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NOMINATIONS OF DANIEL J. KANIEWSKI AND JONATHAN H. PITTMAN

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

NOMINATIONS OF DANIEL J. KANIEWSKI TO BE DEPUTY ADMINISTRATOR FOR PROTECTION AND NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S DEPARTMENT OF HOMELAND SECURITY AND JONATHAN H. PITTMAN TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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NOMINATIONS OF DANIEL J. KANIEWSKI AND JONATHAN H. PITTMAN

TUESDAY, SEPTEMBER 12, 2017

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

The Committee met, pursuant to notice, at 10:17 a.m., in room SD–342, Dirksen Senate Office Building, Hon. James Lankford presiding.

Present: Senators Johnson, Lankford, Daines, McCaskill, Carper, Tester, Heitkamp, Peters, Hassan, and Harris.

OPENING STATEMENT OF SENATOR LANKFORD[1]

Senator LANKFORD. Good morning. I am glad everybody is here. Today, we will consider the nomination of Daniel Kaniewski to be Deputy Administrator of the Federal Emergency Management Agency (FEMA) for Protection and National Preparedness (PNP) as well as the nomination of Jonathan Pittman for the position of Associate Judge in the Superior Court of the District of Columbia.

The Committee takes these two nominations very seriously, rightfully so. We are pleased to have two strong nominees before us.

The Federal Emergency Management Agency serves our citizens and first responders by coordinating Federal and nongovernmental resources to prepare for, protect against, respond to, and recover from domestic disasters. It is essential that we have strong leadership in place at FEMA to fully support our communities in the times of disaster, times like right now of things that are going on. That is why it makes it exceptionally important not only that we have all personal at FEMA in place, but Mr. Kaniewski's position specifically deals with disaster preparedness, so it is getting ready for the next disaster that may be coming to us.

Daniel Kaniewski received his undergraduate degree and Ph.D. from George Washington University, a master's degree from Georgetown University. Mr. Kaniewski has had an impressive career in both public and private sector. It makes him well qualified to serve in this role that he is nominated for at FEMA. This includes serving as a Special Assistant to the President for Homeland Security; Senior Director of Response Policy; Mission Area Director for Resilience for the Homeland Security Studies and Analysis Institute; Vice President for Global Resilience for AIR Worldwide, a

[1] The prepared statement of Senator Lankford appears in the Appendix on page 23.

catastrophic risk modeling and consulting firm; and as a Commissioner for the District of Columbia Homeland Security Commission.

I have spoken to Mr. Kaniewski's colleagues and affiliates who all speak very highly of him. They talk about his competence, his skill, and his work ethic.

Two former FEMA Administrators with the Obama Administration and former DHS Secretary Michael Chertoff have submitted written comments in support of Mr. Kaniewski's nomination. His nomination is supported by both the National and International Association for Emergency Managers.[1]

The Committee is confident Mr. Kaniewski is qualified to be the Deputy Administrator for National Preparedness, which would mean for the next disaster, when it happens, we will be perfectly prepared because you will be in place. No pressure. [Laughter.]

Mr. Pittman received a bachelor of arts degree from Vassar College and a law degree from Vanderbilt University. After graduation, Mr. Pittman clerked for the Honorable John A. Terry, an Associate Judge on the District of Columbia Court of Appeals. Following his clerkmanship, Mr. Pittman practiced law at the firm Crowell & Moring and then later joined the Civil Litigation Division in the Office of the Attorney General (OAG) for the District of Columbia, where he currently serves as Acting Assistant Deputy Attorney General.

Committee staff reached out to numerous colleagues—and I do mean numerous, Mr. Pittman—and the comments were uniformly positive, with specific praise given to his decency, his professional manner, his strong analytical skills, and superb writing.

Staff interviewed both nominees on an array of issues, and each has thoughtfully and completely and competently answered each question.

To date, the Committee has found you to be qualified for the position you have been nominated. I look forward to speaking with both of you more today on your experience and accomplishments, how you intend to bring them to bear for FEMA and for the District of Columbia.

I now recognize the Ranking Member, Heidi Heitkamp, for opening statement.

OPENING STATEMENT OF SENATOR HEITKAMP[2]

Senator HEITKAMP. Thank you, Chairman Lankford.

I want to begin by saying that our thoughts and prayers are with the people of Texas, Florida, the Caribbean, Louisiana, and elsewhere who are currently recovering from the devastation caused by Hurricanes Harvey and Irma.

The road to recovery will not be easy, but the good and brave work that is being done first by our local responders, everyday citizens as well as the men and women of FEMA, is a testament, I think, to America's strength and resiliency.

The devastating reminds us of FEMA's critical mission to save and protect lives and help communities recover, and the Deputy

[1] Letters of support for Mr. Kaniewski appear in the Appendix on page 65.
[2] The prepared statement of Senator Heitkamp appears in the Appendix on page 25.

Administrator for Protection and National Preparedness position plays a critical role in achieving this goal.

If confirmed, Dr. Kaniewski, you would oversee the Grants Program, which administers the Federal assistance grants in an effort to improve emergency preparedness in our country and national preparedness in our country and national preparedness directive, which provides doctrine, programs, resources, and training that is necessary to prevent, protect against, mitigate, respond to, and recover from disasters.

I appreciate the expertise you bring from the public, private, and academic sectors, and the high regard that the emergency management establishment holds for you and your understanding of the importance of engaging a diverse group of stakeholders on FEMA's initiatives and fostering relationships, most importantly, with State and local partners.

I look forward to learning more about your qualifications and your desire to serve.

We also have the privilege today of considering a nominee for the Superior Court of the District of Columbia. Jonathan Pittman currently serves as Assistant Deputy Attorney General for the District of Columbia and heads up the Civil Litigation Division. As Assistant Deputy, Mr. Pittman oversees the day-to-day operations of the division to develop strategy and court documents for significant cases, advises D.C. officials, manages the division's staff and attorneys, and prepares post-litigation reports and appellate material.

Mr. Pittman, we truly do appreciate your willingness and interest in serving as a judge, and we look forward to learning more about your qualifications.

We also want to acknowledge a special guest, and obviously, I am speaking to your incredible qualifications. The Chief Judge Robert Morin is here with us, Chief Judge of the Superior Court. I know how incredibly busy that court is, and it speaks volumes to us here on this side of the dais that you are willing to take time out of your schedule to support this candidate.

I think collegiality on the courts among the judges is so critical to making sure that the best and brightest continue to participate, so thank you, Chief Judge, for joining us.

So I want to thank both of the nominees for their willingness to serve the citizens of this great country, and I look forward to your testimony.

Thank you, Mr. Chairman.

Senator LANKFORD. It is the custom of this Committee to swear in all witnesses that appear before us, so if you would both please stand and raise your right hand. Do you swear the testimony you are about to give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. KANIEWSKI. I do.

Mr. PITTMAN. I do.

Senator LANKFORD. Thank you. You may be seated.

Let the record reflect that both witnesses have answered in the affirmative.

Mr. Kaniewski, we are going to begin with you for opening statements. We would be honored if you would also introduce any family

or guests that you brought with you today as a part of your opening statement and be glad to be able to receive that statement now.

TESTIMONY OF DANIEL J. KANIEWSKI,[1] NOMINATED TO BE DEPUTY ADMINISTRATOR FOR PROTECTION AND NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. KANIEWSKI. Chairman Lankford, Chairman Johnson, Ranking Member Heitkamp, thank you for having me here today.

I am Daniel Kaniewski, and I am delighted to appear before you regarding my nomination as Deputy Administrator for Protection and National Preparedness at the Federal Emergency Management Agency.

Before I begin, I would like to acknowledge those impacted by Hurricanes Harvey and Irma. Our prayers go out to those who have suffered, and I would also like to acknowledge those Federal, State, and local responders who have been working tirelessly, in many cases, for back-to-back disasters, including those dedicated staff at FEMA who, if confirmed, I hope to join and support.

My father, Wayne, and my brother, Bob, are seated behind me here today. My mother is away and watching online. Hello, Mom. I would also like to thank President Trump, former Secretary John Kelly, and Acting Secretary Elaine Duke for supporting my nomination for this position.

I have spent my entire career in homeland security and emergency management, and I would like to take this opportunity to briefly describe my qualifications for this position.

As I sit here today, I vividly remember the morning of 9/11, where from the press gallery atop the United States Capitol, I watched with disbelief the smoke rising from the Pentagon. Later, we would learn that we were in the bull's-eye for the 9/11 hijackers.

I also think back to August 2005 when, shortly after I had joined the White House, Hurricane Katrina roared ashore. There, I witnessed firsthand the failed response to that disaster and subsequently became co-author for the Federal report "The Federal Response to Hurricane Katrina: Lessons Learned" and oversaw the implementation of those lessons over my 3 years there. Both of these experiences reaffirmed my belief that this is the field that I would dedicate my career.

It is, thus, an honor to be here today and answer your questions for this critically important role at an agency that has shaped my professional development.

For the past 20 years, I have focused on efforts to better prepare governments and citizens for natural and manmade disasters. I began my career as a firefighter paramedic in 1996. In that role, I learned firsthand the need for preparing for major incidents, and I subsequently earned a degree in emergency medical services, became certified as a paramedic, and engaged on these policy issues with several governmental and non-governmental organizations.

As Special Assistant to the President for Homeland Security and Senior Director for Response Policy in the George W. Bush Admin-

[1] The prepared statement of Mr. Kaniewski appears in the Appendix on page 27.

istration, I advised the President and senior White House staff during domestic incidents and coordinated interagency emergency management policies. I oversaw the disaster declaration process for over 200 Presidentially declared disasters.

I have also analyzed emergency management polices at think tanks and in academia. At George Washington University, I was an assistant vice president for homeland security and deputy director of the Homeland Security Policy Institute. In that capacity, I contributed to contemporary homeland security and emergency management policy through publications and media appearances and task forces.

I also taught emergency management at George Washington University and national security courses at the Georgetown University School of Foreign Service.

I closely supported FEMA for 3 years as Mission Area Director for Resilience and Emergency Preparedness and Response at a federally funded research and development center supporting the Department of Homeland Security. There, I was the senior executive responsible for emergency management, infrastructure protection and resilience, and cybersecurity.

I currently lead the resilience practice at a catastrophe risk modeling and consulting firm, AIR Worldwide. My practice identifies and quantifies risks to populations and infrastructure, evaluates mitigation strategies, informs disaster finance programs, all with a goal of making society more resilient for disasters.

In addition to my full-time employment, I have also held relevant pro bono positions. I recently completed a 4-year term as part of the D.C. Homeland Security Commission, where I advised the city on homeland security and emergency management policies. I am also a cyber fellow at the Center for Cyber and Homeland Security, where I contribute to homeland security and emergency management topics.

In conclusion, thank you for your consideration of my nomination . If confirmed, I will work tirelessly to help prepare governments, communities, and individuals for man-made and natural disasters. Leading FEMA's preparedness programs would be the culmination of many experiences in my career in homeland security and emergency management, and I can think of no higher honor than serving the American people, FEMA, and its stakeholders to enhance the Nation's preparedness for disasters.

Thank you.

Senator LANKFORD. Thank you.

Mr. Pittman, also be honored if you would introduce any family or guests that you may have and then also receive your opening statement.

TESTIMONY OF JONATHAN H. PITTMAN,[1] NOMINATED TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. PITTMAN. Thank you, Mr. Chairman. My parents are sitting behind me, as are many friends and relatives, so I acknowledge them.

Mr. Chairman and Members of the Committee, I am deeply grateful to you for the opportunity to appear before you as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. It is a great honor and very humbling to be recommended for this position.

I would like to thank the Judicial Nomination Commission and its Chair, Judge Emmet Sullivan, who is here today, for recommending me to the White House, and I would like to thank the President for nominating me.

I also would like to thank Congresswoman Norton, who, although she could not attend today, submitted a statement[2] on my behalf.

Finally, I would like to express my sincere thanks and appreciation to this Committee, Members, and your staff for their hard work and for considering my nomination so carefully and expeditiously.

I would also like to acknowledge and thank my wife, Wendy Smith, who is sitting behind me, for her encouragement in my pursuing public service and for her unwavering support. Without her love and support, I would not be sitting here today.

I also thank my parents, Fred and Joan Pittman, who are here today from South Carolina, for their guidance and support during my entire life. They taught me to work hard, strive for excellence, and always treat everyone with dignity and respect.

I would also like to acknowledge my stepson, Spencer Smith, who has taken time away from his preparation for the Law School Admissions Test to travel here today from Massachusetts, and my daughters, Anna Kate and Louisa, both of whom are in school today.

Finally, I would like to acknowledge the many friends and colleagues who have mentored and supported me throughout my career, and I appreciate that many of them are here today.

I moved to the District of Columbia 27 years ago, after graduating from Vanderbilt Law School, to begin my law career as a law clerk to the Honorable John A. Terry of the District of Columbia Court of Appeals.

I then joined Crowell & Moring, a large law firm here in the District, where I worked with and learned from some of the finest lawyers in the country. During my more than 20 years in private practice handling complex civil litigation, I appeared before excellent trial and appellate court judges all over the country, and I am thankful for that experience.

Since 2012, I have had the honor and privilege of serving the citizens of the District of Columbia under two Attorneys General for the District, first under Mr. Irvin Nathan and more recently under Mr. Karl Racine, who is also here today.

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[1] The prepared statement of Mr. Pittman appears in the Appendix on page 78.
[2] The letter from Congresswoman Norton appears in the Appendix on page 26.

I have served as a section chief in the Civil Litigation Division, which defends the District of Columbia and its employees in civil litigation in the Superior Court as well as in the United States Court for the District of Columbia.

More recently, I have served as the Assistant Deputy Attorney General for the Civil Litigation Division, where I assist the Deputy Attorney General in managing the operation of the division.

My deep respect for the rule of law began with my clerkship with Judge Terry and continues to this day. My experience with Judge Terry and the many judges I have appeared before over the years has given me an appreciation of the skill, dedication, and patience that is required to be a successful judge.

If I am fortunate enough to be confirmed, I will commit to treating all parties with dignity and respect, to ensuring that all parties have an opportunity to present their case, and to making thoughtful and timely decisions.

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

Senator LANKFORD. Thank you. Thanks to both of you and your families that are here.

There are three questions that we ask all nominees. I am going to ask all three of these questions to you, and then myself and the Ranking Member are going to defer to some of the other Members to be able to ask questions first after that.

So let me give you three quick questions. I will ask one question and then ask both of you to be able to answer it, yes or no.

First question. Is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated? Mr. Kaniewski.

Mr. KANIEWSKI. No.

Senator LANKFORD. Mr. Pittman.

Mr. PITTMAN. No.

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

Mr. KANIEWSKI. No.

Senator LANKFORD. Mr. Pittman.

Mr. PITTMAN. No.

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

Mr. KANIEWSKI. Yes.

Senator LANKFORD. Mr. Pittman.

Mr. PITTMAN. Yes.

Senator LANKFORD. Thank you.

I would now recognize Senator Harris for opening questions.

OPENING STATEMENT OF SENATOR HARRIS

Senator HARRIS. Thank you.

Mr. Kaniewski, I want to talk with you about something that most of the West Coast States are experiencing right now, which is our States are burning. I have had this conversation with Sen-

ator Tester, have had this conversation with my colleagues from Washington State, Oregon, and Montana.

In California, in particular, wildfires are posing a great risk to our State. There are a currently nine major wildfires in California that are burning, and together, they have burned already more than 250,000 acres.

When we look at it—that is in addition to more than 6,400 fires that have flared up in California from January through Labor Day alone, which is more than all of 2016 in terms of what we experienced. So California and other western States have come to expect this, and it seems that every wildfire season has been more destructive than the last.

To what do you attribute this change?

Mr. KANIEWSKI. So, first, let me acknowledge that as a former firefighter——

Senator HARRIS. Yes.

Mr. KANIEWSKI [continuing]. I truly do understand the threat of wildfire and the need to prepare for these types of events.

I do not know that I can attribute exactly what is happening now. I can certainly acknowledge that this appears to be a historic fire season, and that there are a number of efforts that, in my mind, could be undertaken. And it is not clear to me if the Federal Government is currently doing those.

Should I be confirmed, I would, of course, be very interested to learn how FEMA is working with other Federal partners, such as the Department of Agriculture (USDA) and Department of Interior (DOI), on fire.

Speaking personally, fire is clearly a priority for me.

Senator HARRIS. Yes.

Mr. KANIEWSKI. And whether it be back from my fire service time or more recently understanding the wildland-urban interface, for example, I think there are some critical issues that we need to dive into.

Senator HARRIS. Yes.

Mr. KANIEWSKI. And I commit to you that should I be confirmed, those will be a priority for me.

Senator HARRIS. And thank you, and I appreciate that.

My brother-in-law is a firefighter, and I appreciate your service and the sacrifice in doing that work.

Tell me, what is your thought about a deforestation as an element of the issue?

Mr. KANIEWSKI. Sure. So deforestation, I am sure is a contributing factor. It is not something that I have studied in depth.

My focus at FEMA would be to develop preparedness programs and make sure those preparedness programs are effectively delivered based on stakeholder needs, so make sure that they are tailored to needs of individual locations. It could be State and local communities, for example, or particular areas that are hard hit by wildfires.

If confirmed, we at FEMA need to make sure we are supporting your local responders in those firefighting efforts.

Senator HARRIS. I appreciate that, and that is important to California. And I look forward to working with you to help make that a possibility of working with local firefighters.

And then, Mr. Pittman, thank you for your service so far.

Tell me something. I know that Washington, D.C., has instituted bail reform and has at least replaced or given greater emphasis to risk assessment than to an accused's ability to pay, to be released from jail pending trial. What are your thoughts about that as a model for the country?

Mr. PITTMAN. As you may know, I do not really practice in the criminal area, so my knowledge in this subject matter is limited. But my sense is that it is a very good idea. I know the Superior Court has done away, essentially, with bail, as I understand it, and as someone from the outside looking in, it seems to be working. So I would, I think, encourage other States and jurisdictions to look into that.

Senator HARRIS. And to the point of what your career has been thus far, how do you imagine you are going to make the transition into a system that will involve a high volume of cases every day, litigants coming in often without attorneys and mostly without attorneys? What do you imagine to be the challenges for that new position?

Mr. PITTMAN. Managing the caseloads.

To the extent I am put on a division of the court that is not an area where I have practiced substantively, I believe that there would be a learning curve, as there is with any new judge.

We manage a very significant caseload in the Civil Litigation Division, as it is, and so I am familiar with fast-moving large caseloads.

Pro se litigants, we deal with pro se litigants as opponents as opposed to litigants appearing before us, but I am also used to that as well.

Senator HARRIS. And can you tell me what in your experiences will prepare you for those types of disputes? Because the vast majority of the cases you will hear, if confirmed, involve low-income D.C. residents, their domestic violence cases, landlord-tenant cases, things of that nature, and again, they will not be represented by counsel. How do you propose to get to know this population that will be before you, if you do not already?

Mr. PITTMAN. Well, I have some experience with the population at least in the Civil Division to the extent they sue the District of Columbia. We have a lot of pro se litigants who do that.

I think, as any judge, you need to learn the law in the area, to the extent you do not know it, and the most critical thing for any judge is to learn to gather the facts quickly, to make sure the litigants before you both provide you with the facts you need but critically understand the process.

