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NOMINATIONS OF THELMA DRAKE, JEFFREY NADANER, AND SETH APPLETON

HEARING

BEFORE THE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

NOMINATIONS OF:

THELMA DRAKE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL TRANSIT ADMINISTRATION

JEFFREY NADANER, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR EXPORT ENFORCEMENT

SETH APPLETON, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT FOR POLICY DEVELOPMENT AND RESEARCH

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NOMINATIONS OF THELMA DRAKE, JEFFREY NADANER, AND SETH APPLETON

TUESDAY, APRIL 17, 2018

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

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

OPENING STATEMENT OF CHAIRMAN MIKE CRAPO

Chairman CRAPO. Good morning. This hearing will come to order.

This morning, we will consider the nominations of three more individuals to serve in key leadership posts in the Administration.

Welcome to all of you, and congratulations on your nominations to these very important offices.

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

The nominees before us are Thelma Drake, to be Administrator of the Federal Transit Administration; Jeffrey or "Jeb" Nadaner to be Assistant Secretary of Commerce for Export Enforcement; and Seth Appleton to be Assistant Secretary of Housing and Urban Development for Policy Development and Research.

Each of these nominees will play an important role in shaping national policy and advancing economic opportunity for millions of Americans, and each nominee brings unique experience and expertise to the table.

Ms. Drake has dedicated a significant amount of her career to infrastructure, including public transportation. In addition to her role at the city of Norfolk's Public Works Department, she previously served as the Director of the Virginia Department of Rail and Public Transportation, overseeing public transportation priorities.

During her time in the U.S. House of Representatives, Ms. Drake served on the Transportation and Infrastructure Committee. Her previous infrastructure experience provides her with an understanding of the role that transit plays in comprehensive transportation networks.

Mr. Nadaner has spent more than two decades focused on U.S. national security, industrial technology, and Federal legal compliance.

In the private sector, Mr. Nadaner held multiple leadership positions at Lockheed Martin and several small businesses, including

Lockheed's Vice President of Engineering and Technology and Director of Business Development and Strategy.

Mr. Nadaner also served in numerous positions at executive agencies, including Deputy Assistant Secretary of Defense for Stability and Operations Partnership Strategy, multiple senior positions at the State Department, and as an attorney at the Department of Justice. He is well equipped to lead Export Enforcement for the Bureau of Industry and Security.

Mr. Appleton has spent most of his career on Capitol Hill, where he has developed expertise in housing policy and financial services issues. As a chief of staff to Representative Blaine Luetkemeyer for nearly a decade, Mr. Appleton played a key role in the bipartisan housing reform called the Housing Opportunity Through Modernization Act, or "HOTMA", which passed in 2016.

Mr. Appleton's nomination has been met with bipartisan support from Senators McCaskill and Blunt and the entire Missouri congressional delegation, which speaks to his strong track record of working across the aisle to get things done.

Once again, congratulations to all of you on your nominations to these very important offices, and thank you for your willingness to serve.

Senator Brown.

OPENING STATEMENT OF SENATOR SHERROD BROWN

Senator BROWN. Thank you, Mr. Chairman, for holding today's hearing on the nominations of Thelma Drake and Jeffrey Nadaner and Seth Appleton. Welcome to all three of you. I look forward to hearing your views. I want to welcome your family and guests to the Committee. So thank you for your willingness to serve.

Ms. Drake comes to us with a very important qualification. She was born and raised in Elyria, Ohio, only about 5 miles from where I lived for a decade, before moving to Virginia, raising a family, entering public service. I am pleased she wants to bring her experience and her Ohio upbringing—her experience in Congress and her Ohio upbringing and her Virginia's Department of Rail and Public Transportation service to the Federal Transit Administration.

Ohioans take more than 325,000 trips on public transportation every weekday. We need a strong Federal partner to help transit riders enjoy a faster and safer ride to work and school.

I am hopeful we can move faster in your appointment than this Senate, this Committee, and the U.S. Senate moved on your predecessor's 2014 appointment, Therese McMillan. I think she was qualified. I think you are qualified. I am hopeful we can actually put partisanship aside, unlike what happened a few years ago. I am also hopeful we can do what we should, as Mr. Nadaner's appointment reminds me on the Export-Import Bank.

The Administration's record on transit is disappointing. Ms. Drake and I had a discussion about that. I think she wants to do the right thing. I am hopeful the Administration allows her to.

Its past two budgets have proposed eliminating FTA's Capital Investment Grants programs and the multimodal TIGER program. In the latest round of TIGER awards, DOT nearly eliminated transit projects from the program.

The President's infrastructure proposal was also a disappointment. It contains no stable funding for the Mass Transit Account. We cannot rebuild our transportation infrastructure by passing the costs onto cities and counties through Trump tolls and through local tax hikes.

Despite these disappointments, I want to work with the Administration and Republicans in the Senate to advance a real infrastructure program and an infrastructure package with real dollars. I look forward to hearing Ms. Drake's priorities, including with respect to safety oversight.

I want to welcome Mr. Nadaner, the nominee for Commerce Assistant Secretary for Export Control Enforcement. Given increasing efforts by Russia, China, and others to steal sensitive technologies from U.S. companies, enforcement of our export control regime, as you know, is critical.

That is especially true as the Committee moves forward to reform CFIUS, which must be integrated with our export control system.

I would like to welcome Mr. Appleton to the Committee. If confirmed, he will help guide HUD's research efforts, which provide data and evaluations to policymakers and researchers and practitioners and housing market participants and the public.

We face many housing challenges as a Nation, from our deep shortage of affordable housing to our ongoing work to realize the promise of the Fair Housing Act after 50 years. I hope you are committed to the Fair Housing Act. I am not sure that your bosses working up the chain are.

Unbiased research can help us overcome these challenges and inform HUD's daily operations, best practices in the field, and evidence-based policy.

I look forward to hearing from Mr. Appleton about his approach to this critical function at Housing and Urban Development.

Thank you.

Chairman CRAPO. Thank you, Senator Brown.

Will the nominees please rise and raise your right hands. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. DRAKE. I do.

Mr. NADANER. I do.

Mr. APPLETON. I do.

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

Ms. DRAKE. I do.

Mr. NADANER. I do.

Mr. APPLETON. I do.

Chairman CRAPO. Thank you. You may be seated.

Each of your written statements will be made a part of the record in their entirety, and as I am sure you have been advised, we ask you to keep your oral comments or verbal comments to 5 minutes, so we have time for questions from the Committee. Before you begin, I invite you, if you choose to, to introduce your family that is in attendance, and, Ms. Drake, we will start with you. You may proceed.

STATEMENT OF THELMA DRAKE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL TRANSIT ADMINISTRATION

Ms. DRAKE. Thank you, Mr. Chairman.

I would like to introduce my husband to you, Ted Drake from Norfolk, Virginia. Thank you.

Chairman CRAPO. You may proceed with your statement.

Ms. DRAKE. Thank you, Mr. Chairman.

Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, thank you for the opportunity to address you today and to answer your questions.

I am honored to be nominated to the position of Administrator of the Federal Transit Administration. I would like to thank President Trump and Secretary Chao for their support and their belief in me.

I view transit as a key component of a successful transportation network. I realize that needs vary across the country, and I look forward to engaging in the various discussions with stakeholders as to how construct, maintain, and operate successful systems.

In Congress, I served on the House Transportation and Infrastructure Committee, and while serving in the Virginia General Assembly, I was a member of the House Transportation Committee. I have also served as a member of the Virginia Commonwealth Transportation Board.

After leaving Congress, I served as Director of the Virginia Department of Rail and Public Transportation. While Director, I helped implement new processes and performance metrics that enhanced accountability and incentivized performance and efficiency for State transit systems.

We also created a new model for funding capital investments that placed an emphasis on rolling stock. My work included involvement with Virginia's transit systems; the Washington Metropolitan Area Transit Authority; and Virginia's commuter rail system, the Virginia Railway Express.

Secretary Chao and I share the same priorities for transportation. If confirmed, my top priorities will be the safety of our transit systems and the traveling public, infrastructure support and investment, and preparing for the future through innovation.

Again, thank you for your time and consideration of my nomination. I would be honored to work with each of you on your priorities and to be an advocate for transit nationwide.

Thank you, Mr. Chairman.

Chairman CRAPO. Thank you.

Mr. Nadaner.

STATEMENT OF JEFFREY NADANER, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR EXPORT ENFORCEMENT

Mr. NADANER. I would like to introduce my dad, who is in his 85th, came from New York, and my wife and my three kids.

Chairman CRAPO. Welcome to all of you.

Mr. NADANER. Thank you, sir.

Mr. Chairman, Ranking Member Senator Brown, Senators of this Committee, with reverence for our Constitution, I come before this Committee to be considered for Assistant Secretary of Commerce

for Export Enforcement. I express my appreciation to Secretary Ross and President Trump.

I am the child of World War II refugees. My parents brought me up with a gratitude for our Nation's incomparable freedoms and exceptional opportunities for economic dignity. They also raised me with an appreciation for the ordinary women and men who day in and day out, with little note but much sacrifice, ensure our safety and uphold our laws.

The Assistant Secretary of Commerce for Export Enforcement and the Bureau of Industry and Security work to ensure that our adversaries do not get sensitive technologies. Effective harnessing of the Department's capabilities is indispensable to preventing the diversion of dual-purpose technologies to our enemies who may threaten our military, our homeland, and our citizens.

Enforcement of the law is a sine-qua-non for protecting our Nation's security and the U.S. industrial defense base and its intricate supply chains. Robust enforcement is central to ensuring that congressionally mandated sanctions and anti-boycott laws have effect.

If confirmed, I will bring to bear more than two decades of experience in national security, industry, and Federal law from the vantage points of both the public and private sectors.

My current duties with the U.S. Marine Corps center on U.S.-foreign technology competitions, cyber and informational threats, and military and security operations.

Earlier at Lockheed Martin and in small businesses, I concentrated on aerospace and defense technology; mergers, acquisitions, and joint ventures; and U.S. procurements and exports. I have managed hardware and software R&D portfolios and worked on improving supply chains.

Integral to my undertakings, I was operating under the Commerce- and State Department-led export control systems and anti-boycott and anti-corruption laws.

Before that, while Deputy Assistant Secretary of Defense, I oversaw exports of U.S. military equipment and services across the globe. These transfer too involved compliance with the U.S. export control systems. In that role, I had the honor of working with both sides of the aisle in the Senate and the House to produce bipartisan legislation.

Teaming with the civil service, I developed policies, advanced interagency decisions, and joined efforts with the intelligence community. I developed rich experience negotiating with foreign countries on technology uses.

Among my highest privileges has been to serve as the U.S. Department of Justice trial attorney. I represented an array of Federal agencies in litigation arising out of their law enforcement, administrative, and regulatory activities. I understand the frameworks under which our officers and agents act. I have seen crimes' effects. I have conducted investigations and enforced subpoenas, and I have filed suits, negotiated settlements, and brought cases to judgment.

If confirmed, I will enforce U.S. export controls, sanctions, embargos, and anti-boycott laws. I will advance policies that safeguard American jobs, technologies, and industries that form our industrial base.

Mr. Chairman, Senator Brown, Senators of this Committee, I will be honored to answer any questions you may have. Please accept my appreciation for your consideration.

Chairman CRAPO. Thank you.

Mr. Appleton.

STATEMENT OF SETH APPLETON, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT FOR POLICY DEVELOPMENT AND RESEARCH

Mr. APPLETON. Thank you.

Chairman Crapo, Ranking Member Brown, and distinguished Members of this Committee, thank you for convening this hearing. It is an honor to appear before you as the nominee to be Assistant Secretary of Housing and Urban Development for Policy Development and Research.

As a former staffer in the House of Representatives, I have sat along the wall behind the dais but never at the witness table, and to be sure, it is a humbling experience, as I have a great deal of respect for this institution and its important role in confirming nominees for service in the executive branch.

Before I begin, I would like to recognize my family. My wife, Brooke, is here today. In typical Capitol Hill fashion, we actually met working as colleagues in the House before we got married.

My mother, Susan, and my father, Bob, are here today from St. Louis. My mom has been a law professor for the last 43 years and from a very young age taught me the value of research.

My brother, Jesse, is here from St. Louis also, and on Brooke's side of the family are my in-laws, Barb and Tim Shupe from Stanberry, Missouri.

Watching the broadcast at home in St. Louis are my sister-in-law, Ali, my nephew, Bennett, who was supposed to be here for his first congressional hearing but got sick, and my grandmother, Winifred Frelich, who just celebrated her 93rd birthday on Friday and reminded me that she brought me to the Senate for the very first time during a spring break nearly 30 years ago.

In addition to my family, I would like to thank Senators Blunt and McCaskill as well as the entire Missouri congressional delegation for supporting my nomination, Republicans and Democrats alike.

Chairman CRAPO. It looks like you got a lot of folks here or watching, and the pressure is on.

Mr. APPLETON. It is, indeed, sir.

[Laughter.]

Mr. APPLETON. HUD's Office of Policy Development and Research plays a critical role for the entire Department, coordinating recommendations on policy matters, overseeing research projects and demonstrations, disseminating economic information, and managing international programs and philanthropic initiatives. It is on the cutting edge of identifying new trends and finding innovative solutions to the housing and community development challenges of our day.

As such, the Assistant Secretary must be familiar with the public policy development process, understand the importance of sound research in formulating evidence-based policy solutions, and provide

effective leadership, management, and budget oversight to the PD&R team.

If confirmed, I am committed to serving as a partner to this Committee and the Congress, which has long been involved in shaping PD&R's research and policy work.

I believe I am well suited to serve in this position based on my public policy and management experience. Following my graduation from Stanford, I worked in the U.S. House for 13 years, first as a legislative staffer, then as a chief of staff. As a legislative staffer, my portfolio included housing policy, and I later had the opportunity to really focus in on this as chief of staff to Congressman Luetkemeyer in his role as Chairman of the Subcommittee on Housing and Insurance.

An example of the policies we worked on is H.R. 3700, the Housing Opportunity Through Modernization Act, or HOTMA, which passed both the House and Senate unanimously and was signed into law by President Obama in 2016.

In addition to focusing on policy matters, I gained valuable management experience in the course of building, organizing, and leading a team of staffers in Missouri and Washington. I worked to ensure our entire team was involved in a collaborative process to craft sound initiatives, which included everything from generating ideas to reviewing research to developing partnerships and building coalitions. All of this was done with one underlying objective in mind: to improve the lives of the people we served.

In July 2017, I left my position in the House to join HUD as General Deputy Assistant Secretary and Acting Assistant Secretary in the Office of Congressional and Intergovernmental Relations. Besides affording me the opportunity to work with many Senators and staff in this room, this role also allowed me to interact with all of the Department's program and support offices, across silos, including PD&R.

Prior to being nominated, I worked with PD&R's staff on a variety of issues, including grants, university partnerships, technical assistance, and disaster response.

PD&R has an outstanding team of dedicated civil servants. If confirmed, I very much look forward to working with that team, advocating for its work, and ensuring that its products meet Congress' intent and are utilized for the betterment of those served by HUD.

Our policy solutions should be evidenced-based, backed by sound data, and tested by well-designed demonstrations and thorough research.

In closing, I believe my housing policy and management experience in the legislative and executive branches has prepared me well to serve as Assistant Secretary. If confirmed, I look forward to working with this Committee to advance policies that address the priorities and needs of the American people.

I would be pleased to answer your questions and honored to earn your support. Thank you.

Chairman CRAPO. Thank you, Mr. Appleton.

Let me start out with questions with you, Ms. Drake. A key priority of this Administration is to reduce regulatory burdens, and in the area of transit, often what we see is the smallest and most

rural transit agencies are burdened the most by regulations that are meant for the larger urban systems.

Can you assure the Committee that you will provide careful consideration for the effects of regulations on small and rural transit agencies?

Ms. DRAKE. Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee, as Director of the Department of Rail and Public Transportation, I worked with Virginia's 44 transit systems, 20 of which were rural and 6 were small urban. I have visited them. I have toured their operation. I have seen how hard they work. I have been at their ribbon-cuttings. I have talked to their riders, and I share your concern about our rurals. They cover very large areas, often are very economically challenged, smaller populations, and I can certainly confirm to you that if—if confirmed, I can commit to you that I will treat all projects fairly and in compliance with the law. And I appreciate your concern for the rurals as well as I saw in Virginia.

Chairman CRAPO. Well, thank you for that assurance.

Mr. Nadaner, as you know, we are intensely working right now on the CFIUS legislation, and as I have learned more and more as we get into this process, export control is one of the key aspects of assuring the security of the United States and sensitive products.

As you look to your new role, what do you see as the main challenges to export control enforcement?

Mr. NADANER. Mr. Chairman, I believe it is important that the Committee is considering CFIUS. It has been a while, and the world has changed a bit since the last time it did.

But I would say one of the strengths for the American system has been a very strong CFIUS process for inbound investment and strong export controls for export technology, which can occur without the technology leaving the United States if it touches foreign hands.

I believe Secretary Ross has made it a goal to say that as much as we have done on export enforcement, we need to do more. We need to make violations of these laws which can harm Americans and cause loss of American jobs mean something.

Yesterday, we saw with ZTE, there is more that can be done.

So, if confirmed, my goal will be to look at resources, authorities, and responsibilities and try and make the right priorities so that we have meaningful enforcement.

Chairman CRAPO. Well, thank you. This is obviously a matter of making sure we draw the lines in the right ways and in the right places, to assure that the robust development of emerging technologies takes place in the United States and to assure that we do not allow our technologies that are sensitive to be either exported or developed and taken over in the United States through incoming investments.

I appreciate your attention to that.

Mr. Appleton, as you know, HUD's Office of Policy Development and Research plays a key role in disaster relief efforts, including collecting information about affected areas, assessing the damage, and making disaster recovery tools available to the general public.

In light of the research natural disasters in 2017, can you speak to any opportunities for PD&R to become more efficient or to co-

ordinate better with sister agencies to ensure that the Government is able to rapidly respond to that type of crisis?

Mr. APPLETON. Thank you for that question, Senator. This is a very important topic.

In the aftermath of a disaster, PD&R relies upon data from FEMA and the Small Business Administration to determine the extent of unmet housing, business, and infrastructure needs in the most impacted areas.

This partnership is strong and runs well, but it could always be improved, and one thing that I would like to get over the finish line is the completion of a data transfer tool that would allow this information to come over seamlessly, expeditiously, and accurately in order to deploy assistance in a more rapid manner.

Chairman CRAPO. Thank you very much.

I thank each of you for those answers.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Ms. Drake, since 1982, when President Reagan signed the law that created the mass transit account, Congress has allocated a minimum of 20 percent of new revenue deposited in the Highway Trust Fund for public transportation. I fought to maintain that principle in the FAST Act. We talked about that privately.

I would like you to answer the question: Can we count on you as FTA Administrator to fight for at least that 20 percent of fair share of funding for transit in reauthorization or in any infrastructure project?

Ms. DRAKE. Senator, thank you.

As you know, I was not at FTA, not part of the discussions as to the funding that you are referencing.

I can commit to you that I will be very engaged in the discussions, will be in communication with you, and look forward to implementing the funding according to the law.

Senator BROWN. Can you not commit to the 20 percent that has been in bipartisan since the Reagan years?

Ms. DRAKE. Senator, I cannot do that at this time. I would need more information, more review, more discussion about it, and of course, discussions with you.

Senator BROWN. Well, I appreciate that and your straightforwardness, but the information is we have done it for 30 years, and it has worked. And only recently have there been some efforts by some, including on this Committee, to drop that number below 20, but I am hopeful that you will, through this process—I mean, I want to vote for you, but I very much want that 20 percent. I want to hear the FTA Administrator say, "Yes, we will follow the tradition of 20 percent."

Ms. DRAKE. Well, Senator, at the risk of sounding redundant, I really need to have more information, more review, and more discussions with you.

Senator BROWN. OK, OK.

Ms. DRAKE. And thank you. And I do hope that you realize that I truly am a transit advocate.

Senator BROWN. OK, OK. I believe you are.

DOT gave out just two transit awards in the last round of TIGER funding, shutting out nearly every transit application. Should transit projects have a fair chance at TIGER funding?

