provide year and school attended.

No degree, Illinois State University, 1966–68, 1971–72.

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

Owner—Draisine Limited, December 1978 to present.

Mayor—Town of Normal, February 2003 to present.

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

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

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

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or 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.

Illinois Municipal League—Board Member (2016 to present).

U.S. Conference of Mayors—Vice Chair of Membership (2014 to present).

U.S. Conference of Mayors—Vice Chair of Transportation/Communications (2020 to present).

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.

Mayor—Town of Normal, elected, no outstanding campaign 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. N/A.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. 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.

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

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Combat Infantryman Badge, Army Commendation Medal, various unit citations.

18. List 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 name of an “alias” or “handle” 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.

<https://www.normal.org/89/Mayor-Chris-Koos>

<https://www.facebook.com/votemayorkoos/>

<https://www.linkedin.com/in/chris-koos-45463a50>

19. 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.

House Committee on Oversight and Government Reform—07/14/2016.

My testimony was a view of passenger rail infrastructure as an economic development tool.

20. 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 assisted with the construction of a multimodal transportation center as Mayor, which took a lot of organization on the local, state, and Federal level. This was a keystone public project that was leveraged for considerable private investment in the surrounding area. I firmly believe that transportation infrastructure is as much about economic development as it is about transportation. I wish to serve in this position to work towards funding stabilization. A more stable funding stream would allow enable Amtrak to do better long-term planning and equipment and infrastructure upgrades.

As a small business owner for 42 years, I understand the need for well planned financial decision making and realistic goals.

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

I want to make sure my vision for the rail service aligns with those of fellow board members. I will bring to the table 42 years of retail experience as a business

owner and 17 years of leadership experience as Mayor of a town with a population of over 50,000 residents.

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

Funding—I don't envision Amtrak becoming fully self-supporting, but I do want to see its funding stabilize. There is no National passenger rail system in the world that does not have significant sovereign investment. To facilitate budgeting and long term planning, Amtrak needs a five year funding scenario.

Budgeting—depending on the administration that's in power, Amtrak is put on a see-saw of budgeting. One year its well funded, the next year it's being threatened with closure. This poses many challenges. To be effective, it needs a five year budgeting process.

Ridership—If you have a system that has (1) on-time reliability, and (2) has a certain level of amenity with it, be it WiFi on every train, clean, modern seating, accessibility, you will see ridership go up.

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.

Northwestern Mutual Simple IRA
Owner Draisine Ltd Normal, IL
Salary Draisine Ltd Normal, IL
Salary Town of Normal, IL

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.

Mayor—term ending May April 30, 2021

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. N/A.

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. N/A.

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

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. N/A.

C. LEGAL MATTERS

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

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

Yes, investigated by the Federal Bureau of Investigation for security clearance.

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.

Personal Lawsuit filed against me regarding a real estate transaction—dismissed.

Two lawsuits against the Sub S Corporation, which I own and operate, for bike race liability—both dismissed.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

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

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

N/A.

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 whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

RÉSUMÉ OF CHRISTOPHER C. KOOS

COMMUNITY ADVOCACY AND GOVERNANCE:

Town of Normal, Normal, IL
Council Member April 2001–February 2003
Mayor February 2003–Present

- Drive economic and quality of life development, including construction of the Marriott Hotel and Conference Center, the Hyatt Place Hotel, the Children's Discovery Museum, and major multi-use construction
- Create and enact policies with a meaningful emphasis on innovation, energy efficiency, and environmental sensitivity
- Pursue partnerships with community stakeholders, including private businesses and governmental partners at the state, local, and Federal level to enhance the quality of life for all residents of the community
- Promote recreational opportunities in the community through the construction of new recreation facilities, the preservation of open space, and the expansion of the existing walking/biking trail system.

Selected Projects and Leadership:

- Development and construction of multi-modal Uptown Station (dedicated July 2012), servicing the highest Amtrak ridership in Downstate Illinois on *Lincoln Service/Texas Eagle* trains
 - \$45.9 million total project cost; recipient of \$22 million TIGER program funds, \$10.6 million additional Federal funding, over \$13 million state and local contributions
- Redevelopment of the Uptown Normal business district, focusing on transportation-oriented design to highlight Normal's position on the Chicago/St. Louis high-speed rail corridor
 - \$90 million of public investment generated \$172 million in private investment and economic development
- Expert testimony regarding urban development and transportation:
 - House Committee on Oversight and Government Reform, Subcommittee on Transportation & Public Assets, 2016
- Town of Normal Representative: Transportation for America Advisory Board; Economic Development Council; Illinois Municipal League

BUSINESS EXPERIENCE:

Vitesse Cycle Shop, Normal, IL 1978–Present
Often Running, Normal, IL 1995–Present
Owner & Operator

- Lead the management of specialty retail stores serving cycling and running enthusiasts through sustainable sales and service practices
- Drive ongoing needs analyses, workforce design, marketing development, and evaluation of local sales environment to ensure alignment with business strategies
- Coach and enable management staff to effectively deliver sales and customer service solutions to the organization
- Design programs and processes to elevate the customer experience, focusing on health, wellness, and sustainability
- Model corporate philanthropy values by establishing partnerships and providing services to nonprofit and public organizations, including the Illinois Heart and Lung Association, the Illinois Farm Bureau, and Illinois State University