I would not, if I was confirmed, ever want somebody to come into my courtroom and leave without knowing exactly what happened, why I ruled the way I did, and so, as I manage a large caseload today, I need to learn how to gather the critical facts in those cases and get to the facts that are necessary for providing advice or decisions to the line attorneys. So I think that experience would be very helpful.

Senator HARRIS. Right. And I will acknowledge that I think you mentioned earlier that Attorney General of the District of Columbia is in the audience, Karl Racine, who speaks highly of you.

Thank you.

Mr. PITTMAN. Thank you, Senator.

Senator LANKFORD. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, and thank you to the nominees for being here, and congratulations on your nominations.

Mr. Kaniewski, I just wanted to start with you. Obviously, the timing of this hearing on your nomination is not a coincidence. Your services are going to be needed in order to help the survivors of Hurricanes Harvey and Irma, so I hope we can get you on the job as soon as possible.

And while emergency response is a critical part of helping save the lives of those affected by hurricanes as powerful as the ones we have just seen, we have to continue also to work on prevention and mitigation efforts, so we can reduce the impact of future natural disasters on our infrastructure and on our people.

As Governor of New Hampshire, I often found myself dealing with some flooded territories in our State, year after year. They would flood; we would cleanup. They would flood again; we would cleanup again. And Federal support only came in the aftermath of these crises, leaving it to our State to address the up-front investments in infrastructure that would help to mitigate the extreme effects of these disasters.

So, consequently, we took steps to launch a hazard mitigation initiative in New Hampshire that would help us inventory our most at-risk locations during natural disasters and then help us to develop a way to target our limited resources more effectively.

From my experience, our Federal programs may not be properly incentivizing our States to make the necessary investments in our infrastructure that would help us mitigate the long-term consequences of a disaster, and unfortunately, the President's Budget Request for Fiscal Year (FY) 2018 dramatically cuts funding for pre-disaster mitigation.

So can you talk to me about your approach to pre-disaster mitigation investments and whether you support a Federal role for incentivizing these kind of investments?

Mr. KANIEWSKI. Thank you, Senator.

First, congratulations on making, it sounds like, a concerted effort on risk assessment for flood and coming up with mitigation plans.

Senator HASSAN. Yes.

Mr. KANIEWSKI. Your community should be applauded for that.

Second, my role, if confirmed, at FEMA would be the Preparedness Division, which focuses on planning, training, exercises, equipment to help those State and local officials do their job to prepare for future disasters.

The thrust of your question is actually more relevant to the Federal Insurance and Mitigation Administration, which is outside of what would be my authority, should I be confirmed.

But let me answer the question, even though that is——

Senator HASSAN. Yes.

Mr. KANIEWSKI [continuing]. That is not going to be my responsibility, per se. Let me say that, one, I am a huge advocate of mitigation.

Senator HASSAN. Yep.

Mr. KANIEWSKI. I believe that we as a government need to do a better job of assessing risks and quantifying those risks and having those informed mitigation programs and risk transfer programs. I can tell you that that is what I have done for the past year in the private sector, and I see a lot of value in what the insurance industry does to that end.

And my goal, if confirmed, would be to bring some of those best practices into FEMA, make sure that FEMA understands how the private sector, such as the insurance industry, assesses risk, quantifies risk, mitigates risk, and transfers that risk as appropriate.

Senator HASSAN. Thank you.

And I would encourage you, too, just to avoid siloed thinking because I think we do better understanding that there is a division of responsibility here, but obviously, in your role, you could have a lot to do in terms of looking at pre-disaster mitigation policy at the Federal level. And we would appreciate it very much.

Mr. Pittman, I often just start when I am talking with somebody about their desire to be a judge with asking the question: What brought you into the law, and why do you want to be a judge?

Mr. PITTMAN. I was always interested in the law. I did not really know a whole lot about it. I think nobody does until they go to law school.

I began my legal career in the Court of Appeals, but I started that clerkship really my first year of law school when I was invited to interview with Judge Terry. And I saw an oral argument in the D.C. Court of Appeals, and it brought to life that which I had been learning. And that is where it started.

As I have practiced over the years, I have seen the influence and the importance of having good judges. I have had the good fortune to appear before many good judges. As a judge, you have the potential to have a huge impact on people's lives, and the ability to do that and do it well and ensure that people have as positive outcomes as they can when they are involved in the judicial system is something I have always wanted to do.

Senator HASSAN. Great. Thank you.

I wanted to give you a chance to speak about something that you disclosed on your biographical questionnaire for the Committee. You disclosed that a paralegal who had previously worked in the Civil Litigation Division under your leadership filed a claim with the D.C. Office of Human Rights against the AG's office for racial discrimination and failure to accommodate a disability.

You also disclosed an incident involving this employee where the employee claims that you threatened him and called the police.

I know that my staff and other staff members dug into this a bit and heard your side of things and found it quite compelling, so I just would like to give you the opportunity publicly to address those complaints.

Mr. PITTMAN. Sure. And just to be clear, I did not call the police. This was a staff member. I was giving him his annual review. Por-

tions of it were not satisfactory, and I did say that. He disputed that and was not happy about it.

We had a somewhat heated conversation. I left, and the next thing I knew, he had called the police to claim that I had threatened him. The police quickly determined that there was nothing there.

He later filed a complaint alleging that he had not been promoted because of racial discrimination. I can tell you that the Office of the Attorney General does not discriminate on the basis of race or anything else. I can tell you that the Office of the Attorney General investigated this up to the level of the Attorney General himself and found there to be no merit to the claim.

I do not think I can add any more to the record, other than to say it is a meritless claim.

Senator HASSAN. Thank you very much for that, and thank you both for your willingness to serve.

Mr. PITTMAN. Thank you.

Senator LANKFORD. Senator Peters.

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman, and to our nominees, it is good to have you here before us.

I would like to say at the onset, as I know a number of my colleagues have also expressed their concerns, about there are two hurricanes that have hit us and the tremendous damage that has been occurred, and certainly, our thoughts and prayers are with all those that have been impacted.

And that means, Dr. Kaniewski, your testimony here today is even more important, given the fact that you will be working closely with something that is under my jurisdiction as well as the Ranking Member of the FEMA subcommittee, and if confirmed, I will look forward to having an opportunity to work very closely with you as we review FEMA's operations as well as their performance with these two hurricanes, which so far from what I have heard have been getting good reviews. But it always is an opportunity for us to look for best practices and ways that we can make their performance even better. It seems as if we may see more large events occurring in the future based on climate change, and we need to be prepared for those contingencies.

So let me start, though, asking you questions, Dr. Kaniewski, first about some legislation that I introduced with Senator Collins. It is the Firefighters Retention Act of 2017, which would allow fire departments to use Staffing for Adequate Fire and Emergency Response (SAFER) grants to transition part-time firefighters into full-time positions. I should say it surprised me that under SAFER grants, you could not bring a part-time firefighter who is fully trained into full-time status.

As a former firefighter yourself, I am sure you appreciate the training that our paid-on-call and part-time firefighters go through. So this legislation saves money and allows fire departments to have the flexibility necessary to bring those trained professionals into their permanent force.

It has passed the Senate, both the Committee and now the full Senate, and I just want to get a sense of your thoughts in terms

of grants and the ability to have some flexibility when it comes to spending the FEMA grants, both in this particular case with part-time firefighters, but more broadly, what sort of reforms do you think we should be looking at?

Mr. KANIEWSKI. Well, first, Senator, thank you for the information about your legislation. I was not aware of the details, and I am pleased to see that you are taking leadership on this issue because I, too, believe that firefighters and first responders writ large deserve the support of our Federal Government. And, if confirmed, in my future rule, it would be to oversee some of these grant programs that you mentioned.

Two of them are, I know, very important to the firefighters. One is the Assistance to Firefighters Grant Program, and the second is the one you mentioned, the SAFER Act.

I am very proud to say that in the late 1990s when I was working on the Hill, I played a role in supporting the Members of Congress who introduced that legislation creating the fire grant program. So this is something I am very passionate about, and it is something that I would expect, if confirmed, to take a leadership role on.

On your second point, I can say that quite confidently that the two grant programs are really a cornerstone for the grant programs that we offer at FEMA. Many of the grant programs are quite broad. The State Homeland Security Grant Program and the Urban Area Security Grant Program, I think it is a good thing that we have grants specifically tailored to the firefighters to address some of the concerns that you have personally raised.

So, one, thank you for introducing that legislation. I cannot comment specifically on it, only because I am not familiar with it at the moment, but I commit to you that if confirmed, I will certainly do a deep dive and work with your staff to understand how that might be applied at FEMA.

Senator PETERS. Right. Well, I appreciate that.

I also appreciate having some time with you in my office prior to today's hearing to do a deeper dive into a variety of issues, and as I mentioned in our meeting together, that I was particularly disappointed that Michigan did not receive a major disaster declaration for the water crisis that occurred in Flint, Michigan, because the disaster was not the result of a natural catastrophe, the result of fire, flood, explosion. It was a man-made tragedy, although as you and I spoke about—and I think you agree—that to a child who is suffering from the effects of the strategy in Flint, they did not care it was man-made or natural. It was a tragedy and a catastrophe, plain and simple, that we need to deal with.

And as we also discussed, what we saw in Flint may be a precursor for what will happen in other cities in the future, and we need to be prepared for that and think about that.

And so since you will be overseeing FEMA's grant programs, do you have some specific ideas for training programs that would help State and local governments be prepared for this kind of man-made disaster that is absolutely catastrophic to the citizens of those communities?

Mr. KANIEWSKI. Well, first, thank you for giving me that deeper understanding of the crisis that Flint faced with respect to the lead

in the water. That is clearly concerning to anybody in emergency management that you would have people suffering from potential consequences of that. Like you said, it could be a man-made or natural disaster. Emergency managers need to be prepared for that.

And I credit your State's emergency manager, Chris Kelenske, who I have seen brief this matter at a number of constituency conferences, and I appreciate the leadership that he has played personally on that for the State of Michigan.

To your broader point, I honestly believe that there are lessons from that incident that Michigan faced that could be applied more broadly. Whether it be understanding the logistics chain for supporting communities that do not have drinkable water or, two, the underlying issues with respect to infrastructure and other longer-term challenges that are outside the scope of my current position, should I be confirmed for it, I would say that we need to be linked at the hip on that, and I certainly would make sure that FEMA leadership is aware of my concerns and my ideas about how I think we could take some of those best practices from Michigan and apply them more broadly to other communities to make sure that they are prepared for future events, whether they be man-made or natural in origin.

Senator PETERS. Well, if confirmed, I look forward to spending quite a bit of time with you and perhaps before our Subcommittee as well discussing this issue and others, so thank you for your answers today.

Thank you, Mr. Chairman.

Senator LANKFORD. Thank you. Senator Heitkamp.

Senator HEITKAMP. Thank you, Mr. Chairman.

First off, we have had a little bit of a dispute here in the Committee and with some of the arguments that the Department of Justice (DOJ) is making in terms of obligations that nominees have to respond to questions from Congress, regardless of source, and so, Dr. Kaniewski, if you were asked in your policy questionnaire whether you would commit to responding to any reasonable request for information from the Ranking Member of this Committee or any other committee or any other Member of Congress—and I want to reiterate your response—I want you to reiterate your response here just for the record.

Mr. KANIEWSKI. Of course. Yes, I would respond to any inquiry from this Committee.

Senator HEITKAMP. Regardless of political party, regardless of who submitted the inquiry, correct?

Mr. KANIEWSKI. Correct.

Senator HEITKAMP. One of the great challenges that we have had over the years has been kind of this morphing, I think, of preparedness, where you do not really even see lines of demarcation between the Federal Government and State and local government, and it has been a good thing, in my opinion, but now we are looking at budget requests, which would really see a retraction of Federal support, probably still with Federal oversight, but a retraction of Federal fiscal support.

I am obviously very concerned about the President's budget, the Administration's budget. Can you tell me whether you would continue the level of commitment, financial commitment, that the Fed-

eral Government has engaged in and advocate for that level of commitment kind of going forward or whether you believe that the Administration's budget is adequate to basically continue to play that seamless role that the Federal Government now has?

Mr. KANIEWSKI. So while I was not involved in the fiscal year budget discussions, I am aware of the overall proposed cuts.

What I would like to do, if confirmed, is better understand the rationale behind those cuts and what plans FEMA has in place to address that.

Certainly, in many circumstances in life, certainly in government, there are budget constraints, and I can only pledge to you that if I face a budget constraint, if confirmed, I will make sure that FEMA does everything they possibly can with those dollars, understanding as well that I will have an opportunity, I would hope, to voice my support for something I have been very open about during my career, which is that Federal grants have had a positive impact on State and local preparedness since 9/11, and that we are better prepared today than we were then because of those grants. So just know that you will have a voice in those future budget discussions and, frankly, in every discussion I have about grants and about the need to support State and local responders moving forward.

Senator HEITKAMP. I could not agree with you more. When we had the Grand Forks flood, I recall vividly taking off the shelf the flood preparedness plan, which had collected about that much dust, and realizing it was no longer relevant, but because we did not have an ongoing and concerted effort to deal with flood mitigation and flood response, that left us scrambling.

And I think that with FEMA's involvement since that 1997 event and then going into 9/11 and going into now what we see, these catastrophic hurricanes, Katrina—now we have Harvey and Irma—it is hardly a time to retract preparedness.

And it is remarkable when you think about two Category 4s and hopefully, we will not see any more loss of life. But when you compare it to what would have happened in the 1960s, it is pretty dramatic.

And I know in your response to Senator Hassan, you said, look, that is not my jurisdiction, but I will tell you that in every event like this, preparedness begins in evaluating, as you did with 9/11, what went wrong, how could we prevent that. And one of the things that, again, we are going to have a conversation on is resiliency of infrastructure, and so I hope that your response to her on, not my line is limited to what you can just say about the job that you are applying for.

We certainly expect that you will participate in a broader discussion about how we can build greater resiliency among the infrastructure and really at every level, whether it is residential construction or whether it is infrastructure construction.

Mr. KANIEWSKI. Yes, ma'am.

And to clarify, my response was regarding flooding and mitigation, which are a focus of a different FEMA division. But, absolutely, I am very passionate about building resiliency in communities and understanding the risks they face and building appropriate preparedness programs to help those State and local officials

deal with those risks they face. So you can count on me on voicing those concerns.

Senator HEITKAMP. After the flood, I was Attorney General (AG) in North Dakota. I had an opportunity to talk to the Attorney General in Florida, who told me of the shoddy construction in the rush to rebuild, the rush to recovery, and I think it is really critically important that we all work together to make sure that people who are doing flood recovery are—that is the beginning of the step of the next resiliency step in preparedness. So I do not see those as lines of demarcation, and I am glad to hear you really do not either.

Mr. KANIEWSKI. I agree with you.

Senator HEITKAMP. OK.

Mr. Pittman, again, thank you for your willingness to serve, and thank you to your parents who are here with you and your beautiful wife and all your friends. I think it speaks volumes that you have collected so many great people in your life moving forward.

Unfortunately, many of the people that you will serve sitting on the bench have not had that level of fortune—I think we are all lucky in terms of who our parents are.

What do you think is the single life experience that you have had that has prepared you to sit in the District of Columbia on the bench serving the people of the District of Columbia?

Mr. PITTMAN. I do not think it can be a singular life experience. I think it is the many years of practice in many areas and seeing what happens, seeing litigants in need.

I think the case that probably—and I think I disclosed this in my questionnaire. The cases that probably had the most impact on me were the unjust imprisonment cases, where the Civil Litigation Division had to deal with cases under our local statute, where five men who had been wrongfully convicted and served years in jail for crimes that it, ultimately, was proved they did not commit. That probably had the single most personal impact on me, on understanding how we really do have to get this right—judges, prosecutors, defense attorneys.

Senator HEITKAMP. OK. Thank you.

Senator LANKFORD. Thank you to both of you. I have several questions. We have had the opportunity to be able to visit extensively in my office and go through a lot of these things. I just want to be able to do some additional questions and statements.

And, Mr. Pittman, to your stepson, if he does not do well in getting into law school, it is all on you today, the timing of that. [Laughter.]

So you may want to spend some extra time.

Mr. Pittman, as a nominee, there is this great struggle between looking at the emotion of a case in front of you, look at the facts of the case, and look at the law, and all of those weigh into how you actually balance that out.

Give me either an example of how you will try to derive decisions when you sit as the judge at that point and be able to balance out opinion, facts, law.

Mr. PITTMAN. I think opinion probably is something you do not want to influence your decision. You look at what the law is that is applicable to the case in front of you, and you determine the

facts. And you apply those facts to the law. I think that is the most critical function of a judge.

Senator LANKFORD. As you balance out criminal issues in the District—you have talked a lot about the civil issues.

Mr. PITTMAN. Right.

Senator LANKFORD. Obviously, you have worked mostly on civil issues in the past.

Mr. PITTMAN. Right.

Senator LANKFORD. As you look at criminal issues in the District, where is the area that you think from the bench you can be the greatest help in these issues?

Mr. PITTMAN. I think moving the cases along expeditiously is part of it, ensuring fair trials. Certainly, felony trials in the District of Columbia are almost exclusively tried by juries rather than by the judge, so the judge is not the fact finder. But moving the case along is probably the most important thing you can do, but ensuring that the trial is fair.

Senator LANKFORD. Yes. Just the speed to be able to get to trial is one of the biggest issues we face as a Nation, period. How many delays—you and I spoke about this in my office. The delays of actually getting to the point of decision is a frustrating thing for everyone, and sometimes attorneys are not well prepared, and so they ask for delays. But the people that need the justice are right behind them, and they need a judge that is going to help them move the case along as they go through that. So I appreciate both of those.

Dr. Kaniewski, Mayor Buckhorn from Tampa has become famous this past week, not for just leading a great city that he leads, but for his statement to the media that, "We are about to get punched in the face." But people do not forget the rest of that statement. He stepped up and made the statement, "We have done all that we can to prepare, but we are about to get punched in the face, and then everything changes at that point."

Your role is really to help people get prepared for that moment, but disaster comes, it gets harder at that point.

So my question for you is very specific. How do you help local communities and States and very qualified emergency management folks in each State deal with a sense of urgency when the storm is not coming right now, but if they prepare right now, it will make a difference when it comes? So help me in your role of how you are going to help them with processing urgency to prepare.

Mr. KANIEWSKI. Senator, I think it is important, one, that we sensitize the American public. That just because we may not have had catastrophic disasters maybe for the past decade does not mean they cannot happen.

Some of the language that we use in emergency management is very confusing. We talk about a 1-in-100 year flood event. Well, we have had a number of those this year or even 1-in-500 year events. Why would anybody buy flood insurance if you are told when you buy the house, "Oh, you are outside the flood zone, and the chances of you having a problem are minimal," 1 in 100 years, 1 in 500, whatever.

The reality is that that statement does not reflect the risk that they face. The reality is that there is a chance that a homeowner

could lose their home due to flooding, and by not taking appropriate actions, whether it be to prepare themselves, their family, their home, or to take appropriate actions, like buying flood insurance, is putting them in a very vulnerable situation.

The second kind of part of your question was related to how do we make sure that in a real-time event that people remember those messages, and people cannot buy flood insurance as the hurricane is coming ashore, the 30-day waiting period. These are decisions they would have had to make months in advance.

But, again, we get to sensitizing the American public that the risk is real, that they need to take preparedness actions, and so when they hear those messages, when they hear these officials give these dire warnings, that, one, they take them seriously, and two, that they have a plan in place. They know what they are going to do. They know where they are going to evacuate their family.