Ms. DRAKE. Senator, again, not having been at FTA, I am not part of those discussions and certainly cannot explain any of those do you, but I can tell you, again, I intend to be an advocate for transit. And I will be part of those discussions in the future.

Senator BROWN. OK.

Mr. Appleton, for several years, HUD's discretionary research priorities have been driven by the Research Roundup. HUD developed this plan in consultation with stakeholders to identify research questions that are most important to housing and community development in the future. Do you intend to use the Research Roundup as a guide for research projects?

Mr. APPLETON. Absolutely. Right now, we are in the middle of the 2014 to 2018 research roadmap. This covers a 5-year period, and it covers—the priorities outlined are housing affordability, health, disaster resiliency, a number of really important things that I want to continue.

As we build the next one, once the 2018 roadmap ends, I will absolutely be consulting with Congress and stakeholders, academics, practitioners, to build that roadmap going forward.

Senator BROWN. OK. Thank you for that.

And you, I assume, will be getting the input from stakeholders as we do this?

Mr. APPLETON. Absolutely.

Senator BROWN. Thank you.

For years—I am back to Ms. Drake. For years, this Committee has had a strong bipartisan commitment to safety oversight, maybe less today with the rhetoric that surrounds our Government the last few years, especially the Chairman's question to you about regulatory burden.

Regulatory burden to some are safety rules to others and consumer protections and food safety, and some will call that regulatory burden. Others will call it public safety.

I have two questions for you on safety. Will you be proactive in using your authority to improve safety standards in the transit industry and to ensure that states are providing robust oversight of real transit systems?

Ms. DRAKE. Senator, safety is my top priority, as is Secretary Chao's.

When I first began as Director of Department of Rail and Public Transportation, it was only a few months after the very tragic Fort Totten accident. I worked very closely with Maryland with D.C. and, of course, with the Governor of Virginia as well as the Governor of Maryland and the Mayor of D.C. So I can commit that safety is a very top priority, and I will do all in my power to make sure that the traveling public and our transit systems are safe and well maintained.

Senator BROWN. And that means proactive?

Ms. DRAKE. I will do all in my power that I can do.

Senator BROWN. I am concerned that the States' oversight agencies may not be planning to conduct regular unannounced inspections as they ramp up oversight.

GAO recently noted the need for inspections too. Are inspections a core element of an oversight program?

Ms. DRAKE. Senator, I do believe inspections are a core oversight. Not being at FTA, I cannot describe to you how things are being done, but I can commit to you that once confirmed or if confirmed that I will do everything in my power to make sure that the public is safe.

Senator BROWN. Does that mean that—do you from your transit history in Virginia is—do you believe that regular unannounced inspections are a key part of this?

Ms. DRAKE. Senator, we worked very diligently on how to set up an oversight committee that later morphed into going to FTA. So I look forward to hearing what is taking place and how we move forward to guarantee the safety of our systems.

Senator BROWN. But you are not committing to this Committee that part of oversight is to make unannounced inspections, to make sure that rail cars and other public transit vehicles and facilities are safe?

Ms. DRAKE. I do believe, Senator, that there should be inspections of our system and not just waiting until there is a tragedy to come in.

Senator BROWN. The inspections you have—you are conflating with—you are slicing pretty thin that inspections does not in your mind mean unannounced inspections, regular unannounced inspections?

Ms. DRAKE. Senator, I look forward to hearing more. I do know there is a distinction between an inspection and an investigation, and I do hope that there are investigations that take place so that we prevent any accidents from happening.

Senator BROWN. Well, I think inspections sound pretty preventative. Investigations sound like something to happen at Fort Totten. What did we do about it? It just seems to me I hope you will carry out of here the interest of this Committee that unannounced inspections are much more likely to result in improvements to public safety than inspections that the transit system is expecting you to—is scheduling and preparing for.

Ms. DRAKE. Thank you, Senator.

Chairman CRAPO. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Congresswoman, congratulations on your nomination.

I just want to ask you. You and I had a conversation in my office. I appreciate you coming to visit. With reference to Gateway——

Ms. DRAKE. Yes.

Senator MENENDEZ. ——do you consider Gateway a project that is nationally important?

Ms. DRAKE. Senator, this is a very important project. I know it is very important to you, and I look forward to working with you on the project.

Senator MENENDEZ. OK. I appreciate that, but that is not the question I asked you.

The question I asked you, do you consider Gateway a project of national significance?

Ms. DRAKE. I think it is a very significant project, Senator, and what I can commit to you is I would want to review the project.

I am hopeful at some point to see some of the components of the project, schedule a briefing on the project, so that I am much more engaged and involved with it. I——

Senator MENENDEZ. This is a different answer that you gave me in my office. In my office, you told me that, yes, this was a nationally important—so something has happened between——

Ms. DRAKE. Yep.

Senator MENENDEZ. ——your honest—I assume your honest answer to me in my office and the answer I am getting here now.

Ms. DRAKE. Senator, I consider this a very significant project.

Senator MENENDEZ. OK. That is not the same as saying that it is a nationally important project, which is what you said in my office.

Let me ask you something—so evidently, you have been instructed to say something different—for a new starts or core capacity project, what is the minimum percentage of the total project cost that a local sponsor must commit of their own funding to earn a medium rating?

Ms. DRAKE. Senator, not being at FTA, I do not have access to that information to answer in that detail that you are asking.

I can say to you that I do think there should be a balance between the Federal and the local commitments to a project.

Senator MENENDEZ. Well, what do you think that should be?

Ms. DRAKE. Senator, I am happy to get back to you, if confirmed to the position.

Senator MENENDEZ. No, no, no, no, no, no, no. You came to my office. Now you have changed your testimony here from what you told me in my office about Gateway being a project of national significance, and then we discussed about what should be the percentage for a local share of any project.

The only way for anybody to understand whether their project is being legitimately scored is understanding what the ground rules are. So you do not have to be at the agency to give me a sense of what your belief is, that a percentage amount of—is it 10 percent? Is it 20 percent? Is it 50 percent? What is it?

Ms. DRAKE. Senator, my understanding is this project is currently working through the process at FTA. I do not know the details of it. I look forward to more.

Senator MENENDEZ. I am not—Congresswoman, I am not talking about this specific project.

My question in general was for a new starts or core capacity project, whatever that project might be, what is the minimum percentage of a total project cost that the local sponsor must commit of their own funding to earn a decent rating, a medium rating? I think that is a pretty straightforward question in terms of what is your views.

If you are going to be the Administrator, what is your views about what that should be?

Ms. DRAKE. Senator, I do not know the numbers for a low or a moderate or a medium or a highly rated project, but I can commit to you that I will get that information. I will be briefed on it, and I am happy to get back with you, if I am confirmed and able to have all that information to discuss it.

Senator MENENDEZ. Well, I think the confirmation is going to be in trouble, to be honest here, unless I can get better answers.

If you do not have clear parameters, how can a local project sponsor have faith that their projects are being judged fairly? How can they have faith that their projects are judged by objective standards and not by political whims?

And so I personally cannot vote for you if this is going to be your set of answers, nor will I allow on the floor for you to proceed without some clarity. And if we have to have a debate as to why I hold that view, I am happy to do that.

Let me ask you this: How would you handle a situation in which you or the staff at the FTA were instructed by anyone in the Department of Transportation or the White House to reject a downgrade on—to reject or downgrade a new starts application for political reasons?

Ms. DRAKE. Senator, I am not at FTA, but what I can commit to you is that I will treat all projects fairly and in compliance with the law. I will have a review and happy to get back with any of the Members——

Senator MENENDEZ. That is not my question.

Ms. DRAKE. ——as to their projects.

Senator MENENDEZ. That is not my question, Congresswoman.

So you are now at FTA, if confirmed, and you are instructed by someone, the higher up at the Department of Transportation or for that fact the White House, to reject or to downgrade new starts applications for political reasons. What is your answer to that request?

Ms. DRAKE. Senator, my answer is all projects will be treated fairly and in compliance with law.

Senator MENENDEZ. The answer should be "No, I will not reject or downgrade a project because you politically want it so," and the fact that you cannot make that simple statement is alarming to me.

Thank you, Mr. Chairman.

Chairman CRAPO. Senator Warren.

Senator WARREN. Thank you, Mr. Chairman.

We face many serious housing problems in this country. Fifty years after the Fair Housing Act passed, housing discrimination is rampant. Finding affordable housing is hard, particularly for the poorest families. Victims of natural disasters are struggling to rebuild their communities. HUD has a very long to-do list.

Now, Mr. Appleton, you have been nominated to lead HUD's Office of Policy Development and Research. That office collects data about the housing problems American families face and tries to test out possible solutions. This is one of the most important jobs at HUD because the only way to fix hard problems is to follow the evidence. So I want to explore how you will approach your job.

Mr. Appleton, I understand that one of the areas your office will look into is housing affordability; is that right?

Mr. APPLETON. Yes, ma'am.

Senator WARREN. Thank you.

As you know, HUD provides support to low-income families in a couple of ways, including the Housing Choice Voucher Program. Waiting lists for vouchers which limit rent to one-third of a per-

son's income are now sometimes years long before families can get these.

In fact, the Office of Policy Development and Research, the office that you would head up, has already found that fewer than one in four people who qualify for HUD housing assistance get it; is that right?

Mr. APPLETON. Yes, ma'am.

Senator WARREN. Yeah. Well, what that means is that three in four who qualify do not get it, and many pay more than 50 percent of their incomes on housing. That leaves almost nothing for food or shelter or child care or medical emergencies, and families just cannot make the math work.

According to a new study, 2.3 million people were evicted from their housing in 2016, but HUD is not even trying to meet this need. HUD's 2019 budget requests cuts in funding for its rental assistance program by 11 percent. Draft legislation revealed that the White House was planning to raise rents and impose work requirements on families who already receiving housing support.

These changes are driven by politics, not by policy and not by evidence. Experts say that the vast majority of residents who receive housing assistance already work, if they can, and that they still need help.

So if you are confirmed, you will be Ben Carson's principal advisor on policy, on program evaluations, and on basic research. Do you promise that you will accurately convey what the data show and push for a proven evidence-based solution in every conversation you have with him?

Mr. APPLETON. Without question, yes.

Senator WARREN. Good. I want you to hear me. I said every conversation.

Mr. APPLETON. Yes.

Senator WARREN. All right. And does that include situations where your answer is "We need more money"?

Mr. APPLETON. Yes.

Senator WARREN. Good.

A home is more than a shelter. It is the foundation for a family to build a life, to build a little economic security. A child with a stable home can stay in the same school all year, focus on learning instead of worrying about when they are going to have to pack up their toys and move. Young parents buy a home in order to try to build some wealth and ultimately be able to use it to send their kids to college or as collateral to start a business.

Since Secretary Carson took over, HUD has taken one action after another that has cut the legs out from underneath American families. He has dismissed the challenges poor families have in finding housing and ignored information about how HUD can help them, and that policy is bad. It is also cruel.

So I hope you will work to reverse that trend.

Mr. APPLETON. Absolutely. I am committed to working with you and this Committee and following the evidence and the research where it leads us. I think it is really important.

Senator WARREN. Thank you, Mr. Appleton. I appreciate it.

Thank you, Mr. Chairman. Thirty-eight seconds under.

Chairman CRAPO. Duly noted.

Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

Good morning. Mr. Nadaner, you touched on this briefly when you responded to the Chairman, but let me ask you to elaborate a little bit. Do you have any thoughts on this particular CFIUS legislation? Are there any closer areas that you think the Committee should be taking a closer look at with regards to the CFIUS reform? Can you flesh it out a little bit in terms of your thought process?

Mr. NADANER. Yes, Senator Rounds.

I participated in the CFIUS process when I was a Defense Department official, and that was following a congressional effort to strengthen the process following Dubai Ports, and that was a good thing.

I think the threat has grown only since then. So I think it is wise, and I think it is salutary that the legislation is being revisited.

However, I would note that—it is a great strength of the American system that we have monitored in-bound investment into the United States in one process and that export controls in another process, and the export control system is very advanced. It is the most advanced system in the world.

In fact, one of the missions of export enforcement at Commerce is to help other countries develop their capacity for such a system.

So I would say that I have not been privy to the latest Administration positions on CFIUS reform or negotiations with this Committee. However, I would say it is good to update the legislation, but at the same time, it is also good to preserve the export control system that has been developed very carefully over several Administrations now, going back several decades.

Senator ROUNDS. OK. Let me move on a little bit to another area with regard to dual use technologies. As you know, if you are confirmed, your position will be responsible for dual use export policy. With advancements being made in technology of all kinds, it appears to me that the line between what is and what is not considered to be dual use can become a gray area.

If you are confirmed, how do you plan to make sure that we are protecting technologies that have a dual use?

Mr. NADANER. The law is far-reaching. It had a certain amount of genius that was in the original Act several decades ago. It saw where things were going that a lot of the research and development dynamism was moving toward the commercial sector and, hence, sensitive and dual use technologies being of a special concern, not just purely military technologies.

From what I have seen as a nominee, the Department is fairly up to date, and Export Administration, if confirmed, my colleague, Rich Ashooh, the Assistant Secretary for Export Administration and Licensing, it seems to me that this is a matter that they have all 10 fingers around.

If confirmed, from an enforcement perspective, I will certainly bring my views to bear, and I have a couple decades involved in the technology, particularly the newer realms of technology.

Senator ROUNDS. Mr. Appleton, as you note in your testimony, one of the roles that HUD's Office of Policy Development and Re-

search plays is disseminating economic information of our Nation's housing market. HUD conducts studies, including the American Housing Survey, as well as other analysis to determine the health and needs of the housing market.

Overall, what is your current opinion of the housing market, and what are your top priorities for HUD's Office of Policy Development and Research if you are confirmed?

Mr. APPLETON. Thank you for that question, Senator.

As far as the overall housing market, I think that we are in a little bit of a static period. We have seen a recovery since the financial crisis, and we have seen an increase in demand, particularly for affordable housing, but we are not able to keep up with that demand.

As far as my priorities for HUD's Office of Policy Development and Research, I am very interested in doing more research on long-term disaster recovery as well as housing affordability and also tracking what happens to families who leave HUD assistance.

We do not have very good metrics in place on if our programs are leading to successful exits and outcomes, and I think that that is a very important conversation that we need to have.

Senator ROUNDS. Thank you.

Mr. Chairman, I am getting close to the end, but may I ask one more question of Congresswoman Drake, please?

Chairman CRAPO. Briefly.

Senator ROUNDS. Thank you.

Congresswoman Drake, in addition to serving here on the Banking Committee, I am also a member of the Environment and Public Works Committee, where we have had the opportunity to discuss in more depth an infrastructure package that the President and the Committee have been advocating for. Could you comment on the state of our Nation's transit, briefly, and the infrastructure and the role that you believe transit should play in an infrastructure package?

Ms. DRAKE. Mr. Rounds—Senator, I would just comment to you that transit plays a very key role, both in the environment in reducing emissions and the use of single-occupant vehicles and is a very key component of a successful transportation network to reduce congestion as well.

So I am very hopeful, if confirmed, that I will be working with you in the future on those issues and that we will have further discussions about it.

Senator ROUNDS. And besides that, there may be a revenue source involved there as well.

Ms. DRAKE. That would be very helpful. Thank you.

Senator ROUNDS. Thank you.

Thank you, Mr. Chairman.

Chairman CRAPO. Thank you, Senator.

Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

I want to thank the witnesses and your families, and it is great to have your families here as well. Thank you very much.

Ms. Drake, as we discussed when we met last week, I am fortunate to come from a State that understands the importance of public transit.

We have a number of communities that are investing in transit systems in order to ease congestion and grow local and regional economies.

The support for these projects is bipartisan. It spans the gamut of Federal, State, and local governments. From myself to the Governor to the local county and city councils, we have expressed support for smart and sensible investments in effective transit.

I also hope to work with President Trump on infrastructure investments as our country desperately needs to commit to improving our infrastructure on numerous fronts.

Unfortunately, when it comes to transit projects, particularly those in the Capital Investment Grant Program, projects in Indiana have experienced a number of challenges from this Administration. Indiana has a number of projects in the Capital Investment Grant Program. As the projects have slowly progressed, we have been dealing with frustrating delays. We have been dealing with delayed funding for already approved projects, which creates a domino effect, that then delays construction and puts contractors in difficult situations with no work for employees and a lack of funds for small businesses.

We have had difficulty getting FTA to communicate with project sponsors on concerns FTA has raised to us, and then FTA has withheld other concerns until the last minute.

Ms. Drake, you have worked on these types of projects throughout your career. You know they can take years to develop. You know how much up-front hard work it takes for communities before they even apply for the funding. When FTA does not uphold its end of the bargain, everyone gets frustrated.

I am not alone with my frustration, as Congress just felt the need to use the recent Government funding bill to explicitly direct the Department to administer the Capital Investment Grand Program in accordance with the law.

Should you be confirmed to head FTA, can you commit to me that FTA will work in good faith with project sponsors, providing prompt answers and reviews, informing project sponsors about concerns, and helping them problem-solve throughout the project?

Ms. DRAKE. Senator, if confirmed to FTA—and certainly, not having been there, I cannot address the concerns that you have raised—I do know it takes a very long time. Norfolk has a light rail system that took a number of years to be able to bring up, but I can commit to you that all projects will be treated fairly, that FTA will act in accordance with the law, and that there will be communication between you and the stakeholders involved.

Senator DONNELLY. In addition, the recent omnibus funding bill also included a requirement that FTA provide updated project ratings at the request of the project sponsor. Should you be confirmed, can you describe to me what steps you will take to provide these updated ratings in a timely basis?

Ms. DRAKE. Senator, if confirmed, I can commit to you that FTA will comply with all aspects of the law, and so although I do not know the exact details of how that will happen or what you will be provided with, but FTA will comply with the law. And this information will be made available.

Senator DONNELLY. And last but certainly not least, a lot of Hoosiers rely on transit to get to work each day, and a significant number of my fellow friends and neighbors get up each morning and go to work building the buses and the trains that get Americans across the country to where they want to go.

I firmly believe that the Federal Government should be doing everything it can to give preference to American goods and services in order to ensure taxpayer dollars are used to support investments in American companies and workers.

Can you commit to me that to the fullest extent possible, FTA will buy American?

Ms. DRAKE. Senator, I can assure you that the Department of Transportation and Secretary Chao are working diligently to implement the aspects of Buy America. I join them and am very happy to commit to you that I will work with them in implementing Buy America.

Senator DONNELLY. Thank you.

Thank you, Mr. Chairman.

Chairman CRAPO. Thank you.

Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman, and welcome to all of you, and congratulations on your nominations.

I am going to start with Ms. Drake. Good to see you. We served together in the House, and when you and I met, I asked you about a number of transit issues. Among them was the Washington Metro System.

Ms. DRAKE. Of course.

Senator VAN HOLLEN. And as a Virginian, I think you understand the importance of our Washington Metro System to the economic health of the region. It is also called the Nation's Metro System because it transports a large share of the Federal workforce to work every day. Is not that right?

Ms. DRAKE. That is absolutely correct, Senator.

Senator VAN HOLLEN. And I appreciate your comments regarding the imperative for safety, especially following the Fort Totten tragedy.

The Washington Metro System now is a compact between the Federal Government and the District of Columbia, the State of Virginia, and Maryland; is that right?

Ms. DRAKE. Yes, Senator, it is a compact with the three entities, but in Virginia, it is the local governments.

Senator VAN HOLLEN. Yeah.

Ms. DRAKE. But the State has stepped into that funding role.

Senator VAN HOLLEN. Right.

Mr. Chairman and the Ranking Member just recently—and this has been a big issue in our region. The District of Columbia, the State of Virginia, and the State of Maryland have now all pledged dedicated funding to the Washington Metro System as part of this partnership——

Ms. DRAKE. Right.

Senator VAN HOLLEN. ——along with the Federal Government.

The authorization for that partnership expires at the end of this fiscal year. It was a 10-year authorization. The State of Virginia, the other parties have now pledged their continued support. In

fact, they have upped their support in the sense that it is dedicated, right?

Ms. DRAKE. Yes, Senator. Virginia has stepped up to the $50 million a year.

Senator VAN HOLLEN. Yeah. And Maryland has recently taken those actions too, as has the District of Columbia.

