

**NOMINATION TO THE UNITED STATES
DEPARTMENT OF TRANSPORTATION AND THE
UNITED STATES DEPARTMENT OF COMMERCE**

HEARING

BEFORE THE

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

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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JULY 26, 2017
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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CONTENTS

	Page
Hearing held on July 26, 2017	1
Statement of Senator Thune	1
Statement of Senator Nelson	3
Prepared statement	4
Statement of Senator Peters	51
Letter dated July 18, 2017 to Hon. Wilbur Ross, Secretary, U.S. Department of Commerce from the following Senators: Gary C. Peters, Elizabeth Warren, Kamala D. Harris, Cory A. Booker, Christopher S. Murphy, Dianne Feinstein, Richard Blumenthal, Debbie Stabenow; and the following Members of Congress: Salud Carbajal, Jared Huffman, Nydia M. Velázquez, Jackie Speier, Raul Grijalva, Jimmy Panetta, Alan Lowenthal, Daniel T. Kildee, Madeleine Z. Bordallo, José E. Serrano, Thomas Suozzi, Tulsi Gabbard and Grace Meng	52
Letter dated July 21, 2017 to Yule Kim, Center for American Progress from Clarice Julka, Office of the Secretary, FOIA Officer, United States Department of the Interior	55
Statement of Senator Blunt	59
Statement of Senator Gardner	60
Statement of Senator Schatz	62
Statement of Senator Cantwell	64
Statement of Senator Hassan	65
Statement of Senator Inhofe	67
Statement of Senator Cortez Masto	68
Report dated May 2017 entitled, “Congressional Districts Potentially Affected by Shipments to Yucca Mountain, Nevada”	70
Statement of Senator Klobuchar	84
Statement of Senator Blumenthal	84
WITNESSES	
Ronald L. Batory, Nominee to be Administrator, Federal Railroad Administration, U.S. Department of Transportation	5
Prepared statement	6
Biographical information	6
RADM Mark H. Buzby, Nominee to be Administrator, Maritime Administration, U.S. Department of Transportation	15
Prepared statement	17
Biographical information	18
Peter B. Davidson, Nominee to be General Counsel, U.S. Department of Commerce	25
Prepared statement	27
Biographical information	28
Karen Dunn Kelley, Nominee to be Under Secretary of Commerce for Economic Affairs, U.S. Department of Commerce	33
Prepared statement	35
Biographical information	36
APPENDIX	
Response to written questions submitted to Ronald L. Batory by:	
Hon. Dean Heller	85
Hon. Bill Nelson	85
Hon. Amy Klobuchar	86
Hon. Richard Blumenthal	86
Hon. Tammy Duckworth	90
Hon. Catherine Cortez Masto	90

IV

	Page
Response to written questions submitted to RADM Mark H. Buzby by:	
Hon. Bill Nelson	91
Hon. Richard Blumenthal	92
Hon. Brian Schatz	93
Hon. Tammy Duckworth	93
Hon. Catherine Cortez Masto	94
Response to written questions submitted to Peter B. Davidson by:	
Hon. Ted Cruz	95
Hon. Bill Nelson	96
Hon. Amy Klobuchar	97
Hon. Richard Blumenthal	98
Hon. Cory Booker	99
Hon. Catherine Cortez Masto	99
Response to written questions submitted to Karen Dunn Kelley by:	
Hon. Bill Nelson	100
Hon. Amy Klobuchar	104
Hon. Richard Blumenthal	104
Hon. Cory Booker	105
Hon. Catherine Cortez Masto	105

**NOMINATION TO THE UNITED STATES
DEPARTMENT OF TRANSPORTATION
AND THE UNITED STATES
DEPARTMENT OF COMMERCE**

WEDNESDAY, JULY 26, 2017

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

The Committee met, pursuant to notice, at 10:07 a.m. in room SR-253, Russell Senate Office Building, Hon. John Thune, Chairman of the Committee, presiding.

Present: Senators Thune [presiding], Wicker, Blunt, Fischer, Heller, Inhofe, Gardner, Young, Nelson, Cantwell, Klobuchar, Blumenthal, Schatz, Peters, Baldwin, Hassan, and Cortez Masto.

**OPENING STATEMENT OF HON. JOHN THUNE,
U.S. SENATOR FROM SOUTH DAKOTA**

The CHAIRMAN. Well, good morning. We have four well-qualified nominees before our Committee today. Thank you, Mr. Batory, Admiral Buzby, Ms. Kelley, and Mr. Davidson, as well as your families, for being here and for your willingness to serve.

Ronald Batory has been nominated to serve as the Administrator of the Federal Railroad Administration at the Department of Transportation. Mr. Batory has more than 45 years of experience in the railroad industry. Most recently, he served as President and COO of Consolidated Rail Corporation, better known as Conrail. Prior to that, he was President of the Belt Railway Company of Chicago.

If confirmed, Mr. Batory will serve as the principal advisor to Secretary Chao on railroad issues, and he will be responsible for developing freight and passenger rail policies, safety regulations and initiatives, and research and development activities.

In recent years, this Committee and independent reports have found significant regulatory problems at the FRA, including inadequate analysis, overly prescriptive regulations, and unnecessary paperwork burdens. The next FRA Administrator must correct these deficiencies to facilitate private sector innovation and improve safety.

I also expect the next Administrator to sharpen the agency's focus and improve interagency coordination on grade crossing collisions and trespasser incidents, which together account for over 95 percent of rail-related fatalities.

Admiral Mark Buzby has been nominated to serve as Administrator of the Maritime Administration, otherwise known as MARAD, at the DOT. A retired Navy Admiral whose career spanned 34 years, Admiral Buzby has served in a variety of important leadership roles both afloat and ashore. He also held key positions on the Navy Staff, the Joint Staff, and several fleet staffs. He is a recipient of the Navy Distinguished Service Medal, the Bronze Star, and numerous other personal and unit awards.

If confirmed, Admiral Buzby will advise and assist the Secretary of Transportation on commercial maritime matters, the U.S. maritime industry, and strategic sealift.

The Administrator develops broad MARAD policies and manages the agency's activities, particularly to ensure its compliance with the statutory obligations and requirements. These responsibilities include oversight of the U.S. Merchant Marine Academy, which must continue to improve its accreditation status, repair external relationships, and ensure a safe and enriching environment for all cadets.

Karen Dunn Kelley has been nominated to serve as the Under Secretary of Commerce for Economic Affairs at the Department of Commerce. Ms. Kelley has more than thirty years of experience in the financial investment sector. The majority of her career has been with Invesco, a U.S.-based investment firm that manages more than \$800 billion in assets worldwide, where Ms. Kelley currently serves as Senior Managing Director for Investments.

If confirmed, Ms. Kelley will lead the Economics and Statistics Administration, or ESA, which provides timely economic analysis, disseminates national economic indicators, and serves as the administrator of the Department's statistical programs through the Bureau of Economic Analysis.

ESA's expert economists and analysts produce in-depth reports, fact sheets, and briefings on economic policy issues and current economic events.

The Department of Commerce and the White House policy-makers, as well as Congress, rely on these tools to inform economic policy decisions, as do American businesses and state and local governments.

And last, but not least, Peter Davidson has been nominated to serve as the General Counsel of the Department of Commerce. Mr. Davidson is well-known to this Committee, having served as Senior Vice President for Congressional Relations at Verizon Communications for more than a decade.

Prior to that, Mr. Davidson served as General Counsel to the U.S. Trade Representative. He has also served in a number of other important roles in government and the private sector, including General Counsel and Policy Director to the Majority Leader of the House of Representatives, and Attorney-Advisor in the Justice Department's Office of Legal Counsel, to name a few.

If confirmed, Mr. Davidson will serve as the Chief Legal Officer of the Department of Commerce, and Legal Advisor to Secretary Ross. The General Counsel directs the operation of ten offices that report directly to him and also provides legal and policy direction to four additional legal offices that receive their funding and personnel allocations from their bureaus: the Patent and Trademark

Office, the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the National Telecommunications and Information Administration.

As I've noted, all four of these nominees are well-qualified for the positions to which they have been nominated, and I know that Secretaries Chao and Ross are especially happy about your nominations and eager to see you confirmed quickly. The Committee is doing its part to make that happen.

And once again, I want to thank you all for testifying today and for your willingness to serve our Nation.

I'm going to turn now to our Ranking Member, Senator Nelson, for an opening statement.

Senator Nelson.

**STATEMENT OF HON. BILL NELSON,
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Thank you, Mr. Chairman.

It's a critical time in our Nation's infrastructure. We've been talking about this issue *ad infinitum* now for several years, yet our roads, rails, ports, our runways, our taxiways, our broadband, continue to languish without much needed investments. It not only jeopardizes safety, but also the competitiveness of our economy as well. We must do more to help the critical infrastructure projects.

We have a good many programs on the books. We have to fund them. For example, TIGER grants help our committees and our communities to make much needed improvements in rail, port, and local infrastructure projects. Amtrak provides a vital long distance service throughout the entire country. Amtrak funding can also help support the significant work that is trying to restore rail service, for example, after Hurricane Katrina, from New Orleans to the East Coast and Jacksonville.

Just two years ago, we passed the FAST Act, which reaffirmed Amtrak's status as a critical piece of our nation's transportation network. At a time when ridership is increasing and safety needs are high, we should be making the investments in this important service.

Just, by the way, ride the fastest passenger train we have, Acela, between New York and Washington, and there are two parts of the track when the train is accelerating that you think that you are going off the rails because of the swaying back and forth, just like that.

The FAST Act also included funding to help improve the safety of the rail system, including the implementation of positive train control. We need real investment in our infrastructure to support these important programs.

Admiral Buzby and Mr. Batory, I look forward to hearing your testimony on how we can move forward on this infrastructure.

Ms. Kelley and Mr. Davidson, let me extend my congratulations to you on your nominations to be Under Secretary and General Counsel in the Department of Commerce. You have a real gentleman who is the head of the Department of Commerce. I have known Wilbur Ross for years, and he is a true gentleman, and I think that will be an enjoyable experience for you all to deal with him.

Commerce oversees an expansive portfolio of 12 bureaus, a lot of which were mentioned by the Chairman, but I would just point out that it goes from everything from NOAA all the way to NIST, both of which have critical infrastructure for our national security, and people often overlook that.

And then, oh, boy, we better get ready, we've got a census coming up, and that's in the Department of Commerce as well.

All of these contribute to a wide variety of sectors: science, weather, telecommunications, financial, trade. So we really need the leadership at the Department that is data-driven, not politics-driven, and I would say especially not partisan-driven, that is data-driven on delivering for the American people.

You see what you've got ahead of you. Ensuring that all the agencies, for example, NOAA, can focus on science, and providing accurate, actionable information.

Have I heard comments about not honoring science on such things as sea level rise, that happens to be affecting my state as we speak?

I look forward to hearing from you all in this hearing.

Thank you, Mr. Chairman.

[The prepared statement of Senator Nelson follows:]

PREPARED STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA

This is a critical time for our Nation's infrastructure, which is in desperate need of upgrades and repairs.

We have been talking about this issue for several years now.

Yet our roads, rails, ports and runways continue to languish without much-needed investments.

This not only jeopardizes the safety of our citizens, but the competitiveness of our economy as well.

We must do more to help our critical infrastructure projects.

And we have many good programs on the books—we simply have to fund them.

For example, TIGER grants help our communities to make much needed improvements in rail, port and local infrastructure projects in Florida and across the country.

Amtrak service provides vital long-distance service throughout Florida and around the country.

Amtrak funding can also help support the significant work that the panhandle of Florida has done to restore rail service on the Gulf Coast.

Just two years ago, we passed the FAST Act, which reaffirmed Amtrak's status as a critical piece of our Nation's transportation network.

At a time when ridership is increasing and safety needs are high, we should be making investments in this important service.

The FAST Act also included funding to help improve the safety of our rail system, including funding to help support the implementation of positive train control. We need real investment in our infrastructure to support these important programs and address critical safety concerns.

Admiral Buzby and Mr. Batory, I look forward to hearing your testimony on how we can move America's infrastructure forward.

And Ms. Dunn Kelley and Mr. Davidson, let me extend my congratulations on your nominations to be the Under Secretary Economic Affairs and General Counsel at the U.S. Department of Commerce.

As you know, the Department of Commerce oversees an expansive portfolio of 12 bureaus, including the National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), the National Telecommunications and Information Administration (NTIA) and the Census Bureau. These bureaus and others contribute to a wide variety of sectors—science, weather, telecommunications, financial and trade.

We need leadership at the department that is data-driven and focused on delivering for the American people—not politics.

This means getting our hands around the current problems with the 2020 Census.

And ensuring that at agencies like NOAA, employees can stay focused on science and providing accurate, actionable information.

I look forward to hearing about both of your plans to contribute to stable leadership at the Department of Commerce.

The CHAIRMAN. Thank you, Senator Nelson.

And now we'll get a chance to hear from our nominees. And we will start on my left, and your right, with, as I said, Mr. Ronald L. Batory, of New Jersey, to be Administrator of the Federal Railroad Administration; followed by Mark Buzby, of Virginia, to be Administrator of the Maritime Administration; and then we have Peter Davidson, of Virginia, although I think they still claim him in Minnesota as well, to be General Counsel at the Department of Commerce; and then Karen Dunn Kelley, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

So, Mr. Batory, please proceed. And if you can confine your oral remarks as close to 5 minutes as possible, we'll make sure that any written additions get included in the record, and it will give us an opportunity to ask some questions.

Mr. Batory.

**STATEMENT OF RONALD L. BATORY, NOMINEE TO BE
ADMINISTRATOR, FEDERAL RAILROAD ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. BATORY. Chairman Thune, Ranking Member Nelson, and distinguished members of the Committee, thank you for the opportunity to appear before you this morning. I would also like to thank both President Trump for nominating me and Secretary Chao for her support.

I am a second generation railroader. My late father was dedicated to this industry, as not only a railroad employee, but later a full-time career representative of organized rail labor.

It became a dream of mine to work in railroads, so after graduation from college in 1971, my first job was as a traveling auditor in freight car counting for the Detroit, Toledo, and Ironton Railroad Company.

I have learned much from many people during my 45 years in the industry. I would like to bring that experience to the Federal Railroad Administration. I have learned, for example, that the "brain drain" in the Federal sector extends to the FRA. We have fewer inspectors with actual railroad industry experience. We must ensure that we have an adequate and qualified pool of applicants for the critical job of railroad inspector.

If confirmed, I would look at ways in which the FRA could partner with the railroad industry to enhance training opportunities. I would also look into ways we can improve communications both within the FRA and between the FRA and the industry, should I be confirmed.

I recognize the Federal Railroad Administration has a multitude of responsibilities, but safety will be the priority, just as it has been throughout my career. Moving to performance-based rulemaking will focus FRA's efforts on getting the desired outcomes and safety improvements, not just on enforcement of rules and processes.

I also believe it will breed innovative thinking to achieve goals and will facilitate the use of new technology.

If confirmed, I will dedicate myself to fulfilling the duties of the Administrator, and will look forward to working with the men and women who are part of this organization.

I also believe working with Secretary Chao and this Committee, we can foster both safety and efficiency in American railroads, making them the best in the world.

Thank you, Mr. Chairman. I now look forward to your questions. [The prepared statement and biographical information of Mr. Batory follow:]

PREPARED STATEMENT OF RONALD L. BATORY, NOMINEE FOR ADMINISTRATOR,
FEDERAL RAILROAD ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Chairman Thune, Ranking Member Nelson and distinguished members of the Committee:

Thank you for the opportunity to appear before you this morning. I would also like to thank both President Trump for nominating me and Secretary Chao for her support.

I am a second generation railroader. My late father was dedicated to the industry, as not only a railroad employee but later a full-time career representative of organized rail labor. It became a dream of mine to work in railroads, so after I graduated from college in 1971, my first job was as a traveling auditor in freight car accounting for the Detroit, Toledo and Ironton Railroad Company. I have learned much from many people during my 45 years in the industry, and I would like to bring that experience to the Federal Railroad Administration.

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If confirmed, I will dedicate myself to fulfilling the duties of Administrator, and will look forward to working with the men and women who are part of this organization. I also believe working with Secretary Chao and this committee we can foster both safety and efficiency in American railroads, making them the best in the world.

Thank you, Mr. Chairman, I now look forward to your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Ronald L. Batory.
2. Position to which nominated: Administrator, Federal Railroad Administration, U.S. Department of Transportation.
3. Date of Nomination: July 11, 2017.
4. Address (List current place of residence and office addresses)
Residence: Information not released to the public.
5. Date and Place of Birth: 01/25/1950; Detroit, Michigan.
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).
Barbara E. Batory, wife, retired; Erin Faye Budisak, daughter, 37.
7. List all college and graduate degrees, Provide year and school attended.
Adrian College, Bachelor of Arts, 1971.
Eastern Michigan University, Master of Arts, 1975.
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 Attachment 1.

9. Attach a copy of your résumé.

See Attachment 2.

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.

See Attachment 3.

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 religious organization, private club, or other membership organization. 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 handicap.

See Attachment 4.

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. 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. Also list all offices you have held with, and services rendered to a state or national political party or election committee during the same period.

Jun Choi, New Jersey 7th Congressional District, 2011, \$1,000

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

16. Please list each book, article, column, or publication you have authored, individually or with others. 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. None.

17. 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. None.

18. 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?

See Attachment 5.

19. 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?

See Attachment 5.

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

See Attachment 5.

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.

My arrangements are fully described in Part 3 of my Public Financial Disclosure report.

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.

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 in accordance 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, or 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.

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 in accordance 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. Describe any activity during the past ten years 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. None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

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 in accordance 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.

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.

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. 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? 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.

ATTACHMENT 1—SECTION A, QUESTION 8

RONALD L. BATORY

RELEVANT EMPLOYMENT POSITIONS

FIRST TO LAST

I. DETROIT, TOLEDO & IRONTON RAILROAD COMPANY

1. Traveling Auditor, Car Accounting, 1971–1972
2. Administrative Assistant to Vice President of Operations, 1972–1975
3. Assistant Engineer Track System, 1975–1976
4. Manager, Industrial Engineer, 1976–1977
5. Director of Material Procurement and Planning, 1977–1981

II. GRAND TRUNK WESTERN RAILROAD COMPANY

1. Transportation Supervisor, 1981–1982
2. Trainmaster, 1982–1984
3. Terminal Manager, 1984–1985
4. District Manager Operations, 1985–1987
5. Director Transportation Planning, 1987

III. CHICAGO, MISSOURI & WESTERN RAILWAY

1. Vice President/General Manager, 1987–1989

IV. SOUTHERN PACIFIC TRANSPORTATION COMPANY

1. Assistant General Manager, 1989–1991
2. General Manager, 1991–1994

V. THE BELT RAILWAY COMPANY OF CHICAGO

1. President, 1994–1998

VI. CONSOLIDATED RAIL CORPORATION

1. Senior Vice President—Operations, 1998–2004
2. President and Chief Operating Officer, 2004–2017

ATTACHMENT 2—SECTION A, QUESTION 9

SUMMARY OF EXPERIENCE

- Career professional with more than 45 years of both line and staff experience in the railroad industry serving in various administrative and operational leadership positions of considerable responsibility.
- Effective senior-level management abilities in leading change and maximizing use of organizational talent.
- Expertise in planning, analysis and control of costs to enhance contribution of revenue, as well as achieving revenue growth through exploitation of commercial opportunities.
- Additional skills: planning and conducting cost/performance rationalization studies from concept; coordinating the implementation of both operating and maintenance improvement programs.

CAREER JOURNAL

CONSOLIDATED RAIL CORPORATION—1998/2017

President and Chief Operating Officer

Complete leadership responsibility for the eighth (8th) largest freight rail carrier in the United States. Ensures fulfillment of a business enterprise with a unique corporate structure within the deregulated transportation sector.

Senior Vice President—Operations

Reporting responsibility for the planning, operation and maintenance of the Shared Assets Areas in New Jersey, Pennsylvania and Michigan. Constitutes the

largest terminal switching operation in North America evolving from the acquisition and division of Consolidated Rail Corporation by CSX Transportation and Norfolk Southern Corporation. Guided a post-split operation of continuous improvement wherein safety, service and costs indicators are recognized to be historically record setting for the associated territories.

THE BELT RAILWAY COMPANY OF CHICAGO—1994/1998

President—Bedford Park, Illinois

Complete leadership responsibility for the largest intermediate switching company in the Nation serving a terminal network of seventeen (17) rail carders. Instituted policies and practices that lead to an array of unprecedented safety and service performance records, while simultaneously undertaking a massive infrastructure improvement plan.

SOUTHERN PACIFIC TRANSPORTATION COMPANY—1989/1994

General Manager—Chicago, Illinois

Reporting responsibility for field operations on the Midwest Region which spanned a territory from Chicago, Illinois, to Tucumcari, New Mexico, on the west to Shreveport, Louisiana, and Texarkana, Texas, on the east. Served as General Manager, SPCSL Corp., a wholly owned subsidiary of Southern Pacific Transportation Company, Represented St. Louis Southwestern Railway as a Board of Director member for the Kansas City Terminal Railway Company, Terminal Railroad Association of St. Louis, Southern Illinois and Missouri Bridge Company and Arkansas & Memphis Railway Bridge and Terminal Company.

Assistant General Manager—Chicago, Illinois

Reporting responsibility to Central Region, which spanned a territory between Chicago and East St. Louis, Illinois, on the east to Sparks, Nevada and Klamath Falls, Oregon, on the west. Served as primary Operating Department planner and directed implementation for Southern Pacific's access in Chicago, Illinois, from both East St. Louis, Illinois, and Kansas City, Kansas) in 1989 and 1990 respectively.

CHICAGO, MISSOURI & WESTERN RAILWAY—1987/1989

Vice President / General Manager—Springfield, Illinois

Directed system transportation, maintenance, intermodal, purchasing, security and corporate relations organizational functions, as related to the daily operation of both freight and Amtrak passenger trains transversing over 600 route miles. Included Board of Director responsibility to Kansas City Terminal Railway Company. Maintained ongoing communications with appropriate lobbying bodies and state/federal regulatory agencies, which favored the Trustee's endeavors to successfully obtain nearly \$14 million in low interest loans and grants. Formulated an asset disposition plan for the Trustee, which resulted in all rail lines being conveyed to responsible parties, thus avoiding the path of service discontinuances and subsequent liquidation.

GRAND TRUNK WESTERN RAILROAD COMPANY—1981/1987 (Various Locations)

Director Transportation Planning—Detroit, Michigan

Directed the manifest freight scheduling and classification requirements for all yards and terminals. Implemented a terminal management information system through use of electronic data processing. Developed and coordinated joint operating improvement projects with various connecting carriers throughout the four state system.

District Manager Operations / Chicago—Chicago, Illinois

Managed major territorial operations of Chicago District. Ensured consistent service and cost-effective operations through coordination of transportation, intermodal, mechanical, engineering, administrative and joint facility functions necessary to meet committed commercial specifications.

Terminal Manager, Chicago Terminal District—Chicago, Illinois

Managed the scheduled movement of road trains and yard operations. Using a diversity of management skills, ensured cost effective productivity levels. Simultaneously rationalized entire terminal operations through expanded use of joint facilities, thereby reducing fixed costs. Overall reduction and consolidations resulted in a net decrease in annual operating costs by \$7.5 million along with eliminating future capital requirements of considerable sort.

Trainmaster, Shore Line Subdivision—Toledo, Ohio

Management responsibility for daily train, yard and dispatching operations of the former Detroit and Toledo Shore Line Railroad Company. During tenure, rec-

ommended, developed and implemented a highly successful operating plan to curtail hump switching, car repair and locomotive servicing at Lang Yard, Toledo, Ohio, while consolidating the train dispatching office with those in Pontiac, Michigan, which created a \$4.3 million reduction in operating expenses and minimized the overall need for further capital improvement among the affected facilities.

Transportation Supervisor, Detroit Division—Pontiac, Michigan

Managed and monitored divisional operations of road trains and SEMTA commuter trains ensuring commercial freight standards and public transit commitments were met. Coordinated over the road line operations in the Detroit Michigan, area for all newly created inter divisional trains resulting from the acquisition of Detroit and Toledo Shore Line Railroad Company and Detroit, Toledo & Ironton Railroad Company.

DETROIT, TOLEDO & IRONTON RAILROAD COMPANY—1971/1981 (Various Locations)

Director of Material Procurement and Planning—Dearborn, Michigan

Administered purchasing, material distribution, industrial engineering and capital budget functions consistent with corporate requirements. Successfully developed and implemented a totally operable and accountable post-merger system for consolidating and standardizing materials and supplies once recognized independently by three railroads.

Manager, Industrial Engineering—Dearborn, Michigan

Successfully developed standard measurement systems for various operating sub-departments. These productivity measurements were later used to develop a powerful management tool for both line and staff personnel. Designed and monitored the operating plan for accessing Cincinnati, Ohio, for interchange with the former Southern Railway Company and Louisville and Nashville Railroad Company over trackage rights of Consolidated Rail Corporation as set forth by the United States Railway Association.

Assistant Engineer Track System—Flat Rock, Michigan

Responsible for the production results of out-of-face maintenance programs. Assisted in cost and method planning/analysis of all maintenance and capital programs. Designated to conduct Federal Railroad Administration inspections to comply with minimum track safety standards.

Administrative Assistant to Vice President of Operations—Dearborn, Michigan

Responsible for accurate formulation of operating and capital budgets as related for the entire Operating Department. Performed numerous operational planning studies for management review.

Traveling Auditor, Car Accounting—Dearborn, Michigan

Designed operational audit procedures, which applied to the mileage portion of car hire payments reported by foreign line carriers. Participated in the development and implementation of an E.D.P. system for generating car hire reclaims covering both switching and storage.

EDUCATIONAL BACKGROUND:

Master of Arts Degree:

Graduate, Eastern Michigan University in 1975, Ypsilanti, Michigan

Bachelor of Arts Degree: Business Administration & Economics

Graduate, Adrian College in 1971, Adrian, Michigan

CONTINUING EDUCATION/TRAINING:

Canadian National General Management Program, completed through Bishop's University, Lennoxville, Quebec, 1981

IBM Executive Seminar, 1979

Purchasing and Material Management Seminar through General Motors Corporation, Electro-Motive Division 1978

Freight Car Air Brakes Seminar through Wabco, Westinghouse Air Brake Division, 1975

Transportation Seminar through General Motors Corporation, Electro-Motive Division, 1974

SPECIAL ASSIGNMENTS & INDUSTRY AFFILIATIONS

Appointed and served on an Operations Development Committee of Detroit, Toledo & Ironton Railroad Company. Proposed various physical plant changes, which

resulted in both track retirement and construction projects being undertaken that impacted capital and operating accounts favorably while ultimately improving the operations.

Appointed and served on the Permanent Operating and Accounting Committee for the Traffic Executive Association—Eastern Railroads. Primary function involved the development and recommendation of terminal switching allowance tariff rates.

Appointed to a Railroad Sub Committee of the Ohio-Kentucky Indiana Regional Council Governments on behalf of Detroit, Toledo & Ironton Railroad Company. Responsible for rail planning considerations within the region, as related to carrier operations.

Appointed and served on a Task Committee to oversee the development of an Information System later known as F.R.I.S. This responsibility led to the establishment of both real-time and cardless car movement information system for Detroit, Toledo & Ironton Railroad Company.

Appointed and served on a long range corporate committee program called "Focus." Primary function was to investigate and submit action plans for savings in utilization of new technology, plant rationalization, labor work rule changes, operating efficiencies and freight revenue contribution. Program goal was to implement projects yielding \$5.5 million annual savings in 1987. This goal was accomplished and became an integral part of the Grand Trunk Corporation five-year plan.

Appointed by the Governor of Illinois to serve as a member of the Illinois Rail Transportation Advisory Task Force. Primary objective was to study and assess the rail transportation passenger service in Illinois. Such study included, but was not limited to, an assessment of demand for services, engineering, operating costs and labor implications, which in part led to a low interest loan of \$36 million for a continuous welded rail program to be implemented on the former St. Louis Division of Southern Pacific Transportation Company.

Appointed to Customer Service Management Committee serving member need within the Association of American Railroads to facilitate resolution of rail industry issues pertinent to the shipping community it serves.

Appointed to the KPMG Quality Registrar Technical Advisory Committee, as related to ISO 9000 and its internationally recognized standard of quality for a wide spectrum of manufacturing, service and business practices.

Appointed by the Governor of New Jersey to serve on the Domestic Security Preparedness Task Force, Infrastructure Advisory Committee, Transportation Subgroup. Serves as a resource with respect to domestic preparedness issues facing private industry.

Professional Associations:

The Railway Tie Association

The American Railway Engineering and Maintenance of Way Association

The International Association of Railway Operating Officers, Inc.

American Association of Railroad Superintendents (Former Board of Director & President)

The American Short Line and Regional Railroad Association (Former Board of Director)

John W. Barriger III National Railroad Library (Former Board of Director & Former President)

Railway Study Association

Transportation Research Board

CAREER NARRATIVE

Ronald L. Batory is a career professional with more than 45 years of both field and staff experience in the railroad industry, serving in various administrative and operating management positions of considerable responsibility.

He started his railroad career on a full-time basis in 1971 with the former Detroit, Toledo & Ironton Railroad Company. During his tenure with that company and its successor Grand Trunk Western Railroad Company, he progressed a management role serving in various field and staff capacities.

He departed the Grand Trunk Western Railroad Company during 1987 to take on the Chapter 11 reorganization of the ill-fated Chicago, Missouri & Western Railroad Company. During this assignment as Vice President-General Manager, he assisted the court-appointed Trustee in establishing various lines of credit and grants with the state of Illinois, while simultaneously assisting the Trustee in disposing of

the Railway's assets into responsible hands, This action subsequently evolved into the Southern Pacific Transportation Company acquiring the St. Louis/Chicago corridor; along with the creation of a new Class II regional carrier know as Gateway Western Railway Company, which brought financial confidence through a contractual haulage agreement with the Atchison, Topeka & Santa Fe Railway Company between Kansas City, Kansas and East St. Louis, Illinois. This parceling of route structures among two Class I carriers created access to gateways long sought by each of them for well over 100 years.

Afterwards Ron joined Southern Pacific Transportation Company, where he advanced to General Manager-Midwest Region, spanning a territory from Chicago, Illinois, to Tucumcari, New Mexico, on the west to Shreveport, Louisiana and Texarkana, Texas, on the east. His initial two and one half years with the company, as Assistant General Manager, he implemented the operating plan for the St. Louis/Chicago corridor purchase, as well as being one of the primary planners and lead executors in orchestrating Southern Pacific's access to Chicago from Kansas City via its trackage rights arrangements with Burlington Northern Railroad Company and Norfolk Southern Corporation. During his tenure at Southern Pacific Transportation Company, he was known to effectively lead joint labor and management involvement towards the key focus areas of casualty prevention, service consistency and cost of non-conformance resulting in performance measurements of considerable improvement. In 1994 he was appointed President for The Belt Railway Company of Chicago, which served as the largest intermediate switching carrier within our Nation's busiest rail transport gateway, During his era of leadership, he instituted policies and practices that earned an array of unprecedented safety, service and financial performance records, while simultaneously undertaking a massive infrastructure improvement plan.

