

**NOMINATIONS OF MITCHELL A. SILK, BRIAN D.
MONTGOMERY, DAVID C. WOLL, JR., JOHN
BOBBITT, AND PETER J. CONIGLIO**

HEARING
BEFORE THE
COMMITTEE ON
BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF:

MITCHELL A. SILK, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR
INTERNATIONAL MARKETS, DEPARTMENT OF THE TREASURY

BRIAN D. MONTGOMERY, OF TEXAS, TO BE DEPUTY SECRETARY, DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

DAVID C. WOLL, JR., OF CONNECTICUT, TO BE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

JOHN BOBBITT, OF TEXAS, TO BE ASSISTANT SECRETARY FOR ADMINISTRATION,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PETER J. CONIGLIO, OF VIRGINIA, TO BE INSPECTOR GENERAL, EXPORT-IMPORT
BANK

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**NOMINATIONS OF MITCHELL A. SILK, BRIAN
D. MONTGOMERY, DAVID C. WOLL, JR.,
JOHN BOBBITT, AND PETER J. CONIGLIO**

WEDNESDAY, NOVEMBER 20, 2019

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

The Committee met at 10:27 a.m., in room SD-538, Dirksen Senate Office Building, Hon. Mike Crapo, Chairman of the Committee, presiding.

OPENING STATEMENT OF CHAIRMAN MIKE CRAPO

Chairman CRAPO. All right. This hearing will come to order.

This morning, the Committee will receive testimony from five nominees who have been selected to serve in key roles within the Department of Treasury, the Department of Housing and Urban Development, and the Export-Import Bank.

Going down the line, we have: Mitchell Silk, to be Assistant Secretary for International Markets at the Department of the Treasury; the Honorable Brian Montgomery, to be Deputy Secretary of Housing and Urban Development; David Woll, to be HUD Assistant Secretary for Community Planning and Development; Jack Bobbitt, to be HUD Assistant Secretary for Administration; and Peter Coniglio, to be Inspector General of the Ex-Im Bank.

I want to welcome all of you. I appreciate you putting up with our having a markup first. It was actually a shorter thing than we usually have when we do markups, and so we did not hold you as long as we might have. I also commend each of you for your commitment to public service and your willingness to accept these positions.

I see friends and family behind you, and I welcome them here today as well.

Mitchell Silk has served with distinction as Acting Assistant Secretary of the Treasury for International Markets since July and as Deputy Assistant Secretary for International Affairs since 2017.

He is a leading expert in Chinese law and finance, who is fluent in both Mandarin and Cantonese, and spent 15 years working in Greater China as a partner with the law firm Allen & Overy.

Since joining Treasury, Mr. Silk has been a key voice on trade negotiations, energy and infrastructure finance, export credit, and financial services.

Brian Montgomery is no stranger to this Committee, having served as Federal Housing Commissioner under Presidents Bush,

Obama, and Trump, and having testified before us on seven other occasions on matters relating to housing and housing finance.

During his previous tenure at the helm of the Federal Housing Administration, he provided steadfast leadership through one of the most trying times that housing markets have ever seen.

During his current tenure at FHA, he has overseen the return of FHA's insurance fund to its strongest financial position since fiscal year 2007, while continuing to provide affordable home ownership opportunities to tens of thousands of first-time home buyers each year.

Since January of this year, Mr. Montgomery has also served as Acting Deputy Secretary, charged with overall management of day-to-day operations of the Department.

Once confirmed as permanent Deputy Secretary, the Department will continue to benefit from his deep institutional knowledge, expertise, and dedication to making our housing programs work better.

Since November 2018, David Woll has served as Principal Deputy Assistant Secretary for HUD's Office of Community Planning and Development, where he has overseen HUD's homeless assistance, disaster relief, and block grant programs.

He has dedicated his entire career to public service, including as an Assistant U.S. Attorney, Deputy General Counsel at HUD, and Senior Policy Adviser to the Governor of New Jersey, where he served as the State's compliance director for Superstorm Sandy and other relief efforts.

With direct experience both administering CPD programs and implementing them as a State partner, Mr. Woll is well equipped to continue leading CPD forward.

Jack Bobbitt currently serves as Deputy Assistant Secretary for Housing Operations at HUD, where he oversees procurement, human resources, facilities, communications, and IT systems for the Office of Housing.

He previously served as Special Assistant to Commissioner Montgomery during the Bush administration and has also served in a variety of executive roles in the private sector, including both large corporations and start-up ventures.

If confirmed, Mr. Bobbitt would combine his keen understanding of HUD operations with decades of private sector experience as he oversees HUD facilities, procurement, staffing, training, and performance management.

Finally, Peter Coniglio would bring a wealth of relevant experience to the Ex-Im Bank IG office, having served in the Office of Inspector General at the General Services Administration since 2006, in addition to other distinguished service within the Department of Justice, the Department of Treasury, and the Senate Judiciary Committee.

In meetings with my office, Mr. Coniglio has committed to running a "fully functioning, independent, regular order" operation at the Ex-Im Office of Inspector General.

In only a few months in office since their Senate confirmation, the new Ex-Im President Kimberly Reed and her colleagues on the board have already taken significant steps to bring greater transparency and accountability to the Bank. This has not gone unno-

ticed by many of us on the Committee. Having a new Senate-confirmed Inspector General in place will only serve to strengthen those efforts.

Each of these nominees are highly distinguished and well qualified to serve in the roles to which they have been nominated.

I look forward to working with each of you in the months ahead to advance the aims of your agencies and to expand our economic growth.

Thank you once again for your willingness to serve and for appearing before the Committee today, and I encourage my colleagues to expeditiously confirm all five of you so that you can quickly get to work for the American people.

Senator Brown.

OPENING STATEMENT OF SENATOR SHERROD BROWN

Senator BROWN. Thank you, Mr. Chairman, for holding the hearing on the nominations of Mr. Silk, Mr. Montgomery, Mr. Woll, Mr. Bobbitt, and Mr. Coniglio. Welcome to you and your families and guests. I am glad you are here.

President Trump nominated Mitchell Silk to be Assistant Secretary for International Markets at Treasury. His portfolio is broad—from energy and infrastructure issues, to trade negotiations with China and global financial risks at the Financial Stability Board.

China has recognized the global demand for updated infrastructure investments and is making significant investments in infrastructure around the world through its Belt and Road Initiative. However, concerns have arisen—about the terms provided, the failure to use local workers, and the quality of the work completed.

The appetite for Belt and Road makes clear that we need to increase support for investments abroad in order to provide the world with a market-based alternative to China, one that respects workers and is focused on sustained, local growth and not on the expansion of Chinese influence.

U.S. leadership in infrastructure development requires acting to address the threats we face from climate change. If confirmed, Mr. Silk, in spite of the Trump administration's comments and recent actions, I hope you will focus on those efforts.

We will also hear from Mr. Coniglio, the nominee to be Inspector General at Ex-Im Bank. A confirmed Inspector General will help ensure transparency and accountability in the Bank's operations. Mr. Coniglio's nomination is not the only Ex-Im nomination that we need to act on.

The full Senate needs to vote on the nominations of Paul Shmotolokha and Claudia Slacik whom our Committee has previously reported with strong bipartisan support. We need a full Ex-Im board and a qualified Inspector General to provide oversight and guidance as Ex-Im approves deals that create jobs in Ohio and around the country. We know that the undermining of Ex-Im by the Administration and by the Majority Leader has made that challenge much greater. And, Mr. Coniglio, I was pleased you said in your statement that Senator Grassley taught you that whistleblowers, the time-honored, bipartisan nature of whistleblowers,

that they are to be respected and taken seriously. Thank you for adding that.

Finally, three of today's nominees have been nominated to positions within HUD, where they are currently serving.

Mr. Montgomery has been in front of this Committee before, currently serves in a confirmed role as Assistant Secretary for Housing—Federal Housing Commissioner and has been nominated to serve as Deputy Secretary.

Mr. Woll has been nominated to be Assistant Secretary for Community Planning and Development and has experience in monitoring compliance with the CDBG Disaster Relief, which he would oversee if confirmed.

Mr. Bobbitt has been nominated to serve as Assistant Secretary for Administration, where he would be responsible for overseeing hiring policies, procurement, and operations.

HUD provides housing assistance to 4.7 million low-income families and supports homeless services. It also enforces the Fair Housing Act, insures some 8.1 million mortgages, and administers billions in assistance to communities hit hard by natural disasters.

HUD's policies affect every community, big and small. A home is a foundation for opportunity. It is usually the biggest item in a family's budget. Hardworking families and the Nation's most vulnerable members rely on these critical programs and protections.

Unfortunately, President Trump's administration does not seem to understand that. When 11 million families spend more than half their income on housing, we need to be doing more. The Trump administration has year after year proposed to slash HUD's budget and eliminate programs like CDBG and HOME that make affordable housing development possible.

The Administration has released a document questioning long-established best practices to address homelessness. Just last week, the Trump administration removed the widely respected head of the interagency council responsible for coordinating Federal agencies' homelessness efforts.

HUD wants to undermine the enforcement of the Fair Housing Act based on disparate impact and to weaken protections for transgender individuals who need shelter.

Last week, HUD promoted a political appointee with a history, a very well known history, of sexist and racist writings to the second highest position at Ginnie Mae, a nonconfirmable position, which guarantees—as you know, Ginnie Mae guarantees \$2.1 trillion in mortgage-backed securities.

And just a few months ago, HUD proposed changes to the FHA program that would make it harder for millions of families to afford to buy a home.

Each of these actions is troubling, each on its own. Taken together, it is pretty clear that not only is the President not doing anything to help families afford a home, but they are actively making it harder, thereby betraying American families.

Both Mr. Woll and Mr. Montgomery have played a role in some of these policies and decisions. I expect to hear more about that in today's hearing.

These positions play a critical role in many of the economic issues that our country faces. Thank you.

Chairman CRAPO. Thank you.

At this point I would like to put each of you under oath and then ask you one question, so would you please stand and raise your right hands? Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SILK. I do.

Mr. MONTGOMERY. I do.

Mr. WOLL. I do.

Mr. BOBBITT. I do.

Mr. CONIGLIO. I do.

Chairman CRAPO. And do you agree to appear and testify before any duly constituted committee of the Senate?

Mr. SILK. I do.

Mr. MONTGOMERY. I do.

Mr. WOLL. I do.

Mr. BOBBITT. I do.

Mr. CONIGLIO. I do.

Chairman CRAPO. Thank you. That was an “aye” on all parts on each question.

With that, let us proceed. We will proceed in the order you were introduced, and I encourage you to remember the 5 minutes that has been allocated to you for your introductory remarks. Your written testimony is made a part of the record.

Mr. Silk.

TESTIMONY OF MITCHELL A. SILK, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR INTERNATIONAL MARKETS, DEPARTMENT OF THE TREASURY

Mr. SILK. Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, it is a great honor to appear before you today as the President’s nominee to be Assistant Secretary of the Treasury for International Markets. I thank the President and Secretary Mnuchin for their trust and confidence in me. I thank very much all of your good offices for the courtesies afforded to me over the past few weeks. If confirmed, I look forward to working with all of you on the critical issues within Treasury’s International Markets portfolio.

As a backdrop to my remarks, I wish to acknowledge my family, including my extraordinary grandparents and parents who are no longer with us. It is at times like this that the feeling of loss are tremendous and tempered only by their immense inspiration that I will detail in a moment. My amazing wife, Yocheved Rivka, is here with me today. She serves our community as a physician’s assistant in a family practice in Brooklyn while looking after our eight children and doting on our three grandchildren. She is a constant source of inspiration, support, and strength. She is joined by her father, Rabbi Dovid Orlander, and four of our eight children: Meshulam, Naftuli Chaim, Mordechai Dov, and Tauba Raitza.

I owe the privilege of appearing before this distinguished Committee to my family and to the opportunities that this great country has afforded us. My grandparents immigrated to this country from hardship and persecution in Eastern Europe. Their life experiences were chilling. My maternal grandfather, the guiding light

of my life, grew up in abject poverty, witnessed Cossacks brutally murder members of his family, and struggled to cope with the extermination of his family in the Holocaust. For my family, this country represented freedom, security, and immense opportunity. They worked hard as tradesmen and laborers.

Their life challenges enforced their commitment to improving the lives of others. My grandfather spoke with pride of his communal leadership, including his part in successfully lobbying for one of Chicago's first projects to provide subsidized housing for over 1,000 impoverished European families during the Great Depression. My father was proud to have served in the Second World War in the Pacific Fleet. His brother, my uncle, served in the Army National Guard. My mother assisted the lives of thousands over her 40-year nursing career.

Family circumstances required me to go to work full time when I was 13. My first job was in a Chinese restaurant as a dishwasher, then prep cook, and then after busboy and finally waiter. My hard work yielded fluency in Chinese and sufficient earnings to fund college and law school. I was the first one in my family to graduate from college.

I enjoyed an extraordinary and exciting career in law for more than 30 years in both the United States and in Asia. I specialized in large and complex cross-border investment, bank regulatory and finance matters, focusing heavily on energy and infrastructure. Like my grandparents and parents, service to the community was a priority for me. While in private practice, I served for over a decade as chairman of a nationwide pro bono legal services network of more than 400 lawyers.

I joined the Treasury Department as Deputy Assistant Secretary for Investment, Energy, and Infrastructure in 2017. Over the last 2 years, I have had the honor of advancing our country's interests alongside Treasury leadership and our exceptionally dedicated career staff.

Treasury's International Markets portfolio is critical to advancing U.S. interests in global financial and investment markets. We lead engagement in international regulatory bodies and coordinate trade policy with respect to financial services. We also oversee Treasury's technical assistance program, which assists our allies globally. In addition, the portfolio covers the critically important areas of U.S. participation in development financing, including implementation of the BUILD Act and trade finance globally. And we lead Treasury's efforts to promote private capital solutions in energy and infrastructure finance to support responsible global growth, a critical initiative which I designed and have overseen since joining the Department.

My work at Treasury and in private practice has given me a deep appreciation for how these international economic issues have a significant impact on the lives of individual Americans. It has been and will continue to be an honor to come full circle and play my part to ensure the continued freedom, security, and immense opportunity that this country afforded my family. If confirmed, I will work closely with this Committee to continue these essential tasks.

I thank you for the opportunity to appear today, and I am very happy to answer questions.

Chairman CRAPO. Thank you, Mr. Silk.
Mr. Montgomery.

**TESTIMONY OF BRIAN D. MONTGOMERY, OF TEXAS, TO BE
DEPUTY SECRETARY, DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Mr. MONTGOMERY. Thank you, Chairman Crapo, Ranking Member Brown, and Members of the Committee. I am honored to appear before you today to be considered for the position of Deputy Secretary at the Department of Housing and Urban Development.

I would like to take a moment to thank my family, including my wife, Katy, who is on business travel today, but I do have my two children, Emily, age 13—whom I am probably blocking out, I suspect—and Thomas, age 10, who will quickly tell you he will be 11 next month. I want to also thank my parents and my sisters for their love and support over the many years. My Dad passed away right before my confirmation hearing in 2017, but my Mom, who is the daughter of Mexican immigrants, is watching at her home in Houston on line.

I also want to express my gratitude to the President and to Secretary Carson for their faith and confidence in me as I worked as FHA Commissioner over the last 19 months.

I would say working with Secretary Carson over that time has provided me with a new understanding of what it truly means to serve.

Mr. Chairman, I was humbled by the trust this Committee placed in me to serve as FHA Commissioner from 2005 to 2009 and again in this Administration. I have always believed that the work we do at HUD and FHA transcends party lines.

During my tenure at HUD, which has spanned 6 years, three Administrations, and both parties, I am proud of the work we did to preserve FHA as a viable option for home buyers.

Just last week I was pleased to present HUD's Annual Report to Congress regarding the status of FHA's Mutual Mortgage Insurance Fund for fiscal year 2019.

The MMI Fund is as sound as it has been in over a decade with a capital ratio of 4.84 percent. FHA remains a key source of financing for first-time and minority home buyers, with hundreds of thousands of individuals and families achieving the dream of home ownership, and nearly a third of all endorsements supporting minority home buyers.

One way we have sought to strengthen FHA has to been to clarify regulatory expectations so that responsible lenders can confidently and fully participate in the program.

For example, market participants' concerns about uncertain and unanticipated False Claims Act liability for underwriting defects has led many depository lenders to largely withdraw from FHA lending. To address these concerns, in October HUD and the Justice Department signed a Memorandum of Understanding for cases brought under the False Claims Act against FHA lenders. This MOU provides a framework to apply remedies for FHA lender violations in a consistent, uniform, and appropriate way. In addition, FHA updated its certifications and what we refer to as the "defect taxonomy" to better assess the appropriate remedies for program

violations. This suite of reforms should make affordable FHA mortgages more accessible to qualified borrowers and reduce risks within the FHA program.

We are also working to expand and strengthen loss mitigation options for borrowers. Under my tenure, FHA made permanent the “Disaster Standalone Partial Claim” for disaster victims who are rebuilding or buying another home following a disaster. This option covers up to 12 months of missed mortgage payments with an interest-free second loan on a recovering family’s home. And, by the way, this is a program that we deployed in Puerto Rico last year to help FHA borrowers.

In recent years, FHA has been asked to play a greater role in long-term recovery after natural disasters. If confirmed as Deputy Secretary, I want to give you my pledge that we will do everything we can to help the people impacted by the hurricanes that ravaged so many States, from my hometown of Houston to North Carolina and, yes, Puerto Rico, as well as the most recent wildfires in California.

In 2017, for the first time in the history of HUD’s administration of disaster recovery, Congress provided mitigation funds as part of a CDBG–DR appropriation. To deliver on this mission, I have visited Puerto Rico to meet with the island’s leadership and with the officials at Vivienda who are responsible for administering this grant. We are committed to ensuring the record funding going to Puerto Rico reaches the people in need and helps them recover and build a more resilient future.

I further note that HUD has one of the most tenured workforces in the Federal Government, and its head count has decreased by more than 50 percent over the last 25 years. It is a priority that we have the right workforce to fulfill HUD’s important missions in the years to come, and we are working hard to make that happen.

Finally, HUD’s housing finance reform plan, released in September, calls for additional improvements to FHA’s policies, technology, and operations, and we look forward to working with the Congress as we move that forward.

I want to thank you again for your time this morning. I look forward to answering your questions.

Chairman CRAPO. Thank you, Mr. Montgomery.

Mr. Woll.

TESTIMONY OF DAVID C. WOLL, JR., OF CONNECTICUT, TO BE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. WOLL. Thank you, Chairman Crapo, Ranking Member Brown, and distinguished Members of this Committee. I am deeply honored to be nominated to serve as Assistant Secretary of the U.S. Department of Housing and Urban Development’s Office of Community Planning and Development.

If I may, I would first like to introduce my family, who are the most important people in my life. I am happy to introduce my wife of 23 years, Phoebe Cabell Woll. I would also like to introduce my three children: my oldest son, Tripp, who is a senior at Pennsylvania State University; Ted, who is a junior at the University of

Wisconsin; and my youngest, Bryce, who is a sophomore in high school.

I would also like to introduce my Dad, David Woll, who has been my mentor both as a father and as a lawyer. My Dad and my Mom, who I wish was still with us today, taught me the importance of faith, values, and treating every person, regardless of their background or circumstances, with compassion, dignity, and respect.

My brother, Mike, is also here with his wife, Anita Woll. I cannot thank them enough for their tremendous support. My sisters Eileen and Francie were unable to travel here today, but they too have always been very supportive of me, and I am profoundly grateful for their love and encouragement.

My path to nomination and this confirmation hearing has been somewhat untraditional. After graduating from the University of Maryland and the University of Virginia School of Law, I spent most of my earlier career as an investigator and prosecutor working to protect victims of crime.

At the Securities and Exchange Commission, I was a senior counsel in the Enforcement Division, where one of my largest matters was a securities fraud case involving a securities boiler room that targeted unsophisticated and elderly investors.

At the U.S. Attorney's Office for the District of Columbia, I spent 3 years prosecuting domestic violence and sexual assault cases against people who victimized some of the most vulnerable people in the community, including children, indigent women who had been trafficked, and young people who were LGBTQ. I also served as a Federal prosecutor in Brooklyn, where I prosecuted business and securities fraud cases in which the victims were financially devastated due to the greed of others who took advantage of them. This included prosecuting a \$100 million Ponzi scheme and a Hurricane Katrina fraud case.

Following Superstorm Sandy in the fall of 2012, I had an opportunity to do something completely different, which was to work on disaster recovery for the State of New Jersey. That was an important moment in my career because it ended up being my first exposure to HUD and the dedicated career staff who work for its Office of Community Planning and Development. It struck me then, as it does now, that CPD genuinely cares about disaster victims, the unsheltered homeless, and others in need and works incredibly hard to help grantees navigate through very stressful and difficult circumstances. I feel particularly privileged to be considered to lead this incredibly talented team.

There is always, however, room for improvement, particularly when it comes to better serving the States and communities who are our grantees. With this in mind, I have several priorities if I am confirmed.

First, CPD needs to continue to strengthen its stewardship of the Disaster Recovery Program by making sure we have the right number of people in the right places. To that end, we are in the process of doubling the size of the disaster recovery division and out-stationing staff closer to our grantees. This will help us to deliver grant assistance in a more efficient manner and give us greater flexibility to respond to the unique needs of each State and grantee.

Second, CPD needs to work with other agencies, States, municipalities, and the private sector to develop strategies to target unsheltered homelessness. This effort is similar to what we did when we targeted veterans' and family homelessness, which led to decreases in both numbers.

Third, our many field offices are on the front line and play a critical role in forging relationships with our grantees. We need to reshape our field operations in order to improve communications between headquarters and the field and to give the field offices greater flexibility to react to the changing needs of our grantees.

Members of the Committee, I have always worked to help those who are vulnerable and most in need. If confirmed, I commit to you that I will continue to do so as the Assistant Secretary of CPD. Thank you.

Chairman CRAPO. Thank you, Mr. Woll.

Mr. Bobbitt.

TESTIMONY OF JOHN BOBBITT, OF TEXAS, TO BE ASSISTANT SECRETARY FOR ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. BOBBITT. Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, it is a privilege to appear before you this morning. I am deeply honored that President Trump has nominated me to serve under Secretary Carson as the Assistant Secretary for Administration at the Department of Housing and Urban Development.

Before I begin, I want to express my deepest appreciation to my beautiful wife, Jian, who is here today. Jian has been, and continues to be, a bedrock of support, the love of my life for me and our family while I serve at HUD. She is here today from our hometown of Houston, where she has maintained our residence to provide care for my mother and father, George and Bette Bobbitt.

I want to thank my father, a Navy veteran of World War II, and my mother, who worked for the British Army Staff here in Washington, D.C., They met at a USO dance during the war and have been married for 72 years. At 97 and 96 years old, they are the source of my passion to succeed personally and professionally. I also want to acknowledge my grandfather, Dr. Clarence Charles Hastings, a prominent veterinarian and World War I veteran who instilled in me strong values and a work ethic required to succeed. And, finally, I want to thank my stepdaughter Xiaoting, Mike Fei, sister Robin, and our extended family, friends, and colleagues for their love and support.

During my 37 years of business experience, I have served in diverse executive roles in the private and public sectors responsible for operations, finance, sales, and marketing for large multibillion-dollar corporations to startup ventures.

My Government and public service journey began in 1984 as a volunteer White House Lead Advance Representative. I served in that capacity under the George H.W. Bush and George W. Bush administrations, and I have served in that role in the Trump administration. I also served as the Director of Strategic Communications at HUD from 2006 to 2009 and had the privilege to return to HUD in February 2019 as the Deputy Assistant Secretary for Oper-

ations, managing human resources, procurement and facilities within the Office of Housing, HUD's largest office. During my time in this position, I have established core values, an open-door policy, met with many of my employees, restructured the management team, and increased our FEVS score card of leadership by 23 percent and overall employee satisfaction by 17 percent. We also created and launched a comprehensive Employee Development Training Program.

My knowledge of HUD and Government operations has given me a sound perspective on what is required to achieve success in the work ahead, both from the organization and from myself. Additionally, my relevant skills and extensive experience obtained from the private sector will aid in implementing improved and more efficient processes.

I believe that a leader's management philosophy is the cornerstone for the organization's direction, vision, goals, and success. As a leader, I am committed to the development and advancement of three things: people, processes, and performance.

I believe you manage work, but you lead people. I believe in an employee-centered organization that strives to achieve high morale with a positive, accountable culture that develops individuals for career growth and opportunities.

Next is the efficiency and effectiveness of the processes that are adopted. A focus must be placed on clearly identifying and streamlining processes and policies.

Finally, my emphasis is on performance. I believe that an organization that properly sets standards of measurement, creates attainable goals, and empowers staff to achieve them is bound for high performance.

So with these as my guiding philosophy, here are the priorities I will focus on if confirmed as HUD's Assistant Secretary for Administration:

First, I will implement a culture and set of core values as well as "career-long" employee training that will foster employee development and succession planning.

Second, I will focus on improving the hiring process by working to decrease the time it takes to hire and reduce the risks associated with critical vacancies.

Third, I will introduce measures to decrease the prolonged process of procurement and ensure qualified oversight of existing contracts.

And, finally, the modernization of HUD's hiring, training, and procurement IT systems to enhance accuracy, accountability, and the ability to effectively measure performance.

Mr. Chairman, distinguished Members of the Committee, thank you again for your consideration of my nomination. I welcome your questions.

Chairman CRAPO. Thank you, Mr. Bobbitt.
Mr. Coniglio.

TESTIMONY OF PETER J. CONIGLIO, OF VIRGINIA, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. CONIGLIO. Thank you, Mr. Chairman, Ranking Member Brown, and Members of the Committee, for inviting me to appear before you today. It is my great honor and privilege to be the President's nominee to be the Inspector General of the Export-Import Bank of the United States. I am very humbled to be considered for this position.

With me today is my wife of 42 years, Jamie Wright Coniglio. She is my rock. Over the last 30 years, I spent 5 years on Capitol Hill, highlighted by my work as a line counsel for Senator Grassley's then Judiciary Subcommittee staff and about 14 years with the Departments of Justice and the Treasury. Since June of 2006, I have been in the Office of Inspector General at the General Services Administration, working for three Inspectors General. Each of them tutored me on how to be an effective Inspector General.

In addition to my present position with GSA OIG, I headed for almost 4 years the OIG's Compliance Office, reporting directly to the GSA Inspector General. From there, I stood up the GSA OIG's first-ever audit report writing and editing team. As the lead editor, I oversaw the production of the OIG's audit reports—OIG's first line of communication with its agency. Our team's objective was to ensure that an audit report was readable, objective, and usable.

Throughout its history, Ex-Im's unique mission has helped finance the export of American goods and services in order to support American jobs.

If confirmed, my goal will be to provide Ex-Im's leaders with timely and objective findings and understandable and usable recommendations regarding the agency's programs and operations and to inform Ex-Im's leaders of any fraud, waste, or abuse the OIG uncovers.

If confirmed, I commit to overseeing rigorous investigations to pursue the facts wherever they may lead.

As a Senator Grassley alum, he set the standard for me, among many, when it comes to Inspectors General and educated me on the key role an OIG plays in an agency's success.

Senator Grassley also taught me that whistleblowers are to be respected and taken seriously.

If I am confirmed, I will ensure that the Office of Inspector General at Ex-Im has an open-door policy and provides every opportunity for those who want to report on information that they may have on any waste, fraud, or abuse occurring at Ex-Im. If I am confirmed, the Office of Inspector General will see to it that whistleblowers receive every protection afforded to them by the law.

I am also well aware of Congress' role in the responsible use of taxpayers' resources. If confirmed, I intend to maintain a strong and open line of communication with this Committee, the Senate, and the House of Representatives.

Mr. Chairman, my time with GSA OIG has attuned me to the role that a fully functioning, objective, and independent Office of Inspector General plays in an agency's success. I call this "regular order."

I understand Ex-Im has strong supporters and strong detractors. As you know, Ex-Im's Board of Directors has only recently returned to regular order with a quorum.

This is all the more reason to return Ex-Im's Office of Inspector General to its own regular order. Since the Ex-Im Inspector General position became vacant in June of 2014, the OIG's dedicated professionals have supported its continued operations. But Senate-confirmed leadership in an independent Office of Inspector General is more likely to have greater influence on Ex-Im and more likely to have the confidence of Ex-Im's proponents, as well as its detractors.

My approach as Inspector General would not be to act as Ex-Im's adversary or its enemy. Instead, I would intend to foster a healthy, productive, and open professional relationship with Ex-Im.

In conclusion, Mr. Chairman, if I am fortunate enough to be confirmed, I firmly believe that I am prepared to take the helm of the Office of Inspector General at the Export-Import Bank of the United States, and I look forward to the challenge.

Thank you for your time today, and I will be pleased to respond to any questions you may have.

Chairman CRAPO. Thank you very much, Mr. Coniglio.

I would like to again state that I believe that each of you, all five of you, are very superbly qualified and outstanding candidates for the positions to which you have been nominated and that I intend to support you. I do not want you to feel slighted, but I do not have any questions for you except for a couple that I want to give to Mr. Montgomery.

Mr. Montgomery, my questions for you are—first, I commend your work on HUD's recent blueprint for housing finance reform and your staff's ongoing work with mine on that topic. As you know, it is a top priority of mine to ensure that our housing finance system protects taxpayers, increases the role of private capital, and promotes broad accessibility to mortgage credit, and FHA and Ginnie Mae play a key role in that.

I mainly want your commitment to continue working with me on this and then would invite any comments you would like to make on housing finance reform.

Mr. MONTGOMERY. Well, thank you very much for that question, Chairman Crapo, and your comments. The Administration worked very hard with our friends at Treasury and elsewhere to put together what we think is meaningful housing finance reform. As you will recall, in the report we have listed some of the activities we would like to undertake in both legislative and administrative categories, including some things that we have been considering and working on that we felt strongly we should include just to signal to the world that we are working on some things in an effort of transparency.

I can speak obviously for FHA and for Ginnie Mae. It is important as the pure Government home-buying program that has been the hallmark of first-time home buyers since 1935, we want to help ensure that FHA is there in good times and bad. That is not to say—the news of last week was very welcomed with a capital ratio the highest it has been since 2007. In our report, we also mention some of the challenges and headwinds that we face. We have a

strong housing market today, but it is tough to predict the future. So we want to make sure that we are in a strong capital position, not knowing what the future may hold, to make sure that we have, you know, a margin safely above the 2 percent capital ratio that Congress requires.