So when we met, you said you would be committed to working with me to ensure the continued Federal commitment to the Washington Metro System, and I just ask you today if you are willing to work with us to make sure the Federal Government remains a partner going forward.

Ms. DRAKE. Senator, in the FY19 budget, there is funding for extending PRIIA.

Senator VAN HOLLEN. Yeah.

Ms. DRAKE. For fiscal '19, I can—certainly worked very closely with the WMATA system, with Senator Warner, when I was at Department of Rail and Public Transportation, and yes, I can commit to you there is significant needs at WMATA. And I intend to work very closely with all of you to meet those needs.

Senator VAN HOLLEN. No, I appreciate that. There was a big backup on the Red Line today, apparently at Union Station, so we know that we need——

Ms. DRAKE. We need——

Senator VAN HOLLEN. ——significant effort.

And I do appreciate, as I told you when we met, that the Administration requested funds——

Ms. DRAKE. Yes.

Senator VAN HOLLEN. ——for fiscal year 2019. We need to up it a little bit. I think the number was $120 million. The annual allotment from the Federal Government has been $150 million, but we can work on that.

But my question is, as you just recognized and as I said in my question, that the 10-year authorization does expire at the end of this fiscal year.

Ms. DRAKE. Yes.

Senator VAN HOLLEN. And what I am asking for is your commitment to maintain the Federal Government's commitment to the Washington Metro.

Ms. DRAKE. Senator, I can commit to you that, if confirmed, I will be very involved in those discussions at FTA and work as diligently as I can to meet the needs of the Metro System.

Senator VAN HOLLEN. But do you agree that the Federal Government is an essential partner in the Washington Metro System?

Ms. DRAKE. The Federal Government is an essential partner. I can——

Senator VAN HOLLEN. OK.

Ms. DRAKE. I can agree with you on that statement.

Senator VAN HOLLEN. Thank you.

So to Mr. Nadaner, congratulations again on your appointment. Good to have a Marylander appointed to this position, and some of my questions were already covered by the Chairman with respect to CFIUS. I really want to make sure that we—you are an important—have important oversight over especially dual use technologies, especially to countries like China, where I think you play

an essential role to make sure that none of those exports are able to be diverted to military purposes.

And, Mr. Appleton, I see that my time is going to expire shortly, but you have been nominated to lead the Policy Development and Research operation, which was very involved in the study of HUD's Small Area Fair Market Rents. Are you familiar with that program?

Mr. APPLETON. I am.

Senator VAN HOLLEN. And I look forward to the continuing research on that.

As you probably know, back in August of last year, the current Secretary of HUD essentially put that on hold. A court later ordered him to proceed. What is your assessment of that program? Because it was designed specifically to make sure that the rents provided under the Housing Choice Voucher Program are better tailored to allow people to live in a number of different areas and move to more higher opportunity areas; is that right?

Mr. APPLETON. Yeah. I mean, I think I have committed to making sure it is successful.

My understanding is the reason the mandatory implementation was paused over the summer was because of a third-party contractor report that raised concerns about availability of units, voucher success rates, and utilization as well as increased rent burdens on voucher households.

But as you noted, the District Court has directed HUD to implement that, and it is—guidance has been issued. There have been live in-person trainings, Web trainings, and also technical assistance deployed by PD&R to ensure that the PHAs in 24 metropolitan areas across the country can implement this successfully.

Senator VAN HOLLEN. Good. Look forward to working with you on that.

Mr. APPLETON. Me too.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Chairman CRAPO. Thank you.

Senator CORTEZ MASTO. Thank you.

Welcome to all of your families, and congratulations to all three of you on your nominations.

Ms. Drake, thank you for taking the time to meet with me. I would like to start with you. As we discussed in our meeting, a transit is an incredibly important resource in my State, in both urban and our rural areas. I cannot tell you how often I hear about the challenges and opportunities presented by transit from everyday movement of my constituents to their jobs, education, and to providing transportation to the over 40 million visitors every year that we have to the State of Nevada.

It is important in my State, and we talked a little bit about this, the projects that are going on from Northern Nevada where the Washoe Regional Transportation Commission has a specific Bus RAPID Transit Project in the works. It is the Virginia Street Bus RAPID Transit project in the works. That will seek FTA support to Southern Nevada Regional Transportation Commission, where SIG funding is critical for several projects in the Las Vegas area.

And I have heard directly from our rural Nevada communities that they need more options to move the residents in and out of

town. NDOT reports that over 2.5 million are aided by FTA funds to our Nevada Department of Transportation.

So can I get your commitment that you will be the voice and champion that we need in the Department of Transportation to make sure that transit is on equal footing with other modes of transportation, that you will work with Congress to implement the letter and intent of what we pass here through authorization and appropriations?

Ms. DRAKE. Senator, if confirmed to FTA, I can make the commitment to you that I will be the transit advocate, and we talked about that in your office. And thank you for taking the time to meet with me as well.

I can also commit to you that all projects will be looked at and treated fairly and dealt with in compliance with the law, so I can make that commitment to you.

Senator CORTEZ MASTO. Thank you.

And then we also talked about how innovation plays a valuable role in our——

Ms. DRAKE. Yes.

Senator CORTEZ MASTO. ——transit services, correct?

And I believe we even talked about the fact that Senator Burr and I have introduced a bipartisan bill, the Moving FIRST Act, to reestablish a competitive grant program for supporting SMART communities throughout the country, both in urban and rural areas.

Can I get your commitment to continue to consider support and fund innovation through your various FTA programs, where appropriate?

Ms. DRAKE. Senator, if confirmed to FTA, I can make the commitment to you that it is absolutely one of my priorities for innovation and for technology to make sure that our transit systems run more efficiently, more effectively, provide better service, and it is very exciting. I am very excited about some of the things that are taking place.

Senator CORTEZ MASTO. And for that reason, can you just give me your thoughts on where you see technology playing a greater role in transportation, transportation mode?

Ms. DRAKE. Well, I think technology in terms of autonomous vehicles, in terms of smart apps that could be used, the research division that is at FTA, just a lot of interesting possibilities there—and the goal to make it an easier transit ride where more people will choose to use transit rather than driving their vehicles.

Senator CORTEZ MASTO. Thank you. Thank you very much.

Mr. Appleton, great to see you again as well.

Mr. APPLETON. Good to see you, ma'am.

Senator CORTEZ MASTO. And so we similarly had a conversation, and I believe the number one thing we talked about was that nearly every community in this Nation has an affordable housing crisis, rental housing crisis. In Nevada, it is rental, high rents. It is lack of inventory. It is a number of things.

So can I ask you, what are the three things you will do to address the affordable rental—let us talk about rental housing crisis.

Mr. APPLETON. Sure. I think that the first thing I will do is talk to my colleagues at Treasury and USDA as part of what is called

the Rental Policy Working Group. We need to get that elevated, I think, to a leadership level. That there is an MOU, I understand, that already exists to do that, because in addition to HUD, Treasury runs the Low-Income Housing Tax Credit Program, and USDA's Rural Housing Service is also integrally involved. So that is one thing.

Second, I think HUD and PD&R specifically can serve as a clearinghouse of best practices for communities that want to make progress on this, on things such as restrictive growth management controls, excessive affordable housing development fees, things of that nature, where we can really inform communities on how to do things better on the score.

And last, I think we need to look at the Moving to Work expansion that has been authorized by Congress for 100 additional PHAs. One of the things we are going to be testing as part of that expansion demonstration is PHA flexibility, and I think that one of the things we want to see is if that additional flexibility actually leads to being able to serve more households that are currently not served.

Senator CORTEZ MASTO. Thank you.

And I know my time is running out. Just recently, I convened a stakeholders group in Southern Nevada to address affordable housing needs. HUD was there along with USDA. Can I get your commitment that you will continue to be a part of our working group to figure out how we address the needs of affordable housing in the State of Nevada?

Mr. APPLETON. Absolutely, Senator. I am fully committed to working with you and your constituents on this very important issue.

Senator CORTEZ MASTO. Thank you very much.

My time has run out.

Congratulations to all three of you.

Mr. APPLETON. Thank you.

Chairman CRAPO. Thank you, Senator.

And that concludes the questioning for today's hearing. I again thank all of the witnesses for being with us today and for your willingness to serve our country.

For Senators who wish to submit questions for the record, those questions are due next Tuesday, April 24th, and we then ask that our nominees please responsd to those questions by the following Tuesday, May 1st.

With that, this hearing is adjourned.

[Whereupon, at 11:04 a.m., the hearing was adjourned.]

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

PREPARED STATEMENT OF THELMA DRAKE

TO BE ADMINISTRATOR OF THE FEDERAL TRANSIT ADMINISTRATION

APRIL 17, 2018

Chairman Crapo, Ranking Member Brown, and distinguished Members of the Committee, thank you for the opportunity to address you today and to answer your questions.

I am honored to be nominated to the position of Administrator of the Federal Transit Administration. I would like to thank President Trump and Secretary Chao for their support and belief in me.

I view transit as a key component of a transportation network. I realize that needs vary across our country and I look forward to engaging in the various discussions with stakeholders as to how construct, maintain, and operate successful systems.

In Congress, I served on the House Transportation and Infrastructure Committee and while serving in the Virginia General Assembly, I was a member of the House Transportation Committee. I have also served as a member of the Virginia Commonwealth Transportation Board.

After leaving Congress, I served as Director of the Virginia Department of Rail and Public Transportation (DRPT). While the Director of DRPT, I helped implement new processes and performance metrics that enhanced accountability and incentivized performance and efficiency for State transit systems. We also created a new model for funding capital investments that placed an emphasis on investment in rolling stock. My work included involvement with Virginia's transit systems; the Washington Metropolitan Area Transit Authority and Virginia's commuter rail system, the Virginia Railway Express.

Secretary Chao and I share the same priorities for transportation. If confirmed, my top priorities will be:

1. The safety of our transit systems and the traveling public
2. Infrastructure support and investment
3. Preparing for the future through innovation

Again, thank you for your time and consideration of my nomination. I would be honored to work with each of you on your priorities and to be an advocate for transit nationwide.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Drake, Thelma Day

Position to which nominated: Administrator, Federal Transit Administration

Date of nomination:

Date of birth: 20 November, 1949 **Place of birth: Elyria, Ohio**

Marital Status: Married **Full name of spouse:** Thomas E. (Ted) Drake

Name and ages of children:

Lynn M. Sorey 50

Jonathan M. (Mark) Sawyers 41

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Elyria Catholic High School	1963-1967		
Elyria High School	1967	High School	
Old Dominion University	1971		

Professional Training:

U.S. Department of Homeland Security "Security Clearance Program"
Virginia Executive Institute (Senior Management Course)
Graduate of the Real Estate Institute (GRI)
Certified Residential Specialists (CRS)

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

Lead Hampton Roads Regional Statesman Award	2012
Virginia Retail Federation	2009
Sons of the American Revolution Good Citizenship Medal	2008
U.S. Chamber of Commerce Spirit of Enterprise Award	2007
Small Business and Entrepreneurship Council Small Business Champion	2006
National Federation of Independent Businesses	2006
Virginia Property Rights Coalition John Marshall Award	2003
Business Community of Hampton Roads Outstanding Professional Woman	1997

Hampton Roads Realtors Association Million Dollar Sales Club	1985-2004
City of Norfolk Police Department Neighborhood Watch Award	1984

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

Organization	Office held (if any)	Dates
Virginia Commonwealth Transportation Board		2010-2013
Northern Virginia Transportation Commission		2010-2013
Northern Virginia Transportation Authority		2010-2013
Hampton Roads Transit		2010-2013
Potomac Rappahannock Transit Authority		2010-2013
Virginia Railway Express		2010-2013
Judeo Christian Outreach Center		2009-2012
The Healing Place		2015-2017
Residential Options Inc.		2001-2005
VFW Ladies Auxiliary		2006-present
American Legion Ladies Auxiliary		2005-present
Lees Friends		1990-1996
Granby High School PTA	President	1991-1994
Ocean View Kiwanis		1992-1996
Association for Research and Enlightenment		1990-present
NAS Little League		1983-1984
Women's Council of Realtors		1985-1990
Northside Civic League	Secretary	1981-1981
Northside Neighborhood Watch	President	1981-1986

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

1. City of Norfolk –Assistant Director of Public Works 09-2016 to present
   810 Union Street Norfolk, VA 23510
   I oversee the Transportation division

2. City of Norfolk – Strategic Transportation Planner 05-2015 to 09-2016
   810 Union Street Norfolk, VA 23510
   I was responsible for all major transportation projects and briefing the Mayor and the City Manager. This was a part time position.

3. Virginia Hospital and Healthcare Association 09-2014 to 09-2016
   Regional Director for Community and Member Outreach
   4200 Innslake Dr. Glen Allen, VA 23060
   I was responsible for outreach to the hospital members, the community and the Legislators in the Hampton Roads region. This was a part time position.

4. McGuire Woods Consulting - Community Outreach 02-2014 to 06-2014
800 E. Canal St. Richmond, VA 23219
I worked with the community to explain the Medicaid Expansion issue

5. Virginia Department of Rail and Public Transportation 01-2010 to 01-2014
Director – Served under Virginia Governor Robert F. McDonnell
600 E. Main St. Richmond, VA 23219
Responsible for transit and passenger and freight rail programs including funding/grant programs.

6. William E. Wood and Associates Real Estate 05-2009 to 12-2009
1208 E. Little Creek Rd. Norfolk, VA 23518
Real estate sales agent

7. Future Law – consultant 05-2009 to 12-2009
823 E. Main St. Richmond, VA 23219
I never generated any business nor was I ever registered to lobby for anyone.

8. U.S. House of Representatives – Congresswoman VA 2 01-2005 to 01-2009
Washington, DC

9. ReMax Allegiance Realty 06-2000 to 09-2004
7423 Granby St. Norfolk, VA 23505
Real estate sales agent

10. Virginia House of Delegates – Delegate 87th district 01-1996 to 11-2004
Capitol Square Richmond, VA 23219

11. Gifford Realty 06-1984 to 06-2000
1547 E. Little Creek Rd. Norfolk, VA 23518
Real estate sales agent

12. Sawyers Auction and Realty 06-1976 to 05-1984
7461Tidewater Dr. Norfolk, VA 23505
This was a family owned business that did auctions, pawn shop and real estate

13. Exterior Decorators 01-1973 to 06-1976
3642 E. Ocean View Ave. Norfolk, VA 23518
This was a family owned business that did vinyl siding/home improvements

14. Metropolitan Enterprises – home sales 06-1968 to 10-1972
Lafayette Blvd. Norfolk, VA 23509
Sales position and accounting work

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

FEDERAL:

Congresswoman VA 2nd District US House of Representative 2005-2009. I served on Transportation, Armed Services, Natural Resources and Education and Workforce.

Represented the district with the largest number of active duty service men and women and their families and all branches of the U.S military had at least one facility in the 2nd district.

Worked closely with the Virginia Delegation to deflect multiple efforts in the 2005 Base Realignment and Closure process as well as the Fiscal Year 2008 National Defense Authorization Act to close Oceana Naval Air Station.

Worked with the U.S. Army and DOD to secure funding of the seawall at Ft. Monroe to protect this historic base from possible storm surge and damaging flooding. The efforts of my congressional office reversed a prior decision and resulted in the historic site being preserved for future development for alternate purposes.

Actively worked with then Secretary of Homeland Security, Michael Chertoff, to educate him about the Virginia Port Authority (VPA) and to enable the VPA to apply for USAI grants.

Was the leading member of Congress that worked to ensure language in the 2007 Water Resources and Development Act (WRDA) that authorized the eastward expansion of Craney Island. The expansion, once completed, will generate over 54,000 jobs at the Port of Virginia.

In my role for the City of Norfolk I meet regularly with the U.S. Navy representatives regarding transportation issues and other issues in the Norfolk area.

As the Director of the Department of Rail and Public Transportation (DRPT) I negotiated the return of Amtrak Passenger Rail service to Norfolk, VA. This is Norfolk's first rail service since 1977 and provided passengers with the ability to travel from Norfolk, by rail, to popular northern routes and destinations. When I left DRPT Virginia passenger rail service was recognized as one of the best state sponsored services in the nation.

During my tenure at DRPT Virginia was the 1st state to contract with Amtrak to continue passenger rail service under the new federal regulations – PRIIA.

Closely collaborated with Maryland, DC and Federal entities to solve and improve safety oversight of fixed transportation systems with full positive support from the executive leadership in the 3 separate jurisdictions.

As Director of DRPT I was engaged after the WMATA / Ft. Totten accident during the National Transportation Safety Board investigation.

Commonwealth of Virginia:

Director Department of Rail and Public Transportation (DRPT) – 2010-2014.

I served under Virginia Governor Robert F. McDonnell. Virginia separates the Transportation Department into Virginia Department of Transportation (VDOT) for roads, bridges and DRPT is responsible for all transit, rail, telework and transportation demand management.

Interacted between the Virginia Department of Transportation (VDOT), the Metropolitan Washington Airport Authority (MWWA) and the Washington Metropolitan Transit Authority (WMATA) to resolve operational issues.

Served during the construction of phase 1 of the Dulles Metro rail extension and participated in finalizing the funding arrangements for phase 2 into Loudoun County as Secretary Sean Connaughton's representative. Was successful in lobbying for the Virginia Governor's appointment to the WMATA board and the creation of a code of ethics/ standards for the Virginia board members and MD and DC joined in that effort.

As the Director, I served on the Commonwealth Transportation Board, Northern Virginia Transportation Commission, Northern Virginia Transportation Authority, Potomac and Rappahannock Transportation Commission, and the Hampton Roads Transit board.

Delegate - Virginia House of Delegates 1996-2004

I served on Transportation, General Laws, Finance and Labor and Industry. I chaired the Virginia Housing Study Commission and served on the Chesapeake Bay Commission.

During my 9 years in the Virginia House of Delegates I worked closely with all departments of state government. Those relationships continue today.

LOCAL:

Assistant Director of Public Works – Transportation for the City of Norfolk, VA.,

City transportation issues are under me. I am the city's liaison with other cities in our region, the representative to our regional transportation planning organization and with the Virginia Department of Transportation and the Secretary of Transportation's office. My duties include involvement with Hampton Roads Transit and I am fully engaged in a re-evaluation of service policy and regional funding. I have represented the City of Norfolk at the General Assembly as a registered, Virginia lobbyist.

While serving on the board of the non-profit Judeo Christian Outreach Center I facilitated the long-stalled construction of a veteran's transitional housing project with the City of Virginia Beach.

As a member of the U.S. Congress I represented local governments from the Virginia/Maryland border on Virginia's Easter Shore, the city of Virginia Beach, part of Norfolk and part of the City of Hampton. I have a long history of working with our Virginia localities.

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

None

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

Member US House of Representatives 2nd District VA	2005-2009
Member Virginia House of Delegates 87th District	1996-2004
Republican Party of Virginia – member	
Republican Party of Norfolk, VA – member	
Tusk and Trunk (2nd District VA Republican organization) vice chairman	2009-2010

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

SEE ATTACHED SHEETS

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

Future employment relationships:

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

Yes- I will sever relationships with my current employer – the City of Norfolk, VA

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

It is my current intention to seek employment after I complete all duties at FTA.

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

No

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

Yes.

Potential conflicts of interest:

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

No direct benefits will be expected or provided and I will fully comply with all rules and regulations required of an administrator of the FTA. Of course, all transportation decisions potentially affect a wide range of stakeholders. Yet, there are no current and known dealings with business associates, clients or customers who will be affected by policies which will be influenced by the FTA.

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

I do not have actual knowledge of any current investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position of Administrator of the FTA.. .

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

I have no actual knowledge of any business relationship, dealing or financial transaction (other than tax paying) which I have had during the last 10 years with the Federal Government, whether for myself, or for another person that I have legal authority to represent in a business relationship that would result in a conflict of interest under the current construction of the relevant rules that govern conflicts of interest.

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

I was a registered Federal Lobbyist for the Virginia Hospital and Healthcare Association (VHHA) in 2014, 2015 and 2016.
In 2014 I was a consultant to McGuire Woods to work with the Hampton Roads community regarding the Medicaid expansion issue.