During early 1998 he joined Consolidated Rail Corporation. He served as both Vice President-Operations and Senior Vice President—Operations for the Shared Assets Areas owned by CSX Transportation and Norfolk Southern Corporation evolving from their STB approved partitioning of the Class I Eastern Carrier. He was challenged with the service-driven need for definitive planning and associated execution of cost effective operations and maintenance that would ultimately sustain a plane of equality for joint competition in specific areas of New Jersey, New York, Pennsylvania and Michigan. This accomplishment favored him in being appointed President & Chief Operating Officer in 2004 for the entire corporate entity.

Ron is a graduate of Adrian College, Adrian, Michigan, with a BA in Business Administration, along with a graduate Masters degree from Eastern Michigan University. He has effectively served on the Board of Directors of the Kansas City Terminal Railway Company, Southern Illinois and Missouri Bridge Company, Arkansas & Memphis Railway Bridge and Terminal Company, Terminal Railroad Association of St Louis, along with the American Short Line & Regional Railroad Association. Affiliations with professional associations are The Railway Tie Association; The American Railway Engineering and Maintenance of Way Association; The International Association of Railway Operating Officers, Inc.; The American Association of Railroad Superintendents, of which he is a Board of Director Member and past President; The John W. Barriger III National Railroad Library Board of Trustees and past President; University of Denver; Transportation Institute Board of Director Member and Adrian College Board of Trustees.

Family residency is in Mount Laurel, New Jersey, with his wife, Barbara.

ATTACHMENT 3—SECTION A, QUESTION 11

RONALD L. BATORY, OFFICER, TRUSTEE OR DIRECTOR POSITIONS, ENTERPRISE & EDUCATIONAL INSTITUTIONS

Consolidated Rail Corporation—Officer & President/Chief Operating Officer, 2004–3/2017

Adrian College—Trustee, 2008–2017

University of Denver, Transportation Institute—Board of Directors, 10/2016 to present

Wisconsin Southern Railroad Company—Advisory Board Member, 1997–2012

The John W. Barriger National Railroad Library—Trustee & Former President, 5/2008 to present

On Track North America—Board of Directors, 2/2016–4/2016

American Association of Railroad Superintendents—Board of Director & Former President, 1994–2009

Las Vegas Railway Express—Board of Directors, 8/2014–1/2015

ATTACHMENT 4—SECTION A, QUESTION 12

RONALD L. BATORY, MEMBERSHIPS*

Organizational Name	Status	Position Held
American Association of Railroad Superintendents	1978–present	Former Board of Directors and President, currently only member
American Railway Eng. & Maintenance of Way Assoc. Center for Railroad Photography & Art	2012–present	Member
Friends of the Cumbres & Toltec Scenic Railroad	2015–present	Member
International Assoc. of Railway Operating Officers	1980–present	Member
Laurel Creek Country Club	1998–present	Member
Lexington Group in Transportation History	1995–present	Member
Lionel Collectors Club of America	2004–present	Member
Lionel Operating Train Society	2003–present	Member
Mercedes-Benz Club of America, Inc.	1996–present	Member
Midwest High Speed Rail Association	2009–present	Member
Museum of New Mexico	2014–present	Member
National Association of Railroad Passengers	1988–present	Member
National Association of Watch & Clock Investors	1980–present	Member
National Corvette Owners Association	1980–present	Member
National Model Railroad Association, Inc.	1978–present	Member
On Track America	2015–2016	Board of Directors
Railway Study Association	2014–present	Member
Santa Fe Railway Historical & Modelling Society	2013–present	Member
The Club at Las Campanas	2015–present	Member
The John W. Barriger National Railroad Library	2005–present	Trustee & Former President
The Railway & Locomotive Historical Society	1990–present	Member
Theta Chi Fraternity	1968–present	Member
Train Collectors Association	1979–present	Member
Transportation Research Board	2016–present	Member
Union League Club of Chicago	1988–present	Member
University of Denver, Transportation Institute	2016–present	Board of Directors
Wheelwright Museum of American Indian	2016–present	Member

*No Restrictions to Membership.

ATTACHMENT 5—SECTION A, QUESTIONS 18, 19, AND 20

RONALD L. BATORY, POLICY QUESTIONS

A.18

I have served 45 +years in the railroad industry starting as a rank and file craft employee, followed by succession of diverse leadership positions ending as President & Chief Operating Officer of Consolidated Rail Corporation. During my private sector career, I believe I have cultivated a reputation for being a progressive, fact-based “change agent” with a mindset of neutrality toward all stakeholders. My past experiences and accomplishments have now led toward a desire to serve our country as Administrator of the Federal Railroad Administration and to contribute to its leadership given my background in the rail industry as well as my personal conviction that safety is first and foremost.

A.19

I believe this position imposes several macro responsibilities. These include: (1) inculcating the values of integrity and credibility throughout the organization; (2) recognizing emerging issues and effectively communicating to the others in DOT and Congress about them; and (3) instilling accountability and an attitude of excellence throughout the FRA. I believe I am qualified for this position given my broad experience in railroads and the management of large organizations (up to 14,000 people) in decentralized environments.

A.20

I believe the top three challenges are: (1) Attrition has taken a significant toll on the Agency’s expertise, particularly in the safety area, over the past decade; (2) The geographic structure of the organization challenges our desire for effective communications; we must tap new communications technologies to prevent becoming stagnant; and (3) Moving to performance-based rulemaking and fact based approaches to policy making will help to reduce risk.

The CHAIRMAN. Thank you, Mr. Batory.
Admiral Buzby.

**STATEMENT OF RADM MARK H. BUZBY, NOMINEE TO BE
ADMINISTRATOR, MARITIME ADMINISTRATION,
U.S. DEPARTMENT OF TRANSPORTATION**

Admiral BUZBY. Good morning, Chairman Thune, Ranking Member Nelson, and members of the Commerce, Science, and Transportation Committee. Thank you for this opportunity to present my qualifications for serving as our nation’s Administrator of the Maritime Administration at the Department of Transportation.

Joining me here today is my wife, Gina, who has stood alongside me selflessly for the past 21 years. She keeps me well-grounded and never ever allows me to take myself too seriously. She has also stood alongside military families during our Navy years as a tireless supporter of education and assistance to spouses and continues in a mentorship role today. She was decorated by Secretary of the Navy Ray Mabus with the Navy Distinguished Public Service Award for her outstanding efforts. My success is due in a large part to her love and support.

Thank you, Dear.

The statutory mission of the Maritime Administration is to foster, promote, and develop the Merchant Marine industry of the United States in order to meet the Nation’s economic and security needs, both now and in the future. That’s a tall order in today’s constrained budget environment, yet it is a mission that nonetheless must be pursued. America is a maritime nation.

The other key role is to manage, on behalf of the Secretary of Transportation, the operation of our Navy’s premier training facil-

ity for future Merchant Marine officers, the U.S. Merchant Marine Academy at Kings Point, New York and to support the efforts of our six State Maritime Academies. I desire to lead these missions, and I believe that I am qualified to do so.

My roots are in the Merchant Marine. I was destined to be a mariner, having been born and raised in Atlantic City, New Jersey. My first breath of air was salt air. I got my first boat at the age of 9. And I bent on my first set of dress blues at age 14 at Admiral Farragut Academy. I think you get the picture. I am proud to be an anchor-clanker. This is what I do. This is who I am.

After graduation from Kings Point in 1979, I served 34 years of active duty, much of it at sea, with the U.S. Navy, retiring in 2013. I was very fortunate growing up to be mentored by a group of relatives and close family friends who had all served our Nation in uniform in time of war. Strength of character and selfless service were a common virtue of them all, and they proved a powerful example to me.

The Merchant Marine should be front and center in any discussion of transportation policy, because the movement of cargo by ship is critical to our economy, both domestically and internationally. Moreover, since World War II, the Merchant Marine is a key part of the Navy's ready reserve. This means that we need U.S.-flag ships that are in good repair, we need efficient U.S. ports, and we need skilled mariners. My pledge is to do all that I can to meet these three challenges.

If I am confirmed, one of my first priorities will be to get the U.S. Merchant Marine Academy squared away. This Academy is too great an asset to become tainted because of misconduct or bad judgment of a few. We will address these issues. We will ensure that Sea Year provides the essential learning experience that it is intended to and that all midshipmen will participate in this unique hands-on learning experience safely and confidently across a wide variety of ships.

We will work to ensure that the Academy is fully accredited and remains so, that the education received there is worthy of a U.S. service academy, and that its graduates are fully qualified as ship officers to command ships, safely operate propulsion systems, and lead seafarers.

During my time commanding the U.S. Navy's Military Sealift Command, and now as President of the National Defense Transportation Association, I've had the great fortune to work closely, almost daily, alongside the leaders in our Nation's maritime industry, including labor, owners and operators, and government. I have strong working relationships with them, and we have worked through issues in the past and gotten things done.

If I am confirmed as the Maritime Administrator, please know that I will seek to build upon this trust to get things done.

We have a motto at Kings Point, "*Acta Non Verba*," which means, "Deeds not Words." It has been a part of me every day since I walked out the Academy's gates in 1979, and I pledge to you that it will continue to frame my actions as I go forward.

Again, I want to thank President Trump and Secretary Chao for their confidence in me by nominating me for this position. I hope that I can earn your trust and confidence as well. I look forward

to answering any questions that you may have. Thank you very much.

[The prepared statement and biographical information of Admiral Buzby follow:]

PREPARED STATEMENT OF RADM MARK H. BUZBY, NOMINEE FOR ADMINISTRATOR,
MARITIME ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Good morning, Chairman Thune, Ranking Member Nelson, and members of the Commerce, Science, and Transportation Committee. Thank you for the opportunity to present my qualifications for serving as our Nation's Administrator for the Maritime Administration at the Department of Transportation.

Joining me here today is my wife, Gina, who has stood alongside me selflessly for the past 21 years. She keeps me well-grounded and never *ever* allows me to take myself too seriously. She has also stood alongside military families during our Navy years as a tireless supporter of education and assistance to spouses, and continues in a mentorship role today. She was decorated by Secretary of the Navy Ray Mabus with the Navy Distinguished Public Service Award for her outstanding efforts. My success is due in large part to her love and support.

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The other key role is to manage, on behalf of the Secretary of Transportation, the operation of our Nation's premiere training facility for future Merchant Marine officers—the U.S. Merchant Marine Academy at Kings Point, and to support the efforts of our six State Maritime Academies. I desire to lead these missions, and I believe that I am qualified to do so.

My roots are in the Merchant Marine. I was destined to be a mariner, having been born and raised in Atlantic City, New Jersey. My first breath of air was salt air; I got my first boat at age 9; and I bent, or put on, my first set of dress blues at age 14 at Admiral Farragut Academy. I think you get the picture: I am proud to be an anchor-clanker; this is what I do, this is who I am.

After graduation from the U.S. Merchant Marine Academy (USMMA) at King's Point, NY, in 1979, I served 34 years on active duty—much of it at sea—with the U.S. Navy, retiring in 2013. I was very fortunate growing up to be mentored by a group of relatives and close family friends who had all served our Nation in uniform in time of war. Strength of character and sense of selfless service were common virtues of them all, and they proved a powerful example for me.

The merchant marine should be front and center in any discussion of transportation policy, because the movement of cargo by ship is critical to our economy, both domestically and internationally. Moreover, since World War II, the merchant marine is a key part of the Navy's ready reserve. This means we need U.S. flagged ships that are in good repair, we need efficient U.S. ports, and we need skilled mariners. My pledge is to do all I can to meet these three challenges.

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During my time commanding the U.S. Navy's Military Sealift Command, and now as President of the National Defense Transportation Association (NDTA), I have had the great fortune to work closely—almost daily—alongside the leaders in our Nation's maritime industry—including labor, owners and operators, and the government. I have strong working relationships with them, and we have worked tough issues in the past and have gotten things done.

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Again, I want to thank President Trump and Secretary Chao for their confidence in me by nominating me for this position. I hope I can earn your trust and confidence as well. I look forward to answering any questions that you may have. Thank you.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Mark Howard Buzby, Buz Buzby.

2. Position to which nominated: Administrator, Maritime Administration, U.S. Department of Transportation.

3. Date of Nomination: June 26, 2017.

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

Residence: Information not released to the public.

Office: National Defense Transportation Association, 50 S. Pickett St, Ste 220, Alexandria, VA 22304.

5. Date and Place of Birth: 6 October 1956; Atlantic City, NJ.

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: Gina Warren Buzby. Owner, GWB Fine Art, LLC.

Children: None.

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

MA, Strategic Studies and Military Affairs, U.S. Naval War College, 1991.

MA, International Relations, Salve Regina University, 1991.

BS, Nautical Science, U.S. Merchant Marine Academy, 1979.

Graduate studies —UNC Kenan-Flagler School of Business, 2006.

USCG THIRD Mate Unlimited tonnage License, since 1979 (Continuity status).

U.S. Navy Master Trainer certification, 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.

*US Navy (see description below)	Officer	1979–2013
*National Defense Transportation Association	President/CEO	2015–present
*Carnival Cruise Lines	Safety Review Bd	2014–present
Regeneron Pharmaceuticals	Consultant	2014–present
*Northeast Ship Repair	Board	2014–present
*Wartsilia Defense, Inc.	GSC Board	2015–present
Raytheon Mission Systems	Consultant	2014–2016
United Seaman's Service	Board/Trustee	2015–present
Admiral Farragut Academy	Board	2014–present
Rupriect Company	Consultant	2013–2014
Inti. Org. of Masters, Mates, and Pilots (owns Maritime Institute of Training & Graduate Studies)	Consultant (Instructor)	2015–2016
Phillips/Kirkland Maritime Trust	Trustee	2017–present

Upon graduation from the U.S. Merchant Marine Academy in 1979, I went on active duty in the U.S. Navy and served for 34 years in a wide range of afloat and shoreside billets with increasing levels of responsibility, rising in rank from Ensign to Rear Admiral (upper half). My career included five tours in command including destroyer USS CARNEY (DOG 64), Destroyer Squadron THIRTY-ONE, Surface Warfare Officer's School Command, Joint Task Force GUANTANAMO, and Military Sealift Command (MSC). As Commander, MSC, I had administrative control over all of the U.S. Navy's non-combatant ships (112), and when activated, operational control of ships of MARAD's Ready Reserve Force (46).

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.

U.S. Navy	Officer	1979–2013
National Defense Transportation Association	President/CEO	2015–present
Carnival Cruise Lines	Safety Review Bd	2014–present
Regeneron Pharmaceuticals	Consultant	2014–present
Northeast Ship Repair	Board	2014–present
Wartsilia Defense, Inc.	GSC Board	2015–present
Raytheon Mission Systems	Consultant	2014–2016
United Seaman's Service	Board/Trustee	2015–present
Admiral Farragut Academy	Board	2014–present
Rupriect Company	Consultant	2013–2014
Intl. Org. of Masters, Mates, and Pilots (owns Maritime Institute of Training & Graduate Studies)	Consultant (Instructor)	2015–2016
Phillips/Kirkland Maritime Trust	Trustee	2017–present
Buzby Maritime Associates, LLC	Owner/Officer	2013–present
Surface Navy Association	Board	2014–present

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 religious organization, private club, or other membership organization. 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 handicap.

Organization	Type	Date	Position
U.S. Naval Institute	Prof	1975–pres	Member
Navy League of U.S.	Prof	2014–pres	Member
Surface Navy Assoc	Prof	1996–pres	Member
Surface Navy Assoc	Prof	2014–pres	Board
United Seaman's Service	Charit	2015–pres	Board
National Defense Transportation Assoc	Prof	2015–pres	President
New York Yacht Club	Priv	1991–pres	Member
Army-Navy Club	Priv	2015–pres	Member
Virginia Yacht Club	Social	2016–pres	Member
Admiral Farragut Academy	Edu	2014–pres	Board

None of these clubs or organizations restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

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. 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. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period. None.

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

Military Medals:

- Navy Distinguished Service Medal
- Defense Superior Service Medal
- Legion of Merit (4)
- Bronze Star
- Defense Meritorious Service Medal
- Meritorious Service Medal (5)
- Joint Service Commendation Medal
- Navy Marine Corps Commendation Medal (3)
- Joint Service Achievement Medal
- Navy Achievement Medal
- NATO Medal—Kosovo
- Various other unit and campaign awards

Honors:

- U.S. Merchant Marine Academy “Alumnus of the Year” 2010
- Admiral Farragut Academy “Alumnus of the Year” 2012

16. Please list each book, article, column, or publication you have authored, individually or with others. 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.

Commentary and interviews by Rear Adm. Mark H. Buzby listed below.

2017:

U.S. airstrikes kill former Guantanamo detainee in Yemen (Associated Press)
Annual Review & Outlook, 2017 (Journal of Commerce)
Is this Transportation's Year? (Defense Transportation Journal)

2016:

New Horizons (Defense Transportation Journal)
Outdated infrastructure poses national security risk (The Hill)
New Rules Means Containers Must Be Accurately Weighed (LandLine Now—audio)
From Blue to Brown and Back (SEAPOWER)
Annual Review & Outlook, 2016 (Journal of Commerce)

2015:

Opportunities for Growth (Defense Transportation Journal)
Annual Review & Outlook, 2015 (Journal of Commerce)

2014:

Adjusting Course and Speed (Defense Transportation Journal)

2013:

“Relieve the watch . . .” (Sealift)
Admiral Buzby on the evolving capabilities of a USN-USMC MSC enabled fleet (Second Line of Defense)
MSC voyages to the Quality Management System (Sealift)
The “seabasing revolution”: Rear Admiral Buzby discusses the latest addition to the MSC fleet (Second Line of Defense)
Potential impact of budgets and sequestration (Sealift)
Anticipating the USNS Montford Point: An interview with Admiral Buzby (Second Line of Defense)
What's on the horizon for 2013? Plenty! (Sealift)
What sailing taught me about life, and vice versa (Sealift)

2012:

Plans: Strategic, emergency and personal (Sealift)
Staying Whole: MSC commander will not let budget cuts, mission growth compromise fleet readiness (SEAPOWER)
When the customer is everyone (Sealift)
Ten months and counting: ONE MSC is working (Sealift)
The new and improved CMPI 610 (Sealift)
HQ consolidation: What we know so far and what's next (Sealift)
MSC Key to Navy strategy: Forward deployed and ready (Sealift)
Safety first, last and always (Sealift)
Just another day with MSC . . . (Sealift)
Admiral “Buz” Buzby on the Military Sealift Command: Providing global support for forward deployment (Second Line of Defense)
Travels are always revealing (Sealift)
Strategic DOD guidance: New equipment, missions for MSC (Sealift)
We asked, you answered: Here's what we learned (Sealift)
Happy 2012—another year to excel! (Sealift)

2011:

Holiday greetings and bandwidth news (Sealift)
Milestones, new leaders and ONE MSC (Sealift)
Realignment, spillage and remembering 9/11 (Sealift)
Recruiting promotions and rumors (Sealift)
Alignment, payroll and afloat survey (Sealift)

Making way on taking care of people (Sealift)
Joint high-speed vessel: Full ahead! (Sealift)
Managing quality change and growth (Sealift)
Giving MSC people the means to excel (Sealift)
STRATEGIC PRIORITY: Focus on the customer (Sealift)
Providing ships ready for tasking (Sealift)
2011—Charting the course (Sealift)

2010:

New ship's new programs, new heroes (Sealift)
Trust and confidence—aiming high (Sealift)
One year on watch—log it! (Sealift)
Luckiest admiral in the Navy (Sealift)
Progress report: putting people first (Sealift)
Facebook now part of the MSC conversation (Sealift)
Interview with Rear Adm. Mark H. Buzby: The State of U.S. Sealift (Defense Logistics)
Today's people—tomorrow's ships—yesterday's sacrifices (Sealift)
Thoughts on seeing MSC in action (Sealift)
Aligning with Navy's Global Force for Good (Sealift)
Haiti earthquake relief (Sealift)
Responding to disaster = MSC core value (Sealift)
MSC Milestone: T-AFS class completes nearly five decades of service (Sealift)

2009:

The top five things I learned my first month at MSC (Sealift)
New MSC Commander takes helm (Sealift)

2008:

How Guantanamo became a recruiting ground for militants (Miami Herald)

17. 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. None.

18. 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?

Beginning with my education at the U.S. Merchant Marine Academy, throughout my 34 yr career as a U.S. Navy Surface Warfare Officer, and now as President of the National Defense Transportation association, I have been closely associated with nearly all facets of the U.S. maritime industry both afloat and ashore my entire adult life. In my last U.S. Navy tour commanding Military Sealift Command, I worked on a daily basis with MARAD and USTRANSCOM on a myriad of issues dealing with strategic sealift, manning, and health of the U.S. Flag maritime industry. In my current role as President, National Defense Transportation, I act as a facilitator and enabler of discussion and action between USTRANSCOM/MSC/MARAD and the commercial ocean carriers. I want to serve because I believe I can make a difference in strengthening the U.S. Merchant Marine Academy and ensuring the maritime industry is strong in peace and able support for this Nation's strategic sealift in time of conflict.

19. 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 a custodian of the public trust my entire professional career, I am well-versed and experience in managing tax-payer funds and developing budgets. Accountability and auditability are key focuses. As Commander, Military Sealift Command, I managed an organization of over 10,000 uniformed and civilian personnel with an annual budget of nearly \$3.5B.

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

1. Advocating in strongest possible terms the need for a strong U.S. Flag Merchant Marine properly sized, equipped, and manned to carry out the peacetime commerce and wartime strategic sealift requirement of the Nation. Part and parcel to this is ensuring a proper percentage/type of cargo is made available to be carried preferentially in U.S. Flag ships.

2. Strengthen and reinforcing the role of the U.S. Merchant Marine Academy as the world's pre-eminent institution for maritime education.
3. Reinforce the critical role the Jones Act plays in providing economic security to the maritime industry, and its absolutely vital role to our national security.

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 currently receive a salary from the National Defense Transportation Association (NDTA) for my position as President and CEO. I also currently receive board fees from the following entities: Carnival Cruise Lines Inc. for my position as a member of its Safety & Reliability Review Board; Northeast Ship Repair Inc. for my position as a Board member; and Wartsilia Defense Inc. for my position as an outside Director on its Government Security Committee. In addition, I currently receive fees from Regeneron Pharmaceuticals for my position as a Consultant, and I have been named as a trustee for the Phillips/Kirkland Maritime Trust. If confirmed, I will resign from these positions.

I previously held positions with Raytheon as a Consultant and with the Maritime Institute for Training & Graduate Studies as an Instructor. The Maritime Institute is owned by the International Organization of Masters, Mates, and Pilots. In addition, I currently serve as a Board member of the United Seaman's Service and the Admiral Farragut Academy. Both positions are voluntary and unpaid. If confirmed, I will resign from those positions.

I also have an LLC, Buzby Maritime Associates LLC, to provide maritime consulting services. However, I have never done business under this LLC and if confirmed, it will be inactive during my time in Federal service.

I have a 403(b) retirement plan from my current employer, National Defense Transportation Association; if confirmed, I will retain this 403(b) plan but NOTA will not make any further contributions to the plan. I also have a TSP account from my previous government service; if confirmed, I will retain my TSP account.

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.

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.

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. Describe any activity during the past ten years 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. None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

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.

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.

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. 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. My current and former employers have been involved in litigation and administrative proceedings as part of their normal business dealings, but I was and am not an officer of those businesses and have not been named as a party in those actions.

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? 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 MARK H. BUZBY

SUMMARY

Over 36 years experience in all facets of maritime and naval enterprise including executive positions in naval and maritime policy and strategy development, management of operations for naval and merchant vessel fleets, culminating in command of the U.S. Navy's Military Sealift Command (MSC)—largest employer of U.S. mariners. Acknowledged expert in training and mentoring seagoing officers. Experience includes:

- Strategic planning
- Financial/resource management
- Change Management
- Marine maintenance
- Fleet operations
- Mentorship/Character development

ACCOMPLISHMENTS

Strategic Planning

Established Strategic Planning cycle and developed five-year Strategic Plan for all facets of MSC world-wide operations across five business lines. Set course to maximize efficiency while maintaining operational effectiveness in face of declining budget, while supporting strategic goals of higher headquarters.

Financial/Resource Management

Operated \$3.5 B shipping line within 2 percent budget variation. Reduced operating overhead through vigorous management of crewing levels, fuel and parts usage, introduction of energy-saving technology, and rigorous accountability process. Introduced two new ship classes (T-EPF, T-ESD) to fleet on time and on budget. Advice sought by U.S. Navy to adopt MSC best practices.

Change Management

Delivered entirely new warfighting capability to U.S. Navy using 42-year old ship slated for decommissioning and applying rigorous contracting discipline, stringent configuration management, and innovative hybrid crewing model in just 6 months.

Marine Maintenance

Directed, prioritized and managed maintenance program for 112 ocean-going ship fleet operating world-wide on budget at nearly 100 percent operational availability. 30+ years hands-on experience maintaining vessels and yachts within strict budget, yet yielding high operational performance. Extensive new-ship construction, modification, and shipyard repair management experience.

Fleet Operations

Directed majority of U.S. maritime response to 2010 Haiti earthquake through 18 MSC ships mobilized to provide wide range of capability: medical, salvage, hydrography, intermodal over-the-beach logistics, at-sea replenishment, and high speed transport of personnel and priority cargo. Directed day to day operations and scheduling of all Atlantic Fleet ships, aircraft and submarines.

Mentorship & Character Development

Extensively sought after to speak to entry-level through senior leaders on leadership, ethics, character development and professional topics at local and national level. Widely respected for high sense of integrity, humility, and common sense approach to leadership. U.S. Navy Master Training Specialist certification.

WORK HISTORY

President/CEO

National Defense Transportation Association 2014–Present

Non-profit, non-political organization which provides open venue for government and industry to collaborate in the development and execution of policies which impact the Defense Transportation system.

President

Buzby Maritime Associates, LLC 2013–Present

Consulting firm specializing in maritime, defense, and security/force protection disciplines.

Commander

U.S. Navy Military Sealift Command, Washington, D.C. 2009–2013

Overall command of 171 ships and 1 0,000 people with \$3.5 billion in annual revenue providing at sea sustainment to combat forces, sealift, and specialized marine operations globally. U.S. Navy's maritime logistics subject matter expert.

Fleet Operations Director

U.S. Fleet Forces Command, Norfolk, VA 2008–2009

Day to day scheduling and direction of 250,000 personnel and all air, land and sea assets assigned to U.S. Navy Atlantic Fleet. Executive oversight of Antiterrorism/Force Protection measures for all U.S. based naval forces.

Commander

Joint Task Force Guantanamo Bay, Cuba 2007–2008

Overall command of 2,500 personnel Joint Task Force charged with safe, humane, transparent and legal detention of enemy combatants. Extensive interaction with highest levels of National Security leadership, interagency, legal community and international media.

*Deputy Director, Surface Warfare/Expeditionary Warfare
Chief of Naval Operations (N96/N95), Washington, D.C. 2005–2007*

Directed requirements generation and programming development for all surface warfare and expeditionary warfare ship and system procurement and upgrade programs through two budget cycles.

Previous relevant work experience: 34 yr career U.S. Navy Rear Admiral. Commander of premier technical/leadership education schoolhouse for Naval officers, Commander of seven ship, 2100-personnel destroyer squadron, accountable for all aspects of maintenance and operations; Commander of U.S. Navy destroyer and 300 man crew which was formally cited as most combat ready ship in Navy over two-year period. At-sea engineering, operations, and supervisory positions on six naval vessels and 50+ years experience commanding vessels and yachts. Navy's 1985 Atlantic Fleet Shiphandler of the Year.

EDUCATION

MA Strategic Studies and Military Affairs, U.S. Naval War College 1991
MA International Relations, Salve Regina University 1991
BS Nautical Science, U.S. Merchant Marine Academy 1979
Graduate studies UNC Kenan-Flagler School of Business 2006,2009
USCG THIRD Mate Unlimited tonnage License

AFFILIATIONS

Navy League of the United States.
U.S. Naval Institute
Surface Navy Association
New York Yacht Club
Virginia Yacht Club
Army and Navy Club
Board of Directors, Northeast Ship Repair, Inc.
Board of Directors, Wartsila Defense, Inc.
Safety and Reliability Review Board, Carnival Cruise Lines, Inc.
Board of Directors, Admiral Farragut Academy
Board of Directors, United Seaman's Service

SECURITY CLEARANCE Top Secret (2013)

The CHAIRMAN. Thank you, Admiral Buzby.
Mr. Davidson.

STATEMENT OF PETER B. DAVIDSON, NOMINEE TO BE GENERAL COUNSEL, U.S. DEPARTMENT OF COMMERCE

Mr. DAVIDSON. Chairman Thune, Ranking Member Nelson, members of the Committee, thank you for having me here today. As Chairman Thune mentioned, I have worked with many of you in different capacities over the years, and look forward to hearing your views and questions.

I would like to introduce my family that's here with me today. My wife, Kari; my son, Bjorn; my daughters, Maddie and Sophie; are behind me. My dad, Bob Davidson, traveled from our cabin in northern Wisconsin by boat, plane, and car to be with us here today. And I thank them for their support and encouragement in returning to public service.

Finally, I would like to thank the dedicated employees at the Department of Commerce who have gotten me ready for this hearing and have spent a lot of time preparing me for this position. I would like to thank President Trump for this nomination, and Secretary Ross for his strong support as well.

I'll be brief in my statement, as I truly do want to talk to you and hear your views and questions. I will dispense with a review of my career to date. I think the diverse experiences that I've had in both the public and private sector will help prepare me for the

challenges presented to the General Counsel of the Commerce Department.

So I would like to take my time here today to talk about some of the challenges facing our country and how I would like to help the Department use its wide jurisdiction to address those challenges.

As Ranking Member Nelson said, and former Chairman of the Committee, Daniel Inouye, said several years ago in a similar hearing, quote, the Department affects almost all sectors of our Nation's economy and literally touches all of our lives. And I'm excited to join the Department and help Secretary Ross and the others use the Department's wide jurisdiction to help create jobs and expand our economy.

So how do we do that? First, in terms of trade, the Department plays a critical role in making sure that the world trading system treats American businesses fairly and also opens new opportunities for our businesses abroad. As Secretary Ross noted in a statement before this Committee recently, we will provide access to our markets for those who agree to play by the rules, but will not stand by as American workers are harmed by unfair practices. He also indicated an interest in seeking out new agreements and new trading partners, which will be essential for American businesses to compete with other major economies.

Second, technology companies in the United States are the envy of the world and a force multiplier for American jobs. It's important to fashion the right government policies that both remove barriers to investment and innovation and also protect against unfair and restrictive policies by foreign governments. These advanced technologies will play important roles in worker retraining and maintaining international dexterity in tech, ag, and services, as well as the backbone of the American economy, manufacturing.

