

**NOMINATIONS OF RON A. BLOOM,
ROMAN MARTINEZ IV, JAMES A. CROWELL IV,
AND JASON PARK**

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

NOMINATIONS OF RON A. BLOOM TO BE A GOVERNOR, U.S. POSTAL
SERVICE, ROMAN MARTINEZ IV TO BE A GOVERNOR, U.S. POSTAL
SERVICE, JAMES A. CROWELL IV TO BE AN ASSOCIATE JUDGE,
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, AND JASON PARK
TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA

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**NOMINATIONS OF RON A. BLOOM,
ROMAN MARTINEZ IV, JAMES A. CROWELL IV,
AND JASON PARK**

TUESDAY, APRIL 2, 2019

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m., in room 342, Dirksen Senate Office Building, Hon. Ron Johnson presiding.

Present: Senators Johnson, Lankford, Romney, Scott, Hawley, Peters, Carper, Hassan, and Sinema.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good afternoon. This hearing is called to order.

I want to first of all welcome the nominees. Thank you for your willingness to serve. Welcome to your families, and I will ask you to introduce them during your opening comments. One thing we find, very quickly, in government service is it really is a family affair. These jobs are often very time-consuming so your families see a little bit less of you. Hopefully you can find time for your families. But again, I want to thank all of you and your families for that willingness to service.

Now we are meeting to consider four nominations, two nominees to be Governors to the U.S. Postal Service (USPS), two nominees to be Associate Judges on the Superior Court of the District of Columbia.

I just ask that my prepared statement be entered into the record,¹ and I have just a couple of charts to show you why we are, first of all, focusing on the Board of Governors. The first one will be the blue graph.² And the next chart will be kind of the 10-year income statement of the Postal Service,³ you see the financial difficulty it is in. The fact that we do not have a quorum of Board of Governors is really unconscionable, and one of the things we will be talking about in questions for the two nominees for Board of Governors is just the very—you can leave the income statement up there—just the difficult nature of the financial condition.

To a certain extent it was interested in our hearing on the Postal Task Force, a lot of this financial crisis was really sparked by the

¹The prepared statement of Senator Johnson appears in the Appendix on page 31.

²The chart referenced by Senator Johnson appears in the Appendix on page 199.

³The chart referenced by Senator Johnson appears in the Appendix on page 200.

2006 Postal reform, which required prefunding where the postal system did not have the funds to do it. Now we are talking about, well, maybe ought to recalculate what that annuity ought to be or, how to amortize the pension liability. So it is a mess. We need Governors to actually serve as a board of directors because a 535-member board of directors does not work all that well.

I want to thank the nominees. I look forward to your testimony and your answers to our questions, and with that I will turn it over to Ranking Member Peters.

OPENING STATEMENT OF SENATOR PETERS¹

Senator PETERS. Well, thank you, Chairman Johnson, and thank you to our nominees for being here today and for your willingness to serve in these positions.

Today we are considering two nominees to serve on the United States Postal Service Board of Governors and two nominees to serve as Associate Judges on the Superior Court for the District of Columbia. The D.C. Superior Court and the U.S. Postal Service Board of Governors perform certainly very different functions but both are critically important to the communities that they serve. Both have also faced a common challenge in recent years—too many empty seats. Prolonged vacancies on the D.C. bench slow the Administration of justice and for years vacancies on the Postal Board of Governors have prevented the board from tackling the immense financial and operational challenges now facing the Postal Service.

Mr. Bloom and Mr. Martinez, if you are both confirmed, the Postal Service Board of Governors will have a quorum for the first time since 2014, which is quite a crucial step forward in helping the Postal Service address its significant daily challenges.

Although Congress must take on the challenge of passing bipartisan postal reforms, we will have to rely on and work closely with the Board of Governors to ensure the Postal Service continues to be a vital public service for every community, business, and household all across this country.

Mr. Chairman, I am very pleased that we are holding this hearing today and moving one step closer to a fully functioning Board of Governors. As you know, seven of the nine Senate-confirmed seats on the Board of Governors are currently vacant, which means that after today we will still have a whole lot of work to do to get qualified nominees confirmed and serving on this board.

I would also like to thank you for honoring this Committee's tradition of considering nominees for the board in a bipartisan pair. I look forward to working together to continue that tradition while moving qualified nominees through the process as quickly as possible.

Mr. Park and Mr. Crowell, you have each demonstrated a long-standing commitment to public service. Throughout the nomination process, this Committee has heard nothing but praise of your legal abilities and professionalism and I look forward to hearing from each of the nominees here today.

Thank you, Mr. Chairman.

¹The prepared statement of Senator Peters appears in the Appendix on page 32.

Chairman JOHNSON. Thanks, Senator Peters. It is the tradition of this Committee to swear in witnesses, so if you will all stand and raise your right hand.

Do you swear the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. BLOOM. I do.

Mr. MARTINEZ. I do.

Mr. CROWELL. I do.

Mr. PARK. I do.

Chairman JOHNSON. Please be seated.

Our first nominee is a nominee to be the Governor of the U.S. Postal Service, Ron Bloom. Mr. Bloom is the Vice Chairman of Brookfield Asset Management. He previously served at the U.S. Treasury and the White House as an advisor on automotive and manufacturing policy under President Obama and has over 30 years of business and labor experience. Mr. Bloom.

**TESTIMONY OF RON A. BLOOM,¹ NOMINATED TO BE A
GOVERNOR, U.S. POSTAL SERVICE**

Mr. BLOOM. Chairman Johnson, Ranking Member Peters, and Members of the Committee, thank you for considering my nomination to serve on the Board of Governors of the United States Postal Service. It is a great honor to be considered and if confirmed I can assure you that I will work diligently to help guide this vital American institution in adapting to its fast-changing environment and many challenges.

Since before the Nation's birth, the Postal Service has played a vital role as the backbone of America's delivery infrastructure. While changing times demand changing solutions, the core mission of providing affordable access to its network to all Americans, is as relevant today as it has always been.

I believe that my background and experience equip me to play a meaningful role in meeting the Postal Service's challenges and positioning it for the future.

In addition to my master's of business administration with distinction from Harvard, my 40 years in the workforce have provided me with what I believe are a distinct and relevant set of experiences and perspectives. My work has been equally balanced between business, where I have worked in investment banking and private equity, and work for labor unions, with just over 2½ years of service for the Federal Government.

My time in investment banking included two stints doing financial advisory and restructuring work at Lazard as well as founding and building a boutique advisory firm. For the last 3 years I have worked in private equity, where I am Vice-Chair and Managing Partner in Brookfield Asset Management's Private Equity business. Brookfield is one of the largest alternative asset managers in the world, with over \$350 billion of assets under management and places significant focus on being good, responsible stewards of businesses.

¹The prepared statement of Mr. Bloom appears in the Appendix on page 35.

My work for labor unions included time with the Service Employees and the Steelworkers. At the Steelworkers Union, I helped the union to navigate dramatic changes in its core jurisdiction as well as developing partnerships with Wall Street investors. My time at the Federal Government included work at the Treasury Department helping to lead the restructuring of the auto industry and at the White House as Assistant to the President for Manufacturing Policy.

In each of those settings my focus has been on designing and leading positive and creative multi-faceted changes to the strategy, operations and finances of complex large organization. Whether it was the problems facing the Nation's largest steel companies, tire manufacturers, the auto industry or the city of Detroit, I have been able to craft solutions that balanced multiple legitimate needs and moved the affected organization forward.

The Postal Service faces many challenges. It must adapt itself to the enormous changes regarding the demand for and nature of its products. It must continue to play its role as the backbone of the Nation's delivery infrastructure. And it must honor its obligations and commitments by developing and implementing a plan that meets the needs of its customers and ensures long-term financial viability, all without requiring direct taxpayer assistance.

To do this, the Postal Service must take advantage of its most valuable asset—the size and density of its network. Any change that reduces delivery frequency and convenience will need to weigh carefully any forecasted direct cost savings against both the potential loss of revenue and customers who use the service precisely because of the attributes of its network. That said, the USPS cannot ignore the long-term inexorable decline of First-Class Mail and that successfully transitioning to a greater focus on package delivery requires rethinking many of its historical approaches. Add to that the obligations of the Universal Service Obligation (USO) and the need to meet the concerns of rural communities and you have a devilishly complex balancing act.

I believe that the Board of Governors has an important role to play here. Working within the legal and regulatory framework set by the Congress and the Postal Regulatory Commission (PRC), I see the Board's job as working with Postal Service management to develop a strategic plan that would allow the USPS to fulfill its mission, meet its obligations, and achieve long-term operational and financial viability and to provide oversight, support, and guidance of and to the management as they carry out that plan.

I believe that each Governor is responsible for contributing his or her best ideas and to work constructively with the other Governors to do our job. I expect that there will often be spirited debate. There are no easy answers for the Postal Service and a wide variety of relevant perspectives. But I am confident that if I am given the opportunity to serve, I can work with my fellow Governors to chart a positive path forward for this important American treasure.

Thank you very much and I would be happy to take questions at the appropriate time.

Chairman JOHNSON. Thank you, Mr. Bloom.

Our second nominee to be Governor at the U.S. Postal Service is Roman Martinez. Mr. Martinez currently serves on the Board of Directors for Cigna Corporation and Orbital Alliant Techsystems (ATK). He has nearly 50 years of business experience including his role as former Managing Director for Lehman Brothers and has 20 years of experience serving on various corporate boards of directors. Mr. Martinez.

**TESTIMONY OF ROMAN MARTINEZ IV,¹ NOMINATED TO BE A
GOVERNOR, U.S. POSTAL SERVICE**

Mr. MARTINEZ. Thank you, Mr. Chairman. Chairman Johnson, Ranking Member Peters, and Committee Members, thank you for considering my nomination as a Governor of the U.S. Postal Service. If I may take advantage of your kind invitation I would like to introduce some of my family members here with me—my wife, Helena, of 44 years, sitting behind me; my son, Roman; my Oklahoman daughter-in-law, Dace; and my terrific grandson, Rommy. Thank you for that opportunity, sir.

As a boy, I emigrated from Cuba in 1960, to our great country. I am grateful for all the opportunities this country has given me. If confirmed, it would be a privilege to serve the Nation.

Let me tell you a bit about my background. Arriving from Cuba, we lived in Miami before I headed to Massachusetts for high school and then Boston College. After earning a Master of Business Administration (MBA) at Wharton, I worked in New York as an investment banker for 32 years. I became a partner of Lehman Brothers in 1978, at the age of 30, and was involved in most aspects of investment banking until retiring in 2003, when my wife and I became Florida residents.

Since 2004, I have served on several corporate boards. At Cigna, currently, I chair the board's audit committee and serve on the finance and executive committees as well. I qualify as an "audit committee financial expert," as defined by the Securities and Exchange Commission (SEC).

For over 20 years, I have also served on nonprofit organizations, including serving as Vice Chairman of the Investment Advisory Council of Florida, which required Florida Senate confirmation. I currently serve as trustee of New York-Presbyterian Hospital and as an overseer of the International Rescue Committee.

For over 200 years, the Postal Service has effectively served the entire country, but recently it has faced severe challenges. The digital revolution and rigid mandates have placed it in virtual insolvency. Its business model is not viable but its function remains vital. The Postal Service is in dire need of restructuring.

If confirmed, I would immerse myself in a deep analysis of the root issues. I will follow the same approach that I took throughout my banking career, and which I continue to do as a board member. I will keep an open mind. I will learn as much as I can. I will consult broadly and consider as many points of view as possible, and I will do my very best to propose practical solutions consistent with the Postal Service's Universal Service Obligation.

¹The prepared statement of Mr. Martinez appears in the Appendix on page 96.

Based on my experience, however, I will respectfully offer some preliminary observations now, that given the introductory comments by both the Chairman and the Ranking Member, might be singing to the choir. But it is very important to make observations regarding the structure of the Postal Service board, which I believe is extremely important.

As you know, Congress established the board to include nine independent members, but as of today there are only two, and one is up for reconfirmation this year. For years the board had no Governors and it lacked a quorum for even longer. It is critical that the board be appropriately constituted. Lacking a quorum is crippling, but the problem goes beyond that.

My experience as a board member has taught me that an effective board must include individuals with relevant expertise and experience and with backgrounds representative of key constituencies. A diverse group is critical to provide effective advice and counsel.

Further, it is essential for a board to be at full strength so that its important committees, such as those addressing enterprise risk, human resources (HR), audit, and increasingly information technology (IT) and cybersecurity, can provide effective oversight.

Also, Governors must be able to serve long enough to acquire in-depth knowledge of the organization and to establish relationships with fellow board members and management which are essential to build the trust and respect required for candid discussions.

The Senate has an invaluable constitutional role in providing advice and consent on Presidential appointments. The vetting of qualifications and potential conflicts are essential. But for positions like these, which are not full-time and where diverse backgrounds and experience is desirable, I would respectfully urge Congress and the President to work together to streamline the process in whatever way possible.

In closing, I would like to express again my appreciation for being considered and I look forward to your questions.

Chairman JOHNSON. Thank you, Mr. Martinez.

Our next nominee has been nominated to be an Associate Judge, Superior Court of the District of Columbia, James Crowell. Mr. Crowell is the Director of the Executive Office of United States Attorneys at the U.S. Department of Justice (DOJ). He was also a Federal prosecutor for more than 16 years. Mr. Crowell.

TESTIMONY OF JAMES A. CROWELL IV,¹ NOMINATED TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. CROWELL. Chairman Johnson, Ranking Member Peters, and Members of the Committee, it is a great privilege for me to be here. I am deeply grateful for the opportunity to appear before you as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia.

I want to thank the Judicial Nomination Commission and its chair, Judge Emmet Sullivan, for recommending me to the White House. I want to thank the President for nominating me. I also

¹The prepared statement of Mr. Crowell appears in the Appendix on page 147.

want to thank Congresswoman Eleanor Holmes Norton for her support. Finally, I would like to express my sincere thanks and appreciation to the Committee Members and the dedicated Committee staff for their hard work in considering my nomination.

I am immeasurably grateful for the support and inspiration of my colleagues, family, and friends, many of whom are here with me today. In particular, I want to recognize and thank my friends and colleagues, the United States Attorneys for the District of Columbia and the Eastern District of Virginia, Jessie Liu and Zach Terwilliger, as well as Judge Anthony Epstein of our D.C. Superior Court. I deeply appreciate their friendship, support, and encouragement.

My wife, Michaelen, has been my life partner and cherished friend for the last 19 years. Her love and support, and the gift of our children, Jac and Ellie, are our greatest successes. A moment's indulgence—this is my son, Jac, my daughter, Ellie, my wife, Michaelen. I am also thankful that her father, Michael, is here today. I appreciate his love and support over these many years.

My family is from Mississippi and Louisiana, but my wife and I have made the District our home for the last 16 years. We came to Washington for Michaelen to pursue her dream of working on Capitol Hill. As a young newlywed, I did not realize that her dream of coming to Washington would become our dream of making this city our home. We are communicants at St. Joseph's Church on Capitol Hill, where my son will be confirmed this weekend. I take pride in serving as a volunteer softball coach for my daughter here on the Capitol Hill Little League. I am a proud member of the American Legion, Post 8, here on the Hill. Our children were born here, and we have proudly raised them as D.C. natives. This is my home.

I was raised by a single mother with a high school education, who worked tirelessly to provide for me and open doors of opportunity that no one in our family had walked through. She passed 20 years ago, but I hope that she is able to look down upon her son with pride on this day. She taught me to expect nothing, and to be grateful for everything, to remain gracious in times of defeat and humble in moments of victory, and always to leave things better than you found them. These have been, they currently are, and will always remain my guiding principles.

My presence here today is the result of a supportive family, exceptional colleagues, and my good fortune in joining two organizations that have shaped me personally and professionally, the United States Army and the Department of Justice.

In 1994, as a 19-year-old private, I raised my hand for the first time to swear allegiance to support and defend the Constitution of the United States. As a career public servant, over the last 25 years, I have had the privilege of repeating that oath many times.

I started my legal career as a law clerk to United District Judge Charles Pannell, Jr. He taught me the meaning of judicial temperament—patient, unbiased, open-minded.

In 2001, I joined the Justice Department through the Attorney General's Honors Program and I served in the Antitrust Division, the Public Integrity Section, and as an Assistant United States Attorney (AUSA). I was privileged to represent the United States as

trial counsel in countless cases that protected the public and preserved public resources, and protected victims of crime. Now, as Director of the Executive Office for United States Attorneys, I continue to serve the Department's mission of ensuring equal and impartial justice.

I have also served in the U.S. Army Reserves for the last 25 years. I began my career in the Army as an infantryman, but after law school I became a Judge Advocate and was assigned as trial defense counsel. In that role, I represented countless soldiers accused of all manner of crimes. These soldiers' career, their livelihood, and their family security were on the line. That experience formed the basis for my strong belief that able defense lawyers are essential to the functioning of a constitutionally sound adversarial system.

Whether serving in a uniform or a suit, as a prosecutor or as a defense lawyer, I have sought to be a fierce advocate for the rule of law, a principled and independent decisionmaker, and a faithful servant of the Constitution. I understand the D.C. Superior Court's mission to provide access to justice for all. If I am fortunate enough to receive your support, you have my word that I will strive to achieve that mission and approach every case, every controversy with a commitment to justice and fairness.

Thank you again for considering my nomination and I look forward to answering any questions you might have.

Chairman JOHNSON. Thank you, Mr. Crowell.

Our final nominee, also has been nominated to be an Associate Judge for the Superior Court of the District of Columbia, is Jason Park. Mr. Park is an Assistant U.S. Attorney in the D.C. U.S. Attorney's Office. He is the Deputy Chief of the Felony Crimes Division, overseeing a team of attorneys prosecuting cases before the D.C. Superior Court. Mr. Park.

TESTIMONY OF JASON PARK,¹ NOMINATED TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. PARK. Thank you and good afternoon, Mr. Chairman, Ranking Member Peters, and Members of the Committee. Thank you for this opportunity to appear before you as you consider my nomination to serve as an Associate Judge on the Superior Court for the District of Columbia. It is a great honor to be here today.

I would like to thank the District of Columbia Judicial Nomination Commission and its chair, the Hon. Judge Emmett Sullivan, who is kind enough to be here today, for recommending me to the White House, and I thank the President for nominating me. I would also like to thank the Committee staff for their hard work, Congresswoman Norton for her support, and Chief Judge Robert Morin, who is also here, for his leadership of the court.

I am also grateful to my friends and colleagues, some of whom are here today, including my exemplary boss, the U.S. Attorney for the District of Columbia, Jessie Liu, and the Hon. Judge Kelly Higashi, my former chief in the sex offense section at the U.S. Attorney's Office and an extraordinary colleague, mentor, and friend.

¹The prepared statement of Mr. Park appears in the Appendix on page 177.

I am joined today by my wife Kati Daffan, and our oldest son, Elliot, who is seven. Our younger son, Oliver, is four and is in school today. It is impossible for me to express how much I owe to my family and in particular to my wife, Kati, without whom I would not be here today.

I also would like to acknowledge my parents, Dr. Duk-Won Park and Sunja Park, who traveled from Alabama to be here. My parents came to this country nearly 50 years ago, and over the years and decades they built a home that has served as the foundation for everything my sisters and I have been blessed with. I am grateful they could be here today.

I first came to Washington, DC, 16 years ago to attend law school at Georgetown. After graduating and spending nearly 3 years practicing commercial litigation at an international law firm in New York, my wife and I returned permanently to the District 10 years ago. We are proud to call this city our home.

Upon returning to the District, I was fortunate enough to serve as a law clerk to the Hon. Judge Ricardo M. Urbina of the U.S. District Court for the District of Columbia, who remains an inspiration and mentor to me to this day. I then spent a short time as a defense attorney at a large law firm here in D.C., where I represented individuals who were the subject of investigation and prosecution by Federal entities.

For the last 7 years, I have had the distinct privilege of serving the citizens of our city as an Assistant United States Attorney at the U.S. Attorney's Office for the District of Columbia. Currently, I serve as the Chief of the Major Crimes Section of the Office's Superior Court Division, where, with my three deputy chiefs, I supervise more than 20 AUSAs prosecuting violent crime cases in D.C. Superior Court.

For the majority of my career, I served as a prosecutor in the sex offense and domestic violence section, investigating and prosecuting child sex abuse, child physical abuse, sexual assault, and child exploitation cases in the D.C. Superior Court and in Federal district court. I have had the great privilege of working closely with survivors, witnesses, and families from all parts of this city. I have also been fortunate enough to appear before and try cases in front of many of the exemplary judges of the Superior Court.

It would be a great honor to continue my public service as an Associate Judge on the Superior Court for the District of Columbia. Thank you again for considering my nomination and I look forward to answering your questions.

Chairman JOHNSON. Thank you, Mr. Park.

There is a series of three questions I have to ask all of the nominees, and what I will do is I will ask the question and then go right down the line. If you will answer them individually, starting with Mr. Bloom.

The first question, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. Bloom?

Mr. BLOOM. No.

Mr. MARTINEZ. No.

Mr. CROWELL. No, sir.

Mr. PARK. No.

Chairman JOHNSON. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. BLOOM. No, I do not.

Mr. MARTINEZ. No.

Mr. CROWELL. No, sir.

Mr. PARK. No.

Chairman JOHNSON. Do you agree, without reservation, to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. BLOOM. I do.

Mr. MARTINEZ. I do.

Mr. CROWELL. Yes, sir, I do.

Mr. PARK. I do.

Chairman JOHNSON. OK. Those are all the right answer. Thank you. [Laughter.]

First of all, I do want to acknowledge the colleagues here. I appreciate the strong attendance. Normally I would throw it right to Ranking Member Peters but I have a hard break at 3:30 so I just have a couple of quick questions for the postal nominees.

Have you both had a chance to review the Postal Task Force recommendations, their report? Mr. Bloom.

Mr. BLOOM. Yes, I have.

Chairman JOHNSON. Mr. Martinez?

Mr. MARTINEZ. I have.

Chairman JOHNSON. One of the principles of their recommendations is to come up with a plan for solvency of the Postal Service that does not require taxpayer bailout. As Governors, is that a goal that you would also share, Mr. Bloom?

Mr. BLOOM. Yes, it is.

Chairman JOHNSON. Mr. Martinez?

Mr. MARTINEZ. I do, as well.

Chairman JOHNSON. One thing in our hearing that I thought was pretty interesting, a couple of the witnesses talked about, we really do need to—because we have never defined what Universal Service Obligation means, and I think that is going to be important as we move forward. What is that definition? Is that something that you would be committed to trying to recommend what that definition would be? It would probably have to something we would have to do in legislation. Mr. Bloom.

Mr. BLOOM. Yes, I think the Board of Governors would have a role. Obviously it would be up to the Congress, but they would have a role in trying to bring forward our thoughts.

Chairman JOHNSON. Do you want to throw out some of those thoughts right now?

Mr. BLOOM. No, sir. Not yet.

Chairman JOHNSON. OK. Mr. Martinez?

Mr. MARTINEZ. Absolutely. You have to have a clear definition of the USO before you can start tackling the problem. How do you know what you are going to solve if you do not have the definition that is agreed to by all constituencies, and hopefully on a bipartisan basis.

Chairman JOHNSON. So you think the conversation ought to start at the Board of Governors.

Mr. MARTINEZ. Well, let's step back. As I understand it, the statutes are created by the Congress and they have a very broad definition of USO, the concept, the principles of Postal Service obligation for the entire nation at a reasonable cost. When you get into the details, it is hard to find any place where you see that. The PRC chairman has asked for a definition. The Members here have asked for a definition. The USPS have asked for a definition. So I think we should define it first.

Chairman JOHNSON. This will be my last question. As an accountant myself, as a business person, it is very difficult to price products if you do not have a really good cost allocation model. We are operating off of what I have been told is something like a 50-year-old cost allocation model. Obviously, the Postal System has changed quite a bit with the reduction in the monopoly part of the business and First-Class Mail and, really, in terms of parcel post. We deliver to every post box and that is that last mile that is so attractive to other partners in the parcel service.

Talk a little bit about the cost allocation model and what we really need to do there. We will start with you, Mr. Bloom.

Mr. BLOOM. Yes. I think as a general matter your broad comment is absolutely right. You have got to be able to score what you are doing, and if the model is indeed that old I cannot imagine it does not need updating. I am not familiar with the detail of it but I certainly agree with your overriding proposition, which is that the service needs to be able to score what it is doing to make determinations about what its best path forward is.

Chairman JOHNSON. Mr. Martinez.

Mr. MARTINEZ. This will be preliminary because I have not gotten the chance to go and dig deep into it, but you put your finger on a very important issue. We have, in the monopoly part of the business, a model that started with a pricing philosophy that was to keep up with the growth of the Nation. Then the digital revolution hit, and all of a sudden the pricing part is no longer compatible with that part of the business, while the cost basis continues to go up because we need to continue to serve the entire nation. So there is a disconnect there and we need to know exactly what the cost is to service the universal obligation that we have.

On the other part of the business, that should be, frankly, freer of constraints. We are competing with—sorry, I am not confirmed yet—the USPS is competing with Federal Express (FedEx) and United Parcel Service (UPS) to have a cost structure completely different than ours. That chart¹ over there shows health care prefunding of \$4.5 billion. That is 7 percentage points in terms of the margin that it eats up. FedEx does not have retiree benefits. So, yes, there is a great need to analyze the cost basis and the model as a whole.

Chairman JOHNSON. Chairman's priority, I have one more question.

If you could summarize, just in kind of like the biggest problem the Postal Service has, what would you say it is, Mr. Bloom?

¹The chart referenced by Mr. Martinez appears in the Appendix on page 200.

Mr. BLOOM. I would say two things. One, my observation of other companies or institutions is normally it is a constellation of problems. There is not one thing. But if I had to look at one thing it is the fundamental change in the environment. It is the decline of First-Class Mail, and that sort of sits on top of everything because your fundamental revenue base is changing. And so adapting to that change, I think, is the central challenge.

Now there are 20 other things that sit on top of that but the thing that has changed most radically in the last 10 years is the decline of first class.

Chairman JOHNSON. And they have not been able to change their cost model significantly because labor costs are such a huge—

Mr. BLOOM. I think there are a number of constraints that make that adaptation difficult, whether it is the prefunding, which needs to be looked at, whether it is the pricing model, the cost model. All of those models need to constructively be looked at holistically to deal with the basic fact that the main thing they used to sell, if you will, they are selling a lot less of.

Chairman JOHNSON. Mr. Martinez.

Mr. MARTINEZ. I would agree with what Ron said and I would add a couple of things, if I may. There is a disconnect. We want the USPS to be self-sustaining, i.e., generate its own revenues as public company, as a private sector company, yet we mandate them with costs that the private sector does not have, like in the retiree benefits situation. So we have to bring things back into balance as to the objectives of the USPS and what is the right business model, which includes both pricing and costing of all the products.

Chairman JOHNSON. OK. Thank you. Senator Peters.

Senator PETERS. Thank you, Mr. Chairman. Thank you to all of you for your willingness to serve and congratulations on your nomination.

To focus again back on Postal Service and to pick up on Chairman Johnson's comments on universal service, and hearing from both of you saying that it is not completely defined exactly what Universal Service Obligation means, for me it is fairly clear, and that is that everybody, no matter where they live, have access to quality Postal Services and at a reasonable price, particularly in our rural areas.

I think of Michigan, with our urban areas in the Detroit area, but when you get into Northern Michigan, in the Upper Peninsula, you are many miles from a lot of metropolitan areas, but the Postal Service is absolutely vibrant, or I should say absolutely essential for small businesses in those communities, for example, to sell their products, and we are seeing more and more engage in commerce by using Postal Services as a part of that. People need to have access to medicines and other kinds of essential services.

So my question to both of you is, give me a sense of how you are thinking, right now, of how you deal with the challenges associated with providing that kind of service to rural areas in even places like the Upper Peninsula of Michigan, which are a long way from large urban areas. How are you going to approach this problem? Give me a sense of your thought process.

Mr. Bloom, do you want to start?

Mr. BLOOM. Sure. I think there is, to me, the sort of central dilemma sits with the following—both in terms of serving rural and non-urban communities as well as the broad mission of the Service, that the network is what it brings to the table. The network both from a social policy perspective as well as an economic matter, the network is what the Postal Service has. As I said in my remarks, would be very cautious about changing—degrading the network, because then I think you start in a negative spiral that is hard to get out of.

The degradation of the network does not just affect rural communities, although it most assuredly does, but it affects all users and all shippers, because they are attracted to the Postal Service precisely because of its network. That, I think, is fundamental.

On the other hand, we cannot ignore the fact that the number of first class pieces going through that network has declined, and so balancing those two, I think, is the challenge, is maintaining the network, not getting into a negative spiral where the network degrades and then fewer people want to ship and it degrades further, et cetera, but also not ignoring the external reality of filling that network has to be done differently, given the decline of first class.

Senator PETERS. Mr. Martinez.

Mr. MARTINEZ. It is clear that the public interest, which is the mandate of the USPS, is to serve both the urban and rural, and I subscribe to that. I would like to understand better, and one of the things that I would like to ask, sir, as soon as I—if I get confirmed, is, is there a difference in the service needed in rural Michigan to rural Florida or rural Missouri or rural New Hampshire? I do not know the answer to that. It may be there be different sub-models of how to service the communities, given what they need. I would like to get an answer to that question.

But in principle, I think it is very important to maintain the essential services to rural America. And if you step back, that is why it is also important to have the competitive product side of the organization developed as best as it could, because it is the consolidated operating cash-flow of the combined that will be able to serve as the public side that might be not cost effective.

Senator PETERS. When you bring up essential services, obviously that is part of what we have to think through too. What are essential services and what are non-essential? There could be a variety of opinions on that, and folks in the Upper Peninsula of Michigan may define that differently than others will do that.

Mr. MARTINEZ. Exactly.

Senator PETERS. So the sense that I get from both of you, and I want to get your commitment, is that you will do a deep dive into the economic impacts of changes in Postal Service to rural areas. We have this Postal Task Force that analyzed the rural communities but I do not think they actually looked at the economic impact to the particular community and the challenges associated with that.

Do I have your commitment to do that kind of deep dive?

Mr. MARTINEZ. Yes, Ranking Peters, and beyond that is what do the people want? What do they think they need? It is not just an economic study from some commission. It is what do the people in

those areas believe they need in terms of service? That would be very helpful to know as well.

Mr. BLOOM. Yes.

Senator PETERS. Great.

And related to that, and both of you brought this up too, is as you have the universal obligation to provide service, universal service, there is also service performance. I think, Mr. Martinez, you alluded to that in some of your comments, is that as you degrade performance, in order to save money, then you become, or you can fall into a death spiral where people are not going to use the services because it continues to get worse, and that cannot continue.

Give me your thoughts on how do we deal with that challenge, which is significant. Mr. Bloom.

Mr. BLOOM. Yes. I do think that is the challenge, but you cannot leave the network exactly like it was 50 years ago either, because the Nation is not like it was 50 years ago, and the needs of the citizens are not like they were 50 years ago. But the basic principle of a robust network, as I said, I think is the Postal Service's key attribute, and if it is going to both be financially successful, which today it is not, and fulfill its broad social mandate, I think it has to have a robust network.

Senator PETERS. Mr. Martinez.

Mr. MARTINEZ. I am not sure exactly if this is going to answer your question, but what I took from it is quality of service. USPS is a service organization. I come from a service business, and the client comes first. The customer comes first. One of the first things I also would like to see is what is the quality monitoring that the USPS manages in its employees today? What are the metrics they look at in terms of performance? I think that is critical.

One of the things that, again, the current governance structure lacks is a board committee to deal with it more granularly at the board level in terms of the oversight of the process of how you monitor quality. Normally that would come under the audit committee or the governance committee, but the USPS does not have that because they do not have the people there.

Senator PETERS. Just one final question to both of you, is that probably one of the most important resources at the Postal Service are the employees of the Postal Service. Nearly 100,000 veterans, as you know, work for the Postal Service. Oftentimes those folks who are on the front line are not asked questions, are not asked to give their opinion, and yet they are the ones in the best position to often know exactly what is going on and offer some incredibly productive ideas as to how to change things.

I would like each of you just to briefly comment as to how you will actively seek out the opinion of Postal employees and make sure that they are part of the decisions made by the Board of Governors.

Mr. BLOOM. Yes, I think that is principally one of the jobs of management, so I think encouraging management and instating that management have that kind of open dialogue with the employees and their representatives is absolutely essential.

Senator PETERS. Mr. Martinez.

Mr. MARTINEZ. I think not so much the decisionmaking process but the input, and I think it is very important for the board to

know whether the management is, in effect, getting input from the employees as to where the businesses are.

I would ask another question, as we look at new businesses and new services, has the USPS asked its employees basically to come up with ideas? They are the ones that have the contact with the customer. Maybe the best ideas can come from them.

Senator PETERS. Great. Thank you.

Chairman JOHNSON. Senator Hawley.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman, and congratulations to each of the nominees on your nomination.

Mr. Martinez, can I start with you? In your written responses you note the difference between, or you make a distinction between governance and management, which I thought was interesting, and I wonder if you could just elaborate a bit on what you think that difference is what the proper balance is between the two.

Mr. MARTINEZ. I appreciate the question. I appreciate that somebody read the questionnaire, because there were 72 questions.

There is a very fine line between governance at the board level and management, and a board member should not be micro-managing management but should be involved enough to oversee it and monitor the pace of the strategy, the pace of the operations, and other things that basically make up the workings of a company.

At the same time, thought, they should be there, available for advice and counsel. The best boards involve diversity of expertise, as I mentioned in my opening statement, where you have people with experience with large companies, with marketing, with finance, with information technology, et cetera. Bringing them in to advise is a very important element, but the line has to be drawn in terms of—and sometimes it is hard for former Chief Executive Officers (CEOs) sitting on boards to not to try to manage the managers. That is what I meant.

Senator HAWLEY. Thank you very much. That is very helpful.

Speaking of questionnaires, Mr. Bloom, in your questionnaire there as a series of quotations. I want to ask you about some of these that, quite frankly, I find disturbing.

In a 2008 speech, entitled “Asserting the Union Position and Restructuring Steelworker Style” that you gave at the Sixth Annual Distressed Investing Forum, you are quoted as saying the following.

Here it is, and I quote: “Generally speaking, we get the joke. We know that the free market is nonsense. We know that the whole point is to gain the system, to beat the market, or at least find someone who will pay you a lot of money because they are convinced that there is a free lunch. We know this is largely about power, that is an adults-only, no-limit game. We kind of agree with Mao, that political power comes largely from the barrel of a gun, and we get that if you want a friend you should get a dog,” end quote. Are those your words?

Mr. BLOOM. Yes.

Senator HAWLEY. Do you stand by those?

Mr. BLOOM. No.

Senator HAWLEY. What specifically? I mean, where should we start? Do you think the free market is nonsense?