Selected Highlights:

- Recipient of 2013 “America’s Best Bike Shops” recognition from the National Bicycle Dealers Association
- Recipient of 2013 Green Business Certification from the Illinois Green Business Association

PUBLIC SERVICE:

- Infantry Platoon Leader with the Army 101st Airborne/Airmobile Division, Vietnam: United States Army, 1968–1971
- Selective Service Board of Appeals Vice Chair from 1983 to 2003
- Urban Revitalization/Historic Preservation Subcommittee Chair of the McLean Co. Comprehensive Plan Committee
- Town of Normal Historic Preservation Commission Chairman, spearheading \$1 million restoration of the Normal Theater, which was named the 1996 “Preservation Project of the Year” by Landmarks Preservation Council of Illinois

EDUCATION:

Illinois State University, Normal, IL
 Area of Study: Political Science 1966–1968; 1971–1972

Senator WICKER. Well, thank you very much, Mr. Mayor, and thank you to all of our witnesses.

We’ll now move to questions, and there is a question that I am required to ask each of you and so I will ask the question and call on each of you for a yes or no answer in turn.

If confirmed, will you pledge to work collaboratively with this committee and provide thorough and timely responses to our requests for information as we work together to address important policy issues?

Mr. Soskin?

Mr. SOSKIN. Yes, I will.

Senator WICKER. And Mr. Primus?

Mr. PRIMUS. Yes, Mr. Chairman.

Senator WICKER. Ms. Feinberg?

Ms. FEINBERG. Yes, sir.

Senator WICKER. And Mayor Koos?

Mr. KOOS. Yes, Mr. Chairman.

Senator WICKER. Very good. Thank you very much.

Let me say it’s no secret that the Ranking Member and I are supporters of passenger rail. It plays a very important role in our economy. I’d like to see it enhanced and expanded and I assume all of our witnesses feel that way, too.

For Ms. Feinberg and Mayor Koos, I hope you know by now that I’ve long championed restoration of Amtrak service for the Gulf Coast route from New Orleans to Mobile. So the Rail Commission has received a CHISI, Consolidated Rail Infrastructure and Safety Improvements, grant award of \$33 million for this project.

Ms. Feinberg, you’re a little bit familiar with this because in a previous position, you came down and rode a train with me and state officials and Federal officials and saw for yourself at each stop the local support for Gulf Coast service.

Are you committed to working with me to restore this route, if confirmed?

Ms. FEINBERG. I am. I remember that trip fondly. That was such a lovely day and I was reminiscing about it with your staff the other day. It was a beautiful day in New Orleans and it was a great day for an Amtrak trip. So I continue to be supportive of returning Gulf Coast service and happy to work with you and your

staff, Amtrak Southern Rail Commission and others moving forward. I know it has been pushing a boulder up the mountain but look forward to working with you on it.

Senator WICKER. Well, it was amazing, the number of local citizens, just massive crowds that came out to join us at each stop as we left New Orleans and made our way across the coast.

Mayor Koos, I bet you would be willing to come down and ride that train with me, also, on the Gulf Coast.

Mr. KOOS. Oh, Mr. Chairman, I can tell you my association with one of your former mayors, John Robert Smith, reminds me all the time that I have to pay attention to the Gulf Coast routes and he's invited me to go down there. I would certainly be honored to join you and to learn as much as I can about that route, but I can assure you former Mayor Smith keeps me well informed on that.

Senator WICKER. Well, that speaks well in your favor, also, and I can tell for those who are listening that do not know, John Robert Smith, he was a long-time veteran mayor of Meridian, Mississippi, and he knows firsthand the value to a medium-size City of passenger rail because that is a route that has been successful, continues to be successful, and I think his experience there as mayor and with passenger rail, with the passenger rail industry in general after that has demonstrated to him that there is a role for passenger rail even in areas outside the major corridors.

Ms. Feinberg, did you shut down totally in New York Transit, and can you sort of give us a minute about what you may have learned from the virus impact in New York City, the largest transit system?

Ms. FEINBERG. Certainly. Well, New York was the epicenter and sort of the leading edge of the virus and it has taken a toll on MTA that is hard to describe. 131 of my colleagues have passed away from COVID and so it is something that even as our state is seeing numbers of those impacted by the disease go down and positive tests go down, it is something that we're very much still in the middle of and living with every day.

So I would say the things that we learned, I probably couldn't list them if you devoted the rest of the hearing to it, but I can give you a couple examples and I'm happy to continue the conversation.

We've taken an all-of-the-above approach to making sure that our system is safe. So we are disinfecting and cleaning stations twice a day. We have a 24/7 cleaning regimen in which we are cleaning all of our rail cars that are in service three, four, five, six times a day. We never completely shut down the service.