The Department also plays an important role in supporting our fisheries, farmers, maritime industries, protecting intellectual property, and establishing scientific standards and promoting research. It's also critical that we ensure that the decennial census be thorough, accurate, and efficient because of the importance of the data that it collects.

And, finally, if I am confirmed as General Counsel of the Department of Commerce, I will work hard to see that the Department operates under the highest ethical standards and complies with all applicable laws and regulations.

So there is a lot of work to get done, put the right policies in place to create jobs, and grow our economy. It's my view and a view I have acted upon throughout my career, that it's easier to achieve these goals if done in a bipartisan manner with input from Congress, the administration, and stakeholders.

When I was a young staffer in the House, I was trying to corral some votes for a bill from Democratic members, and I was given some advice that I've never forgotten by former Representative Charlie Stenholm, who said to me, "Peter, it's a lot easier for me to be there on the landing if I'm there on the takeoff." I've never forgotten those words, and I look forward to rolling up my sleeves and working in a bipartisan manner to address the challenges pre-

sented to the Department of Commerce and the United States Government. Thank you for the opportunity to be here.

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

PREPARED STATEMENT FOR PETER B. DAVIDSON, NOMINEE TO BE GENERAL COUNSEL,
U.S. DEPARTMENT OF COMMERCE

Chairman Thune, Ranking Member Nelson, and members of the Committee, thank you for this opportunity to appear before you. I have worked with almost all of you in some capacity during my time in Washington, D.C., and I look forward to hearing your views and questions. Let me start by introducing my family, starting with my wife Kari, daughters Maddie and Sophie, and son Bjorn. My father, Robert Davidson, travelled from northern Wisconsin by boat, car and plane to be here as well. I appreciate the encouragement they have given me to pursue my next job in public service. Also, I'd be remiss if I didn't thank the dedicated and professional staff at the Department of Commerce who have helped me tremendously over the past several months. Finally, I thank the President for indicating his trust in me by nominating me for this important position, and also Secretary Ross for his strong support.

I will be brief, as I truly do want to hear what is on your minds. You have all of my background materials . . . so I will dispense with a detailed rehash of my history and qualifications. If confirmed, I think the diverse experiences I have had both inside and outside of government will all contribute to my ability to manage the challenges and explore the opportunities presented. I'd like to take my time here to talk about the challenges facing our country and how I would like to help the Department use its broad jurisdiction to address these challenges. Former Chairman Inouye described the scope of the Department's mission when he opened a similar hearing in 2009 by noting that the Department "affects almost all sectors of our Nation's economy . . . [and] literally touches each of our lives." I'm excited to join the Department to help Secretary Ross and others use the Department's wide array of tools to help create jobs and expand our American economy.

So, how to do that? First, in terms of trade, the Department plays a critical role in making sure that the world trading system treats American business fairly, and also opens new opportunities for our businesses abroad. As Secretary Ross noted in recent testimony before this Committee, we will provide access to our markets to those who agree to play by the rules, but will not stand by as American workers are harmed by unfair practices. He also indicated an interest in seeking out new agreements with our trading partners, which will be essential for American businesses to compete with other major economies.

Second, U.S. technology companies are the envy of the world and a force multiplier for American jobs and growth in the tech, services and manufacturing sectors. It is important to fashion the right government policies that both remove barriers to investment and innovation and also protect against unfair and restrictive policies by foreign governments. These advanced technologies will play important roles in worker retraining and in maintaining international dexterity in tech and services, agriculture, as well as the backbone of the American economy, manufacturing.

The Department also plays an important role in supporting our fisheries, farmers, and maritime industries, protecting intellectual property, and in establishing scientific standards and promoting research. It is also critical that we ensure that the decennial census be thorough, accurate, and efficient because of the importance of the data it collects. And finally, if I am confirmed as General Counsel, I will work hard to see to it that the Department operates under the highest ethical standards and complies with all applicable laws and regulations.

So, there is a lot of work to be done to get the right policies in place to create jobs and grow our economy. It's my view, and a view I have held and acted upon throughout my career, that it's easier to achieve these goals if done in a bipartisan way with input from Congress, the Administration, and private sector stakeholders. When I was a young staffer in the House trying to round up Democratic votes for a bill, I got some good advice from former Rep. Charlie Stenholm who told me, "Peter, it's a lot easier for me to be there on the landing if I'm there at the takeoff." I've spent my career rolling up my sleeves to try to find bipartisan solutions to tough problems, and, if confirmed, I will do the same as General Counsel of the Department of Commerce.

Thank you, and I look forward to your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Peter Brent Davidson.
2. Position to which nominated: General Counsel, Department of Commerce.
3. Date of Nomination: June 29, 2017.
4. Address (List current place of residence and office addresses):

Residence: Information not released to the public.

5. Date and Place of Birth: March 6, 1962; Minneapolis, MN.
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).

Kari L. Davidson, employed as an independent contractor with The Business Council.

Children: Madeleine (23), Sophie (20)

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

Carleton College, BA 1984, and University of Virginia School of Law, JD 1990

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.

- (a) Intern, Rep. Bill Frenzel (MN-3) Fall 1984–Feb. 1985
- (b) Legislative assistant, Rep. Dick Almey (TX-26) Feb. 1985–Dec. 1986
- (c) Director, Congressional and Media Affairs, WORLDNET, USIA Dec. 1986–Aug. 1987
- (d) Law Clerk, 10th Circuit Court of Appeals in Denver, CO June 1990–May 1991
- (e) Attorney-advisor, Office of Legal Counsel, Department of Justice Sept. 1991–Dec. 1992
- (f) Policy Director and General Counsel, House Republican Conference Dec. 1992–Dec. 1994
- (g) Policy Director and General Counsel, Office of the House Majority Leader Jan. 1995–Sept. 1999
- (h) Vice President, Congressional Relations, USWEST/Qwest Sept. 1999–Feb. 2001
- (i) General Counsel, United States Trade Representative Feb. 2001–Apr. 2003
- (j) Senior Vice President, Congressional Relations, Verizon Communications Apr. 2003–Dec. 2016
- (k) Adjunct Professor, The George Washington University Graduate School of Political Management June 2013–Dec. 2014

9. Attach a copy of your resumé.

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.

None other than jobs listed above and charitable boards listed below.

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 religious organization, private club, or other membership organization. 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 handicap.

- (a) Washington Tennis and Education Foundation, Board Member from 2005 to present. President from Jan. 2009–Dec. 2010.
- (b) National Association of Manufacturers, Board Member from 2008–2016.
- (c) The Washington Center, Advisory Board Member from 2010 to present.
- (d) The Bryce Harlow Foundation, Board Member from 2012 to present.
- (e) Mount Vernon Park Swim and Tennis, Member from 1994 to present.

(f) Belle Haven Country Club, member from 2000 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. 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. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

My contributions for the past ten years appear in Appendix I, attached. I have held no office for a political party, nor have I been employed by any campaign.

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

Phi Beta Kappa

16. Please list each book, article, column, or publication you have authored, individually or with others. 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.

(a) *Chipping Away at the President's Control Over His Administration: An Analysis of Morrison v. Olson and Beyond*, 6 J.L. & Pol. 205 (1989).

(b) I have given many speeches on trade and technology policy in venues such as Practicing Law Institute and Continuing Legal Education panels, OECD ministerials, NAM Board meetings, World International Trade conferences, and telecommunications conferences both domestic and international, etc. I do not have copies of these presentations, and, as far as I know, they were not transcribed or published.

17. 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.

In my capacity as General Counsel to the U.S. Trade Representative, I testified before Congress on the following matters:

- June 26, 2001, before the Senate Committee on Finance, regarding the U.S.-Vietnam Trade Agreement (as described in Senate Report 107-49, "Approving the Extension of Nondiscriminatory Treatment (Normal Trade Relations) to the Products of the Socialist Republic of Vietnam" (July 27, 2001))
- August 2, 2001, before the U.S.-China Security Review Commission, regarding bilateral trade policies between the U.S. and China (as described in "Report to Congress of the U.S.-China Security Review Commission," page 70 (July 2002)) (note that this was before a Congressional commission)
- October 16, 2001, by letter to the U.S.-China Security Review Commission, regarding bilateral trade policies between the U.S. and China (as described in "Report to Congress of the U.S.-China Security Review Commission," page 49 (July 2002)) (note that this was before a Congressional commission)
- February 27, 2002, before the House Committee on Ways and Means, regarding WTO's Extraterritorial Income Decision (as reported in the hearing transcript).

18. 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 believe that the mix of public and private service has provided me with a broad foundation to help advance the mission of the Department of Commerce, particularly in the areas of trade and technology. As Policy Director for the House Majority Leader, I was required to master policy nuances in many areas and develop strategies to work to assemble bipartisan majorities to pass legislation, work with Senate and then the Clinton Administration to have these bills signed into law. This understanding of how to develop and implement strategies that advance good public policy in a way that attracts bipartisan support will be directly relevant to the DOC achieving its objectives. As General Counsel to the USTR, I dealt with many issues that are still active policy matters such as revising and renegotiating current trade agreements as well as negotiating new bilateral agreements. My work in the telecom industry has provided invaluable experience as we have moved from the era of plain old telephone service to the Internet ecosystem. I would greatly appreciate

the opportunity to serve as General Counsel of the Department of Commerce in order to use this wide array of experience to advance the DOC's mission to advance policies that help create jobs and grow the economy.

19. 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?

If I am confirmed as General Counsel, I will be point on ensuring that the activities of the DOC fall clearly within the letter and spirit of relevant laws and regulations. I have been a student of administrative procedure both in law school and throughout my career and take compliance in this area very seriously. I will also be the lead official in the Department concerning ethics and compliance matters, and I will take these responsibilities seriously as well. I have had many experiences managing important offices both in the public and private sectors and am confident that I will be able to draw on these diverse experiences to effectively manage the legal department of the DOC.

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

- (a) Modernizing existing trade agreements and negotiating new trade agreements to create jobs and grow our economy. Why? Because many of these agreements are decades old and need to be updated to correspond to today's economy or we risk losing jobs and slowing economic growth.
- (b) Implement new infrastructure projects through administrative action and legislation to help American businesses compete internationally. Why? America is facing an infrastructure crisis and Congress and the Administration must work together to address our decaying roads, bridges, ports, airports, before we lose more ground to other countries with more advanced infrastructure.
- (c) Ensure that Federal laws and regulations do not hinder American leadership in technology. Why? America is a world leader in the technology sector and in the Internet ecosystem, but we must be vigilant that outdated laws and regulations don't endanger this world leadership position.

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.

The details of my arrangement with Verizon pursuant to their executive compensation plan are all contained in my OGE Form 278 and my ethics agreement letter, and I have no arrangements with business associates, customers or clients.

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.

I have been working with the Office of Government Ethics and Department of Commerce agency ethics officials for the past few months to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement. I understand that that agreement has been provided to the Committee. I am not aware of any other potential conflicts of interest other than those contained in the ethics agreement.

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.

I have been employed by Verizon for the ten-year scope of this question, and any potential conflicts of interest regarding Verizon is dealt with in my ethics agreement. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past ten years 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.

My lobbying disclosure report for my service at Verizon over the past ten years is publicly available, and I can provide a full report if requested.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I have been working for the past few months with the Office of Government Ethics and the Department of Commerce agency ethics officials to develop my ethics agreement, and I will resolve all conflicts according to the terms of that agreement. I will work with the Department's DAEO going forward as well with any potential financial conflict of interest.

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 was placed on an involuntary suspension by the Minnesota Bar Association because of a misunderstanding about CLE requirements. I can provide a letter from the Minnesota State Bar Association indicating that I have been reinstated.

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.

I have not been a party to a criminal proceeding or civil litigation. Verizon and the National Association of Manufacturers (NAM), in which I formerly held positions, have been involved in various civil litigation.

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? 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.

APPENDIX I POLITICAL CONTRIBUTIONS

John McCain—\$500—3/27/07
 Eric Paulson—\$500—10/23/08
 John Sununu—\$1,000—10/18/08
 Karen Diebel—\$500—5/21/10
 Sean Duffy—\$500—10/7/10
 Randy Demmer—\$500—10/7/10
 John Dingell—\$500—10/29/10
 NRCC—\$100—8/22/10
 NRCC—\$100—10/29/10
 Ted Cruz—\$500—12/19/11

George Allen—\$500—9/29/11
 Rick Berg—\$1,000—6/12/12
 Mitt Romney—\$1,500—9/19/12
 Mitt Romney—\$1,000—3/23/12
 NRSC—\$2,000—6/12/12
 Tommy Thompson—\$1,000—11/01/12
 NRCC—\$6,000—9/19/12
 George Allen—\$2,000—10/5/12
 Ted Cruz—\$500—7/21/12
 NRCC—\$2,500—3/16/13
 Eric Cantor—\$1,000—12/24/13
 Cory Gardner—\$500—9/30/14
 Ed Gillespie—\$2,500—9/10/14
 Ed Gillespie—\$500—9/30/14
 Barbara Comstock—\$500—9/30/14
 Pat Towmey—\$500—9/29/15
 Ed Gillespie—\$500—8/26/15
 NRCC—\$2,500—4/7/15
 Marco Rubio—\$2,700—11/17/15
 John Thune—\$1,000—9/30/15
 Rob Portman—\$1,000—9/27/15
 Kelly Ayotte—\$500—9/27/15
 Eric Paulsen—\$500—10/30/16
 Roy Blunt—\$500—10/28/16
 Kelly Amstock—\$500—10/28/16
 Barbara Comstock—\$500—10/28/16

RÉSUMÉ OF PETER B. DAVIDSON

Employment

Senior Vice President, Federal and International Government Relations, Verizon Communications 2003 to present

Manage Verizon's Federal congressional relations, supervising a staff of approximately 25 handling issues including telecommunications, technology, taxation, pension, labor, energy, and health. Supervise the six person international policy team who work to advance Verizon's international business interests through interaction with U.S. government and foreign officials on regulatory, trade, tax and other matters. Manage Verizon's relationships with 20-plus state and local groups at the national level, as well as the employee advocacy program and Verizon's political action committee.

General Counsel, United States Trade Representative (USTR) 2001–03

- Supervised 27 attorneys who assist in trade negotiations as well as litigate on behalf of the United States before the World Trade Organization. Added six new attorneys to focus on China enforcement.
- Coordinated USTR policy positions and strategy for: Trade Promotion Authority; the President's steel safeguard measure and international negotiations on steel capacity reduction and subsidization; and negotiations over dispute settlement revisions in the Doha Round, among other matters.
- Assisted the United States Trade Representative on a wide array of policy matters beyond the scope of a traditional General Counsel, including testifying on numerous occasions before the Senate Finance and House Ways and Means Committees, and often serving as the Acting USTR while the Trade Representative was out of the country.

Vice President, Federal Government Relations, Qwest Communications 1999–01

- Hired in 1999 to manage USWEST's Federal legislative relations. Qwest expanded the scope of duties following the year 2000 merger to include supervision of the Washington, D.C. office.
- Member of the United States Telecom Association Board of Directors.

Policy Director and General Counsel, House Majority Leader Richard K. Arney 1995–99

- Led House leadership planning team charged with developing legislative priorities and strategies, scheduling the House floor, resolving disputes between committees, and negotiating with the Senate and the Administration. Managed the drafting and committee and House floor passage of all ten planks of the Contract with America within 93 days.
- Advised the Majority Leader on legal matters including cases concerning the House of Representatives, office compliance with Federal workplace laws and regulations, as well as ethics matters. Also, helped plan the transition to the majority after the 1994 elections, including eliminating one-third of committees and subcommittees and reforming the functions of the officers of the House.

Policy Director and General Counsel, House Republican Conference 1993–95

- Coordinated policy and legal functions for the Conference, which serves as the organizing body for Republican House Members. While in the minority, the Conference also served as the clearinghouse for legislative analysis and strategy.

Attorney-Advisor, Office of Legal Counsel, Department of Justice 1991–93

- OLC advises the Attorney General and the President on legal matters involving constitutional law and presidential powers. It also resolves legal disputes between agencies. Worked for General William P. Barr, and Michael Luttig and then Tim Flanagan at OLC.

Clerk, 10th Circuit Court of Appeals, Denver, Colorado 1990–91

Director of Public Affairs, WORLDNET, United States Information Agency 1986–87

Legislative Assistant, Rep. Richard K. Arney (TX) 1985–86

Education

University of Virginia Law School, Charlottesville, VA 1987–90

- Juris Doctor awarded 1990. Served on Virginia Law Review as Notes Editor. Published an article in 1989 in the Journal of Law and Politics supporting Justice Scalia's lone dissent in *Morrison v. Olson* that the independent counsel statute was unconstitutional. Served as Vice President of the Federalist Society.

Carleton College, Northfield, MN 1980–84

- Bachelor of Arts degree in political science; concentration in political economy awarded 1984. Graduated magna cum laude and elected to Phi Beta Kappa society.

Personal

- Married to Kari Davidson, with three children: Madeleine, Sophie and Bjorn.
- President, Washington Tennis and Education Foundation (2009–11) when WTEF raised more than \$10 million to build a new tennis and educational facility in Washington DC. Member of the Board of Directors (2003 to present).
- Member of the Advisory Board of The Washington Center, a 501(c)(3) organization which serves as the largest academic internship program in the country, placing over 1,600 interns from over 500 colleges and universities.
- Member of Board of the Bryce Harlow Foundation, which promotes integrity within the lobbying profession and provides scholarships to graduate students who plan to enter the field of advocacy.

The CHAIRMAN. Thank you, Mr. Davidson.
Ms. Dunn Kelley.

**STATEMENT OF KAREN DUNN KELLEY, NOMINEE TO BE
UNDER SECRETARY OF COMMERCE FOR ECONOMIC
AFFAIRS, U.S. DEPARTMENT OF COMMERCE**

Ms. DUNN KELLEY. Good morning. Thank you, Chairman Thune, Ranking Member Nelson, and esteemed members of the Senate Committee on Commerce, Science, and Transportation.

Thank you for the chance to meet with you today. And also I appreciate meeting many of you over the past weeks to discuss this

opportunity to serve at the Department of Commerce as Under Secretary of Economic Affairs.

I am deeply honored and humbled to have been asked by Secretary Ross and nominated by President Trump to serve the American people in this capacity. I have known and worked with Secretary Ross for many years. I have the greatest respect and admiration for him personally and for his many accomplishments. That is why I was particularly honored that he asked me to serve. I could not be more thrilled at the prospect.

I also want to thank my family and friends for their support. Today, I am joined by my husband, Joe Kelley, of 31 years, and our three children: Caitlin, Broderick, and Sean. Also joining me today are my parents, Elenmarie Dunn and William Dunn, a former Marine who proudly served this country; and two of my sisters, Denise and Janine.

As you know and as you stated, I am from the private sector and have given much careful consideration to what it means to serve in the Federal Government. Allow me to explain. I want to serve for one simple reason: I want to give back to this country that has given me so much and to serve my fellow Americans.

I believe I offer unique qualifications for the role which I have been selected and nominated, and my willingness to serve is compelled by my desire to help make a difference. The chance to work with Secretary Ross is very appealing. He is a man that can synthesize complex information and distill it into four or five salient points. He is trustworthy and has a track record of proven success. I am particularly proud of the work we did together at Invesco during the 2008 financial crisis.

As a businesswoman of 35 years in the financial markets, and 28 at a large global firm, I know how to manage personnel, strategies, budgets, operations, public relations, and thought leadership across the globe. In particular, a big part of my career as a financial professional has been devoted to using and relying on the exact data that the Department creates. I respect the data and the Department that produces it.

The mission of the Economic and Statistics Administration, the Bureau of Economic Analysis, and the U.S. Census is to serve as the leading source of quality data for the Nation's people and its economy. I know how to serve that mandate by putting people, processes, and procedures in place to create an accurate product. If confirmed, I will work with Secretary Ross to turn strategic initiatives into tactical actions in support of the President's priorities.

One of his priorities is the effective and meaningful management and oversight of the 2020 Census and the economic statistical programs at the Department. A high-quality 2020 Census that counts everyone once in the place where they live is our highest priority. If confirmed, I will work to translate that priority into tactical actions to produce an effective, efficient, and accurate census while minimizing operational, technical, and financial risk.

Finally, the census, as well as all the other data produced by the Department of Commerce, needs to be communicated in a transparent and understandable way to help Congress and other elected officials fulfill their responsibility to all Americans. In me, you will

find a partner who will communicate, collaborate, and cooperate with you.

Thank you for the chance to be with you today to discuss this important opportunity, to give you an insight and a lens into my approach and qualifications. I also want to once again thank my family for supporting me in my decision to enter public service. If confirmed, I look forward to working with you, other Members of Congress, and the many dedicated employees at the Department of Commerce. Thank you, and I look forward to answering your questions.

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

PREPARED STATEMENT OF KAREN DUNN KELLEY, NOMINEE TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, U.S. DEPARTMENT OF COMMERCE

Good morning Chairman Thune and Ranking Member Nelson and esteemed members of the Senate Committee on Commerce, Science, and Transportation.

Thank you for the chance to meet with you today and I appreciate meeting so many of you over the past few weeks to discuss this opportunity to serve at the Department of Commerce as Under Secretary for Economic Affairs. I am deeply honored and humbled to have been asked by Secretary Ross, and nominated by President Trump, to serve the American people in this capacity.

I have known and worked with Secretary Ross for many years and have the greatest respect and admiration for him personally and for his many accomplishments. That is why I was particularly honored to have been asked by Wilbur Ross to serve. I could not be more thrilled by this prospect. I also want to thank my family and friends for their support. Today, I am joined by Dr. Joseph Kelley, my husband of 31 years and our three children—Sean, Caitlin, Broderick, and his wife Katie. Also, joining me are my parents Elenmarie Dunn and William Dunn, a former Marine who proudly served this country, and my three sisters—Denise, Janine, and Siobhan.

As you know, I am from the private sector and have given careful consideration to what it means to serve in the Federal government. Allow me to explain:

I want to serve for a simple reason: I want to give back to this country that has given me so much and to serve my fellow Americans. I believe I offer unique qualifications for the role for which I have been selected and nominated, and my willingness to serve is compelled by my desire to help make a difference. The chance to work for Secretary Ross is also very appealing. He is a man who can synthesize complex information and distill it into 4 or 5 salient points. He is trustworthy and has a track record of proven success and I am particularly proud of the work we did together at Invesco during the 2008 financial crisis.

As a business woman for the last 35 years in the financial markets and the last 28 at a major global finance firm, I know how to manage personnel, strategy, budgets, operations, public relations and thought leadership across the globe. In particular, a big part of my career as a finance professional has been devoted to using and relying on the exact data that the Department produces. I respect that data and the institutions that create it.

The mission of the Economics and Statistics Administration, the Bureau of Economic Analysis and the U.S. Census is to serve as the leading source of quality data about the Nation's people and economy. I know how to serve that mandate by putting the people, process and procedures in place to create an accurate product.

If confirmed, I will work with Secretary Ross to turn strategic initiatives into tactical action in support of the President's priorities. One of his priorities is effective and meaningful management and oversight of the 2020 Census and the economic statistical programs at the Department of Commerce.

A high quality 2020 Census that counts everyone once, in the place where they live is our highest priority. If confirmed, I will work to translate that priority into tactical action to produce an efficient, effective and accurate Census while minimizing operational, technical and financial risk. Working with Secretary Ross, I will help create partnerships to support the process by bringing together people from across the Federal government to support the Department of Commerce's mission.

Finally, the Census as well as all the other data produced by the Department of Commerce need to be communicated in a transparent and understandable way to help Congress and other elected officials fulfill their responsibility to all Americans.

In me you will find a partner who will communicate, collaborate and cooperate with you.

Thank you for the chance to be with you today to discuss this important opportunity and to give you a lens into my approach and qualifications. I also want to again thank my family for supporting my decision to enter public service. If confirmed, I look forward to working with you, the other members of Congress, and the many dedicated employees of the Department of Commerce.

Thank you and I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):
 Karen Dunn Kelley.
 Karen Marie Dunn (maiden).
 KDK (nickname).
2. Position to which nominated: Under Secretary of Commerce for Economic Affairs.
3. Date of Nomination: 5/25/2017.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: Invesco, Ltd., Two Peachtree Pointe, 1555 Peachtree Street, NE, Atlanta, GA 30309.
5. Date and Place of Birth: May 24, 1960; Brooklyn, New York.
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).
 Husband: Joseph Leo Kelley, M.D., Director, Gynecologic Division, Oncology Department, Magee-Womens Hospital of UPMC, 300 Halket Street, Pittsburgh, PA 15213-3180
 Children: Caitlin Dunn Kelley, 28; Broderick Dunn Kelley, 24.
7. List all college and graduate degrees. Provide year and school attended.
 Degree: Bachelor of Science
 School: Villanova University
 Year: 1982
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.
 Drexel Burnham Lambert, Inc.
 Vice President, 1982-1986
 Federated Investors, Inc.
 Government Bond Trader, 1986-1989
 Invesco, Ltd.
 Various positions, most recently Senior Managing Director—Investments, 1989 to present
9. Attach a copy of your résumé.
 Please see Attachment 1.
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.
 Please see Attachment 2.
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 religious organization, private club, or other membership organization. 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 handicap.

Women's Bond Club of New York: Member 2010 to present
 International Women's Forum: Member 2006 to present
 Monmouth Beach Bath and Tennis Club: Member 2004 to present
 Pittsburgh Field Club: Member 1998 to present
 Pittsburgh Athletic Association: Member 1986 to present
 Pittsburgh Golf Club: Member 2004 to present
 St. Joseph Parish: Member 2012 to present

No such club or organization listed restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

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. 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. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Recipient	Year	Amount
Jennifer Staley McCrady	2016	\$500
Invesco PLC PAC	2007	\$750
Invesco PLC PAC	2008	\$750
Invesco PLC PAC	2009	\$750
Invesco PLC PAC	2010	\$750
Invesco PLC PAC	2011	\$750
Invesco PLC PAC	2012	\$1,000
Invesco PLC PAC	2014	\$1,200
Invesco PLC PAC	2015	\$1,200
Invesco PLC PAC	2016	\$1,200

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

Women's Bond Club of New York—Merit Award 2010
 Magee Womens Research Institute—McCullough Award 2010
 Oakland Catholic High School—Leading Lady Award 2011
 Pittsburgh Business Times—Diamond Award 2012
 Carlow University—Woman of Spirit Award 2012
 Carlow University—Executive in Residence 2012
 Money Management Executive—Top Women in Asset Management 2015

16. Please list each book, article, column, or publication you have authored, individually or with others. 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.

The following list is comprehensive based on my best recollection and information I have obtained from other sources that I believe to be credible:

The Perfect Commute, Pittsburgh Post-Gazette (Apr. 24, 2003) (interviewed for article)
 Money Market Industry Refocuses on Safety and Liquidity, GTNews (Jun. 9, 2009)
 Securities and Exchange Commission Securities Lending and Short Sale Roundtable, statement (Sept. 29, 2009)
 Women's Bond Club Merit Award Dinner Speech (April, 2010)
 EFMA IMMFA Money Market Discussion Panel (May 2010)
 Reliable Investment Opportunities, Fox Business (May 29, 2010) (video interview)
 Atlanta Society of Finance and Investment Professionals, Fundamental Changes & Rising Scrutiny of Municipal Bond Market, presentation (Oct. 20, 2010)
 Investment Company Institute, 2011 Money Market Funds Summit "Money Market Fund Regulatory Changes Post Financial Crisis" panel discussion (May 16, 2011)

Investment Insights: Deficits and the Debt Ceiling: Avoiding unintended consequences (July 2011)

Investment Insights: Deficits and the Debt Ceiling: A U.S. default is averted, but the work is not over (hosted on Citibank site) (Aug. 3, 2011)

Invesco Insights: After the Downgrade (hosted on Citibank site) (Aug. 9, 2011)

Carlow University Executive in Residence presentation (Jan. 24, 2012)

Atlanta Federal Reserve Financial Markets Conference: Money Market Fund Panel (April 2012)

Carlow Women of Spirit Award Speech (April 2012)

Pittsburgh Business Times Diamond Award Speech (April 2012)

Karen Dunn Kelley leads Invesco through crises, Pittsburgh Business Times (Apr. 27, 2012) (interviewed for article)

Money Market Mutual Funds: An Interview with Karen Dunn Kelley, AtlantaFed YouTube (May 29, 2012) (video interview)

Crane's Money Fund Symposium, "Going Global: Money Funds Worldwide" (June 20, 2012)

Wells Fargo Women's Event: Risk Management and Regulatory Reform Panel (November 2012)

Investment Insights: The Need for Clarity, Invesco.com (Dec. 2012)

Best Places to Work 2014, Pensions & Investments (Dec. 8, 2014) (interviewed for article)

Karen Dunn Kelley, Top Women In Asset Management Awards Winner, Money Management Executive (May 19, 2015) (interviewed for article)

Making Sense of Market Volatility, hosted on Advisor Perspectives (Aug. 31, 2015)

Baron's Top Women Advisor Meeting: Edward Jones Dinner Speech (December 2015)

Taking a high-conviction approach to volatile markets, Invesco Canada Blog (Jan. 16, 2016)

Investment Company Institute, 2016 Mutual Funds and Investment Management Conference, "The Future of the Fund Industry" panel discussion (Mar. 14, 2016)

What excites you most about Invesco's future?, InvescoUS YouTube (May 18, 2016) (video interview)

Introduction to China series letter, Invesco.com/us (May 20, 2016)

The election ends with a Trump victory. Now the real work starts, Invesco Blog (Nov. 8, 2016)

A Deal is Done: Washington Raises the Debt Ceiling and Ends the Shutdown, Invesco blog post (date unknown)

17. 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. None.

18. 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?

Over the last 35 years, I have served in a variety of leadership positions with a global firm. At Invesco, I have overseen the work of thousands of employees and have been responsible for hundreds of billions of dollars in assets under management. My responsibilities have given me experience with all aspects of leading a large organization, including personnel management, budgeting, strategic planning, operations, public relations, and thought leadership. In connection with this work, I have participated in creating successful businesses as well as capital formation and economic development. I have had extensive exposure to various important sectors of the U.S. and world economies and have traveled domestically and internationally dozens of times to conduct business and meet with partners. I am particularly proud of my contributions during the recent financial crisis. I have also been involved with a variety of Civic and nonprofit organizations.

I would be humbled and honored to serve America as Under Secretary. I believe I can bring my 35 years of experience to help support and implement the Department's programs.

19. 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 the Economics and Statistics Administration is responsible for collecting, compiling, and analyzing key data for use across the country and globally, the need for strong technology, processes, people, and procedures is paramount. In particular, an ability to translate strategic priorities into tactical actions, and accurately communicate those strategies and actions, is critical to leadership of the ESA. Again, my management history of 35 years, and in particular my experience as a senior executive with responsibility over a variety of key functions for a global firm, will enable me to fulfill these responsibilities.

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

The top three challenges for the ESA are:

- Preparing for and executing an efficient, effective, and accurate 2020 Census
- Integrating technology to enhance efficiencies and data analysis
- Continuing to provide responsive and helpful information to Congressional Committees as necessary

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 have a deferred compensation agreement and a separation agreement with Invesco. All such arrangements are described in Part 3 of my 278e financial disclosure, as well as in the ethics letter I signed dated May 16, 2017.