Mr. BLOOM. I think I answered in my questionnaire that I do not.

Senator HAWLEY. Well, why is that? Because you have changed your views or because you were inadequately quoted? What you answered in your questionnaire are one-words answers to very specific questions, all of which are just flat denials. So why don't you take the opportunity to inform us?

Mr. BLOOM. No, I am happy to clarify further. I was giving a speech at a conference where the people in the room were—styled themselves as very tough, hard-boiled investors, and I was trying to convey that the steelworkers union is also capable—while it would to work constructively it is also capable of acting in a very hard-headed and hard-boiled way. And so in order to do that I spoke in a very provocative way that does not reflect my actual views.

Senator HAWLEY. So you were pandering to your audience.

Mr. BLOOM. I was trying to provoke my audience.

Senator HAWLEY. By saying that you agree with Mao?

Mr. BLOOM. I was trying to provoke my audience to get them to think that the steelworkers could be a great partner but were also prepared to be tough, just like them.

Senator HAWLEY. Do you agree with Mao that political power comes largely from the barrel of a gun?

Mr. BLOOM. I do not.

Senator HAWLEY. Do you think that the whole point is to game the system, to beat the market, to find somebody who will pay you a lot of money because they are convinced there is a free lunch?

Mr. BLOOM. No, I do not.

Senator HAWLEY. My concern, Mr. Bloom, is that if this were just one speech it would be troubling enough, but as the record, I think, clearly reflects you have a long history of—I think the best you can put it is inflammatory statements, I mean, that are politically charged, is I think the nicest way to put it.

What assurances do we have that as a member of this very important governing body you will conduct yourself in a way that is befitting of a nonpartisan body charged with overseeing a very important institution in this country and not engage in this kind of inflammatory rhetoric that you now say—oh, do you regret this rhetoric, actually? Do you regret these remarks?

Mr. BLOOM. Yes.

Senator HAWLEY. Would you make them again now?

Mr. BLOOM. I would not.

Senator HAWLEY. So what assurances do we have going forward that you will not engage in this pattern of behavior?

Mr. BLOOM. Well, the best I can offer you, Senator, is I have a 40-year career of solving exceptionally complex problems from all sides of the table, whether it be labor, whether it be management, or whether it be sitting in a government seat, and I think my record in those 40 years speaks for itself, where I have been able to find win-win solutions in very complicated, difficult situations where normally parties were drawn to conflict and I was able to find resolution.

I believe that while I certainly occasionally speak in an aggressive way to advocate a point of view, I think a 40-year career of solving problems and fixing things that are badly broken, as I have, I think is the best I can offer you.

Senator HAWLEY. Let me turn, in the time I have remaining, to Mr. Crowell and Mr. Park. Gentlemen, let me just ask each of you to begin with, what, in your opinion, is the most important characteristic of a good judge?

Mr. Park, we will start with you.

Mr. PARK. I think that the number one characteristic that we look for in a judge is the law, understanding what the judge's role is, and the judge's role being to apply the law to the facts, not to be influenced by that particular judge's personal sympathies, biases, not to be influenced by popular perceptions, popular views of a particular litigant or party. I think that that spirit of independence is fundamental to our system of government and to the judicial system. I think if I had to identify one characteristics that would be the one.

Senator HAWLEY. Thank you. Mr. Crowell.

Mr. CROWELL. I completely concur with Mr. Park. I think impartiality is the cornerstone of any judicial opinion.

Senator HAWLEY. Thank you very much.

Mr. Park, let me ask you, you recently joined, this past year, a number of different bar associations, including the Women's Bar Association of D.C. Let me ask you about a number of litigating positions that that bar association has taken, including opposing religious liberty exemptions to the Department of Health and Human Services (HHS) mandate, opposing—being on the wrong side of the Becerra case in California's attempt to use speech regulations to force prolife crisis pregnancy resource centers to issue statements in conflict with the mission of those organizations.

I am concerned about this. I am concerned that this association engages in this sort of activism and that it consistently comes out on the wrong side in these important issues, with what the Supreme Court says the Constitution and the law is. Can you tell me about your membership in this association? Does it reflect your views, as a judge?

Mr. PARK. To be perfectly honest with you, Senator, I did not realize that the bar association took all of those positions. Part of the thing that I had hoped to do when I first considered applying for this position was to gain a base of support and to see whether or not I would have support within the community.

So one of the things I did was to reach out to different bar associations—the Women's Bar Association (WBA), the Hispanic Bar Association (HBA), the Asia-Pacific American Bar Association (APABA)—and to meet with those people and to ask whether they would support my nomination.

One piece of advice I got was that it would be the better course of wisdom to pay the dues and show that those organizations mattered enough for you to pay the dues and become a member. And so that is why I did that. I am not familiar, Senator, with actually all of the issues that you just raised.

Senator HAWLEY. Last question, Mr. Chairman. Is it safe to say that should these issues come before you, if you are confirmed and

should these issues come before you as a judge, you would adhere to the precedent and the instructions given by the U.S. Supreme Court in these and all relevant cases.

Mr. PARK. Oh, absolutely. Absolutely, Senator. It is not just my personal belief. It is a rule of the Judicial Code of Conduct in the District of Columbia, so I would be ethically bound to do that.

Senator HAWLEY. Thank you very much. Thank you, Mr. Chairman.

Senator LANKFORD [presiding.] Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Let me say to my friend—our friend from Missouri, I have known Ron Bloom for a long time. The work that he did with respect to the restructuring of Chrysler and GM and bringing them back, really, from not just the abyss but really from bankruptcy, is laudatory. You are probably going to be surprised to hear me say this but our colleagues, myself included, sometimes we say things that are somewhat inflammatory, even in this room, and we should not be totally surprised that maybe one of our nominees, maybe some of them would do the same thing. I actually feel real lucky to have people as good as Ron and Roman Martinez to be nominated to serve.

I think we should be ashamed, as a body, for our failure—and I would say the current Administration—the last Administration actually nominated six Governors in, I think, 2016, and the Senate—three Democrats, three Republicans—and we failed to move those nominations. So we were stuck with nobody for the Board of Governors for 2 years, which is just awful. Can you imagine a business this big operating without a board of directors for 2 years, and with maybe one or two people for even longer? It is just abhorrent.

I just want to say to Mr. Bloom and Mr. Martinez, thank you for your willingness to do these jobs.

I want to say, Mr. Crowell and Mr. Park, I do not have any questions for you. I do want to say I thought your statements were excellent. I just want to say to your children, who are sitting behind you, I just want to express our thanks for their willingness to cut class today— [Laughter.]

To be here and sit behind you and lend their support. Who is your 7-year-old? What is his name?

Mr. PARK. His name is Elliott, and in full disclosure he has been promised ice cream. [Laughter.]

Senator CARPER. Well, I have had the honor of raising three boys with my wife, Martha, and we have had to offer to our boys a lot more than ice cream to get them to be this well behaved. So with that having been the incentive, let me get serious.

To our nominees for Postal Board of Governors, if you look at what—I used to be a naval flight officer (NFO). I served three tours of Southeast Asia. The best day of the week for all of us was the day we got the mail. We did not have Skype, we did not have cell phones. In fact, we did not have much of anything except the mail to communicate with people, family and others back home. The world has certainly changed, and relatively few people use First-Class Mail compared to what used to be the case.

But in adversity lies opportunity, and the loss of First-Class Mail and the movement of mail to the Internet and the idea that people now order a lot instead of going shopping at brick-and-mortar places for their goods, they get it over the Internet. But there are other opportunities there. Would you all just talk about that idea, in adversity lies opportunity as it pertains to the Postal Service looking forward? Ron, would you go first?

Mr. BLOOM. Yes. I think you have identified a key new fact, which is, as I said earlier, the decline of First-Class Mail is very significant and a big negative, but in that same 20-year period e-commerce has exploded and shows no sign of stopping to explode in terms of its growth. And because of its network, because it visits every location 6 days a week, and now, in some cases, as I understand it, even seven, the Postal Service is uniquely situated to be that last mile. Package delivery is different than first class, and so I think they cannot just do it the way they did it, but sitting beside the decline of first class is the explosion of packages and that opportunity. At least as I see it, e-commerce continues to grow relentlessly and in that adversity lies the opportunity to continue to play a role as the delivery backbone of the United States but to deliver a different thing.

Senator CARPER. Mr. Martinez.

Mr. MARTINEZ. Well, the opportunity would be that it is necessary to change the model, because it is broken right now. The area of the organization that is growing, the packages, is one that provides opportunities if exploited correctly. One of the other first things I would like to do is what is the USPS doing on its own, in terms of creating new opportunities, new businesses, development—

Senator CARPER. Do you see part of the role of the Board of Governors is to help explore those and to create the ideas and bring ideas to postal management?

Mr. MARTINEZ. Well, it is a give and take. First of all, it would be to make sure that the organization is there, that the process is there for that to happen. For example, if you were to say what are the new business ideas you have, well, we do not have any people thinking about them. Well, that is the problem. So what is there already, in an organized way, to create ideas for the organization? The board members should come up with ideas if they have them but that is not really their role, in my view.

As I mentioned before, also, the employees might be a tremendous source of ideas, because they are the ones on the firing line. Some of the best inventions have happened because of necessity of changing a product or a process or what have you. So those are opportunities.

But having said that, we cannot ignore the fact that the way the model is now is broken, because of the way it is supposed to serve as the essential services part of the business, the pricing, the revenue side, and the cost basis are out of whack, and the mandated costs on top of that make it an impossible model to succeed on its own. The only way it can keep succeeding like that is if the other side, the competitive product becomes overwhelmingly successful. So both things have to be dealt with, not just one.

Senator CARPER. Thank you. Another question for both of you. We have nine slots for Board of Governors plus the Postmaster General and the Deputy. We have two right now that have been confirmed. I think one of you mentioned the idea that to the extent that we had more Governors serving in position they would be different skills, different expertise, from different backgrounds, and be able to make different kinds of contributions and complement one another.

Would you each talk about how your backgrounds might enable you to do that effectively?

Mr. Martinez first.

Mr. MARTINEZ. Sure. Well, my background mostly is as an investment banker. I consider myself a financial expert, if I may say so humbly. The SEC qualifies me as such.

Senator CARPER. I once read in a newspaper, I had become Chairman of this Committee, and in the *Wall Street Journal* there was an article about a new chairman and it described me as the expert in the Senate on cybersecurity. My wife said this to me that night. I said, "Look at this, honey. The *Wall Street Journal* says I am the Senate expert on cybersecurity" and she said to me, "In the land of the blind—" [Laughter.]

"The one-eyed man is king."

Mr. MARTINEZ. I may be in that category. I do not know.

But, no. My functional expertise is on that. My experience in terms of work not only has been in finance but also the last 15 years or so on boards, and that brings a dimension to the job that I think is very important. A lot of it is asking questions. A lot of it is thinking out of the box, thinking out loud, challenging the status quo. In my work, and where I work with boards, I believe in the Socratic method—asking the questions, the right questions, pursuing that, and, in effect, come up with solutions as a group.

So that kind of work, that kind of perspective, that kind of experience I think I would bring to my board work.

Senator CARPER. Thank you. Mr. Bloom, same question, please.

Mr. BLOOM. I think most of my experience has been working with large organizations who, at one point in their life, were very successful but whose external environment changed and needed to change. And that could have been a steel company, it could have been an auto company, it could have been the city of Detroit, where I was involved in the bankruptcy there. And in each of those cases what I have tried to—

Senator CARPER. Detroit is a come-back city now.

Mr. BLOOM. It is.

Senator CARPER. It is really impressive.

Mr. BLOOM. It is.

Senator CARPER. I hope the same will happen with my Detroit Tigers. They are a baseball team.

Mr. BLOOM. I am going to stay out of that.

Senator CARPER. OK.

Mr. BLOOM. But so what I have tried to do in all of those cases is ask how can you preserve what is really good in that organization but how can you challenge that organization to change to meet a very different world that it faces, and how can you bring people together around a creative solution. That is what I have tried to

do in my other work and that is the spirit I would bring to this responsibility, if I were given it.

Senator CARPER. All right. Thanks to both of you. Thank you, Mr. Chairman.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Let me ask a couple of questions as well.

Gentlemen, thank you all for doing this, and thank your families, as well, for stepping through this process. It is not a simple process, nor short—painfully so. We are working, actually today, to try to make the process a little more expedited as we go in the days ahead, but I appreciate so much for you taking the time to be able to go through it.

Mr. Bloom and Mr. Martinez, let me ask you both about the President's Task Force and your impressions of that. I know there was an initial question to you. I would like a more expansive answer. What are your impressions so far of some of the recommendations out of there? What do you think needs to be applied? What needs to be set aside? Just your initial impressions. You can take it in either order you want to take it.

Mr. MARTINEZ. I will start. I think as a whole it is an excellent report. It was able to bring together a lot of the issues that are impacting the USPS. If I may make a couple of specific observations, they also underscored what has been underscored before you came in, that we talked a little bit about the USO and the need to define the Universal Service Obligation, and I think that is a major thing. It sounds simple but that needs to be done.

They identify a lot of areas generally, in terms of new services and products that need to be addressed. That is important. They underscore the fact that this is a public service, that urban and rural are very important, and I think that is a critical thing to keep in mind throughout the process.

There are areas where I would question. I would like to understand better what they mean. For example, there was some section there about balance sheet separation and the packages business that I frankly did not understand what they meant by that. I would like to understand better when they talk about new services, the monopoly of the mailbox, and the other things that we do on a very sort of a proprietary basis. What are the actual revenue potentials?

I would like to flesh out from all of that more of the impact on the economics. In the report that I saw it was not totally fleshed out.

The last point I would make is on-board governance. They touched on it but I thought it was incomplete, to the extent that I described in my oral statement that I made. The importance of having a full-strength board is not just to have a quorum. It is you have the diversity of experience, backgrounds, the diversity of constituencies, and to be able to basically fill the key committees of a board that are needed for a board to function—audit, for example, governance, human resources, at the very minimum.

So in that part I wish they would have gone a little bit more. But on the whole it is a very complex issue and I think they did an excellent job.

Senator LANKFORD. Mr. Martinez, thank you. Let me do one quick follow up. What does universal service mean to you?

Mr. MARTINEZ. Well, in principle it means providing postal services to the entire nation at a reasonable cost.

Senator LANKFORD. OK.

Mr. MARTINEZ. So what does it mean in terms of the specifics, and that is where you can get a lot of different interpretations.

Senator LANKFORD. Do you think that is every day to every box to every location?

Mr. MARTINEZ. I am not sure, and I think it is something that—it is critical to define it, because if we do not define the objective, how can we define the solution?

Senator LANKFORD. Right. Which is part of the Task Force task was to bring that up, to raise it as a question.

Mr. MARTINEZ. And correct me if I am wrong, but the statute delegates that basically to the Executive and the USPS and the PRC—the Regulatory Commission—to do. Having said that, it is such a sensitive and critical issue that I think there needs to be bipartisan agreement as to what the clear definition of it is.

Senator LANKFORD. That is fair. Mr. Bloom, same two questions. What does universal service mean to you, and also about the Presidential Task Force?

Mr. BLOOM. Yes. I will start with the second question.

Again, I would echo Mr. Martinez's point. It means affordable access. But even there you asked a question about frequency. But even that is not simple because is it that every letter needs to be there the next day? The next morning? The next night? So you could deliver every day but if it takes 3 days to get the letter there I think that is probably not acceptable to most people. I think the idea of fleshing it out and really looking at it more comprehensively is really quite important, because it is not just delivery frequency, it is time to deliver, and how far away should a post office be from the average American. Those are complex, nuanced questions that need a lot of study.

But as was said earlier, getting a little more clarity on that will be important, I think, in order for the Board of Governors to figure out what problem we are trying to solve. What are we solving for? And once one has a clearer sense of the USO I think it is a little easier to figure out what you are solving for.

I thought the Task Force had a number of excellent points, certainly a number of things that deserve further study. I do not take this as a criticism but obviously what was presented was a summary. And so what I would look forward to do is working with the Treasury to understand what went behind it, and having worked briefly in government I am sure there are many hours of work that sit behind it. I think a report like that cannot be 500 pages but there is a lot of backup.

And so I would feel the need to understand that better before I would know whether or not to support the particular conclusions. I think the issues they raised are critical.

I would also say, again, that while that Task Force report, I am sure, will be taken very seriously, or will be taken very seriously by me, I would also want to perhaps open the aperture a little wider. There are other ideas for reform that have been floated. I

think we have to be pretty open-minded and have not many a priori when we go into this examination. And that is not to denigrate all the good work that has been done. It is more to say that there is a lot of good input to get.

Senator LANKFORD. I would only say for Congress and, quite frankly, for the American people, and the great folks who work for USPS, they are counting on not just a quorum for the Board of Governors but an operational Board of Governors that is taking leadership, making hard decisions, and trying to get us not only solvent but directionally focused. There are a lot of unanswered questions as we have waited on a quorum, and there are unanswered issues because Congress continues to be able to debate these forever and not resolve anything.

So this is the first step, is to get a good, functioning, leader-focused Board of Governors, and we are counting on you to be able to take that on. So I appreciate you stepping up in this season to be able to take this on.

For the two of you, you get the benefit of being on a panel of four people. [Laughter.]

And with only 7 minutes of questioning time. Of course, I am not exactly limited on time. We can spend a little bit of time together.

Both of you, our team has done a tremendous number of reference checks and calls and checking with colleagues. There is no way you can be that nice. [Laughter.]

Or you knew everyone that we were going to call, and we called a lot of people. So you both have stellar reputations. You both have an exceptionally difficult task to step into. I appreciate both what you have done in the past, how you have carried yourself in the past, and for being willing to be able to step into this role. It is a very tough task, and thanks for your leadership, and how many people around this community already have great respect for you.

And my daughters got ice cream when they got a shot, so you either equate this with getting a shot— [Laughter.]

Or something else from there. But I appreciate it very much.

Let me just ask some very simple, straightforward questions of you. What do you think are the most significant issues that D.C. faces right now, as a community? I know that is a little esoteric, but as a community, just for D.C., and for the population of D.C., what do you think are the most significant issues for the people of D.C. right now?

Either one of you can take that on first.

Mr. PARK. Well, Senator, I think it might be a function of the work that I do, but I think among the most pressing issues is the amount of gun violence that happens in the streets of D.C. We have seen homicide rates over the last however many years increase, and so the consequences of that are extraordinarily far-reaching for communities, particularly disadvantaged communities in our city. And so that is something that is on the forefront of my mind, in the work that I do at the U.S. Attorney's Office.

Senator LANKFORD. OK. Thank you. Mr. Crowell.

Mr. CROWELL. Senator, I think I agree with Jason that gun violence definitely is a significant issue. I also think housing affordability remains a very significant issue in the city. The city has rapidly grown and it is rapidly diversifying, and a number of D.C.

citizens need a home to stay in their city, and I think affordability is a major issue, not for the court but for the community here in D.C.

Senator LANKFORD. Yes. So let me ask you this, the reverse of this. In the role of serving on the court, what do you think is one of the best ways that you can serve the people of D.C., that you can do as a leader and as a judge?

Mr. CROWELL. As a judge I think it is to be a fair and impartial applicant of the facts to the law, to not overstep my role as a judge, to faithfully execute and serve the Constitution. I recognize that I serve on an inferior court, and to continue that service in that way.

I think as a leader I think it is incumbent upon the Judiciary not to hide behind their robes, to be out in the community. I enjoy my public service. I enjoy serving in the military. I intend to continue that service. I enjoy coaching softball for my daughter. I enjoy attending service at my church. I think it is important, living here in Ward 6, that the citizens that see me here in Ward 6, or across the river in Ward 8, recognize the judge, that I am a part of that community. They see me not only in the pew but also at any number of community events, and see us out in the public.

Senator LANKFORD. Thank you.

Mr. CROWELL. Yes, sir.

Mr. PARK. I would actually echo everything that Jim said, and perhaps add that I think in the Superior Court there are enormous challenges, given the volume of cases that they have to deal with it can be crushing, I know, on the criminal side, on the civil side. I would like to think that one thing I might be able to contribute is some measure of decisiveness, moving cases along. Having spent a number of years practicing in that courthouse I would like to think that I could hit the ground running and ensure that litigants have their day in court as expeditiously as possible.

Senator LANKFORD. OK. With that I always have a question that I ask, and that is about helping the litigants actually get their day in court and get it finalized. There is a terrible habit among attorneys nationwide to not prepare well for a case and know that I can just go to the judge and ask for more time and I get more time. That may be nice for the attorney, that may be convenient for the judge, but for the person who is trying to get justice it is both expensive and time-consuming for them.

How do you manage your court, or how do you plan to manage your court in the way to be able to hold attorneys responsible for preparing for their cases on time, to make sure that their clients actually get their day in court?

Mr. PARK. I think part of it is meaning what you say, and when you set a deadline it needs to be a realistic deadline, and there have to be consequences for not meeting that deadline. I think everybody understands that the lawyers who practice in the court, who are a wonderful group of attorneys, have a lot of challenges and competing responsibilities.

But what I have found during my time working in the court is the judges who demand more and who you know will hold parties accountable for not meeting those deadlines, they tend to get met. I would like to develop that type of reputation in the court, and I

think it means it stems from setting deadlines that matter and sticking with them.

Senator LANKFORD. Yes. OK. Mr. Crowell?

Mr. CROWELL. Senator, I would agree with those comments. I think one of the major challenges in D.C., is in fiscal year (FY) 2018 we had over 90,000 new cases file in the District of Columbia. And most of our focus is often on criminal cases—those are the cases that we think about—but of those 90,000, 55 percent of them were civil cases. And unlike criminal cases, there is no Fifth, Sixth Amendment right to counsel, so these are oftentimes individuals, litigants coming before the court who are trying to navigate that byzantine world of the court. I think that is one of the roles of the court and its juris is to make the court more available to those pro se litigants, to make it more transparent.

One of the pillars that the court is building upon and is providing access to justice—that is actually one of the core concepts that we are trying to push forward, and if I am lucky enough to be confirmed it is one I believe in firmly—one of those issues where a diversifying city, many of our litigants that come before the court do not speak English. Many of the forms not necessarily have been translated into their languages. It is an area that we need to make an effort to simplify some of the civil forms so that those litigants are able to represent themselves if they are not able to afford counsel.

And then I think it is incumbent upon the court and the judges to encourage the civil defense bar and the civil plaintiffs' bar to offer their services to those litigants. I think it is a mark of leadership. Being an attorney is a privilege, and with that privilege comes certain responsibilities, and I think that includes serving those that are less fortunate.

Senator LANKFORD. OK. That would be terrific. Excuse me just a second. Thank you.

Senator Carper has one final question. We are trying to pause for just a moment. I think he is going to step back in. I assume it would be something hard and complex, so I want to make sure you do not miss that, and be able to go from there.

Let me make this statement on the way back in and then he will be able to step in. Senator Carper, you are recognized. Make sure it is a difficult question.

Senator CARPER. I have a question about impartiality. The question is, for each of you, could both of you, Mr. Martinez and Mr. Bloom, speak to your ability to be impartial when it comes to businesses and others who use and partner with the Postal Service?

Mr. Bloom, would you go first.

Mr. BLOOM. Yes. I think the role demands it. The role demands that your responsibility on the Board of Governors is to the entire institution, not to any particular stakeholder. While I have served stakeholders on all sides, that is not my job, if I am privileged to be confirmed. My job is to try to ascertain, with my fellow Governors, what is best for the entirety of the institution, and that would be my goal.

Senator CARPER. Thank you. Mr. Martinez, same question, please.

Mr. MARTINEZ. The Delaware court defines it—

Senator CARPER. Did you say Delaware court?

Mr. MARTINEZ. Oh, you are from Delaware. That is right.

Senator CARPER. Half the judges that serve on the Delaware court—

Mr. MARTINEZ [continuing]. Defines that one—

Senator CARPER [continuing]. One time with folks I had nominated.

Mr. MARTINEZ [continuing]. The Chancery Court defines the duties of the board as a duty of loyalty and duty of care, and in the duty of loyalty, integrity is one of the key determinants of that loyalty definition. I like it that way, I believe, with all my board assignments and I plan to continue to do so here.

Senator CARPER. That is great. In fact, off the record—this is off the record—the Chief Justice of the Delaware Supreme Court was at one time one of my interns, and he had a big brain even then. We had another young guy, Mr. Chairman, who ended up—his name was Guhan Subramanian. That was it, Guhan Subramanian. Guhan was a junior in high school, and we never had interns that were juniors in high school.

And we had Guhan and we had Leon Strine, who went on to become the Chief Justice of the Delaware Supreme Court. One was a junior in high school and one was a junior in college, and they had more intellectual horsepower than the rest of us in my congressional office combined. And we knew they were going someplace but we did not know how far. We used to call Guhan, President Guhan. So, who knows? He is still young so it might happen.

Could you fellows speak to your ability to be independent of the President and Postal Service management to make the best decisions for Postal customers? Mr. Martinez.

Mr. MARTINEZ. That is the way I have operated in not only my board work but also in my professional career. I have had chances where I have turned down assignment of a public board that I resigned from because I did not agree with the direction of the company. There are other instances that have happened and I cannot get into the detail because of the confidential nature of those dealings. But, no, I have acted independently and there is no reason why I would act differently now.

Senator CARPER. All right. Thanks. Mr. Bloom, same question.

Mr. BLOOM. Yes, no, the same thing. I feel like I have always tried to be independent and say what I think. I try to do it in a respectful way. I acknowledge that the other stakeholders have legitimate perspectives. The management, the President, the Congress will all have important roles here, but what I think you are asking us to do is give you our collective best judgment, and then the Congress, in its wisdom, can do with it as it will. But we are no use if we are not giving our independent best judgment.

Senator CARPER. All right. This is for both of you, if confirmed, again, speaking to the work of overseeing the Postmaster General, other senior Postal management, what steps would you take to evaluate the team in place today, and going forward, what qualities would you look for when looking to fill key positions?

Two questions. If confirmed, what steps would you take to evaluate the team in place today, and going forward, what qualities would you look for when looking to fill key positions? Mr. Martinez.

Mr. MARTINEZ. One of the most important things that boards do is that, and also to provide for continuity of management, succession planning, et cetera. That is one of the things where the USPS board is lacking now. Normally you have a governance committee, a human resources committee of the board that deals and delves, in a more granular way, into those assignments. Lacking that, I think the board has to act as a committee of the whole, basically, and in that respect you can have different ways of assessing it.

It is a little premature for me to say how it would be done but I would like to get to know the Postmaster General better, the Deputy, some of their direct reports. In some situations that I have been involved in there are so-called 360-degree sort of assessments that get made to see how management is perceived by their underlings. I am not saying that that should be the thing we do here, but I keep an open mind as to how best to do it. But it is critical that the board be very much involved in assessing the performance and also the compensation.

Senator CARPER. OK. Mr. Bloom, same question.

Mr. BLOOM. I would agree with Mr. Martinez. I would add a couple other observations.

I think what the Postal Service needs now is someone who both possesses the knowledge and experience with this particular organization but also knows how to lead change. That is a balance but I think both of those are required in leadership in the Postal Service.

The second thing I would say is in my experience the board has pretty good access to the top few people in the organization but does not really have access to the next layer, and that is where a lot of the action happens.

And so I think one of the responsibilities of the board is to be sure there is a robust talent assessment process so that the young folks who are trying to rise up, who show promise, who want to really be the leaders of the future are given a chance to develop, and there is a good management development program and a good opportunity to nurture those folks who appear to potentially be what they usually call the high-potential folks. The board would, in my experience, not typically be directly interacting with them but it would be assuring that the top people have that robust program in place.

Senator CARPER. My last year as Governor of Delaware we earned AAA credit ratings. That is a tribute to Pete du Pont who used to be our Governor, Mike Castle, who used to be our Governor before me, and the legislature and a lot of people in our State who worked hard to pull us from really a terrible situation like GM and Chrysler to that position of respectability.

When we earned AAA credit ratings, the same week we earned the AAA credit ratings both Moody's, Standard & Poor's (S&P), and Fitch all said to us, "Congratulations. You got a AAA." It was the first time in Delaware history and we were thrilled. They also said, "You have a big liability out there. You have not even recognized an epic liability is health care costs of your retirees and potential retirees."

This has not been an issue in terms of recognizing—not just recognizing the liability but figuring out over what period of time to

amortize that liability. We amortized our liability for creating a pension fund over 40 years. We did not need 40 years but that was what we started out in, and we made it in more quickly than 40 years.

Under the 2007 legislation signed by George W. Bush, this liability was recognized, but the Postal Service requires, you may know, to actually pay for it, amortize the liability like 10 years. For the life of me I just think that is a bit too aggressive, given the situation that the Postal Service is in, and suggested it be re-amortized, if you will, to something like 40 years, as an appropriate period of time.

If you have any thoughts along those lines I would welcome your thoughts.

Mr. Bloom, why don't you go first.

Mr. BLOOM. Look, I think the Postal Service has to take seriously the promises it has made.

Senator CARPER. Let me just say, if you look at the Fortune 100 companies, you look at Fortune 500 companies, if you look at Fortune 1000 companies, almost none of them have done much of anything about setting money aside, amortizing toward this liability. Same thing with States, State governments in large cities.

Go ahead.

Mr. BLOOM. Yes.

Senator CARPER. That is not to say that they should amortize. They should recognize it and they should amortize it. But their track record is not great.

Go ahead.

Mr. BLOOM. Yes. I think, as I said, the Service needs to take seriously the promises that have been made and it needs to have a plan to honor them. The precise, right period for amortization, I think, needs to be thought of carefully. I also think, candidly, the assumptions used to define the size of the liability needs to be looked at carefully. I think the investment of the assets that go behind the liability need to be looked at carefully.

I would not, Senator, focus on simply one issue. A duration of amortization is critical but I think you need to ask yourself, holistically, what is a burden that this organization can bear so that, over time, it can meet this promise, because it is critical that it meet this promise without asking for help from the taxpayer. But it has to do it in the context of an accurate analysis of what the obligation is, it has to do it with a modern way of thinking about its assets, and it has to do it cognizant of the fact that it would be a very rare company that prefunded all of its retiree obligations.

Senator CARPER. That is good advice.

Mr. Martinez, please, and then I am way out of time. Thank you, Mr. Chairman.

Mr. MARTINEZ. It is a very complex issue. In the corporate world they do recognize the liability but they do not fund it, so there is a charge to the profit and loss (P&L) as a non-cash charge, and it creates a liability on the balance sheet and then it gets amortized as you pay in the future.

Most companies now are trending toward having no retiree benefits—

Senator CARPER. Yes.

Mr. MARTINEZ [continuing]. And basically what they do is integrate it into Medicare. Some companies issue supplemental plans or some other form of health reimbursement accounts to help that. Some do not. FedEx, January 1, 2018, stopped recognizing, or froze its plans for retiree benefits.

So the USPS has to deal with the mandate of the Federal Government and how it treats its retirees, yet it has to compete and generate its own revenues. There is a disconnect there.

I would like to understand more what flexibility the USPS has to restructure that liability, so as not to impact the existing retirees. Any plan would have to take into account those who have been there and those who were promised what they were promised, and deal with that. But it is a question as to whether going forward, for new employees, et cetera, the plan should be different. The corporate world is moving to the Medicare Plus or no retiree benefits recognition.

If we are going to compete on the competitive market side, and we have 7 percent of revenues going into retiree benefits, as that chart shows, and FedEx has none, that is pretty uncompetitive right there. So all of this has to be balanced out.

Senator CARPER. A number of us agree with you on the idea of Medicare integration. I think that is part of the solution. You give us a nice roadmap and hopefully you will have a chance to actually help refine it and to implement it going forward.

I just want to say to James Crowell, are you Army?

Mr. CROWELL. Yes, sir.

Senator CARPER. Retired Navy captain. Navy salutes you. And thank you for your service and good luck to both of you. Thank you. I thought your answers to the questions today were almost as good as your opening statements. Thank you.

Senator LANKFORD. Great. Gentlemen, thank you again.

The nominees made financial disclosures and provided responses to biographical and pre-hearing questions.¹ Submitted by the Committee, without objection.² This information will be made part of the hearing record,³ with the exception of the financial data, which is on file and available for public inspection in the Committee offices.⁴

The hearing record will remain open until 5 p.m. tomorrow, April 3, for the submission of statements and questions for the record.

Thanks again, gentlemen, for the service to get to this spot, and we will look forward to getting you actually into that seat and getting you busy in the days ahead.

With this, the hearing is adjourned.

Mr. MARTINEZ. Thank you, Senator.

Mr. CROWELL. Thank you, Senator.

[Whereupon, at 3:56 p.m., the Committee was adjourned.]

¹The information for Mr. Bloom appears in the Appendix on page 37.

²The information for Mr. Martinez appears in the Appendix on page 98.

³The information for Mr. Crowell appears in the Appendix on page 149.

⁴The information for Mr. Park appears in the Appendix on page 179.

A P P E N D I X

**Opening Statement of Chairman Ron Johnson
Nomination Hearing to Consider Roman Martinez IV and Ron Bloom to be Governors,
United States Postal Service and James Crowell IV and Jason Park to be Associate Judges,
District of Columbia Superior Court
April 2, 2019**

Today the Committee will consider two nominations for Governor of the United States Postal Service. The Board of Governors functions similar to a private company's board of directors, overseeing the operational and financial decisions of the Postal Service. The Board also represents the public interest, ensuring that the Postal Service continues to meet the needs of customers and the American people. Due to dysfunction in Washington D.C., the Board of Governors has not had a quorum since December 2014. Last August, the Senate confirmed new Governors to the Board for the first time since 2010. Although that was a welcome development, the Board still lacks a quorum of four Governors, and is well short of its full membership of nine.

Last month this Committee held a hearing to consider the financial crisis facing the Postal Service, and the findings and recommendations made by the President's Task Force on the United States Postal System. That hearing highlighted the financial instability the Postal Service faces without action by its leadership, the Postal Regulatory Commission, and Congress. Current projections show the Postal Service running out of money by 2020, or by 2024 if Postal leadership continues to default on legally required retirement liability payments. It should be obvious to interested observers that Congress cannot expect the Postal Service to address its financial challenges without a functioning and independent Board of Governors.

It is my hope, therefore, that we will give prompt consideration to all nominees for the Board of Governors pending before this committee. Today we will consider Mr. Roman Martinez IV and Mr. Ron Bloom. Mr. Martinez currently serves on the Board of Directors for Cigna, Corp. and Orbital ATK. He has nearly fifty years of business experience, including his role as former Managing Director for Lehman Brothers, and has twenty years of experience serving on various corporate Boards of Directors. Mr. Ron A. Bloom is currently the Vice Chairman of Brookfield Asset Management. He previously served as U.S. Treasury and White House advisor on automotive and manufacturing policy under President Obama, and has over thirty years of business experience.

