

Questions for the Record
U.S. Senate Committee on Commerce, Science, and Transportation
“Nominations Hearing”
December 16, 2021

Question for the Record from Hon. Maria Cantwell to Mr. John Putnam

Question: Mr. Putnam, if confirmed, will you pledge to work collaboratively with this Committee, provide thorough and timely responses to our requests for information as we put together and address important policy issues, and appear before the Committee when requested?

Answer: Yes. If I am confirmed, I pledge to work collaboratively with the Committee and all of Congress, to be responsive to your requests for information, and to appear when requested before the Committee to assist with its work.

Electric Vehicles. According to a 2020 Consumer Reports survey, 7 out of 10 American drivers are interested in purchasing an electric vehicle. Federal and state governments have taken action to support broader electric vehicle adoption, given the benefits that electric vehicles can provide to our environment, our health, and our economy. For example, the Washington state legislature has set an ambitious target of requiring all new cars sold in 2030 to be zero-emission vehicles.

We need to ensure our infrastructure is prepared for the electrification revolution. That is why the Bipartisan Infrastructure Law required the Departments of Transportation and Energy to create a working group to coordinate the integration of electric vehicles into our transportation network. Earlier this month, the Biden Administration began implementing this Commerce Committee-directed provision by creating a Joint Office of Energy and Transportation and creating a new Advisory Committee on Electric Vehicles, focused on deploying electric vehicle infrastructure and coordinating Federal electric vehicle efforts.

Question: How will the Joint Office and Advisory Committee facilitate and impact the Department’s efforts on accelerating the adoption of electric vehicles and ensuring safety on our roadways?

Answer: The Joint Office of Energy and Transportation and the Electric Vehicle Working Group (also known as the Advisory Committee on Electric Vehicles) were both created in the Bipartisan Infrastructure Law to help plan and implement a national electric vehicle charging strategy.

The Joint Office was directed by Congress to coordinate on issues of joint concern between the Department of Transportation and the Department of Energy. This Office will work on a variety of statutorily-directed topics to inform the build out of a nationwide network of electric vehicle chargers, including providing technical assistance, data, and guidance. The resources, information, and tools produced by the office will assist and inform the Federal Highway Administration’s implementation of the electric vehicle programs created by the Bipartisan Infrastructure Law. This will build upon guidance and other materials the Department and FHWA have prepared this year, with

the assistance of the Office of the General Counsel, to assist in the siting, funding and deployment of electric vehicles and charging infrastructure.

The Electric Vehicle Working Group, to be made up of a variety of Federal agency officials and outside stakeholders, will advise the Federal government on issues related to the deployment and integration of electric vehicles into our energy and transportation sectors, including consumer behavior, accessible charging, safety, grid capacity and integration, and more.

If confirmed, I will work to ensure both of these entities carry forward Congress' vision.

**Questions for the Record from Senator Klobuchar to John Putnam, to be General Counsel
of the Department of Transportation (DOT)**

Human Trafficking Prevention. Truckers are often the first line of defense against human trafficking. The Combating Human Trafficking in Commercial Vehicles Act, my legislation with Senator Thune that became law in 2018, requires the Department of Transportation (DOT) to designate a human trafficking prevention coordinator and to increase outreach and education efforts.

Question: If confirmed, do you commit to supporting efforts to educate drivers on how to detect and help prevent human trafficking?

Answer: Yes. If I am confirmed, I pledge to fully support efforts to educate truck drivers on how to detect and help prevent human trafficking in any and all forms, as well as to continue to support inspection and enforcement efforts to combat human trafficking.

Questions for the Record from Senator Sinema to Mr. Putnam, to be General Counsel of the Department of Transportation (DOT)

Infrastructure Investment and Jobs Act Implementation. The bipartisan Infrastructure Investment and Jobs Act (IIJA) includes a number of policy changes overseen by the Department of Transportation, in addition to significant investments in roads, bridges, rail, airports, and other forms of infrastructure.

Question 1: Will you commit to meeting deadlines for implementation of the IIJA?

Answer: The Office of the General Counsel has a critical role to play in helping the U.S. Department of Transportation implement the Infrastructure Investment and Jobs Act and, if confirmed, I will continue to work diligently to ensure that we are providing the requisite support and guidance needed to carry out this landmark legislation, including grant programs, financing programs, rulemakings and reports to Congress.

Question 2: What challenges do you foresee in implementing the law, and how will you take initiative to address those challenges?

Answer: The bipartisan Infrastructure Investment and Jobs Act (IIJA) is a once-in-a-generation investment in America's infrastructure. The IIJA will revamp our nation's roads, bridges and other infrastructure while focusing on safety, economic opportunity, climate change mitigation, resilience and equity, and. It makes the largest investments in public transit and rail passenger service in our history and improves transportation options for millions of Americans. More broadly, it will create many good paying jobs across the country for years to come and increase global competitiveness for the American people.

To that end, historic legislation like the IIJA must be matched with effective implementation that ensures that its potential is achieved in a transparent, compliant and accountable manner. Since its passage, the Department has been diligently engaged in effectuating the law's immediate and longer-term initiatives, taking inventory of its many programs, deadlines, guidance, regulations, and reporting. To better facilitate these efforts, we are engaging in a cross-functional and cross-modal effort that is sustained, disciplined, and inclusive.