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.

I have worked with the Office of Government Ethics and the Department of Commerce's ethics officials to identify and address any potential conflicts of interest. All such conflicts will be resolved in accordance with the terms of the ethics letter I signed dated May 16, 2017. I am not aware of any potential conflicts of interest other than those that are addressed in my ethics letter.

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.

I have worked with the Office of Government Ethics and the Department of Commerce's ethics officials to identify and address any potential conflicts of interest. All such conflicts will be resolved in accordance with the terms of the ethics letter I signed dated May 16, 2017. I am not aware of any potential conflicts of interest other than those that are addressed in my ethics letter.

5. Describe any activity during the past ten years 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. None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

I have worked with the Office of Government Ethics and the Department of Commerce's ethics officials to identify and address any potential conflicts of interest. All such conflicts will be resolved in accordance with the terms of the ethics letter I signed dated May 16, 2017. I am not aware of any potential conflicts of interest other than those that are addressed in my ethics letter.

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.

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. 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.

I have been an executive at Invesco Ltd., a global firm, and affiliated companies for several decades, and have also been involved in a variety of not for profit organizations. These institutions have been parties to litigation and proceedings. The only instance in which I was personally involved in any such matter was in civil litigation arising out of the departure of certain investment employees from Invesco to join a competitor in 2007. I was a witness in this litigation.

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. No.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? 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 KAREN DUNN KELLEY

Education

Villanova University, Villanova, PA

Bachelor of Science—Business Administration: Finance, May 1982

Graduated Magna Cum Laude, Member of Phi Kappa Phi, Awarded Medal of Excellence in Finance

Experience

Invesco Ltd. and affiliates, Atlanta, GA

Senior Managing Director, Investments (current position) 1989 to Current

Have been responsible for global trading, global performance and risk management, product development, the investment platform, and the fundamental equities, global asset allocation, quantitative strategies, global equities, solutions, factor investing businesses. Have held the following roles:

- Co-Chair of the Investors' Forum
- Chair of the Invesco Product Development Committee
- Chair of the Office of Investments
- Director, Co-President, Co-CEO, and Co-Chairman of Invesco Advisors, Inc.
- Director of Invesco Mortgage Capital Inc.
- Member of Invesco's Worldwide Institutional Strategy Committee
- Member of Performance and Risk Committee
- Member of Corporate Risk Management Committee
- Founding Member of the Invesco Women's Network
- Key Previous Roles: See attached Positions Held Report

Federated Investors, Inc. Pittsburgh, PA
Government Bond Trader 1986–1989

- Supervised Trading Support Personnel

Drexel Burnham Lambert, Inc. New York, NY
Vice President 1982–1986

- Assistant Manager of Retail Fixed Income High Yield Desk

Certifications

Current Financial Industry Regulatory Authority (FINRA) Licenses: Series 24, 7, and 63

Harvard Business School: Making Corporate Boards More Effective Program (Nov 2015)

Current Board Positions and Memberships

Magee-Womens Research Institute: Board Member—Finance Committee (2009)

Carlow University: Trustee Member and Board of Trustee Emerita (2005)

Shady Side Academy: Board Member—Executive Committee, Chair of Audit Committee (2014)

Fox Chapel Country Day School: Trustee Emerita (2008)

Women's Bond Club of New York: Member (2010)

International Women's Forum (2006)

ATTACHMENT 1

Name	Position	From	To
Invesco Mortgage Capital Inc.	Director	6/5/2008	present
Invesco Distributors, Inc.	Executive Vice President	9/20/2001	present
Invesco Ltd.	Senior Managing Director	5/30/2011	present
Invesco Global Asset Management DAC	Director	12/6/2011	6/7/2013
INVESCO Management S.A.	Director	7/18/2012	6/7/2013
Invesco Aim Advisors, Inc. (Merged 12/31/2009)	Vice President	1/26/1990	2/28/2007
	Director of Cash Management	2/28/2007	12/31/2009
	Senior Vice President	2/28/2007	12/31/2009
Invesco Aim Capital Management, Inc. (Merged 12/31/2009)	Chief Cash Management Officer	1/2/2002	2/28/2007
	Managing Director	1/2/2002	2/28/2007
	Senior Portfolio Manager	1/2/2002	2/28/2007
	Director of Cash Management	1/1/2004	12/31/2009
	Senior Vice President	2/28/2007	12/31/2009
AIM Core Allocation Portfolio Series	Vice President	6/29/2005	10/21/2009
AIM Combination Stock & Bond Funds (DE)	Vice President	11/5/2003	7/30/2007
AIM Counselor Series Trust (Invesco Counselor Series Trust)	Vice President	11/5/2003	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Equity Funds (Invesco Equity Funds)	Vice President	3/12/2004	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Funds Group (Invesco Funds Group)	Vice President	9/11/1993	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Management Company Limited	Director	12/29/2000	1/3/2012
AIM Global Ventures Co. Sec	Vice President	1/6/1995	11/2/2007
AIM Growth Series (Invesco Growth Series)	Vice President	3/12/2004	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Investment Funds (Invesco Investment Funds)	Vice President	3/12/2004	3/29/2016

Name	Position	From	To
	Senior Vice President	3/29/2016	3/1/2017
AIM International Mutual Funds (Invesco International Mutual Funds)	Vice President	3/12/2004	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Investment Securities Funds (Invesco Investment Securities Funds)	Vice President	9/11/1993	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Management Group, Inc.	Senior Vice President	9/12/2007	3/1/2017
	Senior Vice President	2/28/2007	12/31/2009
	Director of Cash Management	2/28/2007	12/31/2009
AIM Sector Funds (Invesco Sector Funds)	Vice President	11/5/2003	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Special Opportunities Funds	Vice President	3/12/2004	11/25/2008
AIM Select Real Estate Income Fund	Vice President	9/26/2002	10/9/2008
AIM Stock Funds (DE)	Vice President	11/5/2003	6/23/2010
AIM Summit Fund (DE)	Vice President	3/14/2004	6/23/2010
AIM Tax-Exempt Funds (Invesco Tax-Exempt Funds)	Vice President	12/8/1999	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Variable Insurance Funds (Invesco Variable Insurance Funds)	Vice President	12/8/1999	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
AIM Treasurer's Series Trust (Invesco Treasurer's Series Trust)	Vice President	11/5/2003	9/19/2006
	Principal Executive Officer	9/20/2006	3/29/2016
	President	9/20/2006	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Fund Management Company (Consolidated into Invesco Aim Distributors, Inc. on 12/07/2007)	Director	9/20/2001	12/7/2007
	President	9/30/2001	12/7/2007
Fund Management Company	Director	9/20/2001	12/7/2007
	President	9/30/2001	12/7/2007
Invesco Advisers, Inc.	Vice President	1/26/1990	12/31/2009
	Senior Vice President	12/31/2009	3/7/2013
	Director	3/7/2013	3/1/2017
	Co-Chief Executive Officer	3/7/2013	3/1/2017
	Co-Chairman	3/7/2013	3/1/2017
	Co-President	3/7/2013	3/1/2017
INVESCO Asset Management (Bermuda) Ltd.	Director	3/11/2013	11/11/2014
	President	3/11/2013	11/11/2014
Invesco Aim Advisors, Inc. Sec	Vice President	1/26/1990	2/28/2007
	Senior Vice President	2/28/2007	12/31/2009
	Director of Cash Management	2/28/2007	12/31/2009
Invesco Aim Private Asset Management, Inc. Sec	Senior Vice President	2/28/2007	12/31/2009
	Director of Cash Management	2/28/2007	12/31/2009
Invesco Bond Fund	Vice President	6/1/2010	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017

Name	Position	From	To
Invesco Cayman Commodity VI Ltd.	Vice President	9/14/2012	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco Cayman Commodity V Ltd.	Vice President	9/14/2012	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco California Municipal Income Trust	Vice President	6/1/2010	8/27/2012
Invesco California Municipal Securities	Vice President	6/1/2010	8/27/2012
Invesco California Quality Municipal Securities	Vice President	6/1/2010	8/27/2012
Invesco Dynamic Credit Opportunities Fund	Vice President	6/1/2010	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Exchange Fund	Vice President	6/1/2010	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco High Income Trust II	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Management Trust	Principal Executive Officer	3/26/2014	3/29/2016
	President	3/26/2014	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Municipal Income Opportunities Trust	Vice President	6/1/2010	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Municipal Trust	Vice President	10/15/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Municipal Opportunity Trust	Vice President	10/15/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Municipal Premium Income Trust	Vice President	10/15/2012	10/15/2012
Invesco Municipal Premium Income Trust	Vice President	6/1/2010	10/15/2012
Invesco Multi-Asset Income Cayman Ltd.	Vice President	12/23/2015	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco Prime Income Trust	Vice President	6/1/2010	12/19/2011
Invesco Quality Municipal Income Trust	Vice President	10/15/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Quality Municipal Investment Trust	Vice President	6/1/2010	10/15/2012
Invesco Quality Municipal Investment Trust	Vice President	10/15/2012	10/15/2012
Invesco Quality Municipal Income Trust	Vice President	6/1/2010	10/15/2012
Invesco Quality Municipal Securities	Vice President	10/15/2012	10/15/2012
Invesco Quality Municipal Securities	Vice President	6/1/2010	10/15/2012
Invesco Aim Capital Management, Inc. Sec	Managing Director	1/2/2002	2/28/2007
	Chief Cash Management Officer	1/2/2002	2/28/2007
	Senior Portfolio Manager	1/2/2002	2/28/2007
	Director of Cash Management	1/1/2004	12/31/2009
	Senior Vice President	2/28/2007	12/31/2009
Invesco Advantage Municipal Income Trust II	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Cayman Commodity Fund II Ltd.	Vice President	6/1/2010	8/14/2012
Invesco Cayman Commodity Fund III Ltd.	Vice President	8/19/2010	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco Cayman Commodity Fund IV Ltd.	Vice President	12/20/2010	6/10/2016

Name	Position	From	To
	Senior Vice President	6/10/2016	3/1/2017
Invesco Cayman Commodity Fund I Ltd.	Vice President	3/26/2009	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco Cayman Commodity Fund VII Ltd.	Vice President	10/29/2013	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco California Value Municipal Income Trust	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Securities Trust	Vice President	8/20/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Senior Income Trust	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Senior Loan Fund	Vice President	10/15/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Emerging Markets Flexible Bond Cayman Ltd.	Vice President	12/23/2015	6/10/2016
	Senior Vice President	6/10/2016	3/1/2017
Invesco High Income 2023 Target Term Fund	Senior Vice President	10/14/2016	3/1/2017
Invesco High Yield Investments Funds, Inc.	Vice President	6/1/2010	8/27/2012
Invesco Municipal Income Opportunities Trust III	Vice President	6/1/2010	8/27/2012
Invesco Municipal Income Opportunities Trust II	Vice President	6/1/2010	8/27/2012
Invesco New York Quality Municipal Securities	Vice President	6/1/2010	8/27/2012
Invesco Pennsylvania Value Municipal Income Trust	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Trust for Investment Grade Municipals	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Total Property Market Income Fund	Vice President	9/14/2011	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Van Kampen Municipal Opportunity Trust	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen Senior Income Trust	Vice President	6/1/2010	8/28/2012
Invesco Van Kampen Senior Loan Fund	Vice President	6/1/2010	10/15/2012
INVESCO Variable Investment Funds, Inc.	Vice President	11/5/2003	12/19/2005
Invesco Van Kampen Municipal Trust	Vice President	6/1/2010	10/15/2012
Invesco Value Municipal Bond Trust	Vice President	10/15/2012	10/15/2012
Invesco Value Municipal Bond Trust	Vice President	6/1/2010	10/15/2012
Invesco Value Municipal Income Trust	Vice President	10/15/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Value Municipal Income Trust	Vice President	6/1/2010	10/15/2012
Invesco Value Municipal Securities	Vice President	10/15/2012	10/15/2012
Invesco Value Municipal Securities	Vice President	6/1/2010	10/15/2012
Invesco Value Municipal Trust	Vice President	10/15/2012	10/15/2012
Invesco Value Municipal Trust	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen High Income Trust II	Vice President	6/1/2010	8/28/2012
Invesco Van Kampen Ohio Quality Municipal Trust	Vice President	10/15/2012	10/15/2012

Name	Position	From	To
Invesco Van Kampen Ohio Quality Municipal Trust	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen Select Sector Municipal Trust	Vice President	10/15/2012	10/15/2012
Invesco Van Kampen Select Sector Municipal Trust	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen Trust for Value Municipals	Vice President	10/15/2012	10/15/2012
Invesco Van Kampen Trust for Value Municipals	Vice President	6/1/2010	10/15/2012
Invesco Trust for Investment Grade New York Municipals	Vice President	8/27/2012	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Invesco Van Kampen Advantage Municipal Income Trust II	Vice President	6/1/2010	8/28/2012
Invesco Van Kampen California Value Municipal Income Trust	Vice President	6/1/2010	8/28/2012
Invesco Van Kampen Massachusetts Value Municipal Income Trust	Vice President	10/15/2012	10/15/2012
Invesco Van Kampen Massachusetts Value Municipal Income Trust	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen Pennsylvania Value Municipal Income Trust	Vice President	6/1/2010	8/28/2012
Invesco Van Kampen Trust for Investment Grade Municipals	Vice President	6/1/2010	8/28/2012
Invesco Senior Secured Management, Inc.	Chairman	3/7/2013	3/1/2017
	Director	3/7/2013	3/7/2013
	Director	3/7/2013	3/1/2017
Invesco Van Kampen Trust for Investment Grade New Jersey Municipals	Vice President	10/15/2012	10/15/2012
Invesco Van Kampen Trust for Investment Grade New Jersey Municipals	Vice President	6/1/2010	10/15/2012
Invesco Van Kampen Trust for Investment Grade New York Municipals	Vice President	6/1/2010	8/28/2012
Invesco Holding Company Limited	Executive Management Committee	1/29/2004	12/4/2007
Short-Term Investments Trust	Vice President	9/11/1993	9/20/2006
	Principal Executive Officer	9/20/2006	3/29/2016
	President	9/20/2006	3/29/2016
	Senior Vice President	3/29/2016	3/1/2017
Tax-Free Investments Trust (DE)	Principal Executive Officer	9/20/2006	10/21/2010
	President	9/20/2006	10/21/2010
Van Kampen Investments Inc. Sec	Senior Vice President	6/1/2010	5/31/2011
Short-Term Investments Company (Global Series) plc	Director	1/9/2000	9/7/2016
Invesco Funds	Director	7/18/2012	10/13/2016
PowerShares Global Funds Ireland plc	Director	2/17/2014	9/5/2016
Invesco India (Mauritius) Limited	Director	7/15/2015	10/13/2016
Invesco India (Mauritius) II Limited	Director	12/30/2015	10/13/2016
Van Kampen Investments Inc.	Senior Vice President	6/1/2010	6/28/2011
Magee-Womens Research Institute	Board member	2009	present
Carlow University	Trustee and trustee emerita	2005	present
Shady Side Academy	Board member, member of executive committee and chair or audit committee	2014	present

Name	Position	From	To
Fox Chapel Country Day School	Trustee emerita	2008	present

Kelley, Karen Dunn Attachment 2

Organization Name	City, State	Organization Type	Position Held	From	To
Invesco Ltd.	Atlanta, Georgia	Corporation	Senior Managing Director	May-11	Aug-17
Carlow University	Pittsburgh, Pennsylvania	University/College	Trustee/ Trustee Emerita	Jul-05	Jun-17
Shady Side Academy	Pittsburgh, Pennsylvania	Day School	Trustee	Apr-14	Jun-17
Magee-Womens Research Institute	Pittsburgh, Pennsylvania	Non-Profit	Trustee	Jul-09	Jun-17
Invesco Mortgage Capital Inc.	Atlanta, Georgia	Corporation	Director	Jun-08	Aug-17
Invesco Distributors, Inc.	Atlanta, Georgia	Corporation	Executive Vice President	Sep-01	Aug-17
Invesco Advisers, Inc.	Atlanta, Georgia	Corporation	Director, Co-President, Co-CEO, Co-Chairman	Jan-90	Mar-17
Invesco Senior Secured Management, Inc	New York, New York	Corporation	Chairman and Director	Mar-13	Mar-17
Short-Term Investments Company (Global Series) plc	Dublin, Outside U.S.	Corporation	Director	Dec-00	Sep-16
Invesco Funds	Luxembourg, Outside U.S.	Corporation	Director	Jul-12	Oct-16
PowerShares Global Funds Ireland plc	Dublin, Outside U.S.	Corporation	Director	Feb-14	Sep-16
Invesco India (Mauritius) Limited	Mauritius, Outside U.S.	Corporation	Director	Jul-15	Oct-16
Invesco India (Mauritius) II Limited	Mauritius, Outside U.S.	Corporation	Director	Dec-15	Oct-16
AIM Counselor Series Trust (Invesco Counselor Series Trust)	Houston, Texas	Corporation	Senior Vice President	Nov-03	Mar-16
AIM Equity Funds (Invesco Equity Funds)	Houston, Texas	Corporation	Senior Vice President	Mar-04	Mar-17
AIM Funds Group (Invesco Funds Group)	Houston, Texas	Corporation	Senior Vice President	Sep-93	Mar-17
AIM Growth Series (Invesco Growth Series)	Houston, Texas	Corporation	Senior Vice President	Mar-04	Mar-17
AIM Investment Funds (Invesco Investment Funds)	Houston, Texas	Corporation	Senior Vice President	Mar-04	Mar-17
AIM International Mutual Funds (Invesco International Mutual Funds)	Houston, Texas	Corporation	Senior Vice President	Mar-04	Mar-17
AIM Investment Securities Funds (Invesco Investment Securities Funds)	Houston, Texas	Corporation	Senior Vice President	Sep-93	Mar-17
Invesco Management Group, Inc	Houston, Texas	Corporation	Senior Vice President	Sep-07	Mar-17
AIM Sector Funds (Invesco Sector Funds)	Houston, Texas	Corporation	Senior Vice President	Nov-03	Mar-17
AIM Tax Exempt Funds (Invesco Tax Exempt Funds)	Houston, Texas	Corporation	Senior Vice President	Dec-99	Mar-17
AIM Treasures Series Trust (Invesco Treasures Series Trust)	Houston, Texas	Corporation	Senior Vice President, President	Nov-03	Mar-17
AIM Variable Insurance Funds (Invesco Variable Insurance Funds)	Houston, Texas	Corporation	Senior Vice President	Dec-99	Mar-17
Invesco Bond Fund	Atlanta, Georgia	Corporation	Senior Vice President	Jun-10	Mar-17
Invesco Cayman Commodity V Ltd	Cayman Islands, Outside U.S.	Corporation	Senior Vice President	Sep-12	Mar-17
Invesco Dynamic Credit Opportunities Fund	Atlanta, Georgia	Corporation	Senior Vice President	Jun-10	Mar-17
Invesco Exchange Fund	Houston, Texas	Corporation	Senior Vice President	Jun-10	Mar-17
Invesco High Income Trust II	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Municipal Income Opportunities Trust	Atlanta, Georgia	Corporation	Senior Vice President	Jun-10	Mar-17
Invesco Municipal Trust	Atlanta, Georgia	Corporation	Senior Vice President	Oct-12	Mar-17
Invesco Municipal Opportunity Trust	Atlanta, Georgia	Corporation	Senior Vice President	Oct-12	Mar-17
Invesco Multi-Asset Income Cayman Ltd	Cayman Island, Outside U.S.	Corporation	Senior Vice President	Dec-15	Mar-17
Invesco Quality Municipal Income Trust	Atlanta, Georgia	Corporation	Senior Vice President	Oct-12	Mar-17
Invesco Advantage Municipal Income Trust II	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Cayman Commodity Fund III Ltd	Cayman Island, Outside U.S.	Corporation	Senior Vice President	Aug-10	Mar-17
Invesco Cayman Commodity Fund IV Ltd	Cayman Islands, Outside U.S.	Corporation	Senior Vice President	Dec-10	Mar-17
Invesco Cayman Commodity Fund I Ltd	Cayman Island, Outside U.S.	Corporation	Senior Vice President	Mar-09	Mar-17
Invesco Cayman Commodity Fund VII Ltd	Cayman Island, Outside U.S.	Corporation	Senior Vice President	Oct-13	Mar-17
Invesco California Value Municipal Income Trust	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Securities Trust	Houston, Texas	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Senior Income Trust	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Senior Loan Fund	Atlanta, Georgia	Corporation	Senior Vice President	Oct-12	Mar-17
Invesco Emerging Markets Flexible Bond, Cayman Ltd	Cayman Island, Outside U.S.	Corporation	Senior Vice President	Dec-15	Mar-17

Kelley, Karen Dunn Attachment 2—Continued

Organization Name	City, State	Organization Type	Position Held	From	To
Invesco High Income 2023 Target Term Fund	Atlanta, Georgia	Corporation	Senior Vice President	Oct-16	Mar-17
Invesco Pennsylvania Value Municipal Income Trust	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Trust for Investment Grade Municipals	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Invesco Total Property Market Income Fund	Atlanta, Georgia	Corporation	Senior Vice President	Sep-11	Mar-17
Invesco Value Municipal Income Trust	Atlanta, Georgia	Corporation	Senior Vice President	Oct-12	Mar-17
Invesco Trust for Investment Grade New York Municipals	Atlanta, Georgia	Corporation	Senior Vice President	Aug-12	Mar-17
Short-Term Investment Trust	Houston, Texas	Corporation	Senior Vice President	Sep-93	Mar-17
Invesco Cayman Commodity VI Ltd	Cayman Islands, Outside U.S.	Corporation	Senior Vice President	Sep-12	Mar-17
Invesco Management Trust	Houston, Texas	Corporation	Senior Vice President	Mar-14	Mar-17
Family Trust #1	Pittsburgh, Pennsylvania	Trust	Trustee	Feb-95	Jun-17
Family Friend Trust #1	Houston, Texas	Trust	Trustee	Jul-06	Jun-17
Family Trust #2	Philadelphia, Pennsylvania	Trust	Trustee	Feb-12	Jun-17

The CHAIRMAN. Thank you, Ms. Dunn Kelley.

And again I want to say thank you. I know you've all recognized members of your families who are here today, and just convey to them how much we appreciate their willingness to be involved in public life and public service because when somebody commits to that, it obviously is very much a family commitment, a family decision. So thank you all for being here.

This question is for all four of you. And I know each of you appreciates the importance of cooperation between the Executive Branch and Congress. Nevertheless, these confirmation hearings give us an opportunity to underscore that point. So the question is, if confirmed, will you pledge to work collaboratively with this Committee and its members and to provide thoroughly and timely responses to our requests for information?

Admiral BUZBY. I will.

Mr. BATORY. I will.

Mr. DAVIDSON. Yes.

Ms. DUNN KELLEY. Senator, yes.

The CHAIRMAN. Thank you.

Ms. Dunn Kelley, as you know, the Bureau of Economic Analysis produces one of the world's most closely watched economic statistics, and that's the quarterly GDP estimate. In fact, the invention of GDP by Department of Commerce economists in the 1930s was recognized by the Department as its greatest achievement of the 20th century. However, with the advent of the digital revolution, there is an emerging debate about whether GDP properly measures the 21st century American economy. Disruptive business models, such as those of Uber, Amazon Marketplace, and Airbnb are often not well captured by established statistical methods.

The question is, should you be confirmed, what actions will you take to ensure that the BEA's measurement of GDP better captures the full contours of the Nation's economy in the 21st century?

Ms. DUNN KELLEY. Thank you for that question, Senator. And I, like yourself, as you suggested, I have looked at the GDP data for many, many years. In fact, I remember when it was GNP instead of GDP. Right. So it has over time evolved to recognize the change in the Nation's economy.

And as I was preparing to be with you today, I had an opportunity to meet with a few of the people who work on it, and, quite frankly, I am very, very impressed with their ability to recognize and to want to work with the evolution of that. And if confirmed, I will assure you that I will look forward to working with BEA on this and many other tasks and making sure that they have the resources, tools, and capacity to perform these functions.

The CHAIRMAN. Thank you.

Ms. DUNN KELLEY. Thank you.

The CHAIRMAN. And as I pointed out, and as you also noted, it is a highly watched and very important metric that not only we here pay attention to, but the entire world pays attention to.

Mr. Batory, recent progress reports suggest that several commuter railroads are at risk for not meeting the requirements of the revised positive train control deadline framework that were set in 2015. I want to be clear: any railroad that fails to meet the revised framework should not expect any further extension from this Committee. The revised framework is realistic, and it provides the Secretary with authority to provide limited additional time to ensure that these systems work as intended.

So the question is, could you speak briefly to your plans for oversight of PTC implementation between now and December 31, 2018, which is the current deadline?

Mr. BATORY. Thank you, Senator, for that question. The subject matter concerning PTC is something that's very close to me both professionally and personally as a result of what we had to do at Consolidated Rail Corporation, and also interfacing with various commuter agencies along the Northeast Corridor.

If I am confirmed, I intend to expound on the good work that has already been done at the FRA insofar as monitoring communication of the progress of PTC, and intensify those efforts. If it is disclosed that we see any indication of an entity that is not trending at the speed in which it should trend in order to meet the 12/31/18 deadline, other administrative actions will be taken in order to get that entity to have compliance by 12/31/18. I think there is also an opportunity within the railroad industry for collaboration. That means both the host railroad as well as the tenant railroad, and there's a lot of that in the commuter agencies.

But I will give this Committee and each Senator that serves on the Committee and their staffs my absolute commitment of working as hard as I can to make sure that there is absolutely no flaw come 12/31/18.

The CHAIRMAN. Thank you. As you may know, the National Academy of Sciences and the Government Accountability Office have raised alarming issues with the ECP brakes rulemaking and associated analysis. Those issues include inadequate safety model validation, limited data, missing critical variables, lack of transparency, failure to account for uncertainty, and flawed test plans.

Moreover, looking back at 2016, the Department's projections for crude and ethanol by rail accidents and traffic vastly differed from the observed data. And I think many of our colleagues here have been troubled by some of the agency's responses to legitimate critiques and suggestions.

In accordance with the requirements and deadlines of the FAST Act, do you commit to fully incorporating the results of these independent studies using the best available data and fairly evaluating whether to uphold the ECP brake rule?

Mr. BATORY. Senator, as far as the ECP brakes are concerned, I have been cognizant and aware of that technology since it was first brought into the industry, freight industry, that is, in the early 1990s. It has matured considerably over the past 20-plus years. And if I'm confirmed, I look forward to learning more about what has been developed on the ECP brake, and also what avenues we have to follow, if any, in order to allow these trains to operate safely.

At this juncture, I will be very candid with all of you, I have to learn more about the subject matter as it has been developed within the FRA.

The CHAIRMAN. I guess the only thing I would say is that as you do that and come up to speed on some of this, that I think it's important to fully incorporate the results of a lot of these independent studies and use the best available data when it comes to evaluating whether the ECP brake rule needs to be upheld because those have been many of the criticisms which I think many of which are valid. And so as you move forward, I hope that you'll take into consideration the findings of those studies as well as the data that they produce.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman. I have a number of questions that I'm going to submit for the record because it's much too lengthy for the purposes of this hearing, but I'll cover just a few.

Mr. Batory, you're an expert in railroads, and grade crossings are a problem when it comes to making sure that the public is safe, especially with faster and faster trains. It's also an issue of noise, since the Nation developed around the railroads, and so often that's where people live and work, close to the railroads. So do you want to give us just a quick thought about how you want to improve safety as well as the noise problem?

Mr. BATORY. Thank you, Senator. Just to capsule and stay within the content of grade crossing safety, it is something that is very close to me that I shared with some of your fellow members on this Committee, and I just want to share it briefly, and that way you'll have an appreciation as to why I'm going to tell you about the conviction I have toward rail highway crossings.

Senator NELSON. All right. I'm going to have to get you to be quick.

Mr. BATORY. I will be very quick.

Senator NELSON. I've got questions for the remaining three.

Mr. BATORY. But in the middle of my career, I experienced hitting a school bus. It was full of children. Fortunately, all the children got off, and there were no fatalities, no injuries. I was always committed to good rule compliance when it came to highway grade crossings, but after experiencing that, I have become a very strong proponent of good rail highway crossing innovation, improvement, and capitalizing on something that we always talk about within the industry and with Operation Lifesaver, and that being the best en-

gineering we can come up with at the time, continuous education, it can never stop, and, unfortunately, at times you have to enforce it because some people you can't educate as much as others.

Senator NELSON. OK. For example, if a train is going 100 miles an hour, and you've got a grade crossing, that might call for what is known as a quiet corridor, where all the arms come down and block every possible ability of a vehicle or a pedestrian to go across.

Mr. BATORY. Yes, sir.

Senator NELSON. OK. All right. Let me ask Mr. Davidson—I shouldn't have to ask this question, but there remains this undercurrent and threat to science, and I have seen it with my own eyes in the Department of Commerce as I have visited various agencies since the election. How are you going to ensure, as the General Counsel, that experts within NOAA and NIST are free from political interference and muzzling of science?

Mr. DAVIDSON. Senator Nelson, thank you for that question. And I think you and Secretary Ross had a similar exchange at his confirmation hearing—

Senator NELSON. I'm asking you.

Mr. DAVIDSON. Yes, sir. And I respond the same way as Mr. Ross did, and that is that I will ensure that the spirit and the letter of the law and regulations are upheld in terms of delivery of accurate information, and I commit to you to be on task on that to make sure that information provided is accurate and according to all the rules and laws.

Senator NELSON. What would you think if I told you that some of the employees of those agencies in the Department of Commerce are given the impression that they are not allowed to use the term "climate change"?

Mr. DAVIDSON. Thank you, Senator. I'm not aware of that. I would—

Senator NELSON. What would you think if you became aware of that?

Mr. DAVIDSON. I would look into whether there was improper interference with the performance of their duties and take appropriate action.

Senator NELSON. Do you think the words "climate change" are an interference with their duties?

Mr. DAVIDSON. Senator, I don't know the specific facts of that kind of intervention, but I would think that scientists within the Department of Commerce should provide accurate data and accurate information, and that's their mandate. They shouldn't be given direction to do otherwise.

Senator NELSON. Therefore, if they want to use the term "climate change," they should be able to do that?

Mr. DAVIDSON. Sir, I'm not familiar with that particular circumstance, but I think that they should be encouraged to provide accurate information in a transparent way.

Senator NELSON. Now, Mr. Davidson, I know what you feel, and I think it is telling that it is awkward for you to answer the question. All I would encourage is some common sense, and let scientists do their job without an attempt on being muzzled. I know what Wilbur Ross feels about this, too. But there is this edict, whether written or not, from above that is giving the impression

among employees of the Department of Commerce not to use the two words "climate change," and that is absolutely ridiculous.

Mr. DAVIDSON. I agree with you, Senator, that the scientists should not be muzzled and should provide accurate information.

