

Senator Luján Opening Statement
Hearing for Transportation Safety Nominees
Thursday, November 6, 2025
[\[VIDEO\]](#)

Thank you, Mr. Chairman.

As we get started today, I appreciate your remarks and opening [statement]. Just for anyone that's not aware, across America, the majority of the House of Representatives is Republicans. [The] Speaker of the House of Representatives is a Republican. The majority of the United States Senate is Republican. The Majority Leader of the United States Senate is a Republican. The President of the United States is a Republican. Republicans have the majority. They're in charge. With majorities and with the gavels comes responsibility. The good Senator from Texas is the Chair of this Committee, because Republicans are in the majority.

We had a Governor from the state of New Mexico, a cattle rancher. His name was Bruce King, and Bruce used to tell us when folks couldn't find some solution. He says, 'you know, you got to lock people up in a barn and not let them out until they can come up with a solution to the problem.' My friend from Texas understands that. They've got good cattle ranches down there. They've got good barns down there.

The President of the United States just finished jet-setting around the world, and he decided to come back and celebrate with a Roaring 20's party in Florida. Roaring 20's. That was a difficult time in our nation's history, because those parties were about celebrating folks being broke, people not having food, and they had that party. And then on, I don't know... Wednesday, I guess it was, the President had a breakfast at the White House, which is good. He should have more breakfasts. But he only invited Senate Republicans. And in that meeting, what was reported is he told them, 'shutdown is not good on Republicans.'

He knows they're in charge. I certainly hope the President will stick to his words when he said it's incumbent upon the President of the United States to prevent shutdowns, to solve shutdowns. And I certainly hope that even where there are differences, that people come into a room and do the right thing. Because everyone wants this shutdown to end. I don't believe my Republican colleagues want to see insurance premiums across America double either. I really don't. They care about their constituents the way that I care about my constituents. And I'm certainly hopeful that we'll see some leadership now, bring some people together. Get some breakfast. If they need some New Mexico chile to make it better, I'll bring it, but we've got to make sure that people come together.

So with that, Mr. Chairman, with my opening here. Captain DeLeeuw, Mr. Kloster and Ms. Schultz, congratulations on your nominations and for taking time to be here today. And before I get to my questioning, I have to say I am deeply disturbed and frankly alarmed at the Committee rushing ahead with this nomination to replace NTSB Vice Chair Alvin Brown, who President Trump illegally removed earlier this year. Anyone that looks at the law looks at the rules surrounding this, it's plain and simple. The facts are straightforward. The Senate unanimously confirmed Vice Chair Brown last year, and his term does not expire until the end of next year. And the President removed him without complying with the law that Congress passed, plain and simple. And now folks are choosing to look the other way and advance his replacement, even though there isn't a clear vacancy to fill under the law.

As the Chair knows, last week, my Democratic colleagues and I, we sent a letter conveying our strong opposition to proceeding with this hearing on Vice Chair Brown's replacement. Several colleagues on this Committee co-signed this. As we wrote in that letter, I believe rushing this process forward, particularly while there is active litigation over this very issue, only emboldens the White House to ignore the law.

And by...holding this hearing, Republicans are just rubber-stamping this behavior. So I will again urge my colleagues not to proceed with this NTSB nomination until the ongoing litigation is conclusively resolved on its merits.

Some might say this is all inside baseball, too far removed from the day-to-day lives of Americans. But these are not just academic musings. The NTSB, like many other independent agencies, works every day to help Americans stay safe. By seeking to unravel its independent status, inject uncertainty and politicize the Board, the Administration is undermining the NTSB's ability to formulate independent safety recommendations that save people's lives.

So Captain DeLeeuw, I wish your nomination came under different circumstances, because I acknowledge your significant experience. I imagine under any other time, if there was an opening, you'd probably get a unanimous vote out of here and off the Floor and everywhere else. Your credentials are clear. Your qualifications are absolutely clear. This is not about you at all, sir, at all. I applaud your service, and I applaud what you have done, what you have achieved. Now that said, given your current employment with American Airlines, as you know, you'll need to recuse yourself from working on the NTSB's pending investigation into the January 29 DCA mid-air collision.