We are now closed overnight from 1 a.m. to 5 a.m. because this makes our cleaning operation more effective and efficient to not have riders in the system. That's a huge change for New York City Transit. You know, we say it's the city that never sleeps deserves a 24-hour subway system. So that has been a real change for us.

Of course, we have bus service running 24/7, but beyond disinfecting, we're also aware that the virus can move, you know, through aerosols and so we've taken a close look at our air filtration systems. We're making sure that air is circulating in the subway system and on cars. We're opening windows on buses. We are, you know, putting barriers between bus operators and the public.

We've got bus riders boarding through the back so that they are not having that interaction with the operator, so, you know, and that's to keep our systems safe, and there's a whole lot we're doing to make sure that our workforce is safe. So we have distributed massive amounts of PPE, millions of masks, millions of gloves, face shields.

You know, we try to put as much space between operators and the public as possible. We've stopped using cash. We're cleaning our machines multiple times a day. So, I mean, it has had a massive impact on us and it has changed the entire way we operate the system. It's changed the way we think about public transportation. It's changed the way we think about operating generally.

You know, I am happy to take any questions on this. That's a high-level view. I'd say the——

Senator WICKER. Yes, thank you for that. I very much appreciate that and clearly this is an important perspective to bring to this hearing today.

Senator Cantwell.

Senator 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 in 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 the Acting IG and replacing him with a political appointment creates an appearance of bias?

Mr. SOSKIN. [Off microphone.] What I can speak to is my qualifications and 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 to act objectively as the Inspector General, if confirmed.

Senator 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, but——

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

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.

Senator 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, what kind of commitment can we get that you're going to preserve the Amtrak long-distance service, the economic lifeline that it provides to rural communities? Mr. Koos or Ms. Feinberg?

Ms. FEINBERG. Go ahead, Mr. Koos.

Mr. KOOS. Thank you.

Senator Cantwell, I am 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 and 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 they use those trains for shorter distances along that corridor and it'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, but I'm strongly committed at such time as we can safely travel this country without fear of COVID-19 to returning to daily service on the long-distance routes.

Senator 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 that offer just the station and the employees there acting as touch points for the community. You have my commitment.

Senator 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's safety culture is failing and is primed to fail again until and unless Amtrak changes its ways of 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 where the train derailed onto I-5 and shut down I-5 and it was a maiden voyage through a new route. 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.

Senator CANTWELL. Mr. Koos?

Mr. KOOS. The safety culture is critical for an effective and safe system.

Senator CANTWELL. OK. Well, I would hope that—I'm going to ask a follow up of 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.

Senator WICKER. And thank you very much.

Senator Moran, you are next.

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Mr. Chairman, the four nominees for the Amtrak Board will be asked the same questions by maybe several of us. I appreciate that Senator Cantwell and you both expressed your strong support for long-distance passenger rail service and I am here to do the same.

More importantly, I am here to make sure that the nominees understand what they just answered in Senator Cantwell's question about their commitment to long-distance service.

I thank all of our nominees for their interest in serving. I wish the Inspector General, if confirmed, success. An Inspector General is a hugely important component of how Congress does and should do its job and I want you to do it well.

Let me begin with Ms. Feinberg and Mayor Koos. I've experienced what I think at least as an attitude in prior times at Amtrak a bias against or at least not in favor of long-distance passenger service, what I would describe as a bias against service that can't make a profit on its own.

My view is that Amtrak is designed to provide long-distance service across the country. The metrics of whether or not it should exist is not whether or not it is profitable.

We have a nationwide system designed to make certain that that service is available to all Americans with geographic disbursement across our country.

The previous nominees to the Amtrak Board have received my vote in this committee, but also received me placing a hold on their nominations before the Senate could consider them and that would be a similar circumstance for me in this circumstance.

I want to make—let me take a step back and indicate that at various points in time in my time in the Senate, I've seen where the Southwest Chief, which runs through three states of members

of this committee, Colorado, New Mexico, and Kansas, has been in the crosshairs of Amtrak and it is, in my view, only through our engagement and intrusion that significant improvements are now being made on the Southwest Chief with a commitment of its future longevity.

But now with COVID, there is an opportunity and perhaps an excuse for the diminution of service which I understand. What I'm concerned about is the return of the service, and I want to make certain that responding to the challenges, financial and otherwise, of COVID pandemic is not used as an excuse to now terminate or significantly reduce where it no longer is viable long-distance service on the Southwest Chief and other long-distance routes.

And so one of the things that I understand from Amtrak is that they have criteria by which they would determine whether to restore additional funding for long-distance service. One of those is whether or not the ridership levels in the first quarter of Fiscal Year 2021 is within 90 percent of the Amtrak's projected numbers. That requires me to have a lot of faith in the projections of Amtrak so that something less than what you project doesn't automatically become an explanation for why we no longer can support long-distance passenger service.

So, Sarah or Ms. Feinberg and Mayor Koos, would you tell me again perhaps what you've already said and then I will ask you to respond to me in writing so that I don't have to delay your confirmation on the Senate Floor your commitment to long-distance service and assure me that if you are a member of the Amtrak Board that you will not look for the excuse that COVID-19 might present for the elimination or significant further reduction of that service?