In 2015 I was employed directly by VHHA and arranged meetings and attended meetings with VHHA and the Virginia delegation.
In 2016 I was registered to represent VHHA did not perform any services at the federal level.

I was a registered Virginia lobbyist for VHHA in 2015 and 2016. My role was to interact with hospital members, the community in Hampton Roads and the Hampton Roads delegation regarding all hospital related issues.

I am a registered Virginia lobbyist for the City of Norfolk for the 2018 session and was registered for the 2016 and 2017 General Assembly session. My role was all transportation related items and all city related issues.

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

The responses do not identify any known conflict of interests of which I am aware of at the time of responding.

Civil, criminal and investigatory actions:

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

None

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

None

FEC contributions

committee_i	committee_r	report_year	report_type	contributor_	contribution_	contribution_	cycle
C00365692	FORBES FOR	2016	Q2	DRAKE, THEL	##########	$125.00	2016
C00554261	COMSTOCK F	2016	30G	DRAKE, THEL	##########	$500.00	2016
C00554261	COMSTOCK F	2014	Q3	DRAKE, THEL	9/7/14 0:00	$500.00	2014
C00370783	GINGREY FOI	2013	Q2	DRAKE, THEL	##########	$400.00	2014
C00370783	GINGREY FOI	2013	Q2	DRAKE, THEL	##########	$200.00	2014
C00477240	MORGAN GR	2012	12P	DRAKE, THEL	5/1/12 0:00	$250.00	2012
C00355461	CANTOR FOR	2011	Q1	DRAKE, THEL	##########	$250.00	2012
C00492462	GEORGE ALLI	2012	Q1	DRAKE, THEL	##########	$250.00	2012
C00075820	NATIONAL RI	2012	M4	DRAKE, THEL	##########	$250.00	2012
C00477240	MORGAN GR	2010	12C	DRAKE, THEL	##########	$500.00	2010
C00477240	MORGAN GR	2010	12G	DRAKE, THEL	##########	$500.00	2010

CONTRIBUTION REPORT 2010-2017

Thelma Drake and Associates

Frank Wagner for Senate
- $250 – 3/31/2015
- $250 – 5/26/2015
- $200 – 10/27/2014

David Yancey for Delegate
- $500 – 9/6/2014

John Cosgrove for Senate
- $250 – 5/29/2014

Glenn Davis for Delegate
- $250 – 6/16/2014

Rick Morris for Delegate
- $250 – 8/5/2014

Chris Stolle for Delegate
- $250 – 8/9/2014

Tusk & Trunk
- $250 – 7/10/2016

Kenneth Alexander for Senate
- $200 – 5/25/2016

Barry Knight for Delegate
- $200 – 10/6/2014

Thelma D. Drake

Tusk & Trunk
- $1,000 – 1/12/2013
- $500 – 3/5/2012
- $250 – 1/5/2011
- $250 – 4/14/2011
- $250 – 7/12/2011
- $250 – 7/19/2012
- $250 – 10/31/2012
- $250 – 3/23/2010
- $250 – 5/22/2017
- $250 – 5/10/2010

Opportunity Virginia PAC
- $1,000 – 6/17/2010

Restoration Fund
- $500 – 9/20/2016
- $200 – 5/29/2014

VA Hospital & Healthcare Association
- $250 – 6/30/2015
- $250 – 6/10/2016

Ron Villanueva for Delegate
- $200 – 8/30/2015
- $100 – 10/12/2011

Kathy Byron for Delegate
- $250 – 8/20/2013

Richard Ottinger for Senate
- $250 – 12/2/2013

David Yancey for Delegate
- $250 – 8/12/2015

Rob Bloxom for Delegate
- $200 – 10/17/2014

Bill DeSteph for Senate
- $200 – 10/26/2015

Jason Miyares for Delegate
- $200 – 9/9/2015

Vihstadt for Arlington County Board
- $200 – 3/14/14

Republican Party of Norfolk
- $100 – 10/29/2010

Frank Wagner for Senate
- $100 – 10/16/2015

Thelma Drake - Qualifications to Serve as FTA Administrator

Virginia Department of Rail and Public Transportation (DRPT)

1. I led a team at DRPT that implemented performance metrics in Virginia. The implemented metrics represented a significant departure from prior methodologies used in Virginia. The performance metrics addressed concerns raised by the Virginia legislative bodies and provided a level of confidence that helped DRPT secure additional transit funding in the 2013 legislative session. The methodology rewarded transit companies that performed more efficiently and with more accountability. It eliminated "one size fits all" funding formulas in Virginia.
2. I reorganized DRPT. The reorganization created a chief operating officer position that was responsible for both rail and public transit issues in Virginia. The prior structure created duplication, administrative burdens and a failure of the Rail and Transit staff to work together. The restructured DRPT allowed DRPT planners to work on both rail and transit projects and more effectively use the available DRPT engineers to oversee capital projects. The limited DRPT resources were used in a broader range of transportation projects.
3. I was actively involved in Virginia's collaboration with Maryland, DC and federal agencies to improve safety oversight for the Metro Rail system. The collaboration had the full support from the executive leadership in the relevant jurisdictions. The Ft. Totten accident was the trigger event for this effort.
4. I was the Governor's appointed representative on the Northern Virginia Transportation Commission (NVTC) and the Potomac Rappahannock Transportation Commission (PRTC), the owners of Virginia Railway Express. The Virginia Railway Express is an FTA and Virginia funded commuter rail operation.
5. I was engaged in the oversight of safety issues involving the WMATA Metro Rail and the HRT Norfolk light rail system, known as the Tide, to insure compliance with federal law, 49 CFR Part 659.
6. I was heavily engaged with the VDOT, WMATA and MWAA to resolve funding, construction, and operational issues related to the expansion of the Metro Rail system Silver Line to Dulles
7. I worked on the funding mechanism for the Metro Rail system Silver Line phase 2 construction to Loudon County and was the Virginia Transportation Secretary's representative to the various agencies to create solutions to any obstacles that hindered the construction.
8. I worked to obtain the legislative approval for the Virginia Governor's appointment to the WMATA board and the establishment of new governing policies and an ethics code for WMATA board members.
9. Led efforts to acquire funding and establish the policies necessary for intercity passenger rail operations, resulting in the first – ever Virginia dedicated funding for passenger rail in Virginia. Additionally, I worked with AMTRAK to continue passenger rail service under the new federal regulations (PRIIA Section 209). Virginia was the first state to negotiate a successful contract under the new regulations.
10. I worked with Norfolk Southern, CSX and other stakeholders to return passenger rail service to Norfolk after a 35- year gap in service. The effort required the creation of a connection from Norfolk to Petersburg on Norfolk Southern assets and on CSX rails from Petersburg through

Richmond, Washington DC, New York City and with a potential termination in Boston. The service was operating profitably within the first year.

U.S. Congress and Virginia House of Delegates

I served on the Transportation Committees in both the Virginia House of Delegates and the U.S. Congress. I have a working knowledge of the relevant rules, regulations and funding issues at both the state and federal levels. I have developed relationships with individuals that are critical links to successful transportation policies and operations.

In both legislative bodies, I developed a reputation for studying issues carefully, for building a consensus around difficult issues and exercising sound judgment. I worked very hard to develop relationships with the professionals in the transportation space. These relationships will be an important ally at the FTA. I pursued policies that held transit authorities to standards of accountability and created greater efficiencies. I am not afraid of change and have proven to be thoughtful about the process. The structure that I helped implement in Virginia is more or less still in place. To the extent an agency can achieve its goals while becoming more efficient and better utilizing its staff, then I will pursue the necessary changes. I believe in a strong and vigorous transportation network. Yet, the staff and funding must reflect accountability to the legislative bodies and the electorate.

I have worked as a real estate professional for many years. My real estate experience has sharpened my negotiation skills, helped me develop goal focused project management, forced me to address unexpected circumstances and work with a wide range of state and federal laws.

I have years of public speaking experience. I have learned to address matters rationally and not emotionally.

I have experience and success in administering complex projects and negotiating agreements with a wide range of stakeholders. I have experience in interacting with the military, private sector leaders, the media, policy makers and others that are critical to a cohesive transportation policy.

I am a trusted partner. I am adept at developing communication strategies. I have planned and executed events of all sizes. I can meet aggressive business goals and objectives. I can motivate and lead teams. I can recognize and fully deploy the talent in a team. I understand the balance of being discrete and the public's right to know. I am conversant with the freedom of information rules and requirements.

In summary, I am an individual that has successfully worked in a variety of circumstances to achieve meaningful goals and achieve reasonable change. I can work with a variety of stakeholders to forge consensus. I understand the complex rules and relationships that are part of the FTA. I am a leader. I am experienced. I will be a champion of policy and goals that will strengthen the US transportation policy and objectives.

PREPARED STATEMENT OF JEFFREY NADANER

TO BE ASSISTANT SECRETARY OF COMMERCE FOR EXPORT ENFORCEMENT

APRIL 17, 2018

Mr. Chairman, Ranking Member Senator Brown, Senators of the Committee, With reverence for our Nation's Constitution, I come before the Members of this Senate Committee to be considered for Assistant Secretary of Commerce for Export Enforcement. I express my appreciation for the confidence shown by the Secretary of Commerce, Wilbur L. Ross, Jr., and the nomination by the President of the United States, Donald J. Trump.

As a child of World War II refugees, I was brought up with a profound gratitude for our Nation's incomparable freedoms, exceptional opportunities for economic betterment and dignity, and the women and men who—day-in and day-out, with little note but much dedication and sacrifice—ensure our safety and uphold our laws.

The Assistant Secretary of Commerce for Export Enforcement and Bureau of Industry and Security as a whole work to ensure that our adversaries do not have access to sensitive technologies and weapons of mass destruction. Effective harnessing of the Commerce Department's capabilities is indispensable to preventing the diversion of dual-purpose U.S. technologies to enemies who may threaten our military, our homeland, and our citizenry. Enforcement of the law is a sine-qua-non for protecting our Nation's security, and the U.S. defense industrial base and its intricate supply chains, which are its foundation. Robust enforcement is central to ensuring Congressionally mandated sanctions and anti-boycott laws have effect.

If confirmed, I will bring to bear more than two decades of experience in national security, industry, and Federal law—from the vantage points of both the public and private sectors. My current duties with the Marine Corps center on U.S.-foreign technology competitions, cyber and informational threats, and military and security operations.

Earlier at the Lockheed Martin Co. and several small businesses, I concentrated on aerospace and defense technology; mergers, acquisitions, and joint ventures; and U.S. procurements and foreign exports. I have managed hardware and software research and development (R&D) portfolios. I have partnered with scientists and engineers in a range of advanced technical domains. I have worked on protecting and improving crucial supply chains, global and domestic. Integral to all of my undertakings involving foreign sales and entities was operating under Commerce and State Department led export control systems, and anti-boycott and anti-corruption laws.

Before that, while Deputy Assistant Secretary of Defense for Stability Operations and Partnership Strategy, I oversaw exports of U.S. military equipment and services to countries across the globe. These transfers involved extensive compliance with the U.S. export control systems to safeguard sensitive technologies, and protect U.S. national interests and values. In this regard, I had the honor of working with both sides of the aisle in the Senate and House of Representatives to produce bipartisan national security legislation.

Teaming with the members of the career civil service, I developed short- and long-term national security policies, joined efforts with the intelligence community and a range of Federal departments and agencies, and advanced interagency decision making. I developed rich experience negotiating with foreign countries on behalf of the United States with respect to technology uses, transfers, and partnerships.

Among my highest privileges has been to serve as a U.S. Department of Justice trial attorney. I have represented an array of Federal departments and agencies in litigation arising out of their law enforcement, regulatory, and administrative activities. I understand the conditions and frameworks under which our officers and agents act. I have seen crimes' effects. I have conducted investigations and enforced subpoenas. I have worked with U.S. Attorney offices. I have filed suits, negotiated advantageous settlements, and brought cases to favorable judgment for the United States.

If confirmed by the Senate, I will steadfastly enforce U.S. export controls, sanctions, embargos, and anti-boycott laws, while strenuously advancing policies that safeguard American jobs, technologies, and industries that form our indispensable national industrial base. Mr. Chairman, Senator Brown, and Senators of the Committee, I will be honored to answer any questions you may have and please accept my appreciation for your consideration of this nomination.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: **Nadaner** (Last) **Jeffrey** (First) **(Jeb)** (Other)

Position to which nominated: **Assistant Secretary of Commerce (Export Enforcement)**

Date of nomination:

Date of birth: **4 April 1964** (Day) (Month) (Year) **Place of birth: New York, NY**

Marital Status: Married **Full name of spouse: Deborah Berkow Nadaner**

Name and ages of children:

Abigail Nadaner 18

Isaac Nadaner 16

Lena Nadaner 12

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Yale University	**1995-2002**	**Ph.D.**	**May 2002**
University of Pennsylvania School of Law	**1986-1989**	**J.D.**	**May 1989**
Duke University	**1982-1986**	**B.A.**	**May 1986**

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

- **United States Department of Defense Distinguished Public Service Medal, 2008**
- **352nd Civil Affairs Outstanding Contribution Award, 2004**
- **United States Department of State Meritorious Honor Award, 2002**
- **Coca Cola Corporation World Fund Fellow, 1997**
- **H. Smith Richardson Foundation Fellowship, 1996**
- **Andrew W. Mellon Foundation Fellowship, 1996**
- **John M. Olin Foundation Fellowship, 1995**

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

Organization	Office held (if any)	Dates
• District of Columbia Bar Association		1989-present
• Pennsylvania Bar Association		1989-present
• Jewish Institute for National Security of America	Senior Fellow	2016-present
• Bipartisan Policy Center	Study Leader	2013
• Institute of Electrical & Electronics Engineers		2013-2017 (approx)
• American Institute of Aeronautics & Astronautics		"
• Institute of Navigation		"
• Turnaround Management Association		2009-2017 (approx)
• Armed Forces Communications & Electronics Association		2016-2017 (approx)
• Association of Old Crows		"
• Association of the US Army		"
• Air Force Association		"
• Navy League		2000-present
• Marine Corps Association		2017-present

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

- **Director, Brute Krulak Center for Innovation & Creativity, Marine Corps University, USMC: Quantico VA, 2016-present**
- **Donald Bren Chair in Creative Problem-Solving, US Marine Corps Foundation: Quantico, VA, 2016-present**
- **Senior Fellow, Jewish Institute for National Security of America (JINSA): Washington, DC 2015-present**
- **Consultant, Gerson Lehrman Group, Inc: New York, NY 2014-present**
- **Member, BlueQuartz Technologies LLC: Potomac, MD, 2015-2017**
- **Member, Whiteoak Global Capital LLC: Potomac, MD, 2014-2017**
- **Member, COO, Insignia Consulting Group LLC: Alexandria, VA, 2016-2017**
- **COO, Burdeshaw Associates LLC: Alexandria, VA, 2016-2017**
- **COO, ErgonometriX LLC (1099 basis): Rockville, MD, 2016**

- **Vice President, Engineering & Technology, and Director of Business Development & Strategy, Lockheed Martin Co.: Bethesda, MD, 2008-2014 (last year consulting)**
- **Deputy Assistant Secretary of Defense (Partnership Strategy and Stability Operations): The Pentagon, 2004-2008**
- **Member, United States Department of State Policy Planning Staff, Senior Speechwriter to Secretary of State Colin Powell, and Senior Advisor on International Organizations: Washington, DC, 2002-2004**
- **Partner, Straight Trading Company: New York, NY 1995-2002**
- **Attorney, United States Department of Justice: Washington, DC, 1991-1995**
- **Associate, Ginsburg, Feldman, and Bress: Washington, DC 1989-1991**

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

- **Director, Brute Krulak Center for Innovation & Creativity, Marine Corps University, USMC: Quantico VA, 2016-present**
- **Deputy Assistant Secretary of Defense (Partnership Strategy and Stability Operations): The Pentagon, 2004-2008**
- **Member, United States Department of State Policy Planning Staff, Senior Speechwriter to Secretary of State Colin Powell, and Senior Advisor on International Organizations: Washington, DC, 2002-2004**
- **Attorney, United States Department of Justice: Washington, DC, 1991-1995**

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

- **"Embracing the Breckinridge Call," Breckinridge Papers, Marine Corps University Press, 2018 forthcoming**
- **"'Difficult' Is Too Mild a Word for Middle East Negotiations," The Hartford Courant, Nov. 7, 1999**

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

- **Romney Readiness Project, Volunteer, 2012**
- **George W. Bush Presidential Campaign, Volunteer, 1999-2000**

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

- **Tim Scott for Senate, $500.00, March 31, 2014**

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

- **Please see Attachment #1—Statement of Qualifications Jeffrey (Jeb) Nadaner**

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
   - **Yes.**
2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.
   - **No.**
3. Has anybody made you a commitment to a job after you leave government?
   - **No.**
4. Do you expect to serve the full term for which you have been appointed?
   - **Yes.**

Potential conflicts of interest:

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

- **As set forth in my ethics agreement, a copy of which has been provided to the Committee, I sold my interest in the Insignia Consulting Group LLC to that company in exchange for a promissory note to be paid through April 2025. To my knowledge, Insignia has not in the past been involved in or affected by policies of the Bureau of Industry and Security, but I am reporting this agreement in an excess of caution.**

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

- **In connection with the nomination process, I consulted with ethics officials at the Department of Commerce and the Office of Government Ethics to identify any potential conflict of interest. Any potential conflict of interest has been identified in my ethics agreement, a copy of which has been provided to the Committee. I am not aware of any potential conflict of interest other than those described in my ethics agreement.**

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

- **While working for the Lockheed Martin Co., 2008-2014, I worked with Federal employees, officials, and officers with respect to the sale or use of Lockheed Martin products and services. In connection with the nomination process, I have consulted with ethics officials at the Department of Commerce and the Office of Government Ethics to identify any potential conflict of interest. Any potential conflict of interest has been identified in my ethics agreement, a copy of which has been provided to the Committee. I am not aware of any potential conflict of interest other than those described in my ethics agreement.**

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

- **None.**

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

   - **Any potential conflict of interest will be resolved in accordance with the terms of my ethics agreement, a copy of which has been provided to the Committee.**

Civil, criminal and investigatory actions:

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

   - **None.**

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

   - **None.**

Attachment #1
February 20, 2018
(240) 426-4143
jeb.nadaner@gmail.com

Statement of Qualifications: Jeffrey (Jeb) Nadaner

For more than two decades, I have focused on US national security, industrial technology, and federal legal compliance. Currently, I direct the USMC Brute Krulak Center of Innovation & Creativity and hold the Marine Corps University Foundation's Donald Bren Chair of Creative Problem-Solving. My work for the Marine Corps centers on US-foreign technology competitions, future military operations, and cyber and informational security threats.

Earlier at the Lockheed Martin Co. and several small businesses, my primary concentration was on high technology aerospace and defense research and development; mergers, acquisitions, and joint ventures; and US procurements and foreign exports. As Vice President of Engineering & Technology at Lockheed Martin, I worked on R&D investments in a range of technical domains, hardware and software improvements, and protecting and improving domestic and global supply chains. As Director of Business Development and Strategy, I advanced foreign and domestic sales of sophisticated American products and services. In these private sector roles, I worked with scientists and engineers on an array of complex technologies critical to US security. Integral to projects involving foreign sales or foreign entities was operating under the Department of Commerce, Defense, and State export control systems, and the anti-boycott, and anti-corruption laws.

While Deputy Assistant Secretary of Defense for Stability Operations and Partnership Strategy, I oversaw the export of military equipment and security services to US partner nations and allies across the globe for counter-proliferation, law enforcement, and counter-terrorism. Each transfer involved compliance with the US export control system to protect sensitive US technologies and interests. I developed national security policies and legislative proposals, administered security programs, worked with the intelligence community, and contributed to interagency decision-making. I negotiated on behalf of the United States with foreign countries with respect to technology system uses, transfers, and partnerships. I efficiently managed appropriated resources and effectively led members of the career service. Secretary of Defense Robert Gates awarded me the Medal for Distinguished Public Service.

At the US Department of State, I served as a member of the Policy Planning Staff, senior speechwriter to Secretary of State Colin Powell, and senior advisor on international organizations. I received the State Department Meritorious Honor Award.