We are also pleased to consider two nominees to serve as Associate Judges of the District of Columbia Superior Court. Since 2015 this Committee has considered and confirmed 10 associate judges to the court, but 10 vacancies remain. I'm glad that the President and the city are working together to ensure that we receive qualified nominees that can be confirmed without political obstruction.

Mr. James Crowell IV is currently the Director of the Executive Office for U.S. Attorneys at the Department of Justice (DOJ). He has worked for DOJ for nearly eighteen years, including sixteen years as a federal prosecutor. Mr. Jason Park is currently the Deputy Chief in the Major Crimes Section of the U.S. Attorney's Office for D.C., where he supervises a group of Assistant U.S. Attorneys (AUSAs) prosecuting violent felony cases in D.C. Superior Court.

I'd like to thank the nominees who have volunteered to serve in these important positions, and I look forward to hearing their testimony.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States
Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior
Court of the District of Columbia
April 2, 2019**

Senator Gary C. Peters, Ranking Member

Opening Statement As Prepared for Delivery

Thank you, Chairman Johnson, and thank you to the nominees for being here today and for your willingness to serve.

Today we are considering two nominees to serve on the United States Postal Service Board of Governors and two nominees to serve as Associate Judges on the Superior Court for the District of Columbia.

The D.C. Superior Court and the U.S. Postal Service Board of Governors perform very different functions, but both are critically important to the communities they serve. Both have also faced a common challenge in recent years: too many empty seats.

Prolonged vacancies on the D.C. Bench slow the administration of justice, and, for years, vacancies on the Postal Board of Governors have prevented the Board from tackling the immense financial and operational challenges facing the Postal Service.

Mr. Bloom and Mr. Martinez, if you are both confirmed, the Postal Service Board of Governors will have a quorum for the first time since 2014, a crucial step towards helping the Postal Service address its daily challenges. Although Congress must take on the challenge of passing bipartisan postal reforms, we will have to rely on and work closely with the Board of Governors to ensure the Postal Service continues to be a vital public service for every community, business, and household across America.

Mr. Chairman, I am very pleased that we are holding this hearing today and moving one step closer to a fully functioning Board of Governors. As you know, seven of the nine Senate-confirmed seats on the Board of Governors are currently vacant, which means that after today we still have a lot work to do to get qualified nominees confirmed and serving on the Board.

I would also like to thank you for honoring this Committee's tradition of considering nominees for the Board in bipartisan pairs. I look forward to working together to continue that tradition while moving qualified nominees through the process as quickly as possible.

Mr. Park and Mr. Crowell, you have each demonstrated a longstanding commitment to public service. Throughout the nomination process this Committee has heard nothing but praise for your legal abilities and professionalism.

I look forward to hearing from each of the nominees. Thank you.

ELEANOR HOLMES NORTON
 DISTRICT OF COLUMBIA
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 TRANSPORTATION AND
 INFRASTRUCTURE**
 SUBCOMMITTEES
RANKING MEMBER, HIGHWAYS AND TRANSIT
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**COMMITTEE ON OVERSIGHT AND
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Congress of the United States
 House of Representatives
 Washington, DC 20515-1501

Testimony of Congresswoman Eleanor Holmes Norton
Committee on Homeland Security and Governmental Affairs
United States Senate
Hearing: Nominations of James A. Crowell, IV and Jason Park to be Associate Judges,
Superior Court of the District of Columbia
April 2, 2019

Chairman Johnson, Ranking Member Peters, and Members of the Committee. I am pleased to offer my support for the nominations of Jason Park and James A. Crowell, IV, to be Associate Judges on the Superior Court of the District of Columbia. Both of these nominees have stellar legal resumes, and I believe they would make excellent judges on the Superior Court.

Mr. Park is currently an Assistant United States Attorney (AUSA) in the Office of the United States Attorney for the District of Columbia. He has served the residents of the District in the U.S. Attorney's Office since 2012. Mr. Park currently serves as the Chief of the Major Crimes Section of the Superior Court Division, where he supervises three deputy chiefs and 23 AUSAs. His focus there is on prosecuting violent felony offenses. Prior to joining the U.S. Attorney's Office, Mr. Park was an associate at Steptoe & Johnson LLP. After graduating from Princeton University and the Georgetown University Law Center, where he was *cum laude* and served on the American Criminal Law Review, Mr. Park clerked for the Honorable Judge Ricardo M. Urbina of the United States District Court for the District of Columbia. Mr. Park has been awarded the FBI-Washington Field Office Service Award and the U.S. Attorney's Office Impact Award. On four separate occasions, Mr. Park was awarded the U.S. Attorney's Office Special Achievement Award.

Mr. James A. Crowell, IV, currently serves as the Director of the Executive Office for United States Attorneys in the Department of Justice. He manages a 900-person staff with a \$2 billion budget. He serves as the principal staff officer for the Deputy Attorney General for all U.S. Attorney matters. Prior to this position, Mr. Crowell served as Chief of Staff and Associate Deputy Attorney General in the Office of the Deputy Attorney General. In this position, he supervised all of the day-to-day operations of the Office of the Deputy Attorney General. He also served this office as Acting Principal Deputy Associate Attorney General and Director of the Office of the Rule of Law.

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Mr. Crowell also served in the Office of the United States Attorney for the District of Maryland and in several other positions in the Department of Justice, where he started in the Attorney General's Honors Program. Mr. Crowell is currently a Lieutenant Colonel in the United States Army Reserve, where he has served for 25 years and was a Judge Advocate. After graduating from Hampden-Sydney College and the Boston University School of Law, where he was the Editor of the Journal of Science & Technology, Mr. Crowell served as a law clerk to the Honorable Charles A. Pannell, Jr., of the United States District Court for the Northern District of Georgia. Mr. Crowell has received numerous awards for his work at the Department of Justice and in the military.

I appreciate the committee's consideration of these two exceptional nominees. I would be remiss if I did not mention the ongoing crisis in the local D.C. courts due to the large number of vacancies in both the Superior Court and the D.C. Court of Appeals. There are currently 10 vacancies on the Superior Court and two vacancies on the Court of Appeals. With a total authorization of 61 associate judges and one chief judge on the Superior Court and eight associate judges and one chief judge on the Court of Appeals, these vacancies are leading to a crisis for the criminal and civil justice systems in the District. The Superior Court has the highest number of case filings per capita in the United States. I appreciate the committee holding this hearing, and hope for hearings soon on the other pending nominees to provide relief to these courts.

**Opening Statement of Ron A. Bloom
Senate Homeland Security and Governmental Affairs Committee
Confirmation Hearing, U.S. Postal Service Board of Governors
April 2, 2019**

Chairman Johnson, ranking member Peters and members of the Committee, thank you for considering my nomination to serve on the Board of Governors of the United States Postal Service.

It is a great honor to be considered and if confirmed I can assure you that I will work diligently to help guide this vital American institution in adapting to its fast-changing environment and many challenges.

Since before the Nation's birth, the Postal Service has played a vital role as the backbone of America's delivery infrastructure. And while changing times demand changing solutions, the core mission of providing affordable access to its network to all Americans, is as relevant today as it has always been.

I believe that my background and experience equip me to play a meaningful role in meeting the Postal Service's challenges and positioning it for the future.

In addition to my Masters of Business Administration with Distinction from Harvard, my forty years in the workforce have provided me with what I believe are a distinct and relevant set of experiences and perspectives. My work has been equally balanced between business, where I have worked in investment banking and private equity and work for labor unions, with just over 2½ years of service for the Federal Government.

My time in investment banking included two stints doing financial advisory and restructuring work at Lazard as well as founding and building a boutique advisory firm. For the last 3 years I have worked in Private Equity, where I am Vice-Chair and Managing Partner in Brookfield Asset Management's Private Equity business. Brookfield is one of the largest alternative asset managers in the world, with over \$350 billion of assets under management and places significant focus on being good, responsible stewards of businesses.

My work for labor unions included time with the Service Employees and the Steelworkers Union. At the Steelworkers, I helped the union to navigate dramatic changes in its core jurisdiction as well as developing partnerships with Wall Street investors. My time at the Federal Government included work at the Treasury Department helping to lead the restructuring of the Auto Industry and at the White House as Assistant to the President for Manufacturing Policy.

In each of those settings my focus has been on designing and leading positive and creative multi-faceted changes to the strategy, operations and finances of complex large organization.

Whether it was the problems facing the nation's largest steel companies, tire manufacturers, the auto industry or the City of Detroit, I have been able to craft solutions that balanced multiple legitimate needs and moved the affected organization forward.

The Postal Service faces many challenges. It must adapt itself to the enormous changes regarding the demand for and nature of its products. It must continue to play its role as the backbone of the nation's delivery infrastructure. And it must honor its obligations and commitments by developing and implementing a plan that meets the needs of its customers and ensures long-term financial viability, all without requiring direct taxpayer assistance.

To do this, the Postal Service must take advantage of its most valuable asset – the size and density of its network. Any change that reduces delivery frequency and convenience will need to weigh any forecasted direct cost savings against both the potential loss of revenue and customers who use the Service precisely because of the attributes of its network.

That said, the USPS cannot ignore the long-term inexorable decline of first-class mail and that successfully transitioning to a greater focus on package delivery requires re-thinking many of its historical approaches. Add to that the obligations of the universal service obligation and the need to meet the concerns of rural communities and you have a devilishly complex balancing act.

I believe that the Board of Governors has an important role to play here. Working within the legal and regulatory framework set by the Congress and the Postal Regulatory Commission, I see the Board's job as working with Postal Service management to develop a strategic plan that would allow the USPS to fulfill its mission, meet its obligations and achieve long-term operational and financial viability and to provide oversight, support and guidance of and to the management as they carry out that plan.

I believe that each Governor is responsible for contributing his or her best ideas and to work constructively with the other Governors to do our job. I expect that there will often be spirited debate – there are no easy answers for the Postal Service and a wide variety of relevant perspectives. But I am confident that if I am given the opportunity to serve, I can work with my fellow Governors to chart a positive path forward for this important American treasure.

REDACTED

**HSGAC BIOGRAPHICAL QUESTIONS FOR
EXECUTIVE NOMINEES**

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Member of the Board of Governors of the United States Postal Service	September 6, 2018

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Ron	Abraham	Bloom	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 250 Vesey Street		
<u>City:</u> Mamaroneck	<u>State:</u> NY	<u>Zip:</u> 10543	<u>City:</u> New York	<u>State:</u> NY	<u>Zip:</u> 10281

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<small>Check if Maiden Name</small>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
None					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
<u>Year of Birth</u> (Do not include month and day.)	<u>Place of Birth</u>
1955	Queens, New York

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married <input type="checkbox"/>	Married <input checked="" type="checkbox"/>	Separated <input type="checkbox"/>	Annulled <input type="checkbox"/>	Divorced <input checked="" type="checkbox"/>	Widowed <input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Linda	Diane	Silma	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Linda	Silma	Bloom			Est <input type="checkbox"/>	Est <input type="checkbox"/>
Linda	Diane	Silma Bloom			Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Sarah	Umanita	Bloom	
Jacob	Noah	Bloom	
Emma	Nicole	Bloom	

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Harvard University	Business school	1983 Est <input checked="" type="checkbox"/>	1985 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>	MBA	1985
Wesleyan University	University	1973 Est <input checked="" type="checkbox"/>	1977 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>	BA	1977

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government Employment	Brookfield Asset Management, Inc.	Vice Chairman and Managing Partner	New York, NY	Est 07/2016	Est Present
Non-Government Employment	Lazard, Ltd.	Vice Chairman of U.S. Banking and Managing Director	New York, NY	Est 02/2012	Est 07/2016
Self Employment			Pittsburgh, PA	Est 09/2011	Est 02/2012
Government Employment	White House	Assistant to the President for Manufacturing Policy	Washington, DC	Est 02/2011	Est 09/2011
Government Employment	U.S. Department of the Treasury	Senior Advisor to the Secretary of the Treasury	Washington, DC	Est 02/2009	Est 02/2011
Non-Government Employment	United Steelworkers	Assistant to the President	Pittsburgh, PA	Est 01/1996	Est 02/2009
Non-Government Employment	Keilin and Bloom	Founding Principal	New York, NY	Est 1990	Est 1996
Non-Government Employment	Lazard Freres & Comp.	Vice President	New York, NY	Est 1985	Est 1990
Non-Government Employment	Service Employees International Union	Research and Negotiating Specialist	Washington, DC	Est 1979	Est 1983
Non-Government Employment	Jewish Labor Committees	New England Regional Director	New York, NY	Est 1978	Est 1979

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
None		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 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 my capacity as Vice Chairman of U.S. Banking and Managing Director, Lazard, Ltd., I acted as financial advisor to the National Association of Letter Carriers (NALC) during the period 2012-2016.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

I was involved, on behalf of the NALC, with their advocacy of Postal Reform Legislation.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

None.

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools

attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

None.

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
N/A		

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No.

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service</u> (if applicable)
N/A			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

None.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
N/A			

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Abigail Spanberger	\$2,700	2018

Amy McGrath	\$2,700	2018
Andrew Kim	\$2,700	2018
Angie Craig	\$2,700	2018
Antonio Delgado	\$2,700	2018
Chrissy Houlahan	\$2,700	2018
Claire McCaskill	\$2,700	2018
Colin Allred	\$2,700	2018
Dan McCready	\$2,700	2018
Debbie Mucarsel Powell	\$2,700	2018
Gina Ortiz Jones	\$2,700	2018
Jacky Rosen	\$2,700	2018
Joe Donnelly	\$2,700	2018
Joe Radinovich	\$2,700	2018
Josh Harder	\$2,700	2018
Lauren Baer	\$2,700	2018
Lauren Underwood	\$2,700	2018
Lizzie Fletcher	\$2,700	2018
Max Rose	\$2,700	2018
Milkie Sherrill	\$2,700	2018
Randy Bryce	\$2,700	2018
Robert Casey	\$2,700	2018

Sherrod Brown	\$2,700	2018
Xochitl Torres Small	\$2,700	2018
Elissa Slotkin	\$2,700	2018
Tom Malinowski	\$2,700	2018
Robert Casey	\$2,700	2018
Haley Stevens	\$2,700	2018
Sherrod Brown	\$2,500	2017
Sheldon Whitehouse	\$2,700	2017
Sheldon Whitehouse	\$2,500	2017
Joe Kennedy	\$1,000	2017
Doug Jones	\$2,700	2017
Josh Harder	\$2,700	2017
Evan Bayh	\$2,700	2016
Margaret Hassan	\$2,700	2016
Jason Kander	\$2,500	2016
Deborah Ross	\$2,500	2016
Hillary Clinton	\$2,700	2016

Tammy Duckworth	\$1,700	2016
Catherine Cortez Masto	\$2,700	2016
Katie McGinty	\$2,700	2016

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Discussion Materials, Legislative Plan	Lazard	May 2014
"Excerpt from Ron Bloom, Vice Chairman, U.S. Investment Banking, Lazard Freres"	Washington Post	April 29, 2013
"Reflections from the Detroit Auto Show"	U.S. Treasury Notes	Jan. 13, 2011

(Copies of listed publications are provided in Appendix #1)

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
2015 Distressed Investing Summit	Palm Beach, FL; "The M&A Advisor" MandA.TV, interview	Feb. 22-23, 2015

(Interview can be viewed at <https://www.youtube.com/watch?v=2jxhQh5Us2s>)

(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Remarks, "Real Investment in America"	Ourfuture.org; Campaign for America's Future	November 18, 2008
Testimony, "The State of the Domestic Automobile Industry: Impact of Federal Assistance."	Senate Committee on Banking, Housing, and Urban Affairs	June 10, 2009
Testimony, "Ramifications of Auto Industry Bankruptcies (Part II)."	House Committee on the Judiciary, Subcommittee on Commercial and Administrative Law	July 21, 2009
Testimony, "Regarding General Motors and Chrysler and the broader state of the American automobile industry."	Congressional Oversight Panel regarding Treasury's Automotive Industry Financing Program (AIFP)	July 27, 2009
Panel discussion, Domestic High-Speed Rail Manufacturing Conference	Washington, DC; U.S. Department of Transportation	December 4, 2009
Testimony, "Regarding the state of the capital markets for financing the purchases of cars and light trucks by dealers and consumers."	Congressional Oversight Panel regarding government assistance to GMAC under the Troubled Asset Relief Program (TARP)	February 25, 2010
Press briefing regarding the progress of efforts to revive the U.S. auto industry	White House Daily Briefing	July 29, 2010
Keynote Luncheon Address, "The National Labor Relations Act at 75: Its Legacy and its Future."	Washington, DC; the George Washington Law School and the National Labor Relations Board	October 28, 2010
Remarks, public event marking the Chrysler Group's repayment of U.S. and Canadian government loans in full	Sterling Heights, MI; Chrysler employees and management	May 24, 2011
Panel discussion, "Future of U.S. Manufacturing."	Washington, DC; the Center for American Progress Action Fund	May 31, 2011
Press briefing regarding the two-year progress of auto industry assistance	White House Daily Briefing	June 1, 2011

and the status report, issued 6/1/11		
Remarks, 2011 Transforming America Awards and Gala	New York, NY; Demos organization attendees and honorees	June 7, 2011
Testimony, "Lasting Implications of the General Motors Bailout."	House Committee on Oversight and Government Reform, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending	June 22, 2011
Press briefing regarding the announcement on automotive fuel economy standards	White House Daily Briefing	July 29, 2011
Remarks, "Rebuilding the American Economy."	Cambridge, MA; MIT Political Science Distinguished Speakers Series Lecture	September 15, 2011
Remarks, "The Decline of Manufacturing."	Washington, DC; Leading Authorities, Inc., a speakers bureau, offered a demo-tape for potential clients	September 23, 2011
Remarks, regarding General Motor Comp.'s return to public trading, after an initial public offering	Washington, DC, Bloomberg TV	November 18, 2011
Testimony, "The Administration's Auto Bailouts and the Delphi Pension Decisions: Who Picked the Winners and Losers?"	House Committee on Oversight and Government Reform, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs	July 10, 2012
Keynote Remarks**, National Association of Letter Carriers (NALC) Biennial Convention	Minneapolis, MN; NALC members and delegates	July 24, 2012
Panel discussion regarding Postal Service financial results	CNBC "Squawk Box" TV segment, https://www.youtube.com/watch?v=8j_EQqcines	Fall 2012
Panel discussion, Municipal Finance Markets, Pensions and Budgets	New York, NY; NYU School of Law, Global Economic Policy Forum	November 12, 2012

(** Transcript is provided in Appendix #2, though it falls outside the 5-year timeframe requested in Question 8(B), it is relevant to position to which I have been nominated.)

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)
No.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?
No.
- Have you been charged, convicted, or sentenced of a crime in any court?
No.
- Have you been or are you currently on probation or parole?
No.
- Are you currently on trial or awaiting a trial on criminal charges?
No.
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?
No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

- A) Date of offense:
- a. Is this an estimate (Yes/No):
- B) Description of the specific nature of the offense:
- C) Did the offense involve any of the following?
- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: Yes / No
 - 2) Firearms or explosives: Yes / No
 - 3) Alcohol or drugs: Yes / No
- D) Location where the offense occurred (city, county, state, zip code, country):
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes / No

- 1) Name of the law enforcement agency that arrested/cited/summoned you:
 - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
 - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
 - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: **Yes / No**
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

No.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
N/A				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
01/24/95	U.S. District Court District of Columbia	<p><i>Plaintiffs:</i> Frank Lojo, Robert Spinell, Ralph Brock, Robert Guiffree, Buddy Deetz</p> <p><i>Defendants:</i> James Paulos, Clauid Kronk, Michael Hiemstra, Garry Swenson, Paul Santilli, Ken Saltz, Jim Davis, Medford, John McHale, James Gwin, Wynn McCoy, Barbara Lockhart, LTV, LTV Steel, J&L Specialty Steel, William Clark, Edward Gilbert, William Burga, Ralph Regular, Christian Stickam, Richard Kramer, John Simpson, Paul Shoulquist, Jeff Kastbar, Kristine</p>	Plaintiffs bring RICO claim arising out of bankruptcy of Enduro steel company.	Case was dismissed for lack of standing and due to the statute of limitations.

		Stafford, attorney for trustee Enduro's Bankruptcy, Ron Bloom (terminated as defendant on 10/10/95) and other terminated defendants. <i>Lojo, et al v. Paulos, et al</i> , 1995 U.S. Dist. LEXIS 16672.		
Second amended complaint filed 8/26/10	U.S. Dist. Court for Eastern District of Michigan, Southern Division	<i>Plaintiffs:</i> Dennis Black, Charles Cunningham, Kenneth Hollis, Delphi Salaried Retiree Association <i>Defendants:</i> Pension Benefit Guaranty Corporation, U.S. Treasury Department, Presidential Task Force on the Auto Industry, Timothy Geithner, Steven Rattner, Ron Bloom , General Motors Company <i>Black v. Pension Benefit Guar. Corp.</i> , 2011 U.S. Dist. LEXIS 99982, 51 Employee Benefits Cas. (BNA) 2628	Retirees sued various U.S. Treasury officials for their involvement in changes to plaintiff's retirement benefit plan	Case was dismissed as to Mr. Bloom and the other U.S. Treasury Department Defendants
Decided 7/13/16	United States Court of Appeals, Second Circuit	<i>Plaintiffs:</i> General Motors Corp, Radha Ramana Murty Narumanchi, Bhavatarini Devi Narumanchi <i>Defendants:</i> General Motors Corp, Wilmington Trust Company, Timothy F. Geithner, Steven Rattner, Ron Bloom , Mathew Feldman, Harry Wilson, Kent Kresa, Fredrick Henderson <i>In the Matter of Motors Liquidation Company</i> , 829 F.3d 135 (2d Cir. 2016).	Creditors of "Old GM" brought action against successor corporation "New GM"	Court of Appeals upheld Bankruptcy court's denial of creditors' claims.
Decided 05/29/02	U.S. District Court, W.D. Pennsylvania	<i>Plaintiff:</i> United Steelworkers (Ron Bloom mentioned in filings)	Union and company commenced the arbitration process for	Court granted plaintiff's motion to prevent certain depositions.

		<p><i>Defendants:</i> Allegheny Ludlum Corp</p> <p><i>United Steelworkers of Am., AFL-CIO v. Allegheny Ludlum Corp.</i>, No. 01-2196, 2002 WL 31002836 (W.D. Pa. May 29, 2002)</p>	disagreements related to profit-sharing agreement. Company refused to arbitrate certain parts of the agreement, so Union sued.	
Decided 7/31/02	U.S. District Court, N.D. Illinois, Eastern Division	<p><i>Plaintiff:</i> Longview Aluminum LLC, Michigan Avenue Partners, LLC</p> <p><i>Defendant:</i> United Steelworkers, David Foster, Longview Federated Aluminum Council (Ron Bloom's actions discussed in filing)</p> <p><i>Longview Aluminum, L.L.C. v. United Steel Workers of Am.</i>, 213 F. Supp. 2d 876 (N.D. Ill. 2002)</p>	Disagreement over two agreements between union and company.	Union's motion for summary judgment denied
Decided 04/21/06	U.S. District Court for N.D. Ohio, Eastern Division	<p><i>Plaintiff:</i> Wanda Patterson, Arie Schlegel, Dixie Akers, Edna Dawson, Paul Philabaum, Shelley Cornwell</p> <p><i>Defendants:</i> Heartland Industrial Partners, David A. Stockman, Collins & Aikman Corporation, United Steel Workers of America, Leo Gerard, George Becker (Ron Bloom's actions discussed in case)</p> <p><i>Patterson v. Heartland Indus. Partners, LLP</i>, 428 F. Supp. 2d 714 (N.D. Ohio 2006)</p>	Non-union employees bring unfair labor practice against employer and union	Defendant's motion for summary judgment granted
Decided 02/22/07	U.S. District Court, N.D. Indiana, Fort Wayne Division	<p><i>Plaintiff:</i> United Steel (Ron Bloom's actions discussed in case)</p> <p><i>Defendants:</i> Trimas Corporation</p>	Dispute over the scope of Neutrality Agreement to govern conduct during Union's	Plaintiff's motion for summary judgment granted

		<i>United Steel v. Trimas Corp.</i> , No. 106-CV-32-TS, 2007 WL 608393 (N.D. Ind. Feb. 22, 2007), <i>aff'd sub nom. United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indus. & Serv. Workers Int'l Union v. TriMas Corp.</i> , 531 F.3d 531 (7th Cir. 2008)	organizing campaign	
Filed 06/04/08	U.S. District Court, W.D. Pennsylvania	<i>Plaintiff:</i> Johnstown America <i>Defendant:</i> United Steelworkers (Ron Bloom's actions discussed in complaint) <i>Johnstown America Corporation, Plaintiff, v. United Steel Workers of America, AFL-cio, CLC and Its Local Union 2635, Defendant</i> , 2008 WL 2976804 (W.D.Pa.)	Company sued to vacate an arbitration agreement that sustained the Union's grievance alleging that company violated article of labor agreement	Case stayed
Decided 08/22/08	U.S. District Court, N.D. Ohio, Eastern Division	<i>Plaintiff:</i> Gerald Redington, Bennett Toller <i>Defendant:</i> United Steelworkers, Goodyear Tire & Rubber Company (Ron Bloom's actions discussed in filings and case) <i>Redington v. Goodyear Tire & Rubber Co.</i> , No. 5:07CV1999, 2008 WL 3981461, at *9 (N.D. Ohio Aug. 22, 2008)	Goodyear and USW created an agreement related to retiree healthcare benefits which plaintiff class agreed to	Settlement upheld
Decided 08/30/09	U.S. District Court for the S.D. New York	<i>Plaintiff:</i> Rose-Mary Durandisse <i>Defendants:</i> U.S. Auto Task Force and Household Automotive Finance Corp. III	Plaintiff stopped payments on vehicle after error by HSBC and vehicle was repossessed	Defendants' motion for summary judgment granted

		<i>Durandisse v. U.S. Auto Task Force</i> , No. 06 CIV. 2463DC, 2009 WL 2337133 (S.D.N.Y. July 30, 2009)		
Decided 09/09/15	U.S. Court of Federal Claims	<i>Plaintiff:</i> Colonial Chevrolet, Alley's of Kingsport, Spitzer Motor City <i>Defendants:</i> The United States <i>Colonial Chevrolet Co. v. The United States, Defendant. Alley's of Kingsport, Inc.</i> , 123 Fed. Cl. 134 (2015)	Auto dealers claimed an uncompensated taking of their property through the application of TARP	Government's motion to dismiss was denied

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

In my official capacity as Assistant to the President for Manufacturing Policy for the U.S. Auto Task force, I was named in numerous civil proceedings and litigation (see preceding). While actions undertaken by the Task Force were subject to proceedings and litigation, my direct actions—taken or omitted—were not the subject of litigation or proceedings.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>
N/A			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by

mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No.

14. Outside Positions

See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

15. Agreements or Arrangements

See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

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16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that provided therein is, to the best of my knowledge, current, accurate, and complete.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

This 23rd day of October, 2018

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



January 22, 2019

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Under the Ethics in Government Act of 1978, Presidential nominees requiring Senate confirmation who are not expected to serve in their Government positions for more than 60 days in a calendar year are not required to file public financial disclosure reports. The Act, as amended, however, contains a provision in section 101(b) that allows the committee with jurisdiction to request any financial information it deems appropriate from the nominee.

We understand that your committee desires to receive a financial disclosure report (OGE Form 278) from any Presidential nominee for a position on the Board of Governors of the United States Postal Service, along with a written opinion from this Office regarding any possible conflicts of interest.

Therefore, I am forwarding a copy of the financial disclosure report of Ron A. Bloom, who has been nominated by President Trump for the position of a Governor on the Board of Governors, United States Postal Service. Because the nominee is not expected to serve more than 60 days in any calendar year, the enclosed report and this letter are submitted to you in accordance with your committee's confirmation procedures and will be available for public inspection only to the extent provided by your practices. There is no authority under the Act for public release of this material by the executive branch.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.



The Honorable Ron Johnson
Page 2

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2019.01.22 12:18:40
-05'00'

David J. Apol
General Counsel

Enclosures

REDACTED

Ron A. Bloom

September 13, 2018

Michael J. Elston
Designated Agency Ethics Official
Associate General Counsel and Chief Ethics & Compliance Officer
U.S. Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-1100

Dear Mr. Elston:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed as a Member of the Board of Governors of the United States Postal Service.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I will continue to serve as Vice Chairman and Managing Partner of Brookfield Asset Management, a position I began in 2016. In addition to my salary, I own stock options and restricted stock in Brookfield Asset Management. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Brookfield, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I have a carried interest in Brookfield Capital Partners IV. I will not participate personally and substantially in any particular matter in which to my knowledge I have a financial interest, if the particular matter has a direct and predictable effect on the financial interests of the fund or its underlying holdings, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I have served as an uncompensated member of the Board of Directors for GrafTech International since 2017 and will continue to do so. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of GrafTech International, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I left from my position with United Steelworkers in February 2009 and retain a defined benefit pension plan with eligibility for retirement benefits at age 65. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of United Steelworkers to provide this contractual benefit, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

I have been advised that I will likely work as a Governor for no more than 60 days in any period of 365 consecutive days. Accordingly, I understand that I may not, under 18 U.S.C. §§ 203(c)(1) and 205(c)(1), provide any representational services or act as agent or attorney for another in any particular matter involving specific parties in which I have participated personally and substantially as a government official. I also understand that I may not receive a share of any payment made for such representational services performed by another. I understand that additional requirements of 18 U.S.C. §§ 203(c)(2) and 205(c)(2) will apply to me if I work for more than 60 days in any period of 365 consecutive days. In that event, I will comply with all applicable requirements, and I will consult your office if I have any questions about those requirements.

I will meet with you in person before my first meeting of the board in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that it is the Postal Service's position that an appearance of impropriety may be created by my holding any financial interests in its competitors, i.e., companies that deliver mailable matter outside the U.S. mails (e.g., Federal Express, United Parcel Service, DHL, Amazon, etc.). I agree that during my service as a member of the Board of Governors, I will not invest in any company that directly competes with the U.S. Postal Service (e.g., Federal Express, United Parcel Service, DHL, Amazon, etc.).

Finally, I will recuse myself from participation on a case-by-case basis in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to 5 C.F.R. part 2635, subpart E.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron A. Bloom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ron A. Bloom

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Ron A. Bloom to be
Governor of the United States Postal Service**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to serve as a Governor of the United States Postal Service?

I have had no contact with the President on this matter.

2. Were any conditions, express or implied, attached to your nomination? If so, please explain.

No

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Governor? If so, what are they, and to whom were the commitments made?

No

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest?

While I am not aware of any conflicts, I cannot rule out the possibility that a conflict or the appearance of a conflict may arise concerning my current employer, Brookfield Asset Management.

If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict.

I will identify to the Postal Service any matters that I believe could represent a conflict. If it is determined that there is a conflict, then I will recuse myself.

And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

If recusal is required I would take whatever steps are necessary to ensure that my responsibilities are not effected by my recusal.

- a. Specifically, you previously served as an advisor to the National Association of Letter Carriers (NALC), one of the largest Postal Service unions. If confirmed, will you recuse yourself from making decisions that could impact the NALC? Please explain.

I do not believe that my role as an advisor to the NALC, which ended approximately 2½ years ago creates a conflict of interest with regard to matters involving the NALC

- b. You previously worked with several affiliate unions of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), including the NALC, United Automobile Workers (UAW), and United Steelworkers. The three of the largest Postal Service Unions (NALC, American Postal Workers Union, and National Postal Mail Handlers Union) are AFL-CIO affiliates. If confirmed, will you recuse yourself from making decisions that could impact AFL-CIO affiliated unions? Please explain.

I do not believe that my role as an advisor and then employee of the United Steelworkers, which ended almost ten years ago, nor my role as an advisor to the United Automobile Workers and any other AFL-CIO affiliated unions, which ended 25 years ago, creates a conflict with regard to matters that could impact AFL-CIO affiliated unions.

- c. You have worked closely with many automobile manufacturing companies, including Ford Motor Company. You told a Ford Motor Company lobbyist that a matter you were negotiating at the White House on behalf of Ford “has cost me big time. You owe me!”¹

- i. What did you mean by writing that Mr. Ojakli owed you?

I do not recall that specific conversation with Mr. Ojakli. My best guess is that I was referring to the back-and-forth of negotiations regarding the CAFE negotiations and that I was trying to gain “negotiating points” for something I had done.

- ii. Please describe any ongoing contact you have with Ford Motor Company.

I have no ongoing contact or relationship with Ford Motor Company.

¹ H. Comm. on Oversight and Gov’t Reform, *A Dismissal of Safety, Choice, and Cost: The Obama Administration’s New Auto Regulations* 26, Aug. 10, 2012, available at <http://oversight.house.gov/wp-content/uploads/2012/08/CAFE-Report-8-10-12-FINAL.pdf> [hereinafter OGR Report].

iii. If confirmed, will you recuse yourself from making decisions that would impact Ford Motor Company? Please explain.

I see no reason for recusal regarding Ford.

II. Background of the Nominee

5. What specific background and experience affirmatively qualifies you to be a Governor of the Postal Service?

For almost 40 years I have been involved in designing and leading positive and creative multi-dimensional changes to the strategy, operations and finances at complex large organizations.

6. If confirmed, how would your experience in the public and private sector prepare you to serve as a Governor of the Postal Service?

Just less than half of my career has been spent working for labor unions, just less than half for investment banks and private equity firms, with the rest being spent in the service of the Federal Government. I believe that this broad and diverse experience will allow me to make an important contribution to the work of the Board of Governors.

7. Please describe:

a. Your leadership and management style.

My style is to be inclusive and constructive and to lead through the force of my vision and ideas

b. Your experience managing personnel.

I have had a number of jobs where a number of people reported directly to me.

c. What is the largest number of people that have worked under you?

12-15

Treasury Department Experience

8. While working at the U.S. Department of Treasury, you helped negotiate several policy issues with automakers, including the reorganization of General Motors (GM) following a multi-billion dollar bailout by the federal government.

- a. Please describe your role in negotiating the bailout and reorganization of GM.

I served as the Deputy to the individual who led the staff at the Treasury Department (and then led the staff after his departure) which, under the direction of the President's Auto Task Force, represented the Federal Government in assisting with and supporting the restructuring of General Motors and Chrysler and stabilizing the U.S. Auto Industry.

- b. What were the goals of the U.S. Treasury in these negotiations?

The goals of the Task Force were to help stabilize the U.S. Auto Industry as it restructured itself during the Global Financial Crisis.

- c. In negotiating this reorganization, did you prioritize the needs of any stakeholders or debt holders over others?

No

- d. Do you believe it is appropriate for the federal government to prioritize certain stakeholders over others if the federal government is taking action to stabilize an entity in significant financial distress?