Captain DeLeeuw, I hope you will make clear today that you understand the vital importance of an independent NTSB, and out of respect for that independence and the rule of law, I hope you'll firmly commit to stepping aside if the court declares Mr. Brown's removal to be unlawful.

In addition to the NTSB, we also have two nominees for [the] Surface Transportation Board. Mr. Kloster, you'll be joining the Board after a long career in the rail industry, and Ms. Schultz, you will be renominated to a second term on the Board. The STB is another independent agency which plays a critical role in protecting business and consumers from unfair business practices that harm competition in the rail industry. If confirmed, you'll be responsible for reviewing the largest rail merger in history between Union Pacific and Norfolk Southern.

I would also point out that earlier this year, President Trump unlawfully removed STB member, Robert Primus, without cause, in violation of the law. Mr. Primus is also actively challenging his removal in court. For the record, however, I will note that neither of today's STB nominees would replace Mr. Primus if confirmed. Nevertheless, the President's actions against Mr. Primus only underscores why we need to have your firm commitment that you will carry out your duties independent of improper political influence, if confirmed.

Thank you, Mr. Chairman.

Senator Luján Q&A Part 1
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Sen. Luján: Mr. DeLeeuw, yesterday I had the opportunity to ask Mr. Morse questions about his role as Deputy Director in the Office of Presidential Personnel. He told me in a meeting in my office, when I asked him if he would ever do anything illegal, he said, "no." I appreciated that. But during the hearing, he refused to answer any of my questions about the firings he carried out, saying they were subject to litigation. However, Mr. Morse's actions have a direct link to your nomination today, because he wrote

the email illegally firing Vice Chair Alvin Brown from the National Transportation Safety Board. Yes or no -- is your nomination to the NTSB to take the vacancy left by Mr. Brown's firing?

Mr. DeLeeuw: Senator, I thank you for the question. I have an expertise flying aircraft and aviation safety. I'm eager to serve on the NTSB, but I'm not a constitutional lawyer. So your question, which I certainly understand, I will respectfully have to leave that with the courts and the legal process.

Sen. Luján: Which position would you be taking? Is there a vacant position today?

Mr. DeLeeuw: Sir, I've just been nominated to be one of the board members at the NTSB.

Sen. Luján: You don't know which position it is?

Mr. DeLeeuw: Sir, I believe it's an open position currently, but...

Sen. Luján: I don't think it's a question from anyone here. It's not up to the courts. I'm surprised you won't even answer that one. But I'll move on. I'm not trying to play "got you" here, just that's a fact. Anyone dispute that? Hearing none... Yes or no -- does the NTSB have a "for cause removal criteria", which says that "the President may remove a member for inefficiency, neglect of duty or malfeasance in office." And if you need the statute, it's 49 USC, section, 1111(c), and I can get a copy if you need to see it.

Mr. DeLeeuw: Yes, Senator.

Sen. Luján: Yes or no -- did Mr. Brown file a lawsuit, suing the Trump administration for his illegal removal from the position at NTSB?

Mr. DeLeeuw: Senator, thank you for that question. Quite frankly, I'm not aware of... I hear rumors... I hear some stories in the media, but I am not aware of official lawsuits. I'm not aware of it.

Sen. Luján: Fact, Mr. Brown filed a lawsuit. I don't know if there's any dispute. Yes or no -- has Mr. Brown's case been resolved?

Mr. DeLeeuw: Not that I'm aware of, Senator.

Sen. Luján: Do you believe in the judicial process?

Mr. DeLeeuw: Yes, Senator.

Sen. Luján: Last week, I joined my Democratic colleagues in a letter to the Chairman urging him not to move forward with this hearing on NTSB Vice Chair Brown's replacement. As I mentioned in my opening remarks, Vice Chair Brown is actively challenging his unlawful removal in court. If the Senate moves forward to confirm the replacement, and the courts then reinstate Vice Chair Brown to the NTSB, we could have two Senate confirmed Board Members for only one position. My question, Captain DeLeeuw, if the court rules in favor of Vice Chair Brown and direct him to be reinstated, will you commit to stepping aside swiftly?