As a US Department of Justice attorney, I represented a series of federal departments and agencies in litigation arising out of their regulatory, administrative, and enforcement actions and activities. My experience included conducting investigations, enforcing subpoenas, filing suit, partnering with law enforcement, negotiating favorable settlements, and bringing cases to judgment for the United States.

I earned my J.D. at the University of Pennsylvania School of Law, Ph.D. at Yale University, and B.A. at Duke University.

Mr. David Maggi
Designated Agency Ethics Official
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Mr. Maggi:

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 Assistant Secretary for Export Enforcement for Industry and 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 positions with the following entities: The Marine Corps University, The Marine Corps University Foundation and The Jewish Institute-National Security (JINSA). I also will resign my position from Gerson Lehrman Group Inc., an entity through which I provided consulting services. 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 also will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I resigned from my position with Burdeshaw Associates LLC in March 2017. For a period of one year after my resignation from Burdeshaw Associates, 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 resigned from my position with Insignia Consulting Group LLC (Insignia) in March 2017. On November 3, 2017, I entered into an agreement with Insignia pursuant to which Insignia agreed to purchase my interest in the company (which included my equity in the company and a loan to the company) in exchange for a promissory note that will be paid through April 2025. If there is a default under the promissory note, I will not accept or receive any

equity in Insignia in lieu of repayment of amounts owed to me by the company. Until I have received all amounts owed to me by Insignia, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of Insignia to make full payment to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). Moreover, until I have received full payment from Insignia, I will not participate personally and substantially in any particular matter involving specific parties in which I know Insignia is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In June 2017, I filed certificates of cancellation for BlueQuartz Technologies LLC, BlueQuartz Technologies NA LLC, BlueQuartz Aerospace LLC, BlueQuartz Aerospace & Defense LLC and Whiteoak Global Capital, which were accepted. Prior to the cancellation of BlueQuartz Technologies LLC, I provided consulting services through that entity. I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I have an ownership interest in Rudolf Friedmann Inc., Alexander Nadaner Imports Corporation and Straight Trading Co., small family-owned businesses. I do not hold a position with any of these entities. I will continue to have a financial interest in each of these entities, but I will not provide services material to the production of income. Instead, I will receive only passive investment income from each of these. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any of these entities, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

I have a receivable payment owed to me by Forcepoint, a subsidiary of Raytheon. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of Raytheon or any of its subsidiaries to pay amounts owed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

My spouse is employed as a Project Finance Controller for ICF International, Inc., a position for which she receives a fixed annual salary. For as long as my spouse is employed by ICF International, Inc. I will not participate personally and substantially in any particular matter involving specific parties in which I know ICF International, Inc. is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

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), obligations of the United States, or municipal bonds.

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds $50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

I will meet in person with you during the first week of my service in the position of Assistant Secretary for Export Enforcement for Industry and Security 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. 13770) 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,

Jeffrey M. Nadaner

Jeffrey M. Nadaner
Date: Jan 16, 2018

PREPARED STATEMENT OF SETH APPLETON

TO BE ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT FOR POLICY DEVELOPMENT AND RESEARCH

APRIL 17, 2018

Chairman Crapo, Ranking Member Brown, distinguished Members of this Committee, thank you for convening this hearing. It is an honor to appear before you as the nominee to be Assistant Secretary of Housing and Urban Development for Policy Development and Research. As a former staffer in the House of Representatives, I have sat along the wall behind the dais, but never at the witness table. To be sure, it is a humbling experience, as I have a great deal of respect for this institution and the important role it plays in confirming nominees for service in the executive branch.

Before I begin my testimony, I would like to recognize my family. My wife, Brooke, is here today. In typical Capitol Hill fashion, we met first as colleagues in the House. My mother, Susan, and my father, Bob, are both here today from St. Louis. My mom has been a law professor for the last 43 years and taught me the value of research from a very young age. My brother, Jesse, and his wife, Ali, are here from St. Louis, too. Along with them is my nephew Bennett, who will soon be celebrating his first birthday. Hopefully, he will enjoy his first congressional hearing. On Brooke's side of the family are my in-laws, Barb and Tim Shupe from Stanberry, Missouri. Last, but certainly not least, is my grandmother Winifred Frelich, who, hopefully, is watching the broadcast at home in St. Louis. She just celebrated her 93rd birthday on Friday and reminded me that she was the one who brought me to Washington, and indeed the Senate, for the very first time during a spring break nearly 30 years ago. In addition to my family, I would also like to thank Senators Blunt and McCaskill, as well as the entire Missouri congressional delegation, Republicans and Democrats alike, for supporting my nomination.

HUD's Office of Policy Development and Research (PD&R) plays a critical role for the entire Department, coordinating recommendations on policy matters, overseeing research projects and demonstrations, disseminating economic information, and managing international programs and philanthropic initiatives. It is on the cutting edge of identifying new trends and finding innovative solutions to the housing and community development challenges of the day. As such, the Assistant Secretary must be familiar with the public policy development process, understand the importance of sound research in formulating evidence-based solutions, and provide effective leadership, management, and budget oversight to the PD&R team. If confirmed, I am committed to serving as a partner to this Committee and the Congress, which has long been involved in shaping PD&R's research and policy work.

I believe I am well-suited to serve in this position based on my public policy and management experience. Following my graduation from Stanford, I worked in the U.S. House for 13 years, first as a legislative staffer, then as a Chief of Staff. As a legislative staffer, my portfolio included housing policy, and I later had the opportunity to really focus on this topic, as it was a priority for Congressman Luetkemeyer in his role as Chairman of the Subcommittee on Housing and Insurance. An example of the policies we worked on is H.R. 3700, the Housing Opportunity Through Modernization Act (HOTMA), which passed both the House and Senate unanimously and was signed into law by President Obama in 2016.

In addition to focusing on policy matters, I gained valuable management experience in the course of building, organizing, and leading a team of staffers in Missouri and Washington. I worked to ensure our entire team was involved in a collaborative process to craft sound initiatives. This included everything from generating ideas, to reviewing research, to developing partnerships and building coalitions. All of this was done with one underlying objective in mind: to improve the lives of the people we served.

In July 2017, I left my position in the House to join HUD as General Deputy Assistant Secretary and Acting Assistant Secretary in the Office of Congressional and Intergovernmental Relations. Besides affording me the opportunity to work with many of the Senators and staff in this room, this role has also allowed me to interact with all of the Department's program and support offices, across silos, including PD&R. Prior to being nominated, I worked with PD&R's staff on a variety of issues including grants, university partnerships, technical assistance, and disaster response.

PD&R has an outstanding team of dedicated civil servants. If confirmed, I very much look forward to leading that team, advocating for its work, and ensuring that its products meet Congress' intent and are utilized for the betterment of those

served by HUD. Our policy solutions should be evidenced-based, backed by sound data, and tested by well-designed demonstrations and thorough research.

In closing, I believe my housing policy and management experience in the legislative and executive branches has prepared me well to serve as Assistant Secretary. If confirmed, I look forward to working with this Committee to advance policies that address the priorities and needs of the American people. I would be pleased to answer your questions and honored to earn your support.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Appleton (Last) Seth (First) Daniel (Other)

Position to which nominated: Assistant Secretary of HUD for Policy Development and Research

Date of nomination: February 5, 2018

Date of birth: 28 (Day) January (Month) 1982 (Year) **Place of birth:** St. Louis, Missouri

Marital Status: Married **Full name of spouse:** Brooke Shupe Appleton

Name and ages of children: N/A

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Stanford University	09/00 – 06/04	B.A., History	June 2004

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

Patrick Henry Award, National Guard Association of the United States (NGAUS)
Sandra Day O'Connor Public Service Award, Stanford University

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

Organization	Office held (if any)	Dates
Stanford Alumni Association	N/A	2004 – Present
Capitol Hill Club	N/A	2004 – Present
House Chiefs of Staff Association	N/A	2009 – 2017
Jesse D. Appleton Charitable Trust	Co-Trustee	2013 – Present
116 Club	N/A	2016 – Present

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

U.S. Department of Housing and Urban Development (July 2017 – Present) Washington, DC
Acting Assistant Secretary and General Deputy Assistant Secretary for Congressional and Intergovernmental Relations.
I serve as a principal advisor to the Secretary, Deputy Secretary, and Department leadership on legislative matters, Congressional relations, and interactions with state, county, and municipal governments. This includes providing analysis and advice on legislative matters, serving as the Secretary's liaison to the Congress and state and local government officials, advancing the Department's legislative agenda, coordinating Congressional testimony, assisting HUD's nominees with Senate confirmation, responding to legislative, policy, and oversight inquiries, and coordinating with the White House and other executive Departments on interagency legislative matters. Until the Senate confirmation and swearing-in of the Assistant

Secretary for Congressional and Intergovernmental Relations in January 2018, I served as Acting Assistant Secretary.

U.S. Congressman Blaine Luetkemeyer (January 2009 – July 2017) Washington, DC
From January 2009 to December 2010, I served as the Congressman's Legislative Director. Beginning in June 2009 and until July 2017, I served as Chief of Staff. I served as the Congressman's top policy and administrative aide and supported him in his capacity as Chairman of the Housing and Insurance Subcommittee, Chairman of the Financial Institutions and Consumer Credit Subcommittee, Vice Chairman of the Small Business Committee, and previous assignments to the House Agriculture Committee and House Oversight and Government Reform Committee.

U.S. Congressman Sam Graves (July 2004 – December 2008) Washington, DC
Over the course of my tenure, I served as Staff Assistant, Legislative Correspondent, and Legislative Assistant, successively. My policy portfolio included the Congressman's assignment on the House Agriculture Committee, housing, financial services, defense, and foreign affairs, among other issues.

Axiom Strategies (Feb 2008; April 2008 – November 2008) Kansas City, MO
For part of 2008, I was on leave without pay (LWOP) status with the House of Representatives, serving as Policy Director on a number of Missouri political campaigns, including those of Sam Graves and Blaine Luetkemeyer.

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

U.S. Department of Housing and Urban Development (July 2017 – Present) Washington, DC
General Deputy Assistant Secretary for Congressional and Intergovernmental Relations from July 2017 – Present and Acting Assistant Secretary from July 2017 – January 2018.

U.S. Congressman Blaine Luetkemeyer (January 2009 – July 2017) Washington, DC
From January 2009 to December 2010, I served as the Congressman's Legislative Director. Beginning in June 2009 and until July 2017, I served as Chief of Staff.

U.S. Congressman Sam Graves (July 2004 – December 2008) Washington, DC
Over the course of my tenure, I served as Staff Assistant, Legislative Correspondent, and Legislative Assistant, successively.

U.S. Senator Jim Talent (Summer 2003) Washington, DC
I served as an intern in the Washington, DC Office of Senator Talent.

U.S. Department of State (Fall 2002) Washington, DC
I served as an intern in the Office of Nordic and Baltic Affairs.

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

N/A

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

Advisor (volunteer), Blaine for Congress, 2009 – 2017
Principal campaign committee for U.S. Congressman Blaine Luetkemeyer

Advisor (volunteer), Building Leadership and Inspiring New Enterprise (BLAINE) PAC, 2010 – 2017
Leadership political action committee of which U.S. Congressman Blaine Luetkemeyer served as honorary Chairman.

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

$500.00 Graves for Congress 9/25/2009
Principal campaign committee of U.S. Congressman Sam Graves

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

Future employment relationships:

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

   N/A. I am currently an employee of the federal government.

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

   N/A. I am currently an employee of the federal government and have been for the vast majority of my career.

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

   No.

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

   Yes.

Potential conflicts of interest:

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

I do not have any such arrangements or agreements.

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

I do not have any such investments, obligations, liabilities, or relationships.

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

I have not had any such relationship, dealing, or transaction.

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

I have never participated in any lobbying activity.

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

I do not believe I have any conflicts of interest based on my responses to the items above.

Civil, criminal and investigatory actions:

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

I have not been the subject of any such proceeding, inquiry, or investigation.

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

I have not been the subject of any such proceeding, inquiry, or investigation.

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

The Assistant Secretary for Policy Development and Research (PD&R) is the Department's principal advisor on policy matters, research and demonstrations, economic information, international programs, and philanthropic initiatives. As such, the Assistant Secretary must understand the public policy development process; coordinate across the Department's offices and with outside experts, advocates, and partners; understand the importance of sound research in formulating effective policies and programs; and provide effective leadership, management, and budget oversight to the PD&R team.

I believe I am well-suited to serve in this position based on my public policy experience and management experience. First, I am passionate about the work and am excited for the opportunity, if confirmed, to help craft effective policy solutions based on sound data and research.

Following my graduation from Stanford University, I worked as a staffer in the U.S. House of Representatives for 13 years. In the House, my policy portfolio included housing, financial services, defense, foreign affairs, and I also staffed two House Members in their assignments on the House Agriculture Committee, a committee in which issues surrounding rural development, food security, infrastructure, financial markets, and housing were debated and legislated. It was in this role that I first learned about the federal government's important role in research partnerships to not only help better inform public policies, but to help people on the ground do things in smarter, safer, and more efficient ways.

The majority of my career in the House was spent on the staff of Congressman Blaine Luetkemeyer, a member of the House Financial Services Committee, first as his Legislative Director, then as his Chief of Staff. In both of these positions, I was very involved in the policy development process, including on housing policy, which was a priority for Congressman Luetkemeyer in his roles as Vice Chairman, then Chairman of the Financial Services Committee's Subcommittee on Housing and Insurance. An example of the policies we worked on in the Luetkemeyer office is H.R. 3700, the Housing Opportunity Through Modernization Act (HOTMA), which received critical support from members of the House Financial Services and Senate Banking Committees, passed both the House and Senate unanimously, and was signed into law by President Obama.

As Chief of Staff, I served as the Congressman's top policy and administrative aide. In addition to focusing on policy matters, I built, organized, and led a team of staffers in four offices in Missouri and Washington and managed the office budget. I worked to ensure our entire team in Washington and Missouri was involved in crafting sound initiatives, from generating ideas, to reviewing research, to developing partnerships, to building coalitions, and, ultimately, to advancing legislation to improve the lives of the people we served.

I served as Congressman Luetkemeyer's Chief of Staff for a total of eight years, leaving in 2017 to join the Department of Housing and Urban Development (HUD) as General Deputy Assistant Secretary and Acting Assistant Secretary in the Office of Congressional and Intergovernmental Relations (CIR). In this role, I serve as a principal advisor to Secretary Carson on legislative affairs and interactions with state, county, and municipal governments. My current position has allowed me to continue to play a role in coordinating and developing legislation and policy with both sides of the aisle in both houses of Congress.

This role has also allowed me to work with all of the Department's program and support offices, across silos, including PD&R, and has also allowed me the opportunity to interact with outside groups and advocates. I have also continued to use my management skills to lead an outstanding team of staffers at HUD.

Prior to being nominated, in my role in CIR, I worked with PD&R's team on grants, reports, university partnerships, and, particularly, disaster funding issues, as PD&R uses data to determine the unmet housing, business, and infrastructure needs of areas impacted by Presidentially-declared major disasters. Once these unmet needs are determined, PD&R determines how to allocate Congressional disaster appropriations to address them.

In closing, I believe my housing policy and management experience in the legislative and executive branches has prepared me well to serve as Assistant Secretary for Policy Development and Research. At the end of the day, our policy solutions should be driven by well-designed demonstrations, thorough research, and sound data. If confirmed, I look forward to working with this Committee to advance evidence-based policies that address the priorities and needs of the American people.

RESPONSES TO WRITTEN QUESTIONS OF CHAIRMAN CRAPO FROM THELMA DRAKE

Q.1. Congress made a determination in MAP–21 that safety of rail transit agencies should be overseen by a right-sized State Safety Oversight (SSO) Agency, rather than a one-size-fits-all Federal approach. In order to prevent FTA from assuming provision of direct safety oversight, Congress wrote into statute a deadline for compliance which is April 15, 2019, with only 8 of 30 States currently certified to be in compliance.

If you are confirmed as Administrator, how do you plan to work with the remaining States to achieve compliance with this requirement and ensure that our Nation's rail transit systems are efficiently and effectively overseen?

A.1. Safety is my highest priority, and if confirmed as Administrator I will work closely with the remaining States to help stand up their Safety Oversight Programs and fulfill their safety responsibilities. It is my understanding that 11 States have now achieved SSO certification.

Q.2. In 2016, the FTA established the Mobility on Demand (MOD) grant program to help spur innovation and infuse technology into our Nation's public transit systems. The program revealed that FTA may need new regulatory guidelines or policy changes to allow transit agencies to fully realize the promise of innovations in shared mobility and mobility on demand. Of the 11 grant winners, Transportation Network Companies (TNCs), such as Uber and Lyft, were involved in nine of the projects, which indicates that there is tremendous interest from both the private sector and public transportation authorities for this new service.

If you are confirmed as Administrator, what steps will you take to utilize the findings of the MOD grants to reduce antiquated regulations and set in place a modern regulatory regime at FTA that enables innovative new technologies to partner with transit agencies in the long term?

A.2. If confirmed, I will utilize the information and findings gleaned from the Mobility on Demand grants and work with the FTA research team to help pioneer innovative and streamlined approaches to mobility. From on-demand services, to smartphone applications, to partnerships with the private sector, I feel strongly that innovation is key to public transportation thriving in an ever more-competitive marketplace.

Q.3. FTA is divided into 10 regions. Project sponsors have found that different regions tend to provide different answers and oftentimes headquarters finds out about the discrepancies when Congressional staff brings it to their attention.

If you are confirmed at Administrator, can you commit to reviewing the decisions made in regional offices to ensure consistency? Will you seriously consider how the regional decisions are communicated with headquarters and how headquarters commutes decisions to the regions, in order to ensure that Federal transit statutory, regulatory, and administrative interpretations are being equitably applied across all regions?

A.3. If confirmed, I will make ensuring consistency throughout FTA a priority. I will take a very close look at how FTA headquarters communicates decisions to the 10 regional offices and vice versa. I will also commit to reviewing decisions made in regional offices to ensure consistency.

Q.4. The provisions regarding the Core Capacity evaluation and rating process, the establishment of a program of interrelated projects and the program for expedited project delivery are yet to be implemented by this Administration. An upcoming Government Accountability Office report states that FTA officials told GAO they "do not have plans to address" three statutory provisions intended to deliver transit projects more efficiently citing the President's budget proposal to eliminate the program, despite the recent FY2018 Appropriations bill providing additional resources to the program and directing the Administration to continue to administer the program.

If you are confirmed as Administrator, do you plan to implement the statutory provisions to streamline processes and leverage Federal resources?

A.4. If confirmed as Administrator, I plan to implement programs and processes consistent with the law and leverage Federal resources wherever possible and streamline programs wherever possible to efficiently serve the American people.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN FROM THELMA DRAKE

Q.1. Since 1983, when President Reagan signed the law that created the Mass Transit Account, Congress has allocated at least 20 percent of new revenue deposited in the Highway Trust Fund to public transportation. For example, in 1983 the Federal motor fuels tax was increased by 5 cents from 4 cents per gallon to 9 cents per gallon. From the 5 cents per gallon of new revenue from that increase, 1 cent was deposited in the Mass Transit Account.

Do you support the principle that public transportation should continue to receive not less than 20 percent of new revenues deposited into the Highway Trust Fund?

A.1. I support public transportation, and if confirmed, I plan to be an advocate for public transportation within DOT and the Administration. As Congress and the Administration begin negotiations on an infrastructure bill as well as the next surface transportation reauthorization, I will commit to being an advocate for transit during those discussions.

Q.2. Without commenting on any recent or future proposals, would you use the position of Administrator to urge support for the principle of allocating not less than 20 percent of any new revenue added to the Highway Trust Fund to public transportation?

A.2. I support public transportation, and if confirmed, I plan to be an advocate for public transportation within DOT and the Administration. If legislation is considered regarding the Highway Trust Fund, I will commit to advocating for transit in any negotiation.

Q.3. In the FY17 TIGER awards announced last month USDOT funded only two public transportation projects. Those public transportation projects received just 3.6 percent of the available FY17 funding, which nearly eliminated public transportation funding under the program despite the large number of transit applications that were rated highly.