In other words, we struggle with maintaining our service for the needs on a daily basis and now with reduced service, I think ridership is going to be less viable, not more viable, and so a criteria that the Amtrak is creating is making it more difficult in my mind to see that Amtrak is on a path to restoration of service.

What would you like to assure me about, Ms. Feinberg?

Ms. FEINBERG. So, Senator,—oh.

Senator MORAN. Yes?

Ms. FEINBERG. So, Senator, you have my commitment, as I mentioned earlier, and you have commitment in writing, as well. I understand that these are incredibly important services that we provide to rural communities and also to just states that need the service and to Americans who want to take a train instead of a car or a plane.

Look, you know, I'm from West Virginia where there is an airport, but the Amtrak service there, just like it does in many other states, is, you know, similar to air service. It is one of the few ways that, you know, folks can get where they're going other than using their own car.

So you've my commitment. I'm happy to work with you and with your staff as we contemplate the future and I know this is very important to you and to Senator Gardner and others. Happy to work with you.

Senator MORAN. Thank you very much.

Mr. Koos?

Mr. KOOS. Senator Moran, in your comments, I would posit that there is no transportation system in the United States that is not heavily subsidized by Federal and state dollars and so to hold Amtrak to a different standard, I think, is unfair.

The Texas Eagle comes through my community and I see the people getting on and off daily and the ridership level on that train is important to my community and I think it's important to a lot of smaller communities throughout the United States that don't have airports and maybe don't have an interstate but they do have train service, and I think that that is a critical amenity for our communities.

First quarter of Fiscal Year 2021 seems to me like a tenuous benchmark because I don't know where we're going to be in the first quarter of 2021 with COVID-19. I think we have to recognize the mood of the country and people's willingness to trust public transportation again in a post-COVID world and that is the metric that I would use to judge the viability of the long-distance routes.

I will indeed pledge to you in writing my support for the long-distance trains.

Senator MORAN. Thank you, Mayor. Both of you, I appreciate your answers, and we have been through this issue with Amtrak now for more than a year, the Senators from those three states. We actually thought we had things back on track and COVID, of course, creates new challenges, and I appreciate what you had to say and will follow through with you.

Mayor, I don't know the geography well enough of Illinois, but the Southwest Chief generally originates in Chicago on its way to Los Angeles and so this is not just an important issue for the three states I mentioned. It's a long-distance route that involves your home state, as well.

Thank you.

Senator WICKER. Senator Moran, your position has been made very clear this morning. Thank you for that line of questioning.

Senator Blumenthal.

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

Senator BLUMENTHAL. Thank you, Mr. Chairman. Thank you to all of the nominees for your willingness to serve.

Ms. Feinberg, you and I have worked together in the past, as well, and I commend and thank you for your work in New York, and I want to join my other colleagues—as well as your work in the Department of Transportation previously. I join my other colleagues in my intense and urgent interest in the infrastructure challenges posed by Amtrak and I think my colleague, Senator Moran, has said it very well. We need to link the country. We're one country. That is one of the points I think that's been highlighted during this pandemic and we need to think not only about existing tracks and rail cars but about significantly upgrading them, reimagining what rail transportation can be in this country. It isn't all that difficult because other industrial countries are way ahead of us and people are going to vote with their feet. They'll take Amtrak. The ridership will increase if it provides the kind of service that I hope all the nominees are dedicated to provide.

Let me ask you, Mr. Soskin. Inspectors General in this country are more vulnerable than any time in our Nation's history. The President's fired a number of them, as you know. The State Department's Inspector General left yesterday suddenly without really any explanation after his predecessor was fired because apparently he was investigating the Secretary of State.

The fact is that Inspectors General need more protection right now. All that's required is 30 days' notice to Congress.

Will you support legislation, such as I've offered, that would forbid firing Inspectors General without good cause?

Mr. SOSKIN. Senator, I am currently counsel of record in litigation representing the United States on matters pertaining to executive officers and their service in an acting capacity and their removal.

Both in light of that and my lack of specific familiarity with the legislation you've proposed, it would be inappropriate for me to comment at this time with a position on specific legislation.

I will say that I share your commitment to objectivity and independence on the part of Inspectors General. It is a necessary part of their ability to carry out—

Senator BLUMENTHAL. Well, forgive me for interrupting you because, first, my time is limited and, second, let me just say bluntly that's what they all say, and it's not for lack maybe of good intentions, but the fact of the matter is that this White House has interfered repeatedly and forcefully in investigations and whatever your assurances without some greater protection, you, as other Inspectors General, will be vulnerable to those same improper influences and perhaps firing.

Will you commit that you will look at that legislation and get back to me with a position on it?

Mr. SOSKIN. I will certainly look at the legislation and provide you with our input and assessment, if I'm confirmed as Inspector General.

Senator BLUMENTHAL. Let me ask you. Who are you representing as counsel of record that's involved in Inspector General litigation?

Mr. SOSKIN. It's litigation about the independence of executive officers and their appointments and services acting.

Senator BLUMENTHAL. What's the name of the litigation?