Mr. DeLeeuw: Senator, that is something that I have not considered or thought about. But if that situation was to arise, I would reach out and talk to the General Counsel of the NTSB and possibly the Department of Justice.

Sen. Luján: Appreciate that. [Ms.] Schultz, since you currently serve on the Surface Transportation Board, I'd like to ask you a few questions. Or Ms. Schultz, I apologize. Yes or no -- is the Surface Transportation Board an independent federal agency?

Ms. Schultz: Yes, Senator.

Sen. Luján: Yes or no -- did Board Chair Patrick Fuchs send an email to all career staff placing political blame for the shutdown?

Ms. Schultz: Chairman Fuchs sent an email indicating that that there was an impending shutdown.

Sen. Luján: Did he put blame on someone? One party or the other?

Ms. Schultz: There was language within the email that indicated that, yes.

Sen. Luján: So, in fact, he did place political blame for the shutdown. The reason I say this is statements like these are very concerning. As you know, there's a law that passed Congress years ago -- it is actually by a New Mexico U.S. Senator, Senator Hatch. It's called the Hatch Act. And this could be seen as a violation of the Hatch Act. Ms. Schultz in your opening statement from your prior confirmation hearing, you wrote, "It is incumbent upon the Board to approach matters before brought before it by conducting a thorough analysis of the facts and adjudicating matters in an impartial manner within the bounds of its jurisdiction and the law." However, the President has made it clear that agencies like the STB should not be independent but holy beholden to the President's direction and demands. How can the STB effectively function while subjected to political interference and coercion? Is it possible? How can the STB effectively function while subjected to political interference and coercion?

Ms. Schultz: I'm sorry, Senator, I couldn't hear the last portion while...

Sen. Luján: How can the STB function effectively if they are subjected to political interference and coercion?

Ms. Schultz: Coercion? Sorry, sir.

Sen. Luján: I have an accent, I apologize.

Ms. Schultz: I just, I couldn't hear the last part. I'm sorry. Senator, I appreciate the concern that that you've raised. I would also go back to -- I believe what you opened with -- which is the STB is an independent agency. It's contained within statute, and I can say that, if confirmed, I will uphold and apply the law in a fair and impartial way.

Sen. Luján: I appreciate it. I have other questions, but I will be mindful of my colleagues as well. Very much appreciate your response.

Senator Luján Q&A Part 2
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Sen. Luján: Thank you, Mr. Chairman, I appreciate that. I'm going to ask some questions of Ms. Schultz, and I'm going to respond to the Senator from Ohio. Ms. Schultz, I appreciate the question and response

that you had to Senator Baldwin. Mr. Kloster, the same question I have to [ask] you -- was the firing of Mr. Primus justified?

Mr. Kloster: I didn't know him. I don't know the circumstances. I wasn't privy to the circumstances that he was removed by President Trump. It's in litigation, so I don't really have a comment on that.

Sen. Luján: I have a follow up here. The White House said that they fired Mr. Primus because he did not support the President's America First agenda. Their words. Ms. Schultz, yes or no, do you feel pressure to support the President's agenda?

Ms. Schultz: Thank you for the question, Senator. The answer to that is no. Again, I think of -- in response to other questions -- in my time on the Board with pending matters, I approach it from a pretty similar manner, which is to look at the applicable law, including any statutes, regs, existing precedent. I also review the record extensively, consider the arguments on the merits, and you know, the policy principles that are set forth by Congress in the rail transportation policy.

Sen. Luján: I appreciate [that]...I'm sorry that the Senator from Ohio has to leave after what he shared. I was going to share with him some statistics from DWI in Ohio, and how many people die there every year. I was also going to respond to all that happened recently under President Trump with the nonsense that came from Elon Musk, with termination after termination, threat after threat. My House Republican colleagues have been home for, I don't know, 40 or 50 days. I don't know what they're up to. Speaker Johnson when he was asked about bringing them back, specific to pay the controllers? Speaker Johnson said, 'he wouldn't bring the House back to pay controllers' because he said, 'it'd be a waste of our time.'

