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NOMINATION HEARING: GLEN SMITH, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT UNION, AND STEPHEN ALEXANDER VADEN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE

HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

NOVEMBER 9, 2017

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NOMINATION HEARING: GLEN SMITH, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT UNION, AND STEPHEN ALEXANDER VADEN, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE

Thursday, November 9, 2017

UNITED STATES SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC

The Committee met, pursuant to notice, at 9:33 a.m., in Room 328A, Russell Senate Office Building, Senator John Boozman, presiding.

Present or submitting a statement: Senators Boozman, Hoeven, Ernst, Grassley, Thune, Daines, Perdue, Stabenow, Brown, Klobuchar, Bennet, Gillibrand, Donnelly, Heitkamp, Casey, and Van Hollen.

STATEMENT OF HON. JOHN BOOZMAN, U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator BOOZMAN. I call this hearing of the Senate Agriculture, Nutrition, and Forestry Committee to order. Chairman Roberts has had a—just a routine outpatient procedure and as a result of that I am chairing today and offering a statement that I am about to present in his stead. He will return to the Senate on Monday.

We are here today to review the nominations of the individuals before us today, Glen Smith, to be a Board member of the Farm Credit Administration, and Mr. Stephen Vaden for the position of General Counsel of the Department of Agriculture.

For the last few months, this Committee has been reviewing and approving nominations for the agencies under its jurisdiction in order to help provide them with political leadership. It is crucial to have decision-makers tending to the important mission areas at the Department of Agriculture, the CFTC, and the Farm Credit Administration.

Today we have an opportunity to review the nominations of two distinguished individuals, one to head USDA's Office of General Counsel, and the other to serve on the Farm Credit Administration Board, which is tasked with ensuring the safety and soundness of financial institutions comprising the Farm Credit System. Legal and financial issues are not only touching our stakeholders every

day, but the people who benefit from the hard work of our farmers and ranchers, the consumers.

We have talked about the challenging times farmers, ranchers, and their families are facing in rural America. Those challenges come not only from what Mother Nature throws at them but the regulations, the rules, and costly burdens placed upon the agriculture and forestry sector, including numerous and sometimes frivolous lawsuits. The FCA Board will also be faced with potential decisions regarding regulatory tools meant to enable the lending system to responsibly support producers during times such as these.

During these uncertain times, we need these nominees to prioritize farmers and ranchers as they review legal questions or the ins and outs of how our Farm Credit System is functioning. We have two very qualified nominees before us today, and I am happy that the Committee has the opportunity to examine their credentials and experience as we endeavor to get them working in their new roles as soon as possible.

Our first witness today is Mr. Glen Smith, who was nominated to serve as a member of the Farm Credit Administration. As noted, Mr. Smith is a native of Atlantic, Iowa, and a graduate of Iowa State University. He is President and Co-Owner of Smith Land Service, a company which specializes in farm management, land appraisal, and farm and brokerage services. Mr. Smith also owns and serves as President of Smith Generation Farms, Inc., a family farm operation that encompasses about 2,000 acres in western Iowa.

Our next witness, Mr. Stephen Vaden, the President's nominee to serve as the Department of Agriculture's General Counsel, has a B.A. from Vanderbilt University and a J.D. from Yale Law School. He served as law clerk for Julia Smith Gibbons of the United States Court of Appeals for the Sixth Circuit, and for Samuel H. Mays, Jr., of the United States District Court for the Western District of Tennessee.

Prior to his experience at USDA, he has practiced law at the law firms of Patton Boggs and Jones Day, where he gained significant experience in government regulations law, litigation, administrative law, and appellate work. He is licensed to practice law in Tennessee and the District of Columbia. Stephen has been serving in the Office of General Counsel in various way, acting in that capacity for the last few months.

It is the Chairman's hope that the Committee consider and approve your nominations as quickly as possible so we can send them to the full Senate for consideration.

I look forward to your testimony and I now turn to my colleague, Senator Stabenow, for opening remarks.

STATEMENT OF HON. DEBBIE STABENOW, U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator STABENOW. Well, thank you very much, Mister Acting Chairman, and it is always great to work with you. We worked together on forestry and paper issues, along with other issues that relate to the Agriculture Committee, and I know that Senator Rob-

erts will be back in full form next week, so we are looking forward to that.