It is also no secret that we have some serious technology deficiencies that actually date back to my first tenure as FHA Commissioner in the Bush and Obama administrations. The good news is Congress has given us the first downpayment toward a project we think will be \$80 to \$90 million in the form of a \$20 million downpayment. I can say that our staff working with our CIO work extremely hard to bring FHA's technology into this century, and we are going to see—we are working on some pilot programs right now and proofs of concept, but we look forward, with the input from Congress and from our stakeholders, to putting some significant heft into our current antiquated systems.

Chairman CRAPO. Well, thank you, and I do appreciate your attention to this and look forward to continuing to work with you on it as we weave our way through the process of getting a solid housing reform put into place.

My last question to you is—and I also want to commend you for your work alongside DOJ to help establish clear rules of the road to clarify the extent to which FHA lenders can be liable for harmless or immaterial errors under the False Claims Act. What has been the early response from lending institutions to the recent FHA announcement? And do you expect to see more lenders returning to the program?

Mr. MONTGOMERY. Thank you again, Mr. Chairman. We have had some good signals from the industry, including one rather large depository that would like to get back into the FHA in a more meaningful way. I will not revisit what happened in the last 8 to 10 years on that, but as you know, a lot of depositories fled the FHA program. In 2010, almost half of our originations came from depositories. Last fiscal year it was about 13.5 percent.

As I frequently say, I do not take sides in this discussion. I just think we need to find a better balance so we are not too extended with independence nondepository institutions, or for depositories for that matter. So, again, not taking sides, I just want to try to find a little bit equilibrium, balance between the two.

This one particularly large depository had asked us if they could help provide some training, which we will take as a positive sign.

I do want to add that the traditional stakeholders were very supportive of what we were doing, but we also heard a lot of statements of support from the National Housing Conference, the Center for Responsible Lending, the National Community Reinvestment Coalition, who rightfully view this also as an issue of access to credit in particulate for low- or moderate-income first-time home buyers.

So we are optimistic going forward that we can expand the aperture a little and hopefully get some of the depository institutions back into the program.

Chairman CRAPO. Thank you. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Senator Reed wanted to stay. He was called to a meeting with the Foreign Minister of the UAE and needed to go, but he has questions for the record that he will submit.

Thank you. Good to see all of you. Thank you for bringing your skills and your interest in public service to this Committee. You have all been nominated for important jobs. I really am not asking you—this is a question. I do not understand why the Secretary of HUD has not moved more quickly to fill these jobs like they are doing today, but, still, so many unfilled that really, really matter.

Mr. Montgomery, thank you for serving as Deputy Secretary. Thank you for continuing to serve as head of FHA.

Did you sign off on HUD's proposed changes to the disparate impact rule?

Mr. MONTGOMERY. Sir, as you know, there were some safeguards that the Supreme Court thought that were wise to put into the program, and I think that is a lot of what we are hoping to accomplish with this rule. I would say that process began before my tenure as FHA Commissioner.

Senator BROWN. But did you sign off or you did not?

Mr. MONTGOMERY. Well, sir, that process began before I got to HUD.

Senator BROWN. Well, my colleagues and I are very concerned about these changes undermining fair housing protections and making it all but impossible for victims of housing discrimination to bring a disparate impact claim. Regardless of your justification there, I do not understand why you would not speak out about the problems there.

Mr. Woll, I appreciated in your testimony talking about your faith, values, and treating every person—your father and mother taught you to treat every person, regardless of background or circumstances, with compassion, dignity, and respect.

In September, HUD abruptly withdrew a competitive grant to provide funding for housing and services to victims of human trafficking. It is a terrible problem in my State, especially in the Toledo area. This grant program was a result of a partnership among HUD, DOJ, and other agencies, as you know, and involved significant input from stakeholders serving survivors.

Your process from you and HUD's process for handling this grant frankly was a disaster. You provided no explanation to stakeholders, including my constituents who asked, as to why HUD abruptly canceled and suspended these grants in the midst of the process. HUD still has not told stakeholders when and how these funds might be awarded. HUD did not respond to my letter seeking additional information about these funds. This money is critical to organizations that struggle with resources and struggle with the whole of combating human trafficking.

Can you commit to me this funding will be made available this calendar year and that you will clearly communicate that with applicants and with stakeholders?

Mr. WOLL. Senator, with respect to committing to this year, as you may know, the program is now going to be administered by the Department of Justice. I have been in contact with the Department—

Senator BROWN. I am sorry to interrupt. That was after, though, that they said they agreed to administer the grants after HUD suspended the grants.

Mr. WOLL. Yes, we had conversations with DOJ where DOJ indicated that they want to take the program back.

Senator BROWN. But you had suspended it.

Mr. WOLL. What we tried to do is we had an issue with respect to our clearance process. There was an amendment that was added and put up online. What we tried to do is reinstate the old NOFA that had been properly cleared. We did not intend to take it down or postpone—

Senator BROWN. That is not exactly music to the ears of people who wanted to know what happened and got no explanation from HUD or DOJ, but principally from you, about why these grants were suspended.

Mr. WOLL. Well, I can tell you that I know that your letter—I know that DOJ has a draft, which I have seen fairly recently and I anticipate that, with respect to your letter, they are going to be responding very soon, and they are optimistic that they are going to be able to launch this program. We have told them all along that we are here to help them. We think it is a wonderful program. We completely support it and will continue to support it in every way. It is essential for helping human trafficking victims.

Senator BROWN. Well, I appreciate that. Very soon is already very late considering when the letter was sent.

Let me ask you another question in the last minute. You are the lead HUD official in a proposed rule to revise the 2016 equal access rule. HUD found in those days, in the previous Administration, that transgendered persons experience “significant violence, harassment, and discrimination in attempting to access services.” Transgender persons are often discriminatorily excluded from shelters or face dangerous conditions in the shelters that correspond to their sex assigned at birth.

A dozen of us concerned about those revisions requested a briefing from you on possible policy changes in June, but the Department declined. You would not provide a briefing that we asked for 5 months ago.

I will ask you now: Do you believe it is appropriate for transgender people to be denied access, particularly in light of your statement, your opening statement, to be denied access to basic HUD-funded shelter that corresponds to their gender identity?

Mr. WOLL. With respect to the 2016 rule, I am a little bit limited in what I can say because it is currently pending before OIRA, but—

Senator BROWN. That is not a reason not to give a briefing, but go ahead.

Mr. WOLL. I can tell you, Senator, that I detest any form of discrimination against anybody, particularly based on sexual orientation or gender identity. The 2012 rule continues to disallow that discrimination, and we are not going to permit discrimination against transgender individuals.

Senator BROWN. I believe you. I do not know you. I believe you. I heard your testimony. You sound, from my staff, as an honorable, decent man. Your faith is important, and your faith taught you to

treat people—regardless of all of those things, to treat people alike. But you are part of an Administration that says terrible things about all kinds of people and divides people along race and gender and immigrant status lines, and I hope you do your job irrespective of what people that might be your bosses want you to do in terms of race and gender.

Mr. WOLL. Senator, I know the Secretary is on record saying that he detests discrimination, and, you know, we intend to completely enforce the 2012 restriction against any discrimination against anybody based on sexual orientation or gender identity.

Senator BROWN. Well, the Secretary has not—I appreciate that comment in front of us, but the Secretary has not really acted that way. But I trust you will. Thank you.

Chairman CRAPO. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Montgomery, back in 2017 I voted for your nomination to your current position in part because you assured me that you “strongly supported the Section 811 program,” which supports persons with disabilities. You also stated your support for Section 202 housing, which provides housing to seniors.

Unfortunately, the Administration has repeatedly called for cutting these programs for seniors and persons with disabilities, most recently by \$34 million and \$27 million, respectively.

So according to HUD, about one in seven renters with “worst-case housing needs” included a nonelderly person with disabilities. In 2017, you assured me with respect to the 811 program that you will “continue to advocate for this important program.”

I will assume you have been advocating, although the Administration seems to be going in a different way. If you are confirmed to this new position, that will give you an elevated status in terms of your ability to speak to the Secretary. Can you assure me that you will “continue to advocate for this important program”? And if so, will you advocate to make sure that it has the appropriate resources in order for it to be fulfilled?

Mr. MONTGOMERY. Thank you, Senator, for your question. If I am honored by this Committee to be Deputy Secretary, I will more than likely continue to run the FHA until a replacement can be named. So potentially in both capacities, I will definitely obviously continue to advocate for the 202 and 811 program, as I did back in the Bush and Obama administrations. I think there is no better program to help largely elderly widowed females, frail elderly, than the 202 program. I was glad when this body 3 years ago put in additional funds for what is called “capital advance,” which was to construct more 202 programs, and the same for the 811 program. My commitment to both has not changed, Senator, and I will continue to advocate vigorously for both.

Senator MENENDEZ. All right. Secretary Carson proposed raising the rents in federally assisted housing by an average of nearly 50 percent and triple rents for the lowest-income households. That proposal would put approximately 1.7 million people, including nearly a million children, at risk of eviction, hardship, and homelessness. In the State of New Jersey alone, 150,000-plus households would be affected. That is simply not acceptable. You and I talked about this, and there is, you know, some concern about budgets

and whatnot—I get that—or some concern about those who have more income than that which is being reported. Of course, if you have more income, all of this housing is income-related to a large degree, so you should be reporting your income. But the result of going after individuals who have not reported their income is not to raise the rents across the board to everybody, who may very well still be stuck in the income status that justified their ability to participate in that program.

Mr. MONTGOMERY. Well, I will say, sir, that no mass evictions will occur as long as I am FHA Commissioner, Assistant Secretary for Housing.

Senator MENEDEZ. But do you understand the consequences, if implemented, of having a 50-percent increase on average and triple rents for the lowest-income households?

Mr. MONTGOMERY. As you know, I am the only person to serve as FHA Commissioner twice, and I am concerned, as I am sure you are, that when I was Commissioner last time, we were helping about the same number of people that we did back then, yet the costs have gone up \$2 to \$3 billion. So I think it is how do we contain the cost or, again, looking at possibly increasing renter contributions. We have to work together to address how this is going to be fixed going forward because, otherwise, the numbers will just continue to go up.

Senator MENEDEZ. Well, we do not have to spend \$1 trillion in unpaid tax cuts. That would help us fund some of these programs. So I always see that we revert to going to the most vulnerable in our society as those who we are going to put this on their back, and I am going to fight that tooth and nail if that is where the Department is headed, and I want you to know it. And I hope that based on your experience you will move in a different direction.

Mr. Chairman, it is difficult, and I urge you and the Ranking Member, when you have a panel this size of critical nominees, to get to the issues in 5 minutes. So I really hope either that you will consider a second round or that we can limit the size of these panels because it is impossible to get into critical questions with different critical, important positions. So if you will just give me the courtesy of another minute or so.

Mr. Woll, Superstorm Sandy was one of the most destructive, costly natural disasters for the Northeast, particularly in the State of New Jersey. I will give you an example: Patricia from Union Beach, she was forced to vacate her house twice. She selflessly turned down the opportunity to tap additional disaster funding because she was so exhausted with the process, and she felt she had enough to rebuild, only to get hit with a \$32,000 so-called clawback bill nearly 4 years after Sandy. Her life right now is a manmade nightmare, not natural disaster.

There are thousands of people in the same situation as Patricia, and they want to know that their nightmare will end soon. Governor Murphy has taken a critical step of freezing these types of clawbacks until we work something out.

Can you commit to working with my office in New Jersey to find a comprehensive solution that finally closes the chapter and allows Sandy survivors to move forward with their lives?

Mr. WOLL. Absolutely, Senator.

Senator MENENDEZ. And one last Sandy-related question. We fought incredibly hard to pass into law resources for the Rebuild by Design program, which funds resiliency projects in New Jersey and other affected States as a proactive, cost-effective way of looking to the future to mitigate damages so we are not spending more money.

Unfortunately, there is an arbitrary deadline that could force New Jersey and other States to forfeit all funding not spent by 2022. These are incredibly complex flood resilience projects, like the one in Hoboken, Weehawken, and Jersey City of \$230 million that would provide flood protection to tens of thousands of residents in one of the most flood-prone, economically significant, and densely populated areas. With the 2022 deadline now looming as these projects get ready to break ground, would HUD be willing to work with New Jersey on an administrative waiver to allow the State to expend Sandy funds beyond the 2020 deadline to complete some of the most vital and innovative flood-resilience projects? Otherwise, the money that we spent up front will have been lost for nothing.

Mr. WOLL. Yes, and I am very familiar with the Rebuild by Design program, competition, actually, based on my time in New Jersey. We think it is a wonderful program. We do want to have high-value, transformative projects, so, absolutely, we will work with you with respect to any sort of waiver that we can consider.

Senator MENENDEZ. Thank you very much.

Chairman CRAPO. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Welcome to all of you. Congratulations on your nominations. Welcome to your families. For the same reasons that my colleague from New Jersey just talked about, I am not going to get to ask all of you questions, so let me just start with Mr. Montgomery and Mr. Woll.

Do you believe we have an affordable housing crisis in this country?

Mr. MONTGOMERY. Thank you for your question. I would say certainly more so in some areas versus others, and there are a whole lot of reasons for that.

Senator CORTEZ MASTO. OK. Mr. Woll.

Mr. WOLL. I concur with the Commissioner. In certain areas, we certainly have an affordable housing crisis.

Senator CORTEZ MASTO. Yeah, and I heard the Ranking Member mention this, but there are 11 million extremely low-income families who spent more than 30 percent of their income on rent and utilities in this country. But here is my concern. I know the 2020 budget proposal from the Trump administration asked Congress to drastically cut housing benefits that help millions of low-income seniors, people with disabilities, families with children, veterans, and other vulnerable populations. In fact, the proposed cut, to my understanding, to the HUD budget is about \$9.6 billion, or 18 percent below the 2019 enacted levels.

If true, and you are confirmed, what will you do to ensure that HUD provides safe and affordable housing to veterans, people with disabilities, low-income elderly, and families with children? Mr. Montgomery, I am going to start with you.

Mr. MONTGOMERY. Well, thank you for your question. I will speak to the programs that I run. I mentioned to Senator Menendez my commitment to helping those less fortunate, whether it is vulnerable elderly, persons with disabilities, families needing extra help, extremely low income. That commitment has not changed and will not change. I will continue to advocate for that. As you know, the budget is an iterative process, a process that goes back and forth and is lengthy, and the costs continue to grow and grow and grow. Again, I think that is something that, working together, we need to address.

Again, looking at my tenure when I was Commissioner last time and now, we are helping about the same number of people. The costs continue to spiral.

Senator CORTEZ MASTO. So I appreciate your commitment, and I appreciate the costs, but give me specifics. You have been there long enough. Tell me how you plan on helping. What specific programs are you implementing? What are you doing?

Mr. MONTGOMERY. Well, I would put at the top of the list the Rental Assistance Demonstration Program that began during the previous Administration. To me it has been an excellent example of bipartisanship. It has allowed us to take aged public housing and convert it to more project-based rental assistance housing. So far we have done that to roughly 150,000 properties throughout the country. As you know, we are looking to raise the ceiling on that. And it is helping to fill what is an enormous infrastructure hole that resulted over the last 30 to 40 years.

It is important, obviously, to develop, but it is equally important to preserve and hold on and renovate the aged housing stock.

Senator CORTEZ MASTO. Anything else?

Mr. MONTGOMERY. Well, again, I continue to advocate for the 202 and 811 and PBRA programs.

Senator CORTEZ MASTO. Let me ask you this: Will you ensure the continuation of the Housing Trust Fund?

Mr. MONTGOMERY. Well, as you saw in the report, we reference the Housing Trust Fund. There have been a lot of different proposals of what that could look like, and that is one of the areas that we signal we want to work with Congress to fashion a Housing Trust Fund, and that is the direction we—

Senator CORTEZ MASTO. Do you plan on making changes to the Housing Trust Fund?

Mr. MONTGOMERY. I think there should be a discussion about how best to administer it, whether it should be formulaic, should it be where the worst-case housing need is, and, again, I think that is a process we could work together on to determine the best path forward.

Senator CORTEZ MASTO. Mr. Woll, what about you? Give me specific ideas on how we address the affordable housing crisis and what you intend to do or what you have done in the past to address it.

Mr. WOLL. Well, you had mentioned the Affordable Housing Trust Fund, and I think many of the goals of the Affordable Housing Trust Fund are excellent ones. We know that there is bipartisan support on funding affordable housing. My role at CPD would be to administer funds that come to us. There is a statute in place,

as you know, Senator, HERA, dating back to 2008, that establishes the mechanism for funding through the GSEs. And I know that the FHFA Commissioner has indicated that, as long as that continues to be funded through the GSEs, he will continue to collect the funds from the GSEs. And I commit to you that we will continue to use those funds in a wise and efficient way as long as we are still administering that particular program.

With respect to, you know, other more vulnerable folks, our focus is on the most vulnerable, particularly the unsheltered homeless at this point, elderly and disabled. A lot of that we address through our Continuum of Care Program, whose funding has actually gone up to \$2.3 billion. That is an important program for us, and we continue to administer that, hopefully in an efficient way.

Senator CORTEZ MASTO. Thank you. I notice my time is up, and I will submit the rest of my questions for the record. But I think we all agree there is an affordable housing crisis, and we need answers and we need solutions and we need ideas about how we address it, not cutting funding, not changing programs, but focused on addressing the very issues that we just talked about. My biggest concern is I have not seen that coming out of HUD, and I would like to work with you to make sure this is an issue we are addressing across the country.

One other area we have not even talked about was the role that manufactured housing can play in addressing affordable housing in this country.

So thank you again for the opportunity, Mr. Chair. I appreciate it.

Chairman CRAPO. Thank you.

Senator Schatz.

Senator SCHATZ. Thank you, Mr. Chairman. Thank you all for your willingness to serve. Thanks to the families for sitting there politely. We are almost done.

I want to ask about the slow pace of disaster funding getting pushed out. On October 5, 2018, Congress appropriated the first round of CDBG-DR funding for the 2018 disasters. That is 412 days ago, and I think none of it has been pushed out. I wanted to start with Mr. Montgomery. What is happening there? And how do we do better?

Mr. MONTGOMERY. Well, sir, I will zero in on the mitigation program first. As you recall, this is the first time Congress they have developed this program to help get ahead of—help communities get ahead in preparation for what I am sure will be future storms. It was a very new program for us.

Senator SCHATZ. Right, so measure twice, cut once. You are trying to get this right. You are establishing a new program. It is a nontrivial amount of money. You want to—

Mr. MONTGOMERY. \$16 billion.

Senator SCHATZ. Right. You want to do it right. I get it. So we have a bill, Senator Young and I, to codify CDBG-DR so that you do not have to go through the Administrative Procedures Act every single time you are doing essentially the same thing. That will not cut down all of the time because there are multiple sort of reasons for and layers of delay. But would that help if that were codified in statute?

Mr. MONTGOMERY. I will take that one, Senator. I would say that there have been other instances where the Administrative Procedures Act has hindered my ability to run a \$1.4 trillion corporation, the FHA. I understand why the APA is there and the process it brings, but there are some things that happen, housing crises, natural disasters. We cannot always adapt to the slowness of the Administrative Procedures Act.

Senator SCHATZ. So it would help?

Mr. MONTGOMERY. I am not saying we get rid of it. I am just saying in the abstract—

Senator SCHATZ. I understand.

Mr. MONTGOMERY. Anything to speed up—

Senator SCHATZ. But, again, this is not a waiver of the Administrative Procedures Act. This is just establishing the program in statute so that you do not have to hang your hat on existing Federal law and then go and make a rule to allow yourself to do it. We would just presumptively allow it as a matter of Federal law.

Mr. Woll, you seem to want to weigh in here.

Mr. WOLL. Yeah, I think authorizing CDBG may make sense, and I think, you know, the Secretary is on record basically saying that it may give us an opportunity to start on second base in order to speed the money to the grantees. I think it would be essential with respect to any bill that it would retain the waiver and alternative requirement authority that the Secretary currently has because that is the thing that allows us to be nimble and to react to the different types of disasters such as in your State.

Senator SCHATZ. Sure.

Mr. WOLL. And, you know, the different needs—

Senator SCHATZ. We like the waiver authority very much where volcanoes exist.

Mr. WOLL. Absolutely.

Senator SCHATZ. Thank you.

Can you speak to the value sort of more generally, Mr. Montgomery, of resilience and mitigation funding? This is sort of a new area, and I would like you to just very briefly talk about why you think it is important.

Mr. MONTGOMERY. Well, I actually think it is important for some of the reasons articulated before, to help States and communities get better ahead in preparation for the next storm, whether it is, you know, infrastructure projects, seawalls, drainage, you name it. And I think Congress did the right thing by authorizing it and funding it.

Senator SCHATZ. Thank you. Finally, I would like you to weigh in on a report entitled “The State of Homelessness in America” from the Council of Economic Advisers. Frankly, they say some weird things in this report, and I want to quote from it: “While shelter plays an extremely important role in bringing some of the people off the streets, it also brings in people who would otherwise be housed, thus increasing homelessness.” Further, it says, “Free shelters that are hygienic, safe, and dignified enough to accomplish some of the goals they should accomplish are also attractive enough to bring in many people who would not otherwise be on the street.”

They are saying that if you make shelters too nice, people will choose to be homeless or house-less, and I am wondering, given

your expertise and your position, if you would like to weigh in on that.

Mr. MONTGOMERY. I would just say that most of the shelters I have toured have not been luxurious by any stretch of the imagination.

Senator SCHATZ. Mr. Woll.

Mr. WOLL. Well, obviously, shelters is just one step. There is nothing worse than being out on the street. Those are the people who are the most vulnerable. Shelter is one step up—

Senator SCHATZ. Sure, but I want to put—sorry to interrupt. Just in the interest of time, I want to put a fine point on what the Council of Economic Advisers is actually saying. They are not talking about that. They are saying if you make these facilities too nice, people are going to choose to move from being housed to moving into a shelter because that sort of—I mean, I just do not know any—first of all, to your point, Mr. Montgomery, there are no shelters that are that fancy. But even if there were, there is just no person that I am aware of who would sort of elect to go and move into a homeless shelter if the alternative were to be more properly housed. And I am assuming that both of you are in agreement with me and in disagreement with the CEA.

Mr. MONTGOMERY. Well, I would just say your point is well taken, and I will go back and look at the study again and circle back with you.

Senator SCHATZ. Mr. Woll.

Mr. WOLL. I have not read that particular report. I know usually we are working the other way to get people into transitional housing and then hopefully rapid rehousing, permanent housing, as a way of properly—it is hard to treat somebody who has been out on the street unless you give them shelter.

Senator SCHATZ. Thank you.

Chairman CRAPO. Thank you.

Senator Brown has one more question, and then we will wrap it.

Senator BROWN. I want to go back to Mr. Montgomery for one question. I do not feel like I quite got the answer. I know HUD did not start considering the disparate impact rule during your tenure, and you pointed that out. But you were Acting Deputy Secretary when HUD issued its proposed disparate impact rule, which—so let me say it again. Did you sign off on the proposed disparate impact rule? It was published in August. You talked about when it was begun you were not there. But when it was published, it was in August, 8 months after you took over. Did you sign off on it?

Mr. MONTGOMERY. Well, in terms of—you mean like physically signing some document? Just to make sure I understand your question.

Senator BROWN. Yeah, did you—does that mean you supported—did you do an official act to support this rule?

Mr. MONTGOMERY. In terms of literally signing off on something, no, I have not. That is not under my purview. As you know, I currently run the FHA.

Senator BROWN. Put that aside. You are Deputy Secretary—

Mr. MONTGOMERY. It does consume a lot of time—

Senator BROWN. Acting Deputy Secretary. I am thinking responsibility for something as big coming out of HUD as the disparate

impact rule. Did you support that? Did you actually do something affirmative to allow this to move forward?

Mr. MONTGOMERY. Sure, absolutely. I have been involved in those discussions, and there is a sufficient amount of gray area within the Supreme Court decision that they caution we need to put some meaningful safeguards, you know, to help ensure “the free market system.” So I think part of what we are doing to make sure that, yes, they upheld the theory of disparate impact, but we need to be careful and put some safeguards in place.

Senator BROWN. OK. But the question was not defend the rule. I think that is pretty indefensible. You do not. But I just wanted to know your responsibility in the rule being promulgated and approved, and as Deputy Secretary, you were responsible, correct?

Mr. MONTGOMERY. Well, there are a lot of us at HUD responsible for it, but going forward, I would be more involved in that process going forward.

Senator BROWN. All right.

Chairman CRAPO. Thank you. That concludes the questioning for today’s hearing. For Senators who wish to submit questions for the record, those questions are due to the Committee by the end of the day on Friday, November 22nd. And to our witnesses, we ask that as you receive those questions, you respond to them no later than close of business on Monday, December 2nd.

Thank you again to our nominees for being here today, and, again, thank you for your willingness to serve.

With that, this hearing is adjourned.

[Whereupon, at 11:37 a.m., the hearing was adjourned.]

[Prepared statements, biographical sketches of nominees, responses to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF CHAIRMAN MIKE CRAPO

This morning, the Committee will receive testimony from five nominees who have been selected to serve in key roles within the Department of the Treasury, the Department of Housing and Urban Development, and the Export-Import Bank.

Going down the line, we have: Mitchell Silk, to be Assistant Secretary for International Markets at the Department of the Treasury; The Honorable Brian Montgomery, to be Deputy Secretary of Housing and Urban Development; David Woll, to be HUD Assistant Secretary for Community Planning and Development; Jack Bobbitt, to be HUD Assistant Secretary for Administration; and Peter Coniglio, to be Inspector General of the Ex-Im Bank.

Welcome to all of you, and thank you for your continued commitment to public service.

I see friends and family behind you, and I welcome them here today as well.

Mitchell Silk has served with distinction as Acting Assistant Secretary of the Treasury for International Markets since July and as Deputy Assistant Secretary for International Affairs since 2017.

He is a leading expert in Chinese law and finance, who is fluent in both Mandarin and Cantonese, and spent 15 years working in Greater China as a Partner with the law firm Allen & Overy.

Since joining Treasury, Mr. Silk has been a key voice on trade negotiations, energy and infrastructure finance, export credit and financial services.

Brian Montgomery is no stranger to this Committee, having served as Federal Housing Commissioner under Presidents Bush, Obama, and Trump, and having testified before us on seven other occasions on matters relating to housing and housing finance.

During his previous tenure at the helm of the Federal Housing Administration, he provided steadfast leadership through one of the most trying times that housing markets have ever seen.

During his current tenure at FHA, he has overseen the return of FHA's insurance fund to its strongest financial position since Fiscal Year 2007, while continuing to provide affordable home ownership opportunities to tens of thousands of first-time home buyers each year.

Since January of this year, Mr. Montgomery has also served as Acting Deputy Secretary, charged with overall management of day-to-day operations of the Department.

Once confirmed as permanent Deputy Secretary, the Department will continue to benefit from his deep institutional knowledge, expertise, and dedication to making our housing programs work better.

Since November 2018, David Woll has served as Principal Deputy Assistant Secretary for HUD's Office of Community Planning and Development, where he has overseen HUD's homeless assistance, disaster relief, and block grant programs.

He has dedicated his entire career to public service, including as an Assistant U.S. Attorney, Deputy General Counsel at HUD, and Senior Policy Advisor to the Governor of New Jersey, where he served as the State's compliance director for Superstorm Sandy relief efforts.

With direct experience both administering CPD programs and implementing them as a State partner, Mr. Woll is well-equipped to continue leading CPD forward.

Jack Bobbitt currently serves as Deputy Assistant Secretary for Housing Operations at HUD, where he oversees procurement, human resources, facilities, communications, and IT systems for the Office of Housing.

He previously served as Special Assistant to Commissioner Montgomery during the Bush administration and has also served in a variety of executive roles in the private sector, including both large corporations and start-up ventures.

If confirmed, Mr. Bobbitt would combine his keen understanding of HUD operations with decades of private-sector experience as he oversees HUD facilities, procurement, staffing, training, and performance management.

Finally, Peter Coniglio would bring a wealth of relevant experience to the Export-Import (Ex-Im) Bank IG office, having served in the Office of Inspector General at the General Services Administration since 2006, in addition to other distinguished service within the Department of Justice, the Department of the Treasury, and the Senate Judiciary Committee.

In meetings with my office, Mr. Coniglio has committed to running a "fully functioning, independent, regular order" operation at the Ex-Im Office of Inspector General.

In only a few months in office since their Senate confirmation, the new Ex-Im President Kimberly Reed and her colleagues on the board have already taken significant steps to bring greater transparency and accountability to the bank.

This progress has not gone unnoticed by many of us on the Committee.

Having a new Senate-confirmed Inspector General in place will only serve to strengthen those efforts.

These nominees are highly distinguished and well-qualified to serve in the roles to which they have been nominated.

I look forward to working with each of you in the months ahead to advance the aims of your agencies and to expand economic growth.

Thank you once again for your willingness to serve and for appearing before our Committee today.

I encourage my colleagues to expeditiously confirm all five of you so that you can quickly get to work for the American people.

PREPARED STATEMENT OF SENATOR SHERROD BROWN

Thank you, Mr. Chairman, for holding today's hearing on the nominations of Mr. Mitchell Silk, Mr. Brian Montgomery, Mr. David Woll, Mr. John Bobbitt, and Mr. Peter Coniglio. Congratulations to each of you and welcome to your families and guests.

President Trump nominated Mitchell Silk to be Assistant Secretary for International Markets at the Treasury Department.

His portfolio at Treasury is broad—from energy and infrastructure issues, to trade negotiations with China and global financial risks at the Financial Stability Board.

China has recognized the global demand for updated infrastructure investments and is making significant investments in infrastructure projects around the world through its Belt and Road Initiative. However, concerns have arisen—about the terms provided; the failure to use local workers; and the quality of the work completed.

The appetite for the Belt and Road Initiative makes clear that we need to increase support for investments abroad in order to provide the world with a market-based alternative to China, one that respects workers and is focused on sustained, local growth and not on the expansion of Chinese influence. U.S. leadership in infrastructure development also requires acting to address the threats we face from climate change. If confirmed, Mr. Silk, I hope that you will continue to focus on those efforts.

We will also hear from Mr. Coniglio, the nominee to be Inspector General at the Ex-Im Bank. A confirmed Inspector General will help ensure transparency and accountability in the Bank's operations, but Mr. Coniglio's nomination is not the only Ex-Im nomination that we need to act on.