Mr. SOSKIN. It's several of the cases involving Acting Attorney General Matt Whitaker when he was serving as Acting Attorney General of the United States and those cases present issues about the service of acting appointees.

Senator BLUMENTHAL. What was your involvement in, you said in your resume, politically sensitive litigation involving Executive Orders on travel and immigration? What specific cases?

Mr. SOSKIN. I was—I've been involved in a number of politically sensitive cases throughout my career. Of course, to come to our office, they have to be of significant—

Senator BLUMENTHAL. Which cases on travel and immigration?

Mr. SOSKIN. Sure. I was involved in the cases involving the President's Executive Orders and Proclamations regarding entry to the United States, including—

Senator BLUMENTHAL. Is that the Muslim ban?

Mr. SOSKIN. Some people labeled it as such. I think the title of the President's actions were Executive Orders and Proclamations—

Senator BLUMENTHAL. And were you lead counsel?

Mr. SOSKIN.—of the United States. I was one of many counsel on the team serving to defend those enactments against challenge.

Senator BLUMENTHAL. Did you participate in the policymaking leading to those Orders?

Mr. SOSKIN. I was—my involvement in them was as litigation counsel.

Senator BLUMENTHAL. Were you in touch with the White House during the time that they were formulated?

Mr. SOSKIN. I was involved as litigation counsel.

Senator BLUMENTHAL. And what was your involvement in the Department of Justice's ban on bump stock?

Mr. SOSKIN. In that, when I was on detail in a policy role to the Office of Assistant Attorney General of the Civil Division, I worked on the drafting of what became the rule treating bump stocks as machine guns. I've subsequently been involved as lead litigation counsel in defending that ban against challenges, first preliminary injunctions which I'm proud to say we successfully defeated in their entirety, and now on the merits of litigation in—

Senator BLUMENTHAL. And what was your involvement in the Clinton e-mail litigation?

Mr. SOSKIN. I was one of many lawyers who served as a trial attorney defending the State Department against lawsuits by various outside groups and some of them interest organizations, some of them media groups, seeking to obtain Secretary Clinton's personal e-mails as part of the information that came to light that—

Senator BLUMENTHAL. Have you ever conducted an Investigation?

Mr. SOSKIN. A core part of my responsibility in defending litigation for the United States is overseeing investigations into the factual circumstances of the matters that are challenged. I routinely supervise cross-functional teams gathering information and seeking to lay out the factual basis on which we'll be defending lawsuits and seeking to highlight and identify and priority—

Senator BLUMENTHAL. Could you give me a specific example, please?

Mr. SOSKIN. I'm sorry. Specific example of what?

Senator BLUMENTHAL. Of your conducting an Investigation.

Mr. SOSKIN. Sure. Absolutely. In the cases that we had involving the cancellation of the trademark registration of the football team then called the Washington Redskins, one of the allegations in that case which challenged as a large-scale matter the constitutionality under the First Amendment of the statute under which the Patent and Trademark Office operated, one of the sets of allegations involved whether there was political involvement in the decision-making and as part of our defense of that case, we had to run down the factual underpinnings of those allegations.

Senator BLUMENTHAL. I'm not sure what the time is because I can't see here—

Senator WICKER. Well,—

Senator BLUMENTHAL. I'm sure it's expired.

Senator WICKER.—you're 3 minutes over but——

Senator BLUMENTHAL. I apologize, Mr. Chairman. You've been very gracious, and I appreciate your giving me that extra time. Thank you.

Senator WICKER. Thank you. Thank you, Senator Blumenthal.

Mr. Soskin, sounds to me like you're a pretty talented and experienced attorney and litigator.

Senator Baldwin is next.

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

Senator BALDWIN. Thank you, Mr. Chairman.

My question is for Mr. Primus. I really appreciated the opportunity to speak with you earlier this week about your nomination to the Surface Transportation Board, and I'd like to start today by continuing our conversation about competitive switching.

Competitive switching would increase railroad competition and market forces over rail rates. Simply put, the current rules are not working for rail shippers or the public interest. This rulemaking has been stalled before the Surface Transportation Board most recently because of empty seats on the Board.

I look forward to the day when I do not have to ask STB nominees for a commitment to take up the competitive switching proposal, but I think that it is so necessary to provide competitive rail service.

So if confirmed, would you commit to moving forward with the pending rulemaking on competitive switching?

Mr. PRIMUS. Senator Baldwin, let me just say that I also enjoyed having opportunity to sit and talk with you and about the issues that are of concern to you and I can say right now that I will commit to working with you, this committee, as well as the stakeholders within the rail community on trying to resolve the issue of reciprocal switching and a lot of the issues that surround it.

You are correct in assessing that it's been—this has gone on for some time and I hope to be a part of the solution with the rest of the existing Board.

Senator BALDWIN. Thank you for that. I want to continue by noting that rebuilding our economy gives us the opportunity to build back better, and I expect the same is true for freight rail, but I have been concerned about significant changes to freight rail operations adopted by the major railroads as part of their implementation of precision scheduled railroading or PSR.