I am pleased to be here today to consider the final two nominees that we currently have pending before our Committee, and welcome to our two distinguished colleagues, who I know are going to be involved in introductions as well.

Mr. Vaden and Mr. Smith, congratulations to you and welcome to your families today. We are glad to have them here as well.

Considering presidential nominations is a key responsibility of the Senate and one that this Committee takes very seriously. This Committee has worked hard to move nine USDA and CFTC nominees this year in an efficient and bipartisan manner. I am glad to see two more nominees before us today.

Mr. Vaden, being the top lawyer at one of the largest Federal departments is a very important job. If confirmed as General Counsel, your work will touch every corner of the USDA, from advising the Secretary to enforcing civil rights and workplace protections for nearly 100,000 employees across the department. You will oversee the implementation of rules that protect our farmers and our families. Additionally, it will be up to you to ensure that USDA's own rulemaking is fair and transparent.

Mr. Vaden, you have been a senior leader at the USDA since Inauguration Day. Today I look forward to learning more about the role that you have played in the last 10 months. I also have a few questions about your previous work as an associate at a law firm, handling voting access cases, which I hope you can address today. Overall, I am interested in hearing about your experience, qualifications, and vision for this very important position.

Mr. Smith, while we have considered several USDA nominees this Congress, you are the first nominee before us for the Farm Credit Administration. Throughout this year I have underscored the importance of having qualified, dedicated leaders to serve our farmers and ranchers across the government and the Farm Credit Administration is no exception.

The Farm Credit System ensures that rural communities and agricultural producers of all types and sizes have reliable access to credit. This is especially pressing given the recent slowdown in the farm economy and devastating natural disasters, as you and I have had a chance to talk about.

We also know that new and beginning farmers face unique challenges in accessing capital as they look to start a career on the farm. In my home state of Michigan, Greenstone Farm Credit provides more than $6 billion in loans to producers, including more than 17,000 small, new, or beginning farmers, including our veterans. Now more than ever, it is critical that our farmers and rural communities have a dependable source of credit they can count on.

I am very proud of how this Committee has worked together to consider qualified leaders as quickly as possible. These gentlemen are the last nominees pending before our Committee. In order for us to continue to fill vacant leadership positions, we need the administration to nominate qualified candidates to come before us. As of now, we are still waiting to receive nominees for almost half of the Senate-confirmed positions at the USDA. I urge the Trump Administration to nominate experienced and qualified people for these

roles as soon as possible, so we can ensure the department is running at 100 percent. Our farmers and ranchers in rural communities deserve no less, and I look forward to working with all the members in the Committee to make sure that happens.

Thank you.

Chairman BOOZMAN. Thank you, Senator. As is our tradition at the Agriculture Committee, we like to recognize the family and the friends of the nominees who have gathered today. Please stand to be recognized.

Very good.

[Applause.]

Senator BOOZMAN. We do appreciate you being here. These things are certainly family affairs.

It is also a privilege to welcome two distinguished members of the Tennessee delegation to the Committee, Senator Alexander and Representative David Kustoff, and Senator Corker. They are here to support their friend and colleague, Stephen Vaden. Thank you all for joining us at this important hearing.

I now turn to Senator Ernst to introduce our first nominee, Glen Smith from Iowa.

Senator ERNST. Thank you, Mr. Chair. It is my pleasure today to introduce Glen Smith. Glen Smith is President of Smith Land Service, a company he founded in 1982. The company specializes in farm management, land appraisal, and farmland brokerage services, working in about 30 of Iowa's counties. Glen also owns and serves as President of Smith Generation Farms, Inc., a family farm operation that encompasses about 2,000 acres of corn and soybeans in western Iowa.

Glen was raised on a diversified crop and livestock farm near Atlantic, Iowa, which is just down the road from my home in Red Oak, so thank you very much, Glen. When he graduated from Iowa State University, which is also my alma mater, in 1979, with a B.S. in agricultural business, he went to work for Doane Agricultural Services as state manager of their real estate division.

Glen and his wife Fauzan have four grown children and three grandchildren. Welcome to the Committee, Glen. We are glad to have you here, and welcome to your family as well. Thank you very much.

Senator BOOZMAN. Senator Grassley.