The full Senate needs to vote on the nominations of Paul Shmotolokha [Schmottow-low-ka] and Claudia Slacik whom our Committee previously reported with strong bipartisan support. We need a full Ex-Im board and a qualified inspector general to provide oversight and guidance as Ex-Im approves deals that create jobs in Ohio and around the country.

Finally, three of today's nominees have been nominated to positions within the Department of Housing and Urban Development, where they are all currently serving.

Mr. Montgomery is currently serving in a confirmed role as Assistant Secretary for Housing—Federal Housing Commissioner and has been nominated to serve as Deputy Secretary.

Mr. Woll has been nominated to be Assistant Secretary for Community Planning and Development and has experience monitoring compliance with the CDBG—Disaster Relief program, which he would oversee if confirmed.

And Mr. Bobbitt has been nominated to serve as Assistant Secretary for Administration, where he would be responsible for overseeing hiring policies, procurement and operations.

HUD provides housing assistance to 4.7 million low-income families and supports homeless services across the country. It also enforces the Fair Housing Act, insures more than 8.1 million mortgages, and administers billions in assistance to communities hit by natural disasters.

HUD's policies affect every community—both big and small. A home is a foundation for opportunity, and it's usually the biggest item in a family's budget. Hard-working families and the Nation's most vulnerable members rely on these critical programs and protections.

But President Trump's administration doesn't seem to understand that.

At a time when 11 million families spend more than half of their income on housing, we need to be doing more to help families succeed.

Yet the Trump administration has year after year proposed to slash HUD's budget and eliminate programs like CDBG and HOME that make affordable housing development possible.

This Administration has also released a document questioning long-established best practices to address homelessness, and just last week removed the widely respected head of the interagency council responsible for coordinating Federal agencies' homelessness response.

HUD wants to undermine the enforcement of the Fair Housing Act based on disparate impact, and to weaken protections for transgender individuals' who need shelter.

Last week, HUD promoted a political appointee with a history of racist and sexist writings to the second highest position at Ginnie Mae, which guarantees \$2.1 trillion in mortgage-backed securities.

And just a few months ago, HUD proposed changes to the FHA program that could make it harder for millions of families to afford to buy a home.

Each of these actions is deeply troubling on its own. Taken together, it's pretty clear that not only is President Trump's administration not doing anything to help families afford a home, but that they're actively making it harder.

Both Mr. Woll and Mr. Montgomery have played a role in some of these policies and decisions, and I expect to hear more about that in today's hearing.

These positions play a critical role in many of the economic issues our country faces—from international trade, to sustainable energy, to affordable housing, and I look forward to hearing more from the nominees. Thank you.

PREPARED STATEMENT OF MITCHELL A. SILK

TO BE ASSISTANT SECRETARY FOR INTERNATIONAL MARKETS, DEPARTMENT OF THE
TREASURY

NOVEMBER 20, 2019

Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, it is a great honor to appear before you today as the President's nominee to be Assistant Secretary of the Treasury for International Markets. I thank the President and Secretary Mnuchin for their trust and confidence in me. If confirmed, I look forward to working with all of you on the critical issues within Treasury's International Markets portfolio.

As backdrop to my remarks, I wish to acknowledge my family, including my extraordinary grandparents and parents who are no longer with us. At times like this, the feeling of loss is tremendous, and tempered only by their immense inspiration that I will detail in a moment. My amazing wife Yocheved Rivka is here with me today. She serves our community as a physician's assistant in a family practice in Brooklyn while looking after our eight children and doting on our three grandchildren. She is a constant source of inspiration, support and strength. She is joined by her father, Rabbi Duvid Aron Orlander, and four of our children: Meshulam, Naftuli Chaim, Mordechai Dov, and Tauba Raitza.

I owe the privilege of appearing before this distinguished Committee to my family and the opportunities that the United States of America has afforded us. My grandparents immigrated to this country from hardship and persecution in Eastern Europe. Their life experiences were chilling. My maternal grandfather, the guiding light of my life, grew up in abject poverty, witnessed Cossacks brutally murder his family members and struggled to cope with the extermination of his family in the Holocaust. For my family, this country represented freedom, security and immense opportunity. They worked hard as tradesmen and laborers.

Their life challenges enforced their commitment to improving the lives of others. My grandfather spoke with pride of his communal leadership, including his part in successfully lobbying for one of Chicago's first projects to provide subsidized housing for over 1,000 impoverished European immigrant families during the Great Depression. My father was proud to have served in the Second World War in the Pacific Fleet. His brother served in the Army National Guard. My mother assisted the lives of thousands over her 40-year nursing career.

Family circumstances required me to go to work full time when I was thirteen. My first job was in a Chinese restaurant as a dishwasher, then prep cook, busboy, and finally waiter. My hard work yielded fluency in Chinese and sufficient earnings to fund college and law school. I was the first in my family to graduate from college.

I enjoyed an exciting career in law for more than 30 years in both the U.S. and Asia. I specialized in large and complex cross-border investment, bank regulatory and finance matters, focusing heavily on the energy and infrastructure sectors. Like

my grandparents and parents, service to the community was a priority for me. While in private practice, I served for over a decade as chair of a nationwide pro bono legal services network of more than four hundred lawyers.

I joined the Treasury Department as Deputy Assistant Secretary for Investment, Energy and Infrastructure in 2017. Over the last 2 years, I have had the honor of advancing our country's interests alongside Treasury leadership and its highly dedicated career staff.

Treasury's International Markets portfolio is critical to advancing U.S. interests in global financial and investment markets. We lead engagement with international regulatory bodies and coordinate trade policy with respect to financial services. We also oversee Treasury's technical assistance program, which assists our allies globally. In addition, the portfolio covers the critically important areas of U.S. participation in development finance, including implementation of the BUILD Act, and trade finance globally. And we lead Treasury's efforts to promote private capital solutions in energy and infrastructure finance to support responsible global growth, a critical initiative which I designed and have overseen since joining the Department.

My work at Treasury and in private practice has given me a deep appreciation for how these international economic issues have a significant impact on the lives of individual Americans. It has been and will continue to be an honor to come full circle and play my part to ensure the continued freedom, security and immense opportunity that this country afforded my family. If confirmed, I will work closely with this Committee to continue these essential tasks.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES
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Name: Silk Mitchell Allen
(Last) (First) (Other)

Position to which nominated: U.S. Department of the Treasury, Assistant Secretary, International Markets

Date of nomination:

Date of birth: 15 October 1961 **Place of birth:** Chicago, IL U.S.A.
(Day) (Month) (Year)

Marital Status: Married **Full name of spouse:** Yocheved Rivka Silk

Name and ages of children:
Meshulam Silk 24 and Bella Silk 22 (first marriage)
Naftuli Chaim Silk 12, Mordechai Dov Silk 10, Toba Raitza Silk 8 (present marriage)
Malka Aydel Brull 26, Moshe Yitzchok Gornish 24, Chava Sarah Gornish 22 (wife's first marriage)

Education:	Dates	Degrees	Dates of
Institution	attended	received	degrees
University of Maryland School of Law	1983-86	J.D.	1986
Georgetown University, School of Foreign Service	1981-83	B.S.F.S.	1983
Beijing University	1986-87	Certificate of Advanced Studies in Law	1987
National Taiwan Normal University	1979-80 Summer 1981	n/a	n/a
Middlebury College, Summer School of Chinese	Summer 1979	n/a	n/a

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

Guest of Honor and Distinguished Parent Award, Yeshiva and Mesivta Ch'sun Sofer Annual Dinner (2013)

Guest of Honor, OHEL Children and Family Services Annual Dinner (2009)

Regularly recognized as leading project finance and China lawyer by various independent trade organizations, including Chambers, Euromoney and Asia-Pacific Legal 500.

Recipient (with James V. Feinerman) of \$100,000 Research and Writing Grant from the MacArthur Foundation, Program on Peace and International Cooperation (1986)

Maryland Journal of International Law and Trade, Executive Editor (1985-1986), Associate Editor (1984-1985)

International Law Moot Court Team, Award for the Best Brief in the Mid-Atlantic Region of the Phillip C. Jessup International Moot Court Competition (1985)

Joseph Bernstein Award for the most significant piece published in the *Maryland Journal of International Law and Trade* (1986)

William P. Cunningham Award for exceptional achievement and service to the University of Maryland School of Law (1986)

President, International Law Society, University of Maryland School of Law (1984-1985)

Certificate in Asian Studies, Georgetown University, School of Foreign Service (1986)

Awarded Georgetown China Studies Fellowship for study at the National Chengchi University in Taiwan (declined) (1986)

Awarded fellowship provided by the Committee for Scholarly Communication with the People's Republic of China under the U.S. National Academy of Sciences (9 scholars chosen from nearly 1,000 applicants; I was the sole legal scholar) (1986)

Awards for Outstanding Leadership, National Taiwan Normal University, 1980 and 1981

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
New York State (1st Department) Bar	Bar admission	1990 (retired)
District of Columbia Bar	Bar admission	1989 (retired)
Commonwealth of Pennsylvania Bar	Bar admission	1987 (retired)
American Bar Association	Member	1986-2017 (app)
Association of the Bar of the City of New York	Member	1987-1992 (app) 2005-2017 (app)
U.S.-China Business Council	Member	1992-2017 (app)
Agudath Israel of America Legal Pro Bono Services, LLC	Chairman	2005-2017
Chevra Kadisha of Hong Kong (Jewish Burial Society)	Chairman	1993-2005
Jewish Benevolent Society of Hong Kong	Member	1993-2001
International Association of Jewish Lawyers and Jurists	President, U.S. Chapter	1990-1992
District of Columbia Chinese Community Youth Program (Chinese lion dance troupe that performed on the East Coast.	Founder	1981-1986

including at the John F. Kennedy Center for the Performing Arts)		
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Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

U.S. DEPARTMENT OF THE TREASURY, Washington, DC
Deputy Assistant Secretary, October 2017-present

ALLEN & OVERY LLP, New York
Partner, July 2005- October 2017

ALLEN & OVERY LLP, Hong Kong
Partner May 1998- July 2005; Senior Consultant December 1996- April 1998

CHADBOURNE & PARKE, Hong Kong and New York
Associate 1992-December 1996

GRAHAM & JAMES, New York
Associate, 1990-1992

BEIJING UNIVERSITY, Beijing, China
 SHANGHAI INSTITUTE OF FOREIGN TRADE, Shanghai, China
Adjunct Professor of Law, 1986-1987

SHENZHEN UNIVERSITY, Shenzhen, China
Adjunct Professor of Law, Spring 1987
 COUDERT BROTHERS, Beijing
Law Clerk, 1986-1987

UNIVERSITY OF MARYLAND, SCHOOL OF LAW
 EAST ASIAN LEGAL STUDIES PROGRAM, Baltimore
Assistant Director, 1983-1986

MELNICOVE, KAUFMAN, WEINER, SMOUSE & GARBIS, Baltimore
Law Clerk, 1985-1986

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, Washington, DC
Research Assistant, 1982-1983

GEORGETOWN UNIVERSITY, DEPARTMENT OF CHINESE, Washington, DC
Teaching Assistant and Instructor of Chinese, 1982-1983

Government

experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part time service or positions.

I served from October 2017 until July 2019 as Deputy Assistant Secretary, Office of Investment, Energy and Infrastructure, International Affairs, U.S. Department of the Treasury. I have been performing the duties of

Assistant Secretary for International Markets since April 2019, and formally became Acting Assistant Secretary for International Markets in July 2019.

Published

Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

Published widely and frequent speaker on energy and infrastructure development, project finance, asset management, banking law and many aspects of Chinese law and practice. See attached list set out in Annex B.

Final stages of editing (publication expected 2019/20) of two classic texts on Chassidic interpretation of the Old Testament – *Kedushas Levi: Mystical Insights into Chumash and Holidays* by Grand Rabbi Levi Yitzchok of Berditchev and *Mu'amer Mordechai and Sisrei Torah* by Grand Rabbi Mordechai Leifer of Nadvarna-Bishtene and Grand Rabbi Yissocher Ber Leifer of Nadvarna.

On Heaven and Earth: The Rebbe R' Mordechai 'le – Love of the Nadvarna Chassidic Dynasty (forthcoming).

Political

Affiliations

and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

Political

Contributions: Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

I contributed \$1,000 to Jim Johnson's campaign for Governor of New Jersey in 2017. I may have made a limited number of contributions to other campaigns during the last eight years, but do not have records.

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attached sheet)

See Annex A.

Future employment

relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I will continue to work for my present employer, the U.S. Department of the Treasury, if confirmed by the Senate.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

My most recent position in the private sector has been as a Partner of Allen & Overy LLP, a global legal practice. As far as can be foreseen, I have no plans after completing government service to resume practice at Allen & Overy LLP.

3. Has anybody made you a commitment to a job after you leave government?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

- 1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of the Treasury's Designated Agency Ethics Official ("DAEO") to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with Treasury's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of the Treasury's DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with Treasury's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.**

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of the Treasury's DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with Treasury's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

- 4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.**

My practice of law prior to joining the Department of the Treasury involved occasional interactions with various Federal and State government officials, but I have never taken on a lobbying representation or engaged in activities that would require me to register as a lobbyist.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of the Treasury's DAEO to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with Treasury's DAEO and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

Civil, criminal and investigatory actions:

- 1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.**

I was involved in divorce and family law proceedings in Hong Kong (2001-09), Israel (2009-approximately 2017) and New York (2009-approximately 2012). I instituted divorce proceedings in Hong Kong (where we were resident) against my ex-wife, Bitya Mol, and subsequent applications in Hong Kong related to ancillary relief (financial matters) and children's matters (custody and visitation). Upon my ex-wife's relocation to Israel in 2009 with the children of the family, I subsequently brought an application to recognize the relevant Hong Kong orders relating to spousal and children's support and visitation in Israel. The proceedings in New York related to my ex-wife's unsuccessful attempt to recognize the Hong Kong court order in New York. The children are 24 and 22 years old, and there are no applications before any courts.

- 2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.**

My ex-wife filed complaints against me with the attorney disciplinary committees in New York and the District of Columbia in or around 2010. Both disciplinary committees in New York and the District of Columbia concluded after my initial response that there was not a basis to continue the inquiry. There was no further action taken.

ANNEX A

I spent much of my 30-year career as a lawyer working in the field of international banking and finance, including financial regulation. From 1987-1992 and 2005-2017, I represented numerous foreign banks before the primary Federal and New York State banking regulators in connection with over 50 applications for licenses and charters to expand their banking operations in the United States. I performed similar work during the periods of 1986-1987 and 1992-2005 in Asia, where I represented U.S. and European financial institutions in financial regulatory matters relating to expansion into the Chinese market. In my cross-border finance practice, I represented some of the largest, most sophisticated global lenders on large and complex financings. These financings regularly required careful treatment of a variety of bank regulatory issues, including lender impacts and compliance matters of proposed financing transactions, as well as borrower compliance matters presented in the context of both complex financings and general operations. Additionally, I have extensive experience in representing sponsors in the structuring and formation of cross-border private investment funds, including complex regulatory structuring exercises across numerous jurisdictions.

As a senior partner of a leading global law practice, I developed deep expertise in structuring, drafting and negotiating complex agreements with domestic and foreign parties under U.S. and international legal regimes. I have also worked on sovereign and private debt restructurings, including one of Asia's largest and most complex restructuring/debt rescheduling. Since joining the U.S. Department of the Treasury in 2017, I have successfully formulated and negotiated a number of international agreements, including bi-lateral energy and infrastructure investment and finance frameworks that support U.S. and global growth. I have also worked to advance U.S. interests in multilateral organizations on financial services, China trade negotiations (where I have served as a senior member of the Treasury negotiating team), and reform and oversight of OPIC and Exim, including the establishment of the U.S. International Development Finance Corporation.

MITCHELL A. SILK

PUBLICATIONS AND PRESENTATIONSBOOKS

Taiwan Trade and Investment Law, Hong Kong: Oxford University Press, 1994, 693 pp. (General Editor, and author of chapters on "Banking: The Regulatory Aspects" (with Lawrence S.L. Liu and Lester Ross), "The Environmental Dimension of Trade and Investment" (with Lester Ross and Jiunn-rong Yeh) and "Taiwan Investment in the People's Republic of China").

Environmental Law and Policy in the People's Republic of China, Westport, CT: Greenwood Press, 1987, 429 pp. (with Lester Ross).

Environmental Law and Policy in China in Chinese and Government (quarterly series) published by M.E. Sharpe, Inc. (Guest Editor with Lester Ross and Deng Jianxu), 120 pp.

BOOK CHAPTERS, ARTICLES AND PRESENTATIONSPROJECT FINANCE, ENERGY AND INFRASTRUCTURE

"Challenges to US Energy and Infrastructure Development: Impact of the Financial Crisis," November 14, 2013 to China Delegation from PRC Communist Party School (with Jillian Ashley).

"Opportunities for Chinese Participation in the U.S. Energy and Infrastructure Sectors," October 29, 2013 to delegation from the China Investment Promotion Agency of the PRC Ministry of Commerce (with Jillian Ashley).

"Sino-US Asset Management Platforms - The Real Estate Sector," July 2, 2013 (with Kevin O'Shea and Jack Heinberg).

"The Changing Landscape of the U.S. Energy Market U.S. Shale Gas Developments: Investment Opportunities from the Wellhead to the Burner Tip," *Allen & Overy Thought Leadership Series*, (Summer 2011), 22 pp. (booklet with Paul Mohler, Gary Lazarus and Rebecca Perkins); (English and Chinese).

"The Changing Landscape of the U.S. Energy Market-Natural Gas-Fired Electric Power Plants: A Key Element For Future U.S. Energy Policy," *Allen & Overy Thought Leadership Series*, (Summer 2011), 19 pp. (with Paul Mohler, Gary Lazarus and Noah Baer); (English and Chinese).

"The Changing Landscape of the U.S. Energy Market: Is China Taking Over the World? The Case of China's Entry into the U.S. Wind Power Sector," *Allen & Overy Thought Leadership Series*, (Summer 2011), 21 pp. (with Gary Lazarus and Rebecca Perkins); (English and Chinese). Reprinted as "China and

US Wind China's Entry into US Wind," *Project Finance International*, Issue 454 (April 6, 2011), pp. 50-55.

"US shale changes the game," *Allen & Overy Thought Leadership Series*, (Summer 2011) (with Gary Lazarus, Paul Mohler and Rebecca Perkins). Reprinted as "Shale game changer," *Project Finance International*, Issue 456," (May 5, 2011), pp. 42-47.

"The Changing Landscape of the U.S. Energy Market: The Political Dimensions of China's Entry into the U.S. Solar Power Sector," *Allen & Overy Thought Leadership Series*, (Spring 2012), 14 pp., (English and Chinese).

"China's Participation in the US Wind Sector: Opportunities and Challenges," in Beijing A&O Roundtable; May 2011 (with Matthias Voss and Gary Lazarus).

"China's Participation in the US Wind Sector: Opportunities and Challenges," March 23, 2011; (with Rebecca Perkins).

"US Power and Americas Renewables," May 6, 2011 (with Charles Williams).

"Shale Gas US Market Opportunity and Legal Considerations," in Beijing; May 2011 (with Matthias Voss, and Gary Lazarus).

"China in International Power Projects – Executive Roundtable," June 4, 2009.

"China's Energy: Outlook, Options & Opportunities – AmCham, 11th Annual Business Conference," 30 November 2004.

"Managing Risk in PPP Projects: Hospital and Airports in China" in Beijing, 12th November 2004.

"Wind Power Projects in the PRC" presentation at China Light & Power, 9th June 2004.

"M&A in the Power Sector" Allen & Overy presentation, 4th June 2004 (with Michael McClean).

"Power to the People: Recent Changes in China's Power Market" *Asia Pacific Review April, 2004*, *Project Finance International*, pp 2-4, (with Matthias Voss).

"Are the Chinese banks taking over the world ...," *Project Finance International, Yearbook 2003*, pp 89-91, and *South China Morning Post*, the Insight section, March 10, 2003.

"Portfolio Project Financing - The Asian Perspective," *Asia Pacific Review July 2002*, *Project Finance International*, pp 34-37 (with Joseph Tse, Roger Lui).

"Oil and Gas in China - The Brave New World," *Asia Pacific Review 2001*, *Project Finance International*, (July 25, 2001) pp. 14-17 (with Simon Black).

"Portfolio Projects in the PRC: Water -- A Case Study" presentation to *Tokyo Office Clients*, Tokyo, January 15-18, 2001 (with Simon Black).

"Financing Options for PRC Water Projects," *The China Business Review*, (July-August, 2000), pp. 28-32 (with Simon Black).

"Case Study - Chengdu No. 6 Water Plant," *Project Finance International*, Issue 187 (February 23, 2000), pp 63-65 (with Simon Black).

"Effectively Structuring China Project Financings - A Square Circle? Salient Intercreditor and Construction Issues" presentation at the Euromoney Training (Asia): Issues and Developments in PRC Project Financing Conference, Hong Kong, September 23-24, 1999.

"Back to the Drawing Board," *Project Finance*, September, 1999 (with Simon Black).

"Recent Developments in PRC Law - How to Overcome the Latest Challenges for the China Infrastructure Projects" presentation at the BOTM/J-EXIM/ JOI/Allen & Overy Power Project Finance Seminar, Tokyo, August 31, 1999.

"The Shandong PRC Milestone," *Project Finance International*, Issue 165 (March 24, 1999), p. x (with Thomas Brown).

"Critical Issues in Project Development and Project Finance in China," *Hong Kong Banking on China, Allen & Overy Update* (March 1999).

"Critical Issues in Project Development and Finance: Emerging Trends - Water Projects in China" presentation at the US-China Business Council: China Operations Conference, Beijing, March 3-4, 1999.

"China: FDI Macro Issues, Restructuring & Reorganization, PF: How to Overcome the Latest Challenges for China IPPs", Roadshow in Milan, Turin, Frankfurt and London, November 16-19, 1998.

"How to Overcome the Latest Challenges for the China IPPs - Critical Issues in Project Development and Finance: Emerging Trends" presentation at the BOTM/J-EXIM/ JOI/Allen & Overy Power Project Finance Seminar, Tokyo, September 7th-11th, 1998.

"Investigating the Latest Deals and Developments in Taiwan" panel presentation at the PFI Conference on Financing Power Projects in Asia, Singapore, June 23 & 24, 1998.

"Project Finance in the PRC: Focus on Power" panel presentation at the Eurofinance Conferences on Cash & Treasury Management, Singapore, June 13-15, 1998.

"Critical issues in project development and project finance in China," *Project Finance International*, Issue 146 (June 3, 1998), pp. 51-57.

"Critical Legal Issues in Project Development and Project Finance in China" presentation at the China-Britain Project Finance Seminar, Beijing, February 23-24, 1998.

"Power in Taiwan," *Power in Asia*: Asia Law & Practice Ltd. (September 1997).

"New Challenges in Project Financing in China: The 1997 Project Finance Regulations," *Hong Kong Banking on China, Allen & Overy Update* (September 1997).

"Risk Allocation in Independent Power Projects - An International Standard? (China and Taiwan portions)" panel presentation at the PFI Conference on Financing Power Projects in Asia, Singapore, June 24 & 25, 1997.

"Country Review - A Panel Presentation of IPPs in India, Pakistan, Thailand, Indonesia, the Philippines, China, Taiwan and Mexico (China and Taiwan portions)" at the BOTM/J-EXIM/ JOI/Allen & Overy Power Project Finance Seminar, Tokyo, June 3, 1997.

"Power Projects & Capital Markets" presentation at the Asia Law & Practice Seminar on Structuring & Financing Infrastructure Projects in the PRC, Hong Kong, September 26, 1996.

"The Taipower Model Power Purchase Agreement - Major Legal Challenges faced by Taiwanese IPP Developers: Key Legal/Financing Hurdles and Possible Solutions" presentation at the CIBC CEF Conference on Private Power Development and Financing in Taiwan: Opportunities and Challenges, Taipei, Taiwan, August 22, 1996.

"Briefing on Taiwan" presentation at the Chadbourne & Parke Conference on Independent Power and Project Finance, June 5-7, 1996, The Phoenician, Scottsdale, Arizona.

"Project Finance Seminar" presentation at the Banking Institute of the Republic of China, Taipei, May 21, 1996.

"Taiwan IPP Developments: Second Round Update," *The Bottom Line* (March 1996).

"Cogen Opportunities in Taiwan," *The Bottom Line* (March 1996).

"Cogen Opportunities in Taiwan - A Lot of Hot Air?" *Asian Power Survey*, Issue 91, (February 1996), pp. 56-57.

"Taiwan Moves to Liberalize its Power Sector," *The Bottom Line*, Vol. 3, No.1 (Winter 1995), pp. 1-4.

"Taiwan IPP Developments: An Update," *The Bottom Line* supplement (August 1995).

"Power Project Approvals in China: One Step Forward, No Steps Back?," *The Bottom Line* supplement (August 1995).

"Taiwan's IPP Program," *Infrastructure Finance* (June/July 1995), pp. 67-68.

"Taiwan Liberalizes its Power Sector," *Project Finance International*, Issue 74 (June 8, 1995), p. x.

"Generating Anxiety," *International Corporate Law* (May 1995), pp. 10- 12.

"Taiwan Moves to Liberalize Power Sector," presentation at the Asian Electricity Conference organized by Financial Times, May 22, 1995, Hong Kong.

"Electric Market Structure in China," presentation at the Chadbourne & Parke Conference on Independent Power and Project Finance, May 4-6, 1994, Dana Point, California.

"New International Project Finance Opportunities: China (including Taiwan)," presentation at the Institute for International Research Conference on Structuring and Financing International Infrastructure Projects, November 8 & 9, 1993, New York City.

ASSET MANAGEMENT AND REAL ASSETS

"China Asset Management: The State of Play in Onshore and Offshore China-related Private Investment Funds," *Allen & Overy Thought Leadership Series*, October 2011, 51 pp. (with Ji Zou, Gary Lazarus and Jillian Ashley).

"Chinese Investment & U.S. - Real Estate Roundtable," December 11, 2013.

"Investing in U.S. Real Estate" December 8, 2013 to Chinese Urban Realty Association (Vanke).

"Asset Management in China" in London and NY; March 23, 2011.

BANKING LAW

"Transnational Deposits, Government Succession, Frozen Assets and the Taiwan Relations Act: *National Bank of Pakistan v. The International Commercial Bank of China*," *International Tax & Business Lawyer*, Vol. 8, No. 1 (1990) pp. 137; also in *Chinese Yearbook of International Law and Affairs*, Vol. 8 (1988-89), pp. 109-33 (with Lester Ross).

PRC Finance

"The Rise of the RMB: Regulatory Dimensions," March 29, 2011 (with Jillian Ashley).

"A Rising Yuan Could Worsen China's Bad Loans" *Investment Dealers' Digest*, 15 August 2005, pp.26.

"Trends in Foreign Related Financing in the PRC" presentation at the China Business Update 2001, The American Chamber of Commerce in Hong Kong, Hong Kong, January 10, 2001.

"Creation of Foreign Security in China," *Allen & Overy Report* (September, 1997).

"New Rules on Borrowing Require Early Action for Approval to be Assured" in *China Joint Ventures*, Hong Kong: Asia Law & Practice Ltd. Vol. 2, Issue 9 (June, 1997), pp. 16-21 (with Joseph Tse).

"Creation of Foreign Security in China," *Allen & Overy Report* (September, 1997).

"Security in China: A Project Perspective" in *Asia Law*, Hong Kong: Asia Law & Practice Ltd. Vol. 9, Issue 1 (February, 1997), pp. 33-37 (with Joseph Tse).

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"Editor's Notes on the Administration of Foreign Financial Institutions Regulations Implementing Rules" in *China Law & Practice*, October, 1996 (with Lester Ross).

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"Not quite so distressing law: China's NPLs," *China-Britain Business Review*, January 2006.

"Loan market may see upturn -- Beijing has taken measures to improve investor interest in non-performing loans," *Financial Times*, February 15, 2006, p. 10.

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"PRC Restructurings: Practice & Challenges" presentation at the Foreign Bankers Association, Beijing, November 20, 2000 (with Mark Sterling and Joseph Tse).

"China: The Brave New World -- Business Restructuring and Reorganisation in China," *Allen & Overy Report* (March, 1999).

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US Regulatory

"The USA PATRIOT Act and Anti-Money Laundering Regulations," presentation to Industrial and Commercial Bank of China senior management, New York, NY (October 21, 2005).

"Permissible Deposit-Taking Activities of Foreign Bank Branches and Agencies: Pre-and Post - FBSEA" presentation to the Taiwan Bankers Association of New York, New York, January 5, 1994.

"Foreign Bank Operations in the United States: Asset-Based Financing" presentation to the Taiwan Bankers Association of New York, New York, October 4, 1993.

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"Foreign Bank Operations in the United States: Credit Administration and Collection Matters" presentation to the Taiwan Bankers Association of New York, New York, July 7, 1993.

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"Issues in Chinese Outbound Direct Investment and Finance," June 2012 (with Gary Lazarus and Jillian Ashley).

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"Doing Business in Hong Kong and China: The Legal Aspects," presentation to InvestHK and Fujian DOFTEC program on Hong Kong and Fujian: Partners for Your China Strategy sponsored by HSBC, Philadelphia, PA (October 18, 2006).

"Assessing the Rates of Return for Joint Ventures in China: Different Ways of Slicing the Pie" presentation at Deutsche Bank AG, 4 April 2005.

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"Mergers and Acquisitions in China: Trends, Techniques and Challenges" presentation at the Economist Conferences, Hong Kong, February, 26, 1999.

"Assessing the Rates of Return for Joint Ventures in China: Different Ways of Slicing the Pie" presentation at the Successfully Establishing & Operating China Strategic Alliances & Joint Ventures conference, November 19-21, 1997, Hong Kong.

"Recent Developments in the Law Affecting Foreign Investment in China: Prospects and Problems," presented at the 29th Annual Meeting of the American Association for Chinese Studies, panel on Developments in Chinese Law (October 24, 1987).

Real Estate: China

"The Good Earth Revisited: China's New Property Law," Allen & Overy Presentation, May 31, 2007.

"Real Estate Development & Acquisition in China," and "Recent Regulatory Developments," A&O seminar on The Good Earth: Real Estate Development & Finance in China, London, November 9, 2006.

"Real Estate Development & Acquisition in China," A&O seminar on The Good Earth: Real Estate Development & Finance in China, New York, NY, June 28, 2006 (with Citibank).