No

9. The Special Inspector General for the Troubled Asset Relief Program (SIGTARP) found in 2013 that the Obama Administration's auto task force—on which you served and later led—“played a direct role in GM's decisions and operations up to and through GM's bankruptcy.”² However, you testified during a June 2011 hearing before the House Oversight and Government Reform Committee that the auto task force “chose not to be involved in [operational decisions of GM]. We left that to the board of directors, who directs the management who carries out their will.”³ How do you reconcile these two statements?

The Auto Task Force was not involved in operational decisions but was directly involved in matters concerning the investment of taxpayer dollars.

² Special Inspector Gen. for the Troubled Asset Relief Program, *Treasury's Role in Decision for GM to Provide Pension Payments to Delphi Employees*, Aug. 15, 2013, available at https://www.sig tarp.gov/Audit%20Reports/SIGTARP_Delphi_Report.pdf [hereinafter SIGTARP Report]. See Summary.

³ *Lasting Implications Of The General Motors Bailout: Hearing Before the H. Comm. on Oversight and Gov't Reform, Subcomm. On Regulatory Affairs, Stimulus Oversight, and Gov't Spending*, 112th Cong. (2011) (Ron Bloom, former Senior Advisor to the Sec. of the Treasury, response to Rep. Elijah Cummings), available at <https://www.gpo.gov/fdsys/pkg/CHRG-112hhrg71295/pdf/CHRG-112hhrg71295.pdf> [hereinafter Lasting Implications].

10. A November 2009 article published in *The Detroit News* described a July 2009 dinner at a restaurant in Washington, D.C. with the auto task force following GM's emergence from bankruptcy.⁴ The article quoted you as saying at the dinner that you "did this all for the unions." Fellow Treasury Department advisor Steven Rattner also attributed this quote to you in his book, "Overhaul: An Insider's Account of the Obama Administration's Emergency Rescue of the Auto Industry."⁵

- a. What did you mean by the statement that you "did all this for the unions"?

That statement was made entirely in jest at a private party where the members of the Treasury Team were celebrating and letting off steam.

- b. Did the auto task force take actions during the GM bankruptcy and bailout that were favorable to the unions at the expense of other stakeholders?

No

11. The Obama Administration's bailout of GM produced disparate outcomes between similarly situated individuals.⁶ For example, retirees from Delphi—a former GM component—who belonged to the United Automobile Workers received their full pension benefits after GM's bankruptcy while non-unionized retirees did not. Do you believe it would be appropriate for the Board of Governors to generate policies that treat similarly situated individuals differently?

The management of GM believed (and we did not intervene in these kinds of operational decisions) that the unionized and non-unionized employees were not similarly situated.

White House Experience

12. While working at the White House, you helped negotiate with the automakers Corporate Average Fuel Economy standards (CAFE standards) for cars and light trucks for sale in the United States.

- a. Please describe your role in negotiating CAFE standards with the automakers, the Environmental Protection Agency, the National Highway Traffic Safety Administration, and the California Air Resources Board.

I helped to coordinate the effort from the White House.

⁴ David Shepardson, *Obama Task Force Worked Fast, Hard On Auto Rescue*, *The Detroit News* (Nov. 24, 2009).

⁵ Steven Rattner, *Overhaul: An Insider's Account of the Obama Administration's Emergency Rescue of the Auto Industry* 269, Oct. 11, 2011.

⁶ See Lasting Implications and SIGTARP Report.

- b. Please describe your familiarity and experience with either fuel economy standards or the Clean Air Act prior to beginning your role in these negotiations.

I had general knowledge of the standards and the Clean Air Act.

- c. A report issued by the House Committee on Oversight and Government Reform in 2012 found that the Obama Administration “was more focused on a politically ‘attractive number’ than it was on sound public policy” in setting CAFE standards.⁷ According to one domestic automaker, “Bloom acknowledged that the stringency of the [fuel economy] requirement is beyond [the company’s] capabilities”⁸ In conducting these negotiations, how did you balance achieving an attractive “headline” with the ability of regulated entities to comply?⁹

I did not focus at all on achieving an “attractive headline.”

- d. Toyota was worried that your involvement in CAFE standards would “tilt [] the table to benefit domestics” and UAW.¹⁰ In conducting these negotiations, did you prioritize the interests of any company or entity over another?

No

- e. The CEO of Toyota was warned before a phone call with you that the White House “ha[s] been trying to play one company off another – so if he tells you others have agreed, don’t buy it.”¹¹

- f. In conducting these negotiations, did you make any false or misleading statements to companies in order to get them to agree to specific terms?

No

- g. Do you believe that asymmetrical information can be beneficial in negotiations over public policy?

I believe that information can be useful in negotiations.

⁷ *Id.* at 24.

⁸ *Id.* at 25.

⁹ *Id.* at 24-25.

¹⁰ *Id.* at 21.

¹¹ *Id.* at 23.

- h. You told the CEO of Toyota, “I know how difficult this must have been in a culture where fairness is very important.”¹² Do you believe the CAFE standards were unfair for some automakers? Please explain.

No

- i. The Obama Administration imposed a “vow of silence” on automakers during negotiations on the CAFE standards and warned participants in the negotiations of the “[n]eed to avoid writing.”¹³ If confirmed, how will you assure members of Congress and the public that the work of the Board will be transparent?

I will follow all rules and regulations regarding transparency for the work of the Board of Governor.

13. In a May 2006 speech to the International Association of Restructuring, Insolvency, and Bankruptcy Professionals (INSOL) you discussed your belief in a “dentist chair bargaining” approach, which you describe as a man “grabbing his dentist by the balls and [saying], ‘now let’s not hurt each other.’”¹⁴ If confirmed, will you apply the perspectives you articulated in this speech to service on the Board of Governors?

To the extent that my role on the Board requires negotiations, I will be thoughtful and prudent and attempt to achieve reasonable outcomes.

14. In a 2008 speech titled “Asserting the Union Position in Restructurings – Steelworker Style” that you delivered at the 6th Annual Distressed Investing Forum, you said “Generally speaking we get the joke. We know that the free market is nonsense. We know that the whole point is to game the system, to beat the market, or at least find someone who will pay you a lot of money because they’re convinced that there is a free lunch. We know this is largely about power, that it’s an adults only, no limit game. We kind of agree with Mao that political power comes largely from the barrel of a gun. And we get it that if you want a friend, you should get a dog.”¹⁵

- a. Do you believe the free market is “nonsense”?

No

¹² *Id.* at 28.

¹³ *Id.* at 21.

¹⁴ Ron Bloom, Special Assistant to the President, United Steelworkers, Remarks to INSOL International Annual Regional Conference (May 21, 2006), available at <http://online.wsj.com/public/resources/documents/bloom-speech05092007.pdf>.

¹⁵ Ron Bloom, Remarks to the 6th Annual Distressed Investing Forum at the Union League Club (NYC): Asserting The Union Position In Restructurings – Steelworker Style (Feb. 2008), available at <https://www.youtube.com/watch?v=RCvQ8BSUv-g>.

- b. Do you believe that the “whole point” is to “game the system, to beat the market, or at least to find someone who will pay you a lot of money”?

No

- c. Do you believe that political power “comes largely from the barrel of a gun”?

No

- d. If confirmed, will you apply the perspectives you articulated in this speech to service on the Board of Governors?

No

III. Role of a Governor of the United States Postal Service

15. Please describe your view of the Postal Board of Governor’s (Board) core mission and a Governor’s role in achieving that mission.

I believe that the core mission of the Board is to work with management to develop a strategic plan that would allow the USPS to fulfill its mission, meet its obligations and achieve long-term operational and financial viability and to provide overnight, support and guidance of and to the management of the USPS as it carries out that plan.

16. If confirmed, what specific contributions do you hope to make during your time on the Board?

I would hope to use my experience and knowledge to help the Board of Governors achieve its mission.

17. What do you believe are the functions and responsibilities of an individual Governor? What in your training and experience demonstrates your qualifications to fulfill these functions and responsibilities?

Each Governor is responsible for contributing her or his best ideas and to working constructively with the other Governors to carry out the Board’s mission.

18. What do you see as the main challenges facing the Postal Service? What do you believe should be the Board’s top priorities in meeting those challenges?

The main challenges facing the Postal Service is to adapt itself to the enormous changes regarding the demand for and nature of its products, to continue to play a positive role in the nation’s delivery infrastructure, to be financially viable and to honor its obligations and commitments.

19. What do you believe should be the respective roles and functions of the Board and the Postal Service management? How do you believe the Board and management can best work together to meet the challenges facing the Postal Service?

The Board's job is to set strategic direction and to oversee, guide and support the management. Management's job is to carry out the strategic plan and direct the day-to-day operations of the Postal Service.

20. The Governors are chosen to represent the public interest generally. As a Governor, how will you plan to interact with various stakeholders interested in postal issues and how can you effectively represent their interests?

I will, as appropriate, be available to listen to and gain an understanding of the views of stakeholders and will take those views into account in formulating my perspective.

21. The Postal Accountability and Enhancement Act of 2006 (PAEA) requires that by the end 2015, at least four members of the Board have experience managing an organization of 50,000 employees or more. What are your views on this requirement for appointment to the Board of Governors?

It seems reasonable to have some of the members of the Board meet this requirement.

IV. Policy Questions

Postal Reform and Financial Issues

22. The Postal Service continues to experience volume and revenue losses. The Postal Service ended Fiscal Year (FY) 2017 with a net loss of \$2.7 billion.
- a. In your view, what is the Board's role in overseeing the Postal Service's efforts to improve its financial condition and to increase postal revenue and cut costs, while also meeting its universal service obligations and other statutory requirements?

The Board's job is to balance the various statutory obligations with the need for long-term financial viability.

- b. How does the Board's role differ from the role of the Postal Regulatory Commission (PRC) or the role of Congress?

My understanding is that the Postal Regulatory Commission is principally engaged in setting rates for certain Postal Service products and for oversight regarding compliance with certain laws and regulations and the Universal Service Requirement. I see the role of the Board of Governors as operating within the framework established by the PRC and other applicable requirements and ensuring compliance in those areas where the PRC identifies concerns.

23. Postal Service volumes and revenues associated with its letter mail and other market dominant products continue to decline, and First-Class Mail in particular is projected to significantly decline over the next decade. At the same time, the volume of packages and its competitive products have grown significantly in recent years.

- a. How can the Postal Service remain viable as letter mail volume declines?

The Postal Service needs to adapt to the decline in letter mail by expanding and improving its other product offerings and aligning its costs with its revenues.

- b. How can the Postal Service take advantage of the growing popularity of e-commerce and package delivery?

There are many opportunities that should be explored in the area of e-commerce and package delivery that take advantage of the Postal Service's unique attributes.

- c. What new actions should the Postal Service take to maintain its viability and competitiveness in both its traditional lines of business and in potential growth areas?

At this time, I do not have a view as to exactly what steps the Postal Service should take, although I do believe that new and creative thinking is required.

- d. What do you believe are the proper limitations of the Postal Service with respect to competition with the private sector?

At this time, I do not have a view as to exactly what the limitations should be, although there clearly do need to be limits that balance the needs of all relevant stakeholders.

- e. How proactive should the Board be in identifying areas for the Postal Service to cut costs quickly so that it can cover its operating expenses?

The Board should be proactive whenever it identifies opportunities to improve the operations and financial results of the Postal Service.

- f. What are the Board's role and responsibilities in identifying opportunities for the Postal Service to increase volume?

The Board, working with management, should look for opportunities to profitably increase volume, consistent with long-term financial viability and operating within the restrictions and opportunities that govern the Postal Service.

24. What are your views on the "universal service obligation"?

The Universal Service Obligation is an important part of the Postal Service's mission.

25. How do you view current service standards and delivery frequency with respect to the obligation for service to every American?

At this point I do not have enough information to have an informed view regarding the appropriateness of existing service standards and delivery frequency.

26. The Government Accountability Office (GAO) again included the Postal Service on its High-Risk List in 2017 because of its precarious financial condition. GAO added the Postal Service's financial condition on its high-risk list in 2009, after removing it in 2007. In your view, what should be the Postal Service's strategy for improving its financial condition and restructuring its business model to ensure its long-term viability, in addition to any factors that the Postal Service has announced as part of its new business model?

The Postal Service needs to comprehensively consider all alternatives as it crafts a plan to achieve long-term viability.

27. The Postal Service has estimated its liabilities (including retiree pension and health benefits) to be over \$484.8 billion while the combined assets are \$363.1 billion, leaving an unfunded liability of \$121.7 billion. How do you believe the Postal Service should address its unfunded liability?

Through a comprehensive plan that looks at all elements of the Postal Services business, including the methods and assumptions used to calculate its assets and liabilities.

28. In recent years, postal management has indicated that the Postal Service has been financially unable to make the investments necessary to replace its aging vehicle fleet or make other necessary capital investments in order to remain viable and competitive in the coming years. What steps do you believe the Board should take to prioritize key capital investments and allocate the resources necessary to make them?

Updating the fleet is critical but would be best done in the context of an overall plan.

29. What short and long-term actions should Congress take to assist the Postal Service in achieving financial viability?

At this time, I do not have a specific set of actions that I would recommend that Congress take but I do believe that the Board has an important role to play in crafting such a request and that Congress will have a vital role to play in helping to give the Postal Service the tools and framework it needs to be successful.

30. In a July 2012 interview with CNBC, you stated that, "Congress puts a lot of obligation on [the Postal Service]."¹⁶

- a. What specific obligations do you believe Congress has placed on the Postal Service?

I was referring generally to the fact that the Postal Service is highly regulated.

- b. Which of these obligations do you believe the Postal Service should advocate to have removed, and why?

At this point I do not have a view of which specific regulations should be changed.

- c. In the interview, you said, "When you want to close a rural post office, that's a Congressional event . . . they have post offices out there that have ninety percent negative margins."¹⁷ Do you believe the Postal Service should be able to close unprofitable post offices?

I believe that the question of whether or not to close Post Offices needs to be evaluated based on many criteria, with profitability being one of them.

¹⁶ Squawk Box, *Post Office Poised to Default: Ron Bloom*, CNBC (Jul. 27, 2012), available at <https://www.cnbc.com/video/2012/07/27/post-office-poised-to-default-ron-bloom.html>.

¹⁷ *Id.*

Postal Rates and New Products

31. One of the core principles of PAEA was to provide Postal Service customers, through the establishment of an inflation-based rate cap, with predictability and stability in pricing of the Postal Service's market dominant products. Pursuant to PAEA, the PRC completed a review of whether the rate cap met the criteria laid out by 39 U.S.C. § 3622, including stability, fairness, and generating adequate revenue to cover Postal Service costs. The PRC found that the cap did not meet all of these criteria, specifically the requirement that the cap did not allow for long-term financial stability of the Postal Service or for the Postal service to maintain high quality service standards.
- a. Do you believe the inflation-based rate cap has met the objectives and factors laid out in 39 U.S.C. § 3622?

See below for answer to parts (a) and (b).

- b. Which of these objectives or factors, if any, do you believe should be weighted above others?

I believe that pricing restrictions need to be part of comprehensive plan designed to achieve long-term viability and meet the needs of customers. At this point, I do not have a specific view as to exactly what changes to the pricing regime should be made.

32. The PRC also recently proposed adjusting the rate cap to allow the Postal Service to raise prices above inflation on market dominant products. In considering price increases, how should the Postal Service balance the need for additional revenue with the possibility that higher rates could further reduce mail volumes?

Pricing decisions should reflect the need to optimize revenue in excess of costs while serving the needs of the Postal Service's stakeholders.

33. The Postal Service has requested legislation authorizing greater flexibility in offering non-postal products.
- a. Under what circumstances should the Postal Service be permitted to offer non-postal products?

See below for answer to all parts of Question 33.

- b. To what extent do you believe the Postal Service should rely on the provision of non-postal products in its efforts to generate additional revenue?

See below for answer to all parts of Question 33.

- c. How would you ensure the Postal Services does not compete unfairly with the private sector in selling non-postal products?

Limited offering of non-postal products should be considered when it will serve customers, contribute to long-term viability but not unfairly interfere with private sector prerogatives.

34. How can the Postal Service take better advantage of its current authorities to make the mail more appealing and valuable to customers and attract additional mail volume?

The Postal Service needs to offer an attractive product that meets customer needs at affordable prices.

Facility Closings and Service Changes

35. What role should the Board have in decisions to realign postal retail and mail processing networks, including decisions to close specific facilities?

The Board should work within the constraints determined by Congress and the PRC to help management operate the Service's network in a cost effective manner, consist with the Service's obligations.

36. How can the Board ensure the Postal Service communicates with its customers and employees so that they are aware of updated information on the consolidation process, as it becomes available?

The Board should insist that management communicate with stakeholders in an open and transparent way.

37. The Postal Service is required to deliver mail to every address in the country, creating the need for retail postal locations in low-density counties and towns. How would you balance the Postal Service's universal service obligation and the need for rural counties to have reasonable access to the postal services when looking at ways to improve the Postal Service's financial condition?

The Universal Service obligation needs to be maintained in a manner that does not unduly burden the Postal Service's ability to meet its other obligations.

38. According to GAO, approximately 41 percent of postal revenue comes from alternate retail channels such as the Postal Service website, automated postal centers, and contract postal units. Do you believe the Postal Service should increase the use of alternate retail channels, and if so, how should this be accomplished?

The Postal Service needs to explore the growth of alternative retail channels while maintaining the viability of its own retail network.

39. The Postal Service has, in the past, proposed both the elimination of Saturday delivery of some classes of mail and has nearly eliminated the overnight service standard.

a. What is your opinion of the Postal Service's proposals to eliminate Saturday delivery of some classes of mail and lower certain service standards?

See below for answer to all parts of Question 39.

b. What steps should the Postal Service take to ensure that any service changes it makes do not disproportionately harm any subset of postal customers and are consistent with the Postal Service's universal service obligation?

See below for answer to all parts of Question 39.

c. How do you believe that changes to service affect customers' attitudes towards and use of the Postal Service?

See below for answer to all parts of Question 39.

d. How should the Postal Service balance the potential cost savings gained or potential revenue lost from changing service?

In addition to the universal service obligation the most important asset of the Postal Service is the size and density of its network. Therefore, any change that reduces delivery frequency and convenience needs to weigh any forecasted direct cost savings against both the potential loss of revenue and customers who use the Service precisely because of the attributes of its network, as well as the requirements of the universal service obligation.

Workforce-Related Issues

40. Since 1999, when the workforce peaked at over 900,000 employees, the Postal Service has been reducing its workforce, including through hiring freezes, early retirements, incentive payments for some targeted attrition, and other ways. In the last two years, however, this trend is reversing and the number of Postal Service employees is increasing. Does the Postal Service have sufficient flexibility to adjust its workforce to its operational needs? If not, what additional flexibility is needed?

I am not familiar with the impediments, if any, that impact the Postal Service's ability to reduce the size of its workforce and so cannot comment on whether or not they require modification.

41. As an increasing number of postal executives, managers, and supervisors are eligible to retire, how can the Board work with postal management to address these challenging succession, continuity, and associated cost issues?

The Board should work with management to insure that there is a robust plan to attract and retain high quality executives to replace those who retire in the period ahead.

42. In recent years, performance-based compensation systems have been implemented for postal executives, as well as managers and supervisors. The success of these systems depends on the credibility of the performance measures. How can the Board ensure the credibility of the Postal Service's performance-based compensation systems? Do you have an opinion about performance-based compensation?

A compensation system that has a well-designed performance-based component can help drive operational excellence. The Board can help insure that the system is transparent, fair and well-understood and that it aligns executives with the goals of the business.

43. Please describe the kind of labor-management relationship you believe is most desirable at the Postal Service.

The Postal Service should strive to have a respectful, open and constructive business-based relationship with its unions that acknowledges both its common and conflicting features.

Accountability

44. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from Members of Congress?

The Board should insist that management comply with reasonable requests from Members of Congress.

45. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from the Postal Service Office of Inspector General (USPS OIG)? What do you believe should be the proper response of the Board to recommendations made by the USPS OIG to Postal Service management?

The Board should insist that management be responsive to reasonable requests and carefully considers recommendations made by the USPS OIG.

46. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from the GAO? What do you believe should be the proper response of the Board to recommendations made by the GAO to Postal Service management?

The Board should insist that management be responsive to reasonable requests and carefully considers recommendations made by the GAO.

47. Protecting whistleblower confidentiality is of the utmost importance to this Committee.
- a. During your career in the federal government, how did you address whistleblower complaints?

I have had no experience with whistleblower complaints.

- b. How do you plan to implement policies within the Postal Service to encourage employees to bring constructive suggestions forward without the fear of reprisal?

I will vigorously insist that there is a well-understood program to encourage constructive suggestions without fear of reprisal.

- c. Do you commit without reservation to work to ensure that any whistleblower within the Postal Service does not face retaliation?

Yes

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

Yes

V. Relations with Congress

48. While working with the NALC, you were quoted in a 2013 *Esquire* article criticizing the relationship between then-Postmaster General Patrick Donahoe and then-Chairman of the House Oversight and Government Reform Committee Darrell Issa.¹⁸ You said that the Postmaster General should not “kowtow” to congressional oversight, but rather you wanted the Postmaster General to say to Congress, “F—[expletive redacted] you! Let me win. I will win if you just get out of my goddamn way!”

¹⁸ Jesse Lichtenstein, *Do We Really Want to Live Without the Post Office?*, *Esquire* (Jan 22, 2013), available at <https://www.esquire.com/news-politics/a18228/post-office-business-trouble-0213/>.

- a. Do you believe it is appropriate for Postal Service management to use vulgar language when working with Congress?

No

- b. How will the sentiment you expressed in this quote be reflected in your relationship with Congress if confirmed as Governor?

My relationship with Congress will be respectful and constructive, fully acknowledging our different roles and responsibilities.

49. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

I agree without reservation to comply with any reasonable requests from duly constituted committees of Congress to appear and testify.

50. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

I agree without reservation to make subordinate official or employees, if such exist, comply with any reasonable requests from duly constituted committees of Congress.

51. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

I agree without reservation to comply with any reasonable requests from duly constituted committees of Congress to provide documents, communications or information.

VI. Assistance

52. Are these answers your own?

Yes.

Have you consulted with Postal Service management, employees, or any other interested parties? If so, please indicate which entities.

This questionnaire was forwarded to me by the Postal Service and I returned it to them. The Postal Service provided a suggestion regarding the format of my answer to Questions #31, #33 and #39, which I incorporated.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Minority
Supplemental Pre-hearing Questionnaire
For the Nomination of Ron A. Bloom to be
Governor of the United States Postal Service**

Nomination Process and Conflicts of Interest

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No
2. Has the President or his staff asked you to pledge loyalty to the President or the Administration?

No

Background of Nominee

3. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

Yes, by making it clear in word and deed that it is welcome.
4. Please give examples of times in your career when you disagreed with your superiors or peers and aggressively advocated your position. Were you ever successful?

There are numerous times in my career when I advocated views different than my superiors and peers. Generally, I have found that robust debate improves the quality of a decision and that the final decision usually incorporates more than one view.
5. Please list and describe examples of when, as a former federal official and presidential appointee, you made politically difficult choices that you thought were in the best interest of the country.

I advocated that the Government provide assistance to Chrysler during my tenure at the Treasury Department.

6. What would you consider your greatest successes as a leader?

My greatest successes came when I was able to positively influence a complex and difficult situation.

7. What would you consider your greatest failure as a leader? What lessons did you learn from that experience?

I have failed when I have not carefully considered the views of others or have allowed my pre-conceived views to prevent me from fully appreciating the specific situation I was facing.

Role of a Governor of the United States Postal Service

8. The Postal Service possesses vast physical assets (processing plants, equipment, vehicles, land, and buildings), much of which were transferred to the Postal Service from the former Department of the Post Office and were paid for by taxpayers. Additionally, the Postal Service is at the center of the mailing and shipping industry, supporting about seven million jobs and about \$1.4 trillion in revenues – generating enormous value and wealth for mail related industries, their workers, and the economy as a whole. The Postal Service holds about \$27 billion in balance sheet assets. The Postal Service OIG has estimated the Postal Service’s real estate portfolio asset value alone to have a market value of about \$85 billion.

If confirmed, how will you work to protect taxpayer and public ownership interests in the Postal Service’s enormous physical assets, financial holdings, and retirement funds?

I will constructively advocate for policies plans and approaches that optimize the use of the Postal Services assets.

9. How will you work to promote public transparency and oversight of the Postal Service’s Operations and Financial performance, as well as, its management actions and overall integrity?

Appropriate public transparency and oversight of the operations, financial performance management and integrity of the Postal Service is critical to its long-term viability.

Policy Questions*Financial Issues and Operations*

10. America's population and the total number of delivery addresses continues to grow, but mail volumes are decreasing. That puts the Postal Service in the difficult position of expanding its delivery network despite shrinking demand. What role should the Board play in decisions to adjust postal retail and mail processing networks, including decisions to close specific facilities?

The Board should be responsible, working with management, for designing and providing oversight and guidance of management's implementation of a plan that balances the need to maintain the service's network and universal service obligation with the need to achieve long-term financial viability and meet its obligations.

11. The Postal Accountability and Enhancement Act of 2006 established a goal for the Postal Service to prefund 100 percent of its future retiree health benefits liability. Are you aware of any U.S. company that prefunds 100 percent of any retiree benefit liability?

No.

Do you believe this is a sound business practice? If so, why? If not, why not?

I believe that it is a practice that should be carefully weighted in light of all the obligations and responsibilities of the Postal Service, including an evaluation of the appropriateness of the assumptions used to determine the level of pre-funding.

12. Rural post offices often play an outsized role in a local community's economy. When considering changes at rural post offices, should the Postal Service take into account rural-specific factors? If so, which ones?

Yes, the needs of rural communities to maintain their connection to the Postal Service's network should be considered.

13. In 2012, the Postal Service reduced delivery standards in order to consolidate a number of mail processing facilities. At the time, some argued that the savings achieved by diminishing the speed of delivery would outweigh the cost to the perceived quality of the product. What are your views on balancing the need to provide a quality product Americans want use versus a desire to lower costs?

In addition to the universal service obligation the most important asset of the Postal Service is the size and density of its network. Therefore, any change that reduces delivery frequency and convenience needs to weigh any forecasted direct cost savings against both the potential loss of customers who use the Service precisely because of the attributes of its network and the universal service obligation.

Postal Reform

14. Some view the Postal Service as “a business” to serve paying customers: others see it as a government services that must continue to be available to all citizens regardless of the financial profitability. Which view should take priority?

Neither – they need to be balanced.

Rates

15. Since 2007, the Postal Service’s rate increases on mail have been limited by a cap set to the rate of inflation. Further, it is barred from entering new lines of business unrelated its mail delivery function. Finally, while it has the freedom to set package and parcel rates, the Postal Service faces competition in that segment from private carriers. How would you balance these constraints with the objective of ensuring postal operations are self-sustaining?

Pricing decisions should reflect the need to optimize revenue in excess of costs while serving the needs of the Postal Service’s stakeholders.

Limited offering of non-postal products should be considered when it will serve customers, contribute to long-term viability but not unfairly interfere with private sector prerogatives.

Customer Service

16. The Postal Service sometimes is forced to temporarily close a retail postal facility, for example after a natural disaster. Yet many of these facilities stay closed for as much as 5 years or longer with little or no communication with the affected community. How can the Board ensure that the Postal Service improves communication with its customers?

The Board should insist that management have robust and transparent communications with its customers.

Oversight

17. The Postal Service operated without any independent Board Members for over a year and has been without a Board quorum since 2015. What additional authorities should the Postmaster General and Deputy Postmaster General, or Postal Regulatory Commission be given to ensure that the Postal Service can continue to operate effectively in the absence of Governors or a Board quorum?

I do not currently have a view about whether or not the Postmaster or Deputy Postmaster or Postal Regulatory Commission should be given additional authority in the absence of a Board quorum, although I do believe that it is an issue that needs addressing.

18. Recent reports by the USPS OIG have found instances where practices and procedures by postal employees and management did not uphold the reliability and integrity of the Postal Service's performance data, such as scanning mail as delivered even if it was not. What role can the Governors play to help ensure the integrity of the Postal Service's service performance system?

The Board should diligently oversee management's responsibility for all aspects of the service's operations.

Opioids

19. Criminals are using the Postal Service as a means to distribute illegal narcotics, including deadly opioids. This is not only illegal, but also puts the lives of postal workers at risk. Yet the sanctity of mail against government inspection has been a hallmark of postal policy, requiring search warrants to allow law enforcement to open a mail item. Should law enforcement be given wider latitude to open suspicious mail items? How might privacy concerns be balanced against the need to protect public and worker safety?

I am not familiar enough with the specifics of the matter to have an informed view at this time.

Workforce

20. Postal Service is having difficulty recruiting younger workers. What might be done to change the image of working for the Postal Service?

The Postal Service needs to offer a competitive wage and benefit package, a positive workplace environment and opportunities for advancement to those interested. In addition, it should be sure that it is recruiting from all sectors of its potential workforce.

21. USPS employees represent the agency to business and residential customers every day and are the eyes and ears of communities. Many are former military servicemembers and are deeply trusted by the consumers they serve.

- a. If confirmed, how would you plan on engaging with the postal workforce while carrying out your duties? How will you solicit and value their input?

I would encourage the Board of Governors, in a fashion that does not undermine management's authority and responsibility to receive input from the Postal Service's workforce.

- b. What is your view on the role of postal unions?

The Postal unions have an important role to play in constructively advocating for the needs of those that they represent and helping to support the Postal Service's mission and success.

Accountability

22. During your past federal service, has your conduct as a federal employee ever been subject to an investigation or audit by an Inspector General, Office of Special Counsel, Equal Employment Opportunity Commission, Department of Justice, or any other federal investigative entity? If so, please describe the investigation or audit and its outcome.

During my tenure at the Treasury Department the actions of the President's Auto Task Force and the staff at the Treasury Department who carried out its work was investigated by the Special Inspector General of the Troubled Asset Relief Program (SIG TARP). A number of reports were issued that evaluated our actions.

23. During your past federal service, did you ever declined to implement recommendations made by the Office of Inspector General, the Office of Government Ethics, the Office of Special Counsel or the GAO? If so, please describe the recommendations that were made and your reasoning for not implementing them.

No

24. If confirmed, do you pledge to consider thoughtfully recommendations made by the USPS OIG, Office of Government Ethics, the Office of Special Counsel or the GAO, and implement those that would improve the Postal Service's functions, operations or accountability?

Yes

Relations with Congress and the Public

25. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

I will devote the time necessary to responding to reasonable request for information from members of Congress.

26. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

Yes

27. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

Yes

28. If confirmed, do you commit to take all reasonable steps to ensure that the Postal Service complies with deadlines established for requested information?

Yes

29. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

Yes

30. If confirmed, will you ensure that the Postal Service will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the GAO and the Congressional Research Service?

Yes

31. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations that improve the Postal Service's operations and effectiveness?

If confirmed I will work with representatives from this. Committee and the GAO to carefully consider recommendations that improve the Postal Service's operations and effectiveness.

32. If confirmed, will you direct the Postal Service to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

Yes

33. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes

Assistance

34. Are these answers completely your own? If not, who has provided you with assistance?

Yes

35. Have you consulted with the Postal Service management or any other interested parties? If so, please indicate which entities.

This questionnaire was forwarded to me by the Postal Service and I returned it to them. The Postal Service provided a suggestion regarding the format of my answer to Questions #31, #33 and #39 in the first list of questions, which I incorporated.

I, Ron Bloom, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



(Signature)
This 13th day of December, 2018

**Senator Michael B. Enzi
Post-Hearing Questions for the Record
Submitted to Mr. Ron A. Bloom**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
Senate Homeland Security and Governmental Affairs Committee
Tuesday, April 2, 2019**

1. I have concerns about some of the comments you made in regards to rural delivery and the universal service standard. Specifically, that rural post offices should be subject to closures. Are you aware that many in rural states like mine rely on the postal service not only for critical services like medication delivery and small business operation, but also play a critical role in the community? Often, the post office in rural areas acts not only as a place to send and receive mail, but a gathering area to chat with neighbors, catch up on recent headlines, and see a familiar face. Every post office in Wyoming serves a purpose and is critical to people's very well-being and sense of community. With this, what will you do as a governor to protect rural service and maintain the universal service standard?

The USO is a vital part of the Postal Service's mission and must be preserved. I understand and strongly agree that the Postal Service plays a critical and unique role in many rural communities and will take that into account in any decision regarding service standards.

2. The USPS has reduced prices available nonprofit periodicals and marketing mailers. Do you support any changes to the price reduction for nonprofit mail?

I do not, at this time, have sufficient information to comment on specific pricing decisions but I can say that I view the mailers of non-profit periodicals and marketing materials as critical customers of the USPS.

3. Do you agree that the Postal Service should continue to provide reliable and affordable package delivery services, so that businesses in the rural areas of my state can stay connected to markets?

Absolutely

**Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to Mr. Ron A. Bloom**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
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1. One of my top concerns is ensuring that every community has access to affordable and reliable postal services, including rural communities that rely on the Postal Service. Do you agree the “universal service obligation” means ensuring rural residents have access to mailing and package products at a reasonable price?

Yes

2. Before implementing changes to its policies or practices, the Postal Service and its regulators must fully understand how such changes would impact communities. For all proposals that come before the Board of Governors, how would you ensure the Board considers the needs of every community and analyzes the expected impacts of such proposals on different types of communities across the United States, particularly rural communities?

Before I would support any changes I would insist on understanding their impact on affected communities and would take that impact fully into account.

3. Many communities, especially those in rural areas, are concerned about the Postal Service’s “service performance”: its ability to deliver mail within reasonable, predictable time frames within its service standards. If confirmed, what would you do to make sure the Board focuses on service performance, to protect and improve mail delivery for all constituents?

Service performance is critically important if the Postal Service is to fulfill its mission and I would emphasize high quality service as a key objective for USPS.

4. If confirmed, your work on the Board of Governors will involve working extensively with many stakeholders to negotiate the best path forward. As you represent the Postal Service, you will also be representing these diverse stakeholders, including, most importantly, every American who is a postal customer. Please describe a professional experience in which you negotiated the needs and interests of diverse stakeholders, and produced positive outcomes for all parties involved.

In my work for the Obama Administration helping to lead the restructuring of GM and Chrysler, I was mindful of the many stakeholders who would have been profoundly affected if either of the companies had failed and in designing the restructuring plan I worked hard to balance the needs of all stakeholders.

5. Please describe your view of the Postal Board of Governors' core mission. In what ways is it distinct from private-sector boards you have served on?

The mission of the Board of Governors is to, within the legal and regulatory framework set by the Congress and the Postal Regulatory Commission, work with Postal Service management to develop a strategic plan that would allow the USPS to fulfill its mission, meet its obligations and achieve long-term operational and financial viability and to provide oversight, support and guidance of and to the management as they carry out that plan.