Senator GRASSLEY. I associate myself with the remarks of Senator Ernst and also add that there are good people coming out of Atlantic besides Mr. Smith. I had a press secretary of 15 years, Beth Pellet, and Nancy Pellet, her mother, had a position similar to Mr.—or the same as Mr. Smith's a few years ago in a previous Republican administration.

So I said I associate myself with the comments that are made by my colleague. I have known Glen for several years and know that he would do an outstanding job for farmers and ranchers at the Farm Credit Administration. He has worked in agriculture industry his whole career and will bring his Atlantic, Iowa, common sense and leadership to this Board. I look forward to working with him when he is confirmed, and we welcome you to the Committee, and I am going to be very rude because I have got to chair the Judiciary Committee in 12 minutes, so I will be leaving.

Senator BOOZMAN. Thank you, Senator Grassley.

Senator Alexander, it is an honor to have you with us today. Thank you for taking the time to introduce Mr. Vaden.

STATEMENT OF HON. LAMAR ALEXANDER, U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator ALEXANDER. Thank you, Mr. Chairman, and thanks for allowing me to come. First, I want to thank the Committee for supporting the Tennessee Wilderness Act this morning. Senator Corker and I have introduced that in five separate Congresses. This is the fifth one. I see Senator Stabenow smiling. She has helped us with that before. The legislation would preserve 20,000 acres of Cherokee National Forest as wilderness. We hear about it from many, many Tennesseans.

I wish to submit a statement on this legislation for the Committee record and express my hope that the Congress can enact on it while Senator Corker is still a member of the United State Senate, which means this year.

Senator ALEXANDER. Second, attending these always reminds me of the time, several years ago, when I came before a confirmation hearing and the Senator from Ohio's turn came and he looked at me and said, "Governor Alexander, I have heard some very disturbing things about you, but I do not think I will bring them up now." Senator Kassebaum from Kansas looked over and said, "Well, Howard, I think you just did."

I do not think any of that will happen to the two of you today because of your distinguished records, and I know the members of the Committee well.

I am here to introduce Stephen Vaden. I am proud to do that. You mentioned his background, Mr. Chairman, so I will not go into extensive detail. He grew up on a family farm in Union City, Tennessee. His father was a farmer so he has hands-on experience for this job. He attended Vanderbilt University and Yale Law School, so he has some academic credentials for the job of legal counsel, which are strong. He has had two strong mentors, Julia Gibbons, a Sixth Circuit Court of Appeals member who was once my counsel when I was governor of Tennessee, and Hardy Mays of U.S. District Court for the Western District of Tennessee, and he has practiced law with two distinguished firms in Washington.

So based on his hands-on experience, his strong academic credentials, his mentorships, his practice of law, and the time he has had here the last few months, he is very well qualified. Also, he is strongly supported by his Congressman, David Kustoff of West Tennessee, who is here today, and we are delighted to have him. The Tennessee Farm Bureau President says that Stephen "has a passion for agriculture that cannot be taught but that is necessary in the role of General Counsel."

Congressman Kustoff said this year, "I have had the pleasure of working with Stephen. I cannot think of anyone better equipped to champion our agriculture industries in West Tennessee and across the country." Secretary Perdue said, "Stephen has a firm grasp of the legal issues facing American agriculture and, more importantly, understands the breadth and complexity of the regulatory burden placed upon our producers." He finished by saying, "Farmers,

ranchers, foresters, and producers will be well served by his counsel."

So I am delighted to strongly recommend Stephen to this Committee. I urge the Committee members to support his nomination. I hope he can be quickly considered by the full Senate.

Thank you for your time.

Senator BOOZMAN. Thank you, Senator Alexander, and thank you, Congressman Kustoff, for being here to show your support. We are also honored to have Senator Corker here.

STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator CORKER. Mr. Chairman and Ranking Member Stabenow, thank you so much for letting me be here with Lamar, my good friend, and David Kustoff, my friend, to support this outstanding nominee. I want to also thank you for considering the Wilderness Bill this morning. It is something that I think matters greatly to our country, and we thank you for that.

I want to also thank you. I have never been before the Ag Committee. I have been here 10 years and 10 months, and so my Senate bucket list is now narrowing, so thank you so much.

[Laughter.]

Senator BOOZMAN. We are going to have you back.