Cross-Straits Investment

"Growing Economic Ties between Taiwan and the Mainland: The Legal and Policy Aspects," presentation at National Committee on United States-China Relations Corporate Seminar Series, March 6, 1991, Harvard Club of New York.

"Silent Partners," *China Business Review*, Vol. 17, No. 5 (1990), pp. 32-40.

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"Reaching Across the Water," *China Business Review*, Vol. 15, No. 6 (1988), pp. 10-14.

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"Understanding China's State Secrets Laws," *China Business Review*, (January-March 2011), pp. 40-43.

Testimony before the U.S.-China Economic and Security Review Commission Hearing on "China's Information Control Practices and the Implications for the United States," Mitchell A. Silk, Partner and Head of the U.S. China Group at Allen & Overy LLP, June 30, 2010.

Miscellaneous

"Medium Term Note Programmes", presentation to Euro Medium Term Note Programmes and Derivatives Seminar co-organised with the Banking Institute of the Republic of China, Taipei, September 24, 1998.

"Commercial Negotiations with Taiwan," presentation at U.S. Department of Commerce Seminar on Conducting Business Negotiations with Japan, Korea and Taiwan, October 17, 1991, Washington, D.C.

"Whither Trade Opportunities – The US-PRC Bilateral World Trade Organisation Agreement," *Allen & Overy Bulletin* (January, 2000).

ENVIRONMENTAL LAW

"China RoHS," IPC webinar to over 50 participants (January 16, 2007).

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"China Update" and "China RoHS," A&O seminar on Global Perspectives on Environmental Risk, New York, NY, October 19 and 20, 2006.

"Asia-Pacific Update: China," presentation to International and Environmental Law Conference, Washington, DC (October 7, 2005).

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"Environmental Law and Policy in China: Considerations for Power Development and Project Finance" presentation at AES China Generating Co. Ltd. Strategic Meeting Session, Friday, March 11, 1994, Hong Kong.

"PRC and Taiwan," *Environmental Risk* (Special Yearbook Issue) (September 1993), pp. 62-64 (with Lester Ross).

"Environmental Regulation in Taiwan: Opportunities for U.S. Companies," presentation at a symposium sponsored by the Coordination Council for North American Affairs, Cultural Division, San Francisco, CA, June 13, 1992.

"China's Use of International Law as a Foreign Policy Means in the Environmental Area," presentation at The American Enterprise Institute for Public Policy Research and The Johnson Foundation Conference on the Foreign Relations of China's Environmental Policy, Wingspread, Racine, WI, August 2-4, 1991.

"Environmental Planning for Investment Projects in China" in William Streng, ed. *Doing Business in China*, New York: Matthew Bender (first appeared 1990, updated binder), pp. 11-01 - 11-44 (with Lester Ross).

"Cracking Down on Polluters," *China Business Review*, Vol. 17, No. 4 (1990), pp. 38-43 (with Lester Ross, Cheng Weixue and Wang Yi).

"Environmental Law and Policy in the Republic of China on Taiwan: The Effects of Liberalization and Internationalization," presented at International Conference on the History of Science and Technology in Modern China, Academia Sinica, Tsinghua University, Hsinchu, Taiwan, August 25-27, 1990 (with Lester Ross) (in Chinese).

"Pollution and Politics," presentation at Symposium on the Chinese Earth, China Institute in America, New York, New York, March 3, 1990.

"Environmental Regulation: Developments and Trends," *East Asian Executive Reports*, Vol. 10, No. 11 (1988), pp. 9-14 (with Lester Ross).

"Recent Development in Environmental Law in the People's Republic of China," presentation at Columbia University School of Law, Center for Chinese Legal Studies (September 22, 1988).

"Investing and Doing Business in China: The Environmental Implications" in Michael J. Moser, ed. *Foreign Trade, Investment and the Law in the People's Republic of China*, 2nd edition, Hong Kong and New York: Oxford University Press, 1987, pp. 402-26.

"Curbing Environmental Pollution," *China Business Review*, Vol. 14, No. 2 (1987), pp. 51-54 (with Lester Ross).

"China's Marine Environmental Protection Law: The Dragon Creeping in Murky Waters," paper presented at the Thirty-seventh Annual Meeting of the Association for Asian Studies. Panel on "Environmental Policy and Practice in Contemporary China," (March 23, 1985); in *Review of Socialist Law*, Vol. 11, No. 3 (1986), pp. 249-72, reprinted in *Occasional Papers/Reprints Series In Contemporary Asian Studies*, No. 6 - 1985 (71).

"Post-Mao China and Environmental Protection: The Effects of Legal and Politico-Economic Reform," paper presented at the Mid-Atlantic Meeting of the Association for Asian Studies, panel on "Chinese Approaches to Adjudication: A New Appreciation of Formalism," (October 26, 1985) (with Lester Ross); in *UCLA Pacific Basin Law Journal*, Vol. 4, Nos. 1 & 2 (1985), pp. 63-89.

INSURANCE LAW

"Establishing a Presence in China," *Reactions: Insurance in China* (1995), pp. 6263 (with Kenneth R. Pierce and Lester Ross).

"An Overview of the Insurance Scene in China - What is Happening and Where," presentation at the Inside Asia Conference on Current Developments in the PRC Insurance Industry - Including the New PRC Insurance Law, December 7, 1995, Hong Kong.

PUBLIC INTERNATIONAL LAW

Post-Mao China and International Law, research project with James V. Feinerman funded by The MacArthur Foundation.

"China and International Law," guest lecture at Columbia University (April 20, 1988).

"Imperial China and International Law: A Case Study of the 1895 Treaty of Shimonoseki," *Chinese Yearbook of International Law and Affairs*, Vol. 11 (1982), reviewed in *American Journal of International Law* Vol. 79, pp. 269-71 (1985); revised version presented at the 1986 Southeast Conference of the Association of Asia Studies, panel on "Fresh Perspectives on Ch'ing Dynasty Foreign Relations" (January 17-18, 1986).

TAXATION

"Taiwan and U.S. Should Conclude a Double Tax Treaty," *World Journal*, April 15, 1989, P. 2 (with David R. Tillinghast).

"China's Tax Treaty Relations," presented at the 82nd Annual Meeting of the American Society of International Law, panel on China's Entry into the International Economic System (April 21, 1988) to appear in *The Proceedings of the American Society of International Law* (1988).

"Taxation in Mainland China," special report to the Ministry of Finance of the Republic of China (in Chinese) (June 1987).

"U.S. Federal Tax Procedure and Tax Fraud," technical report to the Shenzhen Municipal Tax Bureau (in Chinese) (April 21, 1987).

"Double Taxation Issues Between China and Hong Kong in the Pre-Post-1997 Eras," paper presented at the Chinese University of Hong Kong Conference on Constitutional Law and Basic Laws (November 29, 1986).

INTELLECTUAL PROPERTY

"China's Drive to Protect Intellectual Property Rights," *East Asian Executive Reports*, Vol. 10, No. 6 (1988), pp. 8, 11-14.

"What's in a Name? Foreign companies can now apply to register enterprise names, but full protection is yet to come," *China Business Review*, Vol. 15, No. 4 (1988), p. 52.

"U.S.-China Investment Opportunities Concerning Intellectual Property Transfer," *Syracuse Journal of International Law and Commerce*, Vol. 15, No. 2 (1989), pp. 215-30; presented at Syracuse University College of Law Conference on Investment and Trade Law in the Far East: Chinese Japanese Legal Perspectives (April 9, 1988).

"The Control of Commercial Counterfeiting: Legislative Developments in the United States, 1984-86," in Sun Tong-hsun, ed. *Developments in U.S. Law*, Taipei: Academia Sinica, 1987, pp. 169-93; presented (in Chinese) at the *Commercial Times* and Chinese Society of International Law Conference of Legal Issues Arising in the Liberalization and Internationalization of Taiwan's Economy (March 8-9, 1986), Taipei, Taiwan.

"Intellectual Rights," *Far Eastern Economic Review* (February 27, 1986), p. 5.

"Legal Efforts of the United States and the Republic of China on Taiwan in Controlling the Transnational Flow of Counterfeit Goods," presented at the 1985 Annual Meeting of the American Association for Chinese Studies (November 23-24, 1985); in *Maryland Journal of International Law and Trade*, 1 Vol. 10, No. 2 (1986), pp. 209-72; and in Chinese Yearbook of International Law and Affairs, Vol. 5 (1985), pp. 90-150.

ECONOMIC CRIME

"Cracking Down on Economic Crime," *China Business Review*, Vol. 21, No. 3 (May-June 1994), pp. 21-28.

"Economic Crime in China," *China Business Review*, Vol. 15, No. 1 (1988), pp. 25-29.

LEGAL EDUCATION

"Careers in International Law," presentation at New York University School of Law, International Law Society, November 29, 1989.

"Careers in International Law," presentation at St. John's University School of Law, March, 1988.

"Legal Research in China," presented at the 1988 Annual Meeting of the Association of American Law Schools, panel on International Legal Exchanges (January 10, 1988) (with Lester Ross).

"Careers in International Law," presentation at University of Pennsylvania School of Law, October 9-10, 1987.

PREPARED STATEMENT OF BRIAN D. MONTGOMERY

TO BE DEPUTY SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NOVEMBER 20, 2019

Thank you Chairman Crapo, Ranking Member Brown, and Members of the Committee, I am honored to appear before you today to be considered for the position of Deputy Secretary of the Department of Housing and Urban Development (HUD).

If I could, I'd like to take a moment to thank my family, including my wife, Katy, my two children, Emily, age 13, and Thomas, age 10, as well as my parents and sisters for their love and support over the many years. Sadly, my dad passed away 2 years ago, but my mom, the daughter of Mexican immigrants, is in Houston and I am grateful for all the sacrifices they made that allowed me to be here today.

I would also like to express my gratitude to President Trump and Secretary Carson for the confidence they have in me to serve in such an important role at the Department.

Working with Secretary Carson for the past one-and-a-half years has provided me with a new understanding of what it truly means to serve. It has been an honor and I look forward to advancing HUD's mission together as his Deputy.

Mr. Chairman, I was humbled by the trust this Committee placed in me to serve as FHA Commissioner from 2005 to 2009 and again in this Administration. I have always believed that the work we do at HUD transcends party lines. It's making sure every hardworking American has a fair shot at the American Dream.

During my tenure at HUD, which has spanned 6 years, three Administrations, and both parties, I'm proud of the work we did to preserve FHA as a viable option for home buyers.

Just last week I was pleased to present HUD's Annual Report to Congress regarding the status of FHA's Mutual Mortgage Insurance (MMI) Fund for fiscal year (FY) 2019.

This year's Annual Report reflects the significant progress FHA has made since this Administration took office to improve the fiscal health of the MMI Fund, protect taxpayers, and continue serving American home buyers.

The MMI Fund is as sound as it has been in over a decade with a capital ratio of 4.84 percent. In FY2019 FHA insured forward mortgages for 990,000 households, of which 615,000, were first-time home buyers. In addition, over one third of FHA's purchases mortgages went to serve minority home buyers.

One way we have sought to strengthen FHA has to been to clarify regulatory expectations so that responsible lenders can confidently and fully participate in the program.

For example, market participants' concerns about uncertain and unanticipated False Claims Act liability for underwriting defects has led many depository lenders to largely withdraw from FHA lending. Today, depository institutions originate less than 14 percent FHA-insured mortgages, down significantly from approximately 44 percent in 2010. To address these concerns, in October, HUD and the Justice Department signed a Memorandum of Understanding (MOU) for cases brought under the False Claims Act against FHA lenders. This MOU provides a framework to apply remedies for FHA lender violations in a consistent, uniform and appropriate way. In addition, FHA updated its certifications and defect taxonomy to better assess the appropriate remedies for program violations. This suite of reforms should make affordable FHA-insured mortgages more accessible to qualified borrowers and reduce risks within the FHA program.

We are also working to expand and strengthen loss mitigation options for borrowers. Under my tenure, FHA made permanent the "Disaster Standalone Partial Claim" for disaster victims who are rebuilding or buying another home following a disaster. This option covers up to 12 months of missed mortgage payments via an interest-free second loan on recovering families' home.

In recent years, HUD has been asked to play a greater role in long-term recovery after natural disasters. If I'm confirmed as Deputy Secretary, I want to give you my pledge that we will do everything we can to help the people impacted by the hurricanes that ravaged so many States, from my hometown of Houston to North Carolina and Puerto Rico, as well as the most recent wildfires in California.

In 2017, for the first time in the history of HUD's administration of disaster recovery, Congress provided mitigation funds as part of a CDBG-DR appropriation. To deliver on this mission, I have visited Puerto Rico to meet with the island's political leadership and with the officials at Vivienda who are responsible for administering the CDBG-DR grant. We are committed to ensuring the record funding going to Puerto Rico reaches the people in need and helps them recover and build a more resilient future.

I further note that HUD has one of the most tenured workforces in the Federal Government, and its headcount has decreased by more than 60 percent over the past 20 years. It is a priority that we have the right work force to fulfill HUD's important missions in the years to come, and we are working hard to make that happen.

Finally, HUD's housing finance reform plan, released in September, calls for additional improvements to FHA's policies, technology, and operations. I would note that during my first tenure in this job, back in 2008, we were able to work closely with the leaders of this Committee, including Senators Shelby and Reed, to pass a landmark FHA modernization bill. I sincerely hope we can continue that work in the year ahead and pass meaningful, bipartisan housing finance reform.

I'd like to thank the Committee for your time this morning, and your consideration of my nomination to serve as Deputy Secretary. I look forward to your questions.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name:

(Last)

(First)

(Other)

Position to which nominated: Deputy Secretary, US Dept. of Housing & Urban Development

Date of nomination: October 15, 2019

Date of birth: 2 August 1956
(Day) (Month) (Year)

Place of birth: Austin, Texas

Marital Status: Married

Full name of spouse: Kathleen Mynster Montgomery

Name and ages of children:

Emily Montgomery, age 13

Thomas Montgomery, Age 10

Education:

Institution	Dates attended	Degrees received	Dates of degrees
University of Houston (night school)	1981-86	BA	1986
University of Texas	1975-1979		

Honors and awards:

List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

(See Attachment A).

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
National Association of Government Communicators,		1997-1999
Tau Kappa Epsilon International Fraternity,	Grand Council member	2012-2018
George Bush Presidential Center,	Presidential Leadership Council,	2013-2018
Mortgage Bankers Association,		2010-2018
Texas Mortgage Bankers Association,		2011-2018

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

(See Attachment B)

Government

experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part time service or positions.

Executive Office of the President, The White House, 1990-1993

Texas Department of Commerce, Austin, Texas, 1995-1996

Texas Department of Housing & Community Affairs, Austin, Texas, 1996-1999

Executive Office of the President, The White House, 2001-2005

U.S. Department of Housing and Urban Development, Federal Housing Administration, 2005-2009; June 2018-Present

Published

Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

(See Attachment C)

Political

Affiliations

and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Rick Perry for President, 2012 (fundraiser)
George P Bush for Texas General Land Office Commissioner, 2012 (fundraiser)
Right to Rise Political Action Committee, 2015 (fundraiser)
Jeb Bush for President, 2015 (fundraiser)

Political

Contributions: Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

(See Attachment D)

Qualifications:

State fully your qualifications to serve in the position to which you have been named. (attach sheet)

I served as Federal Housing Commissioner at HUD from 2005 until July 2009 including 6 months as FHA Commissioner into the Obama Administration, and as Acting HUD Secretary under President Obama in January 2009. I have served as Federal Housing Commissioner since June 2018 and am currently performing the duties of Deputy Secretary.

Future employment

relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I am currently employed at HUD.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Upon conclusion of my government service, I plan to rejoin the labor market in some capacity.

3. Has anybody made you a commitment to a job after you leave government?

No, they have not.

4. Do you expect to serve the full term for which you have been appointed?

If I am confirmed by the U.S. Senate for the position of Deputy Secretary, I hope to complete the term but serve at the pleasure of the President.

**Potential conflicts
of interest:**

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

There are no such arrangements or agreements in place.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

Any potential conflicts and divestments were contained in my 2017/2018 Ethics Agreement and acted up within 90 days of my swearing-in as FHA Commissioner in June 2018.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

No such relationship exists.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

My previous private sector firm did not engage in any lobbying activity on behalf of any clients nor did I.

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

I routinely inquire with HUD Ethics Office attorneys regarding meetings and events and would continue that practice.

**Civil, criminal and
investigatory
actions:**

1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.

I was party to a civil lawsuit in 1977 (estimated) following a traffic accident. The jury ruled in my favor.

2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.

Not applicable.

ATTACHMENTS
 FROM BRIAN D. MONTGOMERY
 DEPUTY SECRETARY NOMINEE; HOUSING & URBAN DEVELOPMENT
 OCTOBER 2019

Attachment A

Honors and Awards:

List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships and any other special recognitions for outstanding service or achievement.

- "Mortgage Executive Roundtable Distinguished Career Award," Mortgage Executive Roundtable, September 2019
- "Distinguished Service Award," HUD Office of the Inspector General, December 2008
- "Meritorious Service Award," NeighborWorks America, December 2008
- "Founders Award," National Association of Hispanic Real Estate Professionals, September 2008
- "Making a Difference Award," National Foundation for Credit Counseling, August 2008
- "Robert J. Corletta Award for Achievement in Affordable Housing," National Association of Home Builders, May 2008
- "Hero of Housing Award," LendersOne National Alliance of Mortgage Bankers, 2008
- Commencement Speaker, University of Houston, College of Technology, December 2006
- "Community Champion Award," HomeFree USA, 2006
- NASA Exceptional Service Medal, June 2004
- "Special Recognition for Federal Emergency Preparedness," Office of Personnel Management, 2003
- Distinguished Alumnus, Westbury Senior High School, Houston, Texas, 2003
- "Presidential Distinguished Service" Recognition following September 11, 2001 terrorist attacks

Brian D. Montgomery
October 2019 – Addendum to US Senate Questionnaire

Attachment B

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

(See Resume Attached)

Brian D. Montgomery
 October 2019 – Addendum to US Senate Questionnaire

Attachment C

Published

Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

Articles Authored in the Last Ten Years:

- *Forward to the Future: Industry Leaders Speak Out on Housing in 2015*, DSNews (Dec. 31, 2014)
- *Now That A Real Estate Developer is President*, The MReport, (December 2016)

Blog Postings in the Last Ten Years:

- *Addressing Continued Concerns About the FHA*, Voice of Housing (Oct. 30, 2009)
- *9/11 Remember – Almost 10 Years Later*, Voice of Housing (Sept. 11, 2010)
- *A New PATH for FHA*, Voice of Housing (July 23, 2013)
- *A Place to Call Home for Those Who Deserve It Most*, Voice of Housing (Dec. 7, 2009)
- *Call for Bipartisanship: Congress Must Focus on the Future of Housing*, Voice of Housing (Nov. 5, 2010)
- *Dodd's Financial Reform Draft: Initial Observations and Expected Reactions in the Mortgage Market*, Voice of Housing (Nov. 11, 2009)
- *FHA and Department of Justice Quietly Pursue Ramp Up of Enforcement Actions*, Voice of Housing (June 3, 2013)
- *FHA Legislation Update*, Voice of Housing (July 26, 2013)
- *Financing Trends for Government Contractors*, Voice of Housing (Nov. 28, 2012)
- *Former FHA Commissioner: Shortfall Pales in Comparison to the Economic Value it Provides*, Voice of Housing, (Nov. 16, 2012)
- *Frustrations Build Over Housing Rescue Programs. What is the Alternative*, Voice of Housing (Apr. 6, 2010)
- *Gimme Shelter: Homelessness Rate Climbing. Low Income Rental Units Needed*, Voice of Housing (July 10, 2010)
- *Ground Zero Remembrance: 10 Years Later*, Voice of Housing (Sept. 9, 2011)
- *HECMs Stuck in Reverse: HUD Considers "Two Product" Solution*, Voice of Housing (July 20, 2010)
- *Housing Assistance 2012: Another Herculean Task for the FHA*, Voice of Housing (Feb. 1, 2012)
- *Housing Recovery Requires More Than Just Government Intervention*, Voice of Housing (Apr. 23, 2010)
- *HUD Enforcement: The Serious Business of Lender Oversight*, Voice of Housing (June 28, 2011)
- *It's Not FHA, Inc.*, Voice of Housing (Apr. 10, 2013)

- *Moving Past Codependency*, Voice of Housing (June 27, 2013)
- *National Housing Trust Fund: A Call for Bipartisanship*, Voice of Housing (Feb. 22, 2011)
- *New GSE Housing Goals: Is FHFA Putting the Cart Before the Horse?* Voice of Housing (Sept. 8, 2010)
- *New Life for PMIs*, Voice of Housing (Dec. 21, 2009)
- *No Hard Feelings – Right Pal?* Voice of Housing (Apr. 4, 2013)
- *Obscure Truths About the Health of FHA*, Voice of Housing (Sept. 21, 2009)
- *Originator Compensation: Still in the Fight*, Voice of Housing (Apr. 1, 2011)
- *Solemn Remembrance of Those Lost Aboard Shuttle Columbia*, Voice of Housing (Feb. 1, 2012)
- *TARP Funding to Play Expanded Role in Tackling Housing Crisis*, Voice of Housing (March 30, 2010)
- *Technical and Temporary*, Voice of Housing (Oct. 1, 2013)
- *The Dearth of Affordable Rental Housing*, Voice of Housing (Jan. 15, 2010)
- *The Top 10 Questions (and Answers) You Should Know if You are Doing Business with FHA*, Voice of Housing (Oct. 15, 2013)
- *Uncertainty 4.0: Will 2012 Exceed Our Low Expectations?* Voice of Housing (Jan. 5, 2012)
- *What Should the Government do to Address the Inventory of Foreclosed Properties?* Voice of Housing (Jan. 27, 2012)

Brian D. Montgomery
October 2019 – Addendum to US Senate Questionnaire

Political

Contributions: Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

Attachment D

DATE:	CANDIDATE/CAMPAIGN:	AMOUNT:
9/29/2010	Robert Dold for Congress - IL	\$ 500
6/30/2011	Ted Cruz for Senate - TX	\$ 500
9/16/2011	Rick Perry for President	\$ 2,500
3/31/2012	John Boehner for Congress - OH	\$ 1,500
5/27/2012	Ted Cruz for Senate - TX	\$ 500
7/13/2012	Mitt Romney for President	\$ 2,000
9/28/2012	Mitt Romney for President	\$ 500
10/16/2012	RNC	\$ 500
10/30/2012	NRSC	\$ 500
11/5/2012	Ted Cruz for Senate - TX	\$ 500
2/19/2013	Jonathan Hoffman for Congress - SC	\$ 500
6/19/2013	Bob Barr for Congress - GA	\$ 1,500
12/19/2013	Keith Rothfus for Congress - PA	\$ 500
5/19/2014	Bob Barr for Congress - GA	\$ 500
7/21/2014	Bob Barr for Congress - GA	\$ 500
1/22/2015	Right to Rise PAC	\$ 5,000
6/7/2015	Jeb Bush for President	\$ 2,700
3/17/2016	John Kasich for President	\$ 500
5/25/2016	Denise Gitsham for Congress - CA	\$ 500
6/29/2016	NRCC	\$ 500
10/24/2016	NRCC	\$ 500
10/26/2016	NRSC	\$ 500
12/31/2017	John Cornyn for Senate - TX	\$ 500
10/23/2018	NRSC	\$ 500
11/2/2018	Ted Cruz for Senate - TX	\$ 500

Brian D. Montgomery – PROFESSIONAL EXPERIENCE
October 2019 – Addendum to US Senate Questionnaire

Assistant Secretary for Housing/Federal Housing Commissioner, US Department of Housing and Urban Development, June 2018 – Present

- Direct the \$1.3 trillion Federal Housing Administration (FHA) insurance portfolio while administering a \$12 billion budget with 2,600 employees. Program offices include Single Family and Multi Family Housing, Insured Healthcare Facilities, and Manufactured Housing. Served as Lead HUD representative on inter-agency Housing Finance Reform Working Group. Concurrently perform the duties of Deputy Secretary supervising the offices of Administration, CFO, CIO, and Disaster Recovery.

The Collingwood Group, Washington, DC, Vice Chairman and Partner, August 2009 – May 2018

- Provided business development and risk management counsel to corporate leadership within financial services and mortgage banking entities seeking increased market share, strategic alliances, and improved profitability within public and private sectors. Advised senior executives of opportunities that helped them identify, qualify and close new business opportunities through new channels and strategic partnerships. Business channels included technical advisory services, risk management, litigation support, regulatory compliance, and strategic business development within the mortgage origination and servicing sectors. Collingwood was acquired by the Situs Group LLC in May 2017.

Assistant Secretary for Housing/Federal Housing Commissioner, US Department of Housing and Urban Development, April 2005 – July 2009

- Directed the \$600 billion Federal Housing Administration (FHA) insurance portfolio while administering a \$9 billion budget with 3,200 employees. Program offices included Single Family and Multi Family Housing, Insured Healthcare Facilities, and HUD's regulatory responsibilities within the Real Estate Settlement Procedures Act (RESPA). In late 2005, began the legislative process to modernize the FHA – an effort that came to fruition with legislation that passed the Congress in July 2008. Working with the White House Domestic Policy Council, created the *FHASecure* program, announced by President Bush in August 2007, which refinanced more than 500,000 mostly sub-prime borrowers. Implemented Business Process Re-engineering/LEAN into the FHA Section 232/242 programs. Delivered speeches at numerous housing conferences including those sponsored by the National Association of Realtors, National Association of Homebuilders, and the Mortgage Bankers Association, among others. Following Hurricane Katrina helped create the Disaster voucher program and chaired the multi-agency Housing Task Force that developed alternative housing solutions for both temporary and long-term housing post-disaster. Participated in the inter-agency policy working group for the Troubled Asset Relief Program (TARP). Led FHA during the largest expansion of the program in its 80+ year history.

Professional Experience of Brian D. Montgomery (continued):

**Deputy Assistant to the President and Cabinet Secretary, The White House,
January 2003 – April 2005**

- Served as a member of President Bush's senior staff and directed the office that helped manage his relationship with the Cabinet and all Federal agencies in the Executive Branch. Advocated within the White House on behalf of Cabinet Secretaries and their agencies and served as an early warning system in relation to agency initiatives and late-breaking issues for President Bush and White House senior staff. This process included interaction with other White House Offices such as the Chief of Staff, Strategic Initiatives, Communications, and the four policy councils (DPC, NEC, HSC, and NSC) on a variety of initiatives to help ensure that agency programs were aligned with President Bush's agenda. Regularly participated in high-level policy meetings with President Bush, Vice President Cheney, and senior Cabinet officials. Led the internal Space Shuttle *Columbia* Working Group that was formed immediately following the shuttle disaster in February 2003. The Group formulated the White House response to all accident-related activities and initiated the review process that ultimately led to President Bush's 2004 Space Policy charting a new course for America's space program. Helped coordinate the Cabinet agency-wide disaster recovery efforts following the 2004 Florida/Gulf Coast hurricanes and forest fires that damaged California and Arizona in 2003. Served as principal White House contact and directed the White House participation in state funeral events for former President Ronald Reagan. Served on President's Management Council chaired by OMB Deputy Director.

**Deputy Assistant to the President and Director of Presidential Advance,
January 2001 – January 2003**

- Managed division responsible for the development, organization, and implementation of Presidential events both in the United States and abroad. Participated in message development and directed the process that visually communicated the White House message at Presidential events. Co-directed all international and domestic site surveys in advance of Presidential visits and worked closely with US Secret Service, White House Military Office, and National Security Council on all facets of Presidential events. Traveled extensively with President Bush domestically and throughout the world serving as trip director. Of note, directed the planning and execution of all Presidential events following the terrorist attacks on September 11, 2001 (including traveling with President Bush on September 11), as well as the one-year remembrance.

2001 Presidential Inaugural Committee, December 2000 – January 2001

Principal Deputy and Director of Special Events and Operations, Washington, DC

- Directed the largest Inaugural Committee office responsible for the organization of all events and activities on behalf of President Bush and Vice President Cheney, a task accomplished in only 30 days. Directed a staff of close to 200 with a budget of more than \$45 million and oversaw all event-related expenditures and operations.

Professional Experience of Brian D. Montgomery (continued):**Bush-Cheney 2000, May 1999 – December 2000****Director of Advance, Austin, Texas**

- Managed the division responsible for all public events and campaign advance operations. As a member of the campaign senior staff, participated in message development and directed the implementation of the message through campaign events and appearances. Managed close to 150 employees and volunteer advance staff and a campaign budget in excess of \$29 million. Traveled extensively with the candidate throughout targeted states.

Texas Department of Housing and Community Affairs, February 1996 – May 1999**Communications Director, Austin, Texas**

- Chief agency spokesperson and director of the division responsible for all external communications to the news media, state legislature, state and federal agencies, housing and community assistance organizations, and other public constituencies. Promoted agency programs and services including the First-Time Homebuyer Program, Community Development Block Grant and HOME Programs, Low Income Housing Tax Credits, and Community Service Block Grants. Coordinated and directed production of communications media including feature stories, newsletters, brochures, billboards, news articles and editorials, public service announcements, and the agency website. Directed senior management decision-making process regarding all external communications and served as chief agency liaison to the Office of the Governor.

Texas Department of Economic Development, February 1995 – February 1996**Communications Director, Austin, Texas**

- Chief agency spokesperson and director of the division responsible for conveying agency information to the business community, media, state and federal agencies, members of the state legislature, and other public sources. Directed all division functions including marketing, media relations, and communications, including speechwriting and editorial development. Consulted other division directors on political and policy issues related to economic development, workforce training, and the travel and tourism industry including participation in the review process for the highly successful Texas tourism advertising campaign.

George Bush for Governor/Gubernatorial Inaugural Committee, June 1994 – January**1995, Director of Advance/Director of Events, Austin, Texas**

- Oversaw the division responsible for all public events and advance operations. As a member of the campaign senior staff, participated in message development and directed the implementation of the message through campaign events and appearances. Also directed all inaugural events and activities on behalf of the Governor-elect at the 1995 and 1999 Gubernatorial Inaugurals.

Professional Experience of Brian D. Montgomery (continued):**Taylor-Neumann Public Relations, April 1993 – June 1994****Account Supervisor, Houston, Texas**

- Developed, managed, and implemented strategic public and media relations' initiatives on behalf of corporate clients and governmental organizations. Responsibilities included the development and distribution of news releases and opinion-editorials, media training, crisis communications, and public administration management.