This is similar to private sector Boards, however in the case of the USPS the core mission of the service – providing affordable access to its network to all American – must always be taken into account.

6. Do you see the Postal Service as a government service that must continue to be available to all Americans at equitable and reasonable prices?

Yes

7. The prefunding mandate is one of the Postal Service's largest liabilities and a key driver of its financial situation. In the policy questionnaire you submitted, you agreed that you are not aware of any U.S. company that prefunds 100 percent of its future retiree health benefits liability. Do you believe the Postal Service's prefunding mandate should be reexamined? How would you take this into account in your strategic planning on the Board of Governors?

I believe that it should be re-examined and changes should be strongly considered as part of an overall plan to achieve long-term financial viability.

8. As the Senate's primary oversight body, this Committee is responsible for conducting oversight of a wide range of federal programs and agencies, including the Postal Service. In order for this Committee to fulfill its oversight responsibilities, it is critical that the Postal Service cooperates with oversight requests. Similarly, the Board of Governors has an oversight function and a responsibility to ask important questions of Postal Service management.

- a. Please describe your understanding of the Board's oversight responsibilities.

The Board of Governors must provide oversight to the work of management.

- b. How should a fully-functioning Board both conduct its own oversight and coordinate with Congress to ensure all questions are answered?

It should take the lead in providing oversight but also insist that USPS management be appropriately responsive to requests from Congress.

- c. Do you believe Postal Service management should comply with requests for documents and information from Members of Congress, regardless of party?

The management should be responsive to responsible requests from Members of Congress, regardless of party.

**Senator Kamala Harris
Post-Hearing Questions for the Record
Submitted to Ron A. Bloom**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
Senate Homeland Security and Governmental Affairs Committee
Tuesday, April 2, 2019**

Privatization

Many people have used the Postal Service's financial challenges as pretense to encourage privatization, including of market-dominant postal products, rather than looking for creative ways to increase revenue or decrease long-term liabilities.

1. If confirmed, would you seek to privatize any portion of the Postal Service?

Based on what I know today, I do not believe that privatization of the Postal Service should be pursued.

Federal Workforce

The President's FY20 budget proposes drastic changes to the Federal Employees Retirement System (FERS) that would decrease work pay and lower pension benefits, by increasing employee FERS contributions, basing annuities on workers' highest five years instead of three years, eliminating special retirement annuity supplements, and slashing cost-of-living adjustments. These proposals would affect the Postal Service's employees.

2. If confirmed, do you plan to advocate for the President's proposed cuts to federal employee benefits?

I am not in a position to comment on matters affecting non-Postal employees. I believe that the best way to determine benefits for Postal employees is through collective bargaining between USPS management and the affected unions.

Providing Financial Services

On January 27, 2014, the USPS Inspector General published a White Paper arguing that expanding financial services offerings could benefit not just the Postal Service but also the financial services community and the American public.

3. Have you reviewed the USPS Inspector General White Paper entitled, "Providing Non-Bank Financial Services for the Underserved?"

a. If you have not, will you commit to reading the White Paper?

I have not, but will commit to doing so.

4. If confirmed, would you consider having the USPS offer non-bank financial services as a way to augment Postal Service revenue? If not, why not?

I am open to considering having the USPS offer non-Postal products and services if it can be done effectively and in a manner that gives proper input to the concerns of affected private sector entities.

5. Could offering these services advance economic justice for non-banked and under-banked Americans who currently spend tens of billions each year on fees for alternative financial services such as payday loans?

I do not know enough to know whether the Postal Service is best positioned to offer these services, but believe that addressing the needs of non and under-backed Americans is an important issue.

Opening Statement of Roman Martinez IV
Senate Homeland Security and Government Affairs Committee
Confirmation Hearing, U.S. Postal Service Board of Governors
April 2, 2019

Chairman Johnson, Ranking Member Peters, and members of the Committee, thank you for considering my nomination to serve on the Board of Governors of the U.S. Postal Service.

I emigrated to our great country from Cuba as a boy, in 1960. I am grateful for the opportunities this country has given me throughout my life. And I am now honored to have a chance to serve our country, if confirmed.

Let me tell you a bit about my background and experience. After coming here from Cuba, I lived for several years in Miami before heading to Massachusetts, where I attended a Jesuit high school and later Boston College. After business school at the Wharton School of the University of Pennsylvania, I moved to New York City, where I worked as an investment banker for 32 years. I became a partner of Lehman Brothers in 1978 and was there until I retired in 2003. During my career in finance, I was involved in most aspects of investment banking, including public and private financings, mergers & acquisitions, corporate restructurings and overall corporate financial advice.

Since 2004, I have served on several corporate boards, and have chaired audit and compensation committees. I am currently on the board of Cigna Corporation, where I chair the audit committee and serve on the finance and executive committees as well. Other boards where I have served include Orbital ATK and Bacardi Limited. I qualify as an "audit committee financial expert", as that term is defined by the Securities & Exchange Commission.

For over 20 years, I have also been actively involved with non-profit organizations, including serving as Vice Chairman of the Investment Advisory Council of the State Board of Administration of Florida, membership of which required confirmation by the Florida Senate. I currently serve on the board of trustees of New York-Presbyterian Hospital and the board of overseers of the International Rescue Committee.

I welcome this opportunity to help the Postal Service through the daunting set of challenges it now faces. The Postal Service has played a critical role in the economic and social development of our country since before the American Revolution, when Benjamin Franklin served as its first Postmaster General. A few years later, the U.S. Constitution explicitly authorized its establishment. For well over 200 years the Postal Service has been a backbone of the communications infrastructure that served the entire country.

In recent years, however, the Postal Service has faced severe challenges. The digital revolution--with its direct impact on regular mail communication--and rigid financial requirements mandated by statute have placed the Postal Service in a state of virtual insolvency. Its current business and financial model is not viable. Yet, its role providing essential services to the entire nation remains critical.

The Postal Service is in dire need of operational and financial restructuring. In addition, its current board governance structure is not functional.

If confirmed, I intend to immerse myself in a deep analysis of the business, financial and other issues affecting the Postal Service. I will follow the same approach that I took throughout my investment banking career, which I continue as an active and independent member of corporate and non-profit boards. I will begin with an open mind; I will learn as much as I can about the challenges at hand; I will consult widely and consider as many points of view as possible. And I will do my best to propose practical and constructive solutions consistent with the Postal Service's universal service obligation.

Based on my board experience, however, I would like to make some brief preliminary observations on current Postal Service board governance.

As you well know, the Postal Service statute establishes an 11-member board, including nine independent board members, the Postmaster General and the Deputy Postmaster General. But as of today, only two independent board members are currently in place—and one of them is subject to reconfirmation this year. For years the board operated with no independent governors in place, a situation that deprived the board of a quorum during an especially trying period.

Respectfully, it is critical that the board be constituted with the appropriate number of governors. The absence of a quorum is itself an important problem. But the problem goes beyond just that.

My experience in corporate governance has taught me that a successful board must include individuals with expertise and experience relevant to the operations of the organization as well as personal backgrounds representative of the organization's constituencies. A diverse group is critical for a board to provide effective advice and counsel. And it is important for a board to be at full strength to ensure that its most important committees—such as those addressing enterprise risk, human resources, governance, audit, and increasingly information technology and cybersecurity—can provide effective oversight.

The actual service term of a governor should be long enough to allow for the governor to acquire in-depth knowledge of the organization and to establish personal relationships with fellow board members and management, which are necessary to develop the trust and respect required for frank and open discussions.

Finally, I appreciate the importance of the constitutional role the Senate plays in advising and consenting on Presidential appointments. The vetting of qualifications and potential conflicts of board candidates is unquestionably necessary. But for positions like the USPS Governors, which are not full time and where diversity of backgrounds and experiences is desirable, I would urge Congress and the President to work together to streamline the process to attract and have the very best candidates confirmed within a reasonable timeframe.

In closing, I'd like to express again my appreciation for the privilege of being considered for this position.

I look forward to your questions.

REDACTED

UNITED STATES SENATE
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE
 BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

I. BASIC BIOGRAPHICAL INFORMATION

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
Name of Position	Date of Nomination
Member of the Board of Governors of the United States Postal Service	September 6, 2018

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Roman		Martinez	IV

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			248 Tradewind Drive		
City: Palm Beach	State: FL	Zip: 33480	City: Palm Beach	State: FL	Zip: 33480

<i>Other Names Used</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate <input type="checkbox"/>)	Name Used To (Month/Year) (Check box if estimate <input type="checkbox"/>)
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1947	Santiago, Cuba

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>Spouse's Name</i> (current spouse only)			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Helena	Hackley	Martinez	

<i>Spouse's Other Names Used</i> (current spouse only)						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Helena	Elizabeth	Hackley		<input checked="" type="checkbox"/>	Est <input type="checkbox"/> Jan. 1954	Est <input type="checkbox"/> Dec. 1974

<i>Children's Names (if over age 18)</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Roman		Martinez	V
Helena	Martinez	Cornell	

2. EDUCATION

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/ online school)	<u>Date Began</u> <u>School</u> (month/year) (check box if estimate)	<u>Date Ended</u> <u>School</u> (month/year) (check box if estimate) (check "Present" box if still in school)	<u>Degree</u>	<u>Date</u> <u>Awarded</u>
Boston College	college	Est <input checked="" type="checkbox"/> Sept. 1965	Est <input checked="" type="checkbox"/> Present <input type="checkbox"/> June 1969	B.S.	June 1969
Wharton School, University of Pennsylvania	graduate school	Est <input checked="" type="checkbox"/> Sept. 1969	Est <input checked="" type="checkbox"/> Present <input type="checkbox"/> June 1971	M.B.A.	June 1971

3. EMPLOYMENT

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Investment banker	Lehman Brothers Holdings Inc. (and predecessor companies)	Managing Director	New York, NY	Est <input type="checkbox"/> August 1971	Est <input type="checkbox"/> Present <input type="checkbox"/> May 2003
Member, Board of Directors	Orbital ATK	Director	Dulles, VA	Est <input type="checkbox"/> August 2004	Est <input type="checkbox"/> Present <input type="checkbox"/> June 2018
Member, Board of Directors	Cigna, Corp.	Director	Hartford, CT	Est <input type="checkbox"/> August 2005	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>
Member, Board of Directors	Spanish Broadcast System, Inc.	Director	Miami, FL	Est <input type="checkbox"/> 1999	Est <input type="checkbox"/> Present <input type="checkbox"/> 2001
Member, Board of Directors	GreenPoint Financial Corp.	Director	New York, NY	Est <input type="checkbox"/> Jan. 2004	Est <input type="checkbox"/> Present <input type="checkbox"/> Oct. 2004
Member, Board of Directors	Bacardi, Ltd.	Director	Hamilton, Bermuda	Est <input type="checkbox"/> July 2008	Est <input type="checkbox"/> Present <input type="checkbox"/> July 2014
Fiduciary	Estate of Damon Mezzacappa & Related Trust	Executor, Trustee	Palm Beach, FL	Est <input type="checkbox"/> April 2015	Est <input type="checkbox"/> Present <input checked="" type="checkbox"/>

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
State Board of Administration, Florida	Investment Advisory Council Member	Est <input checked="" type="checkbox"/> April 2005	Est <input checked="" type="checkbox"/> Present <input type="checkbox"/> October 2009

4. POTENTIAL CONFLICT OF INTEREST

(A) Describe any business relationship, dealing or financial transaction that you have had during the last 10 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.

None.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

None.

5. HONORS AND AWARDS

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Bachelor of Science, Magna Cum Laude
 Beta Gamma Sigma, Honorary Business Fraternity
 Alpha Sigma Nu, National Jesuit Honor Society
 United Hospital Fund, 2008 Distinguished Trustee Award

6. MEMBERSHIPS

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
New York-Presbyterian Hospital	Since 1996	Trustee
International Rescue Committee	Since 1996	Overseer (former Director)
German Marshal Fund of the U.S.	2005-2017	Director
Racquet & Tennis Club (NYC)	Since 1973	Member
Piping Rock Club (Long Island, NY)	Since 1973	Member
The Links (NYC)	Since 1980	Member (former Governor)
River Club (NYC)	1981-2014	Member
Deepdale Golf Club (Long Island, NY)	Since 2003	Member
Bath and Tennis Club (Florida)	Since 2004	Member
The Everglades Club (Florida)	Since 2005	Member
Seminole Gold Club (Florida)	Since 2006	Member
U.S. Seniors Golf Assoc.	Since 2006	Member
Council on Foreign Relations	Since 2004	Member
Society of the Four Arts (Florida)	Since 2014	Member

7. POLITICAL ACTIVITY

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No.

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

None. Not Applicable.

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
National Republican Senatorial Committee	\$2,500	2018
Representative Lee Zeldin (R-NY)	\$500	2018
Orbital ATK PAC	\$5,000	2017
Orbital ATK PAC	\$5,000	2016
National Republican Congressional Committee	\$1,000	2016
National Republican Congressional Committee	\$1,000	2016
National Republican Senatorial Committee	\$1,000	2016
"Friends of Liz Krueger" (NY State Senate)	\$500	2016

8. PUBLICATIONS AND SPEECHES

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

None.

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

None.

- (C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

None.

9. CRIMINAL HISTORY

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)

No.

- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?

No.

- Have you been charged, convicted, or sentenced of a crime in any court?

No.

- Have you been or are you currently on probation or parole?

No.

- Are you currently on trial or awaiting a trial on criminal charges?

No.

- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

Not applicable.

10. CIVIL LITIGATION AND ADMINISTRATIVE OR LEGISLATIVE PROCEEDINGS

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

I have not been named as an individual in any lawsuit or administrative or legislative proceeding. As a member of the boards of directors of public companies, there have been civil lawsuits filed against some or all such companies in the normal course of business. Those complaints usually name the company, members of management and boards of directors.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Not applicable. See previous answer to question 10(A).

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Not applicable.

11. BREACH OF PROFESSIONAL ETHICS

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. TAX COMPLIANCE

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. LOBBYING

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No.

14. OUTSIDE POSITIONS

See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

15. AGREEMENTS OR ARRANGEMENTS

See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. ADDITIONAL FINANCIAL DATA

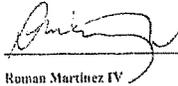
All information requested under this heading must be provided for yourself, your spouse, and your dependents. *(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)*

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



Roman Martinez IV

This 9th day of October, 2018

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

REDACTED

September 21, 2018

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Under the Ethics in Government Act of 1978, Presidential nominees requiring Senate confirmation who are not expected to serve in their Government positions for more than 60 days in a calendar year are not required to file public financial disclosure reports. The Act, as amended, however, contains a provision in section 101(b) that allows the committee with jurisdiction to request any financial information it deems appropriate from the nominee.

We understand that your committee desires to receive a financial disclosure report (OGE Form 278) from any Presidential nominee for a position on the Board of Governors of the United States Postal Service, along with a written opinion from this Office regarding any possible conflicts of interest.

Therefore, I am forwarding a copy of the financial disclosure report of Roman Martinez, IV, who has been nominated by President Trump for the position of a Governor on the Board of Governors, United States Postal Service. Because the nominee is not expected to serve more than 60 days in any calendar year, the enclosed report and this letter are submitted to you in accordance with your committee's confirmation procedures and will be available for public inspection only to the extent provided by your practices. There is no authority under the Act for public release of this material by the executive branch.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

The Honorable Ron Johnson
Page 2

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2018.09.21 17:48:07
-04'00'

David J. Apol
General Counsel

Enclosures

REDACTED

Roman Martinez IV

July 10, 2018

Michael J. Elston
Designated Agency Ethics Official
Associate General Counsel and Chief Ethics & Compliance Officer
U.S. Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-1100

Dear Mr. Elston:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed as a Member of the Board of Governors of the United States Postal Service.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I retired from my position with Orbital ATK, Inc. in June 2018. I am owed a cash distribution from Orbital ATK, Inc. (now owned by Northrop Grumman) and Vista Outdoor (which was spun off from Orbital ATK in 2015) as part of my deferred compensation plan. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of Northrop Grumman or Vista Outdoor to make these payments to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my retirement, I will not participate personally and substantially in any particular matter involving specific parties in which I know that Orbital ATK, Vista Outdoor or Northrop Grumman is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will continue to serve as a member of the board of Cigna Corporation and own stock, restricted stock units, hypothetical stock shares, and deferred stock units in the company. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will continue to serve as a member of the board of trustees of New York-Presbyterian Hospital and as overseer for the International Rescue Committee. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of this entity, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will retain my position as the sole shareowner of RMIV Advisory, LLC. Accordingly, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the entity for as long as I own it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will retain my position as trustee of the Mr. & Mrs. Roman Martinez IV Foundation, the Non-GST Exempt Trust FBO JeM, the Non-GST Exempt Trust FBO JoM, the Non-GST Exempt Trust FBO BM, the GST Exempt Trust FBO LEF, the GST Exempt Trust FBO DCF, the GST Exempt Trust FBO ASM, the GST Exempt Trust FBO CHM, the REMC Trust A, the REMC Trust B, and the JJB 2015 Irrevocable Trust. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any of these trusts, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will retain my position as the personal representative for the estate of DM. For as long as I retain this position, I will not participate personally and substantially in any particular matter involving specific parties in which I know the estate of DM is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my positions as a manager of Southampton Lot 42, LLC and Southampton Lot 41, LLC. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Southampton Lot 42, LLC or Southampton Lot 41, LLC unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

My term on the board of the German Marshall Fund of the United States ended in October of 2017. For a period of one year after my departure, I will not participate personally and substantially in any particular matter involving specific parties in which I know the German Marshall Fund of the United States is a party or represents a party,

unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

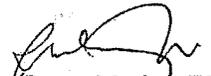
I have been advised that I will likely work as a Governor for no more than 60 days in any period of 365 consecutive days. Accordingly, I understand that I may not, under 18 U.S.C. §§ 203(c)(1) and 205(c)(1), provide any representational services or act as agent or attorney for another in any particular matter involving specific parties in which I have participated personally and substantially as a government official. I also understand that I may not receive a share of any payment made for such representational services performed by another. I understand that additional requirements of 18 U.S.C. §§ 203(c)(2) and 205(c)(2) will apply to me if I work for more than 60 days in any period of 365 consecutive days. In that event, I will comply with all applicable requirements, and I will consult your office if I have any questions about those requirements.

I will meet with you in person before my first meeting of the board in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I have been advised that it is the Postal Service's position that an appearance of impropriety may be created by my holding any financial interests in its competitors, *i.e.*, companies that deliver mailable matter outside the U.S. mails (*e.g.*, Federal Express, United Parcel Service, DHL, Amazon, etc.). I agree that during my service as a member of the Board of Governors, I will not invest in any company that directly competes with the U.S. Postal Service (*e.g.*, Federal Express, United Parcel Service, DHL, Amazon, etc.). My wife currently owns stock in Federal Express. Within 90 days of my confirmation, my wife will divest all of her Federal Express stock. Until she has divested, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Federal Express.

Finally, I will recuse myself from participation on a case-by-case basis in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to 5 C.F.R. part 2635, subpart E.

Sincerely,



Roman Martinez IV

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Roman Martinez IV to be
Governor of the United States Postal Service**

I. Nomination Process and Conflicts of Interest

1. Did the President give you specific reasons why he nominated you to serve as a Governor of the United States Postal Service?

No.
2. Were any conditions, express or implied, attached to your nomination? If so, please explain.

No.
3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Governor? If so, what are they, and to whom were the commitments made?

No.
4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

No.

II. Background of the Nominee

5. What specific background and experience affirmatively qualifies you to be a Governor of the Postal Service?

I have served on corporate and not-for-profit boards, and chaired committees of boards, for over 20 years. I am considered a board "financial expert". The following are selected examples of my board involvement:

 - **Cigna Corporation.** I have served on its board since 2005, and I'm currently Chairman of its Audit Committee, and serve on its Executive and Finance Committees as well. We are in the process of acquiring pharmacy benefit manager Express Scripts; the combined company will have revenues of approximately \$140 billion with over 70,000 employees.

- **New York-Presbyterian Hospital.** I have served on its board since 1996, when New York Hospital and Presbyterian Hospital merged to form what is currently one of the highest ranked hospital systems in the country. I have served in many committees of the board, including co-chairing the Information Technology Committee.
 - **Orbital ATK.** I served on the board from 2004 until it was acquired by Northrop Grumman for approximately \$9 billion earlier this year (2018). I served on several committees including chairing its Compensation Committee. I was actively involved in the restructuring that created the company from the merger of Alliant Tech Systems, on whose board I sat, with Orbital Sciences, after simultaneously spinning-off Alliant Tech Systems' sporting goods business.
 - **State Board of Administration of Florida.** I was a member and former Vice Chairman of a six-person Advisory Council that provides oversight of over \$150 billion of the state's funds, including those of the Florida Retirement System. I was confirmed by the Florida State Senate and my term expired in 2009.
 - As an investment banker during 1971 to 2003, I was involved in major corporate transactions, including the re-organizations of Westinghouse Electric, Grupo Industrial Alfa in Mexico and Explosivos Rio Tinto in Spain.
6. If confirmed, how would your experience in the private sector prepare you to serve as a Governor of the Postal Service?

The USPS has been incurring substantial losses and has amassed significant financial obligations. My experience analyzing business and financial issues, and in developing strategies accordingly, should enable me to contribute constructively to the Board's deliberations on the viability, operations and turnaround of the USPS. Also, the Board of Governors has not existed as a full board for a long time. It needs to be reconstituted and organized according to best governance practices. Through my involvement with many types of boards, I have developed in-depth knowledge of proper board governance and best practices, which would be applicable in re-establishing a USPS board.

7. Please describe:
- a. Your leadership and management style.

My leadership and management style depend on the role. As an executive, I strive to define clear objectives and responsibilities, delegate responsibility and establish accountability. Then lead by example. I used this approach effectively in leading multiple project teams as an investment banker. As chairman of a group, while I advocate my position with reason, I drive to achieve consensus. This philosophy has been effective as I have enjoyed leadership positions on all the boards in which I have served. Whether

acting as an executive or a chairman, I employ a Socratic approach, which encourages participation, the consideration of different points of view, and hopefully ownership of the decisions by all involved.

b. Your experience managing personnel.

My experience in managing personnel has been mostly leading projects involving small groups, although during part of my career I managed a sub-division of an investment banking department, involving about 100 professionals.

c. What is the largest number of people that have worked under you?

Approximately 100 professionals.

III. Role of a Governor of the United States Postal Service

8. Please describe your view of the Postal Board of Governor's (Board) core mission and a Governor's role in achieving that mission.

The core mission of the Board is to ensure that the objectives of the USPS are achieved. A critical role of a Governor is to contribute to the Board's work in establishing policies and strategies for the USPS to achieve its objectives and to the setting of a governance structure that guides and provides oversight of those policies and objectives and of management.

9. If confirmed, what specific contributions do you hope to make during your time on the Board?

I hope to contribute to establishing a viable business model that achieves the core mission of the USPS and a proper governance structure at the board level (although this will not be achievable until the board is reconstituted with at least six independent Governors).

10. What do you believe are the functions and responsibilities of an individual Governor? What in your training and experience demonstrates your qualifications to fulfill these functions and responsibilities?

The core functions and responsibilities emanate from an individual Governor's duty of loyalty and duty of care, which include the commitment to act independently, with integrity and without conflict of interest, and to contribute with diligence to the work of the board based on one's individual experience and expertise, in order to realize the objectives of the USPS. This is how I have performed in all my boards.

11. What do you see as the main challenges facing the Postal Service? What do you believe should be the Board's top priorities in meeting those challenges?

While I have not had the opportunity to analyze in depth all the issues affecting the USPS, it is readily apparent that it currently has an uneconomic business model with unsustainable financial obligations. There should be a reassessment of the business model, which would likely require a clear definition of the services required from the USPS in the current environment and of the level of financial support the federal government is prepared to provide.

12. What do you believe should be the respective roles and functions of the Board and the Postal Service management? How do you believe the Board and management can best work together to meet the challenges facing the Postal Service?

In general, the Board approves the strategy to accomplish the mandated mission of the USPS. Usually, the strategy and the annual operating and financial plans to achieve it are developed jointly with management, which is then delegated to execute it. The Board monitors the performance continuously and is available to provide on-going guidance and advice. In addition, of course, there are other important areas where the board and management interact, such as compensation, compliance, succession planning, etc.

13. The Governors are chosen to represent the public interest generally. As a Governor, how will you plan to interact with various stakeholders interested in postal issues and how can you effectively represent their interests?

Before answering, I need to know what the current practice of Governors is in interacting with "various stakeholders". Also, I need to better understand what a Governor's specific responsibilities to different stakeholders might be beyond representing the public interest.

14. The Postal Accountability and Enhancement Act of 2006 (PAEA) requires that by the end 2015, at least four members of the Board have experience managing an organization of 50,000 employees or more. What are your views on this requirement for appointment to the Board of Governors?

It is important that all boards include individuals with diverse experiences. In view of the size of the USPS, it is important that some members of the board have experience managing large organizations.

IV. Policy Questions

Postal Reform and Financial Issues

15. The Postal Service continues to experience volume and revenue losses. The Postal Service ended Fiscal Year (FY) 2017 with a net loss of \$2.7 billion.
- a. In your view, what is the Board's role in overseeing the Postal Service's efforts to improve its financial condition and to increase postal revenue and cut costs, while also meeting its universal service obligations and other statutory requirements?

The board's role should be very active in addressing and balancing these issues, but there needs to be clarity from a public policy perspective as to what are the objectives and constraints. While I have not had the opportunity to analyze in depth all of the issues affecting the USPS, it is apparent that it currently has an uneconomic business model with unsustainable financial obligations. There should be a reassessment of the business model, which would likely require a clear definition of the services required from the USPS in the current environment and of the level of financial support the federal government is prepared to provide.

- b. How does the Board's role differ from the role of the Postal Regulatory Commission (PRC) or the role of Congress?

The role of the Board is one of governance over the USPS. As I understand it, the role of Congress is one of legislating the objectives of the USPS and the role of the PRC is one of regulating the activities of the USPS consistent with the legal requirements set by Congress.

16. Postal Service volumes and revenues associated with its letter mail and other market dominant products continue to decline, and First-Class Mail in particular is projected to significantly decline over the next decade. At the same time, the volume of packages and its competitive products have grown significantly in recent years.

- a. How can the Postal Service remain viable as letter mail volume declines?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

- b. How can the Postal Service take advantage of the growing popularity of e-commerce and package delivery?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

- c. What new actions should the Postal Service take to maintain its viability and competitiveness in both its traditional lines of business and in potential growth areas?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

- d. What do you believe are the proper limitations of the Postal Service with respect to competition with the private sector?

There should not be limitations with respect to its core business; with respect to possible non-postal products or services, it should be consistent with the current policy covering Competitive Products.

- e. How proactive should the Board be in identifying areas for the Postal Service to cut costs quickly so that it can cover its operating expenses?

While Governors should provide input and advice based on their experience and areas of expertise, it is important to recognize the fine line between governance and management.

- f. What are the Board's role and responsibilities in identifying opportunities for the Postal Service to increase volume?

While Governors should provide input and advice based on their experience and areas of expertise, it is important to recognize the fine line between governance and management.

17. What are your views on the "universal service obligation"?

I acknowledge that "universal service obligation" is the current requirement.

18. How do you view current service standards and delivery frequency with respect to the obligation for service to every American?

It should be considered consistent with the "universal service obligation" requirement.

19. The Government Accountability Office (GAO) again included the Postal Service on its High-Risk List in 2017 because of its precarious financial condition. GAO added the Postal Service's financial condition on its high-risk list in 2009, after removing it in 2007. In your view, what should be the Postal Service's strategy for improving its financial condition and restructuring its business model to ensure its long-term viability, in addition to any factors that the Postal Service has announced as part of its new business model?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer your question. But, to provide a general comment, based on my experience, it is important to decide what are the core services required and then make realistic assumptions as to their capacity to generate positive cash flow, which in turn will provide the basis to determine the level of financial obligations that may be serviced.

20. The Postal Service has estimated its liabilities (including retiree pension and health benefits) to be over \$484.8 billion while the combined assets are \$363.1 billion, leaving an unfunded liability of \$121.7 billion. How do you believe the Postal Service should address its unfunded liability?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question. But, to provide a general comment, based on my experience, it is important to decide what are the core services required and then make realistic assumptions as to their capacity to generate positive cash flow, which in turn will provide the basis to determine the level of financial obligations that may be serviced. Unfunded liabilities should be considered, but it is important to realize that the calculation of these liabilities depend on a number of assumptions, including actuarial, investment returns and discount rates that may change over time, as opposed to debt obligations that have set interest rates and maturities.

21. In recent years, postal management has indicated that the Postal Service has been financially unable to make the investments necessary to replace its aging vehicle fleet or make other necessary capital investments in order to remain viable and competitive in the coming years. What steps do you believe the Board should take to prioritize key capital investments and allocate the resources necessary to make them?

If confirmed, I intend to immerse myself in analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

22. What short and long-term actions should Congress take to assist the Postal Service in achieving financial viability?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

Postal Rates and New Products

23. One of the core principles of PAEA was to provide Postal Service customers, through the establishment of an inflation-based rate cap, with predictability and stability in pricing of the Postal Service's market dominant products. Pursuant to PAEA, the PRC completed a review of whether the rate cap met the criteria laid out by 39 U.S.C. § 3622, including stability, fairness, and generating adequate revenue to cover Postal Service costs. The PRC found that the cap did not meet all of these criteria, specifically the requirement that the cap did not allow for long-term financial stability of the Postal Service or for the Postal service to maintain high quality service standards.

- a. Do you believe the inflation-based rate cap has met the objectives and factors laid out in 39 U.S.C. § 3622?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

- b. Which of these objectives or factors, if any, do you believe should be weighted above others?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question.

24. The PRC also recently proposed adjusting the rate cap to allow the Postal Service to raise prices above inflation on market dominant products. In considering price increases, how should the Postal Service balance the need for additional revenue with the possibility that higher rates could further reduce mail volumes?

If confirmed, I intend to immerse myself in analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, I would ask if consumer surveys have been conducted to test the price sensitivity to, or demand elasticity of, higher rates.

25. The Postal Service has requested legislation authorizing greater flexibility in offering non-postal products.

- a. Under what circumstances should the Postal Service be permitted to offer non-postal products?

While I'd like to know more details before answering this question, I'd comment that it might be appropriate so long as these do not negatively impact the core USPS service.

- b. To what extent do you believe the Postal Service should rely on the provision of non-postal products in its efforts to generate additional revenue?

If non-postal products do not negatively impact the core USPS service, the USPS should explore its potential for generating incremental profitable revenues.

- c. How would you ensure the Postal Services does not compete unfairly with the private sector in selling non-postal products?

The policy regarding non-postal products should be consistent the one for Competitive Products.

26. How can the Postal Service take better advantage of its current authorities to make the mail more appealing and valuable to customers and attract additional mail volume?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question.

Facility Closings and Service Changes

27. What role should the Board have in decisions to realign postal retail and mail processing networks, including decisions to close specific facilities?

Since it would presumably be part of a strategy, the Board would have been part of the strategic decision. The implementation should be delegated to management. It is conceivable, however, that in certain cases the Board may want to require specific Board approval involving a major or substantial facility.

28. How can the Board ensure the Postal Service communicates with its customers and employees so that they are aware of updated information on the consolidation process, as it becomes available?

The Board can ensure the Postal Service communicates with its customers and employees by requiring that management review with the Board communications plans involving important developments or decisions.

29. The Postal Service is required to deliver mail to every address in the country, creating the need for retail postal locations in low-density counties and towns. How would you balance the Postal Service's universal service obligation and the need for rural counties to have reasonable access to the postal services when looking at ways to improve the Postal Service's financial condition?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question.

30. According to GAO, approximately 41 percent of postal revenue comes from alternate retail channels such as the Postal Service website, automated postal centers, and contract postal units. Do you believe the Postal Service should increase the use of alternate retail channels, and if so, how should this be accomplished?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, I believe the USPS should explore the feasibility of alternate retail channels or other alternatives, so long as the quality of service of its core mission is not compromised.

31. The Postal Service has, in the past, proposed both the elimination of Saturday delivery of some classes of mail and has nearly eliminated the overnight service standard.

- a. What is your opinion of the Postal Service's proposals to eliminate Saturday delivery of some classes of mail and lower certain service standards?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, alternate or elimination of delivery schedules needs to be carefully deliberated so as to not compromise quality of service.

- b. What steps should the Postal Service take to ensure that any service changes it makes do not disproportionately harm any subset of postal customers and are consistent with the Postal Service's universal service obligation?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, consideration of any service change needs to be consistent with its universal service obligation.

- c. How do you believe that changes to service affect customers' attitudes towards and use of the Postal Service?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, any changes to service should carefully weigh its impact on customers. Different customers likely have different needs and expectations; if surveys have not been conducted, the USPS should consider them for purposes of gauging consumer attitudes.

- d. How should the Postal Service balance the potential cost savings gained or potential revenue lost from changing service?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. But, as a general comment, any changes to service need to be contemplated

consistent with its universal service obligation and with its potential impact on the USPS image.

Workforce-Related Issues

32. Since 1999, when the workforce peaked at over 900,000 employees, the Postal Service has been reducing its workforce, including through hiring freezes, early retirements, incentive payments for some targeted attrition, and other ways. In the last two years, however, this trend is reversing and the number of Postal Service employees is increasing. Does the Postal Service have sufficient flexibility to adjust its workforce to its operational needs? If not, what additional flexibility is needed?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature to thoughtfully answer this question. In particular, I need to understand existing union contracts and the flexibility afforded to the USPS by current law and practices.

33. As an increasing number of postal executives, managers, and supervisors are eligible to retire, how can the Board work with postal management to address these challenging succession, continuity, and associated cost issues?

There needs to be succession plans at different levels of management. The immediate reports to the Postmaster General—and maybe the next level—should be reviewed individually by the Board. For lower levels, management should review the process with the Board, as well as plans for advancements, career opportunities, personal development, overall compensation competitiveness, etc.

34. In recent years, performance-based compensation systems have been implemented for postal executives, as well as managers and supervisors. The success of these systems depends on the credibility of the performance measures. How can the Board ensure the credibility of the Postal Service's performance-based compensation systems? Do you have an opinion about performance-based compensation?

I believe that performance-based compensation is effective. Performance measures are critical. Normally, the Compensation Committee of the Board—usually with the advice of an outside consultant—sets compensation and related performance measures for top management. For lower level managers and supervisors, top management usually sets the compensation and related measures, with the advice and consent of the Board.

35. Please describe the kind of labor-management relationship you believe is most desirable at the Postal Service.

The labor-management relationship should be cooperative, transparent and fair, as it should strive for mutually beneficial outcomes.