Senator NELSON. I know you believe that, so thank you for saying that.

Mr. DAVIDSON. Thank you.

Senator NELSON. Admiral, you are going to be charged with the movement of goods through our ports that are vital to this country. Do you think TIGER grants can help you in the process of that?

Admiral BUZBY. Senator, I think that in improving our ports, which are critical to our economy and to the mobilization of our country in time of war, that we should look at all avenues to improve the flowability in and out of those ports, both from the land side and the short sea shipping side. So, yes, sir.

Senator NELSON. Ms. Dunn Kelley, you obviously are going to be charged as the Under Secretary for Economic Affairs. Do you think that the Paris Agreement could have been good for the economic growth of this country?

Ms. DUNN KELLEY. Thank you for that question, Senator. And, obviously, the Paris Accord was the President's decision, and I would suggest to you that, if confirmed, I would work with Secretary Ross to further understand that and could come back to you with further comment.

Senator NELSON. OK, but that's not the question. The question is, do you believe that the Paris Agreement would, in fact, be good for economic growth?

Ms. DUNN KELLEY. Senator, again, thank you for that. And just allow me to say that I would be remiss in answering that question right now, as I don't have enough facts and data around it to make an appropriate answer to you and/or the Committee.

Senator NELSON. I know that's uncomfortable for you as well. Again, I just make the point, common sense tells us, informs us, a lot how to conduct the affairs of government.

Thank you.

Ms. DUNN KELLEY. Thank you very much for that advice.

The CHAIRMAN. Thank you, Senator Nelson.

And I'm told that because we're not being allowed to meet until after 11:30 a.m. this morning, we have to wrap up the hearing by 11:30 a.m. The Democrats are objecting to the Committees meeting after that time. So to the best that we can, if we can kind of move very quickly through questions so everybody gets a chance.

Senator Peters is up next.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Mr. Chairman. And, Mr. Chairman, I would also ask that three documents be entered into the record without objection.

The CHAIRMAN. Without objection.

[The information referred to follows:]

Congress of the United States

Washington, DC 20510

July 18th, 2017

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Ross,

We are concerned that a recently issued Federal Register Notice regarding your review of National Marine Sanctuaries and Marine National Monuments designated or expanded since April 28, 2007¹ provides very little opportunity for public engagement. As members of Congress representing states, territories, and districts that may be affected by the findings of this retrospective review, we want to ensure that our constituents are given a reasonable opportunity to provide comment.

According to data from the National Oceanic and Atmospheric Administration, national marine sanctuaries generate \$8 billion and support over 70,000 jobs in coastal communities from activities like commercial fishing, research, recreation and tourism. Protecting and preserving these treasured resources drives the local economies in many of these communities, and residents should have sufficient time to provide input and voice concerns about possible changes resulting from this review.

As called for by Executive Order 13795², the review requests public comments on a broad scope of topics related to the expansions or designations of eleven National Marine Sanctuaries and Marine National Monuments across the country over the last ten years. It takes time and thought to respond effectively to this request to review a number of federal actions spanning a decade and impacting hundreds of millions of acres.

While we recognize that the terms of the Executive Order require that the Department report to the White House by October 25, 2017, meaningful public participation will require a comment period longer than thirty days. Furthermore, the Order specifically requests comment on the adequacy of Federal, State, and tribal consultations conducted prior to the eleven designations or expansions.³ Extending the comment period would give these same entities a better opportunity to provide critical input as part of this review. Public input and community engagement are hallmarks of the National Marine Sanctuaries

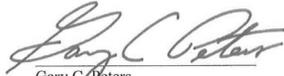
¹ 82 FR 28827, available at <https://www.federalregister.gov/documents/2017/06/26/2017-13308/review-of-national-marine-sanctuaries-and-marine-national-monuments-designated-or-expanded-since>.

² 82 FR 20815, available at <https://www.federalregister.gov/documents/2017/05/03/2017-09087/implementing-an-america-first-offshore-energy-strategy>.

³ See Executive Order 13795, section 4(b)(1)(B).

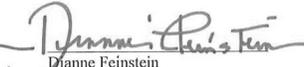
program, and such a short public comment period is inconsistent with the processes that created and expanded the affected sanctuaries. We strongly urge you to extend the public comment period to at least ninety days.

Sincerely,


Gary C. Peters
United States Senator


Salud Carbajal
Member of Congress


Elizabeth Warren
United States Senator


Dianne Feinstein
United States Senator

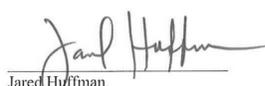

Kamala D. Harris
United States Senator


Richard Blumenthal
United States Senator


Cory A. Booker
United States Senator


Debbie Stabenow
United States Senator


Christopher S. Murphy
United States Senator


Jared Huffman
Member of Congress


Nydia M Velázquez
Member of Congress


Jackie Speier
Member of Congress

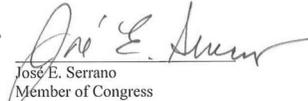

Raul Grijalva
Member of Congress


Jimmy Panetta
Member of Congress


Alan Lowenthal
Member of Congress


Daniel T. Kildee
Member of Congress


Madeleine Z. Bordallo
Member of Congress


José E. Serrano
Member of Congress


Thomas Suozzi
Member of Congress


Tulsi Gabbard
Member of Congress


Grace Meng
Member of Congress

cc:

EO 13795 Review
National Oceanic and Atmospheric Administration
Silver Spring Metro Campus Building 4 (SSMC4), Eleventh Floor
1305 East West Highway
Silver Spring 20910



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-08-2017-00844

July 21, 2017

Via email: ykim@americanprogress.org

Yule Kim
Center for American Progress
1333 H St NW, 10th Floor
Washington, DC 20005

Dear Ms. Kim:

On July 14, 2017, you filed a Freedom of Information Act (FOIA) request seeking the following:

In NOAA's notice published 6/26/2017, entitled "Review of National Marine Sanctuaries and Marine National Monuments Designated or Expanded Since April 28, 2007; Notice of Opportunity for Public Comment" NOAA stated: "The Department of Commerce will receive a copy of and consider all public comments submitted during the Department of the Interior's public comment period for Executive Order 13792 for Marine National Monuments that are affected by Executive Orders 13792 and 13795." 82 Fed. Reg. 28827. Please provide the copies of the comments sent to NOAA by the Department of the Interior.

Your request was received in the Office of the Secretary FOIA office on July 14, 2017, and assigned control number **OS-2017-00844**. Please cite this number in any future correspondence or communications with the Office of the Secretary regarding your request.

We are writing today to respond to your request on behalf of the Office of the Secretary. We have enclosed one file consisting of 1 spreadsheet, which is being released to you in its entirety.

There is no fee for the processing of this request. This completes the Office of the Secretary's response to your request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Ms. Yule Kim

The 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

 Digitally signed by CLARICE
JULKA
Date: 2017.07.21 16:05:44
+0400

Clarice Julka
Office of the Secretary
FOIA Officer

Electronic Enclosure

[Information regarding Department of Interior is retained in the Committee's file.]

Senator PETERS. These documents really lay the foundation for my question to Mr. Davidson. First is a letter I sent with 19 of my House and Senate colleagues asking for Secretary Ross to extend the public comment period on an Executive Order regarding oil production in marine sanctuaries and monuments. Second, is a Department of Interior letter responding to a Freedom of Information Request. Finally, the records turned over by Interior as a result of that records request. So those will be in the record, and I'll want to have a continued discussion with you, Mr. Davidson, if confirmed.

I entered these because I would like you to look into something. The President has issued two Executive Orders that have overlapping subject matter: one deals with national monuments, both on land and in the ocean, designated under the Antiquities Act, and the other deals with marine national monuments and sanctuaries designated or expanded in the last 10 years.

The *Federal Register* Notice for the Antiquities Act order explicitly told commentators not to comment twice with these two actions. And I'm going to quote, The Department of Commerce will receive a copy of and consider all public comments submitted during the Department of Interior's public comment period. I'm skipping some lines here, accordingly, identical or similar comments submitted as part of the Department of Interior's public comment period should not be resubmitted to the Department of Commerce in response, that they would be forwarded on in a sense.

Well, the public comment period for the Antiquities Act Order closed on July 10. The Department of Interior received almost 1.5 million comments, but according to the spreadsheet provided in response to the FOIA request that I reference, Interior has shared only 494 of the 1.5 million of those comments with the Commerce Department. The comment period on marine monuments and sanctuaries closes today.

Mr. Davidson, would you agree with me that either there has been really a major glitch here between the Interior Department and Commerce that needs absolute immediate attention given the short period of this comment period, or that the public has been perhaps misled, that if you comment with one, that it will be shared with the Department of Commerce?

And this is very concerning because part of what the comments are is to have public input into this process. I can tell you, from one of the sanctuaries that I have in Michigan that NOAA operates up in Thunder Bay, it was done with incredible input from all of the stakeholders in the community.

This Executive Order wants to know whether or not there was public input in this process, and yet they only gave 30 days for input. I've sent a letter for 90 days so that the public can provide comments on these sanctuaries. And now I find that a very small, tiny fraction of the comments made have actually been forwarded to the Department of Commerce.

I would certainly like to know how we will deal with this and how you think about this?

Mr. DAVIDSON. Senator, thank you for that, and thank you for bringing that to my attention. I have to admit that I am not familiar with the facts of either of these Executive orders or the comment period. So I would be happy to look into that, and I share your views on the importance of transparency and public comment. I think that information helps make better regulations and better laws, so I'm very much in favor of making sure that all the comments are shared and everyone is able to address their concerns. I would be happy to work with you on this issue going forward.

Senator PETERS. Well, if confirmed, I will look forward to working closely with you to make sure that the public is heard. These are important assets for the country and treasures for the Nation and we want to make sure the public is fully heard on it. So I look forward to that.

Mr. DAVIDSON. Yes, Senator.

Senator PETERS. Mr. Batory, I appreciate your Michigan roots that we talked about beforehand. It's good to have you here before us. While the rail networks in Michigan play an important role in moving people around the region, I'm hearing from a number of my communities in the state that they're experiencing very long delays from stopped trains at railroad crossings, which results in drivers being stuck in traffic, sometimes for hours.

In southeast Michigan, particularly in Wayne County, we are hearing quite a few complaints. In Kalamazoo earlier this year, a freight train broke down and ensnarled drivers in downtown traffic for well over an hour, and raised a number of safety concerns related to emergency vehicles that were unable to move because of these train delays.

So my question is, how are you going to work with local communities and railroad companies to address blocked crossings, especially in areas where emergency vehicles could be delayed?

Mr. BATORY. Thank you, Senator, for that question. And it's subject matter that I'm very cognizant of throughout my career. I'm not aware of any specifics that you made reference to insofar as southeastern Michigan. I do understand what railroads do insofar as response of a distressed train and how they try to get personnel to facilitate what needs to be done to move that train as quickly as possible.

If there is some systemic issue that is taking place, I certainly would have my door open, and willfully, when I learn more about it, because that's unacceptable. We know that, operating the railroad and maintaining it every day, that we do not block public crossings. In many of the states, we have statues, whether it be 5 minutes or 10 minutes, and as a result, we recognize that. And when we do have a blocked crossing, we have protocols in place to notify the emergency response organizations that there's a train blocking specific road crossings. But those are things that we follow through if we know that we're blocking a crossing. But to block it day after day, that's unacceptable and it's not part of good railroading.

Senator PETERS. Well, if confirmed, I look forward to addressing this directly with you on behalf of a number of communities in my state, so I appreciate it.

Thank you.

The CHAIRMAN. Thank you, Senator Peters.
Senator Blunt.

**STATEMENT OF HON. ROY BLUNT,
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you, Chairman.

And thanks to all of you for being willing to serve. I think we were a little slow in getting the government put together, and having you at this point gets us that much closer to the kind of help that we need to get the job done we all do.

Mr. Davidson, I'm particularly glad, it's good to see you and your family here again and willing once again to serve in public service, as others here have as well.

Mr. Batory, in the last Congress, this Committee passed a long-term comprehensive transportation package, the FAST Act. In that Act, I had authored a provision, the TRAIN Act, which really accelerates the process of a project much like we had already done for highways in the past. It basically creates more equity between railroad improvements and projects and highway improvements and projects. I'm asking you to look carefully at that, and make it a priority of yours. The more we feel like that you can have a sense that these projects can get done without needless delay, the more likely railroads are to invest their money and improve that part of our overall system.

So any thoughts on the TRAIN Act or how important it is to permitting move forward without needless obstacles?

Mr. BATORY. Yes, Senator. Thank you for that question. It brings back some experiences that I had going back as far as the mid-1990s with former Congressman Lipinski in Chicago.

Senator BLUNT. Mm-hmm, mm-hmm.

Mr. BATORY. And this was long before the CREATE program. But we embarked on an initiative to identify where we could have grade separations to improve the vehicular traffic around the Chicago metropolitan area, and I'm pleased to share with you that what I know about what has taken place with CREATE so far, some of that is coming to fruition.

But with all that said in the way of success is one thing that we continually see is the amount of money and time that is incurred upfront before the first shovel goes in the ground. And it's not unusual to see anywhere from 25 to 30 percent of the cost, and sometimes it gets close to 50 percent, of upfront time and money before we can get a project going. I've seen it with projects such as double-tracking, where we put tracks back that were once there. I've experienced it where we've increased tunnel clearances. I've experienced it with the replacement of bridges both over highways as well as over navigable waterways. And you definitely have my commitment to be involved with that process as far as infrastructure and what can be done.

Senator BLUNT. Well, we know it's worked and made a difference in highway construction, and actually every single example you gave was double-tracking where tracks were, working on a tunnel where a tunnel already was. I mean, you would think that these things could have been handled in a better way before, but you've got the tools to do it with now, and I hope you do. And also we

want you to work with us to identify other red tape areas that just don't need to be there and come to this Committee and talk to us about how we can eliminate those.

Ms. Kelley, I've talked to Secretary Ross about this, but one of the things we don't calculate very well right now is international travel. We know that I think the national number is \$250 billion a year. We figure out how to segment almost every other part of the economy into a state-by-state category so that states and people who live in those states and legislators from those states know how important agriculture is or how important exports are or other things. We don't do that with travel. I'd like you to look carefully at what we could do to take that \$246 billion number and give a greater sense to states and communities as to what international travel means to them. It's sort of the low-hanging fruit of the economy. People come and they stay longer, they spend more, they like us better when they've been here than they did when they got here, and virtually 100 percent of the time. But will you work with us on that?

Ms. DUNN KELLEY. Senator, thank you for that comment. And, yes, absolutely, I will commit to you that I will work with the Bureau, Secretary Ross, you and your department, to come back to you on how we can provide you better data because clearly creating accurate and actionable data is our goal.

Senator BLUNT. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Blunt.
Senator Gardner.

**STATEMENT OF HON. CORY GARDNER,
U.S. SENATOR FROM COLORADO**

Senator GARDNER. Thank you, Mr. Chairman.

And thanks to the nominees for your testimony today and your willingness to serve. It's great to see you all again.

Mr. Batory, it was great meeting with you last week to discuss rail issues facing the country, and particularly Colorado. During our meeting, we talked about the challenges that the state faces with train noise. Due to FRA regulations, communities up and down Colorado's Front Range, where the vast majority of Coloradans reside, from Fort Collins to Fountain, Colorado, have had to deal with very, very loud train noise.

In the 2015 FAST Act, we included a provision that would require the Government Accountability Office to review the impacts of train horn noise and to look at potential improvements to the current rule. I'm pleased that last year the FRA announced that they would be taking a renewed look at the rule, the Quiet Zone Process, and give an opportunity for the public to comment.

Last summer, the former FRA Administrator, Sarah Feinberg, came to Colorado with Senator Bennet and I to witness these impacts firsthand. And I would welcome the opportunity for you to come join us as well, Senator Bennet and I, to Colorado, if you're confirmed, so you can understand what these communities in the state are facing. If confirmed, I would like to get your commitment that you'll review existing regulations pertaining to train horn noise and look for ways to address the concerns of the communities

in my state through either the Quiet Zone Process or the rule itself. Can I get that commitment from you?

Mr. BATORY. Thank you, Senator. And, yes, I enjoyed the time we spent together. It was very enlightening, and as a result of being aware of that particular corridor, I had a sensitivity toward what you shared with me. And, yes, you have my commitment that I will work with you and your fellow Senator and your staff and committees to learning more about that corridor and what can be achieved.

Senator GARDNER. Great. Thank you.

And something we did not get a chance to talk about in the office last week, but what I thought I would bring up here, last spring, the Denver Regional Transportation District opened a new commuter rail line known as the University of Colorado A Line connecting Denver International Airport to downtown. So it's about a little over 30-minute way, trip, from the airport to downtown. With the Denver metropolitan area experiencing unprecedented growth, this rail link between the city and the airport is a critical priority to relieving congestion on many key corridors. And so I certainly have been proud to support that line during my time in the House of Representatives and in the Senate.

But since the line was opened, RTD has faced technical challenges with grade crossings. It's my understanding that the FRA has had a working relationship with RTD, a great working relationship with RTD, as they move forward on this issue, and FRA and RTD are working to help resolve this issue. But I would like your commitment to continue working with the Denver RTD to address the challenges with the grade crossings on the RTD A Line. Can I get that commitment?

Mr. BATORY. I would welcome that opportunity. I've ridden that line and realize its importance.

Senator GARDNER. Thank you very much. And the final question to you, sir, is the Southwest Chief Amtrak, we talked a little bit about this line, runs through southeastern Colorado serving the communities of Lamar, La Junta, Trinidad, important to us. It's an incredible important asset to these towns and gives them a transportation alternative when they're a long ways away from DIA, as far east as Chicago and to Los Angeles.

Several years ago, there was a proposal to reroute the Southwest out of Colorado. Since that time, the communities in my state joined with other cities around the area, Kansas, and New Mexico to raise funding from the states to upgrade Colorado and those states' portions of the lines in order to keep it running through Colorado and those states. I've been proud to support the effort, helped to acquire multiple TIGER grants to assist in the process as well. Through your role of overseeing Amtrak, and again just I would like to get your assurance that the Southwest Chief will continue running on its current route through Colorado.

Mr. BATORY. Senator, I'm very familiar with everything you just shared. OK? And if confirmed, OK, I welcome the opportunity to learn more about the state of where that particular subject matter resides. We know that it is a long-distance train, but, as mentioned in the President's budget, insofar as elimination of subsidies for long distance trains, but until that budget is passed, that train con-

tinues to operate. And there is also a competitive bidding process that has been let recently, it's in the early stages, to see whether or not there are private operators out there that could operate some of these long distance trains.

So there are a lot of moving parts right now from my perspective, from what I know. I'm sure, if confirmed, I will know much more, but as I learn I would welcome the opportunity to work with you and staff.

Senator GARDNER. Thank you, Mr. Batory.

And Mr. Buzby, Mr. Davidson, Ms. Kelley, thanks very much for your nominations, being willing to serve, and your willingness to come to this Committee.

So thank you.

The CHAIRMAN. Thank you, Senator Gardner.
Senator Schatz.

**STATEMENT OF HON. BRIAN SCHATZ,
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Mr. Chairman.

Good morning to all the nominees.

My first question is for Ms. Kelley. The President's budget proposes eliminating the Economic and Statistics Administration and placing the Bureau of Economic Analysis and the Census Bureau directly under the control of the Secretary. These important sources of economic data would also face steep budget cuts. This proposal has many of us very worried about the integrity of our data and the ability for the public to access this data that our business community relies upon.

Do you commit to resisting any pressure from the administration or elsewhere to compromise the integrity of the Department's data and economic analysis through reorganization, through insufficient funding, or political pressure?

Ms. DUNN KELLEY. Senator, thank you for that question. And let me assure you that, yes, I can make that commitment to you. Also, I would like to say that in my years in the private sector, I spent much time on things like reorganizations, mergers, acquisitions, and I would look forward to, if confirmed, working with Secretary Ross in trying to streamline and reorganize that division, but also in maintaining the integrity of the data. And the integrity of the data, I give you my commitment that that will be maintained.

Senator SCHATZ. Thank you. I appreciate the commitment. I'll just clarify for the record that the Department and its programs are a creature of statute, and so you can do some reorganization in terms of streamlining and in terms of doing things smarter, we want you to do that, but if you want to do a wholesale reorganization of the Department or its statutory mandates, you do have to come back to both the authorizing and appropriating committees.

On climate change, to follow up on the Ranking Member's questions, the rapidly changing climate affects our economy in a number of ways: prolonged droughts that reduce agricultural yields, coastal flooding due to sea level rise, increased frequency and severity of storms, and the unpredictability of weather forecasts on which many industries depend.

In 2016, NOAA reported 15 separate billion-dollar climate events. Combined, these events cost the U.S. economy over \$200 billion and resulted in at least 138 deaths. Do you think the Department of Commerce should track and measure the impact of climate change?

Ms. DUNN KELLEY. Senator, thank you for that question. And if confirmed, I would very much like to get back to you with more information on that to work with the subject matter experts. But I think that, as we've said before, and I would be committed to the fact that accurate and actionable data is what we are committing to provide to you and others.

Senator SCHATZ. On climate change?

Ms. DUNN KELLEY. I thought you said the economic—on the economic impact of that climate change.

Senator SCHATZ. OK. I just want to—I mean, the sort of elephant in the room here, following up on what Senator Nelson was talking about—and we believe that you believe in data collection, and we believe that you're data people, and you're serious professionals, and you're nominated by a Republican President, but that doesn't prohibit you from understanding the world as it is, and the world as it is, is one in which climate change is a fact.

And I am quite worried that we have an environment in which you guys have to strike a balance, guys and gals, have to strike a balance here because you are Trump nominees, and you're serious-minded people, and I think a lot of Democrats want to get to yes, but you're worried about saying the word "climate change." You're worried about who you're going to get sideways with in the White House if you agree to a basic premise, which is that climate change is real, and the Department of Commerce employees, NOAA employees, National Weather Service employees, MARAD employees, should not be prohibited from using a certain phrase as a political matter. And that worries me very much.

This is not your fault, but I think it's very important to point out that to the extent that we're going to have a serious-minded conversation about what is, that you shouldn't be—that nobody in any administration, Democrat or Republican, should be prohibited on the basis of politics from using whatever words they want to describe the world as it is.

I do not want you to respond because I don't want you to get in trouble with anybody you may get in trouble with in terms of responding affirmatively to what I'm saying, and maybe you would get in trouble with the other side, or responding negatively, and you may get held up in the confirmation process, but this is where we are.

Admiral Buzby, we've had several good conversations. I really appreciate them. I will insert in the record a question about the Maritime Security Program and my concerns that MSP maintain its priority on the needs of Sealift Command without inadvertently creating a competitive imbalance between U.S. operators. I look forward to working with you on that.

Admiral BUZBY. Sure.

Senator SCHATZ. And, finally, Admiral Buzby, if you could just state briefly for the record your commitment to the Jones Act.

Admiral BUZBY. The Jones Act has been the law of the land for 97 years, and I am on record as being a firm supporter of that law. Senator SCHATZ. Thank you.

The CHAIRMAN. Thank you, Senator Schatz.
Senator Cantwell.

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

Senator CANTWELL. Thank you, Mr. Chairman.

And I thank the panel and the nominees before us.

Ms. Dunn Kelley, I see in your portfolio, trade manufacturing, innovation, competitiveness. I would like to hear your comments about the Export-Import Bank and whether you support making sure we have a full and functioning export credit agency.

Ms. DUNN KELLEY. Thank you for that question, Senator. And, again, I would be remiss at this point in making a comment because I do not have enough information. But I would be happy to work with you and your staff to get back with you on any information you would want. I would make that commitment.

Senator CANTWELL. OK. Could you—yes. So you're not familiar with it or you're not ready to give a comment on it?

Ms. DUNN KELLEY. Senator, I do not have enough information to give you a comment at this point.

Senator CANTWELL. OK. Well, we would certainly like one for the record. We think it's a very valuable tool, and anybody who is going to be helping us with manufacturing and trade, that we have an Export-Import Bank that works, and right now we don't, and we're losing jobs and losing economic opportunity.

And I know the Administration wants to make things in America, I'm just not sure they want to sell anything outside the United States of America; they seem more fixated on trying to nominate people who don't support the Bank or slow it down. So I would definitely, definitely want to get your thoughts on that.

Mr. BATORY, obviously, this Committee and other committees have a lot of conversation about rail safety issues, and I can tell you from the Pacific Northwest perspective, being a gateway to the Pacific, we've seen a lot more activity on our rail tracks. We definitely have seen commodity competition as well, and products being pushed off the rails, and that's very concerning.

But on the safety issue, I want to make sure that I get your views on what you think some of the solutions are. A lot of people have talked about obviously the properties of crude itself, safety for the tracks, tank car safety. So are you supportive of increased inspections on crude-by-rail lines?

Mr. BATORY. Thank you, Senator, for that question. Let me first respond that what is set forth in the way of law that the railroads have to govern by for inspection, there is no compromising, there is no negotiation, when it comes to either law, policy, rule in the private sector. If it's unsafe, you don't do it, you don't use it. If it's safe, then you use it.

Senator CANTWELL. OK. So do you think we need more inspections on crude-by-rail lines?

Mr. BATORY. If the numbers support further inspections, that should be done not only by the FRA, but also the private sector.

Senator CANTWELL. OK. What about getting the private sector to work more on volatility standards of the product itself?

Mr. BATORY. That I think is a multi-participant task, if you will, not only the people that generate the commodity for haulage, but also the common carrier itself that carries the commodity. There is, I know from my readings, that there has been a considerable amount of effort within the last 3 to 5 years on this subject matter, and, if confirmed, I look to learning more, if I find myself confirmed working for the Federal Government.

Senator CANTWELL. Well, I think, just so I'm clear, there is a lot of effort that we think should happen, and we think there's a lot between FMCSA and FRA of like finger-pointing that it's somebody else and waiting. I notice that Wall Street wouldn't ship or finance deals with this level of vapor pressure in crude-by-rail, and yet we're letting a state define that and then ship it through our communities from Spokane to Seattle to various places. And so we very much think the volatility is a critical issue that needs to be addressed.

So I'll look forward to hearing more on that.

But what are—well, I'm almost out of time, so I think, Mr. Chairman, I think I'll just—

You know, we want to get for the record more comments from you on what technologies you think should be used on the tracks to get more information for all of us as we see continued volume on these products.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

And we have until 11:30 a.m. I have Senator Hassan, Senator Inhofe, Senator Cortez Masto, and Senator Klobuchar left to try and get in.

So, Senator Hassan.

**STATEMENT OF HON. MAGGIE HASSAN,
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Thank you, Mr. Chair. And I'll do my best.

And thank you all for being here this morning, and congratulations to you and your families for your nominations.

Admiral Buzby, it was great to meet with you, and I appreciated very much the answer you just gave to Senator Schatz concerning the Jones Act. I'm very glad to hear your support for it and commitment to it.

I did want to explore the impacts of a decreased cargo fleet on our capacity and on MARAD generally. Since 2012, the U.S. international fleet has declined by nearly 26 percent, mainly caused by a decrease in government-supported cargo shipments of food aid, military supplies, and Import-Export Bank-related shipments. According to MARAD, this has contributed to a national defense sealift shortage of almost 40 vessels and 2,000 mariners.

Given the precipitous decline of the U.S. international trading fleet, which amounts to nearly one-quarter of the entire fleet, can you describe any impacts this has on national defense sealift readiness requirements and the impact of the decline in preference cargo on the size of the fleet?

Admiral BUZBY. Thank you, Senator, for that question. It is certainly an issue, and I think you frame it pretty accurately. You know, my discussions or things that I've learned in discussing the issues with U.S. Transportation Command, whose mission it is to make sure that we have sufficient sealift along with MARAD to execute the mission, like General McDew characterizes it, we're at the ragged edge, and I think that's probably a good characterization.

Basically, in order to have more ships, we need more cargo. I mean, that's the equation. Cargo is kind of king. That determines the amount of ships that you could have in a Merchant Marine, which then equates to the number of people that you have to man them. So it's all part of an equation of those three pieces that have to come together. Certainly, it's something that is foremost in my mind and it's something I'm going to be digging into very rapidly when I take over. It's one of my priorities that I want to get after if I am confirmed.

Senator HASSAN. Well, thank you. Thank you very much. I appreciate that.

And, Mr. Batory, it was nice meeting with you as well. One of the things we discussed when we met is that, as a rural state, each mode of interstate transportation available to the citizens of New Hampshire is incredibly important. Granite Staters are served by two Amtrak routes, the Downeaster and the Vermonter, which, in turn, connect us to the larger network of routes down the Northeast Corridor. My constituents not only enjoy having access to Amtrak, but really many of them depend on these routes, as does our economy. And I would be happy to invite you to take a ride up in New Hampshire so you can see it for yourself.

But if confirmed, will you commit to supporting Amtrak, including routes that may connect more rural areas, such as the Downeaster and the Vermonter?

Mr. BATORY. Senator, thank you for that question. As far as specific train routes associated with Amtrak, that changes continually during its 50-year life. There has been ebb and flow among routes. I'm certainly cognizant of what discussed as far as what the organizations have done up in the New England states as far as perpetuating rail passenger service, and I take my hat off and commend them. And if confirmed, I would like to be part of the fabric up there and learn more about that so that should it become a subject matter, I can talk knowledgeably about it.

Senator HASSAN. Well, I thank you for that. I would love to have you up in New Hampshire, and I hope very much to gain your commitment to Amtrak because we have had a lot of groups working, and it has become critical to our economy and to our quality of life, as I expect it is in many other parts of the country where rural areas are connected by Amtrak routes to more of the network. So thank you for the answer, and I look forward to seeing if I can drill down and get your commitment to those two routes.

I just wanted to take one last question with Mr. Davidson, and it may be something I submit on the record. I appreciated your answer very much about the importance of following the spirit and the letter of the law as General Counsel of the Department. I just

also wanted to note, I understand you're a member of the Minnesota bar, is that correct?

Mr. DAVIDSON. Mm-hmm.

Senator HASSAN. And obviously, our bar associations have ethical rules. Lawyers are guided by ethical rules. So to the extent that a conflict of interest would arise for the personal interest of the leadership of the Department versus the interests of the Department itself, I just want to make sure that you are committed to representing the Department and the people of this country that the Department serves and would resolve any conflicts to honor that commitment.

Mr. DAVIDSON. Yes, Senator.

Senator HASSAN. Thank you.

The CHAIRMAN. Senator Inhofe.

**STATEMENT OF HON. JIM INHOFE,
U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. Thank you, Mr. Chairman.

Let me first of all say to the panel that there is this insatiable appetite to always bring up global warming in any setting, so don't let that try to deter you from the subject at hand, although I would say, Ms. Dunn Kelley, a good response might have been, "Well, yes, everyone knows climate change is real, all scientific evidence, all scriptural evidence, all archeological evidence says it's real, it's out there." The question is, "Is the world coming to an end because of manmade gases?" And I say it's not.