Office of the Vice President, The White House, Deputy Director of Advance, June 1992 – January 1993, Washington, DC

- Responsible for the planning and execution of public appearances by Vice President Dan Quayle while co-managing a team of more than 60 advance staff. Reviewed and approved news releases regarding Vice Presidential events and interacted with other senior staff and campaign operatives on issues related to the Vice President's public events. Directed and planned media coverage, event structure, and flow. Participated in the decision-making process regarding the Vice President's political agenda and event schedule.

Office of Presidential Advance, The White House, May 1990 – May 1992**Lead Press Advance Representative, Washington, DC**

- Planned and directed media coverage for President George H.W. Bush in public appearances both domestic and abroad. Wrote news releases regarding these events and organized press conferences and other large media events. Conceptualized events and logistics during domestic and international pre-planning site surveys. Interacted daily with personnel from the US Secret Service, White House Military Office, and White House Communications Agency. Also interacted and consulted with US State Department staff and foreign security agencies during international visits.

Whittle Communications, LLC, November 1987 – May 1990**Regional Manager, Houston, Texas**

- Planned and implemented regional marketing plan for *Channel One*, a nationally targeted satellite transmitted news broadcast for secondary school students. Marketing efforts positioned Texas as the number one market for *Channel One*. Developed and delivered presentations to state and local boards of education, teacher's groups, and parent/teacher associations. Also served as regional spokesperson.

Petrochemical and Chemical Processing Industry**1980 – 1987, Houston, Texas**

- Held a variety of managerial and marketing positions in the petrochemical and chemical processing industries, including managing state-of-the-art materials testing laboratory.

PREPARED STATEMENT OF DAVID C. WOLL, JR.

TO BE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NOVEMBER 20, 2019

Thank you, Chairman Crapo, Ranking Member Brown, and distinguished Members of this Committee. I am deeply honored to be nominated to serve as Assistant Secretary of the U.S. Department of Housing and Urban Development's Office of Community Planning and Development.

If I may, I would first like to introduce my family, who are the most important people in my life. I am happy to introduce my wife of 23 years, Phoebe Cabell Woll. I would also like to introduce my three children: my oldest son Tripp, who is a senior at Pennsylvania State University; Ted, who is a junior at the University of Wisconsin; and my youngest, Bryce, who is a sophomore in high school.

I would also like to introduce my dad, David Woll, who has been my mentor both as a father and as a lawyer. My dad and my mom, who I wish was still with us today, taught me the importance of faith, values and treating every person, regardless of their background or circumstances, with compassion, dignity, and respect.

My brother Mike is also here with his wife, Anita Woll. I cannot thank them enough for their tremendous support. My sisters Eileen and Francie were unable to travel here today, but they too have always been very supportive of me and I am profoundly grateful for their love and encouragement.

My path to nomination and this confirmation hearing has been somewhat untraditional. After graduating from the University of Maryland and the University of Virginia School of Law, I spent most of my earlier career as an investigator and prosecutor working to protect victims of crime.

At the Securities and Exchange Commission, I was a senior counsel in the Enforcement Division, where one of my largest matters was a securities fraud case involving a securities boiler room that targeted unsophisticated and elderly investors.

At the U.S. Attorney's Office for the District of Columbia, I spent 3 years prosecuting domestic violence and sexual assault cases against people who victimized some of the most vulnerable people in the community, including children, indigent women who had been trafficked, and young people who were LGBTQ. I also served as a Federal prosecutor in Brooklyn, where I prosecuted business and securities fraud cases in which the victims were financially devastated due to the greed of others who took advantage of them. This included prosecuting a \$100 million Ponzi scheme and a Hurricane Katrina fraud case.

Following Superstorm Sandy in the Fall of 2012, I had an opportunity to do something completely different, which was to work on disaster recovery for the State of New Jersey. That was an important moment in my career because it ended up being my first exposure to HUD and the dedicated career staff who work for its Office of Community Planning and Development. It struck me then, as it does now, that CPD genuinely cares about disaster victims, the unsheltered homeless and others in need, and works incredibly hard to help grantees navigate through very stressful and difficult circumstances. I feel particularly privileged to be considered to lead this incredibly talented team.

There is always, however, room for improvement, particularly when it comes to better serving the States and communities who are our grantees. With this in mind, I have several priorities if I am confirmed.

First, CPD needs to continue to strengthen its stewardship of the Disaster Recovery program by making sure we have the right number of people in the right places. To that end, we are in the process of doubling the size of the disaster recovery division, and out-stationing staff closer to our grantees. This will help us to deliver grant assistance in a more efficient manner and give us greater flexibility to respond to the unique needs of each State and grantee.

Second, CPD needs to work with other agencies, States, municipalities and the private sector to develop strategies to target unsheltered homelessness. This effort is similar to what we did when we targeted veterans' and family homelessness, which led to decreases in both numbers.

Third, our many field offices are on the front line and play a critical role in forging relationships with our grantees. We need to reshape our field operations in order to improve communications between headquarters and the field, and to give the field offices greater flexibility to react to the changing needs of our grantees.

Members of the Committee, I have always worked to help those who are vulnerable and most in need. If confirmed, I commit to you that I will continue to do so as the Assistant Secretary of CPD. Thank you.

Noroton Fire Department (Darien, Connecticut); Previously served on the Officer Selection Committee and the Discipline Committee; Rookie Firefighter of the Year award.

Knights of Columbus

National Rifle Association

Federalist Society

Darien Domestic Abuse Council (currently inactive given current position in the District of Columbia)

Darien Republican Town Committee (resigned given current position in the District of Columbia)

Georgia State Bar (inactive)

Maryland Bar (inactive)

District of Columbia Bar (inactive)

New York Bar (active)

New Jersey Bar (active)

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

- U.S. Department of Housing and Urban Development, Washington, DC; Principal Deputy Assistant Secretary, Office of Community Planning and Development; 11/2018 – present
- U.S. Department of Housing and Urban Development, Washington, DC; Deputy General Counsel for Enforcement; 06/2017 – 11/2018
- Public Company Accounting Oversight Board; New York, NY; Senior Counsel, Division of Enforcement and Investigations; 06/2015 – 06/2017
- Office of the Governor and Office of the Attorney General, Trenton, NJ; Senior Policy Advisor and Director of the Superstorm Sandy Compliance Unit; 03/2014 – 06/2015
- U.S. Attorney's Office, Eastern District of New York; Brooklyn, NY; Assistant U.S. Attorney; 05/2009 – 03/2014
- The Bank of New York Mellon, New York, NY; Managing Counsel; 11/2007 – 05/2009

- U.S. Deputy Attorney General's Office; Washington, DC; Counsel to the U.S. Deputy Attorney General (on detail from the U.S. Attorney's Office for the District of Columbia); 03/2007 – 11/2007
- U.S. Attorney's Office; Washington, DC; Assistant U.S. Attorney; 08/2000 – 03/2007
- U.S. Securities and Exchange Commission; Washington, DC; Senior Counsel, Division of Enforcement; 04/1998 – 08/2000
- Swift, Currie, McGhee and Hiers, Atlanta, GA, Associate Attorney; 10/1996 – 04/1998
- Woll & Woll, P.A., Montgomery County, MD; Attorney; 04/1993 – 10/1996
- Weinberg and Green, Baltimore, MD; Associate Attorney; 10/1991 – 04/1993
- Swift, Currie, McGhee and Hiers, Atlanta, GA; Associate Attorney; 09/1990 – 10/1991
- Ginsburg, Feldman and Bress; District of Columbia; Summer Clerk; 07/1989 – 08/1989
- Piper and Marbury; Baltimore, MD; Summer Clerk; 05/1989 – 07/1989
- Jackson & Walker; Dallas, TX; Summer Clerk; 07/1988 – 08/1988
- Moore & Peterson; Dallas, TX; Summer Clerk; 05/1988 – 07/1988

Government

experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part time service or positions.

- U.S. Department of Housing and Urban Development, Washington, DC; Principal Deputy Assistant Secretary, Office of Community Planning and Development; 11/2018 - present
- U.S. Department of Housing and Urban Development, Washington, DC; Deputy General Counsel for Enforcement; 06/2017 – 11/2018
- Office of the Governor/Office of the Attorney General, Trenton, NJ; Senior Policy Advisor and Director of the Superstorm Sandy Compliance Unit; 03/2014 – 06/2015
- U.S. Attorney's Office, Eastern District of New York; Brooklyn, NY; Assistant U.S. Attorney; 05/2009 – 03/2014
- U.S. Deputy Attorney General's Office; Washington, DC; Counsel to the U.S. Deputy Attorney General (on detail from the U.S. Attorney's Office for the District of Columbia); 03/2007 – 11/2007
- U.S. Attorney's Office; Washington, DC; Assistant U.S. Attorney; 08/2000 – 03/2007
- U.S. Securities and Exchange Commission; Washington, DC; Senior Counsel, Division of Enforcement; 04/1998 – 08/2000

Published

Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None.

Political

Affiliations

and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

- Volunteer Attorney, Trump for America Transition Team (pre-election)
- Republican Town Committee, Darien, Connecticut
- Deputy Treasurer for Terrie Wood for State Representative, Connecticut
- Delegate, 2016 Connecticut Republican State Convention
- Volunteer for Linda McMahon for Senate, Connecticut (2012) (one afternoon of non-legal volunteer service)
- Volunteer for Chris Christie for President (non-legal volunteer service in the days leading up to the New Hampshire primary)
- Volunteer for Mitt Romney for President (non-legal activity leading up to the general election, 2012)

Political

Contributions: Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

None.

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

I worked exclusively on disaster relief issues and disaster grant management while with the State of New Jersey. I also have extensive financial compliance and law enforcement experience. I have also worked with HUD for approximately 25 months both in the Office of General Counsel, and in the Office of Community Planning and Development where I serve as Principal Deputy Assistant Secretary.

Future employment

relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Not applicable. I currently work for the U.S. Department of Housing and Urban Development.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No.

3. Has anybody made you a commitment to a job after you leave government?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

None.

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

I do not anticipate having a conflict of interest. However, if a conflict arises, I will bring it to the attention of HUD's ethics officers and either divest myself of the investment, terminate the relationship creating the conflict, and/or recuse myself from the matter.

**Civil, criminal and
investigatory
actions:**

1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.

None.

2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.

None.

PREPARED STATEMENT OF JOHN BOBBITT

TO BE ASSISTANT SECRETARY FOR ADMINISTRATION, DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

NOVEMBER 20, 2019

Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, it is a privilege to appear before you this morning. I am deeply honored that President Trump has nominated me to serve under Secretary Carson as the Assistant Secretary for Administration at the Department of Housing and Urban Development.

Before I begin, I want to express my deepest appreciation to my beautiful wife, Jian, who is here today. Jian has been, and continues to be, a bedrock of support, the love of my life for me and our family while I serve at HUD. She is here today from our hometown of Houston, where she has maintained our residence to provide care for my mother and father, George and Bette Bobbitt.

I want to thank my father, a Navy Veteran of World War II and my mother who worked for the British Army Staff here in Washington, D.C. They met at a USO dance during the war and have been married for 72 years. At 97 and 96 years old, they are the source of my passion to succeed personally and professionally. I also want to acknowledge my grandfather Dr. Clarence Charles Hastings, a prominent veterinarian and World War I Veteran who instilled in me strong values and a work ethic required to succeed. And finally, I want to thank my stepdaughter Xiaoting, Mike Fei, sister Robin, and our extended family, friends, and colleagues for their love and support.

During my 37 years of business experience, I have served in diverse executive roles in the private and public sectors responsible for operations, finance, sales and marketing for large multibillion-dollar corporations to start-up ventures.

My Government and public service journey began in 1984 as a volunteer White House Lead Advance Representative. I served in that capacity under the George H.W. Bush and George W. Bush administrations and I have served in that role in the Trump administration. I also served as the Director of Strategic Communications at HUD from 2006 to 2009 and had the privilege to return to HUD in February 2019 as the Deputy Assistant Secretary for Operations, managing human resources, procurement and facilities within the Office of Housing, HUD's largest office. During my time in this position, I have established core values, an open-door policy, met with many employees, restructured the management team, and increased our FEVS score card of leadership by 23 percent and overall employee satisfaction by 17 percent. We also created and launched a comprehensive Employee Development Training Program.

My knowledge of HUD and Government operations has given me a sound perspective on what is required to achieve success in the work ahead—both from the organization and from myself. Additionally, my relevant skills and extensive experience obtained from the private sector will aid in implementing improved and more efficient processes.

I believe that a leader's management philosophy is the cornerstone for the organization's direction, vision, goals and success. As a leader, I am committed to the development and advancement of three things: People, Processes, and Performance.

I believe you manage work, but you lead people. I believe in an employee-centered organization that strives to achieve high morale through a positive, accountable culture that develops individuals for career growth and opportunities.

Next is the efficiency and effectiveness of the processes that are adopted. A focus must be placed on clearly identifying and streamlining processes and policies.

Finally, my emphasis is on performance. I believe that an organization that properly sets standards of measurement, creates attainable goals, and empowers staff to achieve them is bound for high performance.

So, with these as my guiding philosophy, here are the priorities I will focus on if confirmed as HUD's Assistant Secretary for Administration:

1. I will implement a culture and set of core values as well as a "career long" employee training program that will foster employee development and succession planning.
2. I will focus on improving the hiring process by working to decrease the time it takes to hire, and reduce the risks associated with critical vacancies.
3. I will introduce measures to decrease the prolonged process of procurement and ensure qualified oversight of existing contracts.

4. And finally, the modernization of HUD's hiring, training, and procurement IT systems to enhance accuracy, accountability, and the ability to effectively measure performance.

Mr. Chairman, distinguished Members of this Committee, thank you again for your consideration of my nomination. I welcome your questions.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Tau Kappa Epsilon Fraternity – College	President	1980-1981
Masons; Scottish Rite; Shriners (not active)	None	1997-Present

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

- Deputy Assistant Secretary for Housing Operations - HUD, Washington, DC (2019)
- Sales Manager - Design Tech Homes, Houston, TX (2017-2018)
- President - KnowledgeLab Consulting, Houston, TX (2009-2017)
- Special Assistant to the Housing Commissioner - HUD, Washington, DC (2006-2009)
- President - KnowledgeLab Software, Inc., Plano, TX (2001-2006)
- Senior Vice President of Sales & Marketing - Go Figure Technology, Inc., Dallas, TX (2000)
- Direct Sales Manager - CompUSA, Dallas, TX (1999-2000)
- Partner - KnowledgeLab Network Systems, Plano, TX (1996-2000)
- Regional Sales Manager - Page Net, Dallas, TX (1996)
- Director of Sales Operations and Marketing - CompuCom Systems, Houston and Dallas, TX (1987-1996)
- Branch Manager - Omni Computer Corporation, Houston, TX (1986-1987)
- Sales Representative - Selecterm, Inc., Houston, TX (1985-1986)
- Sales Representative - Xerox Corporation, Houston, TX (1983-1985)
- Sales Representative - Lanier Business Products, Houston, TX (1982-1983)

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part time service or positions.

Deputy Assistant Secretary for Housing Operations HUD, Washington, DC	02/2019-Present
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Responsible for managing the human resources, training, procurement, contract management, facilities, technology development and maintenance, and communications for the Office of Housing. Duties include supporting and collaborating with all six Housing Program Offices to support the mission of a multi-faceted federal housing program, including mortgage insurance programs with over \$1.2 trillion of insurance in force.

Director of Strategic Communications HUD, Washington, DC	2006-2009
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Developed a highly effective account management and outreach department including market research, quality program and information technology systems. Created and executed channel strategies and outreach plan to maximize lender support and consumer awareness. Designed and executed web portal from scratch; implementing web-marketing campaign; business intelligence for market research & ROI measurements; Customer Relationship Management for lender support; call center and case management. Political appointment ended Jan. 20, 2009.

Site/Lead Advance Representative 1984-1992; 2001-2009; 2017-Present
The White House, Washington, DC

Managed a team of White House staff accountable for trip logistics of the President and Vice of the United States for events outside of the White House including domestic and international trips.

Published Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

None

Political Affiliations and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

White House Presidential and Vice-Presidential Advance - Site for the Trump/Pence Administration

Republican Party Presidential Advance for the Trump Administration - Political events

Political Contributions: Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

None

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

See attachment on page 9.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I am currently employed by HUD.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No

3. Has anybody made you a commitment to a job after you leave government?

No

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in anyway constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

None

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

I am not aware of any conflicts. If a conflict arises, I would immediately recuse myself.

Civil, criminal and investigatory actions:

1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.

I filed a civil suit against a former employee, seeking a restraining order in 2005 for breach of a signed employment contract. The former employee was trying to hire away key employees. The individual counter sued for wages, which was frivolous based on the employment contract.

I settled the issue for \$5,000 only because it would have cost me tens of thousands of dollars to litigate. The employee had no ability to pay me back for expenses when I won the lawsuit. I made a rational decision to end the issue.

2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.

None

Qualifications

Accomplished executive, general manager with a career highlighted by innovation and diverse management experience in government and competitive, growth-driven environments. Successful at establishing vision, culture and strategies while delivering strong and sustainable productivity gains. A consistent record of forging strong relationships with a reputation for negotiating win-win scenarios. Extensive sales, marketing and operations experience and a proven ability to lead, motivate, and inspire cohesive development teams to surpass organizational objectives.

Federal Government Service

Department of Housing and Urban Development

Deputy Assistant Secretary for Housing Operations

February 12, 2019-Present

Responsible for managing the human resources, training, procurement, contract management, facilities, technology development and maintenance, and communications for the Office of Housing. Duties include supporting and collaborating with all six Housing Program Offices to support the mission of a multi-faceted federal housing program, including mortgage insurance programs with over \$1.2 trillion of insurance in force. Key accomplishments include:

- Reduced management redundancy, which resulted in streamlining decision making and reducing the Office's budget requirements.
- Established a new culture of open-door management and core values designed to empower employees while significantly improving morale and productivity.
- Created a new employee training and development program to enhance employee skills and advancement, while strengthening both succession planning and mentoring.
- Led the development of management reporting tools to allow all Housing managers to track and score employee performance, and proactively identify issues. They include hiring, communications and procurement tracking tools. This allows us to measure employee performance and identify issues before they become problems.
- Active member of the Housing IT Steering Committee managing the modernization of Housing information technology systems.
- Project to streamline procurement to dramatically reduce times to award. Developing new processes, methods and tracking tools.
- Study contractor performance for support of external hiring.

Director of Strategic Communications

October 1, 2006-December 20, 2009

Developed a highly effective account management and outreach department including market research, quality program and information technology systems. Created and executed channel strategies and outreach plan to maximize lender support and consumer awareness. Designed and executed web portal from scratch; implementing web-marketing campaign; business intelligence for market research & ROI measurements; Customer Relationship Management for lender support; call center and case management. Political appointment ended Jan. 20, 2009.

- Created account management team of 25 account liaisons to execute channel strategy focused on large mortgage bankers including Bank of America, and Wells Fargo.
- Formulated and executed aggressive national advertising campaign including print, radio, trade shows and consumer education events. Hired creative team for collateral development, web and market analysis and ROI evaluation.
- Designed and began implementation of integrated information systems to include; Oracle web portal, SAS business intelligence, Fusion middleware and Siebel Customer Relationship Management systems.
- Launched "Lean Office" process reengineering and quality initiative. Our first initiative cut healthcare loan processing from seven months to one month while reducing process steps from 57 to 19.

The White House

Site/Lead Advance Representative

1984-1992; 2001-2009; 2017-Present

Managed a team of White House staff accountable for trip logistics of the President and Vice of the United States. As Lead, directed all aspects of Presidential events outside of the White House. Coordinate trip logistics with national leaders, foreign countries, U.S. Secret Service, White House Communications, and military agencies. Have successfully managed over 100 trips including two G-7 Summits, trips to foreign countries, hosting foreign visits by heads of state and many diverse domestic trips.

Private Sector Career

CompuCom Systems

Director

Promoted into this position with accountability for all marketing and sales operation activities of this \$1.4 Billion computer and integration services company. Assignment was based on ability to initiate company's marketing strategy into end to end services. Reporting to the Chairman of the Board responsibilities include development and implementation of marketing research, plans and models, compensation plans, budget, P&L and sales operations. Manage projects as assigned by the Chairman. Achievements include:

- Successfully transitioned two acquired integration companies into CompuCom, retaining key personnel and accounts.
- Led a quality team in re-engineering the collections process reducing the collection process from 36 to 13 steps.
- Assisted with the consolidation of field administration into centralized inside sales organization. Completed the transition of 16 branch locations in 5 months while maintaining customer satisfaction.
- Public relations - Hired and managed PR firm to expand national coverage of end to end services. Increased company exposure from one primary publication to seven including

publishing of industry articles and securing speaking engagements with national associations. Authored company press releases.

- Business plans - Developed business plan to enter software distribution and to stand up from scratch a wholesale distribution division. Recommendations were implemented over a two-year period.
- Developing services marketing strategy for 45 branch locations nationwide.
- Collateral development - Managed the development, design and production of 30-piece site seller brochure package for end to end services. Created presentation library for client sales meetings. Also responsible for the development of the company's web page.
- Training - Created a four-day sales training course including curriculum for field sales representatives. Course consisted of selling methodology, skills and product knowledge.
- Company meetings - Effectively coordinated all aspects of company's national managers meeting and national technical conference attended by 250 services personnel. Responsibilities included travel, hotel, agenda, production, speaker support and entertainment. Also responsible for executive briefing program.
- Communications - Published internal newsletter and developed a Lotus Notes database consisting of extensive product information, technology library and industry news. Also developed market research plan including focus groups and account profiling.

National Sales Director

Responsible for all aspects of nationwide sales of microcomputer hardware and services to Value Added Resellers. Created the business plan and started the division to develop a totally new market for CompuCom. Management duties include budget, profit and loss, sales, marketing, operations, press relations, advertising, financial management, rep compensation plan, vendor relations and administration.

- First year sales growth from \$0 to \$ 9 Million growing to estimated sales of \$30 Million.
- Profit growth - First year net profit of \$396,000 growing to YTD through June of \$400,000.
- Marketing - Developed all marketing materials including brochures, proposals, and direct mail pieces. Created national print advertising campaign.
- Public relations - Spokesman for division with national industry press resulting in positive articles.

Branch Manager

Managed all aspects of sales and service integration of microcomputer sales to Fortune 1,000 companies in the Houston market. Restructured branch to maximize performance on a profit and loss basis. Accountability included sales management, operations, budget, hiring, accounts receivable, expense control, administrative staff and service personnel. Achieved the following in a three-year period.

- Revenue growth - Grew revenues 407% from \$ 7.5 million to \$38 million.
- Profit growth - Increased net profit from \$1.1 million (5%) to \$ 2.5 million (6.5%).

- Productivity - Increased sales rep revenue productivity from \$40,000 per month to \$401,000 per month.
- Awards - Most improved branch, branch of the year, branch manager excellence three years in a row.
- Expenses - Reduced overhead from four locations to one and personnel from 60 to 30 while increasing productivity per employee tenfold.

Consulting Practices

President KnowledgeLab Network Systems

Strategic planning and implementation consultancies focused on increasing sales, expanding markets and increasing operational efficiency.

- Co-founded and funded a client server consulting and integration company profitably growing revenues from zero to over \$1 million in revenue.
- Services included complex application performance modeling and simulation and NT integration services. Consulting services involved conceptual sale to senior IT executives and a working knowledge of applications such as ERP, financial reporting, and enterprise reservation systems.
- Clients included EDS, Perot Systems, MCI, Nortel, The Prudential, The Associates, PageNet and DFW Airport.
- As President, responsibilities included all aspects of sales, marketing, finance, government reporting, operations, budget and profit and loss.

Owner KnowledgeLab Consulting and KnowledgeLab Software

Assisted start-ups to multi-billion-dollar corporations with business development, account penetration, strategy, marketing, and operations. Engagements include successfully providing account planning, intelligence, sales calls, developing partnerships and creating information technology solution offerings to win business for a multi-billion dollar integration company; Developed account strategy and product plan to penetrate a named account for a leading BI software firm; Successfully developed business plan and implemented sales, marketing, financial and operations for a start-up security company.

- Successfully helped launch physical security company guiding it to profitability each month for five years while maintaining positive cash flow, gross margin control and year to year sales increase of two hundred percent. Sales grew from \$0 to \$1.5 million. Managed the creation of marketing strategy including go to market, collaterals, web development and SEO.
- Assisted a top established Business Intelligence software provider penetrate strategic account.
- Instrumental in defining existing systems and developing enterprise IT design strategy and account sales plan for a nine-figure proposal.

- Wrote company business plan for software development including market research, financial and sales forecasts. Formulated and executed aggressive plan to rapidly develop and deploy software within a seven-month time frame.
- Successfully managed development effort resulting in a beta version 4 months ahead of schedule.
- Partnered with industry leaders to identify and develop features and benefits in product to adapt to market needs.
- Created from scratch, framework, business rules, features and functionality of enterprise software package.
- Developed marketing strategy that clearly articulates company's message and position its products advantageously

PREPARED STATEMENT OF PETER J. CONIGLIO
TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK OF THE UNITED STATES
NOVEMBER 20, 2019

Thank you, Mr. Chairman, Ranking Member Brown, and Members of the Committee for inviting me to appear before you today. It is my great honor and privilege to be the President's nominee to be the Inspector General of the Export-Import Bank of the United States. I am very humbled to be considered for this position.

With me today is my wife of 42 years, Jamie Wright Coniglio. She is my rock and my biggest fan, and there isn't any way that I would be here today before you without her support and encouragement.

I'd also like to express my appreciation to my current and former colleagues in GSA's Office of Inspector General for their terrific support throughout this process. They are all consummate professionals.

I am here today because my grandparents came to this country from Italy: my father's father from Sicily in 1897 and my mother's parents from Calabria—the "toe of the boot" after the turn of the 20th Century.

My late father served in the Army Air Force in the China–Burma–India theater during World War II, while my late mother worked to support the war effort state-side. They were among that great generation of Americans who were tempered by the hardships of the Great Depression and who then went on to win World War II and the Cold War.

I could not have had better parents. My being here today is also a testament to them.

Since my graduation from Drake University Law School, I have been afforded many opportunities and experiences that have prepared me for this opportunity.

I served with a legislative staff in the Iowa State Senate in Des Moines, and after we moved to the D.C.-area I served with the legislative affairs shop of a major trade association.

I was then fortunate to serve as a legislative assistant for Rep. Jim Ross Lightfoot of Iowa—as a line-counsel for Sen. Charles Grassley's then-Senate Judiciary Subcommittee staff—and then as the late Rep. Lawrence Coughlin's Minority Chief Counsel and Staff Director of the then-House Select Committee on Narcotics Abuse and Control.

I then moved from Capitol Hill to the Justice Department, where I served for about 13 years. My major activities there included working in its Office of Legislative Affairs and in the General Counsel's Office of its Executive Office for United States Attorneys.

After the Justice Department, I was hired as the Senior Counsel for Ethics in the Office of General Counsel at the Treasury Department.

Since June 2006, I have been in the Office of Inspector General at the General Services Administration, working for three Inspectors General. Each of them tutored me on how to be an effective Inspector General.

In addition to my present position with the GSA, I headed—for almost 4 years—the OIG's compliance office reporting directly to the GSA Inspector General. From there, I stood up the GSA OIG's first audit report writing and editing team. As lead editor, I oversaw the production of the OIG's audit reports—an OIG's first-line of communication with its agency. Our team's objective was to ensure that an audit report was readable, objective, and usable.

Throughout its history, Ex-Im's unique mission has helped finance the export of American goods and services in order to support American jobs.

If confirmed, my goal will be to provide Ex-Im's leaders with timely and objective findings and understandable and usable recommendations regarding the Agency's programs and operations and to inform Ex-Im's leaders of any fraud, waste, or abuse the OIG uncovers.

If confirmed, I commit to overseeing rigorous investigations to pursue the facts wherever they may lead.

As a Senator Grassley alum, he set the standard for me, among many, when it comes to Inspectors General and educated me on the key role an OIG plays in an agency's success. Senator Grassley taught me that whistleblowers are to be respected and taken seriously.

If I am confirmed, I will ensure that the Office of Inspector General at Ex-Im has an open-door policy and provides every opportunity for those who want to report on information that they may have on any waste, fraud, or abuse occurring at Ex-Im. If I am confirmed, the Office of Inspector General will see to it that whistleblowers receive every protection afforded to them by the law.

I am also well aware of Congress' role in the responsible use of taxpayer resources. If confirmed, I intend to maintain a strong and open line of communication with this Committee, the Senate, and the House of Representatives.

Mr. Chairman, my time with GSA OIG has attuned me to the role a fully functioning, objective, and independent Office of Inspector General plays in an agency's success. I call this "regular order."

I understand Ex-Im has strong supporters and strong detractors. As you know, Ex-Im's Board of Directors has only recently returned to regular order with a quorum.

This is all the more reason to return Ex-Im's Office of Inspector General to its own regular order. Since the Ex-Im Inspector General position became vacant in June 2014, the OIG's dedicated professionals have supported its continued operations. But Senate confirmed leadership in an independent Office of Inspector General is more likely to have greater influence on Ex-Im, and more likely to have the confidence of Ex-Im's proponents, as well as its detractors.

My approach as Inspector General would not be to act as Ex-Im's adversary or its enemy. Instead, I would intend to foster a healthy, productive, and open professional relationship with Ex-Im.

Along with restoring a sense of regular order to Ex-Im's Office of Inspector General—if confirmed—I would like to review several programs and initiatives that I have read about in the OIG's last two Semi-Annual Reports to Congress.

In conclusion, Mr. Chairman, if I am fortunate enough to be confirmed, I firmly believe that I am prepared to take the helm of the Office of Inspector General at the Export-Import Bank of the United States, and I look forward to the challenge.

Thank you for your time today. I will be pleased to respond to any questions you may have.

National Rifle Association	None	2018-present
Federalist Society	None	Approximately 2009-2014

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and inclusive dates of employment.

Circa late 1977-Early 1978 – Real estate sales agent – Peoria, Illinois

Feb. 1980 – Nov. 1980 – Volunteer staffer for Hultman for Congress campaign – 5th C.D./Iowa – Ames, Iowa

Dec. 1980-July 1985 – Research staff – (Director-1983-85) Iowa State Senate Republican Research Staff – State Capitol – Des Moines, Iowa

July 1985-Jan 1986 – Interned for Congressional offices of U.S. Rep. Jim Ross Lightfoot (R.-Iowa) and U.S. Sen. Charles Grassley (R.-Iowa) – Washington, D.C.