Do you believe the FY17 TIGER awards funded an appropriate number of public transportation projects?

A.3. Since I was not at the Department of Transportation during the most recent round of TIGER awards, I cannot speak to the merits of the projects that applied and those that were awarded. If confirmed, I will be an advocate for transit projects applying for funding through any eligible discretionary grant program.

Q.4. Do you believe FY17 TIGER awards allocated an appropriate share of funding to public transportation projects?

A.4. Since I was not at the Department of Transportation during the most recent round of TIGER awards, I cannot speak to the merits of the projects that applied and those that were awarded. If confirmed, I will be an advocate for transit projects applying for funding through any eligible discretionary grant program.

Q.5. Would you use the position of Administrator to urge USDOT to support a greater number of public transportation projects and a higher share of funding for transit in the recently announced FY18 "BUILD" competition?

A.5. If confirmed, I will be an advocate for transit projects applying for funding through any eligible discretionary grant program, including the BUILD program.

Q.6. The FY18 omnibus provided $2.6 billion for the Capital Investment Grant program and provided direction to FTA on the continued Administration of the program.

Do you agree that the FY18 omnibus directs FTA and the Department to continue to move projects through the Capital Investment Grant program's process and sign new grant agreements?

A.6. If confirmed, I will carefully review the FY18 Omnibus and will commit to implementing the CIG program consistent with the law.

Q.7. Can you commit that you will sign full funding grant agreements as soon as New Starts and Core Capacity projects meet the statutory requirements for such projects.

A.7. If confirmed, I can commit to implementing the CIG program in accordance with the law. As proposed projects become ready for a funding agreement commitment, FTA will consider each project on its own merits and will advance them through the process as appropriate and consistent with legal requirements.

Q.8. Do you agree that full funding grant agreements, as established in 49 U.S.C. §5309, are designed to be executed before all appropriations for a project have been made available by Congress?

A.8. The President's FY19 Budget requested funding for existing full funding grant agreements (FFGAs) requiring additional appropriations. Under the law, FTA is authorized to execute an FFGA prior to all appropriations being made available by Congress.

Q.9. Do you agree that delays in signing grant agreements for all types of projects (New Starts, Core Capacity, Small Starts) often result in cost escalation for project sponsors?

A.9. I support the President's goal of expediting delivery for all transportation projects. That being said, I believe it is the responsibility of the FTA Administrator to make certain that CIG projects are thoroughly reviewed before Federal dollars are committed.

Q.10. Do you believe that project budgets under the CIG program are sensitive to delays that occur when project is ready for a grant agreement, i.e., the project has met all statutory requirements, which occurs late in the project development process?

A.10. Having worked on transit projects at the State and local levels, I do believe that project budgets are sensitive to delays, but I also believe that it is the responsibility of the FTA Administrator to make certain that CIG projects are thoroughly reviewed before taxpayer dollars are committed.

Q.11. The FAST Act established the "Expedited project delivery for capital investment grants pilot program" (Section 3005(b)) to test new means of projects delivery, but FTA has not solicited projects under the pilot, issued guidance or provided other means for interested applicants to develop applications under the pilot.

If confirmed, will you work to implement the pilot program as authorized, including the requirement concerning the operation of the project by an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project?

A.11. If confirmed, I will implement all programs consistent with the law, and innovative project delivery is a priority across DOT.

Q.12. Would you take measures to ensure that potential applicants are aware of the program and can apply under the pilot?

A.12. If confirmed, I will take measures to ensure that potential applicants are aware of the program and can apply under the pilot.

Q.13. If responding in the affirmative, what measures would you take?

A.13. If confirmed, I will review what steps have already been taken by FTA to make applicants aware of the program and determine if there are any interested project sponsors. I will make sure that FTA continues to work with these project sponsors as well as any others to administer the pilot program. In addition, I would explore options for informing the industry of their option to apply through the pilot program.

Q.14. What are your priorities for safety oversight?

A.14. Safety is my top priority, and my first safety priority, should I be confirmed, will be the certification of the State Safety Oversight (SSO) Programs for the States that still must receive certification by April 15, 2019. If a State does not meet that deadline, FTA must withhold all transit funding until certification is achieved.

Q.15. If confirmed, would you manage FTA's safety oversight activities without regard to political considerations?

A.15. Yes, if confirmed I would absolutely manage FTA's safety oversight activities without regard to political considerations.

Q.16. The FAST Act added "minimum safety standards to ensure the operation of public transportation systems" as an explicit element of the National Public Transportation Safety Plan. The law also directed FTA to complete a review of existing safety standards, which has been completed, but FTA's subsequent efforts to improve or issue new safety standards have been very limited.

If confirmed, will you be proactive in using your authority to improve safety standards in the public transportation industry?

A.16. I believe safety standards can be a helpful tool for public transportation agencies and their State safety oversight bodies as they work to improve their safety practices. However, having personal experience overseeing many transit operators throughout Virginia—large and small, urban and rural—I know that local variation among transit systems means that a "one size fits all" would not be suitable. Therefore, I would seek to strike the appropriate balance between national safety standards and local flexibility.

Q.17. As State Safety Oversight Agencies (SSOAs) seek certification, they are not being required to conduct regular, unannounced inspections as they ramp up their oversight. GAO recently noted the need for inspections and guidance from FTA on inspection practices.

After further review of safety oversight practices, do you believe that inspections, particularly unannounced inspections, are a core element of an oversight program?

A.17. I believe that inspections play an important role for rail transit safety. If confirmed, I will work with the transit industry and the FTA Office of Transit Safety and Oversight to determine the proper requirements for SSOAs with regard to regular and unannounced inspections.

Q.18. The FAST Act created the Pilot Program for Innovative Coordinated Access and Mobility (ICAM, Sec. 3006(b)) to fund projects that improve the coordination of transportation services and nonemergency medical transportation services. The law also directed the Coordinating Council on Access and Mobility (CCAM) to pursue specific activities that foster coordination.

Will you commit to work expeditiously to advance further rounds of funding under the ICAM pilot program?

A.18. If confirmed, I will work to implement all requirements of the law as expeditiously as possible.

Q.19. Will you support the work of the Coordinating Council on Access and Mobility (CCAM) and utilize findings from the pilot program (ICAM) to implement strategies that promote coordination between Federal agencies that support transportation services?

A.19. If confirmed, I will support the work of the CCAM and utilize findings from the pilot program to implement strategies that promote coordination between Federal agencies that support transportation services. I know from my work in Norfolk, VA, the importance of coordination among a multitude of transportation providers.

Q.20. In your testimony, you stated that "preparing for the future through innovation" was one of your top priorities.

If confirmed as Administrator, how would you take action on that priority?

A.20. It is an exciting time in public transportation, with many new technologies and service delivery models available. If confirmed as Administrator, I would build on efforts underway at FTA and throughout the industry to ensure technologies are utilized to improve safety, reliability, and efficiency for transit riders and employees. Specifically, I would work with the Department to continue to explore Automated Vehicle technology in transit, which has the potential to significantly improve safety.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR HELLER FROM THELMA DRAKE

Q.1. I would like to extend a formal invitation to you to visit Nevada this year if you have the opportunity. Our Regional Transportation Commissions in both the north and the south would be happy to showcase their amazing work. Washoe RTC is working through some innovative options for connecting Reno with our new industrial complex that hosts Tesla, Switch, and other tech companies. They also have a great project to connect our growing downtown with the University of Nevada, Reno.

Our Southern Nevada RTC Director Tina Quigley has coined the phrase: technology is the new asphalt, and Las Vegas is a great example of that. They are using innovative technologies to transform transit in the region and increase safety and convenience.

A lot of their successes are due to the Capital Investment Grant Program. It has been critical to our Regional Transportation Commissions and their efforts to expand transportation options that will create job growth, competitiveness, and new opportunities for residents.

Are you supportive of continuing this transit program?

A.1. If confirmed, I will always support the law and will implement the CIG program consistent with the law.

Q.2. As Congress considers an infrastructure package, what role should transit play in that proposal?

A.2. Transit is a key component of the Nation's transportation network, and if confirmed, I look forward to working with Congress, the Administration and stakeholders on furthering the Administration's Infrastructure Proposal. Transit projects would certainly be eligible to compete for funding through the Administration's proposed infrastructure grant programs.

ADDITIONAL NOTE: I will commit to coming to Nevada this year if I am confirmed.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR MENENDEZ FROM THELMA DRAKE

Q.1. Yes or no, is the Gateway Project nationally important?

A.1. The projects making up the Gateway program are important to the region and have impacts across multiple States.

Q.2. For a New Starts or Core Capacity project, what is the minimum percentage of the total project cost that the local sponsor needs to commit of their own funding to earn a Medium rating? Please provide a percentage.

A.2. Each project in the CIG program is unique and must be considered on its own merits. As I have not been involved in FTA's evaluation and rating process for CIG projects, I cannot provide an answer in such detail. However, I would note that the overall rating is contingent on many factors, not solely the local financial share.

Q.3. Yes or no, if confirmed, would you comply with a request made by anyone in the Department of Transportation, the White House, or anywhere in the Executive Branch that you or the staff at FTA reject, downgrade, delay, or provide a low rating to a Capital Investment Grants application for political reasons?

A.3. No, I would not comply with such a request. I would administer the CIG program and all FTA programs in accordance with the law.

Q.4. Amtrak has stated that they likely will be required to shut down the Hudson River Tunnels sometime in the next 15 or 20 years, because at some point they'll become unsafe for passenger travel.

If DOT continues to block our efforts to replace those tunnels, will you develop an emergency plan for dealing with the 200,000 daily Hudson River Tunnel riders that would need to find another way to get to their destination?

A.4. If confirmed, I will always prioritize the safety of passengers utilizing transit as their mode of travel. If any transit system throughout the Nation becomes unsafe for travel, I will work with State and local governments as well as the transit agency to address the situation in a safe and effective way.

Q.5. The Department of Transportation's 2015 "Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance" report found an $89.9 billion transit state of good repair backlog.

What do you believe is the primary driver of that backlog?

A.5. The maintenance backlog in transit has been a problem that has developed over many decades. The primary driver, in my view, is a lack of appreciation for the need to plan for the maintenance and replacement costs of transit assets well in advance.

Q.6. Do you believe this backlog can be addressed without additional Federal funding?

A.6. FTA's authorized programs include billions of dollars in formula funding for transit agencies to address their capital and state of good repair needs. Tackling the maintenance backlog will require sustained effort at the Federal, State, and local government levels.

Q.7. Fully half of the funding in the President's infrastructure proposal goes to an "infrastructure incentives" program that has a 20 percent Federal share, compared with the 80 percent Federal share common in transit programs.

Do you believe a 20 percent Federal share is appropriate for transit projects?

A.7. To my understanding the President's incentive program is new and additional funding, not intended to replace or establish a new Federal–local cost sharing arrangement. While I was not at the Department during the drafting of the Administration's Infrastructure Proposal, it's my understanding that the proposal aims to address significant infrastructure needs across the Nation, including by partnering with State and local governments. Many State and local projects sponsors have already shown the ability to generate resources through innovative financing, public–private partnerships, and/or securing additional local revenue streams.

Q.8. Do you agree with the President's budget proposal to phase out the Capital Investment Grants program?

A.8. I believe the Administration's Infrastructure Proposal, which seeks to leverage Federal investments so that more projects can be developed at the State and local level in a more streamlined timeframe, is the appropriate avenue to consider funding for many projects currently under consideration in the CIG program. That said, I recognize that the CIG program is authorized and appropriated in law and I will always follow the law if I am confirmed as Administrator.

Q.9. In the most recent round of TIGER grants, less than 4 percent of the overall funds were allocated to projects in which transit was the sole or central component.

Is this a sufficient amount?

A.9. Since I was not at the Department of Transportation during the most recent round of TIGER awards, I cannot speak to the merits of the projects that applied and those that were awarded. If confirmed, I will be an advocate for transit projects applying for funding through any eligible discretionary grant program.

Q.10. Will you advocate with Secretary Chao to increase that amount in the future, including under the recently rebranded BUILD grants program?

A.10. If confirmed, I will be an advocate for transit projects applying for funding through any eligible discretionary grant program, including the BUILD program.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR CORTEZ MASTO FROM THELMA DRAKE

Q.1. Ms. Drake—should you be confirmed, I personally invite you to come see what we have going on in Nevada. As we've discussed, technology and innovation present a real opportunity for increased safety, efficiency, and overall quality of life for many American. I really think it would be helpful for you to see our challenges and opportunities first hand.

Can you commit to coming to Nevada within the first year following your confirmation?

A.1. Yes, I would be happy to come to Nevada within the first year following confirmation.

Q.2. I'm deeply concerned about the haphazard way the Administration's infrastructure proposal was put together, and that—if you were truly interested in putting forth a serious, bipartisan infrastructure proposal—there wouldn't be such obvious concerns. My appreciation is that the Administration didn't work in concert with any congressional Democrats on our ideas or perspectives. For instance, in my outreach with local transportation stakeholders, they noted "Many of the requirements and changes [in the proposal] would probably require extensive and difficult revisions to State laws for the RTC to fully utilize them. Examples: tolling and use of toll revenues, transit-related value capture, etc."

Are you concerned that I'm hearing from Nevadans that the Administration's proposal conflicts with local laws?

A.2. I am concerned with any obstacles to implementing the Administration's Infrastructure Proposal. If confirmed, I look forward to working with Congress on issues of critical importance to our infrastructure. I would note that many transit agencies already undertake activities that could be considered "value capture." If confirmed as Administrator, I would work to help inform the industry as to how they can productively leverage both new and existing assets and services.

Q.3. Are you aware if Sec. Chao has broad infrastructure stakeholder support, like that of labor unions, State DOTs, or transit agencies for the Administration's proposal?

A.3. Since I am not at the Department of Transportation, I cannot speak to current status of stakeholder support for the Administration Infrastructure Proposal.

Q.4. What was your reaction from the perspective of your current job with the city of Norfolk, and what was the Mayor and the communities perspective on the proposal?

A.4. Norfolk, like many other cities around the Nation, has many infrastructure needs and my city appreciates the Administration's focus on infrastructure. Specifically, I believe that the increased flexibility offered through the infrastructure proposal will empower States and localities to use the knowledge of their own communities to best further critical infrastructure projects.

Q.5. As we discussed, one of my priorities is getting funding for the Virginia Street RAPID Extension in Reno. This project has a 50 percent local match and is rated "medium high". It is my understanding that normally, a project with this type of match and rating would be a certainty for funding and a full funding grant agreement.

Regardless of what you do or don't know of the FTA's review of this project, can you agree that a 50 percent match from a locality is significant "skin in the game" as Secretary Chao often states?

A.5. Projects sponsors should be aware that the CIG program has never offered a guarantee of Federal funding to applicants. Projects must meet the applicable statutory and readiness requirements to be considered for a construction grant agreement. I do believe that the cost to build CIG projects such as the Virginia Street RAPID in Reno should be appropriately shared among the Federal Government and the local communities that they serve. While I cannot

comment further on this project specifically, I can commit to giving each and every project fair consideration in accordance with the law.

Q.6. On the transportation innovation topic we've discussed, one area I think Federal funding should be considered is for "transformative" projects in the areas of electric bus propulsion and autonomous vehicles, including funding research to address the deployment issues for these types of projects. One potential concept is adding "bonus" points to bus rapid transit Capital Investment Grant (CIG) projects that use autonomous technologies.

Given these opportunities, can I again confirm your support of the development of autonomous transit technologies?

A.6. Yes, I believe automated transit vehicle technology has the potential to generate significant improvements to safety and service.

Q.7. And can you provide me your thoughts on whether you would support this concept of rewarding projects in the CIG program who utilized innovative technologies?

A.7. The CIG program has many specific evaluation criteria that are established in statute. I would have to further study the details of the program's administration to better answer your question. I can commit that, if confirmed as Administrator, I would certainly explore the different avenues available to encourage responsible innovation in transit projects.

Q.8. Along those same lines, I would also be interested in you looking at innovative partnerships and "alliances" between the private sector, public sector, universities, and even international interests in advancing design, deployment and operation of autonomous vehicles and coordination for smart communities. The University of Nevada at Reno's efforts to conduct research are becoming global in reach and are helping us have a deeper understanding of the engineering issues but also the business, finance, and deployment issues.

Do you believe and intend to advocate for these kinds of partnerships during your potential service at USDOT, and do you think that this is a concept that could be considered within the University Transportation Center (UTC) function at USDOT, or some other outlet directly within the FTA?

A.8. I believe that public–private partnerships hold much promise for researching and deployment innovative technologies in public transportation. It is my understanding that FTA's research programs do currently involve partnerships with universities and research consortia. If confirmed, I would be happy to work with your office on how best to incorporate new developments from throughout the industry.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR JONES FROM THELMA DRAKE

Q.1. An issue that is important to workers in Alabama are Buy America requirements, and I know the President has made this a priority of his as well. Current law goes into great detail about Buy America requirements for traditional diesel busses, but for newer

technology like the electric busses they make in Northern Alabama, there is less detail.

If you are confirmed, will FTA work to implement strong Buy America standards for these new technologies?

A.1. Yes, if confirmed I will work to implement Buy America standards required by law and any Executive Orders broadly.

Q.2. Birmingham–Jefferson County Transit Authority recently received $3.6 million to help improve their bus systems. For a city like Birmingham, a modern bus system is critical to both residents and to visitors—especially as the city prepares to host the "World Games" in 2021. This funding was through the FTA's Bus & Bus Facilities Infrastructure Investment Program. And while Birmingham got dollars this time around, the program has 10 times as many requests than it can fund.

If confirmed, will you commit to maintaining funding for bus and bus facilities improvements?

A.2. If confirmed, I commit to carrying out FTA's programs in accordance with the law and the appropriations provided by Congress.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN FROM JEFFREY NADANER

Q.1. As Assistant Secretary for enforcement, you would be charged with protecting U.S. national security, foreign policy, and economic interests by enforcing laws on sensitive exports to hostile actors or those that engage in onward proliferation; prohibited foreign boycotts; and related laws.

What would be your major priorities in this role for the next several years?

A.1. If confirmed, my major priority will be the aggressive enforcement of the Export Administration Regulations: that is, to halt illegal transfers of dual-use U.S.-origin technologies—including to U.S. adversaries and to countries in contravention of U.S. sanctions and embargos; interrupt exports that contribute to weapons of mass destruction proliferation or destabilizing military modernization activities; prevent illicit procurements by terrorists and terrorist-supporting countries; and stop unlawful compliance with foreign country imposed or fostered restrictive trade practices against any country friendly to the United States. Key to achieving these goals will be expanding our partnerships with U.S. industry and universities, other Government agencies, and our international allies and partners.

Mr. Nadaner, last month the *New York Times* ran an article ("Smuggling of U.S. Technology Is Outpacing Cold War Levels, Experts Say", by Ron Nixon, *New York Times*, March 17, 2018) on an increase in smuggling of sensitive military technologies to adversaries like China, Russia, North Korea, and Iran. The article noted that such smuggling had outpaced even Cold War levels, and said U.S. military contractors and tech companies had observed a tenfold increase in suspicious inquiries related to weapons and technology purchases from overseas. It also quoted one expert as noting

that despite the take-down of some technology smuggling networks, U.S. authorities remain "outgunned" on this front.

Q.2. How would you crack down on these smuggling networks, and do you believe you will have sufficient legal authorities and resources to do it?

A.2. One of my earliest tasks, if confirmed, will be ensuring that current Export Enforcement authorities and resources are most effectively focused on the pressing threats to U.S. national security. Central to intensifying enforcement against smuggling networks will be making certain that information flows with other departments and agencies, the intelligence community, foreign allies and partners, and U.S. industry and that end-use checks and investigations are occurring to the maximum extent feasible. I will aim for highly efficient (a) harnessing of such information, (b) combining of interagency and international efforts, and (c) using of BIS unique tools—such as the Entity List, end-use checks, temporary denial orders, and administrative and criminal penalties—to identify and dismantle illicit networks. Among my other first tasks, if confirmed, will be to assess the match among legal responsibilities, authorities, and resources. I will then work with the Secretary of Commerce, the Office of Management and Budget, and the Congress on future resource priorities and requirements with the goal of ensuring that Export Enforcement operations keep pace with the changing tactics of our adversaries.