That is easier said than done. I get that, but from my perspective and, if confirmed, in the role, should I assume it, would be to be an advocate, to make sure that we help communities understand those messages, and two, we help State and local officials understand how to deliver those messages.

Senator LANKFORD. You were co-author of the report after Hurricane Katrina, helping FEMA be able to evaluate what were the lessons learned. If I recall, there are 125 recommendations that came out of that. Your doctoral work was going back to be able to take a look at that as well.

In the preparedness lane, in that lane alone—and I know there are lots of other areas—of that 125 lessons learned from Hurricane Katrina, what is undone?

Mr. KANIEWSKI. Well, I think there is always more to be done on preparedness. It is one of those things you can never prepare too much.

Senator LANKFORD. Right.

Mr. KANIEWSKI. Right? So from my perspective, as a citizen, I would like to see both the messaging that we just discussed as well as real tangible actions that we as citizens can take when—to prepare ourselves before that disaster strikes, and I am not sure we have that right now.

Again, I commit to you that, if confirmed, I will certainly go and take a deep dive on initiatives that FEMA has done on preparedness, such as ready.gov, but I think that there is more we can do. And that is me as a citizen saying that. I think that there is more that we can do to help citizens understand how to better prepare for these disasters.

Senator LANKFORD. OK. I have a couple more questions, but I am going to defer to Senator Daines, so you will be able to step in and ask questions. Senator Daines, you are recognized.

OPENING STATEMENT OF SENATOR DAINES

Senator DAINES. Thank you, Mr. Chairman.

Dr. Kaniewski and Mr. Pittman, thank you for your testimony, your willingness to serve. The positions you have been nominated for are critical to our Nation's ability to adequately prepare for disasters and ensuring that Washington, D.C., residents have access to swift as well as accurate justice.

Dr. Kaniewski, my home State of Montana has been devastated by wildfires this summer. Certainly, as you watch the national media, it is fixated on Hurricanes Harvey and Irma and understandably so. Up in the Northern Rockies, we have had a fire season that is one for the record books. We are in full-crisis mode. In fact, we could go 20 of the top 30 fires in the Nation were in the State of Montana.

Over 700,000 acres are currently burning as we sit here today. We have had over 1 million acres scorched—that is equivalent to the size of Delaware—this summer.

The magnitude of these fires coupled with State budgeting challenges have nearly exhausted all of our firefighting assets. I have been fighting for Montana, speaking of fighting, to get the resources needed first to stop the fires.

We hope for a season-ending event. That means big rainstorm, snow in the high country, but we have had a weather pattern and a drought that has not been seen for, in some cases, over 100 years in parts of Montana.

But we can do more to prevent these wildfires, to prevent the magnitude and severity of them. We will never eliminate them, but we can do work to try to minimize the disastrous impact that they have. And instead of allowing these natural resources just to burn, we should be managing our forests, harvesting timber, creating jobs.

Dr. Kaniewski, your career began as a firefighter. You have front-line experience. As the FEMA Deputy Administration for Protection and National Preparedness, you will have a key preemptive role in developing resiliency to these natural disasters, should you be confirmed.

How will you help localities mitigate the risk of wildfires as well as local fire departments when these disasters do strike?

Mr. KANIEWSKI. So I know that this is something that is not only close to my heart, but also to those representing the fire service in the audience today. So I would like to acknowledge their presence and say that I fully intend to give voice to the firefighters at FEMA. To the extent that they have not had a voice in the Preparedness Division, they have one now.

I look forward to working closely with the United States Fire Administrator, who is also a FEMA official, as well as officials from the Department of Agriculture and Department of Interior, who have the lead on responding to wildfires at the Federal level.

As you correctly noted, my position is to focus on the preparedness aspect of all risks, including wildfires. I am proud to say that I was part of the conception of the Assistance to Firefights Grant Program in the late 1990s and am an advocate, as a firefighter, for those kinds of programs, including any of the grant programs that could be applicable to fire fighters.

I will say that there are certainly challenges, as I understand it. Again, as someone, as a private citizen watching the wildfires out West in Montana burning, clearly, there are many challenges beyond the scope of what I can accomplish. But I commit to you that when it comes to preparing for these types of events, you will have no bigger advocate in FEMA to prepare for risks that individual

communities and States face—and in the case of Montana, it sounds like it is wildfires—I will be there.

Senator DAINES. And your background as a firefighter is much appreciated.

Tragically, two firefighters have lost their lives this summer on the front lines in Montana.

You brought up the issue of preparedness. As I mentioned earlier, our whole country is very aware of the devastating that hurricanes inflict. The victims of Hurricane Harvey, the victims of Hurricane Irma are fresh in our minds and our prayers.

The front page of Ready.gov has preparedness tips for hurricanes and flooding, but I have noted it is lacking in fire preparedness. And you brought up this issue of preparedness. So I think we have an opportunity.

Forest fires do impact families virtually in all of our States. As Deputy Administrator, how will you update Ready.gov or undertake other efforts to increase national awareness of the threat of fire?

Mr. KANIEWSKI. Sir, it sounds like, if confirmed, I will have some quick actions to take upon coming aboard.

As I said, I certainly acknowledge that wildfires are a risk that we need to be preparing our communities for, and to me, based on how you describe it, it sounds like an oversight that should be addressed. So, if confirmed, I promise to look into that and make sure that wildfire is among the risks that FEMA help State and local governments as well as individuals in communities prepare for.

Senator DAINES. Thank you.

Mr. Pittman, the role of law is to establish certainty for those to whom it applies, to provide a structure within which to interact, do business, build families, pursue life. Do you believe that it is the role of the judge to define what law is?

Mr. PITTMAN. No, Senator. The law, as a judge, is either set forth by the legislature—as a trial court judge or the Court of Appeals, the role of the judge is to take the law and apply that to the facts of the case that are before the judge.

Senator DAINES. So building on that—and thank you—how do you intend to ensure that you faithfully apply the law as the drafters of that law intended?

Mr. PITTMAN. Either read the law—to the extent it is a law where there is a body of case law by a court that you are responsible to, like the Court of Appeals, you read the relevant cases, and you follow that.

Senator DAINES. And what impact, if any, should shifts in public opinion or social norms have on your determination as a potential judge on the application of the law?

Mr. PITTMAN. To the extent those shifts show up and change the law, then you follow the law, but absent legislative change or changes in binding judicial authority, public opinion has no role in the judge's decision.

Senator DAINES. Thank you, Mr. Pittman.

Thank you, Mr. Chairman.

Senator LANKFORD. Thank you.

A couple of other quick questions for Mr. Kaniewski.

We have talked before about the role of FEMA and the partnership they have with State and local governments, so I am going to give you two quick questions on that.

One of them is FEMA Administrator Brock Long, he called on local officials to be more self-sufficient. That is the wonderful balance that we face, is the more the Federal Government reaches in and helps, the more the States and local says, "Great. This is overwhelming us. You take it," but the whole system collapses if the Federal Government and FEMA takes it because especially preparedness is really a local issue, to be able to drive it. So help me understand somewhat your perspective on balancing, locally managing this, having self-sufficiency, as Brock Long mentioned, or the Federal role of what you are going to try to take on.

Mr. KANIEWSKI. So I agree with you that there is this inherent tension between the role of Federal, State, and local governments on potentially any issue that we would want to consider beyond just emergency management.

In the emergency management realm, something is very clear, which is that the Federal Government is there to support, not supplant, local and State efforts.

Of course, in the response phase, the Federal Government needs to be forward leaning in helping in any way possible, in fact, being proactive in offering that assistance to State and local authorities.

On the preparedness side, we need to be equally proactive. We need to make sure that FEMA is providing tailored training, exercises, equipment, planning, et cetera, any type of preparedness activity that might help those local officials, so that they can do their job. They can best understand the risks they face. They can best articulate those risks to the Federal Government in cases where they are seeking Federal funding, because from my view, we want to make sure that State and local governments best understand their risks, both for their own benefit and for their own action as well as to understand where they need help, and so they can best describe their risks.

Senator LANKFORD. But disaster preparedness is ultimately a State and local responsibility more than it is a Federal?

Mr. KANIEWSKI. The Federal Government, just like responses there to support their activities.

Senator LANKFORD. So one of the questions—again, you and I talked about this in my office, and that is, FEMA's reputation as being a check writer or assisting in disaster relief, and some people view FEMA as a place that after disaster, they write checks and they hand out money, or some people see them as the people that actually carry out the task on this.

Help me understand your perspective on the role of FEMA as a "check writer" in the area of disaster preparedness. Is it advice, counsel, strategy, or is it writing checks?

Mr. KANIEWSKI. So I will be very honest with you. There are times in FEMA's history where it was viewed as the Federal Government's ATM.

I am very proud to say that it is not viewed that way anymore and certainly not from the emergency management community, and that has a lot to do with Hurricane Katrina, the lessons

learned, some of which we discussed here today, as well as the actions of this Committee.

So this Committee authored the Post-Katrina Emergency Management Reform Act, which was passed and became law in 2006. That really empowered FEMA with many authorities that it lacked prior to Hurricane Katrina, and more importantly than the law, frankly, is it empowered the workforce. The workforce sees their job today as one of supporting those State and local authorities with everything they have, and there is, hopefully, nothing limiting their efforts today to support those current disasters and future disasters we will face.

So, one, I wanted to acknowledge the Committee's actions on this to empower FEMA to take it past how it may have been viewed historically to today, where it is viewed as a very capable response organization for these hurricanes as well as an agency that is going to be there for State and local governments to help them prepare for the next one.

Senator LANKFORD. Any final statements from either one of you that you would like to be able to make to this group?

Mr. PITTMAN. None for me. thank you, Senator.

Senator LANKFORD. OK.

Mr. KANIEWSKI. No, thank you.

Senator LANKFORD. OK. The nominees have made financial disclosures and provided responses to biographical and preparing questions submitted by the Committee.[1] Without objection, this information will be made a part of the hearing record,[2] with the exception of the financial data, which are on file and available for public inspection of the Committee offices alone.

The hearing record will remain open until noon tomorrow, September 13th, for the submission of questions and statements for the record. If Members wish to receive responses to their questions from Mr. Kaniewski prior to the Committee vote tomorrow, they must submit questions for the record by 5 p.m. today, so hustle.

And we already have assurances from you and from the folks at FEMA that we will get rapid responses to any additional questions that we may ask, because there is a pending business meeting tomorrow that is already scheduled to be able to deal with your nomination at that point.

Gentlemen, thank you both. Thank your families for being here and being a part of this process. We will consider this part of the process that is a long process moving forward to the next phase.

With that, the hearing is adjourned.

[Whereupon, at 11:21 a.m., the Committee was adjourned.]

[1] The information of Mr. Kaniewski appears in the Appendix on page 29.
[2] The information of Mr. Pittman appears in the Appendix on page 79.

APPENDIX

Opening Statement
Nomination of Mr. Daniel J. Kaniewski to be a Deputy Administrator for Protection and National Preparedness
Federal Emergency Management Agency

Nomination of Mr. Jonathan H. Pittman to be Associate Judge on the Superior Court of the District of Columbia

Good morning. Today we will consider the nomination of Daniel Kaniewski to be Deputy Administrator of the Federal Emergency Management Agency for Protection and National Preparedness, as well as the nomination of Jonathan Pittman for the position of Associate Judge on the Superior Court for the District of Columbia.
The Committee takes these nominations very seriously, and so we are pleased to have strong nominees before us.

The Federal Emergency Management Agency serves our citizens and first responders by coordinating federal and non-governmental resources to prepare for, protect against, respond to and recover from domestic disasters. It is essential we have strong leadership in place at FEMA to fully support our communities in times of disaster.

Daniel Kaniewski received his undergraduate degree and Ph.D from George Washington University and a Master's degree from Georgetown University.

Mr. Kaniewski has had an impressive career in both the public and private sector that makes him well qualified to serve in his nominated role at FEMA. These include, serving as Special Assistant to the President for Homeland Security and Senior Director of Response Policy; Mission Area Director for Resilience for the Homeland Security Studies & Analysis Institute; Vice President for Global Resilience for AIR Worldwide, a catastrophe risk modeling and consulting firm; and as a Commissioner of the District of Columbia Homeland Security Commission.

We have spoken to Mr. Kaniewski's colleagues and affiliates, who spoke highly of his competence, skill, and work ethic. Two former FEMA Administrators with the Obama Administration and Former DHS Secretary Michael Chertoff have submitted written comments in support for Mr. Kaniewski's nomination. His nomination is supported by both the National and International Association of Emergency Managers.

The committee is confident Mr. Kaniewski is qualified to be the Deputy Administrator for National Preparedness.

Mr. Pittman, received a Bachelor of Arts degree from Vassar College, and a law degree from Vanderbilt University. After graduation, Mr. Pittman clerked for the Honorable John A. Terry, an Associate Judge on the District of Columbia Court of Appeals.

Following his clerkship, Mr. Pittman practiced law at the firm Crowell & Moring and then later joined the Civil Litigation Division in the Office of the Attorney General for the District of Columbia, where he currently serves as an Acting Assistant Deputy Attorney General.

Committee staff reached out to numerous colleagues of Mr. Pittman, and the comments were uniformly positive, with specific praise given to his decency and professional manner, strong analytical skills and superb writing.

Staff interviewed both nominees on an array of issues, and each has thoughtfully and competently answered each question.

To date, the Committee has found you to be qualified for the position you have been nominated.

I look forward to speaking with both of you more today on your experience and accomplishments and how you intend to bring them to bear for FEMA and the District of Columbia.

September 12, 2017
Opening Statement of Senator Heidi Heitkamp
Homeland Security and Governmental Affairs Committee Nomination Hearing

Thank you, Chairman Lankford.

I want to begin by saying that our thoughts and prayers are with the people in Texas, Florida, Louisiana, the Caribbean, and elsewhere, who are recovering from the devastation caused by Hurricanes Harvey and Irma.

The road to recovery will not be easy, but the good and brave work that is being carried out by local first responders, everyday citizens, as well as the men and women from FEMA is a testament to America's strength and resiliency.

The devastation reminds us of FEMA's critical mission to save and protect lives and help communities recover, and the Deputy Administrator for Protection and National Preparedness (PNP) position plays a critical role in those goals.

If confirmed, Dr. Kaniewski, you would oversee the Grants Program Directorate, which administers Federal Assistance grants in an effort to improve emergency preparedness capabilities, and the National Preparedness Directorate, which provides the doctrine, programs, resources, and training needed to prevent, protect against, mitigate, respond to, and recover from disasters.

I appreciate the expertise you bring from public, private, and academic sectors, the high regard that the emergency management establishment holds for you, and your understanding of the importance of engaging a diverse group of stakeholders on FEMA initiatives and fostering relationships with state and local partners.

I look forward to learning more about your qualifications and desire to serve.

We also have the privilege today of considering a nominee for the Superior Court of the District of Columbia.

Jonathan Pittman currently serves as Assistant Deputy Attorney General for the District of Columbia and heads the Civil Litigation Division.

As Assistant Deputy, Pittman oversees the day-to-day operations of the division to develop strategy and court documents for significant cases, advise D.C. officials, manage the division staff and attorneys, and prepare post-litigation reports and appellate materials.

Mr. Pittman, we appreciate your willingness and interest in serving as a judge and we look forward to learning more about your qualifications.

I thank both the nominees for their willingness to serve the citizens of the United States and look forward to their testimony.

Thank you.

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEES
RANKING MEMBER, HIGHWAYS AND TRANSIT
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT
AVIATION

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEES
GOVERNMENT OPERATIONS
HEALTH CARE, BENEFITS, AND ADMINISTRATIVE RULES

Congress of the United States
House of Representatives
Washington, DC 20515-1501

Statement of Congresswoman Eleanor Holmes Norton
Senate Homeland Security and Governmental Affairs Committee
Confirmation Hearing on Jonathan H. Pittman, Superior Court of the District of Columbia
September 12, 2017

Thank you for the opportunity to testify in favor of the nomination of Jonathan H. Pittman to the Superior Court of the District of Columbia, an Article I court. Mr. Pittman has extensive litigation experience, which is central to the Superior Court, the District's trial court. I appreciate the Committee's hearing today because the Superior Court is the engine of the day-to-day criminal and civil justice systems in the District.

After graduating from Vassar College and Vanderbilt University School of Law, where he was awarded membership in the *Order of the Coif* and was an Authorities Editor on the *Vanderbilt Journal of Transnational Law*, Mr. Pittman clerked for the Honorable John A. Terry of the D.C. Court of Appeals. Following his clerkship, Mr. Pittman began his extensive litigation career, first working for over two decades at Crowell & Mooring LLP, rising to partner. For the last five years, Mr. Pittman has worked in the Office of the Attorney General for the District of Columbia. Mr. Pittman began in the office as a Section Chief in the Civil Litigation Division, and since April 2016, has been the Assistant Deputy Attorney General for the Civil Litigation Division.

Mr. Pittman has extensive experience of the kind that would be particularly useful on our Superior Court, and I strongly endorse his nomination.

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Opening Statement
Daniel Kaniewski, Nominee
Deputy Administrator, Protection and National Preparedness, FEMA
United States Senate
Committee on Homeland Security and Governmental Affairs
September 12, 2017, 10:15 a.m., 342 Dirksen Senate Office Building

Introduction:

Good Morning Chairman Johnson, Ranking Member McCaskill, and Members of the Committee. I am Daniel Kaniewski and I am pleased to appear before you today regarding my nomination to the position of Deputy Administrator for Protection and National Preparedness at the Federal Emergency Management Agency (FEMA). My father Wayne and brother Bob join me today, and hello to my mother watching online. I would like to thank President Trump, former Secretary John Kelly, and Acting Secretary Duke for supporting my nomination for this position. I have spent my entire career in the homeland security and emergency management field and I would like to take this opportunity to briefly describe my interest in and qualifications for this position.

As I sit here today I vividly remember 9/11, where from the press gallery atop the Capitol building I watched with disbelief smoke rising from the Pentagon. And later would learn we had been in the bullseye of the 9/11 hijackers. I also think back to August 2005 when, shortly after I had joined the White House, Hurricane Katrina came ashore. There I witnessed first-hand the failed response and subsequently served as co-author of the White House report "The Federal Response to Hurricane Katrina: Lessons Learned" and oversaw the implementation of those lessons. Both of these experiences reaffirmed my belief that this is the field that I would dedicate my career.

It is thus an honor to be with you today to answer your questions for this critically important role at an agency that has shaped my professional development.

Background/Experience:

For the past twenty years, I have focused on efforts to better prepare governments and citizens for natural and manmade disasters. I began my career as a firefighter/emergency medical technician in 1996. In that role, I learned firsthand the need for preparing for major incidents. I subsequently earned a degree in emergency medical services, became a certified paramedic, and engaged on policy issues in several governmental and non-governmental roles.

I served as Special Assistant to the President for Homeland Security and Senior Director for Response Policy during the George W. Bush Administration. I advised the President and senior White House staff during domestic incidents and coordinated interagency emergency management policies. I oversaw the disaster

declaration process for more than 200 presidentially declared disasters and emergencies.