Jan. 1986-March 1987 – Legislative Analyst – Govt. Affs. Div./Mortgage Finance Dept. - National Assoc. of Realtors – Washington, D.C.

March 1987-August 1987 – Legislative Assist. – U.S. Rep. Jim Ross Lightfoot (R.-Iowa) – Longworth House Office Bldg. – Washington, D.C.

August 1987 – June 1991 – Line Counsel – Senate Judiciary Subcommittee on Courts and Administrative Practices of U.S. Sen. Charles Grassley (R.-Iowa) – Hart Senate Office Building – Washington, D.C.

June 1991-July 1992 – Republican Counsel & Staff Director – House Select Committee on Narcotics Abuse & Control – Ranking Member Lawrence Coughlin (R.-Pa.) – Ford House Office Bldg. – Washington, D.C.

July 1992-Dec. 1993 – Attorney-Advisor - U.S. Dept. of Justice/Office of Legislative Affairs – Main Justice – Washington, D.C.

Jan.-Nov. 1994 – Detail as a Special Assist. U.S. Attorney with the U.S. Attorney's Office – Alexandria, Va.

Nov. 1994-Oct. 1995 – Attorney-Advisor – U.S. Dept. of Justice/Exec. Office for U.S. Attorneys/Financial Litigation staff – Main Justice – Washington, D.C.

Oct. 1995-March 1996 – Attorney Advisor – U.S. Dept. of Justice/Exec. Office for U.S. Attorneys/Counsel to the Director staff – Main Justice – Washington, D.C.

March 1996-June 2005 – Assistant General Counsel – U.S. Dept. of Justice/Exec. Office for U.S. Attorneys/General Counsel's Office – Main Justice – Washington, D.C.

May-October 2001 – Detail as a Senior Attorney Advisor with the U.S. Dept. of Justice/Office of Legal Policy – Main Justice – Washington, D.C.

Jan 2003-Oct 2004 – Detail as a Senior Attorney Advisor with the U.S. Dept. of Justice/Office of Legislative Affairs – Main Justice – Washington, D.C.

June 2005-June 2006 – Senior Counsel for Ethics – U.S. Dept. of the Treasury/Office of General Counsel – Main Treasury – Washington, D.C.

June 2006-Jan 2010 – Director, Office of Internal Evaluation and Analysis – U.S. General Services Administration/Office of Inspector General – GSA HQ – Washington, D.C.

Jan 2010-Feb 2017 – Lead Team Editor of the Office of Audits Audit Report Editing Team – U.S. General Services Administration/Office of Inspector General – awarded Inspector General's Award, June 2011 – GSA HQ – Washington, D.C.

Feb 2017-Aug 2017 – Detail as an Associate Counsel to the President with the Office of the White House Counsel - EEOB – Washington, D.C.

Aug 2017-Oct 2017 – Special Assistant and Counselor to the Assistant Inspector General for Auditing – U.S. General Services Administration/Office of Inspector General – GSA HQ – Washington, D.C.

Oct 2017-June 2018 – Detail as an Assistant General Counsel with the Office of Management & Budget/Office of General Counsel – New Executive Office Bldg. – Washington, D.C.

July 2018-Present – Special Assistant and Counselor to the Assistant Inspector General for Auditing – U.S. General Services Administration/Office of Inspector General – GSA HQ – Washington, D.C.

Government

experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part time service or positions.

Please see responses to the previous question.

Published

Writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

N/A

Political

Affiliations

and activities: List memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

N/A

Political

Contributions:

Itemize all political contributions of \$500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify specific amounts, dates, and names of recipients.

N/A

Qualifications: State fully your qualifications to serve in the position to which you have been named.

I am humbled and honored to have been considered and nominated by the President to serve as the Inspector General of the Export-Import Bank of the United States.

I am confident that based on my experience and qualifications that I am ready to take on the responsibilities of Inspector General. I am a career Federal civil servant having worked for over 30 years in both the Article I and Article II branches of our government. I have experience working in both the House of Representatives and the Senate. I also have served in various positions with the Department of Justice and the Treasury Department.

Since June 2006, I have served in the U.S. General Services Administration's Office of Inspector General (OIG). During that period of time, I have served three Inspectors General – one appointed by President George W. Bush; another appointed by President Barack Obama; and the third is our Deputy Inspector General who served as our Acting Inspector General between the other two. I have had the distinct privilege to have learned from each of them. I served them in two senior staff positions – as the OIG's Director of the Office of Internal Evaluations and Analysis and as the Team Lead Editor of the OIG's Office of Audit's first-ever Audit Reports Editing Team – as an aside, our team was recognized for our efforts with an Inspector General's Award in June 2011.

All of these varied assignments have exposed me to the many different aspects of our Federal government, in general, and the broad range of functions of an Office of Inspector General, specifically. Reflecting over my many years of government work, this experience has provided me with opportunities to hone my judgment, sharpen my independent decision-making ability, and to refine my skills.

I am especially attuned to the importance of being guided by the statutory language of the Inspector General Act of 1978, as amended, consistent with the aspirations and spirit of the Act. With this as my foundation, I am prepared and ready to serve as Inspector General of the Export-Import Bank of the United States.

Future employment

relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Upon confirmation, I will resign my position with the Office of Audits, Office of Inspector General, U.S. General Services Administration.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

I have no such plans.

3. Has anybody made you a commitment to a job after you leave government?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I have no such arrangements or agreements or continuing dealings.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

I have no such investments, obligations, liabilities, or other relationships.

3. Describe any business relationship, dealing or financial transaction (other than tax paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

I have no such business relationship, dealing, or financial transaction.

4. List any lobbying activity during the past ten years in which you have engaged in for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

I have no applicable work experience over the past 10 years.

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

I do not expect that any conflicts will be found. However, if any conflicts are found, I will work with the U.S. Office of Government Ethics to resolve them.

**Civil, criminal and
investigatory
actions:**

1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.

To my knowledge, I have never been a defendant in a civil or criminal proceeding or the subject of any inquiry or investigation by any governmental agency.

2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.

In 2001, the U.S. Southern and Northern District Courts of Iowa suspended me from practicing in their courts due to my failure to submit the required CLE report to maintain my eligibility to practice.

From 1981 to 2001, I consistently filed the necessary CLE reports, but through circumstances I cannot recall, I failed to do so in 2001. Since my wife and I had lived in Northern Virginia since 1985, by 2001, I had no intention of returning to Iowa. Therefore, I decided to drop my eligibility to practice law in the U.S. Southern and Northern District Courts of Iowa, only.

However, I have maintained my eligibility to practice law in the state and local courts of Iowa by maintaining the necessary CLE requirements as established by the Iowa Supreme Court. Therefore, since 1981, I have been a member in good standing of the Iowa Bar.

Other than the instance listed here, I have not been the subject of any inquiry or investigation by any other professional association.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN
FROM MITCHELL A. SILK**

Q.1. Please describe all energy and infrastructure projects you worked on while at Treasury that connected foreign countries with U.S. partners. For each project, please include:

- how your office identified the project,
- the nature of the project,
- the current status of the project,
- the parties involved (i.e., which U.S. and/or foreign Governments and companies partnered with which countries), and
- whether climate change was considered in the course of the project, and if so, what particular issues were considered and how were they addressed.

A.1. Treasury's energy and infrastructure projects can be broadly divided into two regional initiatives in Latin America and Asia. The main focus of Treasury's work in both regions is to identify investment initiatives in partner countries and work with our partners to create enabling environments that will catalyze private capital solutions for these initiatives. To that end, Treasury has pursued bilateral energy and infrastructure financing frameworks with partner countries in these regions, and advanced bilateral work under these agreements. Treasury's efforts focus primarily on the macro and systemic issues rather than at the specific project level. In order to achieve scale and impact through these initiatives, most focus on programmatic investment opportunities, though some initiatives revolve around large, capital-intensive projects.

As the President's 2017 National Security Strategy makes clear, stable, friendly and prosperous States in Latin America enhance U.S. security and benefit the U.S. economy. Therefore, Latin America was Treasury's first region of focus for its energy and infrastructure initiatives. Treasury has signed bilateral energy and infrastructure financing frameworks with Chile, Argentina, Panama, Colombia, and Jamaica. We are actively working to negotiate and sign frameworks with additional partners in the region and sometimes provide advice to other regional partners even in the absence of official frameworks. We are focused on unlocking private capital solutions for investment initiatives in areas including, but not limited to, transmission infrastructure, regional interconnection, power and electricity generation, grid management solutions to ensure system stability (including facilitating renewables), renewables "value add" projects (such as energy storage), energy efficiency, and energy and infrastructure financial market development.

Given Asia's status as one of the most economically dynamic regions globally, the Trump administration has made Asia a key area of focus for U.S. economic statecraft. Treasury has supported the Trump administration's efforts in Asia by developing a regional energy and infrastructure financing program that shares certain areas of focus with Treasury's work in Latin America. Treasury's initiatives in Asia can be divided between work with middle income partner countries and high income partner countries. In middle income partner countries, the goal is to identify similar investment

initiatives as in Latin America and create the enabling environment to catalyze private capital solutions for investment in those areas. In high income partner countries, Treasury's initiatives seek to enhance energy and infrastructure financial markets to catalyze additional institutional investment in energy and infrastructure projects in the region. Treasury has signed bilateral energy and infrastructure financing frameworks with South Korea, Singapore and Vietnam. We are actively working to negotiate and sign frameworks with additional partners in the region.

An example of a project undertaken through Treasury's initiatives includes work we have undertaken with Panama's primary utility, ETESA. Treasury's Office of Technical Assistance (OTA) and Office of Energy and Infrastructure have worked with ETESA in areas including debt capacity, asset management, and governance. With respect to debt capacity, OTA has worked extensively to assist ETESA to allow for additional and more efficient debt financing to fund much needed expansion of transmission, interconnection and distribution capacity, including capacity critical to address grid stability that will accommodate increases of renewable energy capacity to the system. Treasury's work contributed to ETESA achieving a long-term private capital markets refinancing of a number of short-term, high priced loans and ETESA's securing a favorable credit rating. We estimate that Treasury's work will result in debt service savings for ETESA of up to \$47 million over the lifetime of its new \$500 million bond.

Environmental protection is a key component of Treasury's energy and infrastructure finance initiatives. For example, Treasury is working to create enabling environments for enhanced private investment in (1) grid solutions that will accommodate increased power production through renewables and (2) retrofitting and refurbishment programs designed to reduce carbon emissions in partner countries reliant on fossil fuel power generation. In area (1), many of Treasury's partners have embarked on aggressive programs to increase power production capacity through renewable sources such as solar and wind. The intermittency of production through solar and wind present significant challenges to grid management and stability. Thus, significant investment in transmission and interconnection is typically required in order for renewable power production to achieve its desired benefits. In area (2), many of Treasury's partners are presently heavily reliant on fossil fuel in the power generation that supports their industrial growth. Many of our middle income Asian partner countries are over 80 percent reliant on fossil fuel. One of our initiatives proposes retrofitting and refurbishment of downstream power generation in those jurisdictions reliant on fossil fuel to achieve the two important goals of substantially reducing (a) carbon emissions as these countries transition to cleaner forms of power generation and (b) operation and maintenance costs.

Q.2. To the extent possible, please describe the projects that you expect to advance in the next year. If you are unable to describe a project, please indicate why.

A.2. In the next year, we expect to advance Treasury's initiatives in both Latin America and Asia. Specifically, we expect to: (1) sign

energy and infrastructure financing frameworks with additional partner countries that are currently under negotiation; and, (2) continue work under existing frameworks to create enabling environments to help catalyze private capital investment in partner countries' energy and infrastructure markets. We are presently at an advanced stage of negotiation with Brazil and Peru in Latin America, and the Philippines and Thailand in Asia. We have been working with additional countries in both regions. Specific examples of continued work under existing frameworks include initiatives to enable investments in portfolios of (a) micro- and mini-grid solutions suitable for (i) public facilities, (ii) private facilities and (iii) rural communities; and (b) municipal multimodal energy efficiency projects.

Q.3. To what extent is climate change considered during project selection and design? What, if any, climate policy goals do you seek to accomplish with each project?

A.3. Environmental protection is a key component of Treasury's energy and infrastructure finance initiatives. For example, Treasury is working to create enabling environments for enhanced private investment in (1) grid solutions that will accommodate increased power production through renewables and (2) retrofitting and refurbishment programs designed to reduce carbon emissions in partner countries reliant on fossil fuel power generation. In area (1), many of Treasury's partners have embarked on aggressive programs to increase power production capacity through renewable sources such as solar and wind. The intermittency of production through solar and wind present significant challenges to grid management and stability. Thus, significant investment in transmission and interconnection is typically required in order for renewable power production to achieve its desired benefits. In area (2), many of Treasury's partners are presently heavily reliant on fossil fuel in the power generation that supports their industrial growth. Many of our middle income Asian partner countries are over 80 percent reliant on fossil fuel. One of our initiatives proposes retrofitting and refurbishment of downstream power generation in those jurisdictions reliant on fossil fuel to achieve the two important goals of substantially reducing (a) carbon emissions as these countries transition to cleaner forms of power generation and (b) operation and maintenance costs.

Q.4. How will you use your role in international fora to advocate for policies and projects that address climate change?

A.4. Since I joined the Treasury Department in 2017, I have worked to enhance environmental protection in the context of Treasury's international work. As discussed above, environmental protection is a key component of Treasury's energy and infrastructure finance initiatives. For example, Treasury is working to create enabling environments for enhanced private investment in (1) grid solutions that will accommodate increased power production through renewables and (2) retrofitting and refurbishment programs designed to reduce carbon emissions in partner countries reliant on fossil fuel power generation. In area (1), many of Treasury's partners have embarked on aggressive programs to increase power production capacity through renewable sources such as solar

and wind. The intermittency of production through solar and wind present significant challenges to grid management and stability. Thus, significant investment in transmission and interconnection is typically required in order for renewable power production to achieve its desired benefits. In area (2), many of Treasury's partners are presently heavily reliant on fossil fuel in the power generation that supports their industrial growth. Many of our middle income Asian partner countries are over 80 percent reliant on fossil fuel. One of our initiatives proposes retrofitting and refurbishment of downstream power generation in those jurisdictions reliant on fossil fuel to achieve the two important goals of substantially reducing (a) carbon emissions as these countries transition to cleaner forms of power generation and (b) operation and maintenance costs.

If confirmed, I would leverage my role in other international fora (including outside of the energy and infrastructure context) to continue to promote policies that appropriately advance environmental protection.

Q.5. What are your priorities as Treasury representative for the Financial Stability Board's Standing Committee on Assessment of Vulnerabilities?

A.5. The Financial Stability Board's (FSB) Standing Committee on Assessment of Vulnerabilities (SCAV) is tasked by the FSB with monitoring and assessing vulnerabilities in the global financial system and proposing to the FSB Plenary actions needed to address these vulnerabilities. Treasury's Under Secretary for International Affairs is Treasury's designated member of the SCAV. The Under Secretary has from time to time, however, delegated responsibility for representing the Treasury Department at the SCAV to the Assistant Secretary for International Markets.

To the extent that I participate in the SCAV either in my current Acting capacity or, if confirmed, as the Assistant Secretary for International Markets, my priorities would lie in two areas. First, I would seek to support U.S. interests at the SCAV, particularly by preventing outcomes at the SCAV that would contravene U.S. interests. Second, I would leverage my 30-year history operating in the financial markets globally and the immense expertise of Treasury's career staff to provide market insights in order to further the SCAV's mission of vulnerability identification and development of policies to remedy vulnerabilities. Such areas of focus for vulnerability identification may include, but are not limited to, nonbank financial intermediation, LIBOR transition, data localization, and digital assets (including stablecoins).

Q.6. In your work prior to joining Treasury, did you provide any services or legal advice on projects related to China's Belt and Road Initiative? If so, please describe them.

A.6. Prior to joining Treasury, I regularly represented Chinese clients with respect to banking and corporate transactions, including in the energy and infrastructure sectors, but I did not provide any services or legal advice to projects that identified with China's Belt and Road Initiative. I believe that China's Belt and Road Initiative, which was announced in 2013, poses a clear threat to U.S. interests and those of our allies and partners around the world. As I discussed in my opening statement, I have 30 years of experience

working on large and complex cross-border investment, bank regulatory, and finance matters, focusing heavily on the energy and infrastructure sectors. Since joining Treasury, I have put my experience to work advancing U.S. interests including by offering allies and partners alternatives to projects of the type that are associated with China's Belt and Road Initiative, with a view toward providing healthy global growth solutions. If confirmed, I will continue to do so.

Q.7. How should the United States ensure foreign countries have alternatives to China for infrastructure projects? What resources should Congress provide to that end?

A.7. In order to ensure that foreign countries have alternatives to China for infrastructure projects, the U.S. Government should continue to pursue initiatives in the area of global infrastructure development and finance. These programs will support our partners in making necessary governmental reforms in order to create an enabling environment for infrastructure projects to be led and financed by the private sector. Working in tandem with institutions such as the U.S. International Development Finance Corporation and the World Bank, private sector investments in infrastructure are the key to providing a sustainable, market based alternative to China's unsustainable, nonmarket practices in the area of global infrastructure. These solutions leverage the comparative advantage that the U.S. has in its deep and liquid capital markets. The U.S. must also work on ensuring that global infrastructure projects are transparent and subject to governance best practices. To this end, the U.S. recently joined with our partners to develop the G20's Principles for Quality Infrastructure Investment, which have at their core a commitment to transparency and anticorruption in infrastructure development and finance.

The Administration is currently working with Congress to stand up the U.S. International Development Finance Corporation and authorize a capital increase for the World Bank. These initiatives, combined with existing bilateral and multilateral development efforts, including Treasury's efforts to unlock private capital, will provide significant resources through which the United States, our allies, and partners can offer alternatives to Chinese investment in infrastructure.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR REED
FROM MITCHELL A. SILK**

Q.1. I was a cosponsor of the Better Utilization of Investments Leading to Development (BUILD) Act, which became law last year. I believe that China represents a generational challenge that requires a whole of Government approach. This law and the new International Development Finance Corporation it created will be an important tool to counter China's growing influence, particularly as it relates to its Belt and Road Initiative, but also will be useful in our stabilization and countering violent extremism efforts.

If confirmed, do you commit to fully implement the BUILD Act and that you will work to ensure that efforts to stand up the new Development Finance Corporation are successful?

A.1. The BUILD Act is a critical component of modernizing the U.S.’ approach to development finance and advancing U.S. interests globally. I commit, if confirmed, to working to both implement the BUILD Act and ensure that efforts to stand up the new Development Finance Corporation are successful.

Q.2. Please explain the role that you believe that foreign and development assistance plays in American efforts to counter violent extremism and Chinese influence across the globe.

A.2. I believe that foreign assistance and development assistance can each play an important role in American efforts to counter violent extremism and Chinese influence across the globe. With respect to foreign assistance, this important area of work can help build foreign Government capacity to more effectively manage private sector-led economic growth, thereby serving as a contributing factor to counter violent extremism and Chinese influence. For example, Treasury’s Office of Technical Assistance provides technical expertise to foreign Governments on designing procurement processes, which help ensure that the private sector can compete in foreign countries, enhancing economic growth over the long-term.

In the case of development assistance, the U.S.’ development assistance efforts, and the new International Development Finance Corporation in particular, are critical to providing solutions in areas and projects where the private market may not be otherwise able to meet requirements, and the provision of U.S. development finance to these areas or projects is supportive of U.S. national interests.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR MENENDEZ FROM MITCHELL A. SILK**

Q.1. I am increasingly concerned that the United States is not well positioned to engage in economic statecraft for the twenty-first century, including promoting U.S. jobs, business and economic interests, engaging in development financing for infrastructure and other needs—including climate change-related resiliency—and setting standards for emergent technologies and the digital economy. As I work on a bill that would address these goals, I want to get your perspective on the current tools of our economic statecraft that you would have in your toolkit.

Can you expand upon how you view your role and your institution’s role, if you are confirmed, in helping to renew and replenish U.S. economic statecraft instruments?

A.1. The Treasury Department is focused on the conduct of economic statecraft as part of its core objective of supporting U.S. interests. Specifically, Treasury’s Strategic Plan provides for five strategic goals, each of which supports this core objective: (1) boost U.S. economic growth; (2) promote financial stability; (3) enhance national security; (4) transform Government-wide financial stewardship; and (5) achieve operational excellence.

If confirmed as Assistant Secretary for International Markets, I would focus on strategic goals (1)–(3), where the Assistant Secretary for International Markets has a leading role. This includes import work in the following areas:

- Advancing international financial stability through development of international financial regulatory policies, including through engagement with international bodies like the Financial Stability Board (FSB);
- Supporting the Administration's efforts to rebalance the U.S.' trading relationships and protect U.S. firms and workers against unfair foreign trade practices, especially with respect to financial services;
- Assisting allies globally with budget management, procurement processes, and other technical functions through our Office of Technical Assistance; and
- Promoting private capital solutions in energy and infrastructure finance to support responsible global growth.

Q.2. Where do you see the biggest challenges and opportunities?

A.2. The biggest challenge that the U.S. faces internationally is competition with nonmarket economies that threaten long-term global economic growth and seek to actively thwart U.S. interests abroad. With respect to opportunities, there are abundant opportunities globally to advance U.S. interests by promoting development of market-based solutions that support global and U.S. economic growth, which will enhance U.S. national security in the process. In particular, compelling opportunities are the rebalancing of the U.S.' trade relationships and the development of private capital solutions to global energy and infrastructure finance needs.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARREN
FROM MITCHELL A. SILK**

Q.1. What do you consider to be the greatest risks to international financial stability?

A.1. The Treasury Department is constantly monitoring risks to both domestic and international financial stability, and, if confirmed as Assistant Secretary for International Markets, I would support the Department's critical work in this area. Certain recent areas of focus include, but are not limited to, Brexit, Central Counterparty Clearing (CCP), wholesale funding market structure, cybersecurity, reference rate transition, and the financial market implications of long-term changes in the conduct of global monetary policy.

Q.2. How will you engage with the international financial regulatory bodies such as the Financial Stability Board to monitor and mitigate those risks?

A.2. If confirmed as Assistant Secretary for International Markets, to the extent that I am engaged with international financial regulatory bodies, including the Financial Stability Board (FSB), I would focus on working with those bodies to monitor and develop policies to mitigate risks to international financial stability. In particular, I would leverage the immense expertise of Treasury's career staff in engaging with these bodies. My professional background, including 30 years of experience in financial markets and history as a bank regulatory lawyer, would also inform my engagement.

Q.3. What structural reforms do you believe are needed to increase the access of American exporters to international markets?

A.3. At the most general level, the structural reforms that would increase American exporter access to international markets are those that would support and enable private capital solutions to support such exports. These reforms would vary from country to country, and include policy, legal, regulatory, financial market and institutional reforms. At a more specific level, the primary structural reforms needed to increase the access of American exporters to international markets involve the removal of barriers that foreign Governments have imposed that prevent American exporters from fair access to their markets. These barriers can include both tariff and nontariff barriers. The Administration is actively engaged in removing these barriers to U.S. exports, including, but not limited to, unfairly high tariffs on American exports, weak intellectual property protections, forced technology transfers, excess industrial capacity, and lack of enforceable dispute resolution mechanisms.

Q.4. You previously worked as a senior partner at the law firm Allen & Overy LLP.

Describe the types of clients you represented as well as some of the major cases that you worked on.

A.4. During my legal career, I specialized in large and complex cross-border finance, investment and asset management matters, as well as bank regulatory issues. With respect to cross-border finance matters, I represented some of the largest, most sophisticated global financiers (commercial banks, multilateral development banks, export credit agencies, and other financial institutions) on large and complex financings internationally. Many of these transactions financed large energy and infrastructure projects. In my cross-border investment work, I represented large corporations in cross-border direct investments completed through mergers, acquisitions, and joint ventures. Many, but not all, of these transactions were in the energy and infrastructure and financial services sectors. In the area of asset management, I mainly represented large asset managers in the structuring and formation of cross-border private investment funds, including regulatory structuring exercises across numerous jurisdictions. With respect to bank regulatory matters, I represented numerous foreign banks before the Federal and New York State banking regulators in connection with over 50 applications for licenses and charters to expand their banking operations in the United States. I also assisted U.S. and European financial institutions with financial regulatory matters relating to their expansion into the Chinese market.

Q.5. Did you represent any individual or entity that could materially impact from policies that you will help develop?

A.5. Any potential conflicts of interest have been identified and resolved in accordance with the terms and conditions of my ethics agreement with the Department of the Treasury, which is documented by letter to Treasury's Designated Agency Ethics Official and Assistant General Counsel for General Law, Ethics, and Regulation. Should any potential conflict of interest arise in the future, I will seek guidance from a career Treasury ethics official.

Q.6. Are you aware of any conflicts of interests associated with current issues in your portfolio at Treasury that could impact the clients and issues that you worked on as private attorney?

If so, please list them and describe how you intend to resolve them.

Should any such conflicts arise resulting from new matters that emerge within your portfolio, will you commit to recuse yourself from all deliberations associated with those matters?

A.6. Any potential conflicts of interest have been identified and resolved in accordance with the terms and conditions of my ethics agreement with the Department of the Treasury, which is documented by letter to Treasury's Designated Agency Ethics Official and Assistant General Counsel for General Law, Ethics and Regulation. Should any potential conflict of interest arise in the future, I will seek guidance from a career Treasury ethics official.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN FROM BRIAN D. MONTGOMERY

Q.1. In its Housing Finance Reform Plan HUD proposed to move Federal Housing Administration (FHA) insurance pricing from level pricing to tiered pricing "to diminish the drain of FHA's higher risk loans on the MMIF."

What borrower or loan characteristics would FHA use to set pricing tiers under this proposal?

How would tiered FHA pricing affect housing costs and access to credit for the lowest income borrowers and those who struggle to access home ownership? Please provide any models or data that FHA has produced to model the impact of this proposal on different subsets of borrowers.

How would tiered FHA pricing affect the size and characteristics (for example, average loan size, average credit score, average borrower income) of the entire FHA book of business?

Has FHA conducted an analysis of any disparate impacts on protected classes under the Fair Housing Act that a tiered pricing system might cause? If so, please share that analysis. If not, would FHA or any other office within HUD conduct such an analysis before moving forward with a tiered pricing proposal?

In its Housing Finance Reform Plan HUD proposed to make FHA an autonomous corporation to "provide FHA greater control over staffing and procurement, including technology."

Please describe how FHA and other Offices within HUD rely on Department-wide staffing and procurement resources.

If FHA currently relies, in whole or in part, on human capital and procurement through a Department-wide office or function, why are those Department-wide offices insufficient for FHA?

Do those Offices currently meet all of the staffing and procurement needs of HUD's other offices?

If so, why are the staffing and procurement needs of FHA not able to be served by these Department-wide functions? If not, should staffing and procurement functions be improved for the Department as a whole, rather than just for FHA?

As a corporation with additional control over staffing and procurement, would FHA need additional staff and other resources be-

yond what is required or projected under the current structure to support staffing and procurement functions?

FHA is currently subject to appropriations, and receipts from FHA help fund other critical programs within HUD.

Under the corporation structure that you have proposed, would FHA still be subject to the appropriations process exactly as it is today?

If FHA is still subject to the appropriations process exactly as it is today, would FHA request additional appropriations to fund staffing and procurement needs under a corporation structure?

If FHA's appropriations status is altered to reduce or eliminate any offsetting receipts that can be used by Congress to fund other functions of the Department, would HUD and the Trump administration request and advocate for sufficient funding to maintain all HUD services at current or higher funding levels, including appropriately adjusted rental subsidies, throughout the rest of the Department?

If FHA is still subject to the appropriations process exactly as it is today, what are the benefits of moving FHA to a corporation structure?

Mr. Montgomery, in HUD's Housing Finance Reform Plan said that FHA should provide a path for borrowers to "graduate to non-government-supported mortgages" and raised questions about whether borrowers getting a second FHA loan was consistent with FHA's mission.

As you know, FHA is not just a first-time home buyer program.

Why would HUD limit creditworthy borrowers' participation in the FHA program?

A working paper published by the Federal Housing Finance Agency showed no meaningful difference in loan performance between first-time and repeat home buyers once other characteristics were controlled for.¹ Does FHA have reason to believe that the performance of first-time home buyers relative to the performance of repeat home buyers within its portfolio is meaningfully worse? If so, please share that analysis. If not, please explain why HUD believes it may be appropriate to limit FHA mortgages to first-time home buyers, rather than offering repeat borrowers the option to choose the mortgage product that is best for their financial circumstances.

A.1. Thank you for your Questions regarding HUD's plan to reform the Nation's housing finance system. The Housing Finance Reform Plan, which I'm pleased to have played a leading role in developing, is a comprehensive compilation of administrative and legislative proposals. As you note in your questions, the administrative reforms include recommendations that FHA develop and implement a tiered pricing system in order to protect the Mutual Mortgage Insurance Fund and ensure it is pricing appropriately for higher-risk loans, and that FHA should examine the impact of repeat borrowers on the MMIF and ensure these loans are consistent with its mission, in particular borrowers using downpayment assistance with higher default rates. With respect to legislative pro-

¹ https://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/FHFA_Working_Paper_15-2.pdf

posals, the plan recommended that Congress enact legislation to restructure FHA as an autonomous Government corporation within HUD to help promote administrative flexibility and to better ensure FHA has a consistent level of funding for technology year-to-year. We appreciate the interest you are taking in these specific recommendations.

As the Department develops proposals to implement these recommendations, we would be pleased to brief you and your staff and respond to any concerns you may have. Furthermore, as Secretaries Carson and Mnuchin also stated during their testimony before the Committee, the Administration is committed to working with the Senate Banking Committee on comprehensive, bipartisan housing reform legislation.

Q.2. HUD's Housing Finance Reform Report repeatedly mentions returning FHA to its core mission. How do you define FHA's core mission?

A.2. FHA serves the American taxpayers through the core functions of providing countercyclical liquidity in the housing market in the event of an economic downturn and fostering increased home ownership and affordable rental opportunities for qualified low- to moderate-income individuals.

Q.3. In FHA's FY2019 Annual Report to Congress Regarding the Status of the FHA Mutual Mortgage Insurance Fund, you noted that third party sales of FHA loans now make up about two-thirds of all FHA loan dispositions. This is far greater than REO dispositions, which made up just over one quarter of all FHA loan dispositions.