These changes in operation were poorly communicated to rail customers and ended up disrupting the movement of essential products. Underlying the PSR playbook is a focus on short-term gains.

If confirmed, what would you do to ensure that PSR is not used to prioritize shareholders over rail service and jobs, particularly as we work to rebuild our economy?

Mr. PRIMUS. Well, I think that it has been very clear that there are concerns with PSR. The existing Board has held hearings to talk about the issue and has raised a number of concerns with respect to what's been going on, particularly with CSX's implementation.

So I think the Board shares your concerns in terms of the implementation of PSR and its ramifications for the entire rail economy.

I can assure you that, if confirmed as a Board member, I will continue to elevate those concerns and amplify those concerns. I believe that there has to be a solution to some of these concerns, and I think I want to play a role in addressing these concerns and bringing a fair and equitable solution to PSR and to the communities that are impacted by it.

Senator BALDWIN. Thank you.

My last question for you is that Canadian National recently announced its intent to sell portions of its rail network in Wisconsin and the Upper Peninsula of Michigan. Recognizing that the Surface Transportation Board has jurisdiction over line sales, line construction, and line abandonment, I encourage the Board's oversight should a sale occur.

Throughout this process, my attention will remain on service to Wisconsin shippers and other rail customers, particularly our manufacturers and agricultural producers.

Do I have a commitment from you to give due attention on this matter?

Mr. PRIMUS. Absolutely, Senator, and in my statement, as I said, you know, I am very concerned and I want to amplify and advocate on behalf of a lot of the communities that are going to be affected by CN and others moving away from these areas. Most of them are rural and small communities.

I think there may be opportunities for, as I said, you know, Class 2 and 3s and to get engaged and to assist in these areas, but you have my absolute commitment to work with you and again with the stakeholders and with these communities to make sure that the rail system that they rely upon continues to exist and actually becomes more robust and responsive.

Senator BALDWIN. Thank you, and I yield back, Mr. Chairman.

Senator WICKER. Thank you, Senator Baldwin.

Senator Tester is next.

**STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. Well, thank you, Mr. Chairman, and I want to thank Ms. Feinberg and Mr. Koos for their comments to Senator Moran on the long-distance rail. I'm also going to focus on that.

Before I go there, though, I did have some questions for Mr. Soskin, but I'm not going to ask them because—and I'll tell you why. Because after listening to your responses to Senator Blumenthal, I just don't think you're being straight up. I'll just tell you that right now.

I mean, I think you've been told to talk about independence and that's what you've been doing. Quite frankly, you've been put into a position that's highly political now and you need to address that and how you're going to handle that moving forward and you have yet to do that. So there's no need wasting my time on questions that revolve around that.

So this is for Ms. Feinberg and Mr. Koos, and I just want to say, first of all, I'm a long-distance guy, too, and we have been fighting

like hell with everybody dealing with Amtrak because it seems like they want to cut the long-distance routes.

I have the same perspective as Senator Moran does on this and I'll tell you, I think it would be a huge mistake, but we've been playing defense.

If you get confirmed to the Amtrak Board of Directors, what are you going to do on offense to make those long-distance routes more appealing and more rider-friendly?

Ms. FEINBERG. I'm happy to start, Senator. Thank you for the question, and I hope that you can see me because suddenly I can't see any of you. So I'm just going to assume you can see me and go with it.

So thank you for the question. Look, I think one thing that Amtrak needs to do is take a look at how we can improve ridership on those routes. So whether it's through the dining experience or the experience in the private rooms or the reliability experience, the service experience, you know, I think there are things that we can do that will bring ridership back, particularly in the moment we're in when it may be that all travel feels unappealing to folks who are particularly anxious at this moment, but I think the reality is airline travel in particular feels scary and so I think this can be an opportunity for Amtrak and I'm happy to work with you and your staff as we walk through those issues.

Senator TESTER. Mr. Koos?

Mr. KOOS. I think I would echo what Ms. Feinberg said. I think modern, clean equipment, understanding what the customer wants, monitoring that, measuring that, is critical for the improvement of the service.

You know, the Empire Building is not wasted on me, Senator, but while it goes through some beautiful country, it does miss your major population areas, Bozeman, Billings, Missoula, et cetera, but again modern, clean equipment, meal service that people want, maybe different levels of meal service at a cost, things like that. We have to understand what the customers want.

Senator TESTER. That's exactly right, and, by the way, if you guys get confirmed, and I got a notion you will, by the way, because I think you're saying the right things and hopefully you'll back that up with actions and I think you will, but we'll have a conversation about the southern route again and I don't want to establish a southern route at the expense of the northern route, by the way, because I think they both are economic priorities.

Let me ask you this, and you can answer this yes or no because it's an easy question. Have either of you ridden on the railroad system in Europe?

Mr. KOOS. Yes.

Ms. FEINBERG. I have, as well.

Senator TESTER. Do you think that there are things that they have done that could be implemented in the United States to make our system more user-friendly?

Mr. KOOS. I would say, Senator, that frequency, on-time performance, modern, clean equipment, reasonable meal service, you know. You can get all levels of it. I think it's certainly a model that we should look at.