Accountability

36. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from Members of Congress?

As a matter of policy, the Board should require management to be responsive to reasonable requests for information from Members of Congress.

37. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from the Postal Service Office of Inspector General (USPS OIG)? What do you believe should be the proper response of the Board to recommendations made by the USPS OIG to Postal Service management?

As a matter of Board policy, Postal Service management must be responsive to requests from the OIG and the Board must enforce it. Recommendations from the OIG should be seriously considered by the Board.

38. What do you believe should be the proper response of the Board if Postal Service management is not responsive to requests for information from the GAO? What do you believe should be the proper response of the Board to recommendations made by the GAO to Postal Service management?

As a matter of policy, the Board should require Postal Service management to be responsive to reasonable requests for information from the GAO. Recommendations from the GAO should be considered seriously by the Board.

39. Protecting whistleblower confidentiality is of the utmost importance to this Committee.

- a. During your career in the federal government, how did you address whistleblower complaints?

I have not been in government previously.

- b. How do you plan to implement policies within the Postal Service to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If not currently in existence, establish a direct ombudsman phone line; have management explain its purpose, confidentiality and protection against retaliation, and make it clear that it reflects a Board policy.

- c. Do you commit without reservation to work to ensure that any whistleblower within the Postal Service does not face retaliation?

I commit to take reasonable steps as a member of the Board to ensure that a process is in place so that a whistleblower does not face retaliation.

- d. Do you commit without reservation to take all appropriate action if notified about potential whistleblower retaliation?

I commit to take reasonable action if notified about potential whistleblower violation.

V. Relations with Congress

40. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

I agree to comply with any reasonable request to testify before any duly constituted committee of Congress.

41. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

I agree to advocate as a member of the Board for subordinate officials or employees to be available to testify before, or provide information to, any duly constituted committee of Congress.

42. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

I agree to comply to reasonable requests of documents, communications, or other information from any duly constituted committee of Congress.

VI. Assistance

43. Are these answers your own? Have you consulted with Postal Service management, employees, or any other interested parties? If so, please indicate which entities.

These are my answers. I've had discussions with Postal Service management to review them for the purposes of clarification and completeness.

**Minority
Supplemental Pre-hearing Questionnaire
For the Nomination of Roman Martinez IV to be
Governor of the United States Postal Service**

Nomination Process and Conflicts of Interest

1. Has the President or his staff asked you to sign a confidentiality or non-disclosure agreement?

No.

2. Has the President or his staff asked you to pledge loyalty to the President or the Administration?

No.

Background of Nominee

3. Do you seek out dissenting views and how do you encourage constructive critical dialogue with subordinates?

Seeking out dissenting views is critical in arriving at well considered decisions. I make it clear that it is healthy to explore all sides of an issue, and to accomplish this I often present challenging views or questions posing as the "devil's advocate".

4. Please give examples of times in your career when you disagreed with your superiors or peers and aggressively advocated your position. Were you ever successful?

During my career in investment banking and in Board service, I have had many occasions where I have disagreed with superiors or peers. These have been within private and confidential settings, so it would be inappropriate for me to cite specific examples. I have won some. I have lost some. And I have lost some where my position was eventually vindicated. In all instances, the disagreements have been without acrimony and in the spirit of trying to achieve what was in the best interest of a client, my firm or the interests I represented as board member. Once a decision is taken, even if one disagrees with it, I believe the group needs to come together and work as a team. In one instance, my disagreement was sufficiently serious, however, that I resigned from the board.

5. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

Not applicable.

6. What would you consider your greatest successes as a leader?

I was fortunate to lead many successful, difficult transactions during my investment banking career. But two of the more rewarding successes involved two of my not-for-profit boards. (i) I joined the Board of the International Rescue Committee (IRC) in 1996. The IRC was established in the 1930s at the instigation of Albert Einstein to assist refugees fleeing Europe during that time (subsequently it has been involved in every major refugee crisis providing humanitarian relief). In 1996, the IRC was relatively small and the board had not established proper governance structures. Together with a few fellow board members, we established the appropriate board committees (such as audit, finance, investments) to provide proper oversight and allow for the organization to efficiently and effectively grow and achieve its mission. I'm still active, mostly with the finance and investment committees. Today, the IRC is one of the largest and most prominent refugee organizations of its kind. (ii) After the merger of New York Hospital with The Presbyterian Hospital (where I was on the board) in the late 1990s, I was appointed Co-Chairman of the Information Technology Committee of the combined New York-Presbyterian Hospital. In addition to integrating two different systems, we were facing the challenges of Y2K. Together with hospital management, we developed a comprehensive plan to address the issues of Y2K, which I actively monitored with the hospital CIO. The transition to 2000 happened without a glitch.

7. What would you consider your greatest failure as a leader? What lessons did you learn from that experience?

I consider my greatest failure my inability to persuade the CEO and controlling shareholder of a company that I successfully took public to institute appropriate board governance and to later adjust his strategy. I was asked to join the board after the IPO, with the understanding that the board would be expanded to include truly independent directors. After a couple of years, it became clear that the CEO wanted to run the company as his own personal fiefdom. Notwithstanding that it was a very profitable client, I resigned from the board and from further involvement as a banker. Lesson: I learned to be cautious of or avoid getting involved as a fiduciary with a company whose voting is controlled by the CEO.

8. The Postal Service possesses vast physical assets (processing plants, equipment, vehicles, land, and buildings), much of which were transferred to the Postal Service from the former Department of the Post Office and were paid for by taxpayers. Additionally, the Postal Service is at the center of the mailing and shipping industry, supporting about seven million jobs and about \$1.4 trillion in revenues – generating enormous value and wealth for mail related industries, their workers, and the economy as a whole. The Postal Service holds about \$27 billion in balance sheet assets. The Postal Service OIG has estimated the Postal Service's real estate portfolio asset value alone to have a market value of about \$85 billion.

If confirmed, how will you work to protect taxpayer and public ownership interests in the Postal Service's enormous physical assets, financial holdings, and retirement funds?

If confirmed, I will work to protect taxpayer and public ownership interests by diligently performing my duties of loyalty and care.

9. How will you work to promote public transparency and oversight of the Postal Service's Operations and Financial performance, as well as, its management actions and overall integrity?

Oversight of Operations and Financial performance, management actions and overall integrity is an integral part of the Board's responsibilities. Public transparency where applicable should be Board policy.

Policy Questions

Financial Issues and Operations

10. America's population and the total number of delivery addresses continues to grow, but mail volumes are decreasing. That puts the Postal Service in the difficult position of expanding its delivery network despite shrinking demand. What role should the Board play in decisions to adjust postal retail and mail processing networks, including decisions to close specific facilities?

This should be considered as part of the Board and management's analysis and deliberations in agreeing to a strategy and business plans. With respect to closing specific facilities, it would presumably be part of the strategy discussion. While the implementation should be delegated to management, it is conceivable, however, that in certain cases the Board may want to require specific Board approval involving a major or substantial facility.

11. The Postal Accountability and Enhancement Act of 2006 established a goal for the Postal Service to prefund 100 percent of its future retiree health benefits liability. Are you aware of any U.S. company that prefunds 100 percent of any retiree benefit liability? Do you believe this is a sound business practice? If so, why? If not, why not?

I'm not aware of any US company that prefunds 100% of any retiree benefit liability. I don't believe that it is a sound business practice for several reasons, including that it is necessarily based on assumptions that may vary with time and with financial conditions, and may create undue financial pressures unnecessarily.

12. Rural post offices often play an outsized role in a local community's economy. When considering changes at rural post offices, should the Postal Service take into account rural-specific factors? If so, which ones?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial, and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question. But, as general comment, any cost/benefit analysis needs to be balanced consistent with USPS's universe service obligation and quality of service.

13. In 2012, the Postal Service reduced delivery standards in order to consolidate a number of mail processing facilities. At the time, some argued that the savings achieved by diminishing the speed of delivery would outweigh the cost to the perceived quality of the product. What are your views on balancing the need to provide a quality product Americans want use versus a desire to lower costs?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial, and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question. But, as a general comment, any cost/benefit analysis needs to be balanced, recognizing that quality of service is of utmost importance.

Postal Reform

14. Some view the Postal Service as "a business" to serve paying customers: others see it as a government services that must continue to be available to all citizens regardless of the financial profitability. Which view should take priority?

As I understand it, the existing mandate is that the USPS provide its services to all citizens without financial consideration. While this objective may need to be re-examined to ensure the long-term viability of its services, the current obligation is that of universal service.

Rates

15. Since 2007, the Postal Service's rate increases on mail have been limited by a cap set to the rate of inflation. Further, it is barred from entering new lines of business unrelated its mail delivery function. Finally, while it has the freedom to set package and parcel rates, the Postal Service faces competition in that segment from private carriers. How would you balance these constraints with the objective of ensuring postal operations are self-sustaining?

If confirmed, I intend to immerse myself in an analysis and understanding of the business, financial, and other issues affecting the USPS. I have not had the opportunity to do in-depth due diligence; thus, it would be premature for me to thoughtfully answer this question. But, as a general comment, the overall service and pricing policies need to be re-examined in light of current conditions and the universal service obligation.

Customer Service

16. The Postal Service sometimes is forced to temporarily close a retail postal facility, for example after a natural disaster. Yet many of these facilities stay closed for as much as 5 years or longer with little or no communication with the affected community. How can the Board ensure that the Postal Service improves communication with its customers?

The Board should make clear to management the importance and expectation of communications in general, and specifically in cases as described in the question.

Oversight

17. The Postal Service operated without any independent Board Members for over a year and has been without a Board quorum since 2015. What additional authorities should the Postmaster General and Deputy Postmaster General, or Postal Regulatory Commission be given to ensure that the Postal Service can continue to operate effectively in the absence of Governors or a Board quorum?

The absence of Governors or a Board quorum is a serious issue. I'm not sure what other authority might be given to the Postmaster General and Deputy Postmaster General or Postal Regulatory Commission that can solve the lack of governance when an independent board composed of individuals with diversity of experiences is non-existent. Serious consideration must be given to streamline the process of appointing independent Governors. This should never be a partisan issue. If the USPS were a public company, the SEC would be all over it and no exchange would list its shares. An organization like the USPS would be well served with nine independent governors. Why? Because it allows for diversity of experiences and background as well as sufficient members to fill at a minimum the basic committees—Audit, Compensation and Governance—and in this day and age, also Information Technology & Cyber security.

18. Recent reports by the USPS OIG have found instances where practices and procedures by postal employees and management did not uphold the reliability and integrity of the Postal Service's performance data, such as scanning mail as delivered even if it was not. What role can the Governors play to help ensure the integrity of the Postal Service's service performance system?

The Board should have a process to oversee performance issues and metrics to monitor them. This would normally be handled by the Audit Committee of the Board, underscoring the need to have a full slate of Governors so that all committees of the board may be adequately filled.

Opioids

19. Criminals are using the Postal Service as a means to distribute illegal narcotics, including deadly opioids. This is not only illegal, but also puts the lives of postal workers at risk. Yet the sanctity of mail against government inspection has been a hallmark of postal policy, requiring search warrants to allow law enforcement to open a mail item. Should law enforcement be given wider latitude to open suspicious mail items? How might privacy concerns be balanced against the need to protect public and worker safety?

This is an important issue with ethical, legal and practical considerations. I'd suggest setting up a committee composed of law enforcement representatives and USPS workers to provide recommendations, but would look forward to knowing the opinion of legal counsel.

Workforce

20. Postal Service is having difficulty recruiting younger workers. What might be done to change the image of working for the Postal Service?

Has a survey been done on this issue? If the USPS is having difficulty attracting young workers, it would be helpful to know why young workers are not attracted before suggesting solutions. The question implies "image" as a problem, which is understandable, since the financial condition of USPS is well publicized and it implies uncertainty.

21. USPS employees represent the agency to business and residential customers every day and are the eyes and ears of communities. Many are former military service members and are deeply trusted by the consumers they serve.
- a. If confirmed, how would you plan on engaging with the postal workforce while carrying out your duties? How would you solicit and value their input?

While board members do not normally engage with the workforce directly, it is important for the workforce to know about the Board's involvement and care for the organization. I don't know what, if anything, is being done currently. In other situations, webcasts have been used effectively, particularly with employees submitting questions. But one must weigh the merits of this effort while the Board is mostly vacant.

- b. What is your view on the role of postal unions?

I need to know more about the history of the postal unions with the USPS, but, in general, they can play a constructive role if a collaborative relationship is developed and a mutually beneficial framework is established.

Accountability

22. If confirmed, do you pledge to consider thoughtfully recommendations made by the USPS OIG, Office of Government Ethics, the Office of Special Counsel or the GAO, and implement those that would improve the Postal Service's functions, operations or accountability?

I pledge to consider thoughtful recommendations from any responsible party and to advocate for the implementation of those that make sense to me.

Relations with Congress and the Public

23. If confirmed, how will you make certain that you will respond in a timely manner to Member requests for information?

I will take reasonable steps to ensure that reasonable Member requests are addressed in a timely manner.

24. If confirmed, do you agree without reservation to reply to any reasonable request for information from the Ranking Member of any duly constituted committee of the Congress?

I will take reasonable steps to reply to reasonable requests of information from the Ranking Member of any duly constituted committee of Congress.

25. If confirmed, do you agree without reservation to reply to any reasonable request for information from members of Congress?

I will take reasonable steps to reply to reasonable requests of information from members of Congress.

26. If confirmed, do you commit to take all reasonable steps to ensure that the Postal Service complies with deadlines established for requested information?

I will take reasonable steps to ensure that the Postal Service complies with deadlines established for reasonable requested information.

27. If confirmed, do you commit to protect subordinate officials or employees from reprisal or retaliation for any testimony, briefings or communications with members of Congress?

I will take reasonable steps to protect such individuals from reprisal or retaliation for testimony, briefings or communications with members of Congress.

28. If confirmed, will you ensure that the Postal Service will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the GAO and the Congressional Research Service?

I will take reasonable steps to ensure that the Postal Service fully and promptly provides information and access to appropriate documents and officials in response to reasonable requests made by the GAO and the Congressional Service.

29. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations that improve the Postal Service's operations and effectiveness?

I intend to consider thoughtful recommendations from any responsible party and to advocate for the implementation of those that make sense to me. Accordingly, as a member of the Board, I would advocate for it to consider recommendations from the GAO and from your Committee. The Board would have the responsibility to consider such recommendations and act according to its best judgment consistent with its duty of loyalty and duty of care to the USPS.

30. If confirmed, will you direct the Postal Service to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

I will take reasonable steps to direct the Postal Service to be dutifully responsive to Freedom of Information Acts requests legally submitted by the American people.

31. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

If as a Governor I become aware that new information materially impacts the accuracy of information that has been provided to you, I will advocate to management and to the Board that such information be provided. I strongly believe in accurate disclosure.

Assistance

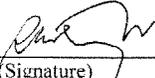
32. Are these answers completely your own? If not, who has provided you with assistance?

Yes, these answers are completely my own.

33. Have you consulted with the Postal Service management or any other interested parties? If so, please indicate which entities.

I have had discussions with Postal Service management to review these answers for the purposes of clarification and completeness.

I, Roman Martinez IV, hereby state that I have read the foregoing Pre-Hearing Questionnaire and Supplemental Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



(Signature)

This 12th day of December, 2018

**Senator Michael B. Enzi
Post-Hearing Questions for the Record
Submitted to Mr. Roman Martinez IV**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
Senate Homeland Security and Governmental Affairs Committee
Tuesday, April 2, 2019**

1. The USPS has reduced prices available nonprofit periodicals and marketing mailers. Do you support any changes to the price reduction for nonprofit mail?

It is my understanding that the reduced rates available to nonprofit organizations are mandated by law, and as such, it would require Congress to enact legislation before substantial changes could be implemented. If confirmed, I would be constrained and guided by the objectives and laws enacted by Congress and signed by the President, and if Congress made changes, it would be my responsibility to ensure that they are properly executed.

As to the desirability of changing nonprofit rates, if confirmed, I will immerse myself in a deep analysis to understand the USPS operations and its issues, maintaining an open mind, learning as much as I can, and considering as many points of view as possible. At this point, I do not have enough information or understanding of the issues involved to offer an informed opinion.

2. Do you agree that the Postal Service should continue to provide reliable and affordable package delivery services, so that businesses in the rural areas of my state can stay connected to markets?

Yes. The Postal Service should continue to provide reliable and affordable services consistent with its universal service obligation, which I appreciate is especially important in rural states such as Wyoming.

**Ranking Member Gary C. Peters
Post-Hearing Questions for the Record
Submitted to Mr. Roman Martinez IV**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
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1. One of my top concerns is ensuring that every community has access to affordable and reliable postal services, including rural communities that rely on the Postal Service. Do you agree the “universal service obligation” means ensuring rural residents have access to mailing and package products at a reasonable price?

Yes.

2. Before implementing changes to its policies or practices, the Postal Service and its regulators must fully understand how such changes would impact communities. For all proposals that come before the Board of Governors, how would you ensure the Board considers the needs of every community and analyzes the expected impacts of such proposals on different types of communities across the United States, particularly rural communities?

If confirmed, I will expect that management present a rigorous analysis of any proposed change that includes the potential impacts on customers, particularly those in rural areas. As I mentioned in my testimony, I would be especially interested in any data (e.g. polls or surveys) that can provide insight into the actual needs of customers, and would like to explore how the Postal Service could better serve individual customer segments—rural areas, large business mailers, suburban ecommerce shoppers, for example—within the framework of providing universal service. If management fails to present a rigorous analysis, it will be the Board’s responsibility to reject or defer any change until its impact is understood and its utility is proven.

3. Many communities, especially those in rural areas, are concerned about the Postal Service’s “service performance”: its ability to deliver mail within reasonable, predictable time frames within its service standards. If confirmed, what would you do to make sure the Board focuses on service performance, to protect and improve mail delivery for all constituents?

Fundamentally, the Postal Service’s mission is to provide reliable, effective mail service to the nation. If confirmed, I would expect that two of the Board’s highest priorities would be to monitor and guide service and financial performance. I come from a service background: The client or customer is paramount. So, it will be very important to me to know that management employs effective quality

controls to monitor and ascertain the actual quality of its service, and report its results to the Board.

4. If confirmed, your work on the Board of Governors will involve working extensively with many stakeholders to negotiate the best path forward. As you represent the Postal Service, you will also be representing these diverse stakeholders, including, most importantly, every American who is a postal customer. Please describe a professional experience in which you negotiated the needs and interests of diverse stakeholders, and produced positive outcomes for all parties involved.

In my professional experience, I have not had to represent the needs and interests of such diverse stakeholders as the Postal Service is expected to serve. Having said that, in all of my service on boards it has been a matter of policy that all stakeholder needs are crucial. Even in the private sector, where the profit objective is essential to create shareholder value, the most successful companies understand that being good corporate citizens and treating stakeholders—such as employees, customers or clients, and suppliers—fairly is necessary for success. As such, I have always been a strong supporter of those policies.

5. Please describe your view of the Postal Board of Governors' core mission. In what ways is it distinct from private-sector boards you have served on?

The core mission of the Postal Board of Governors is to represent the public interest generally, and in so doing to make sure that the universal service obligation of the Postal Service is achieved. To that end, and in very general terms, the Board approves USPS's strategic plan and oversees its execution and all aspects of the USPS operations to make sure that the resources and processes are in place to achieve its plans. In its current state, however, I believe the Board needs to be highly proactive in helping management develop a restructuring plan to make the USPS economically viable, and to work together with the Postal Regulatory Commission, Congress and the Administration to bring about the changes necessary. Also, until the Board is fully constituted, it will lack the required board committees to provide optimum oversight.

Conceptually, the role of the USPS Board and that of private-sector boards is similar in that they should be guided by the historical standards of "duty of loyalty" and "duty of care." They differ, of course, in that the USPS mission is to serve a public interest, while a private-sector company is to serve the best interests of its shareholders. If confirmed, I will be serving the American people as a whole by ensuring that the objectives set forth for the Postal Service are faithfully executed.

6. Do you see the Postal Service as a government service that must continue to be available to all Americans at equitable and reasonable prices?

Yes, and I look forward to helping shape and implement the realistic operational and financial restructuring that will be required.

7. The prefunding mandate is one of the Postal Service's largest liabilities and a key driver of its financial situation. In the policy questionnaire you submitted, you agreed that you are not aware of any U.S. company that prefunds 100 percent of its future retiree health benefits liability. Do you believe the Postal Service's prefunding mandate should be reexamined? How would you take this into account in your strategic planning on the Board of Governors?

I believe the retiree health benefits prefunding mandate should be reexamined. On one hand, USPS is required to be self-sustaining, that is, it must depend solely on revenues raised from selling its services and products, most of which are subject to price controls or statutory restrictions. On the other hand, the mandated retiree health benefits plans are primarily designed for non-postal federal employees, are supported by appropriated funds from the federal Treasury, and do not require prefunding. The price/cost dynamic is inconsistent. Asking the Postal Service to fund itself like a private company, but provide benefits as though it was a regular federal agency is a major contradiction; asking it to prefund these obligations is not feasible and exacerbates the problem.

Private sector companies that offer retiree benefits do not have to prefund these liabilities. Even so, these companies are increasingly choosing not offer retiree benefits (for example, Fedex stopped providing retiree benefits for future employees as of 1/1/2018), or are offering only limited benefits to supplement Medicare. Before being more specific as to how to take the retiree issue into account in a strategic plan, I need to know all of the facts and what flexibility exists to restructure these plans. If confirmed, I look forward to getting more deeply involved in this issue after knowing all the facts.

8. As the Senate's primary oversight body, this Committee is responsible for conducting oversight of a wide range of federal programs and agencies, including the Postal Service. In order for this Committee to fulfill its oversight responsibilities, it is critical that the Postal Service cooperates with oversight requests. Similarly, the Board of Governors has an oversight function and a responsibility to ask important questions of Postal Service management.
- a. Please describe your understanding of the Board's oversight responsibilities.

Broadly speaking, the Board is responsible for the overall policy and direction of the Postal Service and delegating day-to-day operations to management. It has oversight responsibility monitoring the progress of the Board-approved strategic plan. It ensures that management's processes and resources are in place to properly execute all functions required to achieve the Postal Service

mission and to monitor risk. As I mentioned in my oral testimony, the most effective way to carry out its oversight is through committees of the Board that are able to probe more deeply into key areas.

- b. How should a fully-functioning Board both conduct its own oversight and coordinate with Congress to ensure all questions are answered?

In my board experience, a Board's own oversight is done by annual self-evaluation reports. In a "fully-functioning" board these might be conducted in various ways. For example, an independent firm might be hired to conduct individual board member interviews or written questions, which may be on a no-name basis, can be employed. The latter might be done without the use of an outside firm. My preference is for the Chairperson of the Governance Committee to interview each member of the Board, and then summarize the report without attribution; the Chairman of the Governance Committee would be interviewed by the Chairman of the Board. There are variations to these strategies, but the important thing is that there is a commitment to regular evaluation and assessment.

I believe coordination with Congress is essential, but given the Postal Service's unique corporate structure and the vital role that Congress plays, I don't have sufficient experience yet to opine on how best to do it.

- c. Do you believe Postal Service management should comply with requests for documents and information from Members of Congress, regardless of party?

Yes.

**Senator Kamala Harris
Post-Hearing Questions for the Record
Submitted to Roman Martinez IV**

**Nominations of Ron A. Bloom and Roman Martinez IV to be Governors of the United States Postal Service, and James A. Crowell IV and Jason Park to be Associate Judges on the Superior Court of the District of Columbia
Senate Homeland Security and Governmental Affairs Committee
Tuesday, April 2, 2019**

Privatization

Many people have used the Postal Service's financial challenges as pretense to encourage privatization, including of market-dominant postal products, rather than looking for creative ways to increase revenue or decrease long-term liabilities.

1. If confirmed, would you seek to privatize any portion of the Postal Service?

In other contexts, privatization (i.e., selling a government-owned operation, in full or partially, to investors) may be an appropriate course to serve the public, but in the case of the Postal Service, I believe it would be inappropriate on two counts. First, it is not desirable for policy reasons because it is difficult to imagine how the universal service obligation could be met by a privatized mail service, absent subsidies or mandates that would negate the new entity's "private" nature. Second, even if the universal service obligation could be addressed, in its current financial state and with its existing business model, the Postal Service does not possess the required investment characteristics to attract investors.

Federal Workforce

The President's FY20 budget proposes drastic changes to the Federal Employees Retirement System (FERS) that would decrease work pay and lower pension benefits, by increasing employee FERS contributions, basing annuities on workers' highest five years instead of three years, eliminating special retirement annuity supplements, and slashing cost-of-living adjustments. These proposals would affect the Postal Service's employees.

2. If confirmed, do you plan to advocate for the President's proposed cuts to federal employee benefits?

If confirmed, I will immerse myself in a deep analysis to understand the Postal Service's operations and issues, in particular those involving its pension and retiree benefits. I understand that there is a debate about the future shape of federal employee benefits and the Postal Service is implicated in so far as it is required to participate in these programs, but preliminarily I believe that it will be far more fruitful to understand and respond to what makes the Postal Service

unique. If confirmed, I will maintain an open mind, learn as much as I can, and consider as many points of view as possible and then arrive at my own conclusions about how best to successfully reform the Postal Service.

Providing Financial Services

On January 27, 2014, the USPS Inspector General published a White Paper arguing that expanding financial services offerings could benefit not just the Postal Service but also the financial services community and the American public.

3. Have you reviewed the USPS Inspector General White Paper entitled, “Providing Non-Bank Financial Services for the Underserved?”

I have not reviewed it.

a. If you have not, will you commit to reading the White Paper?

If confirmed, I will read it as part of my analysis of the Postal Service’s current state and potential reforms.

4. If confirmed, would you consider having the USPS offer non-bank financial services as a way to augment Postal Service revenue? If not, why not?

If confirmed, I will work to ensure that the Postal Service explores all opportunities to expand existing services and considers new ones, as the law allows. I have an open mind, and I would encourage “thinking outside of the box,” but from my business experience I am also mindful that new products or services should be consistent with an enterprise’s core competencies. While I am not sure what is meant by “non-bank financial services” (but look forward to learning), I would also point out that the financial service industry is highly competitive, with high barriers to entry because of regulatory requirements and capital needs. Further, any plans for the Postal Service would likely require significant changes to existing law, which is outside the scope of the Postal Service Board of Governors.

5. Could offering these services advance economic justice for non-banked and under-banked Americans who currently spend tens of billions each year on fees for alternative financial services such as payday loans?

To answer this question, I need to know the specific proposal. In principle, I’m in favor of advancing economic justice for everyone, but my professional experience has taught me that proposals must be specific and then must be carefully analyzed before thoughtful consideration can be given. I look forward to reading the USPS Inspector General White Paper to learn more, and—if confirmed—assessing what can be done.

Opening Statement of James A. Crowell IV
Nominee to be an Associate Judge of the District of Columbia Superior Court
April 2, 2019

Chairman Johnson, Ranking Member Peters, and members of the Committee, it is a great privilege to be here. I am deeply grateful for the opportunity to appear before you as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. I want to thank the Judicial Nomination Commission and its chair, Judge Emmet Sullivan, for recommending me to the White House. I want to thank the President for nominating me. I also want to thank Congresswoman Norton for her support. Finally, I would like to express my sincere thanks and appreciation to the Committee members and the dedicated Committee staff for their hard work in considering my nomination.

I am immeasurably grateful for the support and inspiration of my colleagues, family, and friends, many of whom are here with me today. In particular, I want to recognize and thank my friends and colleagues, the United States Attorneys for the District of Columbia and the Eastern District of Virginia, Jessie Liu and Zach Terwilliger, and Judge Anthony Epstein of the D.C. Superior Court – for their friendship, support, and encouragement.

My wife, Michaelen, has been my life partner and cherished friend for the last 19 years. Her love and support, and the gift of our children, Jac and Ellie, are the greatest successes of my life. I want to thank her father, Michael, for his love and support, and for being here with me today.

My family is from Mississippi and Louisiana, but my wife and I have made the District our home for the last 16 years. We came to Washington for Michaelen to pursue her dream of working on Capitol Hill. As a young newlywed, I did not realize that her dream of coming to Washington would become our dream of making this city our home. We are communicants at St. Joseph's Church on Capitol Hill, where my son will soon be confirmed. I take pride in serving as a volunteer softball coach with the Capitol Hill Little League. I am a proud member of the American Legion. Our children were born here, and we have proudly raised them as D.C. natives. This is my home.

I was raised by a single mother with a high-school education, who worked tirelessly to provide for me and open doors of opportunity that no one in our family had walked through. She passed 20 years ago, but I hope that she is able to look down upon her son with pride on this day.

She taught me to expect nothing, and to be grateful for everything. To remain gracious in times of defeat, and humble in moments of victory. And always to leave things better than you found them. These have been, currently are, and will remain my guiding principles.

My presence here today is the result of a supportive family, exceptional colleagues, and my good fortune in joining two organizations that shaped me personally and professionally – the United States Army and the Department of Justice.

In 1994, as a 19-year-old private, I raised my hand for the first time to swear my allegiance to support and defend the Constitution of the United States. Over the course of 25 years, I have had the privilege of repeating that oath many times.

I started my legal career as a law clerk to United District Judge Charles Pannell, Jr., who taught me the meaning of judicial temperament – patient, unbiased, open-minded.

In 2001, I joined the Department of Justice through the Attorney General's Honors Program and served in the Antitrust Division, the Public Integrity Section, and as an Assistant United States Attorney. I was privileged to represent the United States as trial counsel in countless cases that protected the public and preserved public resources, and protected victims of crime. Now, as Director of the Executive Office for United States Attorneys, I continue to serve the Department's mission of ensuring equal and impartial justice.

I have also served in the U.S. Army Reserves for the last 25 years. I began my career in the Army as an infantryman, but after law school, became a Judge Advocate assigned as trial defense counsel. In that role, I represented countless soldiers accused of all manner of crimes. These soldiers' career, livelihood, and family security were on the line. That experience formed the basis for my strong belief that able defense lawyers are essential to the functioning of a constitutionally sound adversarial system.

Whether serving in a uniform or a suit, as a prosecutor or as a defense lawyer, I have sought to be a fierce advocate for the rule of law, a principled and independent decision-maker, and a faithful servant of the Constitution. I understand the D.C. Superior Court's mission to provide access to justice for all. If I am fortunate enough to receive your support, you have my word that I will strive to achieve that mission and approach every case, every controversy with a commitment to fairness and justice.

Thank you again for considering my nomination and I look forward to answering any questions you might have.

REDACTED

**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE**

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**
James Andrew Crowell IV
2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**
I am a citizen of the United States.
3. **Current office address and telephone number.**
United States Department of Justice
Executive Office for United States Attorneys
950 Pennsylvania Avenue, NW
Room 2243
Washington, D.C. 20530
(202) 252-1301
4. **Date and place of birth.**
December 24, 1973; Metairie, Louisiana.
5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**
I am married to Michaelleen Earle Crowell (formerly Michaelleen Earle). She is a principal with S3 Group, 703 D Street, SE, Washington, D.C. 20003.
6. **Names and ages of children. List occupation and employer's name if appropriate.**
 **REDACTED**
7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

Naval Postgraduate School, Monterey, California; March 2018 – April 2018; Certificate in Civil Military Operations and the Rule of Law awarded May 2018.

United States Army Command General Staff College, Ft. Leavenworth, Kansas; 2014 – 2016; United States Army Command & General Staff Officer Course Certificate awarded December 2016.

Naval Postgraduate School, Monterey, California; March 2012 – April 2012; Certificate in Stability, Security, and Development in Complex Operations awarded September 2012.

Judge Advocate General's School, Charlottesville, Virginia; 2009 – 2010; Judge Advocate Officer Advanced Course Certificate awarded November 2010.

National Defense University, Joint Forces Staff College, Norfolk, Virginia; March 2010 – April 2010; Joint Information Operations Certification awarded April 2010.

Judge Advocate General's School, Charlottesville, Virginia; 2003 – 2004; Judge Advocate Officer Basic Course Certificate awarded February 2004.

Boston University School of Law, Boston, Massachusetts; August 1996 – May 1999; J.D. awarded May 1999.

Hampden-Sydney College; August 1992 – May 1996; B.A. in History and French awarded May 1996.

McKinley Senior High School, Baton Rouge, Louisiana; August 1989 – May 1992; High School Diploma awarded May 1992.

Chapel Trafton School, Baton Rouge, Louisiana; January 1989 – May 1989; no degree awarded.