Such efforts will include robust engagement with transportation stakeholders across the country – cities, states, Tribal Nations, transportation agencies, private sector partners, philanthropic groups, as well as communities that have been historically underserved.

If confirmed as General Counsel, I would be a member of our Departmental Executive Policy Council, led the Deputy Secretary and Under Secretary for Transportation. The Council will be paying close attention to how we can make sure we have all of the right controls, the right rigor, and the appropriate level of oversight to make sure these infrastructure investments are spent well and effectively.

Questions for the Record from Senator Warnock to Mr. John Putnam

Responding to Emerging Crises. I worked with the Biden Administration and the Georgia Ports Authority (GPA) to address congestion at the Port of Savannah that was contributing to nationwide supply chain disruptions. GPA proposed setting up pop-up container yards using existing facilities to move containers off the dock fast and closer to their final destination. However the implementation of this plan faced hurdles because it was difficult to identify available, flexible funds that could be immediately deployed to address this urgent issue.

Eventually, the Department of Transportation (DOT) was able to free up \$8 million in existing Port Infrastructure Development Program funding for the pop-up container project, thanks in part to the great work of the Office of the General Counsel and the Maritime Administration. That \$8 million is already paying dividends and the backlog of vessels on anchor waiting to dock at the Port of Savannah is nearing zero from a high of around 30 ships a couple of months ago.

While I think the Port of Savannah is a great success story, the nationwide port congestion and supply chain disruption issue does create some concern about our preparedness to handle emerging crises that impact our economic security, but don't qualify as a declared emergency.

Question 1: Do you believe the Department of Transportation has the adequate resources and statutory flexibility to react to emerging crises, like the historic port congestion and supply chain disruptions we've seen this year?

Answer: The Department of Transportation plays a key role in mitigating the supply chain disruption caused by the COVID-19 pandemic and the unprecedented increase in freight demand and movement. Secretary Buttigieg, as a co-chair of the Administration's Supply Chain Disruption Task Force, has worked cooperatively with co-chairs Raimondo and Vilsack to tackle these challenges using a comprehensive all-of-government approach. Actions have focused on partnering with the governments at all levels as well as industry and labor to enhance goods movement at key bottlenecks across transportation modes. For example, DOT and the Administration have worked with private-sector labor and management to enhance operations at the Ports of Los Angeles and Long Beach, enabling 24 hour-a-day, seven-day-a-week operations at the ports responsible for 40 percent of our country's imports. DOT has also worked with private-sector partners to secure additional commitments from port operators and terminal operators to encourage port utilization during off-peak times and relieve congestion.

In November, DOT and the Administration released the Port Action Plan. Near-term actions include enabling enhanced flexibility in port grants and DOT financial support for development of a pop-up container yard at the Port of Savannah to relieve East Coast port congestion. DOT has also announced the release of more than \$240 million to modernize ports and marine highways, as well as open competition for more than \$475 million of port infrastructure grants in early 2022. Longer-term actions include DOT facilitating the

development of comprehensive freight movement plans for states to alleviate freight bottlenecks, incorporation of global freight planning best practices into state plans, and development of comprehensive data standards for goods movement to prevent future bottlenecks.

The pandemic also served to exacerbate the existing shortage of short and long-haul truckers, leaving many inland warehouses clogged with goods that need transport to their final destinations as well as ports with containers to be transported to inland warehouses. On December 16th the Biden-Harris Administration's Trucking Action Plan to Strengthen America's Trucking Workforce was released. This plan calls on all levels of government, industry, and labor to come together and build the next generation trucking workforce. Specific immediate actions DOT is taking include providing \$30 million in funding to states to reduce the barriers to obtaining a commercial driver's license, developing a 90-day joint DOT-DOL challenge to expand the use of Registered Apprenticeships, an enhanced focus on veteran recruitment, and the launch of the DOT-DOL Driving Good jobs initiative to improve the quality of trucking jobs. The Federal Motor Carrier Safety Administration has also extended and expanded some waivers for trucks hauling critical freight related to the COVID-19 pandemic.

As Deputy General Counsel it has been my honor to work with my colleagues across DOT and the Administration to address these critical national issues, seeking creative solutions that comply the law, and if confirmed as General Counsel, I look forward to continuing this work.

Question 2: What role can and does the General Counsel play in responding these emerging crises?

Answer: The Deputy General Counsel and General Counsel play important roles in seeking creative solutions to pressing problems like supply chain congestion within the bounds of the law. For example, it was rewarding to work with our Maritime Administration, Office of the General Counsel career staff, and the Georgia Ports Authority to help address congestion at the Port of Savannah through flexibilities associated with cost savings under current grants. Similarly, I have worked with my colleagues at the Office of General Counsel and elsewhere in DOT on critical programs like the Port Infrastructure Development Program, INFRA, and RAISE to make the investments necessary to improve our supply chain infrastructure. The General Counsel serves on the Senior Review Team for these and other critical programs, and the Office of General Counsel and modal Chief Counsel's Offices support all of the grant programs across the Department. The Department of Transportation remains committed to an all-of-government approach to mitigating the supply chain disruption, including full utilization of our statutory capabilities as well as those of our partner agencies at the Federal level. This requires a careful and creative approach to legal authorities available to the Department. Recent legislation, including the Infrastructure Investment and Jobs Act, has provided DOT with additional resources to tackle this crisis in both

the near and long-term, and if confirmed, I look forward to working with you and the Committee on additional resources and statutory flexibilities as needed.