Senator TESTER. OK. And, Ms. Feinberg?

Ms. FEINBERG. Yes, I would say the thing that sticks out in my mind the most is how easy it is to get from one mode of transportation to rail there. So it's just a seamless movement from, you know, airport to rail and that's something, you know, I know Amtrak has looked at, but it's an important thing for us to get better on in the United States if we want people to make that choice.

Senator TESTER. I am going to place some questions for the record, Mr. Chairman, on the benchmarks and on the staffing cuts while they continue and ask for supplemental of \$1.5 billion and how these folks are going to deal with that. You don't have to answer that now. I'll put them for the record.

Thank you, Mr. Chairman. Thank you, Ranking Member Cantwell.

Senator WICKER. Well, thank you very much, Senator Tester.

There are no further questions, and——

Senator TESTER. Well, hell, maybe I can just keep going then.

Senator WICKER. Well, you're certainly—you can take a Round 2 or a Round 3 if you'd like, but as to your last comment, Senator Tester, we're going to leave the record open for two weeks and as is customary, during this time, Senators are asked to submit any questions for the record with the final submission deadline being close of business Thursday, August 20 of this year and so the Committee asks witnesses that, upon receipt of any questions for the record, you submit your written answers to the Committee as soon as possible——

Senator ROSEN. Mr. Chairman?

Senator WICKER. Well, let me finish the sentence here. But no later than close of business on Thursday, September 3, 2020.

Senator WICKER. Now whose voice do I hear?

**STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA**

Senator ROSEN. That's Jacky Rosen. I think somebody—I was here. I think I got—somehow my connection was lost or something. Can I just give a plug for my great service in Northern Nevada that we want to keep and if the witnesses don't mind?

Senator WICKER. Absolutely, yes. You're recognized for five minutes.

Senator ROSEN. Thank you, Mr. Chairman. I sure appreciate it. Thank you to everyone for being here today. I'll be brief.

Of course, like everyone else, in Nevada, we have service, as well, Amtrak service, and I just want to tell you about how important it is to us and so it comes as no surprise to our nominees that we do have service in Northern Nevada.

The California Zephyr Amtrak line is a vital link in and out of three communities in the Silver State, specifically Elko, Winnemucca, and Reno. These are places that depend on reliable rail service to bring travelers in and out of their communities, including the approximately 84,000 Nevada riders who travel on the line every year, and if you ride on that line, you're going to see the most beautiful mountains and valleys in Northern Nevada that rival any other scenery in the country, I am quite sure, 4 and lots of our riders are veterans. They're seniors. They use the Amtrak

to go into Reno to get their medical services and other kinds of things.

So, unfortunately, due to the coronavirus pandemic, we've seen the Zephyr line service been temporarily cut, but for us it's a jobs issue. Back on June 24, I joined Senators Cortez Masto, Manchin, and Tester in a letter urging Amtrak not to reduce service or eliminate Amtrak jobs during the pandemic. Thousands of jobs really do depend on the Zephyr line and reliable transportation for rural Nevadans in communities like Winnemucca and Elko. I need to protect their safety and their ability to move around as much as I do for anyone.

So following up on questions from Chairman Wicker, Ranking Member Cantwell, Senators Tester and Moran, I was hoping I could get a commitment from you to work with us to assure people in Nevada as well as other rural communities across this country, wonderful, beautiful communities that access to reliable passenger service, including long-distance service, and I'll ask that to Ms. Feinberg and Mr. Koos, please.

Senator WICKER. Ms. Feinberg?

Ms. FEINBERG. I'm happy to go first. Nice to see you, happy to work with your staff. I know this is important to Nevadans. I know it's important that the 5 service come back soon and recognize your commitment to it and look forward to working with you.

Senator ROSEN. Thank you.

Mr. Koos?

Mr. KOOS. I would agree with that. I'm certainly supporting Amtrak service through the state of Nevada, through any state that it goes through in terms of a national network. It's critical that we maintain a national network with on-time performance and frequency. It's what makes it work and so you have my commitment.

Senator ROSEN. I couldn't agree more. Thank you so much for being here today. Thank you, Mr. Chairman, for letting me give my plug for the beauty of Northern Nevada and the scenic route that the Zephyr line takes. Thank you.

Senator WICKER. I can't wait to visit there, Senator Rosen.

Senator ROSEN. Oh, come visit. I'll take you out and ride the train with you.

Senator WICKER. We apologize for not having you in the queue for question and answer.

Are there other Senators who I may have missed?

[No response.]

Senator WICKER. If not, I've made the announcements and with that, I believe—let me check with counsel. There being no further business, this hearing is concluded, and I thank each of our witnesses and think they're all four excellent choices.

We are adjourned.

[Whereupon, at 11:27 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARSHA BLACKBURN TO
ERIC SOSKIN

Question. Mr. Soskin, unmanned Aircraft Systems, also known as UAS, are a vital part to the future of transportation in America. This year's report detailing the significant challenges DOT faces includes safely integrating Unmanned Aircraft Systems.

