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BRIAN SCHATZ, HAWAII
EDWARD MARKEY, MASSACHUSETTS
GARY PETERS, MICHIGAN
TAMMY BALDWIN, WISCONSIN
TAMMY DUCKWORTH, ILLINOIS
JON TESTER, MONTANA
KYRSTEN SINEMA, ARIZONA
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JERRY MORAN, KANSAS
DAN SULLIVAN, ALASKA
MARSHA BLACKBURN, TENNESSEE
TODD YOUNG, INDIANA
TED BUDD, NORTH CAROLINA
ERIC SCHMITT, MISSOURI
J.D. VANCE, OHIO
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CYNTHIA LUMMIS, WYOMING

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

April 19, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

As a longtime Amtrak rider, you are well aware of the important role that Amtrak plays as our national passenger railroad operator. Since Amtrak serves Americans throughout the United States and receives billions of tax dollars from them, Congress passed legislation in 2021, as part of the Infrastructure Investment and Jobs Act (IIJA), to ensure that Amtrak's Board of Directors is geographically diverse and not dominated by board members from the Northeast Corridor.¹ We are troubled that your recent slate of Amtrak board nominees does not comply with this important geographic diversity requirement, which was enacted with bipartisan support, and urge you to bring your slate of nominees into compliance with federal law.

As a result of the IIJA, federal law now mandates that at least four out of the eight Amtrak board members appointed by the President, by and with the advice and consent of the Senate, "shall reside in or near regions of the United States that are geographically distributed outside of the Northeast Corridor".² Under federal law, the Northeast Corridor "means Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island".³

Congress enacted this very explicit geographic diversity requirement to ensure that Amtrak's Board of Directors is not dominated by individuals from the Northeast Corridor.⁴ As Senator Jon Tester (D-MT) explained at a Senate Commerce Committee hearing on Amtrak nominees last September, the IIJA "made changes to the Amtrak Board's makeup to make sure that it reflects Amtrak's network's diversity".⁵ These changes were reasonable and appropriate given that Amtrak is a national passenger railroad company that operates in 46 states and Washington, DC, and receives

¹ P.L. 117-58, § 22202.

² 49 U.S.C. § 24302(a)(1)(A)-(C).

³ 49 U.S.C. § 24102(8).

⁴ As one well-respected, non-partisan transportation think-tank has noted, "Congress clearly intended this to mean that the Northeast Corridor could have no more than half of the at-large [Amtrak] Board memberships (4 of 8)] . . ." Jeff Davis, *New Amtrak Nominees May Overbalance Board Towards Northeast Corridor*, Eno Center for Transportation (May 6, 2022), <https://www.enotrans.org/article/new-amtrak-nominees-may-overbalance-board-towards-northeast-corridor/>.

⁵ Senator Jon Tester, *Nomination Hearing*, U.S. Senate Committee on Commerce, Science, and Transportation (Sep. 7, 2022), <https://www.commerce.senate.gov/2022/9/nomination-hearing>.

billions of federal tax dollars from Americans in every state.

Despite the IJJA’s clear statutory directive, if confirmed, your current slate of nominees would cause Amtrak to have less than four board members from outside of the Northeast Corridor. That is because five out of the six individuals you have nominated are from Delaware, Maryland, Pennsylvania, or New Jersey. As if this Northeast Corridor control of Amtrak’s Board of Directors in contravention of the law were not bad enough, your nominee from New Jersey has already served as an Amtrak board member for the past 13 years, including the past 10 years as chairman. It is hard to believe that there are no qualified individuals from outside the Northeast Corridor that could be found to add fresh perspectives to Amtrak’s Board of Directors and, most importantly, bring it into compliance with federal law.

The lack of geographic diversity among your Amtrak board nominees has not gone unnoticed in Congress and the rail passenger community. Last September, Senator Tester stated at a nomination hearing that he was “more than just a little bit frustrated” that none of the Amtrak board nominees were from “any of the Western states.”⁶ Similarly, the Rail Passenger Association, which acts as a voice for Amtrak and other rail passengers, has criticized the White House for selecting so many Amtrak board nominees from the Northeast Corridor.⁷

To bring your slate of Amtrak board nominees into compliance with the geographic diversity requirement in federal law, we urge you to withdraw one of your Democrat nominees from the Northeast Corridor and replace that person with a nominee from outside the Northeast Corridor. As you determine which nominee to withdraw, you must also comply with the political diversity requirement for Amtrak board members. Under federal law, no more than five of the Amtrak board members appointed by the President and confirmed by the Senate may be members of the same political party.⁸ All of your Amtrak board nominees are Democrats, except for former Assistant Secretary of Transportation Joel Szabat, who is a Republican from Maryland. Given the statutory requirement for political diversity on Amtrak’s Board of Directors, Mr. Szabat’s nomination should not be withdrawn.

In our view, the Senate Commerce Committee should not take action on any of your Democrat Amtrak nominees until you have brought your slate of nominees into compliance with federal law by withdrawing one of the Democrat nominees from the Northeast Corridor. Thank you for your attention to this important matter.

Sincerely,



Ted Cruz
United States Senator

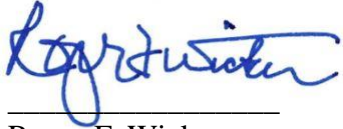


Todd Young
United States Senator

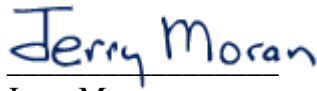
⁶ *Id.*

⁷ Rail Passengers Association, Rail Passengers Association Calls For Better Geographic Representation On Amtrak Board (May 3, 2022), <https://www.railpassengers.org/happening-now/news/releases/rail-passengers-calls-for-geographic-balance-on-amtrak-board/>.

⁸ 49 U.S.C. § 24302(a)(3).



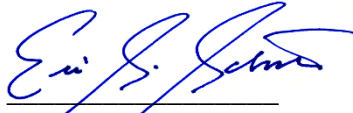
Roger F. Wicker
United States Senator



Jerry Moran
United States Senator



Marsha Blackburn
United States Senator



Eric Schmitt
United States Senator



JD Vance
United States Senator