The shift away from REO to third party sales has been sizable. As recently as 2013, REO still made up the vast majority of FHA dispositions. But it is not clear what impact third party sales have on the local markets or the availability of starter homes. Unlike REO properties, properties disposed through a third party sale are not available for HUD revitalization initiatives, like the Revitalization Area Sales Program and Good Neighbor Next Door Program. They are also not available for bulk sale to local governments and nonprofits who can make these properties available at a reasonable cost to lower-wealth home buyers, consistent with HUD's mission.

Does FHA collect data on the purchaser of and the ultimate outcome for all FHA loans that are disposed of through third party sales?

If so, what proportion of properties sold through the third-party sales process go directly or indirectly to a resident for home ownership or a nonprofit intending to prepare the property for home ownership, and what proportion are sold directly or indirectly to institutional investors, single-family rental companies, or other non-resident owners?

If not, why does FHA not collect this data? Does FHA intend to begin collecting this data?

How has the transition from a predominantly REO, conveyance-based asset disposition process to a predominantly third party sales, claim without conveyance of title-based asset disposition process impacted FHA Revitalization Areas and initiatives like the Good Neighbor Next Door program?

Do you believe that FHA asset disposition strategies are a component of HUD's overall mission?

A.3. FHA does not currently have the capability to collect information on the purchaser and ultimate outcome of properties disposed through third party sales. It is important to note that foreclosed properties are insured by HUD, but not owned by HUD, at the time of a third-party sale. Also, the foreclosure sale process is open to the public to purchase foreclosed properties, including but not limited to private individuals, nonprofits, and local investors.

HUD believes that increasing the number of properties sold at third party sale has benefited communities and taxpayers. The benefit of selling properties through a third-party sale is that it allows the property to be sold more quickly, thus reducing neighborhood blight and potential vandalism that can occur with foreclosed properties. The other major benefit of third-party sales is that it has resulted in a significant reduction in losses to the MMI fund. In FY2019, the average loss severity rate on all disposed properties declined to a 13-year low of 40.73 percent. One of the key reasons for the reduction in loss severity is the increase in properties sold as third-party sales.

HUD believes that effective property disposition strategies are a key component to ensuring a sustainable FHA program for low- and moderate-income homeowners.

Q.4. HUD recently promoted Eric Blankenstein to be Executive Vice President of the Government National Mortgage Association (Ginnie Mae). In May 2019, Mr. Blankenstein resigned from the Consumer Financial Protection Bureau (CFPB) shortly after the Federal Reserve Inspector General issued a report stating that Mr. Blankenstein may have abused his authority, may have misused his position for private gain, and had created an appearance of a violation of the Standards of Ethical Conduct for Employees of the Executive Branch. As I stated in a letter sent to Secretary Carson in July 2019, it is my understanding that HUD officials requested the Inspector General's report in June 2019.

Were you involved in or aware of the decision to hire Eric Blankenstein as a Senior Counsel at HUD, a position he started on June 24, 2019?

If you were involved in the decision to hire Mr. Blankenstein, did you recommend that HUD hire Mr. Blankenstein?

If you were involved in or aware of the decision to hire Mr. Blankenstein, did you review the Inspector General report on Mr. Blankenstein's conduct at CFPB prior to the decision to hire Mr. Blankenstein? If you did not review the report, why not?

Were you involved in or aware of the decision to promote Mr. Blankenstein to the position of Executive Vice President at Ginnie Mae?

If you were involved in the decision to promote Mr. Blankenstein, did you recommend that HUD promote Mr. Blankenstein?

If you were involved in or aware of the decision to promote Mr. Blankenstein, did you review the Inspector General report on Mr. Blankenstein's conduct at CFPB prior to the decision to promote Mr. Blankenstein? If you did not review the report, why not?

Did you ever have any conversations with White House staff regarding the decision to hire or promote Mr. Blankenstein?

Do you believe it is appropriate to promote an employee who has been the subject of Inspector General findings, including findings related to possible abuse of authority, possible misuse of their position for private gain, and the appearance of a violation of the Standards of Ethical Conduct for Employees of the Executive Branch, within the same year as those findings were made?

A.4. HUD does not comment on personnel matters.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR MORAN
FROM BRIAN D. MONTGOMERY**

Q.1. Agencies under the jurisdiction of this Committee have worked recently to transfer financial risk from taxpayers into the private reinsurance market. Specifically, the Ex-Im Bank and the National Flood Insurance Program (NFIP) have entered into reinsurance arrangements to reduce exposure in case of a spike in defaults or another catastrophic weather event, respectively. In fact, NFIP was able to recover over \$1 billion for the taxpayer after Hurricane Harvey hit Houston in 2017.

In the housing finance market, Fannie Mae and Freddie Mac have established risk transfer programs using the private market to transfer some of the GSE's risk on a majority of loan acquisitions. Would this type of arrangement also help protect taxpayers who are backing FHA in the event of another significant housing downturn? Will you commit to looking into this issue during your tenure as Deputy Secretary and update me on your efforts?

A.1. To better protect American taxpayers, it is appropriate to develop and implement a risk management framework that will better allow FHA to measure and monitor current, emerging and future mortgage credit risk. An economically viable Credit Risk Transfer (CRT) program would introduce private sector investment and reduce the risk to the overall FHA portfolio and taxpayers. It is important for FHA to continue to evaluate the options, feasibility, and economics of a CRT program with the purpose of exploring options to reduce the overall risk to the taxpayer and still serve our mission borrowers. I look forward to the opportunity to keep you updated on these efforts which are ongoing.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR REED
FROM BRIAN D. MONTGOMERY**

Q.1. This year, President Trump proposed cutting \$12 billion in affordable housing and economic development programs. This included requesting no money at all for HOME and the Community Development Block Grant Program.

Do you support these proposed cuts?

If not, what will you do to advocate for HOME and the Community Development Block Grant before the President submits his budget request for Fiscal Year 2021?

A.1. The budget process is an iterative one between Congress and the Administration. Both the House and the Senate have included

funding for CDBG and HOME in their respective THUD appropriations bills. I can commit to you that whatever resources Congress sees fit to provide to HUD, we will utilize those resources wisely and efficiently.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR MENENDEZ FROM BRIAN D. MONTGOMERY**

Q.1. Over the last few years, HUD has relocated key multifamily housing staff from its office in Newark to the New York regional office. As a former mayor, I understand that this presents a significant challenge for landlords, property managers, and residents. It's critical that we have HUD boots on the ground that are familiar with the local conditions and issues facing residents throughout the State. Mr. Montgomery, if confirmed, what are you going to do to make sure the Newark office has the staff it needs and that New Jersey remains a priority at HUD?

A.1. I appreciate you bringing this important issue to my attention during our meeting. I want to commit to you that I will have my senior FHA staff conduct a thorough quality control review of the Northeast Region Multifamily Office to determine whether or not the required level of responsiveness is being provided during all aspects of the multifamily loan life cycle, from predevelopment through closing. The review will also provide response rates to New Jersey-based asset oversight inquiries on FHA-insured and HUD-subsidized portfolios, Project-Based Section 8, Section 202 and Section 811. If we find anomalies in acceptable service, I will personally meet with my leadership team—including our Northeast Region Multifamily Director and production, underwriting, asset management, appraisal and construction analysis staff—to determine the source of the disruption in service and possible next steps to remedy the situation.

I will also commit to implement any changes necessary to improve service delivery to the New Jersey market. We have 187 highly capable FHA colleagues in the Northeast Region dedicated to working with our New Jersey lender and developer/owner partners, and most importantly our residents. If you or your staff are aware of specific instances in which New Jersey is receiving inadequate multifamily coverage from HUD, I urge you to bring them to my attention.

Q.2. Congress recently appropriated funding for FHA to upgrade the agency's infrastructure and operating systems. Mr. Montgomery, can you please provide details on the type of improvements FHA is planning, the timeline for implementing the upgrades, and the benefits taxpayers, lenders, and borrowers can expect from these upgrades?

A.2. FHA is undertaking a comprehensive, multiyear modernization effort to bring its Information Technology (IT) infrastructure into the 21st century. We are actively developing a new, single platform that aligns with mortgage industry standards and digitizes the overall mortgage process. Initially focusing on the Single Family forward mortgage program, this modernization effort will create a new data-rich environment, opening the doors to ad-

vanced risk analytics, cost-saving and operational efficiencies, and, ultimately, ensuring borrowers are receiving financing that is appropriate, sustainable, and optimized for long-term home ownership. FHA is actively engaged with the mortgage industry and consumer groups to coordinate implementation timelines and to ensure the new platform meets the needs of all internal and external stakeholders.

Together, FHA and the Office of the Chief Information Officer are working diligently to bring this modernization effort to reality and have identified key milestones in the FHA Single Family IT Modernization Expenditure Plan.

In addition, please see the video below on FHA's modernization project: <https://www.linkedin.com/posts/fed-housing-admin-today-hud-cio-david-chow-unveiled-a-new-activity-6594680537078648833-L47r>.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARREN
FROM BRIAN D. MONTGOMERY**

Q.1. At your nomination hearing you stated it is “important to preserve and hold on and renovate the aged housing stock.” HUD’s requested budget for fiscal year 2020 includes no funding for the Public Housing Capital Fund. There is currently an estimated \$70 billion backlog in critical repairs and maintenance for existing public housing. This backlog results in approximately 10,000 public housing units being lost every year, and subjects tens of thousands of residents to living in unsafe and unhealthy conditions.

Why did HUD decide to request no funding for the Public Housing Capital Fund?

What role did you have in determining requested funding levels for the Public Housing Capital Fund?

How does the elimination of funding for the Public Housing Capital Fund comport with your stated commitment to preserving aging public housing?

A.1. A program HUD is continuing to utilize to address the sustainability of its public housing portfolio is the Rental Assistance Demonstration (RAD). Thus far, 126,025 public housing units have been converted under RAD and almost 10,000 units have been replaced by new construction. This amount of construction has created an estimated 160,000 jobs. The kind of Federal investments necessary to bring all public housing up to standards and keep it there is overwhelming and unlikely to materialize through the current program structure and appropriations. An investment in RAD is a far better long-term strategy.

Q.2. The U.S. Department of Treasury Housing Reform Plan recommends getting rid of the affordable housing goals, and, as an alternative, suggests, “collect[ing] a periodic assessment from guarantors that Congress would make available through an appropriation to administer on-budget affordable housing.” The Trump administration budget request for fiscal year 2020 asks Congress to zero out or deeply cut existing appropriated programs that provide access to home ownership to low- and moderate-income Americans including the HOME Investment Partnerships Program, the Self-

Help Homeownership Opportunity Program, the Housing Trust Fund, and Native American Housing Block Grants.

What role did you have in developing this recommendation?

Do you agree with this recommendation?

A.2. This question is best directed to the Department of the Treasury.

Q.3. What was your involvement in putting together the 2019 Department of Housing and Urban Development's Housing Finance Reform Plan? Did you review the plan before it was finalized?

A.3. While my understanding is that there were initial discussions on housing finance reform before I rejoined the Department on June 5, 2018, I was involved in all phases of the drafting of HUD's Housing Finance Reform Plan beginning in summer 2018.

Q.4. You served as Acting Deputy Secretary when HUD issued its proposed Disparate Impact rule.

What was the clearance process for this rule? Please provide a list of the titles of all career HUD employees and names and titles of all appointed HUD employees involved and their role in developing and approving this rule.

Were you part of the clearance process? Please provide all emails from January 1, 2019, to August 31, 2019, in which you send, receive, or are copied on discussion of the disparate impact rule.

Who at HUD was primarily responsible for drafting the disparate impact rule?

Did you provide performance reviews to any of individuals referenced in question 4(a)? Did your performance reviews include discussion of their work on the disparate impact rule?

At your nomination hearing, when asked about your role in the disparate impact rule, you stated: "going forward I'd be more involved in that process." What would your increased involvement with the disparate impact rule constitute, if you are confirmed?

Are there any aspects of the disparate impact proposal that you disagree with or would like to be strengthened?

A.4. HUD does not comment on its internal deliberative process or personnel matters.

The comment period for this proposed rule closed on October 18, 2019, during which time HUD received a total of 45,757 comments. I believe HUD should seriously consider these comments to make sure the disparate impact regulation is as effective as possible. This will help plaintiffs bring better supported claims and help defendants resolve unsupported claims of discriminatory effect quicker.

Q.5. On May 15, 2018, in response to a question from my office about your commitment to the HUD/Federal Financing Bank (FFB) Risk-Sharing Program, you wrote that you had a "commitment to ensuring that this program remains active and successful" and, if confirmed to lead the Federal Housing Administration, you would "advocate for the continuation of this program and sufficient loan commitment authority." You were confirmed—and less than a year into your tenure, HUD stopped accepting new applications for this program. The FY2020 HUD budget request includes no funding for the program.

What was your involvement in HUD's decision not to extend the HUD/FFB Risk-Sharing Program? Please provide all emails from May 23, 2018, to December 31, 2018, involving you or your staff regarding whether to extend the HUD/FFB Risk-Sharing Program.

A.5. Prior to my confirmation as FHA Commissioner, I made a commitment to you to advocate for continuing the Federal Financing Bank Risk-Sharing Program, which was scheduled to be terminated at the end of fiscal year 2018. I agreed with you that this program had merit and deserved to be extended. Ultimately, however, this was not a HUD program and therefore not a HUD decision. Despite my best efforts, the program was terminated, but not before we were able to provide for a temporary extension that allowed it to accept additional applications and utilize additional commitment authority until the end of the calendar year.

Q.6. You stated that, if confirmed, you are likely to continue running the FHA until a replacement is named. How will HUD ensure that your dual duty will not impact the administration of the FHA, especially given HUD's ongoing vacancy issues? How will FHA leadership duties adjust if you are confirmed, and before a replacement is named?

A.6. I am supported by an excellent staff, both in the Office of the Deputy Secretary and in the Office of Housing. I have been filling both of these roles without issue since January 2019.

Q.7. At your nomination hearing, in response to a question about HUD Secretary Ben Carson raising the rents in federally assisted housing, you stated: "no mass evictions will occur as long as I am FHA commissioner, Assistant Secretary for Housing."

FHA Commissioner is your current position. Are you planning to implement policies that would lead to mass evictions if confirmed as Deputy Secretary?

In your time serving as FHA Commissioner and Acting Deputy Secretary, have you evaluated whether raising rents in federally assisted housing would put individuals at risk of eviction? If so, please provide any additional documents produced by your office or staff; any emails involving you or your staff on this question; and a list of evidence you have considered.

If you have not evaluated this, will you commit to evaluating the potential impact of rent raises on affordability and potential evictions before issuing any proposals or taking action to raise rents in federally assisted housing?

A.7. No mass evictions will occur if I am confirmed as Deputy Secretary either.

Q.8. In response to being asked about whether there is an affordable housing crisis, you stated: "more so in some areas versus others and there's a whole lot of reasons for that."

Do you believe there is a national affordable housing crisis?

What geographic areas do you believe are and are not experiencing an affordable housing crisis, and what evidence are you using to draw that conclusion?

What "reasons" are you referencing in suggesting that some areas are not experiencing an affordable housing crisis?

A.8. I think any objective policymaker would acknowledge that we don't have a single housing market in this country and therefore access to affordable housing differs from one jurisdiction to another. There are many reasons for that including the fact that some cities and States place fewer regulatory burdens for the development of affordable housing than others.

To address access to affordable housing, Secretary Carson is honored to serve as the Chair of the White House Council on Eliminating Regulatory Barriers to Affordable Housing. The Council is engaging with Governments at all levels and other private-sector stakeholders to identify and remove obstacles that raise the costs of affordable housing development and contribute to shortages in America's housing supply.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR CORTEZ MASTO FROM BRIAN D. MONTGOMERY**

Q.1. Please explain how HUD will mitigate the affordable housing crisis?

A.1. See response to Question 2.

Q.2. Where do you think we have an affordable housing crisis? Who is affected by the crisis?

A.2. In addition to HUD's existing programs that provide affordable housing—such as the Federal Housing Administration, public housing, Housing Choice Vouchers, and housing for the elderly and disabled—Secretary Carson is honored to serve as the Chair of the White House Council on Eliminating Regulatory Barriers to Affordable Housing. The Council is engaging with Governments at all levels and other private-sector stakeholders to identify and remove obstacles that raise the costs of affordable housing development and contribute to shortages in America's housing supply.

Q.3. Will you ensure that the 2021 HUD budget request is adequate to ensure all individuals and families currently receiving assistance can continue to do so?

A.3. Yes. In each of the prior three fiscal years, the Administration's Budget proposal has requested a funding level for HUD that would allow the 9.5 million individuals and 4.6 million families currently receiving HUD rental assistance to continue to do so.

Q.4. Will you ensure that the 2021 HUD budget request will help address the waitlist backlog and ensure that hundreds of thousands of eligible families can receive housing assistance?

A.4. Each year, HUD continues to spend more and more money to house the same number of individuals and families. If confirmed, I look forward to working with you and your staff on ways to address these issues by identifying and removing obstacles that impede access to, and production of, affordable homes nationwide.

Q.5. What changes are you considering, if any, to the Housing Trust Fund?

A.5. Only Congress can make changes to the Housing Trust Fund.

Q.6. How will HUD help low-income families with children who cannot find an affordable home in a safe community with good schools?

A.6. HUD has a number of rental assistance programs—like Public Housing, Housing Choice Vouchers, Project-Based Rental Assistance, and Tenant-Based Rental Assistance—as well as home ownership programs supported by the Federal Housing Administration to help low-income families with children who cannot find an affordable home in a safe community with good schools.

Q.7. What protections for manufactured housing home buyers will you ensure remain in any changed housing finance policy?

A.7. See response to Question 8.

Q.8. What has FHA done to improve financing options for manufactured housing buyers?

A.8. As part of its Housing Finance Reform plan, HUD is considering innovative proposals to modify single-family mortgage finance underwriting to further encourage additional supply of entry-level housing, including manufactured housing.

To better support the manufactured housing industry, HUD has proposed elevating the Office of Manufactured and Innovative Housing Programs within HUD under the leadership of a Deputy Assistant Secretary.

Q.9. In your current position, and if confirmed to Deputy Secretary, what policies will you implement to increase sustainable home ownership for African Americans and Latinos?

A.9. Under my leadership, HUD programs will continue to serve all qualified homeowners. For FY2019, 36.24 percent of FHA purchase originations served minority borrowers. Moreover, while FHA makes up 19.8 percent of the overall mortgage market, 40.6 percent of all African American home buyers and 37.6 percent of all Hispanic home buyers who purchased a home during CY2018 did so using an FHA-insured mortgage.

Q.10. The Administration’s housing finance proposal restricts FHA financing to primarily first-time home buyers. The Administration recommends that “Congress should establish FHA, VA, and USDA as the sole source of low downpayment financing for borrowers not served by the conventional mortgage market.”

Do you believe that Fannie Mae and Freddie Mac should not provide support for responsible, sustainable low downpayment mortgages originated by private sector lenders in the primary market?

How would such a restriction affect the Latino and African American families who rely on FHA to buy a home?

A.10. This question will be addressed by HUD in its responses to your questions for the record from Secretary Carson’s hearing before the Senate Banking Committee on September 10, 2019.

Q.11. The Administration recommends legislative action to create a multiguarantor model to replace Fannie Mae and Freddie Mac without the housing goals or duty-to-serve requirements—such as affordable housing preservation, rural housing and manufactured housing—in the current charters.

What will HUD do to fill the gap if these housing goals and duty-to-serve requirements are eliminated?

A.11. A central principle of the Administration's Housing Finance Reform plan is that Federal mortgage credit policies should be better coordinated in order to permit credit qualified borrowers to access responsible and affordable borrowing options. FHFA and FHA are coordinating to ensure the GSEs and FHA serve defined roles within the marketplace with a clear understanding of overlaps and gaps.

Q.12. The Administration suggests legislative action to authorize Ginnie Mae to provide the full faith and credit guarantee for Fannie, Freddie and possibly other credit enhancing guarantors.

Can you please elaborate on what steps, roughly how much funding would be necessary, and a timeline on which you think Ginnie Mae could be made operational for this task?

A.12. This question will be addressed by HUD in its responses to your questions for the record from Secretary Carson's hearing before the Senate Banking Committee on September 10, 2019.

Q.13. What was your involvement with the proposed changes to HUD's fair housing processes, including the recent disparate impact rulemaking?

What do you say to fair housing advocates that feel the five-part test will make it near impossible to bring fair housing claims?

What do you say to fair housing lawyers who say that the Supreme Court decision in *Inclusive Communities* required no changes?

A.13. I would encourage fair housing advocates and other stakeholders to read the Supreme Court's decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* (2015). This case discussed the standards for, and constitutional and necessary limitations on, disparate impact claims.

The aim of HUD's proposed rule is not to abolish disparate impact liability but to make it work better, help plaintiffs to bring claims which are better supported, and help defendants to resolve unsupported claims of discriminatory effect quicker. This will lead to prompt resolution of disparate impact claims for all parties, in accordance with *Inclusive Communities*.

Q.14. Why has HUD closed the Reno, NV Regional HUD Office?

What services and activities did the HUD field office provide?

Where will those services be provided now?

How many HUD staff worked in this office at the start of 2016?

When did staff begin to get reassigned?

Where were they reassigned to?

What notice did HUD provide to legislators, grantees and other stakeholders about the closure of the Reno HUD field office?

A.14. HUD's Las Vegas field office is effectively and efficiently providing coverage for the State of Nevada in the same manner in which the Phoenix field office covers the entire State of Arizona, the Albuquerque field office covers the entire State of New Mexico, the Salt Lake City field office covers the entire State of the Utah, and the Portland field office covers the entire State of Oregon.

The Reno field office had three employees at the start of 2018. By March 2019, the Reno field office director had accepted a position as the director of HUD's field office in Portland, Oregon and a second employee retired. The last remaining employee, a front desk receptionist, was without a supervisor and was reassigned to the Los Angeles field office in October. The Reno office is currently vacant and all workload for Reno and Northern Nevada is being managed by our Las Vegas field office.

HUD's Office of Field Policy and Management followed the procedures of the Federal Property Management Reform Act of 2016 (40 U.S.C. 524), which requires executive departments and agencies to assess leased space to identify space that is not fully used or occupied, establish goals and policies that will lead the agency to reduce excess property and underutilized property, and to transfer and dispose of excess property as promptly as possible. Closing the Reno field office eliminates the cost of office space and administrative costs of \$101,000 per year.

Our Las Vegas staff has met with the Reno Housing Authority, Washoe Affordable Housing Corporation, the Reno Police Department, and the Reno Area Alliance for the Homeless to discuss providing coverage for our HUD customers and grantees.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR JONES
FROM BRIAN D. MONTGOMERY**

Q.1. As you know, HUD Secretary Ben Carson announced a proposed rule to rollback disparate impact discrimination lawsuits. In your testimony you mentioned that the Supreme Court wanted "safe guards" to the disparate impact rule. Can you point to the specific changes the Supreme Court asked for that are in the ANPR? What changes, if any, would you make to the ANPR as you become more involved in the process?

A.1. The Supreme Court in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* (2015), discussed the standards for, and constitutional and necessary limitations on, disparate impact claims. For example, the Supreme Court noted that "disparate impact liability must be limited . . . [to help] sustain a vibrant and dynamic free-enterprise system."

The comment period for this proposed rule closed on October 18th, during which time HUD received a total of 45,757 comments. I believe HUD should consider these comments seriously to make sure the disparate impact regulation is as effective as possible. This will help plaintiffs bring better supported claims and help defendants resolve unsupported claims of discriminatory effect quicker.

Q.2. Community Development Block Grant (CDBG) is a 40-year-old program that allocates billions of dollars in grants to State and local governments for housing rehabilitation and economic development. For the 3rd year in a row, HUD recommended to the Senate Appropriations Committee to completely eliminate CDBG funding. Were you involved in those conversations? What is the reasoning for completely eliminating CDBG?

A.2. The budget process is an iterative one between Congress and the Administration. Both the House and the Senate have included over \$3 billion for CDBG funding in their respective THUD appropriations bills. I can commit to you that whatever resources Congress sees fit to provide to HUD, we will utilize those resources wisely and efficiently.

Q.3. Earlier this year the Senate Appropriations Committee included report language in HUD's FY2021 appropriations bill that ". . . encourages HUD to require that mortgagees obtain and provide to HUD the tax identification number of a governmental entity when a governmental entity provides downpayment assistance in the form of a gift or a second mortgage." If this language is included in the final FY2021 HUD appropriations legislation, will you commit to not moving forward on any administrative changes related to downpayment assistance provided by governmental entities until HUD is able to collect and analyze a statistically significant amount of data on the performance of FHA loans with downpayment assistance from a governmental entity?

A.3. As you may know, this is my second tenure serving as Federal Housing Commissioner. Previously, when I served during the Bush and Obama administrations, I was frustrated by FHA's inability to prohibit a form of downpayment assistance (DPA), commonly referred to as seller-funded, that ultimately led to approximately \$16.5 billion in losses to the Mutual Mortgage Insurance Fund, according to FHA's independent actuarial auditor. Our goal through our current rulemaking on DPA is to give clarity on the Housing and Economic Recovery Act (HERA) statutory prohibition on providers financially benefiting from the assistance they provide. We also need to ensure that providers are offering assistance that is in the best interest of borrowers and FHA. As we move through the rulemaking process, there will be an opportunity for public comment.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SINEMA
FROM BRIAN D. MONTGOMERY**

Q.1. Modernizing the Federal Housing Administration's (FHA) outdated IT systems is critical to improving lender relationships and better servicing borrowers. Congress has appropriated funding specifically for the Cybersecurity and Information Technology Fund in the past. Can you describe some of the improvements being made? As Deputy Secretary of HUD, how would you direct any additional funding granted in an FY2020 appropriations bill towards modernization?

A.1. Congressional appropriations have jump started our plan to modernize FHA's outdated technology. The systems that operate FHA's loan insurance programs are, on average, 18 years old, with some over 40 years old. Replacing outdated systems and improving associated business processes will ensure that FHA continues to perform its vital role in the mortgage market, with greater ability to manage its risk at a lower cost and increased efficiency. Some of the improvements include enhancing the cybersecurity measures to protect data, capturing and effectively analyzing extensive vol-

umes of data, implementing storage and processing capabilities to handle the transition from paper to a digital environment, and managing insured loans comprehensively across all phases of the mortgage insurance life cycle. In addition, the modernization effort would result in cost savings for taxpayers and lenders, operational efficiencies, and improved end user experience.

The direction of additional funding would continue the modernization of the Single Family forward mortgage program. Together, FHA and the Office of the Chief Information Officer are working diligently to bring this modernization effort to reality and have identified key milestones in the FHA Single Family IT Modernization Expenditure Plan. Please see the video below on FHA's modernization project: <https://www.linkedin.com/posts/fed-housing-admin-today-hud-cio-david-chow-unveiled-a-new-activity-6594680537078648833-L47r>.

In addition, the functional components under development can be leveraged for FHA's other lines of business. Loan origination, endorsement, servicing, and claims are uniform processes for each FHA single family home, multifamily property, and healthcare facility. Once components are completed, FHA would be able to leverage the Single Family Forward baseline functionality to jump start modernization efforts for Multifamily, Healthcare, HECM, and Housing Counseling programs in future phases.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR REED FROM DAVID C. WOLL, JR.

Q.1. This year, President Trump proposed cutting \$12 billion in affordable housing and economic development programs. This included requesting no money at all for HOME and the Community Development Block Grant Program.

Do you support these proposed cuts?

If not, what will you do to advocate for HOME and the Community Development Block Grant before the President submits his budget request for Fiscal Year 2021?

A.1. The budget process is an iterative one between Congress and the Administration. Both the House and the Senate have included funding for CDBG and HOME in their respective THUD appropriations bills. I can commit to you that whatever resources Congress sees fit to provide to HUD, we will utilize those resources wisely and efficiently.

Q.2. Nearly 2 years ago, Congress provided HUD with roughly \$16 billion in Community Development Block Grants for Disaster Recovery (CDBG-DR) in order to help areas that were devastated by disasters between 2015 and 2017 to rebuild and mitigate against future disasters. For more than a year, HUD stalled in issuing the *Federal Register* notices that the affected areas need in order to begin planning for the use of their CDBG-DR funds. As result, Congress included a provision in Public Law 116-20 that required HUD to issue the notices by September 4, 2019.

HUD complied with this requirement for every community—except one—Puerto Rico. We are nearly 80 days past the statutory deadline. As ranking member of the Transportation-HUD Appropriations Subcommittee, my staff and I have submitted numerous

inquiries to the Department to get the legal justification for withholding the Notice for Puerto Rico. HUD has not provided an answer.

In your role as Principal Deputy Assistant Secretary, you have been responsible for the oversight of HUD's disaster recovery program, including the issuance of Puerto Rico's mitigation Notice, since November of 2018.

What is the legal justification for HUD withholding the notice for Puerto Rico, as required by PL 116-20?

A.2. HUD is legally required to assess the risk of each of its grantees and to formulate measures to mitigate that risk. OIRA has also advised HUD that the mitigation notice and DR grant agreements are subject to review by it under Executive Order 12866 as significant regulatory actions.

Q.3. When will HUD to publish the notice for Puerto Rico and to finalize the grant agreement for the base CDBG-DR allocation?

A.3. HUD is working with its Federal partners to finalize the grant conditions that will govern the Commonwealth's second allocation of CDBG-DR funds. Once those conditions are in place, HUD will be positioned to move forward with Puerto Rico's mitigation funding.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARREN
FROM DAVID C. WOLL, JR.**

Q.1. At the nomination hearing you said one of your priorities was to "strengthen the stewardship of the Disaster Recovery program."

Budgets reflect institutional values, and the HUD FY2020 budget request includes no funding for Community Development Block Grant Disaster Assistance. What commitment is there among HUD leadership to strengthen the CDBG-DR program? If confirmed as Assistant Secretary of the Office of Community Planning and Development, what are your specific plans to strengthen this program?

A.1. Standardizing CDBG-DR requirements across the various CDBG-DR appropriations is one key component of moving CDBG-DR funds more rapidly to our grantees. Closer, ongoing coordination with the Federal Emergency Management Agency and the Small Business Administration, both before and after a disaster is also a priority. We will also continue to strengthen our oversight and accountability efforts with grantees, including implementing many of the recommendations from recent GAO reports.