How can this committee work with DOT to overcome this challenge? I know this is a concern our Nation's airports share, and we need to make sure they are prepared to face any and all challenges they may encounter with drones.

Answer. I am not currently serving at the Department of Transportation (DOT) or the DOT Office of Inspector General (OIG). I appreciate your interest in having DOT and this committee work together to overcome the challenges involved in safely integrating UAS, including those associated with safety data, remote UAS identification, unmanned system traffic management (UTM), and compliance with requirements in the FAA's 5-year reauthorization act and other statutes. If I am fortunate enough to be confirmed, I will work with my team of career professionals to prioritize staff and resources, including by reviewing this issue and examining ways for this committee to work together with DOT on the challenges of integrating UAS safely.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO
ROBERT E. PRIMUS

Question 1. Under 49 U.S.C. 24308, the Surface Transportation Board has the ability to order that the facilities of a rail carrier be made available to Amtrak and prescribe reasonable terms and compensation for using the facilities. STB must decide disputes brought under section 24308(a) no later than 90 days after a dispute is submitted. Do you believe the requirement that STB decide such cases promptly is important and are you committed to doing so if confirmed?

Answer. Chairman Wicker, I strongly believe the Board should abide by the statutes that govern its authority. I support the decision deadlines in 49 U.S.C. 24308(a)(2)(C) and all efforts to expedite the dispute resolution process. If confirmed, I will work with my fellow Board Members to uphold the statute and render timely decisions.

Question 2. The Interstate Commerce Act, amended by the ICC Termination Act of 1995, provides STB with exclusive jurisdiction over transportation by rail carriers. This jurisdiction is important for ensuring a patchwork of regulatory requirements do not impede interstate commerce and affect the fluidity of the rail network. How do you view the STB's role in asserting jurisdiction, and do you believe STB should assert this authority?

Answer. Mr. Chairman, I believe one of the primary responsibilities of the Board is to promote the consistent and uninterrupted flow of commercial rail activity throughout the Nation's freight rail network. Therefore, it is incumbent upon the Board to assert its jurisdiction, when appropriate, to help maintain the integrity of the network and minimize unnecessary disruptions.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. MARSHA BLACKBURN TO
ROBERT E. PRIMUS

Question. Mr. Primus, one of the unique features of the railroad industry is that it operates in every single state. The Interstate Commerce Act provides the Board broad preemption over state regulation of transportation by a rail carrier to avoid a patchwork of inconsistent regulation. Can you expand upon your views of the Board's role in preserving the free flow of interstate commerce?

Answer. Senator Blackburn, 49 U.S.C. § 10501 provides the Board with preemptive authority over state law as it relates to transportation by a rail carrier. Without this authority, the Board would be severely weakened in its ability to promote an efficient national rail economy. The Board's exercise of its preemption authority in appropriate circumstances safeguards the consistent flow of goods along our national rail network.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO
SARAH FEINBERG

Question 1. I have long championed restoration of passenger rail for the Gulf Coast, which lost service after Hurricane Katrina. Do you commit to working with me to implement Amtrak service from New Orleans to Mobile as soon as possible?

Answer. I do. I have also long championed restoration of this service. I look forward to working with you, your colleagues, state and local officials in the impacted states, and other parties to do all I can to assist in returning service to this area. I recognize how important restoration of Gulf Coast service is to the region and to Amtrak, as a model of growth and service to our communities. I also recognize how much work has already been committed to its return and pledge to give my full support to those efforts, if confirmed.

Question 2. In response to COVID-19, Amtrak is reducing frequencies on many long distance routes from once-daily service to three times per week. If confirmed, do you commit to reinstating once-daily service on these long-distance routes? If so, do you commit to doing so as quickly as possible?

Answer. I commit to reinstating service as quickly as possible as ridership and revenue returns. The pandemic placed an unexpected burden upon the entire transportation industry. Amtrak is not alone among companies faced with tough decisions. I will work hard with Amtrak, if confirmed, to bring the company back to pre-pandemic levels of success and service, and beyond, as quickly as possible.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER WICKER TO
CHRIS KOOS

Question 1. I have long championed restoration of passenger rail for the Gulf Coast, which lost service after Hurricane Katrina. Do you commit to working with me to implement Amtrak service from New Orleans to Mobile as soon as possible?

Answer. If confirmed, I would commit to working with you on the restoration of passenger rail service along the Gulf Coast. As the mayor of a small town served by Amtrak, I recognize the importance of returning service and jobs to cities across Mississippi, Alabama, and Florida such as Bay St. Louis, Gulfport, Biloxi, Pascagoula, Mobile, and Tallahassee.

Question 2. In response to COVID-19, Amtrak is reducing frequencies on many long-distance routes from once-daily service to three times per week. If confirmed, do you commit to reinstating once-daily service on these long-distance routes? If so, do you commit to doing so as quickly as possible?

Answer. If confirmed, I would commit to quickly restoring once-daily service for all longdistance routes affected by the COVID-19 pandemic. I believe the Nation cannot have a fully functioning network that only operates 3 days a week. We must restore certainty for both employees and customers through continued daily service.