Now, another good response when you were asked about the Paris Agreement, let's keep in mind the Paris Agreement was the twenty-first such meeting that the United Nations had, and our President, President Obama made a commitment, he extracted commitments from everyone, for example, China, China said, fine, we'll continue to build an additional generating plant every 10 days until 2025, then we'll consider changing it. Well, that's not a big deal.

But what our President said is we'll reduce our CO₂ emissions by between 26 and 28 percent by 2025, which was impossible. In fact, we had the Obama EPA come in, and I asked him that question, I said, "Is this even possible to do?" and they said, no, it wasn't. That might have been a good response, but I wouldn't have expected that. I think you handled it very well.

I appreciate very much both Admiral Buzby and Mr. Batory coming in and trying to educate me a little bit on an area. I'm new to this Committee, so I have not spent a lot of time on railroads, as much as I should have, and I think it's something that was very helpful to me. Now, I enjoyed the hearing that we had, and it was also new to me, when we were talking about FirstNet, which is a public-private partnership to develop nationwide public safety broadband network in conjunction with AT&T, and I had a hard time figuring out where one left off, Mr. Davidson, and the other started. But I thought it was pretty impressive to me to know that we had this much cooperation on something that looked seemingly impossible to happen, and it looked like it was going to happen.

I would just like to ask you, Mr. Davidson, what you see as your role as General Counsel to ensure that FirstNet continues to proceed on time, on budget, meeting all of the appropriate metrics?

Mr. DAVIDSON. Senator, thank you, and I share your views of the importance of FirstNet. So my role as General Counsel, if confirmed, would be to ensure that the statute is followed to the letter and that it be allowed to be implemented in as efficient manner as possible, as I think it is going to be a key network for first responders throughout all the states. So I'm very excited about that getting put into place and would like to facilitate that as quickly as it can be done.

Senator INHOFE. But your specific role would be?

Mr. DAVIDSON. It will be just to make sure, Senator, that the statute is followed to the letter and that it can facilitate implementation as quickly as possible.

Senator INHOFE. Yes. And then, Mr. Batory, while that's his role, yours is to make sure and try to get it done, right? I enjoyed our meeting very much, and I complimented the railroad industry for the crossings successes that we've had in Oklahoma. So we have a willing partner, and they are trying to cooperate with us. You folks, I know, will be in a position to assisting them in that. Do you see that as part of your role?

Mr. BATORY. Yes, Senator, I definitely do. Safety doesn't sleep.

Senator INHOFE. Yes.

Mr. BATORY. And as a result, when it comes to grade crossing protection, there is always something that can be done in a way of improvement with creative minds and exploiting technology.

Senator INHOFE. Yes. And are you pretty convinced, getting back to our thing in the meeting that we had on—well, for one thing, I was going to mention, and I think the Chairman mentioned this, I chaired at the time that we were talking about these issues the Environment and Public Works Committee, where we did the FAST Act, and we had a lot of the collaboration there demonstrated that we have the ability to do these things. And I look upon your roles, all of you, as being able to bring about the necessary knowledge to get this done.

Is there anything that we need to do that you can see from our end in terms of changing the law or changing regulations that would be appropriate? Have you had time to think about that?

Mr. BATORY. I would like to give that more time to think about and get back to you and your staff. But as I shared in my opening statement, if confirmed, OK, you and everybody on this Committee has my dedicated service.

Senator INHOFE. Thank you very much.

I yield back.

The CHAIRMAN. Thank you, Senator Inhofe.

Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you very much.

Welcome. Thank you for your willingness to serve. Welcome to your families. And I appreciate the opportunities that you gave my

staff to meet with all of you. Let me be very brief here so my colleagues have an opportunity to speak.

Mr. Batory, we can agree that technology like PTC and ECP brakes have the ability to improve safety for rail operations in this country. And as you know, the NTSB has studied and identified 148 rail safety incidents, many major disasters, which were preventable if PTC technology were in place. Would you agree with that?

Mr. BATORY. PTC is definitely going to reduce the risk and improve safety.

Senator CORTEZ MASTO. And for that reason, the discussion that my colleagues were having with you with respect to the transport of crude was of some concern to ensure we have those safety regulations and technology in place.

And one thing I want to add to that is the transportation of the nuclear spent fuel and high-level radioactive waste in this country. My concern is that at this point in time, it is not safe. And I look forward to working with you, based on your conversations previously, on how we can improve the safety of any type of our cargo across our rail lines in this country.

And at this time, Mr. Chairman, I would just ask unanimous consent to include this report, which was released May 2017. It's entitled, "Congressional Districts Potentially Affected by Shipments to Yucca Mountain, Nevada," in the record.

The CHAIRMAN. Without objection.

[The information referred to follows:]

2017

Congressional Districts Potentially
Affected by Shipments to
Yucca Mountain, Nevada



Fred Dilger PhD.
Black Mountain Research
5/22/2017

Background

On June 16, 2008, the U.S. Department of Energy (DOE) released the *Final Supplemental Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (FSEIS). In the FSEIS, DOE identified “representative routes” from 72 commercial and 4 DOE sites in 34 states to Yucca Mountain, based on U.S. Department of Transportation highway regulations and current railroad practices. For the proposed action, i.e., the disposal of 70,000 metric tons, DOE calculated there would be about 2,800 rail shipments (9,500 casks) and about 2,700 highway shipments of spent nuclear fuel and high-level radioactive waste. DOE included 44 state maps (and the District of Columbia) showing these “representative routes,” and tables estimating the number of rail and highway shipments through each state in Appendix G of the FSEIS. The FSEIS transportation analysis “is based on routes that could be used and that DOE believes are representative of those that will be used.” [p. G-5] Because the FSEIS analysis “is based primarily upon the existing Interstate Highway System and the existing national rail network, the analysis presents a representative estimate of what the actual transportation impacts would probably be.” [p. G-60]

In 2008, DOE submitted the FSEIS to the U.S. Nuclear Regulatory Commission (NRC) in support of its application for a license to construct the Yucca Mountain repository. DOE terminated the Yucca Mountain project in 2010, and NRC suspended the licensing proceeding in 2011. In August 2013, the U.S. Court of Appeals for the District of Columbia Circuit ordered NRC to resume the licensing proceeding. NRC issued an order directing its staff to restart the non-adjudicatory portion of the proceeding in November 2013. Resumption of the full legally-mandated proceeding could possibly occur in 2017 or 2018. In that event, DOE’s identification of “representative routes” to Yucca Mountain and the resulting evaluation of transportation impacts, required under the National Environmental Policy Act (NEPA), would be an important part of the proceeding.

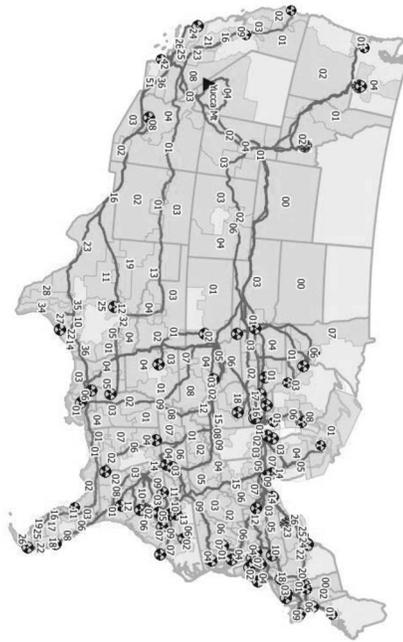
The NRC Atomic and Safety Licensing Boards admitted 46 transportation or transportation-related contentions, some of which directly challenge DOE’s identification of “representative routes” and “regions of influence”¹ in the FSEIS. The NRC administrative law judges wrote: “... there can be no serious dispute that the NRC’s NEPA responsibilities do not end at the boundaries of the proposed repository, but rather extend to the transportation of nuclear waste to the repository. The two are closely interdependent. Without the repository, waste would not be transported to Yucca Mountain. Without transportation of waste to it, construction of the repository would be irrational. Under NEPA, both must be considered.”² The admitted contentions challenge DOE’s evaluation of transportation impacts resulting from routine operations, severe accidents, and radiological sabotage.

This report updates a 2014 publication on Congressional districts potentially affected by shipments to Yucca Mountain. In order to assess the potential impacts on Congressional districts, the author of this report converted the “representative routes” into a format used by the Mapitude Geographic Information System software developed by Caliper Corporation. The 115th Congressional district data was obtained from the Census Department. The routes were overlaid onto the Congressional districts and those districts that are traversed by FSEIS “representative routes” were selected. Those districts that are traversed by the FSEIS rail and/or highway routes are identified in this report. This report was prepared for the State of Nevada Agency for Nuclear Projects.

Fred C. Dilger Ph.D.
 May 22, 2017
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¹ The FSEIS identifies the region of influence for radiological impacts of incident-free transportation as 0.5 miles on either side of the route centerline and, for radiological impacts of transportation accidents and sabotage, 50 miles on either side of the route centerline. [p. 3.95]

² NRC, Atomic Safety and Licensing Boards, Memorandum and Order Identifying Participants and Admitted Contentions, Docket NO. 63-001-HLW (May 11, 2009).



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Figure 1. 115th Congressional Districts Affected by Rail and Truck Shipments to Yucca MT

Yucca Mountain Estimated Transportation Impacts by State
Shipments of Spent Nuclear Fuel and High-Level Radioactive Waste

State	Rail Casks	Truck Casks	Total Casks
Alabama	1,514	857	2,371
Arizona	456	2,650	3,106
Arkansas	227	0	227
California	755	857	1,612
Colorado	6,739	0	6,739
Connecticut	216	344	560
District of Columbia	255	0	255
Florida	138	857	995
Georgia	1,672	0	1,672
Idaho	2,001	4	2,005
Illinois	6,069	1,752	7,821
Indiana	4,887	1,425	6,312
Iowa	3,066	1,789	4,855
Kansas	3,574	0	3,574
Kentucky	2,663	0	2,663
Louisiana	233	857	1,090
Maine	60	0	60
Maryland	255	0	255
Massachusetts	415	344	759
Michigan	132	768	900
Minnesota	153	37	190
Mississippi	170	857	1,027
Missouri	3,574	0	3,574
Nebraska	6,739	1,789	8,528
Nevada ³	9,495	2,650	12,145
New Hampshire	110	0	110
New Jersey	276	0	276
New Mexico	257	857	1,114
New York	827	657	1,484
North Carolina	502	0	502
Ohio	2,314	657	2,971

³ The Nevada cask-shipment totals are the total numbers nationally for the proposed action, i.e., the shipment of 70,000 metric tons to Yucca Mountain. The column entries, derived from 45 separate FSEIS tables, cannot be summed.

Oklahoma	227	857	1,084
Oregon	1,307	3	1,310
Pennsylvania	2,036	657	2,693
South Carolina	1,365	0	1,365
South Dakota	44	0	44
Tennessee	2,663	0	2,663
Texas	357	857	1,214
Utah	8,740	1,793	10,533
Vermont	199	0	199
Virginia	390	0	390
Washington	1,274	3	1,277
West Virginia	255	0	255
Wisconsin	152	37	189
Wyoming	6,354	1,789	8,143

Source: FSEIS (2008), Appendix G, Pages G-60 to G-150

Appendix A: List of Affected Congressional
Districts

Affected 115th Congressional Districts		
State	District	Name
AL	1st	Byrne, Bradley
	2d	Roby, Martha
	4th	Aderholt, Robert B.
	5th	Brooks, Mo
	6th	Palmer, Gary J.
	7th	Sewell, Terri A.
	AR	1st
3d		Womack, Steve
4th		Westerman, Bruce
AZ		1st
	2d	McSally, Martha
	3d	Grijalva, Raúl M.
	4th	Gosar, Paul A.
	5th	Biggs, Andy
	7th	Gallego, Ruben
	8th	Franks, Trent
	9th	Sinema, Kyrsten
	CA	1st
2d		Huffman, Jared
3d		Garamendi, John
6th		Matsui, Doris O.
7th		Bera, Ami
8th		Cook, Paul
9th		McNerney, Jerry

State	District	Name
	10th	Denham, Jeff
	16th	Costa, Jim
	21st	Valadao, David G.
	22nd	Nunes, Devin
	23rd	McCarthy, Kevin
	24th	Carbajal, Salud O.
	25th	Knight, Stephen
	26th	Brownley, Julia
	27th	Chu, Judy
	28th	Schiff, Adam B.
	29th	Cárdenas, Tony
	30th	Sherman, Brad
	31st	Aguilar, Pete
	32d	Napolitano, Grace F.
	34th	[Becerra, Xavier]
	35th	Torres, Norma J.
	36th	Ruiz, Raul
	39th	Royce, Edward R.
	41st	Takano, Mark
	42d	Calvert, Ken
	45th	Walters, Mimi
	46th	Correa, J. Luis
	48th	Rohrabacher, Dana
	49th	Issa, Darrell E.
	51st	Vargas, Juan
CO	1st	DeGette, Diana
	2d	Polis, Jared

State	District	Name
	3rd	Tipton, Scott R.
	4th	Buck, Ken
	6th	Coffman, Mike
	7th	Perlmutter, Ed
CT		
	1st	Larson, John B.
	2d	Courtney, Joe
	3d	DeLauro, Rosa L.
	5th	Esty, Elizabeth H.
DC		
	Delegate	Norton, Eleanor Holmes
FL		
	1st	Gaetz, Matt
	2d	Dunn, Neal P.
	3d	Yoho, Ted S.
	4th	Rutherford, John H.
	5th	Lawson, Al, Jr.
	6th	DeSantis, Ron
	8th	Posey, Bill
	11th	Webster, Daniel
	12th	Bilirakis, Gus M.
	14th	Castor, Kathy
	15th	Ross, Dennis A.
	16th	Buchanan, Vern
	17th	Rooney, Thomas J.
	18th	Mast, Brian J.
	19th	Rooney, Francis
	20th	Hastings, Alcee L.
	22d	Deutch, Theodore E.

State	District	Name
	23d	Wasserman Schultz, Debbie
	24th	Wilson, Frederica S.
	25th	Diaz-Balart, Mario
	26th	Curbelo, Carlos
	27th	Ros-Lehtinen, Ileana
GA	1st	Carter, Earl L. "Buddy"
	2d	Bishop, Sanford D., Jr.
	3d	Ferguson, A. Drew, IV
	4th	Johnson, Henry C. "Hank", Jr.
	5th	Lewis, John
	6th	[Price, Tom]
	7th	Woodall, Rob
	8th	Scott, Austin
	9th	Collins, Doug
	10th	Hice, Jody B.
	11th	Loudermilk, Barry
	12th	Allen, Rick W.
	13th	Scott, David
	14th	Graves, Tom
IA	1st	Blum, Rod
	2nd	Loeb sack, David
	3d	Young, David
	4th	King, Steve
ID	1st	Labrador, Raúl R.
	2d	Simpson, Mike
IL		

State	District	Name
	1st	Rush, Bobby L.
	2d	Kelly, Robin L.
	3d	Lipinski, Daniel
	4th	Gutiérrez, Luis V.
	5th	Quigley, Mike
	6th	Roskam, Peter J.
	7th	Davis, Danny K.
	8th	Krishnamoorthi, Raja
	9th	Schakowsky, Janice D.
	10th	Schneider, Bradley Scott
	11th	Foster, Bill
	12th	Bost, Mike
	13th	Davis, Rodney
	14th	Hultgren, Randy
	15th	Shimkus, John
	16th	Kinzinger, Adam
	17th	Bustos, Cheri
	18th	LaHood, Darin
IN	1st	Visclosky, Peter J.
	2d	Walorski, Jackie
	3d	Banks, Jim
	8th	Bucshon, Larry
	9th	Hollingsworth, Trey
KS	1st	Marshall, Roger W.
	2d	Jenkins, Lynn
	3d	Yoder, Kevin
KY		

State	District	Name
	1st	Comer, James
	2d	Guthrie, Brett
	3d	Yarmuth, John A.
	4th	Massie, Thomas
	5th	Rogers, Harold
	6th	Barr, Andy
LA		
	1st	Scalise, Steve
	2d	Richmond, Cedric L.
	3d	Higgins, Clay
	4th	Johnson, Mike
	5th	Abraham, Ralph Lee
	6th	Graves, Garret
MA		
	1st	Neal, Richard E.
	2d	McGovern, James P.
	3d	Tsongas, Niki
	4th	Kennedy, Joseph P., III
	6th	Moulton, Seth
	8th	Lynch, Stephen F.
	9th	Keating, William R.
MD		
	4th	Brown, Anthony G.
	5th	Hoyer, Steny H.
	6th	Delaney, John K.
	8th	Raskin, Jamie
ME		
	1st	Pingree, Chellie
MI		
	1st	Bergman, Jack

State	District	Name
	3d	Amash, Justin
	4th	Moolenaar, John R.
	5th	Kildee, Daniel T.
	6th	Upton, Fred
	7th	Walberg, Tim
	8th	Bishop, Mike
	9th	Levin, Sander M.
	12th	Dingell, Debbie
	13th	Conyers, John, Jr.
	14th	Lawrence, Brenda L.
MN	1st	Walz, Timothy J.
	2d	Lewis, Jason
	3d	Paulsen, Erik
	4th	McCollum, Betty
	5th	Ellison, Keith
	6th	Emmer, Tom
	7th	Peterson, Collin C.
MO	1st	Clay, Wm. Lacy
	2d	Wagner, Ann
	3d	Luetkemeyer, Blaine
	4th	Hartzler, Vicky
	5th	Cleaver, Emanuel
	6th	Graves, Sam
	7th	Long, Billy
	8th	Smith, Jason
MS	1st	Kelly, Trent

Senator CORTEZ MASTO. I appreciate that. Thank you.
And then, Mr. Batory, are you familiar with hyperloop?

Mr. BATORY. Only what has been shared through the common media, but as far as any specific technical, no.

Senator CORTEZ MASTO. Well, I look forward to welcome you to the new world of hyperloop and the conversations that we can have for the future. It is technology that is being tested right now in Nevada. I'm very excited. It's new rail technology. So thank you, and I look forward to working with you in that space.

Ms. Dunn Kelley, thank you again for meeting with my staff. In the 2010 Census, 400,000 Latino children were not counted, and

6,000 of these children were in Clark County. What will you do to ensure the racial and ethnic minorities, low-income individuals, and young children are accurately counted in the census?

Ms. DUNN KELLEY. Thank you for that question, Senator. And as Secretary Ross has stated many times, we are committed to a comprehensive, high-quality census completed in a timely manner, counting every individual where they live. If confirmed, I will work as my mandate to the integrity of that process, work with you and others, to make sure that we count every individual, and that will be one of my highest priorities.

Senator CORTEZ MASTO. Thank you. And then let me add additionally, despite requests I think from at least four Federal agencies, the Census Bureau announced this spring that it would not be collecting data on sexual orientation and gender identity in the American communities surveyed. We need to collect data on the LGBT community to ensure their unique needs are met. Do you agree with this decision by the Census Bureau?

Ms. DUNN KELLEY. Senator, thank you for bringing that up. And what we have today is we've got a rigorous process between the Census Bureau, Federal agencies, and Congress on every topic in question that's put forth on the census. And if, in fact, I am confirmed, my mandate would be the integrity of that process and then the execution of that mandate through the census. So you have my commitment that I would uphold that mandate.

Senator CORTEZ MASTO. So——

Ms. DUNN KELLEY. On your particular issue that you're discussing, I would be remiss to say I have enough facts to actually comment further on that particular subject, but I would commit to you that very shortly, if confirmed, I would get back to you and your staff and others to further investigate and come up with a discussion on that.

Senator CORTEZ MASTO. Thank you. I appreciate your comments.

And then to Admiral Buzby, thank you again for your willingness to serve and your service. Let me address the sexual assault, and I know you mentioned it a little bit in your briefing, but the concerns that the report indicated, which was one in five women at the Academy report having experienced sexual assault, and three in five, or 60 percent, report experiencing sexual harassment. How will you address this issue in a meaningful way so that we are actually seeing positive results?

Admiral BUZBY. Thanks for that, Senator. One sexual assault or sexual harassment is too many, so I am totally with you in my commitment to get after this issue. Getting after the Academy is number one priority of mine. I'll be sitting down with the Academy leadership and all of the stakeholders of the Academy because it's an entire issue. It goes to the midshipmen, it goes to the administration, it goes to the Maritime Administration——

Senator CORTEZ MASTO. And to culture. And really it's addressed to culture as well, right?

Admiral BUZBY. It is. And industry.

Senator CORTEZ MASTO. Right.

Admiral BUZBY. So it all needs to be looked at as a whole, and I pledge to you that I will get right into that.

Senator CORTEZ MASTO. I appreciate it. I look forward to working with you.

Thank you. I notice my time is up. I appreciate the comments.

The CHAIRMAN. Thank you, Senator Cortez Masto.

And I think we are officially out. But Senator I think Klobuchar wanted to——

**STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Yes. Thank you. Yes. And I'll put my questions on the record, but I did want to thank Mr. Davidson for appearing here. He was, as you know, born in Minnesota, attended Carleton College in Northfield, remains a committed Viking fan, which we're very excited about, right, Senator Thune? And I appreciated our meeting and discussion about his work and plans for work with Secretary Ross on steel and some of the other issues that really matter in my state. So we welcome you. Thank you, Mr. Davidson. And thank you to all of you.

Mr. DAVIDSON. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Klobuchar.
Senator Blumenthal.

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

Senator BLUMENTHAL. Yes, thank you, Mr. Chairman.

Although we are out of time here, and I will submit my questions for the record, I just want to state that I appreciated my conversation with Mr. Batory. I look forward to his addressing the positive train control, grade crossings, outstanding regulations, at the FRA, recommendations from the NTSB, and other safety, reliability, and consumer performance issues that we addressed. And I look forward to working with the other nominees as well.

Thank you.

The CHAIRMAN. Thank you, Senator Blumenthal.

And we will have, obviously, questions submitted for the record. And I would ask Members to get those in by Friday. And then if the witnesses could get the responses back to us by Tuesday, August 1, it will enable us to move more quickly to process your nominations. So again we apologize, but we, because of Senate rules, cannot meet past 11:30 today. So thank you all very much for being here and again for your willingness to serve, and we'll look forward to following up with you with questions for the record and to moving your nominations forward.

This hearing is adjourned.

[Whereupon, at 11:34 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEAN HELLER TO RONALD L. BATORY

Question 1. Mr. Batory, one of my greatest responsibilities in the Senate is to protect and secure Nevadans. If you are confirmed as the Administrator of the Federal Railroad Administration, will rail safety be a priority for you?

Answer. I recognize the Federal Railroad Administration has a multitude of responsibilities, but safety will always be my number one priority just as it has been throughout my career.

Question 2. One of my priorities is fighting against a proposed Yucca Mountain Waste Repository. This project poses a serious threat to Nevadans and anyone else along the proposed waste transportation routes.

Under the Nuclear Waste Policy Act in the House, the U.S. would be shipping 9,495 rail casks in 2,800 trains, and 2,650 trucks hauling one case each to Yucca Mountain over 50 years.

If the capacity limit at Yucca is more than doubled as has been discussed, the Department of Energy would ship about 21,909 rail casks in about 6,700 trains and 5,025 truck casks to Yucca Mountain. Over a span of 50 years, do you believe it is possible there could be a rail accident with an ensuing radiological release?

Answer. Safety is FRA's number one priority, and its efforts to protect hazardous materials routes are undertaken with the highest levels of diligence in conjunction with Federal Government partners, state governments, and industry.

The casks (packages) that will be utilized to transport the spent nuclear fuel to Yucca Mountain are specifically designed and built to protect the radioactive material against foreseeable accidents. Conditions for which these packages are designed and tested to withstand include: impact, fire, wetting (submersion), pressure, heat, and cold.

For rail transportation, the cask that will be utilized for these shipments of spent nuclear fuel is known as a Type B transport cask. To date, there has never been a transportation accident in which one of these casks containing spent nuclear fuel has been breached or has leaked radioactive material here in the USA, or internationally.

If confirmed, you have my assurance that members of FRA's Hazardous Materials Division will continue to work actively with the Department of Energy on the planning and preparation of these future moves. Such moves would be executed with the utmost caution.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO RONALD L. BATORY

Gulf Coast Passenger Rail. The Department of Transportation plays a pivotal role in restoring the Gulf Coast Amtrak line through the panhandle. The president's budget eliminated funding for Amtrak long-distance lines, which, if approved, could prevent restoration of the Gulf Coast service and end Amtrak service in Florida.

Question 1. Do you support funding for restoring this Amtrak line?

Answer. I am aware of the interest in restoring service to this line, and that the recently published Gulf Coast Working Group Report recommended several options and next steps in this process. If confirmed as Administrator of the Federal Railroad Administration (FRA), I look forward to working with Congress, the states, and the board of Amtrak on a feasible path forward.

Question 2. Do you believe that the Federal Government should continue to be a partner in providing passenger rail service nationwide?

Answer. I believe passenger rail service is an important transportation option for Americans. If confirmed, I look forward to working with Congress, Amtrak, and

states partners to provide the most efficient intercity-passenger rail service for the country.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO
RONALD L. BATORY

Rail Crossings. Investing in rail crossing improvements provides significant safety and efficiency benefits. Blocked rail crossings can delay or prevent emergency medical services and keep drivers stalled for hours at a time. I included a provision in the FAST Act to help address the safety risks associated with blocked rail crossings.

Question. What more can we do to promote improvements in rail crossings?

Answer. As I shared with the Committee during the July 26th nomination hearing, I was involved in a highway-grade crossing incident early in my career. Fortunately, there were no injuries or fatalities. But, this incident had a profound impact on me and led me to become a strong proponent of railroad safety, especially at highway-rail grade crossings. If confirmed, I would seek to deploy newer technologies at rail crossings. I would also review the effectiveness of efforts at community education and enforcement of current regulations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
RONALD L. BATORY

Enforcing the Deadline for Implementation of PTC. In August 2017, the FRA will likely release its annual status report regarding railroad efforts to implement Positive Train Control.

As you know, this technology could have saved the lives of hundreds of people over the years—had it been installed on railroads. For nearly 50 years, the National Transportation Safety Board has been urging railroads to implement it. But for years, railroads resisted. So in 2008, Congress acted and required railroads to install it by 2015. Railroads further resisted, and so Congress pushed the deadline back to 2018—over my strenuous objections.

From reports we've seen over the past few months, several freight and passenger railroads already anticipate missing the deadline. I want to make sure history doesn't repeat itself yet again, with Congress extending the deadline from 2018 until some later date.

Question 1. How are you going to make sure railroads meet the deadline?

Answer. If confirmed, I will continue FRA's work overseeing the rail industry's progress towards implementing positive train control (PTC) systems with the goal of each railroad—including Class I railroads, Amtrak, and commuter railroads—fully implementing a PTC system.

I am aware of the technological struggles and costs associated with PTC implementation and am committed to working with the railroads to ensure proper implementation of PTC technology by the deadline in December 2018. If confirmed as FRA Administrator, I will do whatever I can to ensure compliance with the provisions of law requiring adoption of this technology.

Question 2. What penalties will you impose on railroads that miss the deadline?

Answer. If confirmed, it would be a priority to ensure compliance with the deadline imposed by Congress. I am aware of the technological difficulties and high costs of PTC implementation, but railroads should be on notice that, if confirmed, I would expect compliance with this provision of law.

As I understand it, the FRA is already working diligently with the railroads to promote full implementation. I would continue compliance assistance efforts and would consider additional methods to ensure success. If confirmed, I would consider any administrative tool available to obtain compliance with this safety measure.

Improving Safety at Rail-Grade Crossings. In 2015, we witnessed a harrowing, horrifying wreck at a highway-rail grade crossing in Valhalla, New York—just outside New York City and a stone's throw from Connecticut. A Metro-North train plowed into a car that was somehow stopped on the track. The driver of the car was killed as were five passengers on the train. On July 25, the National Transportation Safety Board—after a two-and-a-half year investigation—revealed its findings.

We learned we will never know why the driver of the car was on the track.

We were also reminded of the dangers of rail-grade crossings. There are nearly 200,000 crossing nationwide, and over 200 people are killed at these crossing every year.

Finally, we learned of the dangers of having an electrified third rail near rail-grade crossings. Such a third rail was present at the Valhalla crossing, and it entered the vehicle and the train and was responsible for much of the death and destruction. The NTSB recommended that commuter railroads that have these configurations—like Metro-North—take steps immediately to assess whether they pose a risk so they can be removed.

Question 1. What steps do you plan to take to improve grade-crossing safety?

Answer. As I shared with the Committee during the July 26th nomination hearing, I was involved in a highway-grade crossing incident early in my career. Fortunately, there were no injuries or fatalities. But, this incident had a profound impact on me and led me to become a strong proponent of railroad safety, especially at highway-rail grade crossings. If confirmed, I would seek to deploy newer technologies at rail crossings. I would also review the effectiveness of efforts for community education and enforcement of current regulations.

Question 2. How can we reduce the number of fatalities—currently well over 200 annually—to zero?

Answer. As mentioned above, I am a strong proponent of grade crossing safety and believe improvement in safety will result from technological innovation, continuous education of the travelling public, and effective enforcement of existing laws and regulations, and will work to achieve continuous reduction in the number of fatalities.

Question 3. How do you plan to address the dangers raised by the presence of electrified third rails at crossings?

Answer. I am aware of the NTSB's recent findings from the tragic Valhalla, New York accident that took place on February 3, 2015. I understand that the NTSB will soon recommend to FRA and others that safety risk assessments on third rails should be conducted, especially in the vicinity of grade crossings.

If confirmed, I will review the Valhalla report and recommendations and take steps to assist the industry in improving safety.

Outstanding NTSB Recommendations and Congressional Mandates. According to the latest numbers from NTSB, there are 70 open safety recommendations at FRA. These are essentially recommendations that NTSB—an independent safety agency—sends to FRA in the aftermath of accidents and incidents. Action on these recommendations will save lives. For example, these include requiring cameras on trains, requiring testing and screening for sleep apnea for rail employees, improving fire prevention standards on rail cars, and strengthening the design of rail cars. Many of these recommendations were made because of crashes that took place in Connecticut. There are also several outstanding regulations that FRA has yet to complete. Mandates for those regulations were put into law in a major rail bill that passed Congress in 2008. The regulations were due by 2012, but so far, FRA has done a small, piecemeal approach, putting forward a sliver of what was required.

Question 1. What is your plan to take action on all of the outstanding NTSB recommendations?

Answer. Safety is FRA's number one priority. If confirmed, I will initiate a full review of all open NTSB safety recommendations issued to FRA to determine the most appropriate way to address these safety issues. I also intend to open up a direct dialogue with the NTSB Chairman to discuss additional ways we can work together to satisfy open recommendations and support public safety.

Question 2. What is your plan to address the outstanding Congressionally-mandated requirements?

Answer. If confirmed, I will work to ensure that FRA addresses any outstanding regulations mandated by Congress in an appropriate manner. It is my understanding that the Rail Safety Improvement Act of 2008 mandated that FRA produce numerous regulations and reports and that FRA notifies Congress annually on its progress in completing those requirements. I also understand that only a small number of regulations from the 2008 legislation remain outstanding and are in the process of being addressed. If confirmed, I will get a full briefing on the status of these mandated regulations.