Look, I don't want to get in a back and forth of pointing fingers. I'm tired of that, and I'm falling guilty to it every day. It's time to fix this stuff. The reason there wasn't a shutdown under the previous administration with Democrats in the majority working with the Republican colleagues, because we worked together. Those CR's were amended, Democrats and Republicans got together to do the right thing for the American people. We need to do that again, and I'm certainly hopeful that we'll get there as well.

I'm sorry that Senator Moreno doesn't want to see that there's a 26 percent increase in DWI deaths in Ohio. That one of the leading causes of fatalities in Ohio is people getting killed by people driving drunk. I hope that we'll have a chance to have a conversation, and that, rather than just trying to throw a swing -- you want to sit here and you're going to listen to the response as well. I'm just terribly sorry about that as well. But let me just get back here to close and I appreciate the follow up here.

Mr. Kloster, just same question to you, do you feel pressure to support the President's agenda?

Mr. Kloster: I'm not on the Board, so there's been no pressure. But if I was on the Board, if I was confirmed, I would take anyone's input. Whether it was the President or a member of this Committee. I would take their input and then I would use that to make an independent, fair, unbiased decision.

Sen. Luján: You would take their input if it was in the in the record? Or are you going to take their input if they go to social media and say something?

Mr. Kloster: I'm not on social media, I mean, other than LinkedIn.

Sen. Luján: And as you watch television news? Do you watch broadcast news?

Mr. Kloster: Totally, yeah.

Sen. Luján: So if the President says on broadcast news ‘I want you all to do something,’ and it's not in the record, how do you deal with that?

Mr. Kloster: That kind of stuff goes in one ear and out the other, for me.

Sen. Luján: It doesn't matter, correct?

Mr. Kloster: It's not going to matter.

Sen. Luján: It has to be in the record. Whatever evidence it is that you're going to use to make a decision has to be in the record that you're evaluating of whatever the case is. Is that correct?

Mr. Kloster: I'm not sure what you mean by on the record. If someone called me up?

Sen. Luján: So how...help me understand, sir. I'm from a small farm here.

Mr. Kloster: Yeah, and this is my first foray into this world.

Sen. Luján: Mr. Kloster, you've accepted a nomination into a very serious job, into an independent agency. There are serious cases presented to you, a track going awry and [a train] going off a line. The case is presented to you to try to figure out what's happened. Is that correct?

Mr. Kloster: Yes.

Sen. Luján: Is there a record that you review that's part of that case? Or what would you call it? What's the paper that gets put in front of you that you have to read and understand, that [has] all the evidence, all the investigations? What is that called? What do you call it? I want to use your...

Mr. Kloster: I understand what you mean by record, now, yeah.

Sen. Luján: Would you call it a record?

Mr. Kloster: Yeah, application, all the evidence...

Sen. Luján: Okay, if someone tells you something, to do something in the news -- since you watch the news -- you don't do social media, but you do that, you watch the news. And it's not in the record, --s we've just had a conversation -- what the record is. Do you just completely ignore it? Does it have no bearing in the outcome of the case?

Mr. Kloster: As I said, I would take all input.

Sen. Luján: Miss Schultz, I'm not going to ask you the same question, because I know you're going to say, ‘no, it has to be in the record. That's how you've proven this.’ So Mr. Kloster, look, I'm not a JD, I'm not as smart as my colleagues here. I'm a former Public Utility Commissioner. I had to go to Reno to an ALJ school. You might want to go to the same school before you take this job, so that you can understand what your responsibility is and how to evaluate a record and make a decision, man. If any one of us goes to the news or we speak from the mountain tops or even in this hearing, and it's not in the case and the record that you have before you that you're making a decision, it doesn't matter, man. I certainly hope

that we just get to that case, and Mr. Chairman, maybe you and I can support some budget and funding to get some ALJ training for some of these folks. And I'd be, I'd be proud to co-sponsor it with you.

Mr. Kloster: I appreciate that recommendation, and I also admit that, you know, if confirmed, there's going to be a bit of a learning curve for me in understanding how things are done, and I commit to getting up to speed as quick as I can.

Sen. Luján: There's a good school in Reno. I'd be happy to get you information on it, if you'd like.

Mr. Kloster: Thank you.