Q.3. I am also concerned about the transfer of critical technologies like artificial intelligence, nanotechnology, cyber, electronic warfare technologies and others to our adversaries through commercial transactions.

In your experience, should we be concerned that the transfer of critical technologies to our adversaries through business transactions like joint ventures is a national security threat?

If confirmed, what would you do to address these concerns, and do you believe you will have sufficient legal authorities and resources to do so?

A.3. If confirmed, I will ensure that Export Enforcement efforts are focused on all facets of illicit technology transfer: not solely exports of proscribed technology from the United States and deemed exports to foreign nationals in the United States, but also exports of sensitive technology as a result of a foreign person's investment in, acquisition of, joint venture in, or partnership with a U.S. company. Protecting the knowledge of how to build an item can be as important to U.S. national security as the transfer of the item itself. I will (a) use all BIS authorities, tools, and resources to prevent, stop and deter illicit transfer, regardless of conduit, of technology subject to the Export Administration Regulations, and (b) work closely with the Secretary of Commerce, the Office of Management and Budget, and the Congress to assess future authority and resource requirements to ensure Export Enforcement operations protect U.S. technology from unlawful export.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR TOOMEY FROM JEFFREY NADANER

Q.1. In light of strong U.S. economic growth and record unemployment, I have concerns that the recently imposed Section 232 tariffs on imported steel and aluminum products will have a detrimental impact to businesses, manufacturers, and most importantly, consumers. These taxes will likely increase production costs, jeopardize job creation, and reduce the purchasing power of American consumers. With that said, I am encouraged that the Department of Commerce has established a product-specific exclusion process whereby the Department can provide tariff relief for U.S. businesses using steel or aluminum products that are not adequately sourced in the United States. However, the Department has reviewed and posted only a fraction of received exclusion petitions, and the petition process, as proposed, requires businesses to commit a significant amount of staff time and resources to complete each individual petition, in many instances at a minute level of detail. Reforms to both the exclusion petition and the review process are clearly needed.

I understand that the Office of Export Enforcement does not have direct oversight over the product-specific exclusion process; however, the office will play a supporting role in this process as a subdivision of the Bureau of Industry and Security (BIS).

If confirmed, how will you work with other offices at BIS to prioritize the review and approval of the Section 232 exclusion petitions for steel and aluminum products? How do you intend to devote the necessary staff and resources to complete this process in an expedited manner?

A.1. The President acted under Section 232 to adjust imports of aluminum and steel after concurring with the Secretary of Commerce's findings that aluminum and steel articles were being imported into the United States in such quantities and circumstances as to threaten to U.S. national security. The President has also directed the Secretary of Commerce, in consultation with other Administration officials, to evaluate exclusion requests for products, taking into account national security considerations. Section 232 authority is administered by the Commerce Department's BIS Office of Export Administration, which is led by the Senate-confirmed Assistant Secretary of Commerce for Export Administration and which is separate and distinct from the BIS Office of Export Enforcement. It is my understanding that the Assistant Secretary of Commerce for Export Enforcement and related Office of Export Enforcement neither administer Section 232 authority, nor the process involving Section 232 exclusion petitions.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR SASSE FROM JEFFREY NADANER

Q.1. How will you approach cybersecurity issues during your tenure?

A.1. If confirmed, I will aggressively enforce violations of the Export Administration Regulations, including illicit technology transfer as a result of cybersecurity breaches and exfiltrations. A key enabler for U.S. success will be expanding partnerships with U.S. in-

dustry, academia, the intelligence community, law enforcement partners, other departments and agencies, and our international allies to identify, disrupt, and penalize perpetrators, while expanding action to mitigate the effects of cyber-enabled crime.

Q.2. How will you ensure that the United States fairly enforces our trade laws, without transforming enforcement actions into a vehicle for advancing protectionism?

A.2. The purpose of the Export Administration Regulations is to stop the illegal export of sensitive dual-use American technologies, not to engage in protectionism. If confirmed, I will not use enforcement for protectionist purposes.

Q.3. In my questions for the record for now-Federal Reserve Chairman Jerome Powell's November 28th, 2017, confirmation hearing, I asked now-Chairman Powell if the measure of the U.S.'s trade deficit with another country (the bilateral trade deficit) was "a useful metric to consult to evaluate whether trade with that country hurts or helps our economy." In response, now-Chairman Powell said:

> The overall U.S. trade balance is the most useful measure for evaluating the impact of trade on the U.S. economy. That balance is affected by many factors, including savings and investment in the United States, economic conditions abroad, and movements in exchange rates. Bilateral trade deficits are less informative. For example, U.S. workers and businesses could benefit when the United States runs a deficit with one country by importing goods that we use as inputs to produce goods to sell to another country. In this example, a focus on the bilateral deficit would obscure the net effect on the U.S. trade balance and the overall benefit to the economy.

Do you agree with Chairman Powell that "[b]ilateral trade deficits are less informative?"

Is free trade always a net-gain for the U.S. economy? If not, under what circumstances is it a net-loss?

A.3. President Trump and Secretary Ross have made it a priority to pursue trade policies and agreements that are fair for all Americans. As a nominee, I am not privy to Administration negotiations or deliberations on the overall trade balance or bilateral trade deficits. Nor, if confirmed in the role of Assistant Secretary for Export Enforcement, would I have a role in those deliberations. I am committed, if confirmed, to enforce the Export Administration Regulations, which are vital to stopping illegal transfers of sensitive dual-use technologies, and conveyance to countries and parties under U.S. sanctions.

Q.4. Is there any instance where the U.S. would benefit from a trade war with a large country like China?

A.4. The enforcement of export control rules is strictly focused on (a) stopping the illicit transfer of U.S. sensitive dual-use technologies, (b) the breach of legal U.S. sanctions on sanctioned countries and parties, and (c) halting unlawful cooperation of illegal boycotts against countries friendly to the United States. If con-

firmed, I will ensure that the activities of Export Enforcement are singularly dedicated toward those duties in rigorous compliance with the Export Administration Regulations.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR MENENDEZ FROM JEFFREY NADANER

Q.1. I understand that the Administration wants to transfer control of the export licensing of lethal semiautomatic weapons and sniper rifles from the jurisdiction of the Department of State to the Commerce Department, apparently in the belief that these dangerous weapons have somehow become less harmful. This move would not only subject these lethal weapons to less-stringent Commerce controls, but also conveniently remove them from being subject to Congressional review and disapproval—despite Congress's action in 2002 to subject them to greater oversight than tanks and aircraft. You may argue that State will still be able to intervene in proposed exports through an interagency review process; to that I point out that State also proposed the sale of 27,000 assault weapons to the Philippine national police—who are conducting summary executions in the streets—and semiautomatic pistols to the same Turkish thugs who beat peaceful protestors in Washington last year—both of which were stopped only by the action of the Ranking Member of the Senate Foreign Relations Committee, so I'm not reassured that State will intervene, or that Commerce will more plainly see the foreign policy problems in such sales.

Do you believe that these weapons, which are much more likely to be misused—including being susceptible for transfer to terrorist and criminal networks—need to be subject to less-stringent export requirements, in law and in regulation, than other lethal arms on the U.S. Munitions List?

A.1. It is my understanding that export licensing reform involving transfers of some technology controls between the State and Commerce Departments is the result of deliberations made by this Administration and the previous one. As a nominee, I have not been made privy to decisions, deliberations, or control plans for such items if transferred to the Commerce Control List. If such a transfer were to occur, licensing for any exports would, under the law, be under the jurisdiction of the Assistant Secretary of Commerce for Export Administration, rather than the Assistant Secretary for Export Enforcement. If confirmed, should any of the subject items be transferred to the Commerce Control List, I promise to enforce the law aggressively and firmly against illegal exports. I will bring the unique Commerce resources of export enforcement, including the Entity List, Temporary Denial Orders, expert Special Agents and enforcement analysts, and criminal and administrative penalties, to bear in full force. In addition, I will continue to work with the Federal Bureau of Investigation and Department of Homeland Security, which will continue to have authority to investigate illegal activities involving Category I–III items.

Q.2. Since this transfer will remove these items from the AECA statutory Congressional review process, including the informal review processes, do you also believe that less Congressional oversight over the export of these weapons is justified? If confirmed,

will you inform this Committee whenever a license for the export of these arms transferred from State, at the $1 million statutory threshold, is being considered?

A.2. I am aware of the Congressional notification threshold under the International Traffic in Arms Regulations. I understand that any potential transfer of Categories I–III from the USML to the CCL has been undergoing interagency review. As a nominee, I have not been privy to those internal deliberations regarding any proposed rule or the status of any Congressional notification. However, if confirmed, I am committed to working with the Congress on these important issues.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR CORTEZ MASTO FROM JEFFREY NADANER

Q.1. If confirmed as Assistant Secretary, you will be responsible to uphold the mission of the Department of Commerce—"to foster, promote, and develop the foreign and domestic commerce" and furthermore to foster, serve, and promote the Nation's economic development and technological advancement of the United States. Of my State's $9.7 million in exports, nearly one-fifth of that is to Canada and Mexico—our partners in NAFTA.

If confirmed to Secretary of Commerce for Export Enforcement, how do you anticipate the Administration's efforts to renegotiate NAFTA impacting your role and responsibilities? Does the President's rhetoric on trade concern you? Please discuss your position on this Administration's renegotiation of NAFTA.

A.1. I understand that, under the Secretary of Commerce and by law, the International Trade Administration (ITA), with its separately authorized and confirmed Under Secretary of International Trade, holds the legal responsibility within the Department for trade agreements and negotiations such as NAFTA. The Bureau of Industry and Security Export Enforcement headed by the Assistant Secretary of Commerce for Export Enforcement, in contrast, is a distinct law enforcement agency exclusively dedicated to preventing and stopping the illegal export of controlled, sensitive items. If confirmed and a matter involves the U.S. Export Administrative Regulations designed to stop such dangerous transfers, I am committed to working with any pertinent departments or agencies, including ITA and the United States Trade Representative (USTR), to enforce the law against violators.

Q.2. Your role as Assistant Secretary focuses on the export and reexport of commercial commodities and technology—one of my State's top exports to NAFTA participants are semiconductors, electrical equipment, and communications equipment.

How do you anticipate NAFTA's renegotiation affecting States like mine that export primarily commercial commodities and technology?

A.2. As a nominee, I am not privy to the internal deliberations or specifics of the NAFTA negotiations. If confirmed in the nominated role of Assistant Secretary of Commerce for Export Enforcement responsible for Bureau of Industry and Security Export Enforcement, I will not possess authority with respect to those negotiations or

deliberations. If confirmed, I will work closely with the ITA, USTR, and Congress to enforce U.S. laws against illegal export of controlled sensitive technologies.

Q.3. In Nevada, 22,472 workers are employed in industries that use steel and aluminum.

How do you anticipate the implementation of steel tariffs affecting our national security, foreign policy, and economic objectives?

A.3. The President acted under Section 232 to adjust imports of aluminum and steel after concurring with the Secretary of Commerce's findings that aluminum and steel articles were being imported into the United States in such quantities and circumstances as to threaten to U.S. national security. Section 232 authority is administered by the Commerce Department's BIS Office of Export Administration, which is led by the Senate-confirmed Assistant Secretary of Commerce for Export Administration, and which is separate and distinct from the BIS Office of Export Enforcement. It is my understanding that the Assistant Secretary of Commerce for Export Enforcement and related Office of Export Enforcement does not administer Section 232 authority.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR BROWN FROM SETH APPLETON

Q.1. You mentioned that you would be interested in doing more research on tracking what happens to families who leave HUD assistance.

Do HUD's tenant characteristics reporting systems currently contain data fields to capture the reasons why assisted families leave HUD assistance?

A.1. HUD's Multifamily programs (PBRA, 202, 811) collect a limited set of information on why households leave a unit but the systems for the PHA operated programs (Public Housing, Housing Choice Vouchers) do not.

Q.2. If not, how do you propose to build this tracking capability?

A.2. I think there are three paths that we can pursue simultaneously. In the shortest run, we can use tenant income trajectory (data from recertifications prior to exit) as a means to estimate likelihood that exits were positive. A middle path will be to build off the data matching agreements HUD's Office of Policy Development and Research (PDR) has already established with the Census Bureau and other agencies to see the characteristics of recent leavers; for example, employment data that the Census Bureau collects from State agencies. The third is to investigate the feasibility of updating HUD's forms to better capture reasons for exit. However, there could be significant reporting burdens for housing providers associated with richer varieties of exit data. Another option may be to conduct an evaluation that includes a one-time leaver survey; that could tell us a lot about what we don't know at present and how best to update systems.

Q.3. How do you propose to track and measure self-sufficiency outcomes among families who leave HUD-assisted housing?

A.3. PDR has already developed a data sharing agreement with the Department of Health and Human Services' National Directory of New Hires to assess income change for tenants participating in the Family Self-Sufficiency program. I hope to expand and improve on these important data matching partnerships.

Q.4. The FY2016 Consolidated Appropriations Act authorized the expansion of the MTW Demonstration to an additional 100 agencies and required the rigorous evaluation of demonstration outcomes.

With regard to HUD's evaluation of the expanded demonstration, please provide an overview of HUD's evaluation plan and expected timeline for initiation and conduct of the evaluation.

A.4. In addition to authorizing expansion, Congress has provided PDR $10 million in research funding to support the rigorous evaluation. The Appropriations Act of 2016 required HUD to create a research advisory committee that has provided extremely valuable advice on what should be studied and how. My understanding is that the research PDR has scoped out and will be procuring shortly would initially establish rigorous random assignment protocols to two cohorts, the first a study of the impacts of providing MTW flexibility to small PHAs, the second a study of alternative rent structures, likely tiered rents and stepped rents.

Q.5. If confirmed, will you commit to conducting rigorous research of the MTW demonstration?

A.5. Yes.

Q.6. HUD's 2017 update to the Research Roadmap discusses new research that can be conducted through the matching of administrative data between HUD and other Federal agencies. While this research can provide valuable insights into the uses of HUD programs and assistance, it also opens up the potential for HUD-assisted families' private data to be accidentally or intentionally released.

If confirmed, will you work to protect the privacy of HUD-assisted families' personal information?

A.6. Yes, this is very important. Any data matching will be done to carefully protect the privacy of HUD-assisted families. The matching is for research only and will be aggregated so that no individual household or person would be identified or impacted by the match. HUD's formal data matching agreements with Federal statistical agencies ensure that their rigorous privacy protection systems apply to the linked data being used by researchers.

Q.7. HUD has proposed to conduct an evaluation of EnVision Centers. As I understand it, EnVision Centers will build off of existing HUD place-based investments. The Advanced Notice of EnVision Center Demonstration states that "communities should be currently participating in one or more Federal place-based initiatives", such as Promise Zones. The Choice Neighborhoods Initiative also offers comprehensive neighborhood revitalization strategies that involve public and private partners across many sectors, such as education and health. In addition, many housing authorities have operated or facilitated community centers and social service hubs, al-

though funding for such services have been limited by underfunding of the Operating Fund and Section 8 Administrative Fees.

If confirmed, how would you isolate the effect of EnVision Centers from the effect of the underlying place-based strategy or existing community service hubs in order to measure its effectiveness?

A.7. If I am confirmed, and Congress provides HUD the authority to spend resources on an evaluation, I would ask PDR to evaluate EnVision Centers as it has evaluated other programs. The initial evaluation would be a process evaluation. This would be followed by an outcome evaluation. If feasible we might pursue more rigorous methods. I would look for guidance from the PDR staff and other researchers to design the most effective research strategy.

Q.8. In your written and oral testimony, you have committed to pursuing evidence-based policy during your tenure at HUD.

Given that, how will you approach situations in which the Administration directs HUD to propose or implement certain policies, such as the deep budget cuts proposed in HUD's FY2019 budget or the recent Executive Order regarding work requirements in public assistance programs?

A.8. If confirmed, I am committed to using data and research to provide the facts to the Secretary and the Administration on the impact of any proposed program changes.

Q.9. You have noted your interest in long-term disaster recovery research. I am very concerned that FEMA disaster recovery assistance programs are not meeting the needs of low-income families, particularly renters, displaced by the 2017 hurricanes. In Ohio and other States to which families fled after the 2017 hurricanes, many families displaced by the storms are still struggling to find affordable housing in markets in which such housing is already scarce.

HUD officials have stated that they are ready to administer Disaster Housing Assistance Program (DHAP) assistance through local housing authorities for these families, but FEMA has not yet made such assistance available to HUD.

If confirmed, do you intend to consider the needs of, and barriers facing, low-income families, including renters, in your research of long-term disaster recovery solutions?

A.9. Yes. The loss of affordable rental housing is one of the unmet needs included in PDR's analysis for allocating Community Development Block Grant–Disaster Recovery (CDBG–DR) funds after a disaster. As we develop research on how we currently pursue disaster recovery and consider improvements, addressing the needs of impacted low-income families in need of affordable rental housing will be an early priority.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR MENENDEZ FROM SETH APPLETON

Q.1. President Trump recently issued an executive order requiring HUD to identify opportunities to propose new work requirements on recipients of Federal housing assistance.

I'm concerned the very premise of imposing work requirements on these low-income families demonstrates a major misunderstanding of who is actually served by these programs. More than

half, 57 percent, of the 4.6 million households that receive rental assistance are elderly or disabled. Of those that aren't elderly or disabled, more than two-thirds are currently working, but they're barely scraping by. In fact, the typical working family that receives rental assistance is headed by a 38-year old mom with two kids—making only about $18,000 a year. [1]

Many face challenges finding a job that pays enough, or provides steady enough hours, to lift their family out of poverty, let alone afford housing in today's market.

The Executive Order states, "many of the programs designed to help families have instead delayed economic independence, perpetuated poverty, and weakened family bonds." In your view, have any of HUD's rental assistance programs "weakened family bonds"? If so, how?

A.1. In my view, the income-based rent calculations of rental assistance programs can create disincentives to family formation because, when an additional person is added to a household, the tenant rent contribution automatically increases by 30 percent of their additional income.

Q.2. I appreciate what you said in your testimony about your fidelity to evidence-based research. Isn't the very premise of the Executive Order a conclusion in search of evidence?

A.2. PDR research over the years suggests that rental assistance as currently administered is a slight deterrent to increasing earnings or entering the labor force, because of the direct and immediate correlation between increased earnings and increased rent payment obligations.

Q.3. Are you familiar with the Center for Budget and Policy Priorities' extensive research that work requirements in Federal assistance programs have done little to reduce poverty, and in some cases, they've pushed families deeper into it?

A.3. I am familiar with CBPP's work on a number of topics, but your question prompted me to look into this specific research. Thank you for making me aware of it.

Q.4. Will you commit to incorporate this research into any recommendation you make to the Secretary on work requirements for households receiving Federal rental assistance?

A.4. I commit to including all of the known research, including this research, into discussions in HUD on work requirements.

Q.5. It's been 7 months since Hurricane Maria devastated the island of Puerto Rico. Having visited the island last year after the storm, it's clear to me that we need to expedite longer-term housing assistance, particularly for low-income households. We've learned from the Government's response to previous disasters that coordination between FEMA and HUD on addressing post-disaster long-term housing needs is critical. I know you have been involved in the Department's response thus far.

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[1] *https://www.cbpp.org/research/housing/chart-book-employment-and-earnings-for-households-receiving-federal-rental#section1*

In your view, is HUD equipped and ready to administer a Disaster Housing Assistance Program for Hurricane Maria, should FEMA request it?

A.5. Yes. HUD has the capability to administer a Disaster Housing Assistance Program (DHAP) if requested by FEMA.

Q.6. Has this been communicated to Administrator Long? If so, what is causing the delay?

A.6. Since these devastating hurricanes made landfall, HUD has been in close communication with FEMA at the leadership level at headquarters as well in the field about all aspects of the housing recovery for HUD- and non-HUD-assisted households, including HUD's ability to administer a rental assistance program if established by FEMA. While I cannot speak for FEMA, disaster recovery is a top priority of mine. If confirmed, I will be an advocate within the Administration for the individuals and families displaced by disasters and am committed to using all available tools in PDR as well as in the Department to help them rebuild their lives.