The Need to Prevent Amtrak from Shrinking Seats. Two weeks ago, the current President and CEO of Amtrak—Wick Moorman—said to several reporters that Amtrak was looking at airlines' practices and considering shrinking seat size—just like airlines have been doing in recent years. He warned there would be efforts to institute “things that just don't make it quite as comfortable.” This was announced the same day that Amtrak's new “co-CEO”—Richard Anderson—started his new job before he officially takes over in full in January. I note Richard Anderson once served as head of Delta Air Lines.

I wrote to Anderson last week with strong concerns. He responded and stressed this idea was not under consideration and said that any idea regarding shrinking seats was mentioned as a way to lower costs. I appreciate that response, and I hope that is the case.

Question 1. Do you share my belief that many anti-consumer practices that have taken root at airlines and so enraged airline passengers should not find a home at Amtrak or any commuter railroad?

Answer. Like you, I am a regular Amtrak passenger. I would be dismayed to see seat size shrink on Amtrak or commuter trains. I have not discussed this idea with anyone on Amtrak's board, but I am glad to hear that Amtrak's Co-CEO Richard Anderson has told you that this is not under consideration.

Question 2. Will you commit to using FRA's powers to fight anti-consumer practices, such as seat size shrinkage?

Answer. If confirmed, I will focus on rail safety, including that of Amtrak, while also administering Federal financial assistance to Amtrak, as appropriate, so that Amtrak can provide safe, reliable, and competitive transportation options to our Nation. I understand that policies such as seat-shrinkage are in the purview of the Amtrak board, which must be cognizant not only of financial necessities for passenger rail, but also of consumer needs.

NEC FUTURE and Ensuring Local Communities Decide the Fate of Rail Realignment. On July 12, the Federal Railroad Administration issued its "Record of Decision" detailing the agency's final selected alternative for rebuilding the Northeast Corridor. The effort is known as NEC FUTURE.

I strongly support rebuilding and revitalizing our rail network, but what the agency put forward on July 12 proposes rerouting and expanding rail through much of Fairfield County, uprooting residents, businesses and dramatically disrupting communities.

Thankfully, the final plan dropped an equally problematic scheme to expand rail through southeastern Connecticut, which would have devastated countless historic communities and had massive environmental impacts.

Question 1. I support strong investments in our rail network—like the Hartford Line from New Haven to Springfield—and I support letting local communities decide long-term plans.

Answer. I agree that communities should have a key role in these discussions and decisions.

Question 2. Can you pledge your commitment to let the residents of Fairfield County make any decision about where and when rail is built?

Answer. While I have not been involved in this process, I know that FRA's release of the NEC FUTURE Record of Decision (ROD) does not result in construction. NEC FUTURE is a Tier 1 or programmatic study of the Northeast Corridor. It will be up to individual project sponsors, such as states, Amtrak, or others, to move forward specific projects identified in the ROD into Tier 2 or project-level studies. All Tier 2 project studies for new rail segments will require the support and collaboration of the NEC states and the participation of any affected communities. If confirmed, I look forward to learning more about the NEC FUTURE plans and working with Fairfield County, other affected communities, and all stakeholders as specific projects move through the process.

Question 3. Can I get your commitment to shelve any plan that doesn't have full community support?

Answer. NEC FUTURE is a comprehensive planning effort for investments in the Northeast Corridor and creates a framework for the next several decades. My understanding is that the next step of the NEC FUTURE process will be Tier 2 or project-level studies of specific improvements, which will be led by the states, railroads or other individual project sponsors. Each Tier 2 project will require further review before construction can occur. The pace and phasing of advancing projects identified in NEC FUTURE depends on many factors. Community support is very important, and if confirmed, I look forward to working with the communities involved and all stakeholders as specific projects move through the Tier 2 process.

Rolling Back Rules. In May, the president put forward his infrastructure plan as part of a days-long "Infrastructure Week." He proposed privatizing air traffic control and gutting regulations. He also put forward a vague plan to invest \$200 billion in our infrastructure, but with absolutely no details. For all the president's lofty talk during the campaign about rebuilding our infrastructure, that's about all we heard.

Meanwhile, talk of rolling back regulations continues with the premise that regulatory rollbacks will somehow make up the difference between Trump's vague \$200 billion and the \$1 trillion in infrastructure spending he proposes.

Question 1. Are you committed to environmental protection laws?

Answer. If confirmed, I will work to ensure the FRA continues to comply with the requirements of the National Environmental Policy Act and related Federal environmental laws.

Question 2. Are you committed to historic preservation laws?

Answer. If confirmed, I will work to ensure the FRA continues to comply with the requirements of the National Historic Preservation Act and related Federal historic preservation laws.

Question 3. Are you committed to safety laws?

Answer. If confirmed, I will work to ensure safety continues to be the number one priority at FRA.

Question 4. Would you agree that rules and regulations have an important place in transportation?

Answer. As I have stated, safety is my number one priority. If confirmed, I look forward to reviewing current, pending, and proposed regulations to ensure they add safety value and not just costs and paperwork. I will not hesitate to propose new regulations where I believe they are warranted. As I noted in my testimony, I will also pursue the development and use of performance-based standards whenever possible in order to drive the outcomes we want, not merely establish new processes. I believe performance-based measures will encourage innovation and the development and use of new technologies aimed at improving the safety and efficiency of the railroad industry.

Question 5. Are regulatory rollbacks supposed to cover the \$800 billion shortfall in Trump's plan? If so, how do regulatory rollbacks generate revenue?

Answer. President Trump issued his Executive Order on Reducing Regulation and Controlling Regulatory costs to establish a prudent review and fiscally responsible system of managing the costs for regulatory and paperwork compliance and reducing the delays to get new infrastructure projects started. I am not aware that the administration is counting regulatory cost savings toward his pledge to spend a trillion dollars on infrastructure.

The Need for Real Investments in Our Transportation. The president has proposed drastic cuts to several critical programs, like the TIGER program and Amtrak.

These cuts undermine our economy.

Moreover, the president's budget has language regarding tolling, privatizing infrastructure, gutting regulations, curtailing litigation, minimizing the Federal role in transportation, and making states pay more—what the administration calls “self-help.” And on top of this, the administration has thrown its support toward massive tax cuts for the wealthy and corporations.

Question 1. Do you support the TIGER program, which has done important things for rail in Connecticut?

Answer. As I understand it, the administration's budget calls for eliminating funds for the TIGER program and, instead, replacing it and several existing programs with a significantly larger, comprehensive infrastructure initiative that could be used to finance all types of transportation infrastructure. I believe that Connecticut and other states should be able to access competitive grant programs for assistance with infrastructure projects that would be in the public's interest.

Question 2. Is a \$700 million cut to Amtrak's budget responsible?

Answer. Because I was not part of the administration when the FY 2018 budget was developed, I am not in a position to explain authoritatively how the decisions in this area were reached. I believe passenger rail service is an important transportation option for Americans, and I support the message delivered in the President's FY 18 budget proposal to Congress that Amtrak should focus on the successful Northeast Corridor and state-supported services. I do believe we should consider carefully the financial plans for long distance routes. If confirmed, I look forward to working with Congress, Amtrak, and states to partner to provide the most efficient intercity-passenger rail service for the country.

Question 3. Where are states going to get money for transportation funding if current funding from the Federal Government disappears?

Answer. The administration has proposed a new infrastructure initiative that would be seeded with \$200 billion. I agree that Federal funds to assist state and local governments finance transportation infrastructure repairs and replacement is vital.

The Danger of Regulatory Capture at FRA. In both Republican and Democratic administrations we've seen the problem of “regulatory capture.” This happens when

an industry “takes over” or “captures” its regulator, exercising undue influence on the regulator’s efforts.

This occurs when an agency becomes so familiar with the industry that it regulates that it begins to advocate for the industry’s best interests—not the public’s interest.

This phenomenon has been written about and studied extensively. Railroads captured the FRA—it’s a key reason, I believe, that the FRA failed for years to take action to require PTC until Congress finally stepped in in 2008 and required it.

Question. Your experience in industry is important and valuable. But it comes with concerns. How can we be assured that in your new role, after nearly five decades in the industry, you’ll be first and foremost a regulator?

Answer. Over the course of my 45 years serving in numerous capacities in the railroad industry, my first and foremost responsibility has always been on ensuring the safety of employees and the public. Throughout my career, I’ve led operational improvement initiatives, policies and practices that were recognized for their effectiveness. Should I be confirmed as FRA Administrator, I will maintain this focus and keep it as FRA’s top priority. Moreover, if confirmed as FRA administrator, I would work WITH industry, not FOR industry. I would have a position of public trust, and I would endeavor to make good decisions for the American people.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TAMMY DUCKWORTH TO
RONALD L. BATORY

CREATE Program. As you know, the CREATE program in Chicago is a first-of-its-kind collaboration to improve reliability across our regional and national freight network. Stakeholders include USDOT, the State of Illinois, the City of Chicago, the American Association of Railroads, Amtrak, Metra, six Class 1 railroads, and an extensive list of other business and public interests. Each of these collaborators are actively working to advance CREATE’s component projects with significant investments from both public and private stakeholders. Every rail executive that I have met with has reinforced the importance of this unique public-private partnership. CREATE is exactly the type of coordinated effort that meets the goals and intent of the Administration’s new INFRA Program: It aligns with national/regional “economic vitality,” it leverages Federal funding, it’s truly innovative in its approach to project delivery and it places a strong emphasis on accountability.

Question. Do you agree that CREATE closely aligns with the Administration’s updated goals and criteria for the INFRA program?

Answer. As I am not a departmental official, and I have not spoken with administration officials about the CREATE Program. As I understand it, CREATE is an important project to improve freight and passenger mobility in Chicago and across the Nation, and the concept of the program is a good example of cooperative planning and multi-stakeholder efforts that help streamline construction and planning. I understand that the INFRA program is currently accepting applications, so it would not be appropriate for me to comment on the particular merits of a potential application. If confirmed, I look forward to working with communities across the U.S. on transformative projects that improve America’s infrastructure.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO RONALD L. BATORY

Hyperloop. As we discussed during the hearing, I’m interested in continuing a conversation with you concerning Hyperloop.

Question 1. But as we consider your nomination, can you talk about the future of that technology, as well as other rail innovations, that you plan to think about and focus on as FRA Administrator?

Answer. I’ve read about and am very excited about the prospect of transportation related emerging technologies such as Hyperloop. If confirmed, I look forward to learning more about these new technologies that have the capability of dramatically changing our transportation network—both for passenger and freight.

Encouraging transformative technologies are a top priority for this Administration. If confirmed, I will work to ensure that emerging technologies, within the jurisdiction of the FRA, are a priority along with safety and infrastructure improvements.

Question 2. Specifically whether you have thought about what a possible realistic safety regulatory scheme would be for something like Hyperloop?

Answer. If confirmed, I look forward to learning more about technologies such as Hyperloop, including the safety considerations for this new transportation.

Transparency at FRA. I know that my colleague Sen. Baldwin has previously raised transparency in the railroad industry, including initiating a process for bridge inspection reports, which my constituents have raised as a concern in northern Nevada along the Truckee River.

Question. What can you tell us about efforts you'll make to increase transparency for Congress and the general public in your potential leadership at the FRA?

Answer. Should I be confirmed, I commit to following the law with regard to the public release of information. But, with respect to bridge safety, I will work with Congress, communities, and stakeholders on strengthening rail and bridge safety.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
RADM MARK H. BUZBY

Panama Canal Expansion. The movement of goods through our ports is vital to our economy. Last year, the Panama Canal opened its expanded lock system, allowing ships that are three times larger to navigate the canal. Critical ports—like those in Florida—need infrastructure improvements and deepened harbors to be able to accommodate larger vessels.

Question 1. What programs at the department do you believe are most important to supporting our ports?

Answer. I am aware that the Department of Transportation administers several programs that provide important assistance to ports. For example, the Build America Bureau's low interest loan programs provide opportunities for port improvements; the Federal Highway Administration's Congestion Mitigation & Air Quality (CMAQ) and Advanced Transportation and Congestion Management Technologies Deployment Program grants that endeavor to encourage the use of waterways to reduce highway congestion; the Federal Transit Administration's Ferry Grant Program; and both the TIGER program and INFRA grants can be used to support port improvements.

Additionally, the Maritime Administration based StrongPorts team works with ports to help them access applicable programs at the Departments of Agriculture, Energy, Homeland Security, and the Environmental Protection Agency. They also communicate regularly with the U.S. Army Corps of Engineers to inform the Corps of port expansion projects.

I have been informed that a TIGER grant awarded to the Port of Miami helped to improve freight rail connectivity and to the Port of Manatee, which improved a needed dock and terminal area and provided new locomotives for in port transfers. Currently, the StrongPorts team is working with Port Everglades on their Southport Expansion project. The MARAD team has also worked closely on planning issues with the ports of Tampa, Canaveral, and Jacksonville, and on exploring potential Marine Highway opportunities at the Port of Pensacola.

Question 2. How can the TIGER program help address port needs?

Answer. The TIGER discretionary grant program was the first land-side infrastructure program of its kind for which ports are eligible to compete. While the majority of TIGER funded projects at ports are rail infrastructure improvements, TIGER has also funded berth and dock improvements, truck gate expansions, cold ironing and the acquisition of rail mounted gantry cranes.

Going forward, the administration will be proposing a comprehensive infrastructure initiative that will benefit every mode of transportation, including ports. Additionally, the INFRA program will continue to allow ports to compete for discretionary grants, leveraging local public and private funds to help develop port projects valued at \$1.6B.

MARAD's Role at DOT. The maritime industry plays a critical role in our country's economic vitality.

Question 1. How will you ensure that maritime issues are prioritized in this administration?

Answer. Ports and the U.S. marine transportation system are critical to our economy. The U.S. merchant marine, in particular, is a key component in our national defense. If confirmed, I will work with this committee to find ways to strengthen our maritime industry—including ports and intermodal connectors, shipbuilding, and our American merchant fleet and mariner workforce—needed to serve our country's economic, national and homeland security needs.

If confirmed, I will work with Secretary Chao to ensure that maritime equities—ports, waterways, ships, shipyards and mariners—are included in the administration's developing infrastructure initiative, as well as intermodal programs such as INFRA grants. Additionally, the Maritime Administration hosts, and Secretary Chao leads, the Federal interagency Committee on Marine Transportation Systems (CMTS). The CMTS provides MARAD with a mechanism to discuss maritime needs and priorities with over 20 agencies throughout the executive branch.

Question 2. How do you plan to protect critical maritime laws, like the Jones Act, to ensure the economic viability of America's maritime industry?

Answer. I support the Jones Act as the law of the land, and recognize the key role it plays in both commerce and national security. The Act ensures our country has a strong domestic fleet servicing American ports and waterways. It forms the basis for America's ability to build and repair ships. These capabilities serve our military well by providing access to working commercial yards, including experienced shipwrights and engineers who may lay steel for a commercial vessel one day, and for a Coast Guard cutter the next. I also recognize the myriad domestic security risks associated with permitting foreign vessels to operate in permanent presence in U.S. waterways. If confirmed, I will certainly voice this viewpoint within the administration.

The other two key maritime laws are the Maritime Security Program (MSP) and Cargo Preference. Together, they help support an internationally trading fleet of approximately 80 U.S.-flag ships. The international fleet provides access to the world's market place for American goods, and serves as a critical sealift component for the Department of Defense, enabling and supporting military operations around the globe.

If confirmed, I will work within the administration as well as with this committee and other interested members of Congress, to reinforce the importance of the Jones Act, the Maritime 3 Security Program, and Cargo Preference to our national security and to the related economic success of our shipyards, domestic and international merchant marine.

Having led the Military Sealift Command during wartime, I recognize the complexity of international supply chains and the challenge of logistical planning in a dynamic global transportation environment. As Administrator, I will partner with our interagency stakeholders to improve upon their efficient utilization of American merchant vessels.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
RADM MARK H. BUZBY

Question 1. If confirmed as MARAD Administrator, how will you work to improve opportunities for states like Connecticut that rely on these small ports?

Answer. In 2007, Congress established a Short Sea program in the United States to look at ways to move freight off congested road and rail networks, and onto the waterways. The Maritime Administration is responsible for this program, called America's Marine Highways (AMH). If I am confirmed, MARAD will work with coastal and inland communities to establish services where economically feasible between ports in the U.S. that could assist in relieving congested road and rail routes, and I would work to see that ports are included in regional freight plans. Development potential for more Marine Highway services, such as between the ports in Connecticut and the hub ports of Boston, New York/New Jersey and Norfolk will be explored.

Marine Highway Routes are designed by the Secretary of Transportation to ensure they are known to all as integral parts of our national transportation system. Route names mimic the highway identification that most closely parallels the water route. For example, in Connecticut, MH-95 hugs the coastline, connecting the ports in Connecticut with the rest of the East Coast. If confirmed, I would encourage the development of our underutilized inland and coastal waterway system.

Question 2. How have grant programs like INFRA (also known as FASTLANE) helped increase resources for states and communities to invest in small ports and remove bottlenecks and enhance the flow of freight?

Answer. By focusing on freight infrastructure needs, the INFRA discretionary grant program brings opportunity to ports of all sizes. Usually when one thinks of nationally significant ports, those handling mega ships and containers come to mind. But to be economically secure, our Nation needs ports of all sizes, and all types. For example, bulk agricultural exports require port facilities located in proximity to growing regions of our nation, usually away from a metropolitan area; and auto exports require ports capable of handling roll/on, roll/off cargoes, that are lo-

cated in proximity to manufacturing plants. Many smaller regional ports have not had the resources needed to fund improvements for highway or bridge connectors, or to remove at grade rail crossings. INFRA is designed to help with these types of projects.

Question 3. Do you support the INFRA program?

Answer. Yes. The INFRA program helps to leverage state and local funds to boost opportunity for regionally and nationally significant port and infrastructure projects to be developed. Many needed regional projects have been stalled because they are missing the final bit of funding needed before construction can begin.

The Importance of Protecting Ports from Security Threats. The U.S. has more than 1,000 harbor channels and 25,000 miles of inland, intra-coastal, and coastal waterways that serve over 360 ports. U.S. seaports handle more than two billion tons of domestic, import and export cargo annually.

Question 1. Connecticut has three ports—which are vital to our economy—just like our country’s hundreds of other ports. I recognize this issue may be more within the purview of TSA, yet your opinion is vital.

Answer. One of the most important aspects of the Jones Act is that it forms a layer of our national defense by putting the eyes of thousands of U.S. citizen seafarers in our harbors and waterfronts every day. They see what is going on every day, and what “normal” looks like. Working closely with the U.S. Coast Guard and local law enforcement, those mariners provide an important link in the security of our ports and waterways.

Question 2. How secure is our maritime economy?

Answer. As you indicated, other agencies, including the Department of Homeland Security, should provide an answer to your question, and without more extensive briefings, I cannot comment specifically. However, from my perspective, America’s maritime economy is inseparable from the rest of our transportation infrastructure, and faces many of the same risks. Going forward, for example, cyber hygiene and cybersecurity will be a growing area of focus. Cyber concerns will grow as autonomous vehicles, aircraft and ships are integrated into our transportation systems.

Question 3. What else can we do to ensure our ports are as secure as they need to be?

Answer. If I am confirmed, I would consider sharing technology development with medium and small ports that may not have ready access to advanced technologies that will help them remain at par with security of larger port facilities. If confirmed, I would expect MARAD to continue to work with Department of Homeland Security and local authorities to ensure that we are applying effective and affordable measures to address emerging security challenges.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BRIAN SCHATZ TO
RADM MARK H. BUZBY

Question. Can I get your commitment to promptly review the matter [MSP vs Jones Act in Guam], and if confirmed, provide me with possible solutions to ensure that the program remains equitable to all of the U.S. carriers participating in the Guam domestic trade? I want to work with you to address this as soon as possible.

Answer. Yes. The Maritime Security Program and the Jones Act (along with Cargo Preference) form two of the three pillars upon which America’s maritime capabilities are built. We do not want to see the two programs in conflict. The law does allow both MSP and Jones Act carriers to serve specified islands, including Guam. If confirmed, one of my initial actions will be to request a briefing with MARAD staff responsible for these programs and to discuss the matter with USTRANSCOM leadership, and work with you and others in Congress on this issue.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
RADM MARK H. BUZBY

U.S. Transportation Command. The U.S. Transportation Command is headquartered at Scott Air Force Base in Illinois. USTRANSCOM relies on the U.S.-flagged international fleet that participates in the Maritime Security Program and Voluntary Intermodal Sealift Agreement for providing cost-effective sealift and global readiness through attendant intermodal networks.

Question. If confirmed, how will you ensure that these programs are strengthened so that USTRANSCOM has the sealift and intermodal assets it needs to pursue the Nation's mobility requirements for the next decade and beyond?

Answer. Please see response to the following question, which addresses the issues of sealift, intermodal assets, and the decline in US-flagged vessels.

Jones Act. The Jones Act is a cornerstone of the U.S. maritime industry and a critical component of our military readiness. I'm concerned about the long-term health of our U.S.-flagged commercial fleet, which has declined by 60 percent since 1990 in the context of international trade. In 1990, there were 200 ships that fit this description. Today, there are less than 80.

Question. If confirmed, what will you do to address the declining number of U.S.-flagged vessels?

Answer. Three programs ensure that there are enough U.S.-flag vessels available to provide this capacity: the Jones Act, which ensures a role for the U.S.-flag fleet in domestic trade; and Cargo Preference and the Maritime Security Program (MSP) which, together, support a militarily useful, U.S.-flag fleet sailing internationally.

As of today, the U.S.-flag commercial fleet has enough vessels of the appropriate types to meet immediate military contingencies. However, the military also relies on the commercial merchant marine to employ and train enough qualified mariners to command and crew both the government and commercial sealift ships in time of war. Because of the decline of the US-flag fleet, both the U.S. Transportation Command (USTRANCOM) and MARAD are concerned that there are not enough qualified mariners to sustain an activation of the entire sealift fleet.

If confirmed as Administrator, I will continue to examine courses of action to increase our support for America's merchant fleet. We will look to increase cargo opportunities from both Federal and commercial sources, and will look to make our fleet more competitive in the global freight marketplace. We will also look to expand training opportunities for America's merchant mariners.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO RADM MARK H. BUZBY

Diversity at the Merchant Marine Academy. In recent years, the Academy has focused on recruiting a more diverse class. Both female representation (20 percent) and racial minority representation (24 percent) have increased over the last four years. However, this is still significantly lower than other service academies, and not representative of the diversity of America.

Question 1. What are your plans to ensure that future classes look like all of America, with diverse racial, ethnic, gender, geographic, and economic backgrounds?

Answer. The key to increasing diversity at the U.S. Merchant Marine Academy (USMMA) is to increase awareness of the Academy and what it takes to qualify for admission. A larger applicant pool of qualified diverse applicants will translate to a more diverse cohort of students.

Geographic representation is strong. Each state has a number of allocations to USMMA that is proportionate to the representation in Congress from that State. Of the 54 states and territories, 46 are represented in the class of 2021.

The mission of the Academy is to educate and graduate leaders of exemplary character who are committed to service to the Nation as officers in the Merchant Marine and the Armed Forces. First and foremost, we must continue to attract students who have a desire to serve, particularly in the maritime industry. They must also have a specific interest in pursuing an education in marine transportation or marine engineering. The opportunities at USMMA must be conveyed more deeply to high schools that have Science, Technology, Engineering, and Math (STEM), Junior Reserve Officers' Training Corps (JROTC), and maritime programs.

To address racial, gender and economic diversity specifically, we first need to examine how the USMMA is currently targeting underrepresented segments of the population to raise awareness and make improvements as necessary. Second, we must work with congressional offices to ensure a diverse pool of high school students are being nominated to the Academy. Currently, nominations to USMMA are underutilized. Without a nomination, a student is not eligible for appointment. Third, we need to expand grassroots outreach through education and partnership with key influencers that can help promote the Academy across the country.

Question 2. Gender equity is an important factor in reducing discrimination and harassment. Right now only 1 in 5 Midshipmen are women—what steps are you going to take to increase that number?

Answer. Gender equity and increasing the number of women in the Regiment of Midshipmen, and continuing to improve the academic and leadership qualities of each incoming class, will be priorities for the Academy. Academy recruitment efforts must be executed in partnership with the maritime industry to promote career and leadership opportunities for women. Many companies have taken steps to welcome women into the merchant marine, a field that has traditionally been overwhelmingly male.

I believe that the Admissions department should participate in college recruiting events that assist underrepresented students in the college selection process. If confirmed, I will review how the Academy is marketing itself to a larger population of qualified female high school students and how it is utilizing social media, the internet, and other tools to directly interact with prospective students.

Along this line, if confirmed, I would investigate two ideas to help recruit women at the Academy. First is the creation of a STEM workshop program that would host young women at the Academy to introduce them to marine engineering and marine transportation programs. Second, I would look into the creation of a mentorship program that would pair current women Midshipmen with future women applicants to answer questions and encourage them through the application process. There is no better resource than young women who are already Midshipmen to promote the Academy to women who are aspiring to become leaders in the maritime industry and the Armed Forces.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TED CRUZ TO
PETER B. DAVIDSON

Question 1. Mr. Davidson, Last year the previous administration allowed the Federal Government's contract with ICANN to expire. Do you think that was a wise and prudent decision?

Answer. I believe the best option would have been to retain the status quo. The worst option would have been to allow governments, many of which are not democracies and have dismal records in terms of protection free speech and human rights, to control important Internet governance functions. As the Secretary indicated during his testimony before the Committee, he is not aware of a viable alternative to the current state of affairs, but is willing to consider options if presented. If confirmed, and to the extent I am not limited from participating in such matters, I am committed to working with the Secretary, the Administration and Congress to consider all options going forward to assure that U.S. interests are at the forefront of any Internet governance discussions.

Question 2. Mr. Davidson, As you may be aware, in the lead up to the ICANN transition there was an appropriations rider that stated that, "None of the funds made available by this act may be used to relinquish the responsibility of the National Telecommunications and Information Administration, during Fiscal Year 2016, with respect to Internet domain name functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority Functions."

Despite the enactment of this rider, the Department of Commerce during the previous administration awarded a contract in the amount of \$18,690 to the Berkman Center at Harvard University to study the transition plan, paid Professor Brakman-Reiser \$9,207 to conduct a review of the transition plan, and incurred expenses of \$1,658 for two meetings in New York with experts relating solely to the Internet transition. The Department of Commerce made these expenditures under what I consider was a tortured interpretation of this statutory language and unfaithful to the text.

If confirmed, will you commit to this Committee to conduct a review to see if any individuals at the Department of Commerce violated the Federal Antideficiency Act, which provides that it is a criminal offense, punishable by up to two years in prison and a \$5,000 fine if an officer of the government knowingly and willfully makes or authorizes an expenditure or an obligation exceeding an amount available in an appropriation or fund for the expenditure of the obligation?

Answer. Yes, if confirmed, such a review will be conducted.

Question 3. If confirmed, will you also commit to this Committee that you will conduct a review of all legal analysis conducted by or in conjunction with the Department of Commerce related to the Internet transition?

Answer. Yes, if confirmed, such a review will be conducted.

Question 4. Mr. Davidson, Microsoft and Facebook and YouTube, which is owned by Google, all of whom supported President Obama's Internet transition, have

signed a code of conduct with the European Union to remove so-called hate speech from European countries in less than 24 hours. Do you think these global technology companies have a good record of protecting free speech? And what can be done to protect the First Amendment rights of American citizens?

Answer. If confirmed, I am committed to working with you and your colleagues to assure the continued free flow of information around the world. I believe that the Department of Commerce should be at the table in all policy discussions related to practices that may affect vital U.S. interests, including free speech. I am personally very committed to help the Department and the U.S. Government use all the tools at its disposal in this regard. The U.S. Government and American companies should be vigilant in protecting free speech and human rights of Americans and their other customers around the world.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
PETER B. DAVIDSON

Next Generation 9-1-1. The evolution of our Nation's 9-1-1 infrastructure to Next Generation 9-1-1 is a national imperative. That is why Senator Klobuchar and I have developed the Next Generation 9-1-1 Act of 2017, which is designed to give states and localities the Federal resources and support they need to upgrade their existing 9-1-1 systems to benefit our citizens and first responders who put their lives on the line every day.

The Department of Commerce, through NTIA, has an important role in helping promote Next Generation 9-1-1 as one of the two departments that support the work of the Next Generation 9-1-1 Implementation and Coordination Office.

Question 1. Do you agree that the Nation's transition to Next Generation 9-1-1 systems is a national imperative and that additional Federal support would help speed up that transition?

Answer. I agree that this should be a national imperative. I understand that NTIA and the Department of Transportation's National Highway Traffic Safety Administration are taking necessary administrative steps now to make available an additional \$115 million in grants from the Public Safety Trust Fund to 911 call centers.

Question 2. Will you commit to fully supporting the work of the Office as it moves forward on Next Generation 9-1-1 issues, including through ways to speed up legal reviews of its work?

Answer. Yes, if confirmed, I will ensure expeditious legal review of this work.

Federal Spectrum—Balanced Approach. Demand for spectrum is increasing among both commercial and Federal users at a prodigious pace. It is imperative that we maintain a balanced approach to spectrum policy that ensures that there are adequate spectrum resources made available to all users.

The Department of Commerce plays a key role in protecting the spectrum needs of mission critical Federal operations. This is not just a public safety or national security concern. These same Federal spectrum operations make their own contribution to the economic success of the Nation.

For example, the weather monitoring performed by NOAA and NASA, along with the use of spectrum for satellites and other sensors, provides essential information for transportation, shipping, and environmental protection.

Question. Will you commit to maintaining the role of the Department of Commerce and NTIA as an honest representative of the needs of Federal spectrum users in the debate over the Nation's spectrum policy?

Answer. Yes. America is a world leader in the technology sector and in the Internet ecosystem. To remain in this leadership position, the United States must have policies that promote innovative and efficient use of the radio spectrum. The Department and NTIA have a critical role in ensuring that spectrum is made available in a manner that both advances innovation and economic prosperity as well as meeting the long term needs of the Federal users performing their critical missions.

Infrastructure. In your committee questionnaire, you note that "America is facing an infrastructure crisis" and we must work together to rebuild our infrastructure before we "lose more ground to other countries with more advanced infrastructure."

I think we all agree with that statement, but what we need now is a plan.

Question. What specific steps can the Department of Commerce take in this area and what new funding do you think will be necessary to accomplish this task?

Answer. Rebuilding America's infrastructure is a critical pillar of the President's agenda to promote job creation and grow the U.S. economy. I believe the President's

plan will help unleash private capital and expertise to rebuild our cities and states. If confirmed, I look forward to being fully briefed on the Department's current work and plans to rebuild American infrastructure and I would diligently support the Secretary and relevant Commerce bureaus in working with the White House and inter-agency to develop a plan.

FirstNet—Independence. As you are aware, FirstNet has made great strides over the last few years toward beginning deployment of the nationwide wireless broadband network for first responders. Part of this success has been a good working relationship with NTIA and Department of Commerce leadership, who have respected FirstNet's status as an independent entity within NTIA.