Senator CORKER. Yes, thanks. I am pleased to be here with you today to introduce Stephen Vaden, who has been nominated to serve as General Counsel to the Department of Agriculture. I would like to extend a warm welcome to Stephen and those here supporting him, and I am sure he will introduce them shortly.

He is a native of West Tennessee. Stephen attended Vanderbilt University as an undergraduate and obtained his law degree from Yale University. After serving as a clerk on the U.S. District Court of the Western District of Tennessee and the U.S. Court of Appeals for the Sixth Circuit, Stephen went on to practice law at Patton Boggs, most recently at Jones Day. At both firms, his practice centered on litigation, election law, and administrative law.

This is pretty amazing. When not in Washington, Stephen returns home to Union City, Tennessee—it is very difficult to get to Union City, Tennessee—where his family-owned farm has operated for generations. Growing up and working on that farm has given him profound insight into the issues facing the agriculture community. I am confident Stephen understands the needs of farmers and will be an important asset as we work to help rural America prosper and grow, and I thank this Committee for focusing on that so much.

I wholeheartedly support his nomination. I thank the Committee for holding this hearing, and encourage my colleagues to support his nomination. Again, thank you so much for the courtesy. It is great to be with all of you.

Senator BOOZMAN. Thank you, Senator Corker, for being here, very much.

Senator STABENOW. Mr. Chairman, Senator Klobuchar had suggested that if we counted the two Senators that were at the end of the table, from Tennessee, as honorary members, we could actually vote out the bill. Just a thought.

Senator BOOZMAN. Whatever it takes.

[Laughter.]

Senator BOOZMAN. Seeing a quorum is present now, this hearing stands in recess.

[Whereupon, at 9:50 a.m., the Committee recessed and moved to executive session, and reconvened at 9:53 a.m.]

Senator BOOZMAN. I now reconvene the Nominations Hearing, and thank you both—thank all of you for your patience and thank you for your patience, particularly our witnesses.

In following the tradition and custom of the Committee, before nominee witnesses are to provide testimony, I need to administer the oath. If you both could please stand and raise your right hands.

First, do you swear that the testimony you are about to present is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do.

Mr. VADEN. I do.

Senator BOOZMAN. Do you agree that if confirmed you will appear before any duly constituted committee of Congress if asked to appear?

Mr. SMITH. I do.

Mr. VADEN. I do.

Senator BOOZMAN. Thank you. We look forward to your testimony.

Mr. Smith.

TESTIMONY OF GLEN R. SMITH, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ASSOCIATION.

Mr. SMITH. Mr. Chairman, Ranking Member Stabenow, and members of the Committee. My name is Glen R. Smith of Atlantic, Iowa. This past September, President Trump nominated me to serve on the Board of the Farm Credit Administration. I am truly humbled by the honor of this nomination, but also quite sobered by the huge responsibility, if confirmed, of having a role of ensuring that American agriculture continues to have a source for reliable, secure credit, which happens to be the mission of Farm Credit. I felt it was important for most of my family to be here to witness and experience the magnitude of that responsibility, and I thank you for the acknowledgment and the introduction. I might add that two of these, my son and my son-in-law, left a combine idle in the field back in Iowa, and if anybody is familiar with this time of year, I assured them that we would get them through just as soon as possible—not that I have anything to do with that, right?

Anyway, as an active farmer, ag-businessman, and even dating back to my Ag-Finance days at Iowa State University, I have understood the important role of the Farm Credit Administration in setting policy, examining and regulating our nation's largest long-term agricultural lender, the Farm Credit System. I also understand that the health of American agriculture is critically dependent upon a healthy, viable Farm Credit System. Credit is truly the lifeblood of agriculture.

What I would hope to bring to the Board is a keen sense of agricultural cycles throughout modern history, economic booms and

busts, many of which I have lived through, the challenges those cycles place on dependable, safe source of credit. I lived through the boom '70s, my wife and I struggled to survive and raise a family in the mid '80s, only to prosper the last 20-plus years, exponentially, in a good agricultural economy. We cannot afford to lose a generation of agriculturalists like we did in the '80s. Farm Credit can play a key role in supporting young farmers like my son behind me, who is 27, my son-in-law and daughter, in their early 30s, that are just entering their risk-prone susceptible stage in their agricultural production careers.