I have also analyzed emergency management polices at think tanks and in academia. At George Washington University I was Assistant Vice President for Homeland Security and Deputy Director of the Homeland Security Policy Institute. In that capacity, I contributed to the debate on contemporary homeland security and emergency management policy issues through publications, media appearances, and task forces. I also taught emergency management and national security courses at George Washington University and at the Georgetown University School of Foreign Service as an adjunct assistant professor

I closely supported FEMA for three and a half years as Mission Area Director for Resilience and Emergency Preparedness/Response at a federally funded research and development center serving the U.S. Department of Homeland Security. In this role, I was the senior executive responsible for emergency management, infrastructure security/resilience, and cybersecurity studies.

I currently lead the resilience practice at the catastrophe risk modeling and consulting services firm AIR Worldwide. My practice identifies and quantifies risks to populations and infrastructure, evaluates mitigation strategies, and informs disaster finance programs, with a goal of making society more resilient for disasters.

In addition to my full time employment, I have also held relevant pro-bono positions. I recently completed a four-year term on the District of Columbia Homeland Security Commission, where I advised the city on homeland security and emergency management policies. I am also a Center for Cyber & Homeland Security Senior Fellow, where I contribute on homeland security and emergency management topics.

Conclusion:

Thank you for your consideration of my nomination. If confirmed, I will work tirelessly to help prepare governments, communities, and individuals for man-made and natural disasters. Leading FEMA's preparedness programs would be the culmination of many experiences in my career in homeland security and emergency management. I can think of no higher honor than serving the American people, FEMA and its stakeholders to enhance the Nation's preparedness for disasters.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Deputy Administrator, Protection and National Preparedness	7-19-17

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Daniel	John	Kaniewski	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:** 131 Dartmouth St		
City: Washington	**State:** DC	**Zip:** 20007	**City:** Boston	**State:** MA	**Zip:** 02116

Other Names Used – N/A

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1978	Charleston, SC

Marital Status					
Check All That Describe Your Current Situation:					
Never Married	**Married**	**Separated**	**Annulled**	**Divorced**	**Widowed**
X	☐	☐	☐	☐	☐

Spouse's Name – N/A (current spouse only)

Spouse's Other Names Used – N/A (current spouse only)

Children's Names (if over 18) – N/A

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
George Washington University	University	Est 9/1996 ☐	Est 5/2000 ☐ Present ☐	B.S.	5/2000
Georgetown University	University	Est 9/2000 ☐	Est 5/2002 ☐ Present ☐	M.A.	5/2002
George Washington University	University	Est 9/2004 ☐	Est 8/2011 ☐ Present ☐	Ph.D.	8/2011

3. Employment

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

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date EmploymentEnded (month/year) (check box if estimate) (check "present" box if still employed)
Non-Government Employment	AIR Worldwide (a Verisk Analytics business)	Vice President, Global Resilience	Boston/ Washington, DC	Est 7/2016 ☐	Present ☑ Est
Federal contractor	Homeland Security Studies & Analysis Institute (ANSER)	Mission Area Director, Resilience	Falls Church, VA	Est 11/2012 ☐	Est 7/2016 ☐
Non-Government Employment	Georgetown University School of Foreign Service	Adjunct Assistant Professor	Washington, DC	Est 1/2013 ☐	Est 5/2016 ☐
Non-Government Employment	Homeland Security Policy Institute, George Washington University	Assistant Vice President and Deputy Director	Washington, DC	Est 8/2008 ☐	Est 11/2012 ☐

Other Federal Employment	The White House	Special assistant to the President for Homeland Security and Senior Director for Response Policy	Washington, DC	7/2005 Est ☐	8/2008 Est ☐
Non-Government Employment	Homeland Security Policy Institute, George Washington University	Deputy Director	Washington, DC	10/2002	7/2005
Other Federal Employment	Federal Emergency Management Agency	Legislative Affairs	Washington, DC	5/2002	10/2002
Non-Federal Employment (unpaid)	Congressman JC Watts	Homeland Security Fellow	Washington, DC	12/2001	5/2002
Non-Federal Employment (unpaid)	Congressman Curt Weldon	Homeland Security Fellow	Washington, DC	6/2001	12/2001
Non-Federal Employment	George Washington University	Faculty Support Coordinator	Washington, DC	6/2000	7/2001
Non-Federal Employment (part time)	Congressional Fire Services Institute	Emergency Medical Services Advisor	Washington, DC	8/1997	5/2000
Non-Federal Employment (part time)	Eveleth Emergency Medical Services	Emergency Medical Technician	Eveleth, MN	5/1997	8/1997
Unemployment	George Washington University	Student	Washington, DC	8/1996	5/1997
Non-Federal Employment (part time)	Eveleth Emergency Medical Services	Emergency Medical Technician	Eveleth, MN	1/1996	8/1996

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

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
District of Columbia Homeland Security Commission	Commissioner	Est 1/13 ☐	Est 5/17 ☐ Present ☐

4. Potential Conflict of Interest

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

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

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

None

5. Honors and Awards

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

Pi Alpha Alpha (The Global Honor Society for Public Affairs & Administration), Georgetown University Security Studies Program scholarship

6. Memberships

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

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

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Council on Foreign Relations	7/2012-7/2017	Term Member
American Enterprise Institute	2013-present	Member
Center for Cyber & Homeland Security, George Washington University	7/2014-present	Senior Fellow

Project for the Common Defense, Heritage Foundation	11/2014-5/2016	Chair, Homeland Security Committee
Risk Assistance Network + Exchange Network	2015-present	Member
The InterAgency Board	10/2015-7/2016	Member
Executive Master of Professional Studies in Emergency and Disaster Management, Georgetown University	2/2013-8/2016	Advisory Board Member

7. Political Activity

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

No

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

None

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

Name of Recipient	Amount	Year of Contribution
Right to Rise USA	1000	2015
Right to Rise USA	1000	2015
Thomas Cotton/Cotton for Senate	250	2014
Maverick PAC USA	300	2016
Edward Gillespie/Ed Gillespie for Senate	250	2015
Right to Rise USA	-234.20	2016
Republican Party of Virginia	2500	2016
Grant Starrett/Grant Starrett for Congress	500	2015
Grant Starrett/Grant Starrett for Congress	500	2016
George W. Bush/Bush-Cheney '04 (Primary)	500	2003
Jeb Bush/Jeb 2016	500	2015
Team Ryan	250	2016
Team Ryan	1000	2016
Romney Victory	250	2012
Romney Victory	500	2012
NRSC/NRCC Victory Committee	250	2013
Paul Ryan/Ryan for Congress	1000	2016
Mitt Romney/Romney for President	250	2012
Mitt Romney/Romney for President	500	2012
NRCC	250	2016

8. Publications and Speeches

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

Title	Publisher	Date(s) of Publication
Why We Need a National Security Transition Plan to the Next Administration	The Daily Signal	January 21, 2015
3 Reasons Why Obama Shouldn't Claim Victory over the Ebola Response	The Daily Signal	January 13, 2015
The Lessons We Must Learn From Paris	The Daily Signal	November 24, 2015
How the NYPD Works to Counter Terror Threats	The Daily Signal	November 20, 2015
How Local Emergency Managers Have Responded to the Paris Terror Attacks	The Daily Signal	November 16, 2015
The Passing of Homeland Security Visionary Mike Wermuth	The Daily Signal	November 6, 2015
Former NYPD Commissioner Ray Kelly Was Right to Defend Police Tactics	The Daily Signal	October 21, 2015
States of Emergency	The Daily Signal	October 8, 2015
A Political Wager on Flood Control	The Hill	October 8, 2015
What the Obama Administrations Still Hasn't Learned from the Ebola Crisis	The Daily Signal	April 29, 2015
The Ebola Outbreak of 2013-2014: An Assessment of U.S. Actions	The Heritage Foundation	April 24, 2015
Ebola Preparedness: Yearning for Yesteryear	The Daily Signal	October 31, 2014
Dysfunctional oversight undermines security	The Hill	October 2, 2014
2013 Annual Report – Cybersecurity, District of Columbia Homeland Security Commission	Government of the District of Columbia	January 1, 2014
The Resilient Social Network	Homeland Security Studies & Analysis Institute	September 30, 2016
Public Health and Emergency Management: Challenges and Opportunities	Homeland Security Policy Institute	June 7, 2012
A Preparedness Wake-Up Call for Cyprus	Security Debrief	March 21, 2012
Risks Abound at Home and Abroad	Security Debrief	January 19, 2012

Operationalizing Resilience: A Systems-based Approach Emphasizing Risk Management is Required	Homeland Security Policy Institute	October 13, 2011
The Gordian Knot of Disaster Funding	Security Debrief	September 25, 2011
Preparedness, Response, and Resilience Task Force Comments on the Draft National Preparedness Goal	Homeland Security Policy Institute	September 6, 2011
Preparedness, Response, and Resilience Task Force Interim Report on Resilience	Homeland Security Policy Institute	May 16, 2011
Clear and Present Dangers	Security Debrief	April 28, 2011
White Swan at the Waterfront	Security Debrief	April 29, 2011
Critical Lessons from the Federal Response to the Gulf Oil Crisis	The Heritage Foundation	August 9, 2010
The Gulf Oil Disaster: Three Steps to Federal Leadership	Homeland Security Policy Institute	July 7, 2010
Flooded With Help—But Still Flailing	Homeland Security Policy Institute	June 24, 2010
Congress Should Consider its Own Failures in Attempted Bombing	Roll Call	February 29, 2010
No Longer On Auto-Pilot: Aviation Security and Intelligence Reform	Homeland Security Policy Institute	January 8, 2010
Metro's Crash Reveals Gains in Preparedness	The Washington Post	June 28, 2009
The Homeland Security Council: Considerations for the Future	Homeland Security Policy Institute	April 1, 2009
Serving America's Disaster Victims: FEMA. Where Does it Fit?	Homeland Security Policy Institute	January 13, 2009
Not your father's FEMA	The Washington Times	September 10, 2008
The National Strategy for Homeland Security	The White House	October 2007
The Federal Response to Hurricane Katrina: Lessons Learned	The White House	February 2006
Back to the Future: An Agenda for Federal Leadership of Emergency Medical Services	Homeland Security Policy Institute	May 2, 2005
A Doomsday Priority	The Washington Times	April 6, 2005
Consolidating the House's homeland security efforts: the time to act is now	Homeland Security Policy Institute	December 29, 2004
DHS 2.0: Rethinking the Department of Homeland Security	The Heritage Foundation	December 13, 2004
Commission's Proposals Fall on Deaf Ears	Roll Call	August 16, 2004
House Homeland Panel Needs Own Jurisdiction	Roll Call	March 9, 2004
A Homeland Security Model to be Emulated	Homeland Protection Professional	February 2004
War Requires Homeland Panels' Attention, Too	Roll Call	March 24, 2003

Local Emergency Response: Enduring the Rhetoric While Trying to Define Readiness	Oklahoma City National Memorial Institute for the Prevention of Terrorism	Third Quarter 2002
America's EMS providers: the Unsung Heroes	Journal of Emergency Medical Services	February 2002
Post-9/11 Congressional Actions	Encyclopedia of World Terrorism	2003
A Response to Extremist Terrorism	Homeland Protection Professional	October 2002
The Blame Game: More Fingers Required	Homeland Protection Professional	August 2002
Home Alone: Congress Needs Security Plan	The Washington Times	March 12, 2002
Create a House Select Committee on Homeland Security	Journal of Homeland Security	February 2002
Bureaucratic Barriers for Consequence Management	Fire-Rescue Magazine	August 1999

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

Title/Topic	Place/Audience	Date(s) of Speech
Risk Modeling and Mapping	Insurance Development Forum, London	July 20, 2017
Cooperation on Non-Traditional Security Challenges	2015 ROC Taiwan-US-Japan Trilateral Security Dialogue	August 25, 2015
Preparing for Disaster: U.S. Disaster Response Policy and Areas for Reform	The Heritage Foundation	July 20, 2015
Ebola Outbreak and Response: Assessment of Initial U.S. Actions	The Heritage Foundation	April 28, 2015
Hurricane Sandy: One Year Later	Homeland Security Studies and Analysis Institute	December 5, 2013
Confirmation hearing for the District of Columbia Homeland Security Commission	D.C. City Council	December 6, 2012

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

Title	Place/Audience	Date(s) of Speech
Public Health and Emergency Management: Challenges and Opportunities	Homeland Security Policy Institute	June 7, 2012
One Year Later: Lessons from Recovery After The Great Eastern Japan Earthquake	Heritage Foundation	May 11, 2012

The Real All-Volunteer Force: Citizens and Homeland Security	The Heritage Foundation	November 15, 2011
Presidential Policy Directive-8: National Preparedness	Homeland Security Policy Institute	April 8, 2011
Two Terms, One Meaning: National Resilience or Homeland Security	Kyiv Security Forum: A Platform for European Security Architecture	November 12, 2010
Lessons Learned from the Metro train crash	Joint Commission, Emergency Preparedness Compliance 2010	April 8, 2010
PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission	Testimony before the Subcommittee on Emergency Communications, Preparedness and Response, Committee on Homeland Security, U.S. House of Representatives	March 17, 2009
Public Safety Briefing on the Future of FEMA and the Department of Homeland Security	Congressional Fire Services Institute	January 27, 2009
Disaster Preparedness and Response: What's Next?	CSIS	November 19, 2008
GW Community Remembers 9/11	George Washington University	September 11, 2008

9. Criminal History

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

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

  No

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

  No

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

  No

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

  No

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

  No

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

No

10.Proceedings

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

No

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

No

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

N/A

11. Breach of Professional Ethics

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

No

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

No

12. Tax Compliance

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

REDACTED

13. Lobbying

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

No

14. Outside Positions

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

15. Agreements or Arrangements

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

16. Additional Financial Data

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

REDACTED

SIGNATURE AND DATE

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

Daniel J. Kennedy III

This 3 **day of** Aug **, 2017**

40

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

July 31, 2017

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

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Daniel J. Kaniewski, who has been nominated by President Trump for the position of Deputy Administrator, Protection and Natural Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

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

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

Sincerely,

DAVID APOL

David J. Apol
Acting Director and General Counsel

Enclosures REDACTED

July 25, 2017

Joseph B. Maher
Designated Agency Ethics Official
Department of Homeland Security
Washington, D.C. 20528-0485

Dear Mr. Maher:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Administrator for Protection and National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

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

Upon confirmation, I will resign from my position with Air Worldwide. I hold unvested stock options and unvested restricted stock in Air Worldwide. I do not hold stock, vested stock options, vested restricted stock, or restricted stock units in Air Worldwide. Pursuant to the company's compensation plan, all unvested stock options and unvested restricted stock will be forfeited upon separation. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know Air Worldwide is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from my position with George Washington University. I resigned from my position with ANSER in July 2016. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will divest my interests in the following entities within 90 days of my confirmation: YieldStreet Law Firm Financing I, YieldStreet Accelerated Pre-Settlement Portfolio VIII, YieldStreet Accelerated Pre-Settlement Portfolio IX, YieldStreet Accelerated Pre-Settlement Portfolio X, YieldStreet Diversified Pre-Settlement Portfolio XVIII. With regard to each of these funds, I will not participate personally and substantially in any particular matter in which to my knowledge I have a financial interest, if the particular matter has a direct and predictable effect on the financial interests of the fund or its underlying holdings until I have divested it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I understand that I may be eligible to request a Certificate of Divestiture for qualifying assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will ensure that all divestitures discussed in this agreement occur within the agreed upon timeframes and that all proceeds are invested in non-conflicting assets.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you or another DHS ethics official during the first week of my service in the position of Deputy Administrator for Protection and National Preparedness in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order no. 13,770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

Daniel J. Kaniewski

U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the nomination of Daniel Kaniewski to be
Deputy Administrator for National Preparedness,
Federal Emergency Management Agency,
Department of Homeland Security

I. Nomination Process and Conflicts of Interest

1. Did the President or the Secretary of the Department of Homeland Security (DHS) give you specific reasons why you were nominated to be the next Deputy Administrator for National Preparedness of the Federal Emergency Management Agency (FEMA), and, if so, what were they?

   Neither the President nor the Secretary of Homeland Security gave me the specific reasons why I was nominated to this position.

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

   No conditions were attached to my nomination.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Deputy Administrator for National Preparedness? If so, what are they and to whom have the commitments been made?

   I have not made any commitments with respect to the policies and principles I will attempt to implement if confirmed as Deputy Administrator for National Preparedness.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

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

II. Background of the Nominee

5. What specific background, experience, and attributes qualify you to be Deputy Administrator for National Preparedness of FEMA?

For the past twenty years, I have focused on efforts to better prepare governments and citizens for natural and manmade disasters. I began my career as a firefighter/emergency medical technician in 1996. In that role, I learned firsthand the need for preparing for major incidents. I subsequently earned a degree in emergency medical services, became a certified paramedic, engaged on policy issues in several non-governmental roles, and served in government positions.

Prior to September 11, I was an advisor at the Congressional Fire Services Institute and a homeland security fellow on Capitol Hill where I focused on the need to prepare first responders for terrorist attacks.

After 9/11, I engaged Members of Congress and staff as a congressional liaison at FEMA. I then led emergency preparedness programs at the George Washington University Medical Center and subsequently co-founded a think tank at the university, the Homeland Security Policy Institute.

I served as Special Assistant to the President for Homeland Security and Senior Director for Response Policy during the George W. Bush Administration. I advised the President and senior White House staff during domestic incidents and coordinated interagency emergency management policies. I oversaw the disaster declaration process for over 200 presidentially declared disasters and emergencies.

I subsequently returned to George Washington University as Assistant Vice President for Homeland Security and Deputy Director of the Homeland Security Policy Institute. In that capacity, I contributed to the debate on contemporary homeland security and emergency management policy issues through publications, media appearances, and task forces.

I later served as Mission Area Director for Resilience and Emergency Preparedness/Response at the Homeland Security Studies & Analysis Institute, a federally funded research and development center serving the U.S. Department of Homeland Security. In this role, I was the senior executive responsible for emergency management, infrastructure security/resilience, and cybersecurity studies.

I currently lead the resilience practice at a catastrophe risk modeling and consulting services firm, where I aim to reduce the burden of disasters on society. I am also a Center for Cyber & Homeland Security Senior Fellow, where I contribute thought leadership on homeland security and emergency management topics.

I also served a four-year term on the DC Homeland Security Commission in Washington, DC, where I advised the city on homeland security and emergency management policies.

I have also been a member of several other governmental and non-governmental organizations focusing on homeland security and emergency management.

My education is directly relevant to this position as well. I hold a B.S. magna cum laude in Emergency Medical Services from George Washington University, an M.A. in

National Security Studies from the Georgetown University School of Foreign Service, and a Ph.D. in Public Policy and Administration from George Washington University.

6. Please describe:

   a. Your leadership and management style.

   I believe in setting the tone for any organization I lead by demonstrating an adherence to being ethical, informed, and engaged. I also believe that leaders need to rely on the expertise of their workforce to be successful. If confirmed, I will solicit input from employees and empower them to help address any challenges and look for opportunities for improvement.

   b. Your experience managing personnel.

   I have managed personnel ranging from entry-level staff to experienced managers in my positions at George Washington University, the White House, and the Homeland Security Studies and Analysis Institute.

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

   At the Homeland Security Studies and Analysis Institute, I was responsible for managing over 30 full time analysts, two division managers, and numerous consultants and subject matter experts. As a matrixed organization, other analysts worked under me for various studies, and thus those who worked under me either full time or for particular studies was well over 50 analysts.

7. Please describe your experience working in the field of emergency management and homeland security.

   a. How have you successfully managed and responded to large-scale disasters during your career?