Pelham High School, Pelham, Alabama; August 1988 – December 1988; no degree awarded.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

August 1994 – present
U.S. Army Reserves

2118 Annapolis Road
Ft. Meade, Maryland 20755
Lieutenant Colonel (2018 – present)
Civil Affairs Team Chief (2018 – present)
352nd Civil Affairs Command (Airborne) (2016 – present)

August 1997 – May 1999
Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215
Research Assistant to Professor Ilana Hurwitz (1998)
Research Assistant to Professor Steven Ferrey (1997 – 1999)
Research Assistant to Professor Eric D. Green (1997 – 1999)

Summer 1998
Black Helterline LLP
1900 Fox Tower
Portland, Oregon 97205
Summer Associate

Summer 1997
U.S. Environmental Protection Agency
One Congress Street
Boston, Massachusetts 02215
Summer Intern

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

United States Department of Justice:

Council of Inspectors General Investigations Award for Excellence (2017)
Assistant Attorney General's Distinguished Service Award (2012)
Attorney General's Distinguished Service Award (2011)
U.S. Attorney's Office Skolnik Award for Prosecution of Public Corruption (2011)
Drug Enforcement Administration Award (2011)
U.S. Department of Defense Criminal Investigative Service Award (2011)
Homeland Security Investigations Outstanding Cyber Crimes Award (2010)
Council of Inspectors General Snyder Award for Excellence (2010)
St. Mary's County Sheriff's Salute for Narcotics Prosecution (2010)
NASA Inspector General Award (2010)
U.S. Attorney's Office Award for Excellence in Prosecution of Fraud (2009)
Federal Bureau of Investigation Outstanding Service Award (2007)
U.S. Department of Defense Criminal Investigations Division Award (2007)

U.S. Department of the Army Achievement Medal for Civilian Service (2007)
 U.S. Department of the Army Outstanding Civilian Service Medal (2007)
 Assistant Attorney General's Award for Ensuring the Integrity of Government (2006)
 U.S. Army Criminal Investigation Division, Directors Award for Excellence (2006)
 U.S. Department of the Army Commander's Award for Public Service (2005)
 U.S. Department of Justice Meritorious Service Award (2003 – 2006; 2008 – 2017)
 Attorney General's Honors Program (2001)

United States Army:

Meritorious Service Medal with One Bronze Oak Leaf Cluster (2011 and 2013)
 Army Forces Reserve Medal (2013)
 Army Commendation Medal with Two Bronze Oak Leaf Clusters (2009, 2010 and 2011)
 Reserve Overseas Training Medal (2008)
 Army Reserve Components Achievement Medal with Four Bronze Oak Leaf Clusters (2006, 2009, 2012, 2015, and 2018)
 Army Achievement Medal with Four Bronze Oak Leaf Clusters (approx. 2004, 2005, 2010, and 2011)
 National Defense Service Medal (1994)
 Army Service Ribbon (1994)

Boston University School of Law:

Edward F. Hennessey Scholar (1998 – 1999)
 Landau Scholarship (1998)
 Paul J. Liacos Distinguished Scholar (1997 – 1998)
 Editor, Boston University Journal of Science & Technology (1997 – 1999)
 Dean's Awards for Environmental and Energy Law (1997), Corporate Risk Management (1998), and Securitization (1999)

Hampden-Sydney College:

Graduated Cum Laude with Honors in French (1996)
 Porterfield Award (1995)
 Phi Alpha Theta Honor Society (History) (1995)
 Phi Sigma Iota Honor Society (Foreign Languages) (1995)
 Pi Sigma Alpha Honor Society (Political Science) (1995)
 Omicron Delta Kappa Honor Society (Leadership) (1994)
 Tier 1 R.O.T.C. Scholarship (1993)

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

None.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

American Bar Association
Member (2017 – present)

Federal Bar Association
Board of Directors, Maryland Chapter (2014 – present)
Member (2012 – present)

District of Columbia Bar Association
Member (2017 – present)
Member, Courts, Lawyers and Administration of Justice Section (2017 – present)
Member, Criminal Law and Individual Rights Section (2017 – present)
Member, District of Columbia Affairs Section (2017 – present)

Maryland State Bar Association
Member (2011 – present)

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

The American Legion
Member (2013 – present)

Beta Theta Pi
Member (1993 – 1996)

Capitol Hill Little League
Volunteer Softball/Baseball Coach (2008 – present)

Capitol Hill Restoration Society
Member (2004 – present)

Beta Theta Pi limits its membership to men. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, or religion

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

District of Columbia, 2017 – present

Georgia, 2001 – 2008

Maryland, 2011 – present

Massachusetts, 1999 – present

U.S. Court of Appeals for the Fourth Circuit, 2007 – present

U.S. District Court for the District of Maryland, 2007 – present

U.S. District Court for the Northern District of Georgia, 2000 – present

To the best of my knowledge, there have been no lapses in membership.

I was admitted to the following courts to handle specific matters during the course of my official position as a federal prosecutor for the U.S. Department of Justice. Those matters have long since concluded, and I did not renew my membership in those courts.

U.S. Court of Appeals for the D.C. Circuit, approx. 2004

U.S. Court of Appeals for the Eleventh Circuit, approx. 2001

U.S. District Court for the Northern District of California, approx. 2006

U.S. District Court for the District of New Jersey, approx. 2005

U.S. District Court for the District of Hawaii, approx. 2005

U.S. District Court for the District of Columbia, approx. 2004

U.S. District Court for the Northern District of Alabama, approx. 2001

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

Author, "Introduction: Fentanyl and Related Threats," United States Attorneys' Bulletin,

Volume 66, No. 4 (2018).

Author, "Introduction: Bankruptcy and Bankruptcy Fraud," United States Attorneys' Bulletin, Volume 66, No. 2 (2018).

Contributing Author, "Law of Independent Power," New York: Clark Boardman Callaghan-West Pub. (18th ed. 2002).

Author, "The Electronic Courtroom," 4 Bost. Univ. J. of Sci. & Tech. L. 10 (1998).

I was a note editor on the 1998 – 1999 Boston University Journal of Science and Technology Law editorial board and was a staff member on the 1997 – 1998 Boston University Journal of Science and Technology Law editorial board.

- 15. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

January 27, 2016: Presenter, "Criminals At Work – The Jack and Leslie Johnson Story," Honor Among Thieves, Black Entertainment Television. Copy supplied.

November 18, 2015: Panelist, "New Strategies To Protect Yourself and Recover From Identity Theft," The Dianne Rehm Show, National Public Radio, transcript and recording available at <https://dianerehm.org/shows/2015-11-18/how-to-protect-yourself-from-identity-theft>.

June 8, 2007: Presenter, "Corruption – Latest Developments," Criminal Law Section of the International Bar Association, 10th Transnational Crime Conference, Washington, D.C. I have no copies of my remarks.

Over the course of my career as a federal prosecutor, I have routinely given speeches and presentations to internal DOJ and law enforcement agencies for training related to law enforcement investigations and prosecutions. Because the materials are law enforcement sensitive, they are not provided. In my capacity as Director of EOUSA, I have also given numerous formal speeches to internal DOJ audiences. Because the speeches were not open to the public, the materials are not provided.

- 16. Legal career.**

A. Describe chronologically your law practice and experience after graduation from law school, including:

- (1) Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I served as a law clerk to Hon. Charles A. Pannell, Jr., United States District Judge, Northern District of Georgia, from January 2000 to September 2001.

(2) Whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

(3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.

September 1999 – December 1999
Brown Rudnick
One Financial Center
Boston, Massachusetts 02111
Associate

September 2001 – September 2003
United States Department of Justice, Antitrust Division
National Criminal Enforcement Section and Atlanta Field Office
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Trial Attorney

September 2003 – April 2007
United States Department of Justice, Criminal Division
Public Integrity Section
1400 New York Avenue, NW
Washington, D.C. 20530
Trial Attorney

April 2007 – January 2017
United States Attorney's Office, District of Maryland
36 South Charles Street 4th Floor
Baltimore, Maryland 21201
Criminal Chief (September 2015 – January 2017)
Chief, Southern Division (November 2013 – September 2015)
Deputy Chief, Southern Division (March 2011 – November 2013)
Assistant United States Attorney (April 2007 – January 2017)

January 2017 – December 2017
United States Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Associate Deputy Attorney General (January 2017 – December 2017)
Chief of Staff (January 2017 – December 2017)
Acting Principal Deputy Associate Attorney General (January 2017 – June 2017)

December 2017 – present
United States Department of Justice
Executive Office for United States Attorneys
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Director

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

Clerkship (2000 – 2001)

I began my legal career serving as a law clerk for the Honorable Charles A. Pannell, Jr., United States District Judge for the Northern District of Georgia. My duties included analyzing procedural and evidentiary issues, recommending preliminary rulings, and drafting proposed orders for criminal and civil trials.

Prosecution (2001 – 2017)

Following my judicial clerkship, I worked for sixteen years as a federal prosecutor.

I joined the Department of Justice (“DOJ”) in September 2001 through the Attorney General’s Honors Program and worked as a Trial Attorney in the Antitrust Division. I served as trial counsel in several felony jury trials, investigating and prosecuting violations of Section 1 of the Sherman Act, including bid rigging, customer and territorial allocation, and mail and wire fraud. From September 2003 to April 2007, I served as a Trial Attorney with the Public Integrity Section of the Criminal Division. In this role, I focused on public corruption matters involving state and federal officials committing bribery, mail and wire fraud, embezzlement, extortion, federal campaign finance violations, and other related white-collar crimes. During this time, I also served as a policy advisor to local U.S. Attorney’s Offices on public corruption investigations and prosecutions.

From April 2007 to January 2017, during my 10 years as an Assistant United States Attorney (“AUSA”) in the District of Maryland, I handled hundreds of cases from grand jury investigation through plea or trial, and appeal. I had an extensive and varied trial docket, including narcotics, fraud, public corruption, national security, and cybercrime. During my tenure as an AUSA, I also served as Public Corruption

Coordinator, Mortgage Fraud Coordinator, Confidential Informant Coordinator, and Discovery Coordinator for the United States Attorney's Office ("USAO").

In 2011, I was promoted to serve as Deputy Chief of the Southern Division of the USAO for the District of Maryland. I was further promoted to Chief of the Southern Division in 2013, and Criminal Chief for the entire District in 2015. As Division Chief, I managed a 50-person staff, including 28 AUSAs, and was responsible for authorizing investigations, reviewing and approving prosecution memos, charging documents, and plea agreements, drafting performance evaluations, and participating in indictment review committees for complex and high-profile cases.

From September 2015 through January 2017, I served as the Criminal Chief of the Maryland USAO. In this role, I supervised both the Northern and Southern Divisions, including 15 Section Chiefs and Deputy Chiefs, oversaw the work of over 85 criminal AUSAs, and handled routine administrative matters such as hiring.

Defense (2003 – 2011)

For eight years of my 24 years of military service, I served as Senior Defense Counsel in the United States Army Reserves, assigned to the Mid-Atlantic Region. In this capacity, I provided legal advice and representation for Army Reserve and Active Duty Soldiers at administrative separation boards and courts-martial proceedings.

Senior DOJ Management (2017 – present)

From January 2017 to December 2017, I served as Acting Principal Associate Deputy Attorney General, Chief of Staff, and Associate Deputy Attorney General in the Office of the Deputy Attorney General. In these roles, I served as the principal advisor to the Deputy Attorney General, supervised day-to-day operations of the Office of Deputy Attorney General, and oversaw sensitive DOJ criminal and disciplinary matters.

Since December 2017, I have served as the Director of the Executive Office for United States Attorneys. In this position, I oversee a 900 person staff and a \$2 billion annual budget in support of more than 11,000 United States Attorney employees. I serve as the principal staff officer for the Deputy Attorney General for United States Attorney matters and as the primary policy liaison between the Attorney General, the Deputy Attorney General, and the United States Attorneys. Since January 2017, I have also served as the Director of the Office of the Rule of Law, where I am responsible for overseeing the DOJ Rule of Law program in foreign conflict zones and supervising DOJ efforts to establish judicial systems in Iraq and Afghanistan.

- C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.**

As a prosecutor, my client was the United States. My defense work involved representing soldiers.

- D. Describe the general nature of your litigation experience, including:**

- (1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

From September 2001 through May 2011, I was a line federal prosecutor and appeared in court several times per week before both United States Magistrate Judges and United States District Court Judges. I handled countless initial appearances, arraignments, detention hearings, plea hearings, motions hearings, and sentencings. In addition, in my role as a military defense lawyer, I handled numerous hearings before military boards on behalf of my clients.

From 2011 to 2017, I served as Chief of the Southern Division and then Criminal Chief for the entire USAO. In those roles, while I continued to prosecute numerous cases, I did not personally handle any cases that went to trial. Rather, I counseled AUSAs regarding trial strategy and helped them prepare for trials.

Since January 2017, I have held senior DOJ leadership positions and have not handled individual cases.

- (2) What percentage of these appearances was in:**

- (a) Federal courts (including Federal courts in D.C.);**
- (b) State courts of record (excluding D.C. courts);**
- (c) D.C. courts (Superior Court and D.C. Court of Appeals only);**
- (d) other courts and administrative bodies.**

My court appearances have all (100%) been in federal courts.

- (3) What percentage of your litigation has been:**

- (a) civil;**
- (b) criminal.**

My practice has consisted of approximately 20% civil litigation and 80% criminal work.

- (4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

Between September 2001 and May 2011, working as a federal prosecutor, I resolved hundreds of criminal cases through plea agreement. I tried 12 cases to verdict—seven as chief counsel and five as second chair.

- (5) **What percentage of these trials was to**
- (a) **a jury;**
 - (b) **the court (include cases decided on motion but tabulate them separately).**

As a federal prosecutor and a military defense attorney, approximately 75% of my trials were before a jury and 25% were non-jury trials.

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1. *U.S. v. Jack Johnson, et al.*, Crim. No. PJM-11-0075 (Before Senior United States District Judge Peter J. Messitte)

From 2008 through 2014, I oversaw a team investigating systemic and widespread public corruption occurring at all levels of the Prince George's County government in Maryland. The investigation uncovered a far-reaching corruption scheme centered around a "pay to play" culture in the County, orchestrated by County Executive Jack Johnson, in which developers and business owners paid bribes to Johnson and his surrogates in return for official action in various government offices. As part of the five-year effort, the

investigative team uncovered corruption involving not only bribery and extortion but also a contraband cigarette, alcohol and narcotics ring involving corrupt County police officers. Over the course of the investigation, I served as chief counsel and led the effort to successfully prosecute the County Executive, a County Councilwoman, the County Director of Housing, a Maryland State Delegate, a County Liquor Board Commissioner, a high-ranking County fire department official, three County police officers, developers and business owners, for a total of 17 convictions and \$2 million in seized assets.

Defense Counsel for Jack Johnson

William "Billy" Martin, Esq.
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Suite 500
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(202) 371-6363

Defense Counsel for Leslie Johnson

Shawn M. Wright, Esq.
Blank Rome
1825 Eye Street, NW
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(202) 772-5968

Defense Counsel for James Johnson

Ted J. Williams, Esq.
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(202) 434-8744

Defense Counsel for Patrick Ricker

Timothy Joseph Sullivan, Esq. (now United States Magistrate Judge, District of Maryland)
United States District Court
District of Maryland
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Greenbelt, Maryland 20770
(301) 344-3593

Co-Counsel

David Copperthite, Esq. (now United States Magistrate Judge, District of Maryland)
United States District Court
District of Maryland

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Sujit Raman, Esq.
 United States Department of Justice
 Office of the Deputy Attorney General
 950 Pennsylvania Avenue, NW
 Washington, D.C. 20530
 (202) 307-0697

2. *U.S. v. Jamohl Swann*, Crim. No. RWT-08-0319, *U.S. v. Wilson Lee Garrett*, Crim. No. AW-09-0265, and *U.S. v. James Walter Ball, et al.*, Crim. No. PJM-09-0468 (Before Senior United States District Judge Roger W. Titus (Presided Over Defendant Jamohl Swann, et al.); Retired United States District Judge Alexander Williams (Presided Over Defendant Wilson Garrett's Case); and Senior United States District Judge Peter J. Messitte (Presided over Defendant Rodney Estep, et al.))

This Organized Crime Drug Enforcement Task Force ("OCDEF") investigation was a multi-year effort (2008 – 2010) to target narcotics and violent crime arising in rural Charles County and St. Mary's County, Maryland. Local law enforcement had identified a number of narcotics distribution gangs, headed by Jamohl Swann, James Walter Ball, Rodney Estep, and others operating in southern Maryland that were commuting into Washington, D.C. in order to sell controlled substances. We conducted voluminous wiretaps, controlled purchases of narcotics, and related investigative techniques in order to target Swann, who had been a high-level figure in the 4th Street Mob in D.C. but had started his own drug organization in southern Maryland. The investigation resulted in over 100 defendants being prosecuted, including Wilson Lee Garrett, a Department of Justice paralegal who had purchased and distributed more than 20 kilograms of cocaine from the middle of 2006 through February 2009. I served as chief counsel during the Swann, Ball, Estep, et al. investigations and the related Garrett trial. The sentences ranged from probation to 24 years. While many defendants qualified for life imprisonment based upon their criminal records, an individualized assessment of their background, character, comparative criminal history, and other relevant sentencing factors warranted more modest sentences in order to balance the need to protect the community with providing an opportunity for the defendants to reenter society. The St. Mary's County Sheriff's Department credited the investigation with dramatically reducing the violence and narcotics distribution in their community. The Charles County Sheriff reported that the cost of narcotics had quintupled in Charles County following the take-down of Swann's broad narcotics network.

Defense Counsel for Jamohl Swann
 John Chamble, Esq.

Office of the Federal Public Defender
6411 Ivy Lane
Suite 710
Greenbelt, Maryland 20770
(301) 344-0600

Defense Counsel for Walter Ball

Michael Lawlor, Esq.
Brennan, McKenna & Lawlor, Chtd.
6305 Ivy Lane
Suite 700
Greenbelt, Maryland 20770
(301) 474-0044

Defense Counsel for Wilson Garrett

James Papermeister, Esq.
Law Offices of James N. Papermeister, Esq.
8630 Fenton Street
Suite 320
Silver Spring, Maryland 20910
(301) 589-2100

Co-Counsel for Defendant Jamohl Swann, et al.

Jonathan C. Su, Esq.
Latham & Watkins LLP
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004
(202) 637-1049

Co-Counsel for Defendant James Walter Ball, et al.

Mara Zusman Greenberg, Esq.
Hilton Worldwide
7930 Jones Branch Drive
McLean, Virginia 22102
(703) 883-1000

Co-Counsel for Defendant Wilson Garrett

Christen Sproule, Esq.
Office of Los Angeles City Attorney
James K. Hahn City Hall East
Suite 800
Los Angeles, California 90012

(213) 978-8100

3. *U.S. v. Metropolitan Money Store, Joy Jackson, et al.*, Crim. No. RWT-08-0288
(Before Senior United States District Judge Roger Titus)

Joy Jackson served as the President and Jennifer McCall served as the Chief Executive Officer of Metropolitan Money Store, which they and their co-conspirators utilized to conduct a wholesale mortgage fraud, resulting in losses to lenders that exceed \$37,000,000 and more than \$16,000,000 in illicit personal enrichment. From 2004 through 2007, Jackson, McCall, and their co-conspirators fraudulently promised to help homeowners avoid foreclosure by directing the homeowners to allow title to their homes to be put in the names of third party purchasers (the straw buyers) for a one year period, during which time Jackson, McCall, and their co-conspirators agreed to help the homeowners obtain more favorable mortgages, improve their credit rating, and eventually return title to their homes. In fact, Jackson, McCall, and their co-conspirators, among other criminal conduct: (1) paid approximately \$10,000 to each of the straw buyers to participate in the scheme; (2) obtained fraudulently inflated loans on the properties in the straw buyers names; (3) falsified loan applications; (4) provided fraudulent and forged income and employment verification forms to lenders; (5) paid bribes to bank employees to falsify bank account balances; (6) forged homeowners' and straw buyers' signatures on loan documentation; (7) stripped away the bulk of the homeowners equity proceeds and converted that money for their own personal use; (8) stopped making mortgage payments on homes; and, (9) used millions of dollars in stolen equity proceeds to pay their personal expenses. The defendants' fraud affected families throughout Maryland, Virginia, and the District of Columbia, and resulted in 200 homeowners in the region losing their homes. In 2008, at the height of the mortgage fraud epidemic, this was by far the largest mortgage-fraud case in Maryland history and received substantial local and national press attention. I served as chief counsel and oversaw the investigation and prosecution of this matter. The government seized seven vehicles, nine houses, cash, jewelry, gold coins, fur coats, and other items of value for forfeiture, which, in turn, were used for restitution for the victims.

Defense Counsel for Ms. Joy Jackson

Timothy Joseph Sullivan, Esq. (now United States Magistrate Judge, District of Maryland)
United States District Court
District of Maryland
6500 Cherrywood Lane
Suite 335A
Greenbelt, Maryland 20770
(301) 344-3593

Defense Counsel for Ms. Jennifer McCall

Michael Lawlor, Esq.
Brennan, McKenna & Lawlor, Chtd.

6305 Ivy Lane
 Suite 700
 Greenbelt, Maryland 20770
 (301) 474-0044

Co-Counsel
 Christen Sproule, Esq.
 Deputy City Attorney – Criminal Appellate Section
 Office of Los Angeles City Attorney
 James K. Hahn City Hall East
 Suite 800
 Los Angeles, California 90012
 (213) 978-8100

4. *U.S. v. Clarence Walker*, 4:04-cr-40106-SBA (Before Senior United States District Judge Sandra Armstrong)

Clarence Walker, an Internal Revenue Service (“IRS”) Revenue Agent, participated in a conspiracy to hide cash transactions. Walker’s job for the IRS was to educate and monitor check-cashers, convenience stores, liquor stores and other businesses that cashed checks, to ensure that they complied with the requirement to file Currency Transaction Reports (“CTRs”) for all cash transactions over \$10,000. Walker’s co-conspirators were software counterfeiters, who needed cash to pay their suppliers, but did not want the paper trail created by CTRs. Walker used his official position to aid the counterfeiters by cashing (or attempting to cash) checks at check-cashers that he was supposed to monitor as an IRS Revenue Agent. He told the check-cashers not to file CTRs. In doing so, he helped the counterfeiters obtain over \$400,000 of underground cash that they used to further their illicit business. Walker received approximately \$30,000 in cash bribe payments in return for using his position to break the laws the government paid him to enforce. I served as chief counsel and oversaw the investigation and trial of this matter. Walker was convicted of conspiracy and causing the failure to file CTRs. The jury was unable to reach a unanimous verdict on charges of structuring financial transactions, which involved only \$35,000 out of the hundreds of thousands of dollars in transactions in which the defendant engaged, and a substantive bribery count. Walker was sentenced to 46 months of imprisonment.

Defense Counsel for Clarence Walker
 Deborah Gielhaug Levine, Esq.
 1299 Newell Hill Place
 Suite 300
 Walnut Creek, California 94596
 (925) 933-5100

Co-Counsel

Matthew Solomon, Esq.
Cleary Gottlieb
2112 Pennsylvania Avenue, NW
Washington, D.C. 20037
(202) 974-1680

5. *U.S. v. Philip Bloom, Robert J. Stein, et al.*, Crim. No. 06-53 (CKK) (Before United States District Judge Colleen Kollar-Kotelly)

This matter involved the prosecution of the first corruption and fraud cases based on conduct in Iraq and Kuwait during the Iraq War. Philip Bloom, a U.S. citizen who resided in Romania and Iraq, was convicted of conspiracy, bribery, and money laundering in connection with a scheme to defraud the Coalition Provisional Authority-South Central Region (“CPA-SC”) in Al-Hillah, Iraq. During the conspiracy, from December 2003 through December 2005, Bloom and Robert Stein, the CPA-SC’s comptroller and funding officer, along with other public officials, conspired to rig the bids on federally-funded contracts being awarded by the CPA-SC so that all of the contracts were awarded to Bloom. The total value of the contracts successfully awarded to Bloom exceeded \$8.6 million. Bloom paid Stein and other public officials more than \$2 million in money and gifts in return. I served as chief counsel and oversaw the investigation of this matter. Bloom pleaded guilty to a three-count information charging him with conspiracy, bribery, and money laundering and was sentenced to 46 months of imprisonment. Stein pleaded guilty to a five-count information charging him with conspiracy, bribery, money laundering, unlawful possession of machine guns, and being in possession of a firearm in connection with a scheme to defraud the CPA-SC and was sentenced to 108 months of imprisonment.

Defense Counsel for Philip Bloom

John Nassikas, Esq.
Arnold & Porter
601 Massachusetts Avenue, NW
Washington, D.C. 20001
(202) 942-6820

Defense Counsel for Robert J. Stein

Carlos J. Vanegas, Esq.
Federal Public Defender’s Office for the District of Columbia
625 Indiana Avenue, NW
Washington, D.C. 20004
(202) 208-7500

Co-Counsel

Ann Brickley, Esq.

United States Department of Justice
 Criminal Division
 1441 Euclid Street, NW
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 (202) 353-7162

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Rule of Law Program: Since January 2017, I have overseen the Department of Justice's Rule of Law program, which aims to assist foreign governments in rebuilding and reforming core justice sector institutions necessary to advance the rule of law in conflict-affected countries. In particular, the program has focused on capacity building in Iraq and Afghanistan, as well as enhancing those countries' organic counter-corruption, counter-narcotics, and counter-terrorism investigation and prosecution capabilities. Our team works closely on rule of law issues with our colleagues from the Department of State, U.S. Agency for International Development, Department of Defense, and Coalition partners. The team also works in coordination with law enforcement entities on operational matters involving prosecutions in Afghanistan, Iraq, and the United States. As Director of the program, I regularly travel to Afghanistan to meet with host-country officials and discuss progress on our joint effort to enhance the rule of law.

Veterans Diversion Program: One of the many United States Attorney's Office initiatives I oversaw was the creation and implementation of the Maryland Veterans Diversion Program ("VDP") in 2016. The federal criminal justice system regularly encounters veterans charged with non-violent misdemeanors who face challenges in their lives due to struggles with substance-abuse and mental-health issues. In such cases, traditional legal responses such as incarceration, monetary fines, and/or probation, standing alone, may not adequately address the root causes of the criminal conduct. VDP was intended to deal with the underlying causes of these veterans criminal conduct by combining the resources of the federal criminal justice system with clinical treatment programs administered by the United States Department of Veterans Affairs. While notionally a simple program to address veterans unique issues in the criminal justice system, this program required extensive coordination and relationship building with law enforcement (including, but not limited to, the United States Park Police and the National Institute of Health Police), as well as the Office of the Federal Public Defender for the District of Maryland, the United States District Court, members of the Criminal Justice Act panel, and local bar associations.

USAO Training and Mentoring Program: In 2015, I was tasked with addressing the limited experience of the USAO's newest attorneys and developing an overarching training program for them, while also addressing long-term skill development for all AUSAs in the

office. In response, I moved numerous prosecutors out of several underperforming sections and reassigned them to other sections in order to broaden and develop their prosecution skills. I met with these newly assigned prosecutors on a weekly basis to ensure they were receiving appropriate guidance and feedback on their cases. I developed new supervisory positions and collateral assignments for these prosecutors to develop their career paths. I created a written mandatory training program for all prosecutors, designated training officers, and created a roadmap and checklist for prosecutors that walked them through their essential tasks over the first two weeks through their first year in the office. In order to get employee buy-in at all levels of experience, I leveraged the abilities of the more seasoned prosecutors, by meeting with them and asking them to mentor and develop junior lawyers, thereby offering an opportunity for internal advancement and growth to both groups of employees with disparate skillsets. I also created a formal mentor training program that mandated mentor/mentee checklists and ensured regular mentorship of new AUSAs. During the several years this mentor program has been in effect, the USAO has ensured succession planning as senior managers move on to other opportunities by grooming qualified staff to step into these roles as well as open new career paths for the junior workforce by being able to recruit a diverse, highly-motivated but less experienced staff. In February 2018, the Deputy Attorney General recognized my prosecutor development program as a model for all 11,000 USAO employees to incorporate into their district practices.

EOUSA Leadership: When I was appointed Director of EOUSA in December 2017, I quickly set my core values for EOUSA: communication, transparency, and service. The employees of EOUSA exemplify these values, and with these values as our guide, we have achieved effective and prodigious results for the USAO community. Fiscal Year 2018 was a year of continuing change in the USAO community, as 55 Presidentially-Appointed, Senate-Confirmed United States Attorneys took office. EOUSA's challenge was to ensure that USAOs had the necessary information and guidance to make the transitions smoothly and that the United States Attorneys received the appropriate orientation to their new positions. The latter was particularly important for United States Attorneys who did not have previous experience in the federal government. Accordingly, I developed and held orientation sessions that covered a wide range of subjects that the United States Attorneys would need. As many new United States Attorneys sought to appoint their First Assistant United States Attorneys (FAUSA), I instituted a new procedure for EOUSA to provide personalized training for new FAUSAs who were new to USAO management. This not only equipped these FAUSAs with knowledge, but it also served to establish a strong relationship between EOUSA and the FAUSAs and to develop their trust in EOUSA's support for them. I have also focused on building individual autonomy and responsibility, encouraging teamwork, promoting openness and diverse viewpoints, facilitating professional development, and maintaining focus on our mission of serving the USAOs.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed,**

the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.

I have never held judicial office.

- **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

Not applicable.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

I have never been a candidate for elective, judicial, or any other public office.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

I have never held any public office.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

None.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or**

administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.

In my role as a federal prosecutor, it is possible that disgruntled defendants have filed *pro se* filings that were either summarily denied or never appropriately filed and therefore denied as moot. I am aware of only one such case, which involved Jerome Julius Brown, a detainee at the Western State Hospital in Staunton, Virginia, filed a *pro se* civil action against the Attorney General, Deputy Attorney General, and me on April 23, 2018, in the United States District Court for the District of Columbia, Civil Docket Number 18-cv-00946-UNA. Government counsel never entered its appearance in this matter, and the matter was dismissed without prejudice *sua sponte* eight days after its filing by the Honorable Emmet G. Sullivan. The Plaintiff appeared to be subject to a pre-filing restriction due to his filing at least 106 prior cases with the court, which another federal district judge described as causes of action containing “run-on, nonsensical statements” that are “otherwise completely incomprehensible.”

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

None.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

The mortgage on my home is financed by Pentagon Federal Credit Union; my personal credit card balances are debts owed to the United Services Automobile Association; and the loan on my car is owned by Honda Finance Corporation.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) 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 other than while in a federal government capacity.**

None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

I have served in the United States Army Reserves for nearly 25 years and intend to continue my service.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

If a potential conflict of interest were to arise, I would resolve it pursuant to the District of Columbia Code of Judicial Conduct.

8. If confirmed, do you expect to serve out your full term?

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section I - 150 1 (b), as amended.

1. **Are you a citizen of the United States?**
Yes.
2. **Are you a member of the bar of the District of Columbia?**
Yes.
3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**
No. I was admitted to practice in the District of Columbia on December 18, 2017.
4. **If the answer to Question 3 is "no" --**
 - A. **Are you a professor of law in a law school in the District of Columbia?**
No.
 - B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**
Yes.
 - C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**
Yes.
 - D. **Upon what grounds is that eligibility based?**
I have practiced law on behalf of the United States since September 2001, and been a member in good standing of the Massachusetts state bar since December 1999.
5. **Are you a bona fide resident of the District of Columbia?**

Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

Yes. Since 2004, I have resided at [REDACTED] **REDACTED**

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

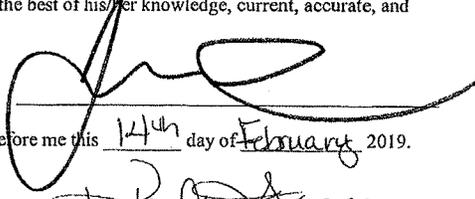
No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Four copies of my Judicial Nomination Commission questionnaire are attached.

AFFIDAVIT

James Andrew Crowell IV being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



SUBSCRIBED and SWORN TO before me this 14th day of February 2019.


Notary Public



Opening Statement of Jason Park
Nominee to be an Associate Judge of the District of Columbia Superior Court
April 2, 2019

Mr. Chairman and Members of the Committee, thank you for this opportunity to appear before you as you consider my nomination to serve as an Associate Judge on the Superior Court for the District of Columbia. It is a great honor to be here today. I would like to thank the District of Columbia Judicial Nomination Commission and its chair, the Honorable Judge Emmett Sullivan, who is kind enough to be here today, for recommending me to the White House, and I thank the President for nominating me. I would also like to thank the Committee staff for their hard work, as well as Congresswoman Eleanor Holmes Norton for her support.

I am also grateful to my friends and colleagues, some of whom are here today, including my exemplary current boss, the U.S. Attorney for the District of Columbia Jessie Liu, and the Honorable Judge Kelly Higashi, my former chief in the sex offense section at the U.S. Attorney's Office and an extraordinary colleague, mentor, and friend.

I am joined today by my wife Kati Daffan and our oldest son, Elliot, who is seven. Our younger son, Oliver, is four and is in school today. It is impossible to express how much I owe to my family and in particular to my wife Kati, without whom I would not be here today. I want acknowledge my parents, Dr. Duk-Won Park and Sunja Park, who traveled from Alabama to be here. My parents came to this country nearly 50 years ago, and over the years and decades, they built a home that has served as the foundation for everything my sisters and I have been blessed with. I am grateful they could be here today.

I first came to Washington D.C. 16 years ago to attend law school at Georgetown. After graduating and spending a few years practicing commercial litigation at an international law firm in New York, my wife and I returned permanently to the District 10 years ago. We are proud to call this City our home. Upon returning to the District, I was fortunate enough to serve as a law clerk to the Honorable Judge Ricardo M. Urbina of the U.S. District Court for the District of Columbia, who remains an inspiration and mentor to me to this day. I then spent a short time as a defense attorney at a large law firm here in D.C., where I represented individuals who were the subject of investigation and prosecution by various entities.

For the last seven years, I have had the distinct privilege of serving the citizens of our city as an Assistant United States Attorney at the U.S. Attorney's Office for the District of Columbia. Currently, I serve as the Chief of the Major Crimes Section of the Office's Superior Court Division, where, with my three deputy chiefs, I supervise more than 20 AUSAs prosecuting violent crime cases in D.C. Superior Court. For the majority of my career, I served as a prosecutor in the sex offense and domestic violence section, investigating and prosecuting child sex abuse, child physical abuse, sexual assault, and child exploitation cases in the D.C. Superior Court and federal district court. I have had the great privilege of working closely with survivors, witnesses, and families from all parts of this city. I have also been fortunate enough to appear before and try cases in front of many of the exemplary judges of the Superior Court.

It would be an honor to continue my public service as an Associate Judge on the Superior Court for the District of Columbia. Thank you again for considering my nomination and I look forward to answering your questions.

REDACTED

QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
UNITED STATES SENATE

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**
Jason Park
2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**
I am a U.S. citizen by birth.
3. **Current office address and telephone number.**
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Room 3810
Washington, D.C. 20530
202-252-7202
4. **Date and place of birth.**
November 23, 1979; Morgantown, West Virginia.
5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**
I am married to Kathleen Daffan, Assistant Director, Division of Marketing Practices, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington D.C. 20580.
6. **Names and ages of children. List occupation and employer's name if appropriate.**
 **REDACTED**
7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**
Georgetown University Law Center, August 2003 – May 2006, J.D., *cum laude*.
Princeton University, September 1998 – June 2002, A.B.

Central High School, August 1995 – May 1998, High School Diploma.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

June 2005 – August 2005
Chadbourne & Parke LLP (now Norton Rose Fulbright US LLP)
1301 Avenue of the Americas
New York, New York 10112
Summer Associate

May 2004 – December 2004
American Federation of Government Employees/Women's & Fair Practices Department
80 F Street NW
Washington, D.C. 20001
Intern

May 2004 – July 2004
Georgetown University Law Center
Edward Bennett Williams Law Library
111 G Street NW
Washington, D.C. 20001
Library Assistant

May 2004 – July 2004
Georgetown Law Journal/Criminal Procedure Project
Georgetown University Law Center
Office of Journal Administration
600 New Jersey Avenue NW
Washington, D.C. 20001
Research Assistant

August 2002 – January 2003
Parkwonsang Yuhak Solution
#943-29 Daechi 3-dong, Gangnam-gu
SungDo Building, Fourth Floor
Seoul, Korea
English Language Tutor

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

FBI Washington Field Office Service Award (2018)

U.S. Attorney's Office Impact Award (2016)

U.S. Attorney's Office Special Achievement Award (2014, 2015, 2017, 2018)

10. **Business relationships.** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.

None.

11. **Bar associations.** List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.

Asian Pacific American Bar Association of Greater D.C.
Member (2009 – present)

Bar Association of the District of Columbia
Member (2018 – present)

Hispanic Bar Association of D.C.
Member (2018 – present)

Women's Bar Association of D.C.
Member (2018 – present)

12. **Other memberships.** List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.

American Criminal Law Review, Georgetown University Law Center
Member (2004 – 2006)

13. **Court admissions.** List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.