Q.2. You stated you are "in the process of doubling the size of the disaster recovery division, and out-stationing staff closer to [HUD] grantees." Please provide additional information about how HUD is expanding this division, including information about any new staffing roles and division areas.

A.2. In FY2018, the Disaster Recovery and Special Issues Division was comprised of 22 staff. Over the course of FY2019 and 2020 we have added an additional 25 staff, more than doubling the division's staffing capacity. HUD has also out-stationed an increasing portion of the staff from HUD headquarters to our field offices, building regional grants management teams in New York, Atlanta,

Forth Worth, and San Francisco, to give our grantees better and more efficient access to HUD resources and expertise.

Q.3. At the nomination hearing you stated: “we are not going to permit discrimination against transgender individuals” and “we intend to completely enforce the 2012 restriction against any discrimination against anybody based on sexual orientation or gender identity.”

Do you intend to completely enforce the 2016 Equal Access Rule?

What role did you have in developing the 2019 proposed rule (RIN 2506-AC53) which would allow for legalized discrimination based on gender identity at HUD-funded shelters?

What was the clearance process for this proposed rule? Please provide a list of the titles of all career HUD employees and names and titles of all appointed HUD employees involved and their role in developing and approving this proposed rule.

Were you part of the clearance process? Please provide all emails from November 1, 2018, to May 22, 2019, in which you send, receive, or are copied on discussion of the proposed rule.

Who at HUD was primarily responsible for drafting the proposed rule?

Did you provide performance reviews to any of individuals referenced in question 2(a)? Did your performance reviews include discussion of their work on the proposed rule?

Are there any aspects of the proposed rule that you disagree with or would like to be strengthened?

Do you agree that the 2019 proposed rule would allow for discrimination based on gender identity at HUD-funded shelters?

If you are not going to permit discrimination against transgender individuals, will you commit to not proceeding with the rulemaking process on RIN 2506-AC53?

A.3. HUD does not have a proposed rule that would “allow for legalized discrimination.” HUD has a draft rule that is currently under review by the Office of Management and Budget. It has not been proposed and therefore has not been sent to Congress for review. While I am limited in what I can say about a rule that is still under review, I can unequivocally assure you it would not permit discrimination in any manner. The other portions of your questions seek information about HUD’s deliberative process or personnel matters.

Q.4. In May 2019, Secretary Carson told a Congressional committee he was “not currently anticipating changing” the Equal Access Rule. A day later HUD proposed the 2019 rule that would change the Equal Access Rule to allow discrimination against transgender individuals in HUD-funded shelters. This troubling reversal suggests a need to request more specific commitments from nominees.

If confirmed, will you commit to enforcing existing restrictions on “any discrimination against anybody based on sexual orientation or gender identity” throughout your tenure as Assistant Secretary for Community Planning and Development?

A.4. Yes.

Q.5. If confirmed, will you commit to require HUD-subsidized shelters to allow individuals to use shelter services that are consistent with their gender throughout your tenure as Assistant Secretary for Community Planning and Development?

A.5. If confirmed, I commit to requiring HUD-subsidized shelters to allow individuals to use shelter services that are consistent with their gender, where required by law, throughout my tenure as Assistant Secretary for Community Planning and Development.

Q.6. How do you plan to consult with external advocates and experts, including organizations led by transgender individuals, on future HUD policies to ensure they will not have a discriminatory impact on transgender individuals?

A.6. If approved by OMB, this proposed rule will be open for 60 days during which time all external advocates and experts will be free to comment on all aspects of the proposal. I look forward to reviewing and fully considering all such comments.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR CORTEZ MASTO FROM DAVID C. WOLL, JR.**

Q.1. If confirmed, what steps do you plan to take to ensure Puerto Rico is receiving hurricane relief funding in a timely manner?

A.1. Currently, Puerto Rico has in place sufficient funding to address its unmet need. Specifically, the Commonwealth has access to approximately \$1.5 billion in disaster recovery funds, of which it has spent less than 1 percent to date. If confirmed, I commit to continuing HUD's ongoing efforts to make additional funds available to Puerto Rico.

Q.2. What policies or programs do you plan to implement to ensure Puerto Rico is able to rebuild and stay resilient against future disasters?

A.2. Long-term recovery and enhancing the resiliency of Puerto Rico is already underway. HUD is committed to ensuring that Puerto Rico's infrastructure investments are designed to better withstand future impacts. HUD will also continue to encourage buyouts that move individuals to safer locations.

Q.3. Please explain how HUD will mitigate the affordable housing crisis?

A.3. See below.

Q.4. Where do you think we have an affordable housing crisis? Who is affected by the crisis?

A.4. In addition to HUD's existing programs that provide affordable housing—such as the Federal Housing Administration, public housing, Housing Choice Vouchers, and housing for the elderly and disabled—Secretary Carson is honored to serve as the Chair of the White House Council on Eliminating Regulatory Barriers to Affordable Housing. The Council is engaging with Governments at all levels and other private-sector stakeholders to identify and remove obstacles that raise the costs of affordable housing development and contribute to shortages in America's housing supply.

Q.5. Will you ensure that the 2021 HUD budget request is adequate to ensure all individuals and families currently receiving assistance can continue to do so?

A.5. Yes. In each of the prior three fiscal years, the Administration's Budget proposal has requested a funding level for HUD that would allow all individuals and families currently receiving HUD assistance to continue to do so. If confirmed, I commit to you that whatever resources Congress sees fit to provide to HUD, I will utilize those resources wisely and efficiently to help those most in need.

Q.6. Will you ensure that the 2021 HUD budget request will help address the waitlist backlog and ensure that hundreds of thousands of eligible families can receive housing assistance?

A.6. Each year, HUD continues to spend more and more money to house the same number of individuals and families. If confirmed, I look forward to working with you and your staff on ways to address these issues by identifying and removing obstacles that impede access to, and production of, affordable homes nationwide among all Americans.

Q.7. What changes are you considering, if any, to the Housing Trust Fund?

A.7. Only Congress can make changes to the Housing Trust Fund.

Q.8. How will HUD help low-income families with children who cannot find an affordable home in a safe community with good schools?

A.8. HUD has a number of rental assistance programs—like Public Housing, Housing Choice Vouchers, Project-Based Rental Assistance, and Tenant-Based Rental Assistance—as well as home ownership programs supported by the Federal Housing Administration to help low-income families with children who cannot find an affordable home in a safe community with good schools.

Q.9. How will you protect transgender individuals' access to emergency shelters and housing assistance programs that ensures their dignity and respect?

A.9. I am committed to ensuring that all persons seeking access to HUD's programs may do so without discrimination. HUD's 2012 equal access rule prohibits discrimination against sexual orientation and gender identity. Shelter providers must establish policies that are consistent with all Federal, State, and local laws that ensure nondiscriminatory practices.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR JONES
FROM DAVID C. WOLL, JR.**

Q.1. As you know, HUD offices monitor how grantees use Federal funds. Sometimes these monitors can result in the HUD office requesting funds to be returned. Organizations can appeal this decision. As Assistant Secretary of Community Planning and Development these complaints can come to your office. Do you believe that organizations, particularly nonprofit organizations, should return funds over local administrative differences?

A.1. HUD has a fiduciary obligation to protect taxpayers and ensure responsible administration of its grants. In cases of alleged or apparent misuse of funds, HUD will thoroughly investigate the matter and take appropriate action based on the specific circumstances and facts. As you noted, there is also an appeal process that provides organizations with an opportunity to present any additional facts before a final determination is made. If confirmed, I will commit to considering all relevant information presented by grantees before any final determinations are made concerning the return of funds.

Q.2. I am happy to hear the work the Office of Community Planning and Development is doing to effectively respond to disasters around the country. In Alabama, we were hit with tornadoes in Lee County and were fearful of hurricanes hitting soon after as well. What plans do you have in place for areas that face repeated natural disasters in a short period of time.

A.2. HUD has supported several recent efforts to address the needs of areas that face repeated disasters over a short period of time, including allowing grantees impacted by Hurricanes Matthew and Florence to interchangeably use CDBG-DR funds received for these respective disasters. HUD has also implemented a new requirement that allows certain grantees to use their CDBG-DR administrative funds interchangeably for recovery from multiple disasters. HUD's recently published mitigation notices direct grantees to fund mitigation activities within the framework of FEMA-identified community "lifelines," or those infrastructure and other sectors that must continue to operate following a disaster in order for long-term recovery to commence.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN
FROM JOHN BOBBITT**

Q.1. A recent IG report stated that HUD lost 18.5 percent of its staff over the last decade, more than any other cabinet-level agency, and that this reduction in staff affected all many, if not all, of HUD's top management challenges.

If confirmed, what are the first steps you will take to address understaffing?

A.1. HUD is making great strides in improving our hiring:

- In FY17, time to hire was 163 days and HUD lost 726 employees.
- In FY18, time to hire improved to 113 days and HUD lost 595 employees.
- In FY19, time to hire dropped to 102 days (factoring out the lapse in appropriations) and HUD added a net gain of 17 employees overall.

In addition, HUD hired more than 1,000 employees for the first time in nearly a decade. We are trending in the right direction. If confirmed, I will work to improve this record by utilizing Business Process Reengineering (BPR) to identify problems and reduce time and steps in the process.

Additionally, the BPR process will be used to evaluate our current shared services provider versus finding a better performing vendor or moving this process back internally. Service Level Agreements (SLA) will also be evaluated as well as hiring policies that cause delays in hiring. Finally, hiring managers will be held accountable for moving the process along efficiently.

Q.2. How will you prioritize addressing staffing shortages in HUD's many offices?

A.2. Prioritization will be based on shortages to mission critical functions such as program offices that oversee rental assistance, disaster recovery, and homelessness programs.

Q.3. As Assistant Secretary for Administration, would you recommend that HUD hire or promote an individual if a Federal Inspector General's report had previously found that that individual may have abused their authority, may have misused their position for private gain, and had created an appearance of a violation of the Standards of Ethical Conduct for Employees of the Executive Branch?

A.3. If confirmed as the Assistant Secretary for Administration, it would not be my role to recommend hiring or not hiring for most positions.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR REED
FROM JOHN BOBBITT**

Q.1. This year, President Trump proposed cutting \$12 billion in affordable housing and economic development programs. This included requesting no money at all for HOME and the Community Development Block Grant Program.

Do you support these proposed cuts?

If not, what will you do to advocate for HOME and the Community Development Block Grant before the President submits his budget request for Fiscal Year 2021?

A.1. I have no position on this matter. My expertise is in operations, not policy, and the position for which I am nominated has no bearing or influence on budget issues.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARREN
FROM JOHN BOBBITT**

Q.1. The HUD Inspector General October 2018 Top Management Challenges report found, "Constant turnover and extended vacancies in many of HUD's most important political and career executive positions have created leadership gaps, which have led to poor management decisions and questionable execution of internal business functions." In your written testimony you stated you will decrease the time it takes to hire at HUD and reduce the risks associated with critical vacancies.

How are you planning to reduce the time it takes to hire at HUD?

A.1. HUD is making great strides in improving our hiring:

- In FY17, time to hire was 163 days and HUD lost 726 employees.
- In FY18, time to hire improved to 113 days and HUD lost 595 employees.
- In FY19, time to hire dropped to 102 days (factoring out the lapse in appropriations) and HUD added a net gain of 17 employees overall.

In addition, HUD hired more than 1,000 employees for the first time in nearly a decade. We are trending in the right direction. If confirmed, I will work to improve this record by utilizing Business Process Reengineering (BPR) to identify problems and reduce time and steps in the process.

Additionally, the BPR process will be used to evaluate our current shared services provider verses finding a better performing vendor or moving this process back internally. Service Level Agreements (SLA) will also be evaluated as well as hiring policies that cause delays in hiring. Finally, hiring managers will be held accountable for moving the process along efficiently.

Q.2. What current vacancies do you consider particularly critical?

A.2. Deputy Secretary, Assistant Secretary for the Office of Community Planning and Development, President of the Government National Mortgage Association, and Assistant Secretary for the Office of Administration.

Q.3. What do you consider the risks associated with critical vacancies?

A.3. Senior-level vacancies create a leadership void that can lead to lower morale and contribute to a lack of clear vision of HUD's mission. Vacancies at the mid to lower level of employees can affect our ability to deliver services to the people HUD serves.

Q.4. How do you plan to reduce those risks, and, if not by filling the vacancies, what analysis are you relying on to justify any measures other than filling existing vacancies?

A.4. There is only one long-term answer: fill the positions. The culture of an organization can carry it over rough times but not indefinitely. Analysis is not a substitute for action and leadership.

Q.5. What are your plans to expeditiously fill extended vacancies?

A.5. Please see response to Answer 1 above.

Q.6. What is your analysis for why there is constant turnover at HUD, and how do you plan to address this?

A.6. Turnover in any organization can generally be attributed to morale. Morale can be affected by vacant leadership positions. If confirmed, I will foster a positive culture that recognizes employees, practices respect for the individual, empowers them, and provides the training and tools necessary for career development. I have implemented a new culture in Housing Operations that includes an open-door policy, core values, empowerment at every level of the organization and a new employee training and development program.

Q.7. The Federal Employee Viewpoint Scorecard measures employee perceptions of their agencies. In the 2018 scorecard:

Less than half of HUD employees reported agreeing or strongly agreeing that they have sufficient resources to get their jobs done. Why do you think that perception exists, and how will you address it?

A.7. It can be attributed to employees not having the resources they need to perform their work. This will require a deeper analysis by program area to find out specifically what resources are lacking.

Q.8. Less than half of HUD employees reported agreeing or strongly agreeing that their work unit is able to recruit people with the right skills. Why do you think that perception exists, and how will you address it?

A.8. As discussed previously, the hiring process requires attention to shorten the process and ensure we are hiring qualified personnel.

Q.9. Only around half—51.1 percent—of HUD employees reported agreeing or strongly agreeing that arbitrary action, personal favoritism, and coercion for partisan political purposes are not tolerated. Why do you think that percentage isn't higher, and how will you address it?

A.9. I will address this by having an open-door policy to allow employees to talk privately to all levels of management as well as quarterly recognition and communication meetings.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN
FROM PETER J. CONIGLIO**

Q.1. *Fraud Prevention and Reporting*—If confirmed, how will you promote fraud prevention efforts at the Bank?

A.1. If confirmed, I would restore a sense of regular order to the Office of Inspector General. I would also let it be known that the Ex-Im OIG has an “open-door” policy for those who believe that they have information on possible wrongdoing at Ex-Im, especially related to potentially fraudulent activities; that they will be respected; and that they will be taken seriously and afforded every protection under the law. My ultimate objective would be to inform all of Ex-Im’s employees, regardless of their division, that the door of Ex-Im’s Office of Inspector General is open to them.

I would also like to review three areas highlighted in the OIG’s last two Semi-Annual Reports to Congress: (a) the “Fraud Awareness Training and Outreach” program; (b) the review of Ex-Im’s compliance with the challenges of Enterprise Risk Management and internal agency controls; and (c) the Suspension and Debarment Initiative. I know that there is always room for improvement, and I would like to determine if any of these need to be made more robust. For example, in conjunction with the Office of Inspector General’s Whistleblower Coordinator, adding an “Outreach to Whistleblowers” training segment to the Fraud Awareness Training program if such a training segment does not currently exist. Through my review of these three programs, particularly regarding fraud awareness outreach, I will establish a baseline understanding of what needs to be done to further educate about fraud prevention efforts.

Q.2. The Ex-Im Inspector General’s office was established 12 years ago. During that time, there has been a single case of fraud related to the Bank’s credit assistance that involved a Bank employee, but some interest groups have falsely cited the number of investigation opened by OIG as evidence of fraudulent activity within the Ex-Im Bank’s credit programs. Former Acting Inspector General Terry Settle in a letter to the Committee’s leadership on October 31, 2017, correctly pointed out that “not all claims included in a case under investigation are necessarily fraudulent until proven to be so by evidence developed in the investigation.”

In semi-annual reports, other reporting, testimony or public statements, will Ex-Im’s Office of the Inspector General (OIG) under your leadership:

Clearly identify any instances of fraud or misconduct by a Bank employee that are related to Ex-Im’s credit assistance,

A.2. If confirmed, and knowing that every situation is different, I would consult with Ex-Im OIG Counsel and the OIG’s professional staff concerning what information on closed investigations can be made public, including instances of fraud or misconduct proven to be committed by an Ex-Im employee. The public release of information related to open investigations is limited by privacy and confidentiality restrictions.

Q.3. provide clarity that the referral of a claim to the OIG or the opening of the investigation by the OIG does not establish the existence of fraud?

A.3. If confirmed, and knowing that every situation is different, I would consult with Ex-Im OIG Counsel and the OIG’s professional staff concerning what information can be made public. I do believe it is important to clarify that the existence of an investigation does not affirm the presence of improper activity or illegality and I would do my best to share that.

Q.4. *Environmental and Social Due Diligence*—In 2015, the Ex-Im OIG issued a report that documented shortcomings in the Bank’s monitoring of the environmental and social performance of a project. That report’s recommendation resulted in Ex-Im creating a formal mechanism to resolve complaints by parties who report they are adversely affected by Bank-funded projects.

If confirmed, will you continue to monitor Ex-Im’s adherence to required environmental and social due diligence procedures?

A.4. If confirmed, I can commit that the Ex-Im OIG will be vigilant in its review and monitoring of Ex-Im’s adherence to its mission, as outlined in the law. I understand that the Ex-Im OIG has previously conducted reviews of Ex-Im-financed projects and assessments of how Ex-Im has implemented its environmental and social due diligence procedures in those projects.

As I assess the priorities of the OIG, I would be pleased to work with your office to better understand any specific concerns you may have regarding Ex-Im’s environmental and social due diligence procedures. In the case where the OIG is informed about a complaint relating to Ex-Im’s implementation of its environmental and social procedures and guidelines, I would take the complaint seriously and follow the facts wherever they may lead.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR WARREN
FROM PETER J. CONIGLIO**

Q.1. Please describe how your experience working in the Office of Inspector General (OIG) for the General Services Administration (GSA) has informed your views on the roles of IGs and the importance of IG independence.

A.1. Since June 2006, I have served in the Office of Inspector General (OIG) at the General Services Administration (GSA) working for three Inspectors General (IGs)—one appointed by President George W. Bush—one appointed by President Barack Obama—and our Deputy IG, who served as our Acting IG. All three made positive contributions to the GSA OIG and I have learned from all of them. They have made me keenly aware of the key role an Office of Inspector General plays in an agency's success. In addition, they set the bar high in modeling IGs who defend an OIG's independence.

My service in several different senior positions with the GSA OIG also has provided me a tutorial on how to be an effective Inspector General.

In addition to my present position as the Special Assistant and Counselor to the Assistant Inspector General for Auditing, for almost 4 years, I headed the OIG's compliance office that reported directly to the GSA Inspector General. The office reviewed the OIG's internal audit and investigative operations, including site visits to regional OIG offices. Our objective was to ascertain whether an OIG office complied with the standards established for the audit and investigative disciplines. The internal review of OIG functions affected how our offices would conduct themselves in accordance with the mandates of the Inspector General Act, as amended, along with other relevant statutes.

From that position, I stood up the OIG's first-ever audit report writing and editing team. As lead editor, I oversaw the production of the OIG's Office of Audits' audit reports, which are an OIG's first-line of communication with its agency. Our objective was to produce a readable—written in plain language—objective, usable audit report. It is important that agency leaders have understandable recommendations that they can, in turn, use to improve its operations and programs. Our team was rewarded for our efforts with an Inspector General's award.

Q.2. If you are confirmed, will you commit to maintaining such independence at the Export-Import (Ex-Im) Bank?

A.2. If confirmed, I am committed to an Ex-Im OIG that will adhere to the mandates of the Inspector General Act, as amended, along with any other relevant statutes, including vigorously defending the independence and objectivity of the Ex-Im OIG.

Q.3. Do you support the mission of and commit to ensuring that the Ex-Im Bank operates at full capacity?

A.3. If confirmed, I would not bring any preconceived bias or animus to my position as Inspector General of Ex-Im. IGs were not established to “run” agencies. IGs were established to be an asset to an agency's leadership by working to identify and address fraud, waste, and abuse; to help an agency fulfill its mission—whatever

that mission may be—and to be successful in doing so. An OIG is not an agency’s enemy or adversary.

Q.4. Describe the role of the IG in enforcing the Ex-Im Bank’s environmental and social due diligence procedures.

A.4. If confirmed, I will ensure the Ex-Im OIG will continue to review and monitor Ex-Im for its adherence to its mission as established by the law, with the primary goal of rooting out fraud, waste, and abuse in accord with the Inspector General Act, as amended. Based on any findings during a review, audit, or investigation, the Ex-Im OIG would then make specific recommendations in its reports to Ex-Im that would be intended to improve Ex-Im operations or programs. In the case where the OIG is informed about a complaint relating to Ex-Im’s implementation of its environmental and social procedures and guidelines, I would take the complaint seriously and follow the facts wherever they may lead.

Q.5. Do you commit to conducting rigorous oversight to ensure that the environmental, social, and project-related costs of transactions are adequately assessed before Ex-Im enters into a transaction?

A.5. As I assess the priorities of the OIG, I would be pleased to work with your office to better understand any specific concerns you may have regarding Ex-Im’s environmental and social due diligence procedures. In the case where the OIG is informed about a complaint that Ex-Im has not properly assessed the costs of potential transactions, I would take the complaint seriously and follow the facts wherever they may lead.

Q.6. Do you commit to ensuring that all Environmental and Social Impact Assessments are made available to the public in a timely manner?

A.6. As I assess the priorities of the OIG, I would be pleased to work with your office to better understand any specific concerns you may have regarding the public availability of Environmental and Social Impact Assessments. In the case where the OIG is informed that Ex-Im is not acting in accordance with applicable statutory mandates or its environmental and social procedures and guidelines, I would take the complaint seriously and follow the facts wherever they may lead.

**RESPONSES TO WRITTEN QUESTIONS OF
SENATOR CORTEZ MASTO FROM PETER J. CONIGLIO**

Q.1. Can you discuss the ombudsman process where possible problems with environmental or other issues with investments could be discussed? Where would the Inspector General get involved in potential complaints?

A.1. If confirmed, I will ensure that the Ex-Im OIG will continue to review and monitor Ex-Im for its adherence to its mission as established by the law, with the primary goal of rooting out fraud, waste, and abuse. Based on any findings during a review, audit, or investigation, the Ex-Im OIG would then make specific recommendations in its reports to Ex-Im with a goal of improving Ex-Im operations or programs. In a case where the OIG is informed about a complaint relating to Ex-Im’s implementation of its envi-

ronmental and social procedures and guidelines, I would take the complaint seriously and follow the facts wherever they may lead.

Q.2. Some have recommended prohibiting Export-Import Bank financing for any U.S. firm selling to a company owned by the Chinese Government. What role do you see the OIG's involvement in discussing the impact of such a prohibition be on U.S. companies and on China?

A.2. If confirmed, the Ex-Im OIG will adhere to its mandate as outlined in the Inspector General Act, as amended, along with any relevant guidance provided by the Council of Inspectors General on Integrity and Efficiency.

Ex-Im OIG must defer to Congress and the Administration to resolve any policy issue, such as the potential prohibition on certain types of financing described above. As I understand the mission of the OIG, it would generally be beyond the scope of its statutory responsibilities to evaluate the potential ramifications of implementing such a prohibition. If Congress passed a statutory mandate, and I was aware of concerns about Ex-Im's compliance with the mandate, I would take the concerns seriously and follow the facts wherever they may lead.

Q.3. Seventy-five environmental activists sent a letter recommending that the Ex-Im Bank should fully comply with the requirements of the Endangered Species Act (ESA). Scientists say that one million species around the world face extinction in the coming decades due to climate change and other human activities. How will the OIG consider sharing information about the impact of the Export-Import Bank's funding of projects that could hasten the extinction of the 650 endangered and threatened foreign plants and wildlife?

A.3. If confirmed, I will ensure that the Ex-Im OIG will continue to review and monitor Ex-Im for its adherence to the law, with the primary goal of rooting out fraud, waste, and abuse in accordance with the Inspector General Act, as amended. In a case where the OIG is informed about a complaint relating to Ex-Im's implementation of its environmental and social procedures and guidelines, I would take the complaint seriously and follow the facts wherever they may lead.

Q.4. Despite the mandate to devote at least 10 percent of Ex-Im's aggregate financing to renewable energy exports, the Bank has consistently fallen short of this target. Will the OIG report on the Bank's goals to meet this target? Will the OIG recommend ways that the Bank can meet this target?

A.4. If confirmed, I will ensure that the Ex-Im OIG will continue to review and monitor Ex-Im for its adherence to the law, with the primary goal of rooting out fraud, waste, and abuse. Based on any findings during a review, audit, or investigation, the Ex-Im OIG would then make specific recommendations in its reports to Ex-Im with a goal of improving Ex-Im operations or programs. In a case where the OIG is informed about a failure by Ex-Im to comply with its statutory mandates, I would take the complaint seriously and follow the facts wherever they may lead. When the OIG undertakes

such a review, I think it is critical that it provide recommendations that are usable and productive for the agency.

Q.5. The Export-Import Bank requires projects have an independent contractor monitor the development during and after construction. The Ex-Im Bank also operates an online portal for complaints. Some advocates say that the online portal lacks an independent accountability mechanisms. They say it does not have a dispute resolution function that brings the parties together to find a mutually agreeable solution to the community's grievances.

Do you think a more effective complaints mechanism is needed? If so, what would it entail?

A.5. While I am aware of this particular method for filing complaints, as I am not currently with Ex-Im OIG, I do not have a detailed knowledge of the operation of this particular tool. If I am confirmed, I would be pleased to meet with you or your staff to discuss your concerns about this matter.

Q.6. What role could you add to the Bank's complaint mechanism for the Office of Inspector General?

A.6. While I am aware of this particular method for filing complaints, as I am not currently with Ex-Im OIG, I do not have a detailed knowledge of the operation of this particular tool. If I am confirmed, I would be pleased to meet with you or your staff to discuss your concerns about this matter.

**RESPONSES TO WRITTEN QUESTIONS OF SENATOR SINEMA
FROM PETER J. CONIGLIO**

Q.1. Ex-Im is critical to Arizona's economy and U.S. global competitiveness, which means we need it running as effectively and efficiently as possible. As Inspector General, how do you plan to improve management and accountability at the Bank?

A.1. If confirmed, I am committed to ensuring that the Ex-Im OIG will be fully functioning, objective, and independent. The Ex-Im OIG will review and monitor Ex-Im for its adherence to the law, with the primary goal of rooting out fraud, waste, and abuse. Based on any findings during a review, audit, or investigation, the Ex-Im OIG would then make specific recommendations in its reports to Ex-Im that would be intended to improve Ex-Im operations or programs.

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD
**LETTER SUBMITTED BY THE MORTGAGE BANKERS ASSOCIATION IN
SUPPORT OF BRIAN D. MONTGOMERY**



MORTGAGE BANKERS ASSOCIATION

December 10, 2019

The Honorable Mike Crapo
Chairman
Committee on Banking, Housing,
and Urban Affairs
534 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sherrod Brown
Ranking Member
Committee on Banking, Housing,
and Urban Affairs
534 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

On behalf of the Mortgage Bankers Association (MBA), I am writing to urge all members of the Senate Banking Committee to vote "Yes" today on the nomination of the Honorable Brian Montgomery to serve as the next Deputy Secretary of Housing and Urban Development (HUD). Moreover, I would also urge the full Senate to confirm him as quickly as possible.

Mr. Montgomery's service as FHA Commissioner, in two separate Administrations, as well as his recent tenure as Acting Deputy Secretary, provide him with a unique perspective on the issues facing the Department and our nation's housing and mortgage markets. This experience will continue to serve him well as HUD's second highest ranking official. I am confident that he will continue to bring a deep commitment and focus to HUD's programmatic areas most in need of his time and attention.

Mr. Montgomery has demonstrated throughout his career that he possesses the intellect to understand and respond appropriately to complex challenges. I believe he will put those talents to good use, helping to strengthen individual housing markets throughout the country, promoting the production of affordable rental housing, and improving the fabric of communities nationwide.

Thank you for scheduling a committee vote on this critical nomination so quickly. Should your panel approve the nomination, I would urge the Senate leadership to schedule a floor vote and for the full Senate to approve Commissioner Montgomery's nomination as swiftly as possible. MBA looks forward to working with him in this expanded role.

Thank you in advance for your consideration of these views.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Broeksmit".

Robert D. Broeksmit, CMB
President and Chief Executive Officer

cc: All Members, Committee on Banking, Housing, and Urban Affairs

**LETTER SUBMITTED BY THE NATIONAL ASSOCIATION OF REALTORS
IN SUPPORT OF BRIAN D. MONTGOMERY**



Vince Malta
2020 President

Bob Goldberg
Chief Executive Officer

ADVOCACY GROUP
William E. Malkasian
Chief Advocacy Officer/Senior Vice President

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November 19, 2019

The Honorable Mike Crapo
Chairman
U.S. Senate Committee on
Banking, Housing, And Urban Affairs
239 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sherrod Brown
Ranking Member
U.S. Senate Committee on
Banking, Housing, And Urban Affairs
503 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

The 1.4 million members of the National Association of REALTORS® enthusiastically support the nomination of Brian D. Montgomery as the Department of Housing and Urban Development's (HUD) Deputy Secretary of Housing and Urban Development. NAR has worked closely with Mr. Montgomery in his position as Assistant Secretary for Housing - Federal Housing Commissioner, and we are pleased to see his role within the Department expanding.

Mr. Montgomery's extensive experience at HUD will greatly benefit the administration of the agency. While serving as FHA Commissioner from 2005 to mid-2009 – under both the George W. Bush and Obama Administrations – Mr. Montgomery realized the immense counter-cyclical benefits that FHA can provide in the middle of the housing crisis. He also led HUD's response to Hurricane Katrina and chaired the Hurricane Recovery and Response Center at HUD headquarters. Mr. Montgomery's current leadership at FHA has led to significant program changes, including implementing FHA condo rules and the new False Claims Act protocol. He has also championed the financial health of the MMIF, which now has a 4.84% capital reserve ratio – more than double the level required by statute.

NAR strongly supports the nomination of Brian D. Montgomery, and we urge you to pass his vote out of the Committee and to the Senate floor with haste.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vince Malta'.

Vince Malta
2020 President, National Association of REALTORS®

cc: U.S. Senate Committee on Banking, Housing, And Urban Affairs



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