   I have long focused on preparing the Federal government, state, local, and tribal governments, and citizens for manmade and natural disasters. I did this through thought leadership at think tanks (task forces, white papers, op-eds), studies for FEMA and DHS stakeholders on emergency management topics, government service at FEMA and the White House (including co-authoring the government after action review "The Federal Response to Hurricane Katrina: Lessons Learned" and overseeing the interagency review of the National Response Framework, National Incident Management System, and National Exercise Program), and catastrophe risk modeling. I also advised the Government of the District of Columbia through the DC Homeland Security Commission.

   Early in my career, I personally responded to local emergencies, including mass casualty incidents as a firefighter and paramedic.

III. Role of the Deputy Administrator of National Preparedness of FEMA

8. Why do you wish to serve as Deputy Administrator for National Preparedness?

I wish to serve the Nation in a way that will leverage my twenty years of experience in homeland security and emergency management. I have a passion for preparing governments, communities, and individuals for manmade and natural disasters. I believe I can have a positive impact on the Nation's preparedness for disasters by serving in this role and building upon the accomplishments of FEMA to date as well as developing new and innovative programs for the future.

9. What do you see as the principal mission(s) of the National Preparedness Directorate?

I see the principal mission of the Directorate as being to better prepare individuals, communities, and governments (at the local, state, tribal, and Federal levels) for manmade and natural disasters. This mission should be informed by risk and take an all-hazards approach.

10. What do you anticipate will be your greatest challenges as Deputy Administrator of National Preparedness, and what do you expect will be your top priorities? What do you hope to accomplish during your tenure?

If confirmed, I anticipate the greatest challenge in this role will be to provide desired resources for all stakeholders. Related, because resources are inherently limited, we will need a clear and transparent approach to allocating resources in a risk-based manner. Thus enhancing the efficient and transparent allocation of resources will be a top priority for me. I also hope to build upon citizen preparedness programs, strengthen relationships with stakeholders, and enhance federal preparedness integration efforts.

11. Has the Secretary of DHS or FEMA Administrator discussed his priorities for national preparedness with you? If so, what were they?

The FEMA Administrator has made it clear to the American people that national preparedness is a priority for FEMA. Enhancing citizen preparedness seems to be a particularly high priority for the Administrator.

12. Do you envision any changes in the missions of the National Preparedness Directorate from its current role within FEMA?

The missions of the organization have evolved over time. Should I be confirmed, I look forward to comprehensively reviewing the missions of the Directorate and making recommendations as appropriate to the FEMA Administrator for consideration.

13. What do you see as the National Preparedness Directorate's principal strengths and weaknesses in its ability to accomplish those mission(s)

The principal strengths of the Directorate are its existing relationships with stakeholders and years of experience managing and delivering preparedness programs at the local, state, and federal levels. If confirmed, I will comprehensively review the organization to determine what, if any, weaknesses exist, and work to promptly address these.

IV. Policy Questions

National Preparedness System

14. What is your assessment of our nation's preparedness today, both at the federal level and at the state, local, and tribal government level?

The Nation is better prepared for terrorist attacks and natural disasters than ever before. We have faced events that have led to substantial changes to federal policy, programs, and doctrine, positively impacting preparedness at all levels of government. That said, preparedness requires a sustained national effort to constantly assess, build, and evaluate capabilities at the federal, state, local, and tribal levels. If confirmed, I look forward to helping to lead such efforts.

15. What do you foresee as the greatest challenges to fulfilling your responsibilities in leading interagency preparedness efforts?

If confirmed, since there is no government-wide preparedness budget akin to the Disaster Relief Fund (for disaster response costs), budgeting for interagency preparedness will continue to be a challenge. Such efforts will require working together with my colleagues from the many federal departments and agencies with preparedness roles. I am hopeful that my existing relationships with many of the professionals throughout the U.S. government will help us to manage a more synchronized effort to enhance preparedness across the entire government.

16. In your view, should any authorities be modified to better enable FEMA to leverage the capabilities of other departments and agencies in preparing for and responding to disasters and catastrophic incidents?

If confirmed, I look forward to examining current authorities to determine if modifications are necessary to better accomplish the preparedness mission.

Exercises and Training

17. What will be your goals and priorities in developing national level exercises?

National level exercises are an essential component of the National Exercise Program. National level exercises should test all levels of government for a variety of risk-informed scenarios, including both manmade and natural disasters. If confirmed, I would seek to ensure we have stakeholder buy-in during the exercise development

phase, stakeholder participation during the execution phase, and stakeholder input during the lessons learned review following each exercise. Only by involving stakeholders at the federal, state, local, and tribal levels can the exercises meet the objectives as envisioned by the National Exercise Program.

18. In your estimation, what is the appropriate balance between preparing for and exercising scenarios based on relatively low probability terrorist events and scenarios based on relatively high probability natural disasters, such as weather-related incidents, earthquakes, or fires?

Federal, state, local, and tribal stakeholders benefit from both manmade (including terrorism) and natural disaster scenarios. Though many of the response actions are similar (and I embrace an all-hazards approach), specific scenarios based on potential manmade and natural threats are necessary to exercise all aspects of a potential response. Thus, both types of scenario categories are necessary, and specific scenarios should be informed by the risks a particular geographic area and/or the Nation face.

Medical Preparedness

19. Please provide your assessment of our nation's preparedness for a biological catastrophe, such as a major act of biological terrorism or pandemic influenza? If confirmed, how will you improve coordination efforts between FEMA and the Department of Health and Human Services (HHS) in preparation for such an event?

Biological terrorism and pandemic influenza are among the most potentially devastating catastrophes because of the rapid spread of pathogens (whether intentional or naturally occurring) among populations. Preparing for a biological event requires significant investments planning, training, protective equipment, and exercises, as well as medical countermeasures for specific pathogens. If confirmed, I will work closely with HHS, including my former colleague Dr. Robert Kadlec, Assistant Secretary for Preparedness and Response, to ensure a seamless integration between HHS and FEMA.

Grants

20. Please explain your understanding of the respective roles of Grants Programs Directorate (GPD) and National Preparedness Directorate and how they relate to one another. If confirmed, what will you do to ensure effective coordination between the two directorates?

The Grant Programs Directorate (GPD) and National Preparedness Directorate (NPD) are the two primary components of Protection and National Preparedness (PNP). GPD administers and manages grant programs. NPD develops and executes preparedness doctrine, assessments, training, and exercise programs. If confirmed, I will work with the leadership in place to assess current coordination levels and, as appropriate, take steps to improve upon it.

21. If confirmed, what specific steps will you take to meet the statutory requirements of the National Preparedness Report and improve current preparedness assessments?

If confirmed, I will assess the current process for developing the National Preparedness Report and look for opportunities to improve preparedness assessments. In doing so I will ensure compliance with all statutory requirements. My goal would be to ensure that all reports and assessments enhance the Nation's preparedness for manmade and natural disasters.

22. If confirmed, how will you work with GPD to ensure that preparedness assessments are appropriately considered in grant guidance and allocation?

If confirmed, I will work collaboratively with NPD and GPD in hopes of achieving a common understanding of requirements so that both directorates find that assessments inform their missions. Only with clear requirements can they achieve their respective missions.

National Preparedness Capacity

23. What steps will you take, if confirmed, to assess the current state of national preparedness and to measure progress of the national preparedness system?

If confirmed, I will review the methodology to produce the National Preparedness Report to understand the current process employed to assess national preparedness. As appropriate, I will look for opportunities to enhance the methodology in an effort to develop clear metrics to assess progress of the national preparedness system.

24. What do you see as the short-term and long-term challenges in creating and sustaining the National Protection Directorate?

While not at FEMA and able to fully assess, I imagine one of the short-term challenges for NPD is to fill leadership vacancies to ensure all divisions are led by permanent (rather than acting) leaders. A longer-term goal would be to ensure all NPD divisions are synchronized with each other, and with GPD. I will review the extent to which this is a challenge, and develop solutions as necessary, should I be confirmed for the position.

25. What role do you believe the private sector should play in emergency management?

The private sector plays a significant role in emergency management. Private sector companies must be prepared for disasters just as public sector organizations must be, as citizens and communities rely upon the private sector during disasters and emergencies.

a. How can the private sector become more resilient and prepared?

Private sector companies should develop robust preparedness (business continuity) programs in the areas of planning, training, exercising, and equipment. By understanding the risks they face, companies can better prepare and thus be more resilient when disaster strikes.

b. How can the private sector assist federal, state, and local governments in emergency management?

The private sector can provide critical support to federal, state, and local governments during disasters and emergencies. Whether it be providing commodities, working logistics, sheltering, providing equipment, specialized expertise or other necessary support during a disaster, the private sector has unique capabilities to support governments' preparedness, response, and recovery actions. The private sector also provides individuals access to necessary supplies, expertise, and services, and without these, the government's burden becomes greater.

c. How can the National Preparedness Directorate improve its engagement with the private sector to ensure it is truly integrated in national preparedness efforts?

NPD can improve its engagement with the private sector by welcoming them as partners in national preparedness efforts. NPD should articulate the critical role the private sector plays to both demonstrate its understanding to the private sector as well as to educate other stakeholders and the public writ large on the important role the private sector plays in preparedness efforts.

26. If confirmed, how do you intend to ensure that FEMA regional offices meet their national preparedness responsibilities? What, if any, improvements or enhancements do you believe should be made at FEMA regional offices to strengthen our nation's preparedness?

The FEMA regional offices play a critical role in national preparedness. They best understand the state, local, and tribal requirements in their geographic areas, and headquarters should rely upon the region's guidance to inform national preparedness efforts. If confirmed, I would ensure that GPD and NPD are responsive to regional input and support the regions with programs that can be tailored based on their individual needs as they strive to strengthen the Nation's national preparedness.

Citizen Preparedness

27. What do you believe are the essential steps that FEMA should take to enhance its efforts to improve preparedness at the individual level?

If confirmed, I commit to working on FEMA's efforts to engage the broadest audience possible with its individual preparedness efforts. To do so, FEMA must have a credible voice with individuals and communities and have specific actions that those without formal preparedness training can take to ensure that they can prepare themselves,

their families, and their communities for manmade and natural disasters. Messages need to be tailored based on the specific audience and likely risks they could face.

28. What are your priorities for the National Preparedness Directorate's Individual and Community Preparedness Division?

If confirmed, I would identify priorities for the Individual and Community Preparedness Division (ICPD) in consultation with the ICPD leadership and staff. I would also seek guidance from the Administrator on his priorities for ICPD. Working together with the Administrator, ICPD leadership and staff, and external stakeholders I would ensure ICPD's priorities are implemented.

Management

29. What do you see as the National Preparedness Directorate's most important management challenges, and what steps will you take to address these challenges?

The Directorate has been reorganized several times since its inception. If confirmed, I will review the current structure, together with those familiar with the history of the organization, and determine what can/should be done to address any challenges. I will also discuss the results of my review with the Administrator and work with him to ensure that the organization is optimized for its mission, if confirmed.

30. In the most recent Best Places to Work in the Federal Government survey, FEMA ranked 284 out of 305 federal agencies for employee morale. In your view, what factors drive morale and employee engagement at FEMA? What steps are needed to make progress in this area?

If confirmed, I look forward to discussing the factors that drive morale and employee engagement with the PNP workforce. I will then determine what steps might enable us to best make progress in this area. It is very important to me that the workforce be motivated to execute FEMA's mission and I will seek to resolve anything that may be negatively affecting morale and engagement.

31. Protecting whistleblower confidentiality is of the utmost importance to this Committee.

    a. How do you plan to implement policies within the agency to encourage employees to bring constructive suggestions forward without the fear of reprisal?

If confirmed, I would welcome employee input and feedback through any means they might feel comfortable sharing this, including anonymously. Employees throughout the organization have a perspective on policies and programs that may be invaluable to the organization and I want to encourage them to share, openly or privately, with management.

b. If confirmed, what avenues will be available to employees to report waste, fraud, or abuse within FEMA?

If confirmed, I will ensure employees have appropriate avenues to report waste, fraud, or abuse, whether it is to me directly, their supervisors, or to organizations such as the Office of the Inspector General. OIG plays an invaluable role in ensuring FEMA operates within the law and applicable regulations.

c. Do you commit without reservation to work to ensure that any whistleblower within FEMA does not face retaliation?

I do.

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

I do.

V. Relations with Congress

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

I do.

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

I do.

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

I do.

VI. Assistance

35. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate which entities.

Yes. In an effort to be forthright and responsive to the Committee, I have participated in a few high level pre-confirmation briefings with FEMA staff and the Department of

Homeland Security. These consultations were generally used to inform my answers at a high level, but these answers are my own.

U.S. Senate Committee on Homeland Security and Governmental Affairs
Supplemental Minority Pre-hearing Questionnaire
For the nomination of Daniel Kaniewski to be
Deputy Administrator for National Preparedness,
Federal Emergency Management Agency,
Department of Homeland Security

I. Policy Questions

National Preparedness System

1. Please explain your vision for national preparedness generally. What, in your judgment, are the broad national preparedness priorities, and what will you do, if confirmed, to address them?

   My vision for national preparedness is an integrated, all-hazards approach to preparing the federal, state, local, and tribal governments, the private sector, non-governmental organizations, individuals, and communities for the risks they face. This would include technical and financial support for activities such as planning, training, exercises, and equipment, and to understand and address risks through assessments, capacity building and best practices.

   The broad national preparedness priorities in my view are to build and sustain capacity at all levels of government and other stakeholders, enhance stakeholders' understanding of risk, and deliver programs tailored to particular risks and stakeholder needs.

   If confirmed, I would work with the Administrator to address these priorities by seeking to better understand and evaluate risks and have these risks inform preparedness programs. This will require coordination both inside and outside FEMA, with key stakeholders and technical experts. It will also require evaluating current programs and determining how to enhance them based on stakeholder needs. FEMA should be delivering world-class programs, and anywhere the agency is falling short, we must take appropriate corrective actions.

2. What do you view as FEMA's role in promoting state, local, and tribal preparedness, so that there are no weak links in our national preparedness for terrorist attacks and natural disasters?

   A primary mission for FEMA is to support state, local, and tribal preparedness efforts. As a former firefighter and paramedic who has long been involved in state and local preparedness issues, engaging these stakeholders would be a top priority for me.

3. What do you view as FEMA's role in supporting state, local, and tribal mitigation efforts?

FEMA should play a key role in supporting state, local, and tribal mitigation efforts. While this is primarily the domain of the Federal Insurance and Mitigation Administration (FIMA), I believe all FEMA divisions should encourage state, local, and tribal mitigation efforts and provide support as appropriate to enhance mitigation efforts of these governments.

4. In your opinion, should the federal government shift more of the financial responsibility for preparedness and mitigation to state and local governments?

I believe preparedness and mitigation is a shared responsibility between all levels of government. As such, the financial responsibility should be shared. If confirmed, I will seek input from stakeholders at all levels of government to better understand whether the balance between federal and state/local government funding is appropriate.

Exercises and Training

5. What do you see as FEMA's role in promoting greater participation among state and local emergency responders in major national exercises?

FEMA has the lead role in ensuring its state and local partners understand that National Level Exercises are an essential part of the Nation's preparedness efforts. As such FEMA should strive to get maximum participation from state and local emergency responders for major national exercises.

6. The National Domestic Preparedness Consortium (NDPC) was established in 1998 and is the primary method through which the National Preparedness Directorate delivers comprehensive, all-hazards training to state and local first responders, including training programs that focus on response to and recovery from weapons of mass destruction, CBRNE agents, and natural disasters. The President's budget request for Fiscal Year (FY) 2018 would eliminate funding for NDPC. Do you support this request? Why or why not?

If confirmed, I look forward to learning more about the National Domestic Preparedness Consortium and the FY18 budget request to better understand the merits of the program and appropriate funding levels.

Grants

7. In your opinion, how effective are the various preparedness grant programs FEMA administers in building state and local resilience to terrorist attacks and natural disasters?

I believe that the preparedness grant programs that FEMA administers have enhanced state and local governments' resilience for manmade and natural disasters. Without these grants it is possible that governments would not be significantly better prepared since 9/11, as they are today.

8. To what extent do you believe more quantitative assessments of preparedness grants are possible?

If confirmed, I would assess the methodologies used in the current process and strive to enhance FEMA's use of methodologies and tools that would promote more tangible understanding of the return on grant dollar investments.

9. What are some of the key metrics you believe would be most useful in assessing the effectiveness of the preparedness grant programs administered by FEMA?

I believe that metrics should be outcome, rather than output, based. In other words, rather than simply measuring the number of grants distributed, FEMA should consider what level of preparedness has been achieved by the grants.

By assessing metrics as risk reduction due to grant investments, the value of the grants in better preparing governments and other stakeholders for manmade and natural disasters can be better demonstrated.

10. How could coordination between FEMA preparedness grant programs be improved to ensure grants in a single geographic area work synergistically to promote preparedness?

Better coordination between FEMA preparedness grant programs could ensure grants in a single geographic area work synergistically to promote preparedness by engaging stakeholders in the region in a comprehensive manner. This could include all applicable grant programs among several jurisdictions. There should not be firewalls between programs or jurisdictions as coordination among them will serve as a force multiplier to enhance national preparedness.

11. The President's budget request would reduce funding for six counterterrorism grant programs – the Urban Area Security Initiative, State Homeland Security Program, Port Security Grant Program, Public Transportation Security Assistance, Countering Violent Extremism grant program, and Complex Coordinated Terrorist Attacks grant program – by more than $400 million in FY 2018. Do you support this request? Why or why not?

If confirmed I will seek to better understand the role that each of these grant programs plays in the national preparedness effort and the rationale of the FY18 budget request.

II. Relations with Congress and the Public

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

I will work closely with Members, their staff, and the FEMA legislative affairs office to ensure that I respond in a timely manner to Member requests for information.

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

I do.

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

I do.

15. If confirmed, do you commit to take all reasonable steps to ensure that you and your office comply with deadlines established for requested information?

I do.

16. On May 1, 2017, the Department of Justice Office of Legal Counsel (OLC) issued an opinion regarding how executive branch agencies should respond to requests from ranking members of congressional committees. The OLC opinion states that agencies have the "discretion" to respond to oversight requests from ranking members or individual members of Congress. The OLC opinion identifies that "the Executive Branch has historically exercised its discretion in determining whether and how to respond." Do you believe this opinion to control your office in its communication with Congress? If so, please describe the factors you would weigh in evaluating the circumstances that warrant a response to a request by the Ranking Member of any duly constituted committee of Congress.

If confirmed, it is my intention to respond to all requests from Members of Congress.

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

I do.

18. If confirmed, will you ensure that your staff will fully and promptly provide information and access to appropriate documents and officials in response to requests made by the Government Accountability Office (GAO) and the Congressional Research Service?

I will.

19. If confirmed, will you agree to work with representatives from this Committee and the GAO to promptly implement recommendations for improving your office's operations and effectiveness?

I will.

20. If confirmed, will you direct your staff to fully and promptly respond to Freedom of Information Act requests submitted by the American people?

I will.

IV. Assistance

21. Are these answers your own? Have you consulted with DHS or any other interested parties? If so, please indicate the individuals or entities with whom you have consulted and the nature of the assistance they provided.

Yes. In an effort to be forthright and responsive to the Committee, I have participated in a few high level pre-confirmation briefings with FEMA staff and the Department of Homeland Security. These consultations were generally used to inform my answers at a high level, but these answers are my own.