New York State Bar, admitted in 2008

District of Columbia Bar, admitted in 2012

U.S. District Court for the District of Columbia, admitted in 2011

U.S. District Court for the Southern District of New York, admitted in 2009

U.S. District Court for the Eastern District of New York, admitted in 2009

U.S. Court of Appeals for the District of Columbia Circuit, admitted in 2011

My admission in the U.S. District Court for the District of Columbia temporarily lapsed from 2014 to 2015 while my practice was focused solely on Superior Court matters. There have been no other lapses in admission.

14. Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.

Douglas Jensen and Jason Park, *Deferred Prosecution Agreements Increase Exposure to Civil Liability*, Chadbourne & Parke LLP Client Alert (Apr. 5, 2007)

I assisted in the preparation of the following articles:

George Bundy Smith and Thomas J. Hall, *Commercial Division Update: Commonality Requirement for Class-Action Certification*, New York Law Journal (Dec. 3, 2007).

George Bundy Smith and Thomas J. Hall, *Commercial Division Update: After 'Stoneridge': Securities Liability Scheme*, New York Law Journal (Feb. 29, 2008).

George Bundy Smith and Thomas J. Hall, *Commercial Division Update: When Tort Claims Duplicate Contract Claims*, New York Law Journal (June 30, 2008).

George Bundy Smith and Thomas J. Hall, *Commercial Division Update: Judicial Estoppel Use Freer As Policy Directives Change?*, New York Law Journal (Aug. 21, 2008).

George Bundy Smith and Thomas J. Hall, *Commercial Division Update: TRO Applications When The Courthouse Is Closed*, New York Law Journal (Oct. 30, 2008).

Thomas J. Hall and Thomas J. McCormack, *Financial Meltdown Triggers Litigation Wave*, New York Law Journal (Jan. 5, 2009).

15. Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.

None.

16. Legal career.

A. Describe chronologically your law practice and experience after graduation from law school, including:

- (1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I served as a law clerk to the Honorable Ricardo M. Urbina on the U.S. District Court for the District of Columbia from 2009 to 2011.

- (2) **Whether you practiced alone, and if so, the addresses and dates;**

I have never practiced alone.

- (3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

2006 – 2009
Chadbourne & Parke LLP (now Norton Rose Fulbright LLP)
1301 Avenue of the Americas
New York, New York 10111
Associate

2011 – 2012
Steptoe & Johnson LLP
1330 Connecticut Avenue NW
Washington, D.C. 20036
Associate

2012 – Present
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, D.C. 20530
Assistant United States Attorney

B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.

From 2006 to 2009, I worked as an associate in the commercial litigation department of Chadbourne & Parke LLP. There, my practice focused on complex commercial litigation, including disputes arising out of various private-sector contracts. I also worked extensively on *pro bono* impact litigation, including a challenge to the New York State Assembly's closure of public hospitals across the

state.

From 2009 to 2011, I served as a judicial law clerk to the Honorable Ricardo M. Urbina of the U.S. District Court for the District of Columbia. In that role, I assisted Judge Urbina in various civil, administrative, and criminal matters over which he presided.

From 2011 to 2012, I worked as an associate in the white collar criminal defense group at Steptoe & Johnson LLP. There, my practice focused on defensive representation of individuals and entities in connection with investigations and prosecutions initiated by the U.S. Department of Justice, Congress, and other investigative bodies.

Since July 2012, I have served as an Assistant United States Attorney (“AUSA”) at the U.S. Attorney’s Office for the District of Columbia, where I prosecuted criminal matters in the Superior Court for the District of Columbia as well as the U.S. District Court for the District of Columbia. Since joining the U.S. Attorney’s Office in July 2012 until December 2016, I prosecuted criminal cases in Superior Court, focusing primarily on child sexual and physical abuse cases, sexual assault cases, violent crimes, and domestic violence matters. From approximately December 2016 to April 2018, I prosecuted federal child exploitation cases in the U.S. District Court for the District of Columbia, including child sex trafficking and child pornography offenses. I currently serve as a Deputy Chief in the Major Crimes Section, where my primary duties consist of supervising a group of AUSAs prosecuting violent crime felony cases in D.C. Superior Court.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

While an associate at Chadbourne & Parke LLP, my typical clients were large financial institutions and other business entities involved in commercial disputes. I also represented clients in active civil litigation and worked extensively on discovery-related litigation.

While an associate at Steptoe & Johnson LLP, my typical clients were corporate executives and government officials who were the subject of government investigations.

As an Assistant United States Attorney, my client is the United States.

D. Describe the general nature of your litigation experience, including:

- (1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

Since July 2012, while serving as an AUSA, I have appeared in court frequently. From July 2012 to December 2016, while prosecuting violent crime matters in D.C. Superior Court, I typically appeared in court multiple times per week. From December 2016 to April 2018, I prosecuted federal child exploitation cases in the U.S. District Court for the District of Columbia. During that time, I appeared in federal court approximately once per week, though my court appearances were more frequent during and in the time leading up to trials.

- (2) **What percentage of these appearances was in:**
- (a) **Federal courts (including Federal courts in D.C.);**
 - (b) **State courts of record (excluding D.C. courts);**
 - (c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**
 - (d) **other courts and administrative bodies.**

Approximately 70 – 80% of my court appearances were in the D.C. courts, primarily the Superior Court. Approximately 20% of my court appearances have been in federal courts, primarily the U.S. District Court for the District of Columbia.

- (3) **What percentage of your litigation has been:**
- (a) **civil;**
 - (b) **criminal.**

Approximately 20% of my litigation practice has been civil and approximately 80% has been criminal.

- (4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

I have tried approximately 35 cases to verdict.

- (5) **What percentage of these trials was to**
- (a) **a jury;**
 - (b) **the court (include cases decided on motion but tabulate them separately).**

Of the cases I tried to verdict, approximately 30% were tried to juries and 70% were bench trials.

17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.

1. *United States v. Jared Kline*, 2014 CF1 20221
(Superior Court for the District of Columbia, Honorable J. Michael Ryan)

Between 2013 and 2014, Jared Kline worked as a registered nurse in emergency rooms at several hospitals in the Washington D.C. area, including George Washington University Hospital, MedStar Washington Hospital Center, and United Medical Center. On multiple occasions—four in the District of Columbia and one alleged incident in Maryland—Mr. Kline sexually abused female patients in his care while purporting to provide them with medical care. Two women came forward soon after their release from the hospitals, while two women reported the incidents while still at the hospital. The fifth woman came forward after seeing news reports about the allegations involving the other women. The case concerning the alleged incident in Maryland was prosecuted by the Prince George's County State's Attorney's Office and went to trial first. At the conclusion of that trial, the jury found the defendant not guilty of all charges.

I took over as lead prosecutor during the ongoing grand jury investigation, and was responsible for indicting the case with respect to the four victims in the District of Columbia. I also served as lead counsel for the jury trial and was responsible for presenting the testimony of most of the witnesses, cross examining the defendant (who testified that any contact with any of these victims was incidental to medical treatment), and presenting closing arguments and rebuttal. The jury ultimately convicted the defendant of sexually abusing three of the four victims, hanging on the counts related to the fourth woman (who came forward after seeing news reports about the other allegations). On September 23, 2016, the Honorable J. Michael Ryan sentenced the defendant to a term of 45 months of incarceration. As noted in the D.C. Court of Appeals opinion affirming the convictions, the case served as an example of how to try a multi-victim serial case while avoiding unfair prejudice to the defendant. See *Jared Kline v. United States*, 16-CF-1013 (D.C. Aug. 9, 2018) (Mem. Op.).

Defense Counsel:
Nikki Lotze, Esq.
Lotze Mosley LLP

400 7th Street NW
Suite 202
Washington D.C. 20004
202-759-7739

Co-Counsel:

John Timmer
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington D.C. 20530
202-252-7225

2. *United States v. Charles Young*, 2014 CF1 20413
(Superior Court for the District of Columbia, Honorable Robert E. Morin)

The defendant, Charles Young, was an assistant track coach and administrator at Dunbar Senior High School from 2012 to 2014. During that time, he sexually abused multiple male students, ranging in age from 14 to 17 years old. Mr. Young targeted students who had grown close to him, many of whom viewed him as a mentor. The abuse came to light when one of the students, who was being severely bullied by his fellow students as rumors of the abuse began to surface, reported the abuse to the school's principal.

I became the lead prosecutor on this matter during the grand jury investigation. Building on the work of the initial prosecutor and working with detectives with the Youth and Family Services Division of the Metropolitan Police Department, as well as students, school administrators, faculty, and staff, we identified additional potential victims who reportedly had been abused by the defendant. At the conclusion of the investigation, a Superior Court grand jury issued an indictment charging Mr. Young with sexually abusing seven students. The matter was set for trial in February 2016 and I remained lead prosecutor through the resolution of the matter. Eleven days before trial was set to begin, the defendant pled guilty to sexually abusing all seven students identified in the indictment. On June 24, 2016, following a sentencing hearing at which several of victims and their families spoke, Judge Morin sentenced the defendant to over 17 years of incarceration, protecting young people of this city from a serial abuser who was taking advantage of his position of trust and authority to prey on students.

Defense Counsel:

David Benowitz, Esq.
Price Benowitz LLP
409 7th Street NW
Suite 222
Washington, D.C. 20004
202-804-9484

Brian McDaniel, Esq.
The McDaniel Law Group, PLLC

1920 L Street NW, Suite 303
Washington, D.C. 20036
202-836-6149

Co-Counsel:

Julianne Johnston
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, D.C. 20530
202-252-6875

3. *United States v. Demetrius Banks*, 2015 CF1 12148
(Superior Court for the District of Columbia, Honorable José M. López)

Over a thirty-day period, from July 28 to August 28, 2015, 33-year-old Demetrius Banks attacked five different women walking home alone at night from the Fort Totten and Brookland metro stations. He assaulted each woman minutes after she left the metro, all in the same two-mile area. He abducted four of the five women off the street at knifepoint, forcing them into secluded areas while threatening to kill them; he attacked the fifth just as she exited a secluded path near the Fort Totten metro. He raped two of the women at knifepoint, while his attack on a third was interrupted by a passerby, who stopped her car after she saw the defendant dragging the woman into the woods by her hair.

I was assigned to the investigation as the lead prosecutor on September 2, 2015, as it was becoming clear that the assaults were being perpetrated by the same individual—Mr. Banks—who was still at large. Working around the clock with detectives and federal agents, Mr. Banks was located on September 5, 2015. Mr. Banks was indicted on 25 counts of armed rape, robbery, kidnapping, assault, and credit card fraud. I remained the lead prosecutor on the matter throughout the investigation, indictment, and trial. The case proceeded to trial in October 2016 before the Honorable José M. López. The trial lasted nearly four weeks and involved approximately 40 witnesses, including four expert witnesses. I presented the testimony of most of the victims and witnesses, and conducted the closing arguments. At the conclusion of trial, the jury found the defendant guilty of 23 of 25 counts, including all five armed assaults. On March 3, 2017, Judge López sentenced the defendant, who had a significant criminal history, to life without release plus 82 years.

Defense Counsel:

David Knight, Esq.
Jessica Willis, Esq.
Public Defender Service for the District of Columbia
633 Indiana Avenue NW
Washington, D.C. 20004
202-628-1200

Co-Counsel:

Julianne Johnston

U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, D.C. 20530
202-252-6875

4. *United States v. Daraya Marshall & Jarnese Harris*, Crim. No. 15-117 (TSC)
(U.S. District Court for the District of Columbia, Honorable Tanya S. Chutkan)

From 2014 to the time of their arrest in 2015, defendants Daraya Marshall and Jarnese Harris ran a sex trafficking operation out of Mr. Marshall's apartment in Southeast Washington. During this time, Mr. Marshall had six or seven women and girls prostituting for him. The case came to the attention of the FBI Washington Field Office's Child Exploitation Task Force when the mother of the youngest victim—A.C., a 14-year-old runaway—began scouring the streets of Southeast Washington D.C. and social media for her missing daughter. She eventually learned that her daughter was staying with Mr. Marshall at his apartment on South Capitol Street. She drove to the location to retrieve her daughter and then contacted the police. The ensuing investigation resulted in the identification of additional children and adults whom the defendants were trafficking for commercial sex. A federal grand jury indicted the defendants on federal charges of Sex Trafficking of Children, Transportation of a Minor for Prostitution, and the Production of Child Pornography, as well as First Degree Child Sexual Abuse in violation of the D.C. Code.

I was one of three Assistant United States Attorneys who prosecuted this matter, which was set for trial before the Honorable Tanya S. Chutkan in October 2017. I assisted in many aspects of this case, but my most critical responsibility was to prepare the youngest victim, A.C., and her family for testimony at trial. My responsibilities also encompassed discovery obligations, pre-trial litigation, and presentation of the electronic evidence in the case. I also worked closely with electronic forensic experts in the Justice Department's Computer Crimes Intellectual Property Section and the FBI's Behavioral Analysis Unit, and litigated pre-trial motions before Judge Chutkan challenging the admissibility of all evidence.

The case against Ms. Harris was resolved well in advance of trial and her proceeding was sealed. On October 16, 2017, the date that trial was scheduled to begin, Mr. Marshall pled guilty to four counts of Sex Trafficking of Children, one count of Production of Child Pornography, and one count of First Degree Child Sexual Abuse. On February 1, 2018, Mr. Marshall was sentenced by Judge Chutkan to 25 years of incarceration.

This case was significant in that it was among the largest-scale juvenile sex trafficking rings prosecuted by the U.S. Attorney's Office for the District of Columbia. It was also among the first federal prosecutions in the District of Columbia concerning commercial sex acts facilitated through Backpage.com, a website later seized by federal authorities investigating its role in sex trafficking.

Counsel for Defendant Marshall:
Joanne Slaight, Esq.

400 7th Street NW
Suite 206
Washington, D.C. 20004
202-408-2041

Joseph Conte, Esq.
400 7th Street NW
Suite 400
Washington, D.C. 20004
202-638-4100

Co-Counsel:
Kenya Davis
Cassidy Pinegar
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington D.C. 20530
202-252-7059

5. *United States v. Charles Morgan*, Crim. No. 16-196 (ESH)
(U.S. District Court for the District of Columbia, Honorable Ellen S. Huvelle)

Just after midnight on May 23, 2016, Charles Morgan, a 55-year-old man, encountered a 15-year-old girl at a bus stop on Minnesota Avenue in Southeast Washington D.C.; the girl had just run away from her grandmother's house. Mr. Morgan, who had previously been convicted of armed rape, coaxed her into the car, and ultimately transported her across state lines to Maryland, where he sexually assaulted her. Days later, Mr. Morgan sent text messages to the 15-year-old demanding that she create and send him explicit photographs. Unbeknownst to Mr. Morgan, he was speaking with a detective who was investigating the assault and had assumed the girl's identity. Mr. Morgan was arrested and indicted on federal charges of Transportation of a Minor With Intent to Engage in Criminal Sexual Activity, Attempted Production of Child Pornography, and other charges.

My responsibilities during the pretrial phase included responding to last-minute briefing seeking to dismiss the indictment based on the failure to preserve materials, which included an impromptu evidentiary hearing at which the victim's mother testified. I also prepared the witnesses to testify, prepared the exhibits and demonstratives, and completed all other typical trial preparation tasks. Another of my responsibilities concerned pre-trial litigation related to jury instructions. A central point of dispute was whether, in order to prove Attempted Production of Child Pornography, the government was required to prove that the defendant actually knew that the victim was a minor. This was a significant issue, as the Attempted Production of Child Pornography was the lead count, the victim's age was arguably ambiguous from her appearance, and Mr. Morgan, in recorded conversations with the victim, arguably expressed surprise when told that the victim was underage.

Trial commenced in late April 2018 before the Honorable Ellen Huvelle. At trial, I handled

the opening statement and presented the testimony of the complainant's grandmother, the defendant's roommate, and several expert witnesses (a forensic DNA expert, the FBI special agent who used cell tower records to track the movements of the defendant and victim on the night in question, and a cell phone forensic expert who extracted data from the defendant's cellular device). At the conclusion of the trial, the jury convicted the defendant of Transportation of a Minor With Intent to Engage in Criminal Sexual Activity and the Attempted Production of Child Pornography. Judge Huvelle later sentenced the defendant to 40 years of incarceration.

Defense Counsel:

Shelli Peterson, Esq.
Loui Itoh, Esq.
Federal Public Defender for the District of Columbia
625 Indiana Avenue NW
Washington, D.C. 20004
202-208-7500

Co-Counsel:

Andrea Hertzfeld
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, D.C. 20530
202-252-7808

17. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

In 2007, while working as a junior associate at Chadbourne & Parke, I volunteered to coach a moot court trial team composed of students from William C. Bryant High School, a public high school in Queens, New York. The students, most of whom hailed from the low- and middle-income homes near the school, had had no prior exposure to legal concepts. Each week, I met the team for two-hour practices after school. We began with exercises designed to get the students thinking like lawyers, introducing them to the concept of legal elements and applying facts to the law. Over the next several weeks, we progressed to basic legal principles, and then to legal writing and oral argument. After many weeks of preparation, we ultimately participated in a citywide high school moot court competition. At the conclusion of the moot court competition, we spent the following weeks preparing for a mock trial competition, crafting opening statements and closing arguments, and preparing for direct and cross examination. At both competitions, the team from Bryant High more than held its own, despite competing against some teams with additional advantages.

I count the hours I spent each week with those students as among the most meaningful of my legal career. It was there that I learned how rewarding it can be to work with young

people and it was my first experience coaching those less experienced than myself in legal practice. Many of the significant matters I would later investigate and prosecute as an AUSA would involve teenage victims and witnesses.

In May 2018, I returned to the role of a coach, having chosen to leave the line and become a Deputy Chief at the U.S. Attorney's Office. The Office had recently created a new supervisory position dedicated to supervising and developing junior Assistant U.S. Attorneys ("AUSAs") who had completed their misdemeanor rotations and were handling their first felony matters. In my new role as Deputy Chief, I helped my supervisees work through ethical and strategic questions and develop their cases, also coaching them through interactions with witnesses, judges, and opposing counsel. Moreover, I observed them in court and provided feedback and guidance on their work in trials, motions hearings, and other proceedings. Although I recently began supervising more experienced AUSAs prosecuting serious violent crime cases in Superior Court, the time I spent working with these developing attorneys and playing some small role in their growth has been among the great privileges of my career.

18. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

No.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

Member, Democratic Party.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of \$50 or more.**

\$50 contribution to DNC Services Corp. on November 4, 2017.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

No.

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

I have approximately \$10,600 in a Steptoe & Johnson LLP 401(k) retirement account. Otherwise, I have no financial dealings with any prior employers, associates, or clients.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) 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 other than while in a federal government capacity.**

None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

No.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

None to report.

8. **If confirmed, do you expect to serve out your full term?**

Yes.

III. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 11 - 150 1 (b), as amended.

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.

Yes. I was admitted to the District of Columbia bar on January 6, 2012.

4. If the answer to Question 3 is "no" --

A. Are you a professor of law in a law school in the District of Columbia?

B. Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?

C. Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?

D. Upon what grounds is that eligibility based?

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.

Yes. I have resided at [REDACTED] since April 2009. **REDACTED**

7. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Four copies of my Judicial Nomination Commission questionnaire are attached.

AFFIDAVIT

_____ Jason Park _____ being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

_____ *Joseph* _____
SUBSCRIBED and SWORN TO before me this 27th day of February 2019.

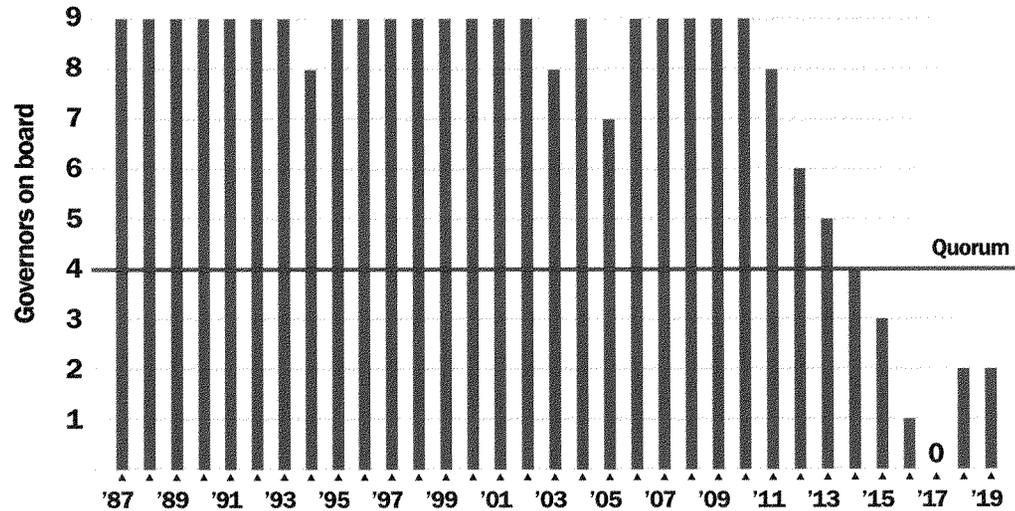


Lynda Randolph

LYNDA RANDOLPH
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2023

BOARD OF GOVERNORS

Administration:	Reagan	Bush	Clinton	Bush	Obama	Trump
No. of governors confirmed:	5	3	9	11	2	2



U.S. Postal Service

All figures in billions of dollars.

	FY 2009	FY 2018	Total: '09-'18	Projected: '19-'28
Income statement				
Operating revenue	68.1	70.7	681.9	724.0
Cash operating expense	(58.0)	(59.2)	(563.7)	(636.5)
Worker's comp (FECA)	(1.0)	(1.4)	(13.2)	(18.0)
Retiree health annual	(2.0)	0.0	(21.6)	0.0
Retiree pension annual	(5.9)	(6.7)	(61.0)	(73.2)
Total operating expense	<u>(67.0)</u>	<u>(67.3)</u>	<u>(659.5)</u>	<u>(727.7)</u>
Operating income before deprec	1.1	3.4	22.5	(3.7)
Depreciation	<u>(2.3)</u>	<u>(1.7)</u>	<u>(19.7)</u>	<u>(21.3)</u>
Operating income (loss)	<u>(1.2)</u>	<u>1.7</u>	<u>2.7</u>	<u>(25.0)</u>
Health care prefunding	(1.4)	(4.5)	(49.5)	(62.2)
Pension prefunding	-	(2.4)	(5.6)	(24.0)
Total prefunding	<u>(1.4)</u>	<u>(6.9)</u>	<u>(55.1)</u>	<u>(86.2)</u>
Noncash part of FECA	(1.2)	1.4	(7.2)	0.0
Net interest income (Expense)	<u>(0.1)</u>	<u>(0.1)</u>	<u>(1.5)</u>	<u>(13.6)</u>
USPS reported income (loss)	<u>(3.8)</u>	<u>(3.9)</u>	<u>(61.1)</u>	<u>(124.8)</u>
Cash flow adjustments				
Non-cash adjustments	1.0	(0.5)	(0.1)	0.0
Change in FECA liability	2.1	(1.4)	8.0	0.0
Depreciation	2.3	1.7	19.7	21.3
Net investments	(1.8)	(1.4)	(10.9)	(24.5)
Net financing	<u>2.9</u>	<u>(1.9)</u>	<u>5.0</u>	<u>1.8</u>
Subtotal non-cash adjustments	6.5	(3.4)	21.8	(1.4)
Cash flow before retiree default	2.7	(7.3)	(39.3)	(126.2)
Retiree prefunding default	-	3.2	41.2	38.6
Retiree current default	-	3.7	7.0	47.6
Total default	<u>-</u>	<u>6.9</u>	<u>48.2</u>	<u>86.2</u>
Increase (decrease) in cash	<u>2.7</u>	<u>(0.5)</u>	<u>8.9</u>	<u>(40.0)</u>

Source: USPS annual 10-Ks.



MURIEL BOWSER
MAYOR

April 1, 2019

The Honorable Ron Johnson
Chairman
United States Senate
Committee on Homeland Security &
Governmental Affairs

The Honorable Gary Peters
Ranking Member
United States Senate
Committee on Homeland Security &
Governmental Affairs

The Honorable James Lankford
Chairman
United States Senate
Subcommittee on Regulatory Affairs and
Federal Management

The Honorable Kyrsten Sinema
Ranking Member
United States Senate
Subcommittee on Regulatory Affairs and
Federal Management

Dear Chairman Johnson, Ranking Member Peters, Chairman Lankford, and Ranking Member Sinema:

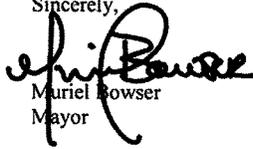
On behalf of the 702,000 residents of Washington, DC, I urge your support for the confirmation of four highly qualified nominees for vacant positions on the District of Columbia Superior Court: Magistrate Judge Rainey Brandt; Magistrate Judge Shana Frost Matini; Assistant United States Attorney Jason Park; and Director of the Executive Office for United States Attorneys James Crowell. I thank you for scheduling a hearing for the nomination of Jason Park and James A. Crowell and I urge you to advance the other two nominations as soon as possible.

Unlike Article III judges who have lifetime appointments, Superior Court judges in the District of Columbia are Article I judges who serve at the District's local trial court for 15-year terms. Under the Home Rule Act, the DC Judicial Nomination Commission (JNC) screens, selects, and recommends to the President of the United States a list of three persons for each vacancy on the Superior Court and Court of Appeals. Each one of the four listed nominees has been approved by the President for appointment to the Superior Court—three are awaiting hearings and one is awaiting Senate confirmation.

Currently, there are 11 vacancies on the DC Superior Court. These vacancies are impeding the swift and efficient administration of justice for both criminal and civil matters. The backlog of nominees has become a key public safety concern for our residents as we work to build a safer, stronger DC.

I respectfully ask the Committee to confirm these four outstanding nominees promptly.

Sincerely,



Muriel Bowser
Mayor

cc: The Honorable Eleanor Holmes Norton
White House Counsel Pat Cipollone



Statement for the Record of the

Coalition for a 21st Century Postal Service

Hearing Concerning the Nominations to be Governors of the Postal Service of

Mr. Ron Bloom and Mr. Ramon Martinez

Committee on Homeland Security and Governmental Affairs

United States Senate

April 3, 2019

Statement of the
Coalition for a 21st Century Postal Service

Mr. Chairman, Ranking Member Peters and Members of the Committee, the Coalition for a 21st Century Postal Service (C21) appreciates this opportunity to submit our views for the record of the hearing conducted on April 2, 2019, by the Committee on, among others, the nominations of Messrs. Ron Bloom and Ramon Martinez to be Governors of the Postal Service.

C21 consists of public and private companies and industry associations representing newspapers, advertisers, catalogers, e-commerce, parcels, greeting cards, financial services, telecommunications, insurance, paper, printing, technology, envelope manufacturing, and mail services, which understand the essential role of USPS and want it sustained for the future. C21 broadly represents an industry generating \$1.4 trillion in sales and supporting 7.5 million jobs.

Both Nominees Should be Approved

Our view is simple: both nominees during the hearing, and by reputation, have impressed the business community with their backgrounds and credentials for these important posts. We believe them to be highly qualified, and encourage the Committee to approve their nominations as swiftly as possible. The Postal Service, as the Committee knows, badly needs the perspective and guidance that a larger number of qualified Board Members can give it.

Views Concerning the Report of the President's Task Force on the Postal System

If the Committee will indulge us, which we would greatly appreciate, we would like to append our views here concerning the hearing the Committee conducted on March 12 on the Report of the President's Task Force on the Postal System. Due to a misunderstanding that was entirely our fault, our comments were not finished in time for the deadline set by the Chairman.

We begin by commending the Chairman and the Committee for conducting this hearing. The Postal Service, as you well know, confronts daunting financial problems. Shining additional light on those problems and potential responses is important. For this reason, we also appreciate the President's creating his Task Force on the Postal System, and the Task Force members for their hard, and inclusive, work on the Report. C21 was one of a substantial number of stakeholders with whom the Task Force met in developing an informational base for their Report.

The Task Force made a number of important points with which we agree. The first is that the Postal Service should continue its mission to bind the nation together, and deliver to all

addresses. We believe that is vital to ensure that all Americans, including those in Rural America, receive still-vital mail and package services without discrimination or differentiation.

The second was a point the Task Force did not make. It did not recommend privatizing USPS. We agree. C21 strongly believes that privatization might balkanize the system, and quite likely render it unusable. Even if somehow sold or spun off in whole, the obstacles to success in the United States are daunting; profits without dramatic downsizing of the system and/or raising rates beyond affordability will be rather improbable to realize. Privatizations of foreign posts are simply not comparable or models for the United States. The differences in population, geography and volume of mail between the United States and, say, the United Kingdom and Finland, render comparisons virtually inapposite. And that is not to mention that privatizations overseas often took a decade or longer, with governments retaining legacy benefit costs, while prices go up and delivery goes down.

We further agree with the Task Force, however, that more outsourcing or worksharing make sense. Worksharing was a pivotal contributor to growing mail volume. It was responsible for virtually all mail volume growth subsequent to enactment of the Postal Reorganization Act, and still constitutes the vast majority of mail. The goal was to produce the "lowest combined cost," and benefit both the Postal Service and its customers. It worked. Thus, there may be additional opportunities to explore on this front, especially as technology develops further.

Third, the Task Force recommended restructuring USPS obligations, notably retiree health prefunding. We agree that retiree prefunding should be restructured to use postal demographic data, and apply only to retirees and vested employees (adopting private sector best practices under FAS 158). Beyond that, we submit that the balance of that obligation can and should be resolved through integrating the 20% or so of USPS annuitants who are not subscribed, into Medicare. Each of these annuitants has paid his or her Medicare taxes over the years, while USPS has paid the employer share. Each is eligible to enroll in Medicare right now. Were they to do so on their own motion, Medicare would, by law, have to cover them. It is also possible that an offset can be devised for any Medicare expense but, given the above, under no circumstances would Medicare for any postal workers be accurately considered a "bail-out."

Finally, we agree with the Task Force that vacant Governors' positions must be filled. USPS has badly missed the outside director guidance that Presidentially-appointed, Senate-confirmed Governors were intended to, and do, give. We encourage the President to nominate additional qualified candidates, and for the Committee to move as swiftly as it can to complete their vetting and hearings.

C21 also has grave concerns about a number of the Task Force's recommendations. We are strongly opposed to somehow dividing up the system into undefined "essential" and other streams of mail. While the Task Force took some pains to describe the differences it envisions generally, the bulk of this work would be delegated to the Postal Regulatory Commission. While we believe that the Commission does a generally excellent job of fulfilling its various

statutory mandates, on a restructuring this fundamental, with all the substantive, policy and political dimensional overlays to it, our firm recommendation is that this would be a job to be retained by and in Congress.

On the notion of separating mailstreams, we are puzzled, to say the least, how this would not adversely impact economies of scale and scope. At its simplest, would it mean two postal trucks would cover the same route? It would also confuse the public. What is essential? What is not? Can't you just put a stamp on something and send it First Class?

For business, the problems come in price and service. The Task Force recommended marketing and promotional mail be charged at market rates. How can you determine a "market rate" for letters and catalog delivery protected by the letter and mail box monopolies? So, what would "market rates" be for marketing mail? Undoubtedly higher, such rates would likely have a dramatic impact on mailings from major companies that continue in the mail because of the somewhat higher ROI of the mail "channel," in contrast with various online channels (email, social media, streaming, websites, etc.), as well as broadcast, cable and print. Raising prices degrades that ROI advantage.

That brings us to the question of price elasticities. How much mail and how many packages would the Postal Service lose with sharply higher prices? Elasticities for the Postal Service used by both postal agencies relied upon by the Task Force are not only in part based on badly dated information, several decades worth, but are filled with trend analyses and other filler factors that impact accuracy. The simple fact is that USPS has raised rates at CPI-U since PAEA took effect, and so the predictive power of their elasticities for much larger increases is at best suspect.

The one exception to that, which itself was not nearly as high as "market rates" might turn out to be, the "exigent surcharge" imposed by the Commission to restore some of the revenues supposedly lost due to the Great Recession, does not change that calculus. Mailers report that they saw that increase as temporary and not worth retooling their marketing mixes among all the channels available. A permanent increase would be another matter.

The bottom line is that at this point price does matter. No longer as driven to alternatives to the mail by other factors such as novelty or convenience, ROI is now an even more central consideration. And when the price of mailing is raised, that ROI declines, making alternative channels more attractive, and costing USPS significant volume when it cannot afford to lose any more, let alone a substantial amount.

The same is true for package and parcel shipping. At their current pricing, which has been aggressively increased while volume for USPS has expanded by orders of magnitude, USPS competitive packages and parcels now provide nearly 25% of USPS overhead costs, some \$7+ billion in 2018. This shipping volume due largely to the explosion in ecommerce has filled a significant part of the revenue gap created by the ongoing deflation of First Class Mail volume and revenues.

C21 believes that the surest way to kill the goose laying this golden postal revenue egg is to raise prices substantially. While USPS competitors are now encroaching on its volume because the density of package delivery has sufficiently increased in more jurisdictions to make their deliveries profitable, customers may turn to them, form their own delivery fleets, use Uber and other novel options, and otherwise divert from a USPS that would be noticeably less price-competitive.

Our coalition strongly opposes the Task Force recommendation to embrace fully distributed costing (FDC) or other major cost reallocations, as well. FDC has been rejected in academia, and in regulatory and judicial outcomes for generations. A major reason is that some costs cannot be accurately directly or indirectly attributed to any specific class of mail or product. For example, how would the salary of the Postmaster General be fully allocated? Or of a carrier who must conduct his/her route whether or not any mail or packages are delivered, or picked up. The same for the carrier's truck, fuel and maintenance. And so on. Any major reallocation of costs would necessarily have to include some form of arbitrariness.

We refer you to the statement of the Parcel Shippers Association which addressed FDC in-depth in the March 12 hearing record, and fully subscribe to their views on this subject.

We understand the financial problems confronting the Postal Service, and we commend the Chairman and the Committee for their ongoing interest in the system. Those problems may very much call for fundamental changes to the infrastructure, business model or more in order to sustain the system in coming years. But any such changes, recommended by the Task Force or otherwise, should be tested and vetted closely in hearings with experts from all stakeholding communities, and from rural, suburban and urban America.

In the interim, we strongly recommend a short-term financial stabilization approach that would lift some of the Postal Service's financial obligations and otherwise positively affect its balance sheet and operational outcomes to avoid the worst outcome of insolvency and inability to deliver the mail while Congress decides what the full suite of reforms should be. One example would be last Congress's S. 2629, but there could be other options.

The business community stands ready to consult with the Committee and offer whatever information might be useful to help it in its deliberations.

Thank you for the opportunity to submit this statement.