

Outstanding Requests for Documents from DOT

Illegal Aliens – FAA

Our March 20, 2024, letter asked:

- Has the FAA consulted or communicated with any other Federal entities, including the Office of the Secretary of Transportation and the White House, regarding the housing or sheltering of illegal aliens at airports? If so, describe those communications and include copies of all communications referring or relating to housing or sheltering illegal aliens at airports. Please provide a response and copies of all communication or confirm that the FAA did not consult or communicate with any other Federal entities.

AI Staffing – DOT

Our July 1, 2024, letter asked for the following:

- Unredacted copies of the completed forms/agreements for the three IPAs and the four paid SGEs identified by the Department. If the Department hired new or additional IPAs or SGEs since your previous response, please provide the completed forms/agreements for those as well.

Undersea Cable Security – MARAD

Our August 8, 2024, letter asked for the following:

- All documents and communications referring or relating to the Cable Security Fleet program, from Fiscal Year 2021 to present.
- All guidance documents referring or relating to DEI, from January 20, 2021, to present.
- All guidance documents referring to [or] relating to environmental justice, from January 20, 2021, to present.

Director of Audit and Evaluation – FAA

Our September 23, 2024, letter asked for the following:

- An explanation as to why Sec. Buttigieg believes Mr. McMillian's appointment as Whistleblower Office Director meets the statutory requirements;¹
- A copy of Mr. McMillian's appointment form signed by Sec. Buttigieg;
- All decision memos sent to Sec. Buttigieg regarding Mr. McMillan's appointment; and
- All legal or policy determinations regarding the qualifications of the Whistleblower Office director.

California High Speed Rail Letter - DOT

¹ Thank you for the letter. As Senator Cruz explained in his September 23, 2024, letter, there are two statutory requirements the Director of the Whistleblower Office must meet: (1) "a demonstrated ability in investigations," and (2) "knowledge of or experience in aviation." Your letter claims Mr. McMillan satisfied the second requirement because he "demonstrated knowledge of FAA's mission and priorities during interviews with the hiring panels" and his portfolio in CBP's office of trade "included aviation and aerospace interests." The letter does not, however, explain how Mr. McMillan has "a demonstrated ability in investigations." It speaks only to his experience in *audits*, which are not the same as *investigations*.

As Senator Cruz requested on September 23, 2024, please provide an explanation for why Secretary Buttigieg believes Mr. McMillan's appointment meets *both* statutory requirements, including the investigation ability requirement. If we do not receive a response from Secretary Buttigieg by January 15—over three months past the date a response was initially requested—we will understand that Secretary Buttigieg does not believe Mr. McMillan's appointment meets both statutory requirements.

Our May 29, 2024, letter asked for the following.²

- A copy of all grant applications received by DOT for projects related to California High-Speed Rail since September 2022.
- All documents and communications referring or relating to the evaluation of the applications specified in 1, including but not limited to evaluation of benefit-cost analysis.
- All lists of project ratings, for all applications, submitted to the relevant senior review teams for the grant cycles that resulted in the September 2023 CRISI awards and December 2023 Fed-State (non-Northeast Corridor) awards.
- All documents and communications referring or relating to DOT's plans to withhold further funding for California High-Speed Rail, including any unobligated portions of announced grant awards, until CHSRA resolves the issues raised by its IG and the Peer Review Group.

At his hearing on January 15, Duffy committed to provide the requested project ratings:

TED CRUZ:

Under the Biden administration, financial obstacles have only grown for the California high speed rail project. It currently has an unfunded gap of roughly \$100 billion. And yet, the Biden administration doubled down by awarding more than \$4 billion in taxpayer dollars to this ill-fated project. DOT career staff reviewed the various applications related to those awards, but the Biden administration refused to share those ratings with this committee.

Likely, because those ratings do not support the Biden administration's decision to continue funding the project. If confirmed, do you commit to sharing with this committee, the DOT staff ratings for all applications of discretionary funding over the last four years in which the California High Speed Rail project received an award?

SEAN DUFFY:

Yeah, senator, I believe in transparency and so I would commit to sharing those ratings with the committee.

Duffy also made a general transparency commitment at his hearing. Ranking Member Cantwell said, "And I note that, in producing some documents, even Senator Wicker had frustrations in getting documents out of the administration. So, I hope that you guys will comply with requests from our committees on that." Duffy replied, "I am committed to that and – and the point you made, you brought up transparency and I think your team did. I met with them yesterday or two days ago. I'm committed to transparency and providing the documents that you all have requested in a timely manner."

² But the main thing we want is #3, a single spreadsheet showing career staff project ratings for the relevant DOT grant application. We believe that the California High-Speed Rail project was rated lower than others and that the political appointees then overrode the careers to award funding to CHSRA.