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

Daniel J. Kaniewski
(Signature)

This 1st day of September 2017

Senator Rand Paul
Post-Hearing Questions for the Record
Submitted to Dr. Daniel Kaniewski

Nomination of Daniel Kaniewski to be Deputy Administrator for Protection and National Preparedness, FEMA
U.S. Department of Homeland Security
Tuesday, September 12, 2017

1. In your response to pre-hearing questionnaire #9, you emphasized that the National Preparedness Directorate would "need a clear and transparent approach to allocating resources in a risk-based manner."

   This is particularly true of FEMA's preparedness grant programs. FEMA has awarded well over $40 billion in homeland security grants over the past 15 years[1]; however, state and local governments are often using federal dollars to purchase items they otherwise would not (such as armored vehicles[2]), to handle routine expenses (such as salaries and overtime[3]), or to purchase items of questionable utility (such as snow cone machines[4]).

   Question: What will you do to improve the administration of these grant programs in order to eliminate wasteful and superfluous spending?

   If confirmed, I will review current processes for awarding homeland security grants to state and local governments and other stakeholders to ensure proper mechanisms exist to prevent waste, fraud and abuse. I will also ensure that there are proper oversight mechanisms and controls in place to prevent awards for ineligible expenses. FEMA must continue to improve its stewardship of taxpayer dollars and operates consistent with applicable statutes, regulations, and policies.

   Question: What are the key objectives, elements, and metrics of a more focused and risk-based approach to allocating FEMA preparedness grants, and how do you intend to implement these?

   If confirmed, I look forward to reviewing FEMA's current approach to allocating preparedness grants. I will also review the risk assessment, which informs the allocation of risk-based grants. I will then determine, by engaging internal and external stakeholders, how we can improve current processes and procedures to meet the program objectives. FEMA must have a risk-based approach that focuses

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[1] Page 2, *Progress and Continuing Challenges in National Preparedness Efforts*, April 12, 2016, U.S. Government Accountability Office, accessed Sept. 12, 2017 at: https://www.gao.gov/assets/680/676484.pdf

[2] Page 23, *Safety at Any Price: Assessing the Impact of Homeland Security Spending in U.S. Cities*, December 2012, Senator Tom Coburn, accessed Sept. 12, 2017 at: https://info.publicintelligence.net/SenatorCoburn-UASI.pdf

[3] Ibid

[4] *Montcalm County gets homeland security snow cone machine*, Dec. 3, 2011, The Daily News (Greenville, Mich.), accessed Sept. 12, 2017 at: https://thedailynews.cc/articles/montcalm-county-gets-homeland-security-snow-cone-machine/

on tangible outcomes (e.g., a community prepared for its top risks) rather than simply outputs (e.g., number of fire trucks purchased).

Senator Jon Tester
Post-Hearing Questions for the Record
Submitted to Dr. Daniel Kaniewski

Nomination of Daniel Kaniewski to be Deputy Administrator for Protection and National Preparedness, FEMA
U.S. Department of Homeland Security
Tuesday, September 12, 2017

1) According to your biographical questionnaire, you started your job at the White House as Special Assistant to the President for Homeland Security and Senior Director for Response Policy one month before Hurricane Katrina hit New Orleans.

   What functions did you control during the White House's Katrina response?

   I started my job as Director for Response and Recovery Policy in July 2005, one month prior to Hurricane Katrina's landfall (I was subsequently promoted to Special Assistant to the President for Homeland Security and Senior Director for Response Policy in March 2007.) During Katrina, I was responsible for supporting the White House-led interagency policy process (through the Homeland Security Council) and providing support as required to Homeland Security Council staff and White House staff.

   Please note some of the most practicable lessons you learned from the response to Hurricane Katrina.

   Effective support from the federal government to state and local officials requires that the federal government have real time knowledge of the situation on the ground. This "situational awareness" was sorely lacking during the Katrina response and inhibited federal response efforts. The federal government has made significant efforts to enhance its situational awareness in a number of ways, including closely monitoring media reporting, as well as social media (which was not widely used during Katrina).

   The federal government also needed to be more proactive in providing federal support to the state and local officials.

   Many of the lessons learned from Katrina were codified in the Post-Katrina Emergency Management Reform Act of 2006.

2) As you are likely aware, the State of Montana is dealing with multiple wildfire complexes ranging from hundreds of acres to over a hundred thousand acres. Some of these fires are so expansive that some are not expected to be 100 percent contained until late October. Moreover, due to their size and rapid spread, these fires have outstripped Montana's budget to fight them. You are nominated to lead the National Preparedness System, which includes reviewing and updating capabilities, resources and plans.

With the severe fires hitting the western U.S. right now, do you plan to revisit how FEMA should address wildfire risks and resources?

If confirmed, I will ensure that wildfire risks and resources are appropriately considered within Protection and National Preparedness (including the National Preparedness System). I will also work with my colleagues throughout FEMA to ensure our efforts to address wildfire risks and resources are synchronized throughout the agency.

Because wildfires have wildly outstripped states' ability to pay for them, would you be open to revisiting the federal cost share for Fire Management Assistance Grants?

Though Fire Management Assistance Grants are not in the purview of Protection and National Preparedness, if confirmed, I will ensure that the appropriate FEMA officials are aware of your question to revisit the federal cost share for the grants.



American
Red Cross

National Headquarters
8550 Arlington Blvd.
Fairfax, VA 22301

September 12, 2017

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member McCaskill:

It is my pleasure to represent the American Red Cross in supporting President Trump's nomination of Daniel J. Kaniewski to serve as Deputy Administrator for National Preparedness for the Federal Emergency Management Agency (FEMA).

The Red Cross works closely with FEMA, state and local emergency management partners to carry out the mandates of our Congressional Charter and our core mission to alleviate human suffering in the face of emergencies. We have worked extremely well with Dr. Kaniewski for many years – most specifically in his earlier service at the White House as Director of Response and Recovery Policy and later as Special Assistant to the President for Homeland Security and Senior Director for Response Policy.

Dr. Kaniewski has a proven history in public safety and meets the skill and experience requirements for FEMA Deputy Administrator for National Preparedness as prescribed in the Post Katrina Emergency Management Reform Act (PKREMA).

Dr. Kaniewski has an impressive background that spans academia and public service. His career body of work in the field of disaster preparedness makes him uniquely qualified. He understands the importance of using science and technology to better inform preparedness and planning and ultimately make better, smarter data-driven decisions. We know him to be particularly well-informed, consistently an open, approachable and pragmatic partner and innovatively progressive in his thinking. I am enthusiastic about the possibilities of working with him in his new capacity as the FEMA Deputy Administrator for National Preparedness.

The American Red Cross stands in support of his nomination and encourages Congress to confirm him as FEMA Deputy Administrator for National Preparedness as swiftly as possible. If you have any questions, please do not hesitate to reach out to me or to the American Red Cross Government Relations unit.

Sincerely,



Harvey E. Johnson

Senior Vice-President
Disaster Cycle Services

THE CHERTOFF GROUP

August 31, 2017

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

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Chairman Johnson and Ranking Member McCaskill:

I offer my strong endorsement of Daniel Kaniewski to be Deputy Administrator for Protection and National Preparedness at the Federal Emergency Management Agency (FEMA). I have known Dan for over a decade and during this time have witnessed his tireless commitment to the public and deep domain expertise in homeland security and emergency management.

Dan was in the White House during Hurricane Katrina and from that perch observed many of the challenges the federal government faced in mustering an effective response. I know that if confirmed, he would apply those lessons at FEMA and beyond. Needless to say, this institutional knowledge will prove invaluable during future disasters.

Dan understands the role the federal government plays in preparing for and responding to disasters. By supporting, but not supplanting, state and local governments Dan embraces our constitutional form of government. And by empowering state and local officials with the capabilities they need to be successful, Dan would help to ensure that all levels of government are aligned toward the common objective of national preparedness.

I firmly believe that FEMA would benefit from having Dan in a leadership role. Moreover the ultimate beneficiary of Dan's leadership will be an American public, who will be grateful that someone has better prepared the nation for future disasters.

Please let me know if I can further elaborate on Dan's qualifications for this position.

Respectfully,

Michael Chertoff

1399 NEW YORK AVENUE NW, SUITE 900
WASHINGTON, DC 20005
T. 202.552.5280 | F. 202.330.5505
www.chertoffgroup.com

Center for Cyber
& Homeland Security
THE GEORGE WASHINGTON UNIVERSITY

August 30, 2017

The Honorable Ron Johnson, Chairman
The Honorable Claire McCaskill, Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Chairman Johnson and Ranking Member McCaskill:

I am pleased to offer my unequivocal support for Dr. Daniel Kaniewski's nomination for FEMA Deputy Administrator for National Protection and Preparedness. Dan was my deputy at George Washington University, where he distinguished himself as Assistant Vice President for Homeland Security and Deputy Director of the Homeland Security Policy Institute. I know that Administrator Brock Long too will benefit by having Dan as his deputy.

I have known Dan for nearly 20 years, having worked with him prior to 9/11 to develop terrorism preparedness policies and programs. From those early days, I have witnessed Dan apply his practical knowledge as a firefighter/paramedic to policy and operational homeland security and emergency management priorities. With his unique experience researching, speaking, and writing on these issues, combined with his government experience at FEMA, the White House, and on Capitol Hill, he has literally spent his entire career preparing for this moment to serve in a senior leadership role at FEMA. I can think of no better individual to support Administrator Long and FEMA in this critical role. And I have no doubt Dan would bring immediate leadership and expertise to FEMA as I watch the Hurricane Harvey inflict catastrophic consequences on Texas. The people of Texas, and those who will meet the fury of future disasters, will benefit from Dan's service to the nation at FEMA.

Thank you for the opportunity to offer this support of Dan's nomination.

Respectfully,

Frank J. Cilluffo
Director,
Center for Cyber and Homeland Security

GW Center for Cyber and Homeland Security
2000 Pennsylvania Avenue, NW, Suite 2210 • Washington, DC 20052
Tel: 202-994-2437 • E-Mail: cchs@gwu.edu
http://cchs.gwu.edu

Congressional Fire Services Institute
1530 Wilson Boulevard, Suite 520/Arlington, VA 22209
202-371-1277/update@cfsi.org
www.cfsi.org

August 17, 2017

The Honorable Ron Johnson, Chairman
The Honorable Claire McCaskill, Ranking Member
U.S. Senate Committee on Homeland Security & Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill,

It is my distinct honor and pleasure to write a letter in support of Dr. Daniel J. Kaniewski as Deputy Administrator of Preparedness for the Federal Emergency Management Agency (FEMA).

I have known Dr. Kaniewski for 20 years. In 1997, I hired him as an intern at the Congressional Fire Services Institute during his sophomore year at George Washington University. As a volunteer firefighter with a keen interest in national security, he was already focusing his efforts on the need to prepare the nation's first responders for potential terrorist attacks several years before 9/11. Dr. Kaniewski certainly embraced his time at CFSI to further his education, interacting with national fire service leaders at every opportunity to enhance his knowledge and understanding about the role of the fire service in responding to major disasters – both manmade and natural.

It has certainly been a matter of great pride for me to witness Dr. Kaniewski's career progress in Washington, DC. He is a person of unquestionable character and integrity. He understands FEMA's mission, and his background and experiences makes him fully capable of providing the leadership necessary to serve in the capacity of Deputy Administrator for Preparedness. He'll bring to the table keen insight on a realm of issues and challenges under FEMA's jurisdiction -- insight developed from years of research and study -- and apply his knowledge in a leadership capacity both wisely and effectively.

Again, I thank you for this opportunity to express my full support for Dr. Kaniewski and encourage the Senate to confirm him without unnecessary delay.

Sincerely,

William M. Webb
Executive Director

Northeastern University
Global Resilience Institute

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

August 30, 2017

Dear Chairman Johnson

We are writing this letter of support for Dr. Daniel J. Kaniewski who has been nominated by the President to be Deputy Administrator for National Preparedness at the Federal Emergency Management Agency. Dan's homeland security credentials and accomplishments, particularly in the area of Emergency Preparedness and Response are impeccable and well documented and do not require further elaboration here. In a word, we know of no one more qualified that Dan Kaniewski to assume this important role.

Global Resilience Institute
177 Huntington Avenue
Suite 310
Boston, MA 02115
617.373.4578
gri@northeastern.edu

We have known and worked closely with Dan for over fifteen years as a direct report and as a colleague and friend. Most importantly, we have had the opportunity to witness Dan Kaniewski as a leader in government and in the private sector. He is a man of rock solid character and absolute integrity. As a leader, Dan leads from the front and by example. He always inspires his people with his decisive engaged leadership style. Dan's energy, vision, intellect and commitment are complemented by his deep and abiding concern for the welfare of his subordinates. He is a highly effective coach, mentor, role model and teacher. Dan also possesses extraordinary management, strategic planning, and organizational skills which have made him a highly successful senior executive in the private sector. These gifts along with his exceptional communications skills will make him a highly effective senior leader at the Federal Emergency Management Agency.

In closing, Dan Kaniewski is a man for others with a passion for public service. We cannot think of a more capable leader to help prepare the nation to address the natural and man-made disasters that potentially lie ahead. Our recommendation is offered with the utmost enthusiasm and confidence.

Very Respectfully,

Stephen E. Flynn, PhD
Founding Director

Philip Anderson, PhD
Associate Director for
Research and Innovation

August 31, 2017

The Honorable Ron Johnson
Chairman, Committee on Homeland Security and Governmental Affairs
Dirksen Senate Office Building 340
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member, Committee on Homeland Security and Governmental Affairs
Dirksen Senate Office Building 340
Washington, DC 20510

International Association of Emergency Managers

IAEM Headquarters
201 Park Washington Court
Falls Church, VA
22046-4527 USA
Ph. 703-538-1795
Fax 703-241-5603
E-mail iaem.com
www.iaem.com
www.EMEX.org

Dear Chairman Johnson and Ranking Member McCaskill:

The U.S. Council of the International Association of Emergency Managers (IAEM-USA), the nation's largest emergency management professional association with approximately 5,000 members across the country, is pleased to strongly support the nomination of Dr. Daniel J. Kaniewski to be the Deputy Administrator for National Preparedness of the Federal Emergency Management Agency (FEMA). IAEM-USA represents THE profession dedicated to protecting America's local communities from all hazards and threats, natural and man-made.

Dr. Kaniewski brings extensive leadership experience assisting and supporting local, state, and federal governments with building robust emergency management and supporting risk threat and management. Dr. Kaniewski previously served in the White House as Director of Response and Recovery Policy and later as a Special Assistant to the President for Homeland Security, and Senior Director for Response Policy for President George W. Bush. Dr. Kaniewski was a co-author of The Federal Response to Hurricane Katrina: Lessons Learned and shepherded improvements to emergency management to ensure our nation was better prepared for all-hazards.

Of great importance to IAEM-USA, Dr. Kaniewski recognizes the value of all the emergency preparedness, response, and mitigation grants administered by FEMA. He understands and respects the role of FEMA as a partner with state and local stakeholders, and the whole community. Dr. Kanieweski began his career in homeland security as a firefighter and paramedic in Minnesota.

Dr. Kaniewski has built his career in helping local, state, and federal governments prepare for, protect against, respond to, recover from, and mitigate our nation's natural and man-made disasters. Therefore, we strongly believe Dr. Kaniewski's experience qualifies him to be confirmed as Administrator of FEMA, and IAEM-USA urges a speedy confirmation. Having Dr. Kaniewski in place quickly to support the extraordinary challenges of recovery that we face from Hurricane Harvey and future threats is critical for the federal government.

Sincerely,

Lanita A. Lloyd

Lanita Lloyd
President, U.S. Council of the International Association of Emergency Managers

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS

Providing leadership for the fire and emergency services since 1873

4025 FAIR RIDGE DRIVE • FAIRFAX, VA 22033-2868 • TEL: 703/273-0911 • FAX: 703/273-9363 • www.iafc.org

September 11, 2017

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

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Johnson and Senator McCaskill:

On behalf of the nearly 12,000 fire and emergency service leaders of the International Association of Fire Chiefs (IAFC), I express our support for Dr. Daniel Kaniewski to be the Federal Emergency Management Agency's Deputy Administrator for National Preparedness. Dr. Kaniewski is experienced in homeland security and emergency response policy, and also understands the needs of the nation's frontline first responders.

Dr. Kaniewski has a long history of experience in the field of homeland security preparedness policy. He began his career as a firefighter/paramedic responding to emergencies firsthand. He also worked with the Gilmore Commission and the Congressional Fire Services Institute. During the administration of President George W. Bush, Dr. Kaniewski served as Special Assistant to the President for Homeland Security and Senior Director for Response Policy. In that position, he oversaw the disaster declaration process for more than 200 presidentially-declared disasters and emergencies. He also served as the Deputy Director for The George Washington University's Homeland Security Policy Institute, which has been a leader in the field of homeland security research and analysis.

As the nation recovers from two major hurricanes, responds to major wildland fires and continues to prepare for the evolving terrorist threat, it is important that FEMA be staffed with experienced leaders like Dr. Kaniewski. The IAFC believes that Dr. Kaniewski has the experience to lead the nation's all-hazards preparedness efforts during these trying times. The IAFC looks forward to working with the committee to ensure that Dr. Kaniewski's nomination is considered in a timely manner.

Thank you again for your support for America's fire and emergency service!

Sincerely,

Fire Chief Thomas C. Jenkins V
President and Chairman of the Board

: kl

August 31, 2017

The Honorable Ron Johnson
Chairman, Committee on Homeland Security and Governmental Affairs
Dirksen Senate Office Building 340
Washington, DC 20510

The Honorable Claire McCaskill
Ranking Member, Committee on Homeland Security and Governmental Affairs
Dirksen Senate Office Building 340
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill:

I had the honor and privilege to serve as the Deputy Administrator of the Federal Emergency Management Agency (FEMA) for Protection and National Preparedness from May 2009 to January 2017. As the person to most recently have held that position with the advice and consent of the Senate, I am writing today in support the nomination of Dr. Daniel J. Kaniewski to succeed me as FEMA Deputy Administrator for Protection and National Preparedness.

I have known and worked with Dr. Kaniewski for more than a decade. Since his time on the White House Homeland Security Staff as Director of Response and Recovery Policy, later as a Special Assistant to the President for Homeland Security and Senior Director for Response Policy in the George W. Bush administration, he has worked closely with partners at all levels of government. Since his leaving government, he has continued to be a respected and constant presence in the in the homeland security and emergency management community, contributing to the advancement of policy and practice, and advancing the field.

It is my opinion that based on his experience and thoughtfulness, Dr. Kaniewski is extremely well suited to the position for which he has be nominated, and will ably and conscientiously continue to advance the capabilities of the Nation to prevent, protect against, respond to, recover from, and mitigate emergencies, disasters, and acts of terrorism.

I have great faith in the men and women of FEMA and the Department of Homeland Security serving in acting capacities, but I know though personal experience how vital it is to have duly appointed representatives of the administration that have been given the scrutiny and consideration of the United States Senate serving in those positions. As the impact of Hurricane Harvey is being assessed and additional storms develop through the balance of the hurricane season, to say nothing of the myriad other threats and hazards that have no seasonality, I believe it is important that the balance of the FEMA leadership be in place. I therefore respectfully urge the committee to consider his nomination at the earliest opportunity.