Question 1. Will you commit today to continuing that cooperative relationship with FirstNet and respecting FirstNet's statutory independence?

Answer. Congress established FirstNet as an independent authority within NTIA which leverages expertise and management experience from the telecommunications sector, public safety, and Federal Government. If confirmed, I will faithfully interpret the statute to support the structure Congress put in place.

Question 2. Will you commit to being an advocate inside the department on behalf of FirstNet, including with respect to the need to respect its statutory status as an independent entity within the department?

Answer. If confirmed as General Counsel, I will work to ensure respect for and compliance with all statutes and other relevant laws and regulations, and, if confirmed, I look forward to being an advocate for FirstNet and its critical mission.

Florida Fruits and Vegetables. Florida fruit and vegetable growers have had to deal with an influx of subsidized agricultural imports from Mexico—such as bell peppers, tomatoes, strawberries, and cucumbers.

I was glad to see that the U.S. Trade Representative has mentioned the need to address this problem in the administration's list of objectives for renegotiating NAFTA.

Florida is one of the few places in the U.S. that produces warm-weather fruits and vegetables in the winter months. This has led to Florida growers being targeted by Mexican producers looking to drive out competition and monopolize the market during the winter months.

It is important that the administration act to ensure that there is a fair market for U.S. fruit and vegetable growers—recognizing seasonal differences in market conditions.

Question. What can you commit to do to ensure this happens?

Answer. As administrator of the laws addressing unfair trade, I understand the Department of Commerce is sensitive to the concerns of Florida fruit and vegetable growers regarding agricultural imports from Mexico. For example, for many years the Department has administered an antidumping suspension agreement that governs imports of Mexican tomatoes into the United States. As you note, the Administration, as an objective in the renegotiation of NAFTA, is seeking a separate industry provision for perishable and seasonal products in antidumping and countervailing duty proceedings. If confirmed, I assure you that I will strongly support the Department's mission to enforce our trade laws, in addition to efforts to strengthen those laws for the benefit of U.S. producers, including the Florida fruit and vegetable growers.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
PETER B. DAVIDSON

Rural Broadband Deployment. As co-chair of the Senate Broadband Caucus, I believe broadband deployment is the infrastructure challenge of our generation. To help close the digital divide I have been advancing legislation to promote "dig once" policies and streamline the permitting process on Federal lands. Provisions based on my legislation passed the Commerce Committee in January as part of the MOBILE NOW Act. Mr. Davidson if confirmed, you will provide legal and policy direction to the National Telecommunications and Information Administration.

Question. Will you work with me to advance rural broadband deployment through policies like dig-once?

Answer. Yes, if confirmed, I look forward to working with Congress to implement policies that promote broadband deployment nationwide in the most expeditious and cost effective manner possible.

Steel-Dumping. More than 4,000 jobs in Minnesota are associated with the iron ore and steel industries. Our steelworkers and iron ore miners can compete with

anyone in the world, but when foreign producers dump cheap steel in our country, it undercuts our domestic industry and puts American jobs at risk. American workers and businesses deserve a level playing field and the Department of Commerce is essential to making that happen.

Question. How will the Counsel's office work with counterparts within the Commerce Department to combat steel-dumping?

Answer. I am concerned about the effects of unfair trade and global excess capacity on our iron ore and steel industries. The Department of Commerce has a strong record of enforcing U.S. laws addressing unfair trade, particularly relating to imports of steel products. The Department is currently enforcing approximately 200 antidumping and countervailing duty orders on steel and steel-related products, and the Office of General Counsel has a team of lawyers that directly support these trade enforcement and compliance efforts. The Department also is closely involved in the G-20-sponsored Global Forum, which provides a key opportunity to work with America's trading partners to identify market-distorting policies that sustain excess capacity, develop best practices, and promote the conditions for a healthy steel sector. I assure you that, if confirmed, I will be fully engaged in all of the Department's efforts to combat unfairly traded imports, including those affecting iron ore and steel producers.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
PETER B. DAVIDSON

National Marine Monuments. In April, President Trump signed an executive order directing the U.S. Department of the Interior to review certain national monuments designated under the Antiquities Act of 1906.

As part of this review, the Secretary of the Interior was directed to work with other cabinet secretaries, including the Secretary of Commerce, when reviewing marine national monuments. To facilitate this collaboration, the Secretary of the Interior is supposed to share whatever information the Interior Department receives with other departments. But it does not appear that this is the case.

It is my understanding that the Department of the Interior is not sharing relevant information or public comments with other departments—like the Department of Commerce—regarding national monument reviews, including comments I provided to the department in support of the Northeast Canyons and Seamounts Marine National Monument.

Question 1. Has the Department of Commerce received all the relevant information and public input from the Department of the Interior?

Answer. If confirmed, I look forward to learning more about the status of the ongoing review required by Executive Order 13792, and whether the Department has received the relevant comments.

Question 2. If you are confirmed as General Counsel, what steps will you take to ensure that Interior provides this information to your department, as required?

Answer. If confirmed, I look forward to establishing a cooperative relationship with my counterpart at the Department of the Interior, and will follow up to ensure we have received the relevant public comments as required by the Executive Order.

Question 3. The Department of Commerce generates some of our country's most important and vital statistics, from census information to fisheries data. If confirmed as General Counsel, can I get your commitment that you will ensure the Department of Commerce collaboratively shares all requested information with the public as well as other departments and agencies?

Answer. Yes. The Department of Commerce plays a critical role in collecting and disseminating data. If confirmed as General Counsel, I will support the Department's efforts to collaboratively share information with the public and others, pursuant to relevant laws and regulations.

Question 4. And that you will do so in a way that ensures any personal information is kept secure?

Answer. Yes, if confirmed, I will work to ensure that all such personal information is kept secure as required by law.

President Trump's Pending Business Before the Patent & Trademark Office. President Trump has many trademarks. This is how the president has made much of his money: securing trademarks—often that bear his name or brand—and then selling the rights to others who make a product and sell it using the trademark. Those trademarks go before the PTO.

The U.S. Patent and Trademark Office is housed within the Department of Commerce. I raised concerns with the Commerce Secretary nominee in January that President Trump or his staff or family could exert undue influence over PTO staff to urge them to grant the president's trademark applications.

In response, Secretary Ross explained that he had spoken with Michelle Lee, who was the head of the PTO at the time, and was impressed by the way she handled matters related to Google, her former employer, and that he hoped to "emulate the standard" she established when dealing with matters related to President Trump's businesses. But Ms. Lee is no longer the head of the PTO. She resigned in June, and, like he has with so many other key posts in his administration, President Trump has failed to name a replacement.

Question. If confirmed, you will be the Department of Commerce's chief legal officer. What is your plan to ensure that any patent or trademark application submitted by a business connected to the president or a member of his family follows the same rigorous process that any other applicant must follow?

Answer. If confirmed, I will work with the PTO in efforts to ensure its policies and procedures are applied fairly and consistently to all applicants regardless of the identity of the applicant or party appearing before the agency.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CORY BOOKER TO
PETER B. DAVIDSON

In a series of three letters dated February 16, 2017, February 24, 2017, and March 10, 2017, I, along with Senators Nelson, Blumenthal, Markey, Udall, and Baldwin asked Secretary Ross several questions related to his position as Vice-Chairman of the Board of Directors of the Bank of Cyprus and information Secretary Ross may have regarding contact between Russian interests, the Trump Organization, the Trump family, and the Trump presidential campaign. Despite the extremely serious nature of our inquiries, Secretary Ross has not responded to any of the three letters to date.

Question 1. Are you aware of the aforementioned letters?

Answer. I am not aware of the letters beyond what has been publicly described in the press.

Question 2. When can we expect a response from Secretary Ross?

Answer. I am not aware of any decision or timeline regarding a response.

Question 3. If the Secretary has indeed chosen not to respond, please indicate the basis for his refusal to cooperate with this Committee's constitutional duty to exercise proper oversight on issues regarding the executive branch.

Answer. As indicated above, I am not aware of any decision regarding a response.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO PETER B. DAVIDSON

Fostering Innovation and Economic Growth. The National Institute of Standards and Technology (NIST) is a measurement standards laboratory established that promotes innovation and industrial competitiveness in the United States by advancing measurement science, standards, and technology. In Reno, which is increasingly positioning itself as a technology and manufacturing hub, NIST's Manufacturing Extension Partnership awarded over \$750,000 in first-year funding to the University of Nevada-Reno dedicated to enhancing the productivity and technological performance of U.S. Manufacturing. As General Counsel for the Department of Commerce, you will be overseeing the rule making process for various programs, including NIST, which has been particularly important to fostering economic growth in Northern Nevada.

Question. If confirmed, what steps will you take to ensure that the Department continues to focus on fostering innovation and technological growth across our economy?

Answer. If confirmed, I will work to ensure the ability of NIST and all Department of Commerce bureaus to execute their statutory and regulatory responsibilities as effectively and efficiently as possible. I understand that the Administration and the Department are committed not only to creating jobs, but to creating the jobs of the future. If confirmed, I will support the Department's wide variety of efforts to foster technological innovation, such as NIST's work on cybersecurity and advanced manufacturing and communications technologies, NTIA's work on information policy

and spectrum use, ITA's work on promoting and ensuring fair digital trade, and PTO's work on strong protections for intellectual property.

NTIA and BroadbandUSA. In January, President Trump signed the Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs. This executive order calls for at least two existing regulations to be repealed for every new regulation proposed by an executive department or agency. The National Telecommunications and Information Administration (NTIA) is the Executive Branch agency that is principally responsible for advising the President on telecommunications and information policy issues, and is one of the chief entities responsible for expanding broadband to rural areas across the country. As you know, the NTIA oversees the BroadbandUSA program, which has been tasked with providing guidance for how to accelerate broadband deployment across rural America.

Question 1. As General Counsel, how do you see President Trump's 2 for 1 Executive Order regarding future rules affecting the progress of various programs with the Department, including BroadbandUSA?

Answer. I understand the Executive Order is designed to promote the financially responsible expenditure of both taxpayer and private resources and reduce unnecessary regulatory burdens on business opportunity and the American people. Through the Department-wide efforts to further these goals and the Department's programs, I expect we will utilize the expertise and recommendations of the bureaus and programs within the Department in making reform proposals that may impact them, including NTIA and its role in the development of the Administration's broadband infrastructure policies and strategies for increased deployment and adoption. If confirmed, I look forward to working with Congress to implement policies that promote broadband deployment nationwide in the most expeditious and cost effective manner possible.

Question 2. Can you explain your interpretation of the President's Executive Order, and how you plan to implement the order with the Commerce Department, if confirmed?

Answer. Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs requires that, for every significant new regulation that is issued, at least two prior rules must be identified for elimination. It is my understanding that this "two-for-one" requirement does not apply to rules that are deregulatory in nature or to rules deemed not significant (*i.e.*, transfer rules). Additionally, under the Executive Order the cost of planned regulations must be prudently managed and controlled, and the total incremental cost of implementing new regulations must generally be no greater than zero. I understand this Presidential directive to promote the financially responsible expenditure of both taxpayer and private resources and recognize this Administration's mission to reduce unnecessary regulatory burdens on business opportunity and the American people. To that end, if confirmed I will work diligently with the Department and its Regulatory Reform Task Force, as well as the public, external stakeholders, Congress, and other agencies to ensure that the Department is considering the appropriate rules for regulatory reform, and that any proposed regulatory actions are properly issued for public notice and comment.

Question 3. What is the process by which you will identify rules that will need to be repealed in order for new rules to take effect?

Answer. If confirmed, I look forward to being fully briefed on the Department's current work and plans pertaining to its regulatory reform agenda. I would diligently work with Department leaders across its bureaus, and with the Department's Regulatory Reform Task Force, to first identify regulations that are outdated, obsolete, or ineffective. Then, if confirmed, I would welcome the opportunity to engage with all interested groups and stakeholders, public and private, to discuss new areas for reform and streamlining that will better utilize government resources and prevent unnecessary regulatory burdens from hindering business opportunity and economic growth. If confirmed, I commit to ensuring that all regulatory reform proposals are presented to the public for notice and comment and go through the necessary legal requirements under the Administrative Procedures Act.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
KAREN DUNN KELLEY

Renewable Energy Jobs. I believe it was a mistake for the president to pull out of the Paris Agreement on climate change. The potential for job growth in the clean energy sector far outpaces the potential for growth in the fossil fuel industry. In fact, a recent report by the Department of Energy showed that, between 2015 and

2016, solar electricity jobs grew by around 24 percent, while wind-based electricity jobs grew by nearly 32 percent and jobs tied to bioenergy electricity grew by 33 percent—compared to a less than 10 percent increase in jobs tied to fossil fuel-based electricity.

To turn our backs on this potential and close our eyes to the real problem of climate change is a grave mistake.

Since you will be involved in a wide range of matters concerning the economic affairs of the United States, it is important that you recognize the impact that political decisions—like the decision on the Paris Agreement—can have on our economy.

Question 1. Do you believe the Paris Agreement could have been good for economic growth over the long-run?

Answer. Senator, as someone who comes from the private sector I am aware of the rapid, technology-driven growth of the renewable energy sector as well as investments made by states and utility companies to expand their energy portfolios. However, as someone who is new to public service, it would not be appropriate for me to offer an opinion on the basis of policy decisions or their potential outcomes without having more insight into whether the goals and actions of those policies are appropriately aligned. I also repeat my pledge to you as stated in my opening statement that I will work in a cooperative and collaborative manner.

Question 2. In what ways do you plan to contribute to some of these policy discussions within the administration that could impact nascent, but promising, sectors of the economy, like the renewable energy sector?

Answer. Senator, I have tremendous respect for Secretary Ross and his immense intellect and ability. In my capacity as Under Secretary I would be taking his direction on any responsibilities designated to me. If confirmed, I know one of his top priorities is ensuring a comprehensive high-quality Census that is conducted on time and within budget. That is quite a big charge and I am not in a position to speculate on responsibilities beyond this important task and my other enumerated management roles. For any additional responsibilities, if I am confirmed, I would anticipate ensuring we collect the appropriate data within our legal authority and present it in a way that maintains the integrity of what the data represent.

Florida Fruits and Vegetables. Florida fruit and vegetable growers have had to deal with an influx of subsidized agricultural imports from Mexico—such as bell peppers, tomatoes, strawberries, and cucumbers.

I was glad to see that the U.S. Trade Representative mentioned the need to address this problem in the administration's list of objectives for renegotiating NAFTA.

Florida is one of the few places in the U.S. that produces warm-weather fruits and vegetables in the winter months. This has led to Florida growers being targeted by Mexican producers looking to drive out competition and monopolize the market during the winter months.

It is important that the administration act to ensure that there is a fair market for U.S. fruit and vegetable growers—recognizing seasonal differences in market conditions.

Question. What can you commit to do to ensure this happens?

Answer. Senator, like you I want to see American growers, producers, and businesses of all kinds succeed. I am encouraged by the steps in the media I have read about of Secretary Ross's action to promote not only free, but fair trade with our trade partners. If confirmed, I am committed to working with my colleagues within the Bureau of Industry and Security who oversee much of the enforcement of our trade agreements as well as my colleagues in the International Trade Administration who identify unfair practices and who will work to negotiate stronger and modernized trade deals in the future.

Statistical Integrity. The collection of comprehensive, neutral, and nonpartisan data is central to implementing and evaluating a wide array of law and policies. You will be overseeing the Economics and Statistics Administration (ESA), which includes two of the Nation's leading information agencies: The Census Bureau and the Bureau of Economic Analysis (BEA). Therefore, I would like you to clearly state your position on what you would do if you came under fire for statistical information that ran counter to a narrative being pushed by the White House.

Question 1. How would you deal with that situation?

Answer. Senator, as I mentioned in my opening statement, I have been a user of the data that these agencies produce throughout my entire 35-year career in finance and financial services. In fact, the entire finance industry revolves around decisions that are connected to the data that the Department of Commerce produces. If that data lacks integrity it jeopardizes the decisions we make on behalf of our

clients and customers, thereby undermining much more than just the financial industry. If confirmed, I will take very seriously my charge to ensure the accuracy of our data and am committed to maintaining the integrity of this data because I believe, through experience, that the best actionable decisions we can make are only derived from data we can be confident in. I will never use data that I have reason to believe is anything other than genuine.

Question 2. Will you commit to resisting any efforts by the administration to manipulate or change data that is overseen by ESA, and to immediately notify this committee of any request for you to do so?

Answer. Senator, as I mentioned in my opening statement, you will find in me a partner who will communicate, collaborate and cooperate with you to the fullest extent and most appropriate manner in which I am able to do so.

2020 Census—Leadership. In your committee questionnaire, you note that one of your key objectives is preparing for an “efficient, effective, and accurate 2020 Census.” I certainly agree with you on that.

Unfortunately, we have heard stories about how current efforts to prepare are failing. In February, it was added to the Government Accountability Office 2017 High Risk List. And the Census Bureau currently lacks leadership in its top positions.

Question 1. What specific steps do you plan to take to ensure that the 2020 Census is successful?

Answer. Senator, staying within budget is crucial and something that I constantly have had to deal with in the private sector. I believe that despite the current challenges we can get the 2020 Census in order moving forward. I also understand from recent testimony given by Secretary Ross before the House and Senate Appropriations Committees that the Department is already increasing its level of oversight of the Census Bureau, especially of the 2020 Census Enterprise Data Collection and Processing program. Further, I understand that the Department is working with the Office of Management and Budget to conduct a review of what caused certain cost overruns to validate the budget estimates and provide an estimate of a worst-case scenario.

Regarding leadership, Secretary Ross has named an Acting Director and a Deputy Director of the Census who are part of a dedicated professional staff. If confirmed, I will work with these key stakeholders to ensure operations and timelines proceed properly.

2020 Census—American Community Survey (ACS). Because its appropriations requests have not been fulfilled in recent years, the Census Bureau has been forced to make some difficult choices, opting to delay or cancel some testing and other preparatory activities. It has also reduced the size of the American Community Survey (ACS) sample and the number of follow-up contacts with non-responding households.

Question 1. Do you support the full scope of the Census Bureau’s current work?

Answer. Senator, my understanding is that Secretary Ross has initiated an effort to impose management discipline on the 2020 Census and conduct a rigorous review on costs. I am committed to working with him on that effort and to ensure we have a comprehensive, high quality 2020 Census to meet our constitutional mandate.

Question 2. Which of its surveys do you believe should be prioritized?

Answer. Senator, my commitment and that of the Secretary is to conduct a comprehensive, high quality 2020 Census that is completed in a timely manner and adequately reflects the U.S. population and to do that within the budget Congress provides. However, it would not be appropriate for me to comment on the priority of surveys that the Census Bureau produces. If confirmed, I will work closely with Secretary Ross to ensure the effective and meaningful management and oversight of the 2020 Census and the economic statistical programs at the Department of Commerce.

Question 3. What safeguards would you put in place at the Department of Commerce to uphold the integrity of the decennial census, ACS, and other Census Bureau surveys and statistical programs, and shield these programs from any effort to influence the collection and tabulation of data for partisan purposes?

Answer. Senator, if confirmed I am committed to maintaining the integrity of a rigorous process that includes the Census, Congress, and Federal Agencies and is politically neutral in determining any and all appropriate topics and questions collected through any survey distributed by the Census Bureau.

Retained Financial Interests. Pursuant to your Ethics Agreement, you will retain your financial interests in three entities.

Question. Please provide the following additional information about Corent Technology Series D, Invesco Mortgage Capital Inc., and WLR/IVZ Mortgage Recovery Associates, LLC:

- The general purpose and mission of the entity and its assets;
- The total sum of all assets currently held by the entity;
- A list of all Directors and Officers of the entity; and
- The names of other people or entities with an interest in the entity.

Answer. 1. a. Corent Technology, headquartered in Aliso Viejo, California, develops cloud computing technologies.”

b. The total sum of all assets currently held by the entity;
“Corent Technology a privately held company in which I am a passive investor. I do not have information on the total sum of assets held by the company.” (Unless you have Corent’s most recent financial statements, in which case you could provide its total asset number unless you are bound by confidentiality.)

c. A list of all Directors and Officers of the entity; and
Feyzi Fatehi, Chief Executive Officer, Chairman of the Board
Shafi Syed, CTO, EVP Operations & Co-Founder Board Member, Management Team, Executive
Mike Muller, Managing Director, Asia Pacific
Scott Chate, VP Partner & Market Development, Management Team, Executive
Sean Jazayeri, Senior Exec—Strategic Alliances & Initiatives
Larry Aiken, Director of Marketing, Management Team, Executive
Mehrdad Tabrizi, Co-founder, Board Member
Mark Verbeck, Board Member

d. The names of other people or entities with an interest in the entity.
“I am an individual passive investor in this company and do not have information on other people or entities with an interest in the company.”

2. a. Invesco Mortgage Capital Inc. is a real estate investment trust that acquires, finances and manages residential and commercial mortgage-backed securities and mortgage loans.

b. According to its Q1 2017 financial statements, Invesco Mortgage Capital Inc. holds \$16,707,287,000 in total assets.

c. Senior Management:
John M. Anzalone, Chief Executive Officer
Robson J. Kuster, President, Chief Operating Officer
Richard Lee Phegley Jr., Chief Financial Officer
Jason Marshall, Chief Investment Officer
David Lyle, Executive Vice President Residential Credit
Kevin Collins, Executive Vice President Commercial Mortgage Credit
Board of Directors:
James S. Balloun, Chairman
John S. Day, Non-Executive Director
Karen Dunn Kelley, Director
Edward J. Hardin, Non-Executive Director
James R. Lientz Jr., Non-Executive Director
Gregory G. McGreevey, Director
Carolyn B. Handlon
Dennis P. Lockhart

d. Invesco Mortgage Capital Inc. is a publicly traded company.

3. a. The general purpose and mission of the entity and its assets;
WLR/IVZ Mortgage Recovery Associates, LLC (the “Entity”) acts as the general partner of limited partnerships associated with a mortgage recovery fund sponsored by affiliates of Invesco Ltd. (the “Fund”). The Fund was created to invest in residential and commercial mortgage-backed securities, residential whole loans, commercial real estate loans and other mortgage-related assets.

b. The total sum of all assets currently held by the entity;
The Entity’s assets consist solely of general partner interests in various entities associated with the Fund. The Fund had total assets as of March 31, 2017 of \$137,000,000.

c. A list of all Directors and Officers of the entity—
The Entity does not have directors or officers. Its managing member is WL Ross & Co. LLC, which is an affiliate of Invesco Ltd.

d. The names of other people or entities with an interest in the entity.
The other members of the Entity principally are entities associated with Invesco Ltd. and current and former employees of such entities.

Use of External Data Sources by the Department of Commerce. The Department of Commerce utilizes a number of surveys and data collection techniques to obtain information about the current state of the national economy. However, some of these data collection mechanisms may not adequately capture all relevant information for certain sectors, such as emerging technologies and advanced manufacturing.

Question. What are your thoughts on utilizing additional external data sources to get a fuller picture of the economic challenges facing emerging technologies and advanced manufacturing?

Answer. Senator, like any data that would be collected or used by the Census or Bureau of Economic Analysis, the integrity of that data should be a top priority because it could likely be used to inform decisions made by policymakers. If confirmed, I pledge to work closely with you and Members of Congress to examine ways to potentially improve data collection of emerging technologies and advanced manufacturing; and if existing or new data can be identified that can also be determined to be politically neutral, I would be open to discussing its use or integration with the other appropriate Federal agency involved. Further, I am pleased to support a collaborative, intellectual review of this effort and if confirmed, will work with Secretary Ross to ensure the integrity of the data that the Department of Commerce produces.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO
KAREN DUNN KELLEY

Bureau of Economic Analysis. I introduced the Measuring the Economic Impact of Broadband Act with supporters including Senators Capito and Sullivan. This bill would call on the Bureau of Economic Analysis to measure the economic effects of broadband deployment and adoption on the U.S. economy. The study would provide information on employment, education, job creation and population growth.

Question. What steps will you take to ensure the Bureau of Economic Analysis continues to produce accurate and reliable reports?

Answer. Senator, if confirmed, I believe one of my most important responsibilities is to ensure the data produced by the Department of Commerce meets the standard of the utmost quality and integrity because the people of our Nation depend on this high quality data in every walk of life. If confirmed, I am committed to maintain a rigorous process that includes the Census, the Bureau of Economic Analysis, Congress, and Federal Agencies to determine and agree what topics and information should be collected and disseminated in a politically neutral way. I look forward to working with you and the professional subject matter experts at the Bureau of Economic Analysis on legislation enacted into law to measure the economic impact of broadband deployment and adoption on the U.S. economy.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
KAREN DUNN KELLEY

Ensuring the Accuracy and Completeness of the 2020 Census. The Federal Government has a constitutionally mandated responsibility to count and record every man, woman and child living in America.

This census occurs once every ten years, and the data generated determine Congressional representation, help target and direct federal, state and local spending, and provide a picture of what the American polity and economy looks like. This is why it is so critical that we get the census right, that we ensure it is as accurate and as detailed as possible.

The next census is fewer than three years away. The Department of Commerce should be well into the preparation process, fully staffed and ready to go. Unfortunately, that does not appear to be the case. In a July 17, 2017 *New York Times* editorial, ominously titled "Save the Census," the newspaper pointed out problems with implementing the next census, such as leadership shortages at the agency and funding constraints. Also worrisome, President Trump's unfounded investigation into fictional instances of voter fraud has left many Americans wary of sharing personal information with any level of our government.

In your testimony, you highlighted the importance and value of the data generated by the Department of Commerce, particularly by the U.S. Census Bureau.

Question 1. If confirmed, how would you ensure that the 2020 census produces valid and honest results?

Answer. Senator, my commitment and that of the Secretary is to conduct a comprehensive, high quality 2020 Census that is completed in a timely manner and ade-

quately reflects the U.S. population and to do that within the budget Congress provides. If I am confirmed, I am committed to maintaining the integrity of a rigorous process that includes the Census, Congress, and Federal Agencies and is politically neutral.

Question 2. Can I get your commitment to maintain the privacy and security of the data obtained by the Census Bureau?

Answer. Senator you have my commitment to maintain the privacy and security of the data obtained by the Census Bureau if I am confirmed to the position of Under Secretary of Economic Affairs for the Department of Commerce. Coming from the private sector and working in finance, I assure you that I am well aware of the grave concerns of personal information and sharing data and have great respect for the integrity of personal privacy. If confirmed, protecting personal information gathered by the Census will be a top concern and priority of mine.

Question 3. Can you pledge that no Census efforts will be used to suppress voting?

Answer. Yes, absolutely. Senator, you have my pledge on that.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CORY BOOKER TO
KAREN DUNN KELLEY

Question 1. Do you support robust funding of the 2020 Census in keeping with the Census Bureau's budget requests and the demands of the decennial census cycle?

Answer. My commitment and that of the Secretary is to conduct a comprehensive, high quality 2020 Census that is completed in a timely manner and adequately reflects the U.S. population and to do that within the budget Congress provides.

Question 2. If confirmed as the Under Secretary of Commerce for Economic Affairs, what steps will you take to protect the integrity of the 2020 Census and its associated infrastructure, systems, and technology?

Answer. Senator, if confirmed, I believe one of my most important responsibilities is to ensure the data produced by the Department of Commerce meets the standard of the utmost quality and integrity because the people of our Nation depend on this high quality data in every walk of life. Additionally, coming from the private sector and working in finance, I assure you that I am well aware of the grave concerns about protecting personal information and sharing data and I have great respect for the integrity of personal privacy. If confirmed, I am committed to maintaining a rigorous collaborative process that includes the Census, the Bureau of Economic Analysis, Congress, and Federal Agencies.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO KAREN DUNN KELLEY

Census Accuracy. As I outlined during the hearing, in the 2010 census, 400,000 Latino children were not counted. 6,000 of these children were in Clark County, Nevada.

Question 1. I wanted to give you another opportunity to explain: how you will work to ensure that racial and ethnic minorities, low-income individuals, and young children are accurately counted?

Answer. Senator, I recognize this is of great concern to you and many Americans. I want to assure you that if confirmed, I will work closely with you and Members of Congress to conduct an accurate, inclusive 2020 Census. My commitment and that of the Secretary is to conduct a comprehensive, high quality 2020 Census that is completed in a timely manner and adequately reflects the U.S. population and to do that within the budget Congress provides. Further, I will work with the appropriate stakeholders and subject matter experts from any community to try and achieve that.

Question 2. And will you prioritize the creation of material in multiple languages so that non-English speakers can fully participate?

Answer. Senator, I understand your concern that the 2020 Census must be accessible and understandable to allow people to fully participate. If confirmed, I will review the adaption of the 2020 Census in multiple languages, and will work with you and Members of Congress in a cooperative and collaborative partnership on this issue.

Gender Identity in the American Community Survey. During the hearing we also discussed the Census Bureau announcing this spring that it would not be collecting data on sexual orientation and gender identity in the American Community Survey.

Question 1. Can I get a direct response on whether you agree with this decision by the Census Bureau?

Answer. Senator, the Census, Congress and Federal agencies together conduct a rigorous process in determining what topics and questions should be added or changed and I commit to protecting that process in the future, if confirmed. My understanding is that the request was withdrawn, however, at this time I am not aware of exactly what happened on the collection of data on sexual orientation and gender identity in the American Community Survey. Therefore, it would not be appropriate for me to offer an opinion until I am able to obtain all the facts on this matter.

Question 2. Or more specifically, will you uphold it?

Answer. Senator, I believe that to make any changes, it is important to respect the integrity of the established process among the Census, Congress and Federal agencies.

Question 3. How will you ensure our LGBT community is protected and quantified accurately?

Answer. Senator, as mentioned, my continuing commitment is to ensure a rigorous process to include, remove, or change questions as they relate to any topic or community.

2020 Census. Counting every American is an expensive endeavor but efforts to reduce costs should not come at the expense of ensuring that all Americans are included in our decennial census. The 2020 census will be the most intensive undertaking ever of its kind, involving the counting of an estimated 334 million residents of our Nation.

Question 1. What steps will the Census Bureau take to make sure every American is counted?

Answer. Senator, I am committed to putting my full effort behind conducting a comprehensive, high quality 2020 Census that is completed in a timely manner, within the budget provided by Congress, and that adequately reflects the U.S. population. I also understand that the Census, by nature and practice, builds redundancy into its operations specifically to avoid a single point of failure throughout the process, while allowing multiple ways to obtain an adequate count. As an example, the Census uses phone calls, mailed paper questionnaires, and in-person visits, and anticipates using e-mail, as well, to try and reach people. If confirmed, I am committed to working through this redundancy process with any stakeholder group.

Question 2. Will you support the Census Bureau in requesting the necessary resources to enable it to conduct an accurate, cost-effective census in 2020?

Answer. Senator, my understanding is that Secretary Ross has already initiated an effort to impose management discipline on the 2020 Census and conduct a rigorous review on costs. I am committed to working with him on that effort and to ensure we have a comprehensive, high quality 2020 Census to meet our constitutional mandate.