Q.7. Please describe what role, if any, you will have in the Department's implementation of the Affirmatively Furthering Fair Housing rule.

A.7. PDR is the home to HUD's data and geospatial mapping capabilities, which have been and will continue to be available to help grantees achieve positive fair housing outcomes.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR CORTEZ MASTO FROM SETH APPLETON

Q.1. Nearly every community in this Nation has an affordable rental housing crisis. Half of renters pay more than 30 percent of their income for rent. It is acute in Nevada. Families earning about $30,000 a year are unable to find an affordable home; for every 100 extremely low-income families, there are only 15 apartments that don't cost more than ⅓ of their income. Our waiting lists for public housing and Section 8 are in tens of thousands; families wait years for help.

Congress provided $42 billion to HUD for FY2018.

With that amount of funding are there any families CURRENTLY receiving HUD housing assistance that could lose HUD benefits?

A.1. To the best of my knowledge, the FY2018 funding levels are adequate to serve at least as many households as HUD currently serves and possibly more. There is turnover every year in the housing assistance programs, but as units turnover the funding appropriated is adequate to make the turnover units and vouchers available to other needy households on at least a one-for-one basis on average.

Q.2. Congress provided $42 billion to HUD for FY2018. With that amount of funding how many new individuals or families that are not receiving HUD housing assistance now could receive assistance?

A.2. The recently enacted Appropriations Act for FY18 provides funding to continue to expand the number of Veterans Affairs Sup-

portive Housing (VASH) vouchers as well as the number of households served by the Section 202 and 811 programs by several thousand units combined. In addition, approximately 10 percent of existing assisted units have normal turnover each year, which means more than 460,000 new households are served each year through normal turnover.

Q.3. If some new families or individuals could receive housing assistance, please explain how—and for whom—those funds will be made available? For example, for veterans through VASH or for people with disabilities through the 811 program.

A.3. There are many populations that could benefit from housing assistance. I would welcome a discussion with Congress and other stakeholders to hear views on how HUD could prioritize the turnover units to achieve specific housing goals. PDR did a study a few years ago that looked at how PHAs currently prioritize tenants on their waiting lists. I would hope to use research like this to help inform the discussion.

Q.4. Is the HUD Administration requesting—or receiving—a recission? Will the funds Congress allocated to HUD be cut?

A.4. I have not been involved in formulating any proposals to rescind funds that have been appropriated to HUD. As a long-time former Capitol Hill staffer, I understand and respect that the budget and appropriations process is an iterative one that is, in the end, decided by Congress. I commit that, if confirmed, I will always approach the budget process from the perspective of advising the Secretary and HUD leadership of the impacts that budget proposals would have on HUD's programs and the individuals, families, communities, and organizations they serve based on the available data and research.

Q.5. If the budget the Trump administration proposed for 2019 was adopted into law, how many of the 5 million families HUD is currently serving would lose housing assistance under the 2019 HUD proposed budget? If any, how many of those that would lose assistance would reside in Nevada?

A.5. The proposed FY19 funding level for HUD's housing assistance programs was designed so that no currently served households, including those in Nevada, would lose their rental assistance and would also allow HUD to reuse vouchers upon turnover. However, to achieve this would require statutory changes in how rents are calculated for non-elderly nondisabled households.

There is ongoing research being conducted right now by PDR into the effects of alternative rent structures as part of HUD's Rent Reform Demonstration. Further testing on alternative rents will be looked at as part of the MTW expansion. This research should yield important data and findings on the impacts of the tested changes that I am committed to sharing with the Secretary and the Congress when they are available so that they can be used as evidence to inform future policy recommendations and decisions.

Q.6. Under the Trump budget request for 2019, how many additional families would receive housing assistance nationwide?

A.6. The proposed funding level for HUD's housing assistance programs would continue to support all currently supported house-

holds, the reissuance of Housing Choice Vouchers, and the leasing of units that become vacant in the Project Based Rental Assistance program. The proposal does include substantial cuts to the Public Housing program that may result in PHAs choosing to reposition their inventory, which might lead to public housing units not being reoccupied after tenants leave. For any existing public housing tenants that are required to move because of repositioning of the public housing inventory, they would receive another assisted housing unit or a housing voucher.

Q.7. My State is facing an affordable housing crisis, and with that has come a rise in evictions. Princeton just launched a new national website with data on evictions. In 2016, Nevada had 13,478 evictions. In November 2017, new management evicted 35 families from a low-income apartment complex in Reno, Nevada, and those families were left on the street with nowhere to go. A constable in Laughlin, Nevada reported a rise in "strong-arm evictions"—pushing out tenants without using the correct, by-the-book processes designed to protect both the tenant and the landlord.

If confirmed to this position, do you plan to lead and publish research on eviction and reforms that should be undertaken for eviction practices?

A.7. Yes. PDR has already been working with the author of Evicted, Professor Matthew Desmond, to improve the data HUD collects on evictions through its American Housing Survey and, if confirmed, I am committed to continuing this work and to publishing other research on the topic.

Q.8. What research does HUD have on best practices to help families avoid eviction?

A.8. Professor Desmond's work has greatly increased awareness of the issues surrounding eviction. PDR has not done a great deal of work on the issue to date, but it would be useful for PDR to closely examine the potential value of the eviction module in the 2015 American Housing Survey and the EvictionLab's national eviction database in connection with future research opportunities. PDR's evaluation of the Homelessness Prevention and Rapid Re-Housing program should be of value because of that program's focus on eviction/foreclosure prevention and payment of arrearages. Additionally, HUD's report to Congress, "Worst Case Housing Needs 2013", included a short section on eviction and foreclosure problems. It found that, in 2013, eviction and foreclosure together accounted for 2.7 percent of moves for recent movers with severe problems, compared with 2.0 percent of moves among those without severe problems. Having severe housing problems significantly increases the probability of missing rent payments.

Q.9. What research does HUD have on improving eviction courts and protecting tenants rights?

A.9. Research in this area is challenging given the fact that eviction courts function differently from jurisdiction to jurisdiction. I believe HUD can play an important role in identifying best practices and disseminating those to communities across the country. In addition, I would like HUD to leverage its research partnerships to better explore and understand this critical issue. As PDR con-

siders future research it would be beneficial to review what the EvictionLab has learned.

Q.10. Discrimination in housing is a serious problem. Families with children, people with disabilities, ethnic and racial minorities can face barriers to renting and buying homes.

If confirmed, do you plan to conduct research into fair lending and redlining practices?

A.10. For three decades, PDR has launched major studies of discrimination using paired-testing methods, including research on discrimination targeting families with children, people with disabilities, and ethnic and racial minorities. If confirmed, I am committed to continuing this important work.

Q.11. If confirmed, what type of data on mortgage lending do your have access to beyond HMDA?

A.11. In addition to the restricted (agency) HMDA data, HUD has access to records on all loans insured through FHA, including standard 203B and other programs (e.g., HECM, 203K, etc.). The HUD-sponsored Rental Housing Finance Survey (RHFS) collects data on the sources of financing for rental properties. The American Housing Survey (AHS), which is sponsored by HUD, contains several questions on housing finance. HUD also has interagency agreements to access the new National Mortgage Database (NMDB), a 5 percent sample of all outstanding mortgage in the country. HUD also procures data from private vendors, such as mortgage servicing data, housing and delinquency data, and delinquency reports.

Finally, there are a variety of public data on mortgage lending that PDR relies on. For example, FHFA provides several public-use databases on house prices and GSE acquisitions. Fannie Mae and Freddie Mac themselves provide public loan-level acquisition and performance data.

Q.12. While rapid growth and increases in jobs are good for communities, some get left behind. In my State, rents are rapidly rising, and wages are not rising to match.

If confirmed, how will you update HUD's research into preserving affordable housing in hot market cities?

A.12. If confirmed, I will review the issue of hot markets with PDR's regional economists, as well as stakeholders, practitioners, academics, and advocates on the ground, and make effective use of the metro data newly available in the national American Housing Survey, as reported in "Worst Case Housing Needs: 2017 Report to Congress". Such market information can be considered along with lessons learned from the Rental Assistance Demonstration to make preservation more effective.

Q.13. What research does HUD have on investor-owned properties impact on the local housing market?

A.13. HUD has not done specific research on investor-owned single-family housing, but accounts for increased single-family rental inventory when evaluating housing markets in Comprehensive Housing Market Analysis Reports and market analyses for FHA multifamily insurance applications. One issue that could be studied is whether the prevalence of investor-owned single-family housing

contributes to the low levels of inventory available for resale because continued growth in rents coupled with low-cost financing locked in during the crisis makes renting single-family homes a profitable proposition. The difficulty of such research is the perennial issue of the owners of rental housing being hard to study. If confirmed, I will explore the feasibility of studying this issue with the PDR team.

Q.14. We must prohibit discrimination against Lesbian, Gay, Bisexual, and Transgender people in housing, including at homeless shelters. According to the 2015 U.S. Transgender Survey, 30 percent of transgender Americans have experienced homelessness at some point in their lives and 12 percent say they experienced homelessness in the past year because of being transgender. An estimated 40 percent of homeless youth are LGBTQ. Housing providers need the HUD guidance to ensure they follow the law and treat people traumatized by homelessness with compassion and respect.

Will you urge the Secretary restore the Gender Identity Guidance as originally posted without delay? If not, why not?

A.14. Nondiscrimination is important to me and I am committed to ensuring that every person participating in HUD's programs can access them without being arbitrarily excluded and can feel safe during their time in the programs. Report language included as part of the recently enacted Appropriations Act directs HUD to expedite its review of these resources and, as appropriate, reissue and make publicly available all policies, surveys, and guidance within 180 days of enactment of the act. I think it is important for the Department to meet this deadline.

Q.15. What is the status of the rent reporting pilot program that aims to help HUD-assisted tenants build credit scores?

A.15. As part of broader conversation on how rent reporting would impact HUD assisted tenants, PDR entered into a research partnership agreement with a private research organization (PERC) to conduct research using historical rent payment data of PHAs to ascertain the impact on credit scores, if any, of reporting tenant payment to Credit Reporting Agencies. The study is nearing completion and results are expected soon. If confirmed, I am committed to utilizing the results of this study to inform future policy discussions on rent reporting for HUD-assisted tenants.

Q.16. Are there any changes proposed to the reverse mortgage program? If so, please describe them.

A.16. I am not aware of any current initiatives to change the HECM program. However, there has been considerable volatility in the program in the past, which, from my understanding, has spurred previous changes to it. If confirmed, I am committed to bringing all available data and research to any policy discussions involving it.

RESPONSES TO WRITTEN QUESTIONS OF SENATOR JONES FROM SETH APPLETON

Q.1. An area of concern that I raised with Secretary Carson is the issue of having adequate sewage for residents of rural Alabama, especially in the Black Belt. Many of these residents that reside in public housing units. In the 21st century, I believe every citizen of our Nation should have access to adequate sewage at their homes, but unfortunately this is still an issue we are working with in parts of my State, and I believe the Federal Government has a role to play.

Can you work with me and my State to potentially get some research into rural sewage issues and its relationship to adequate housing?

A.1. Yes. This is an important issue and, if confirmed, I am committed to working with you and your staff to address it.

ADDITIONAL MATERIAL SUPPLIED FOR THE RECORD

DOCUMENTS SUBMITTED IN SUPPORT OF THE NOMINATION OF SETH APPLETON

Congress of the United States
Washington, DC 20515

March 14, 2018

The Honorable Mike Crapo
Chairman
Senate Committee on Banking
534 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sherrod Brown
Ranking Member
Senate Committee on Banking
534 Dirksen Senate Office Building
Washington D.C. 20510

Dear Chairman Crapo and Ranking Member Brown,

We write in strong support of the nomination of Seth Daniel Appleton who has been nominated by President Trump to be Assistant Secretary for Policy Development and Research at the Department of Housing and Urban Development (HUD). Based on his work as a staff member in the U.S. House of Representatives from 2004 to 2017, we are confident Seth is an outstanding choice to fill this important position.

Having worked for Congressman Sam Graves and for Congressman Blaine Luetkemeyer, Seth has a proven track record of service. Throughout his legislative career, Seth has worked on issues including housing, agriculture, banking, and defense issues. Due to his knowledge of policy issues and his skill in working with others, Congressman Luetkemeyer selected him to serve as Legislative Director and subsequently his Chief of Staff. Congressman Luetkemeyer relied on Seth to provide wise counsel on a wide range of staffing, management, and policy issues, including housing policy.

Throughout the years, Seth established a track record of working with legislators, their staffs, stakeholders, and advocates to develop bipartisan policy solutions. In the 114th Congress, Missouri had a unique opportunity to impact the nation's housing policies. Congressman Luetkemeyer served as Chairman of the Subcommittee on Housing and Insurance and Congressman Cleaver served as its Ranking Member. Together, they authored the *Housing Opportunity Through Modernization Act*, which was passed in the House and Senate without a dissenting vote and signed into law in 2016. As Chief of Staff, Seth provided Congressman Luetkemeyer and others with key advice in the development of this legislative package. This bill was one of the largest pieces of housing legislation to be signed into law in decades.

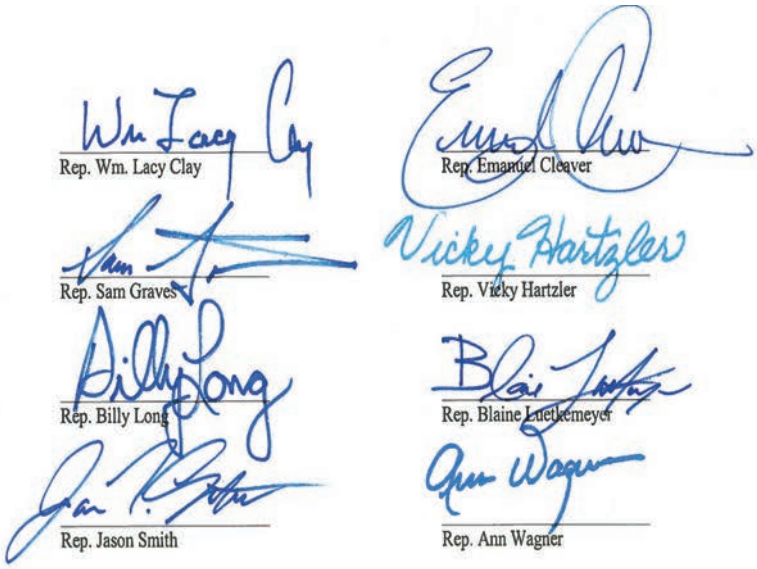
Given the importance of housing issues, we are pleased that the President has nominated Seth to be Assistant Secretary for Policy Development and Research. We encourage you to swiftly advance his nomination. Thank you for your attention to this request.

Sincerely,

Sen. Roy Blunt

Sen. Claire McCaskill

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Rep. Wm. Lacy Clay
Rep. Emanuel Cleaver
Rep. Sam Graves
Rep. Vicky Hartzler
Rep. Billy Long
Rep. Blaine Luetkemeyer
Rep. Jason Smith
Rep. Ann Wagner

Seth Daniel Appleton
Nominee to be Assistant Secretary of Housing and Urban Development for Policy Development and Research
United State Senate Committee on Banking, Housing, and Urban Affairs
Tuesday, April 17, 2018
United States Senator Roy Blunt

Chairman Crapo, Ranking Member Brown, and distinguished members of the committee, I am pleased to submit for the record this statement of support for Seth Appleton who has been nominated by the President to serve as the Assistant Secretary of Housing and Urban Development for Policy Development and Research.

Seth is a former staff member in the United States House of Representatives. Having worked for Congressman Sam Graves and Congressman Blaine Luetkemeyer, Seth has a proven track record of service. Throughout his legislative career, Seth has worked on issues including housing and banking issues. Due to his knowledge of policy issues and his skill in working with others, Congressman Luetkemeyer selected him to serve as Legislative Director and subsequently Chief of Staff. Congressman Luetkemeyer relied on Seth to provide wise counsel on a wide range of staffing, management, and policy issues.

Throughout the years, Seth established a track record of working with legislators, their staffs, stakeholders, and advocates to develop bipartisan policy solutions. In the 114th Congress, Missouri had a unique opportunity to impact the nation's housing policies. Congressman Luetkemeyer served as Chairman of the United States House Financial Services Subcommittee on Housing and Insurance and Congressman Emanuel Cleaver served as Ranking Member. Together, they authored the *Housing Opportunity Through Modernization Act*, which was passed in the House and Senate without a dissenting vote and signed into law in 2016 by President Obama. As Chief of Staff, Seth provided key advice in the development of this legislative package. This bill was one of the largest pieces of housing legislation to be signed into law in decades and is just one example of Seth's ability to use his skills to advance policies that address the needs of our nation.

Today, Seth serves as General Deputy Assistant Secretary for Congressional and Intergovernmental Relations at the Department of Housing and Urban Development.

As you can see, Seth has the requisite credentials for this position, but more importantly, he has also demonstrated the passion and professionalism that will make him an asset to the Department of Housing and Urban Development.

As Senator Kit Bond related in a letter of support, "Seth's bipartisan approach to policymaking and problem solving will make him an effective leader in HUD's Office of Public Development and Research and a good partner to Congress in your joint efforts to fix the housing system so it serves those most in need."

I am honored to submit this statement of support for Seth. I sincerely hope this committee understands the quality and caliber of individual they are considering for policy development and research matters at the Department of Housing and Urban Development. I hope you will move his nomination forward.

NATIONAL ASSOCIATION of REALTORS®

Elizabeth Mendenhall
2018 President

Bob Goldberg
Chief Executive Officer

ADVOCACY GROUP
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April 17, 2018

The Honorable Michael Crapo
Chairman
Senate Committee on Banking,
Housing & Urban Affairs
239 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sherrod Brown
Ranking Member
Senate Committee on Banking,
Housing & Urban Affairs
713 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

The 1.3 million members of the National Association of REALTORS® enthusiastically support the nomination of Seth Daniel Appleton as the Department of Housing and Urban Development's (HUD) Assistant Secretary for Policy Development and Research. NAR worked closely with Mr. Appleton when he served as chief of staff for Representative Blaine Luetkemeyer, Chairman of the House Financial Services Financial Institutions and Consumer Credit Subcommittee. Given his extensive experience on the Hill, we firmly believe Mr. Appleton will be a strong leader and asset to the HUD Office of Policy Development and Research.

NAR strongly supports the nomination of Seth Daniel Appleton, and urge you to pass his vote out of the Committee, and to the Senate floor with haste.

Sincerely,

Elizabeth J. Mendenhall

Elizabeth Mendenhall
2018 President, National Association of REALTORS®

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KIT BOND

February 20, 2018

Dear Chairman Crapo and Ranking Member Brown:

Please note my support for the nomination of Seth Appleton, a fellow Missourian who has been nominated to be Assistant Secretary for Policy Development and Research at the Department of Housing and Urban Development (HUD).

Since my time as Missouri's Governor and later as Chairman of the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies and co-Chair of the Bipartisan Policy Center's Housing Commission, I have been a proud champion of reforming our nation's housing policies. I am pleased that Seth has been asked to serve in this important position at HUD where he too can work to advance policies to improve access to affordable housing in communities across the country.

Prior to his nomination, Seth served as HUD's Acting Assistant Secretary for Congressional and Intergovernmental Relations. Also, before joining HUD, Seth worked in the House of Representatives for 13 years, including eight years as chief of staff to Missouri Congressman Blaine Luetkemeyer, a senior member of the House Financial Services Committee and former Vice Chairman and Chairman of its Subcommittee on Housing and Insurance.

As a Senator, and also as a former constituent of Congressman Luetkemeyer's, I worked with Seth and can attest that he has been an outstanding advocate for Missourians, working to advance policies relating to housing, agriculture, and small business. Seth's bipartisan approach to policymaking and problem solving will make him an effective leader in HUD's Office of Public Development and Research and a good partner to Congress in your joint efforts to fix the housing system so it serves those most in need.

Seth Appleton will serve both HUD and our country well in this position and I urge you to support his nomination and confirm him as HUD's Assistant Secretary for Policy Development and Research without delay. Also, thank you for your efforts

Respectfully,

Christopher S. Kit Bond

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