Sincerely,

Timothy W. Manning
Alexandria, VA

NEMA NATIONAL EMERGENCY MANAGEMENT ASSOCIATION

President
Ms. Wendy Smith-Reeve, AZ

Vice President
Mr. Mike Sprayberry, NC

Secretary
Mr. William Hackett, CT

Treasurer
Mr. Brad Richy, ID

Past-President
Mr. Bryan Koon, FL

Executive Director
Ms. Trina R. Sheets

Regional Vice-Presidents

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Mr. Bruce Fitzgerald, ME

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Mr. Kevin Wisely, NY

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Mr. Rick Flinn, PA

Region IV
Mr. Lee Smithson, MS

Region V
Mr. Chris Kelenske, MI

Region VI
Mr. Jay Mitchell, NM

Region VII
Mr. Bryan Tuma, NE

Region VIII
Mr. Kris Hamlet, UT

Region IX
Mr. Caleb Cage, NV

Region X
Mr. Robert Ezelle, WA

August 31, 2017

Hon. Ron Johnson
Chairman, Homeland Security and Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Hon. Claire McCaskill
Ranking Member, Homeland Security and Governmental Affairs Committee
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member McCaskill:

The National Emergency Management Association (NEMA) represents the emergency management directors in the 50 states, U.S. territories and District of Columbia who are responsible to their governors for all hazards disaster preparedness, mitigation, response and recovery.

NEMA strongly supports President Trump's nominations of Mr. Daniel Craig to serve as Deputy Administrator and Mr. Daniel Kaniewski to serve as Deputy Administrator for National Preparedness, of the Federal Emergency Management Agency.

FEMA does not have an "off season" and in light of the devastation wrought by Hurricane Harvey and the many other events around the country that stretch resources and people, FEMA needs strong leadership and support for Administrator Long and the hundreds of dedicated career public servants that help the agency succeed.

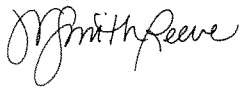
EM PUBLIC SAFETY + PUBLIC TRUST

Both men bring decades of experience to these positions and have worked tirelessly to build relationships across the diverse emergency management community. Mr. Craig and Mr. Kaniewski have the critical background required to serve at FEMA and bring expertise from the public, private, and academic sectors. They understand the importance of integrating a diverse group of stakeholders into preparedness, response, recovery, and mitigation initiatives and employing creative solutions to address challenges.

Mr. Craig and Mr. Kaniewski are highly-regarded emergency management professionals and have established relationships with state and local partners that will be critical in helping FEMA effectively fulfill its mission. They would be joining a strong, experienced, and effective team of emergency managers and can hit the ground running in support of FEMA's critical mission.

NEMA and its members stand in support the nominations of both Mr. Craig and Mr. Kaniewski and encourage Congress to confirm them both as swiftly as possible. If you have any questions, please do not hesitate to reach out to Alexa Noruk, NEMA's Director of Government Relations at anoruk@csg.org or (202) 624-5459.

Sincerely,



Wendy Smith-Reeve
NEMA President

NEMA OFFICES:
The Council of State Governments
1776 Avenue of the States • Lexington, Kentucky 40511 • (859) 244-8000 • FAX (859) 244-8239
WASHINGTON OFFICE:
Hall of the States • 444 North Capitol Street, Suite 401 • Washington, DC 20001 • (202) 624-5459 • FAX (202) 624-5875

Tom Ridge

September 5, 2017

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Democratic Leader
United States Senate
Washington, DC 20510

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

The Honorable Claire McCaskill
Ranking Member
Homeland Security & Governmental Affairs
United States Senate
Washington, DC 20510

Dear Leader McConnell, Leader Schumer, Chairman Johnson and Ranking Member McCaskill:

I write to support the nomination of Dr. Daniel Kaniewski to serve as Deputy Administrator for National Preparedness at the Federal Emergency Management Agency (FEMA).

Dr. Kaniewski has dedicated his career to the emergency management, homeland security and risk management professions as an operator, policy maker, and academic. He brings two decades of experience to this position, to include service as Special Assistant to President George W. Bush and Director of Response Policy at the White House Homeland Security Council and as a former Hill staffer with the Congressional Fire Services Caucus.

As a member of the District of Columbia Homeland Security Commission, Dr. Kaniewski has worked at the intersection of operations, policy, and budget for local emergency management and public safety leaders. More importantly, having begun his career as a firefighter and paramedic, Dan knows first-hand the needs of our front-line first responders.

His work as Mission Area Director for Resilience and Emergency Preparedness/Response at the Homeland Security Studies & Analysis Institute (a federally-funded research and development center for the Department of Homeland Security) and as an Assistant Vice President for Homeland Security at George Washington University, further demonstrate his leadership and his commitment to the enhancement of preparedness, response and resilience capabilities of our nation.

The devastation caused by Hurricane Harvey has re-emphasized the critical mission that FEMA plays in the resilience of our nation. And it is a stark reminder of the criticality of having experienced leaders like Dan Kaniewski in place to not only manage the timely and effective response to catastrophes of this scale, but to be better prepared to respond to the next emergency regardless of hazard.

I respectfully urge the Senate to expeditiously take up Dr. Kaniewski's nomination and I am pleased to recommend his confirmation. Thank you for your consideration.

Sincerely,

Tom Ridge

Tom Ridge
First US Secretary of Homeland Security
43rd Governor of Pennsylvania

HARVARD
T.H. CHAN
SCHOOL OF PUBLIC HEALTH

National Preparedness Leadership Initiative
Harvard T.H. Chan School of Public Health
8 Story Street, Room 03-02
Cambridge, MA 02138
Phone: (617) 496-0867
Fax: (617) 496-6359

September 1, 2017

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

Dear Senator Johnson:

I write today to express my support the nomination of Daniel Kaniewski to be Deputy Administrator for Protection and National Preparedness at the Federal Emergency Management Agency (FEMA). As FEMA Deputy Administrator in the Obama Administration, former Chief of Boston EMS, and a longtime friend and mentor of Dan's for nearly 20 years, I believe I can offer unique insights about Dan's background and expertise. FEMA would tremendously benefit from Dan's intelligence, leadership abilities, and team first personality. Dan possesses an exceptional aptitude for emotional intelligence that will make him easily approachable by White House and FEMA employees looking for advice or a competent sounding board.

When I first met Dan he had recently joined the staff of the Congressional Fire Services Institute (CFSI). Dan hailed from Minnesota and had been a volunteer firefighter/EMT there. When he came to DC for college he became engaged with CFSI and soon became the organization's Emergency Medical Services (EMS) advisor. He subsequently received his bachelor's degree in EMS and became certified as a Paramedic.

His career trajectory has been nothing short of extraordinary. He applied his operational experience to policy issues, both inside and outside of government. Most notably he joined the White House staff just weeks before Hurricane Katrina and witnessed the challenges the Federal government faced in responding to the catastrophe. His focus and determination to see the lessons from Katrina documented in the "Federal Response to Hurricane Katrina: Lessons Learned" was essential to ensure the Federal government does not repeat the mistakes of that disaster.

Now with the American public focused on Hurricane Harvey, I can think of no better individual to support Administrator Brock Long with the recovery from that catastrophe and prepare for future disasters. This is a mission critical position and Dan's willingness to again serve the nation is laudable.

Thank you for this opportunity to share my perspective with you.

Sincerely,

Richard Serino
Distinguished Visiting Fellow, Harvard School of Public Health
8th FEMA Deputy Administrator (2009-2014)
Chief of Boston EMS - Retired

Opening Statement of Jonathan H. Pittman
Nominee to be an Associate Judge of the District of Columbia Superior Court, September 12, 2017

Mr. Chairman and members of the Committee, I am deeply grateful to you for the opportunity to appear before you as you consider my nomination to be an Associate Judge of the Superior Court of the District of Columbia. It is a great honor and very humbling to be recommended for this position. I would like to thank the Judicial Nomination Commission and its chair, Judge Emmet Sullivan, for recommending me to the White House, and I would like to thank the President for nominating me. I also would like to thank Congresswoman Norton, who, although she could not attend today, submitted a statement on my behalf. Finally, I would like to express my sincere thanks and appreciation to the Committee members and the dedicated Committee staff for their hard work and for considering my nomination so carefully and expeditiously.

I would like to acknowledge and thank my wife, Wendy Smith, for her encouragement in my pursuing public service and for her unwavering support. Without Wendy's love and support, I would not be sitting here today. I also thank my parents, Fred and Joan Pittman, who are here today from South Carolina, for their guidance and support during my entire life. They taught me to work hard, strive for excellence, and to always treat everyone with dignity and respect. I would also like to acknowledge my stepson, Spencer Smith, who has taken time away from his preparation for the LSAT to travel here today from Massachusetts, and my daughters, Anna Kate and Louisa, both of whom are in school today. Finally, I would like to acknowledge the many friends and colleagues who have mentored and supported me throughout my career, and I appreciate that many are here today.

I moved to the District of Columbia 27 years ago, after graduating from Vanderbilt Law School, to begin my legal career as a law clerk to the Honorable John A. Terry of the District of Columbia Court of Appeals. I then joined a large law firm here in the District, where I worked with and learned from some of the finest lawyers in the country. During my more than twenty years in private practice handling complex civil litigation, I appeared before excellent trial and appellate judges all over this country and I am thankful for that experience.

Since 2012, I have had the honor and privilege of serving the citizens of the District under two Attorneys General for the District of Columbia, first under Mr. Irvin Nathan and more recently, under Mr. Karl Racine, who is here today. I have served as a Section Chief in the Civil Litigation Division, defends the District of Columbia and its employees in civil litigation in the Superior Court as well as in the United States District Court for the District of Columbia. More recently, I have served as the Assistant Deputy Attorney General for the Civil Litigation Division, where I assist the Deputy in managing the operation of the Division.

My deep respect for the rule of law began with my clerkship with Judge Terry and continues to this day. My experience with Judge Terry and the many judges I have appeared before over the years has given me an appreciation of the skill, dedication, and patience that is required to be a successful judge. If I am fortunate enough to be confirmed, I will commit to treating all parties with dignity and respect, to ensuring that all parties have an opportunity to present their case, and to making thoughtful and timely decisions.

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

REDACTED

QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE

I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

   Jonathan Hale Pittman

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

   I am a citizen of the United States.

3. **Current office address and telephone number.**

   Office of the Attorney General for the District of Columbia
   441 4th Street, N.W., Suite 630 South
   Washington, D.C. 20001
   (202) 724-6602

4. **Date and place of birth.**

   February 9, 1963 in New York City, New York.

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   I am married to Wendy Fleet Smith. She is Counsel to the United States House of Representatives Committee on Ethics, 1015 Longworth House Office Building, Washington, D.C. 20515.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

   Spencer Wayne Smith (stepson), age 26.
   Paralegal in Boston, MA.

[redacted] REDACTED

7. **Education. List secondary school(s), college(s), law school(s), and any other**

institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.

Vanderbilt University School of Law, Nashville, Tennessee; August 1987 to May 1990.
J.D., May 1990.

Vassar College, Poughkeepise, New York; August 1981 to May 1985.
B.A. in Economics, May 1985.

Porter-Gaud School, Charleston, South Carolina; September 1977 to May 1981.
High School Diploma, May 1981.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

Summer 1989
Curtis, Mallet-Prevost, Colt & Mosle
101 Park Avenue
New York, New York
Summer Associate

Summer 1988
Vanderbilt University School of Law
131 21st Avenue South
Nashville, Tennessee
Research Assistant to Professor Barry Friedman (Currently the Jacob D. Fuchsberg Professor of Law and Affiliated Professor of Politics at the New York University School of Law)

Approx. August 1986 to Approx. August 1987
No Physical Address
Charleston, South Carolina
Self-Employed House Painter

Approx. August 1985 to Approx. August 1986
No Physical Address
Washington, D.C.
I held a variety of jobs, including working in a hotel, tending bar and working at an office supply company, while also playing bass in a band.

9. **Honors and awards. List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.**

"Extra Mile" Award, Office of the Attorney General (2014)

Chambers USA, Top Insurance Coverage Attorney (2007 through 2012)

Order of the Coif, Vanderbilt University School of Law (1990)

Omicron Delta Epsilon, Vassar College (1985)

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

None.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

American Bar Association
Member, 1992 to Present

Council for Court Excellence Jury Project
Member, 2014 to Present

D.C. Superior Court Committee Chaired by Judge Melvin Wright
Member, 2014

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

Since the Fall of 2015, my wife and I have been members of the Black Tie Club, a local social organization. The Black Tie Club is the business name of a District of Columbia corporation known as Black Tie, Inc., which was incorporated on April 11, 1994. The Black Tie Club does not currently discriminate on the basis of race, sex or religion, nor, to my knowledge has it done so since it was incorporated.

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

New York State Courts
Admitted May 21, 1991

District of Columbia Bar
Admitted October 28, 1991

U.S. Court of Appeals for the D.C. Circuit
Admitted March 24, 1992

U.S. District Court for the District of Columbia
Admitted January 3, 1993

U.S. Court of Appeals for the Fourth Circuit
Admitted January 19, 1993

U.S. District Court for the District of Maryland
Admitted July 7, 1997

To the best of my knowledge, my membership in the bars of the courts listed above has never lapsed.

I was admitted to the following courts to handle a specific matter in each court. Those matters have long since concluded and I did not renew my membership in those courts.

U.S. Court of International Trade
Admitted January 2, 2001

U.S. Court of Appeals for the Fifth Circuit
Admitted July 19, 2002

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

"The Limitations of Liability Coverage Under 'Designated Premises' Policies," The Insurance Coverage Law Bulletin, Vol. 10, No. 6 (July 2011). Co-Authored with Elaine A. Panagakos.

"It's Not Just a Technicality," Legal Times, Vol. XXXI, No. 9 (March 3, 2008). Co-Authored with Paul Alp.

"The Public Policy Exception to the Recognition of Foreign Judgments," 22 Vand. J. Transnat'l L. 969 (1989).

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

None.

16. **Legal career.**

A. **Describe chronologically your law practice and experience after graduation from law school, including:**

(1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I served as a law clerk to the Hon. John A. Terry of the D.C. Court of Appeals from August 1990 until August 1991.

(2) **Whether you practiced alone, and if so, the addresses and dates;**

I have never practiced alone.

(3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

September 1991 to September 2012
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C.
Associate (1991-1999), Counsel (1999-2006) and Partner (2006-2012)

September 2012 to Present
D.C. Office of the Attorney General
Civil Litigation Division
441 4th Street, N.W.
Washington, D.C.
Section Chief (2012-2016), Assistant Deputy Attorney General (2016-present)

B. **Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.**

For one year after law school, from 1990 until 1991, I served as a law clerk to the Honorable John A. Terry, an Associate Judge on the D.C. Court of Appeals. As a law clerk, I assisted Judge Terry with criminal and civil appeals.

When I began my career at Crowell & Moring LLP in 1991, I worked in the general litigation and torts group. I worked on a mixture of commercial disputes, including basic contract disputes and insurance coverage disputes, as well as torts and product liability defense, and consumer class actions. Starting in approximately 2000, I began to focus most of my practice on insurance coverage disputes and asbestos bankruptcies, but also worked on patent litigation and products liability defense. In 2006, the firm formed a new Insurance and Reinsurance Group, and I practiced as a partner in that group from 2006 until September 2012, focusing almost exclusively on insurance coverage litigation, reinsurance arbitrations and counseling clients in insurance coverage disputes.

In September 2012, I was appointed to the position of Chief, Civil Litigation Division Section III in the Office of the Attorney General for the District of Columbia. As Chief, I managed a section consisting of up to ten full-time Assistant Attorneys General, as well as one or two pro bono attorneys, two or more legal interns, two paralegals and a staff assistant. As the Chief of the Section, I was responsible for overseeing approximately 150 active civil cases pending in the Superior Court for the District of Columbia and the United States District Court for the District of Columbia. The Section defends the District and its employees in civil lawsuits seeking money damages, including civil rights lawsuits brought under 42 U.S.C. § 1983, tort claims, employment claims brought under federal statutes, such Title VII, and District statutes, such as the D.C. Human Rights Act and the D.C. Whistleblower Protection Act. As a Section Chief, I had significant input in the drafting of substantive motions filed in court and in the development of legal arguments and case strategy. I also evaluated cases for settlement and made settlement recommendations to the Deputy and the Attorney General for cases that exceeded my settlement authority. My duties as a Section Chief also included evaluating my staff and managing the procurement of necessary services to support the Section's litigation needs, as well as evaluating and implementing procedural changes in the management of the Section.

On May 4, 2015, I was appointed Acting Assistant Deputy in the Civil Litigation Division, and assumed the duties of that position while continuing to serve as the Chief of Section III. On April 1, 2016, I was appointed Assistant Deputy of the Civil Litigation Division. As Assistant Deputy, I assist the Deputy Attorney

General in the day to day operation of the Civil Litigation Division, including providing guidance and strategy on the significant cases handled by the Division, and significant drafting and editing of important legal briefs. I also consult with the Attorney General and the Chief Deputy Attorney General concerning significant cases and interact with the Mayor and Mayoral and Council staff concerning significant cases and legal issues facing the District.

C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.

For most of my time at Crowell & Moring LLP, my area of specialty and expertise was insurance coverage litigation. I served as national counsel for a number of property and casualty insurers who were involved in litigated coverage disputes with corporate policyholders, typically involving claims for insurance coverage for mass torts. I also handled appeals for some of my insurance company clients. In addition to representing insurers, I also represented corporate clients, such as General Electric, United Technologies Corporation, and Chrysler, at the trial court and on appeal in product liability defense, contract disputes and general litigation matters.

As a supervisory attorney in the Civil Litigation Division of the Office of the Attorney General, I do not typically directly represent clients myself, although I am responsible for the representation provided by the Assistant Attorneys General whom I supervise. The Civil Litigation Division represents the District of Columbia and its agencies, such as the Metropolitan Police Department, the Department of Corrections, and D.C. Public Schools, and individual employees of the District of Columbia civil rights, tort and employment litigation. I also provide legal advice on significant legal issues facing the District to senior District of Columbia officials, including the Mayor and the Mayor's staff, as well as the heads of District agencies.

D. Describe the general nature of your litigation experience, including:

(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.

Throughout my career at Crowell & Moring LLP, my practice consisted of handling approximately three to five large and complex cases at any one time. The cases would typically involve several years of discovery, during which there would be very few court appearances. During the first ten years, I appeared in court approximately once or twice a year. Between 2001 and 2005, I devoted a substantial portion of my time to a large patent

infringement case that did not require many court appearances, and only appeared in court approximately once a year. From 2006 to 2012, my practice was devoted almost entirely to insurance coverage cases pending in state courts throughout the country. During that time, I typically appeared in court at least once every one to two months to argue procedural and substantive motions.

I am a supervisory attorney at the Office of the Attorney General, and do not have day-to-day case responsibilities. As a Section Chief, I was responsible for managing approximately 150 active civil cases at any one time, but most court appearances in those cases were handled by the Assistant Attorneys General whom I supervised. As a supervisory attorney, I personally appear in court approximately once every one to two months, usually at status or other conferences where there are significant issues to be addressed. I also attend significant mediations.

(2) **What percentage of these appearances was in:**

(a) **Federal courts (including Federal courts in D.C.);**

5% at Crowell & Moring; 50% at the Office of the Attorney General

(b) **State courts of record (excluding D.C. courts);**

90% at Crowell & Moring; 0% at the Office of the Attorney General

(c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**

5% at Crowell & Moring; 50% at the Office of the Attorney General

(d) **other courts and administrative bodies.**

0%

(3) **What percentage of your litigation has been:**

(a) **civil**

100%;

(b) **criminal**

0%*

Many of the civil rights cases defended by the Office of the Attorney General begin as criminal cases.

(4) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

As a supervisor in the Office of the Attorney General, I do not have day-to-day case responsibilities, and therefore do not typically try cases. However, in October 2012 I served as co-counsel with an Assistant Attorney General in a multi-plaintiff civil rights case, captioned *Wesby v. District of Columbia, et al.*, No. 09-501 (D.D.C.), *aff'd*, 765 F.3d 13 (2014), *reh'g denied*, 816 F.3d 96 (2016), *cert. granted*, 137 S. Ct. 826 (January 19, 2017), that was tried to a jury before then U.S. District Court Judge Robert Wilkins.

While I do not personally try cases as a supervisor in the Office of the Attorney General, I closely supervise the Assistant Attorneys General who try the cases, and have supervised more than 30 cases that were tried to verdict or judgment. I also review and substantially edit every substantive motion or brief that is filed with the court in the cases that I supervise. Since I have been at the Office of the Attorney General, I have edited and revised hundreds of substantive motions and briefs, resulting in approximately 240 dismissals of civil cases on dispositive motion.

As noted above, my practice at Crowell & Moring LLP consisted of handling a small number of large cases. None of those cases were tried to a jury. I would estimate that I disposed of approximately ten cases by dispositive motion while I was at Crowell & Moring LLP, and also prevailed in approximately five cases on appeal. The insurance cases that made up much of my practice at Crowell & Moring almost always involved questions of law, rather than disputed issues of fact. As a result, those cases were almost always resolved by dispositive motion or by settlement following discovery and motions practice, rather than by verdict at trial.

(5) **What percentage of these trials was to**

(a) **a jury**

100% (of trial)

(b) **the court (include cases decided on motion but tabulate them separately)**

100% (of dispositive motions)

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case, (a) the date of representation; (b) the court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1. *County of San Diego v. ACE Property and Casualty Insurance Company*, 118 P.3d 607 (Cal. 2005) (Justices Marvin R. Baxter, Joyce L. Kennard, Ronald M. George, Kathryn M. Werdegar, Ming W. Chin, Carlos R. Moreno. Justice Janice R. Brown took part in the oral argument, but had left the Court by the time the opinion was issued).

I represented ACE Property and Casualty Insurance Company in this matter between 2001 and 2005. I consulted with trial counsel and drafted the briefs that resulted in dismissal of the case by the California Superior Court. I then drafted and argued the appeal of that dismissal to the California Court of Appeal in 2003 and then to the California Supreme Court in 2005. The policyholder (the County of San Diego) sought coverage under an excess liability insurance policy for the costs of remediating pollution at a former landfill site. The issue was whether an excess insurance policy that obligated the insurer to indemnify the policyholder for "damages" required the insurer to pay for the costs of complying with an administrative cleanup order. I successfully argued that such costs were not covered as a result of an extension of prior California Supreme Court precedent.

Opposing Counsel:
David L. Mulliken (now retired)
Latham & Watkins LLP
12670 High Bluff Drive
San Diego, California
Telephone Number Unavailable

2. *Foster Wheeler L.L.C. v. Affiliated FM Insurance Co., et al.*, 910 N.Y.S.2d 762, 2010 WL 1945774 (N.Y. Supreme Ct. 2010) (Justice Barbara Kapnick).

I represented Century Indemnity Company. I handled all aspects of this case, including discovery and briefing and arguing the key summary judgment motion from approximately 2006 through 2010. This case was a dispute between a manufacturer of asbestos containing products and its excess liability insurers concerning coverage for hundreds of thousands of asbestos claims that had been asserted against the manufacturer. The key

issue in this case was whether the costs should be allocated through policies that ended in 1982 or through policies that ended in 1985. I moved for summary judgment that the costs could be allocated to the later policies, which did not exclude coverage for asbestos claims. The policyholder argued that the court should not allocate costs to the later polices because the insurers that issued those policies might deny coverage because the policyholder had made certain material misrepresentations about the nature of its asbestos risks when it purchased those policies. The court rejected the argument, concluding that because the policies did not exclude coverage, costs could be allocated to those policies. The case was then settled.

Opposing Counsel:
Anna P. Engh
Covington & Burling LLP
One City Center
850 Tenth Street, NW
Washington, D.C.
(202) 662-5221

3. *Exxon Corporation v. Insurance Company of North America, et al.*, No. 971376 (Superior Court for City and County of San Francisco, California) (Judge Carlos Bea).

From 1995 until 2000, I, along with others in my firm, represented Century Indemnity Company and related insurers in this matter. This massive environmental coverage action sought coverage for environmental pollution at approximately 5,200 sites located in the United States and Canada. I coordinated discovery, took and defended depositions throughout North America and drafted (but did not argue) the key summary judgment motions in this case, as well as the appeal briefs in an interlocutory appeal. The case is significant because of its size and scope, and also because the case addressed whether multiple environmental sites could be aggregated together as one "occurrence" for the purpose of satisfying per-policy deductibles or self-insured retentions. The case settled on the first day of trial.

Opposing Counsel:
Donald Brown
Covington & Burling LLP
One Front Street
San Francisco, CA
(415) 591-7063

4. *United States of America ex rel. Kreindler and Kreindler v. United Technologies Corp.*, 985 F.2d 1148 (2d Cir. 1993) (Judges Richard J. Cardamone, Lawrence W. Pierce, and J. Daniel Mahoney).

From 1991 through 1993, I, along with a partner at Crowell & Moring, represented United Technologies Corp. ("UTC") in this False Claims Act qui tam appeal. While I did not argue this appeal, I developed the argument, drafted the appellate briefs and assisted with preparing for oral argument before the Second Circuit. The case began as a products

liability lawsuit involving the crash of a Black Hawk helicopter. When that case settled, the plaintiff's law firm brought a qui tam action under the False Claims Act seeking damages from UTC based on UTC allegedly supplying a defective product. The case was dismissed on summary judgment, and plaintiff appealed. The Second Circuit affirmed, adopting our argument that there was no jurisdiction over this matter because the facts relating to the alleged defect had been previously publicly disclosed. The case is significant because it was one of the first case to address the circumstances in which a matter is deemed to be "publicly disclosed" for purposes of the False Claims Act.

Co-Counsel:
Patrick W. Lee, Esq. (now retired)
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Christopher Massaroni, Esq.
(Then with DeGraff, Foy, Conway Holt-Harris & Mealey)
Now with McNamee, Lochner Titus & Williams, P.C.
677 Broadway, #500
Albany, New York 12207
(518) 447-3331

Opposing Counsel:
Steven Pounian
Kreindler & Kreindler LLP
750 Third Avenue
New York, New York
(212) 973-3477

5. *Mandsanger v. Jaquith, et al.*, 706 A.2d 39 (D.C. 1998), D.C. Superior Court (Judge Henry Kennedy) and D.C. Court of Appeals (Judges Michael William Ferrell, Warren R. King, and James A. Belson).

In 1996 through 1998, I represented defendants Public Education Center, Inc., ("PECI") a non-profit news organization, and its president, Wayne Jaquith, in a wrongful discharge case filed in D.C. Superior Court, and on appeal in the D.C. Court of Appeals. I handled all aspects of the case. Plaintiff, an at-will employee of PECI who was discharged for performance reasons, alleged that she had been discharged in violation of the "public policy exception" to the at-will doctrine first recognized by the D.C. Court of Appeals in *Adams v. George W. Cochran & Co.*, 597 A.2d 28 (D.C. 1991). Following discovery, I filed a motion to dismiss the claims against Mr. Jaquith on the ground that he could not be personally liable for the alleged tort of the employer. I also filed a motion for summary judgment on the wrongful discharge claim on the ground that there was no evidence that the plaintiff had been fired because she had refused her employer's instruction to commit an illegal act. The Superior Court granted both motions and plaintiff appealed. The D.C. Court of Appeals affirmed in a published opinion, concluding that the public policy exception would not apply to the employee in this case because she had not actually

refused to commit an allegedly illegal act.

Opposing Counsel:
John A. Taylor
1 Geico Plaza
Washington, D.C.
(301) 986-2971

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

Unjust Imprisonment Act Cases.

From 2014 through 2016, I was tasked with coordinating the response to five pending cases filed against the District of Columbia under the District's Unjust Imprisonment Act, D.C. Code § 2-241, *et seq.*, which provides that a person wrongfully convicted under D.C. law may file a civil action for damages against the District of Columbia in D.C. Superior Court. Upon proof of actual innocence, a judge, rather than a jury, may award damages to the unjustly convicted. The District Council passed the Act in 1981 in response to the wrongful conviction of Bradford Brown, who spent four years in prison for a murder he did not commit before he was released in 1979, after another man confessed to the crime. There has been for many years a federal act that provides compensation to those who were unjustly imprisoned for an "offence against the United States." *See* 28 U.S.C. § 1495. Because crimes committed in the District are considered an "offense against the United States," persons wrongfully convicted of and imprisoned for crimes committed in the District may seek compensation under the federal unjust imprisonment act. However, at the time of Bradford Brown's conviction, the maximum recovery under the federal act was $5,000. D.C. Council passed the Act to provide additional compensation to those unjustly imprisoned for wrongful criminal convictions in the District of Columbia. Unlike the federal act and similar statutes in those states that provide a remedy for the unjustly convicted, the District's Act does not provide any cap or limit on damages. In 1985 a D.C. Superior Court jury awarded Bradford Brown a total of $325,000 for his unjust imprisonment. Until 2015, that was the only award made under the Act.

In 2004, the federal government changed the federal act to provide compensation of $50,000 per year of incarceration for a person who was unjustly imprisoned. In 2011, Donald Gates filed a lawsuit against the District seeking damages under the Act, as well as for alleged civil rights violations. Santae Tribble and Kirk Odom filed actions under the Act in 2013, and Kevin Martin and Cleveland Wright filed actions in 2015. Each of these men had been convicted of serious crimes in the District, including rape and murder, and had served lengthy prison sentences before they were exonerated as a result of DNA

testing. In most of their criminal trials, an FBI hair examiner had testified that a hair found at the crime scene matched that of the defendant. The FBI later determined that this testimony was false and misleading. Most of these men collected substantial settlements from the federal government under the federal unjust imprisonment act. Three of these cases went to trial in 2014 and 2015. Two of the cases resulted in multi-million dollar judgments entered by the Superior Court, and the third was settled during trial. The other two cases were then settled. The District ultimately paid over $52 million in 2016 to settle these five cases.

I was not trial counsel in these cases, but I was heavily involved in briefing legal issues in the litigation and in settling these cases. These cases presented some of the most difficult issues that I have ever had to face as a lawyer. On the one hand, there was no question that the plaintiffs in these cases had suffered a terrible injustice that had robbed them of decades of their lives and left them with serious physical and mental scars. On the other hand, the taxpayers of the District ultimately had to pay for a wrong that the District did not commit – it was the federal government, not the District, that had prosecuted these men and had used the now discredited testimony of an FBI hair examiner to secure many of their convictions. Moreover, the federal government had also provided these men with compensation under the federal unjust imprisonment act.

I and others at the Office of the Attorney General have devoted substantial time and energy to finding a solution to these cases that is fair to the unjustly convicted and also fair to the citizens of the District of Columbia. While the attorney-client privilege prevents me from disclosing the legal advice and counsel that I and others have given our clients on this issue, I can note that this is one of the most significant legal issues that I have faced in my career.

Insurance Liability Analysis.

While I was at Crowell & Moring, I developed expertise in modeling litigation outcomes and potential exposures in complex insurance coverage litigation. The insurance coverage cases I handled typically involved thousands or hundreds of thousands of underlying tort claims against a product manufacturer or distributor, which in turn, typically had purchased multiple primary and excess levels of insurance from different insurers over several decades. The essential question in these cases is which insurance policy should provide coverage for which underlying claims. The rules for allocating claims to policies are not uniform among the states, and these cases would often involve disputes over choice of law (and, sometimes, battles over the proper forum for the dispute). Understanding the potential financial exposure my clients faced required modeling several different scenarios. As a result, I developed electronic models that would allow me to quantify the several different potential litigation outcomes based on the different variables in the case. These models allowed my clients to make informed decisions about valuing and settling the cases brought against them. The models also helped me, as the trial attorney, determine

which legal issues had a financial impact on my client and which ones would not, and would allow me to develop an effective litigation strategy that addressed the relevant issues.

Council for Court Excellence – Jury Project.

Since 2014, I have served as the Office of the Attorney General's representative on the Council for Court Excellence Jury Project. Participants in the project included members of the private bar, civil litigators, criminal defense attorneys, prosecutors, Superior Court and federal judges, and legal scholars. From 2014 until 2015 the Project developed a series of recommendations designed to improve multiple aspects of jury service in the District of Columbia. The issues we addressed included developing ways to ensure that notices to appear for jury service reached prospective jurors, identifying ways to ease the financial burden that jury service could impose on those who could not afford to miss work to serve, and ensuring that jurors had a positive experience before, during and after their service. We held multiple meetings to identify areas for improvement and conducted research and interviews of local stakeholders, including Superior Court and federal judges and court officials. We also researched other jurisdictions' practices to determine best practices, and ultimately published our recommendations in a report titled *Jury Service Revisited: Upgrades for the 21st Century*, which was released in 2015. Since that time, I have continued to serve on a committee that is working with stakeholders to implement the recommendations set forth in the report.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

A. **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

I applied to be an Associate Judge of the Superior Court for the District of Columbia on May 25, 2013, January 23, 2015, June 22, 2015, May 13, 2016, June 16, 2016 and October 28, 2016. I applied to be a United States Magistrate Judge on August 15, 2016. I applied to be a Magistrate Judge on the Superior Court for the District of Columbia on August 19, 2016, October 12, 2016, November 8, 2016 and March 1, 2017 (I withdrew the most recent application after I was nominated to be an Associate Judge of the Superior Court of the

District of Columbia).

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

  None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

  None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of $50 or more.**

  None.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

  In 1979, when I was a juvenile (age 16), I was arrested and charged with simple possession of marijuana. The charges were dismissed.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

  On March 28, 2017, I was informed that a paralegal who previously worked in the Civil Litigation Division had filed a claim with the District of Columbia Office of Human Rights against the Office of the Attorney General. I am informed that the complaint alleges racial discrimination and failure to accommodate an alleged disability. That paralegal had worked in the Civil Litigation Division under my supervision from 2012 until January 2016, when he was transferred to another Division in the Office of the Attorney General by senior management after he asked me to change his performance review and I refused. The

paralegal and I had a conversation, after which he called the police and security in our building and falsely accused me of threatening him. The police determined that no threat had occurred. I understand that the claim is at the initial stage, and the Office of the Attorney General is preparing a response, which will deny that the paralegal suffered any racial discrimination or a hostile work environment, and will explain that any allegedly adverse employment action by the Office was the result of the paralegal's poor performance. I may be called as a witness in this action.

In December 2015, I was served with a pro se lawsuit captioned *Terrance Butch-Allah Blackman v. Washington, DC Bar Association, et al.*, No. 2015 CA 9200, filed in the Superior Court for the District of Columbia. In addition to the Washington D.C. Bar Association, the lawsuit named me and two other attorneys with the Office of the Attorney General as defendants. The complaint was essentially unintelligible. Mr. Blackman is a frequent *pro se* litigant in Superior Court, and has sued numerous Superior Court judges who have dismissed his various complaints. It appears that his suit against me and the other OAG attorneys was motivated by the fact that I had represented one or more Superior Court judges in the lawsuits he had filed against them. The case was dismissed with prejudice by Judge Demeo for failure to state a claim.

I was a party to a divorce proceeding with my ex-wife in the Superior Court for the District of Columbia. That matter was initially concluded by settlement and accompanying decree of divorce entered on August 31, 2011, with further orders modifying the initial decree entered in September 2014.

In 1999, I gave testimony in proceedings before a special master in a securities class action captioned *Gutter v. Dupont*, pending in the United States District Court for the Southern District of Florida. The testimony concerned work that I had done as an associate at Crowell & Moring on behalf of the firm's client, E.I. duPont de Nemours & Company ("Dupont") in 1993 and 1994. The firm represented Dupont as national counsel in products liability litigation arising out of a fungicide known as Benlate. The plaintiffs in a Benlate case in pending in state court in Hawaii sought documents that had been prepared by a testing lab that had been hired by an Atlanta, Georgia law firm that was defending Dupont in a case pending in federal court in Georgia. I was informed by a partner at that firm that the documents were privileged work product and not subject to disclosure. Based on that representation, I prepared two memoranda that were filed with the state court in Hawaii in late 1993 and early 1994 indicating that the documents were privileged work product that had never been offered to the Dupont's opponents in the Georgia litigation. A year and a half later, in 1995, the partner that I had relied on testified in subsequent proceedings in the George litigation that the documents had been offered to Dupont's opponent. In approximately 1999, the plaintiffs in *Gutter v. Dupont* sought discovery concerning the preparation of the memoranda, and I testified before a special master in that case. Thereafter, in 2000, the United States District Court for the Southern District of Florida issued an opinion summarizing my involvement and concluding that it

was "uncontroverted" that the lawyer at the other firm had misled me and that I had reasonably relied on that lawyer's statements to me. *See Gutter v. Dupont*, 124 F. Supp. 2d 1291, 1310 (S.D. Fla. 2000).

In the fall of 1979, I was involved in a traffic accident in Charleston, South Carolina. I was driving an empty passenger van in a rain storm. The car in front of me stopped suddenly, and the van I was driving lost traction and skidded into the rear of the car. I believe that I received a traffic citation for following too closely in connection with that accident. The driver of the car subsequently brought suit against me and my employer (the owner of the van), and the suit was settled by my employer's insurance carrier.

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

   Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

   I have a self-funded 401k/Keogh retirement plan that I began while I was at Crowell & Moring that is managed by Fidelity. I do not believe that this retirement plan poses any potential conflict of interest.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

   A professional investment company has on my behalf invested in stocks and other publicly traded investment vehicles for many years. If appointed to the bench, my ownership of the stock of a company that was a party to litigation pending before me could possibly pose a conflict of interest.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

   None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

   None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

   No.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three**

(3) copies of any trust or other relevant agreements.

I would resolve any conflicts of interest in accordance with the D.C. Courts' Code of Judicial Conduct.

8. **If confirmed, do you expect to serve out your full term?**

Yes.

III. FINANCIAL DATA

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

REDACTED

IV. DISTRICT OF COLUMBIA REQUIREMENTS

Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section I I - 150 1 (b), as amended.

1. **Are you a citizen of the United States?**

   Yes.

2. **Are you a member of the bar of the District of Columbia?**

   Yes.

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

   Yes. I was admitted to the D.C. Bar on October 28, 1991.

4. **If the answer to Question 3 is "no" --**

   A. **Are you a professor of law in a law school in the District of Columbia?**

   B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

   C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

   D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

   Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

   Yes. From July 1994 until September 2, 2016, I lived at [redacted] Washington, D.C. 20015.

REDACTED

Since September 2, 2016, I have lived at REDACTED Washington, D.C. 20015.

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

I have attached four copies of my District of Columbia Judicial Nominations Commission Questionnaire, Form 21, dated May 13, 2016.

AFFIDAVIT

Jonathan Hale Pittman being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

SUBSCRIBED and SWORN TO before me this 24 day of April 2017.

Notary Public

DARLENE FIELDS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires February 28, 2019