As a life-long agriculturalist, I have always considered myself to be an optimist. As a farmer, you take on the weather, you take on pests, you take on the markets, and you have to be an optimist to survive. However, I do have to confess that I am very concerned about the current agricultural outlook, particular with younger, risk-prone producers. Land is typically the dominant asset on a farmer's balance sheet. In the Midwest alone, we have seen a 15 to 20 percent erosion in land values over the last several years, and I think it is very possible we could see another 15 to 20 percent erosion in values, which I feel would throw a lot of those financial ratios into a danger category.

The economic prosperity that was enjoyed, roughly in 2006 through 2013, has contributed to some spending habits that may not be sustainable or no longer supportable, and I truly believe that low interest rates have camouflaged the difficulty in paying back principle with after-tax dollars on high-priced machinery, land, and breeding livestock.

Given the highly capitalized nature of agriculture, an uptick of only a few percentage points would significantly and negatively affect farm net operating income, and I believe we are a long ways away from crisis management, as experienced in the '80s. However, out of love for this wonderful industry, I would be a strong advocate for caution in the Farm Credit System.

Being selected as a Board member would represent one of the greatest challenges of my life but also potentially the most rewarding. I feel I would be a reliable, honest representation of American agriculture and have a vision for its future that defined my own life. It will not be an easy transition, moving away from the land and community that has defined our life's work and love. Hopefully our positive contribution to public service can offset that severance.

Again, thank you very much for this honor, and I look forward to your questions.

[The prepared statement of Mr. Smith can be found on page 24 in the appendix.]

Senator BOOZMAN. Thank you, Mr. Smith. Mr. Vaden.

TESTIMONY OF STEPHEN ALEXANDER VADEN, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE

Mr. VADEN. Thank you, Mr. Chairman, Ranking Member Stabenow, and members of this Committee. It is an honor to come before you today as the President's nominee to serve as General Counsel for the United States Department of Agriculture. I would like to thank Senator Alexander and Senator Corker for the very kind

words they said about me in introduction, particularly Senator Corker's remark about getting to Union City. He is correct. Every Friday evening, I catch the last fight out of Reagan to Memphis, and then I have a two-hour drive north to Union City, which gets me home about 1:00 on Saturday morning, and I take the last flight out Sunday night to return to Washington, DC, and my work at the Agriculture Department.

I would also like to thank Congressman Kustoff for being a supporter of mine since day one, as my hometown Congressman.

Before I respond to your questions I wish to spend a few moments to tell you about my background and why the President's nomination, as well as Secretary Perdue's unwavering confidence, are so personally meaningful to me.

I come from a farming family. My father, John Marshall Vaden, was born on a farm in rural Obion County, Tennessee, in April 1918, and engaged in farming his entire life. Following his death two years ago, my brother and I learned that one of the family farms that we have inherited has been in the family since the early 1800s, as it appears in exactly its current dimensions on the original map of Fulton County, Kentucky, with the name of my ancestor handwritten across the plat.

It was the profits my father reaped that paved the way for me to come before you here today. Those profits, wisely invested over time, helped to pay for the exorbitant tuition charged by Vanderbilt University and Yale Law School.

They made it possible for me to delay entering the private sector so that I could clerk for two of our nation's finest Federal judges, Judge Julia Smith Gibbons of the United States Court of Appeals for the Sixth Circuit, and Judge Samuel H. Mays, Jr., of the United States District Court for the Western District of Tennessee.

They supported my move to the much more expensive Washington, DC, area, where I entered the private practice of law, first at the firm of Patton Boggs and later at the firm of Jones Day. I therefore understand why low commodity prices can be so harmful to the futures of those who come from rural communities, such as myself.

As I am nominated for the role of General Counsel, it is important for me to spend a few moments reviewing my legal experience. My practice has focused primarily on three main areas: litigation, particularly appellate litigation; administrative law; and regulatory compliance. These happen to be three of the principal areas of concern for any department's general counsel.

The briefs I have drafted and the cases I have argued have covered areas of law as diverse as the procedural requirements of the Administrative Procedure Act, the confines of the First Amendment's protections, the transparency requirements imposed upon Federal agencies by the Freedom of Information Act, the fiduciary duties of corporate officers, and the procedural protections provided to union members to safeguard their elections, to name just a few.

My practice, thus, has focused on making certain the government and others in positions of power follow the legal guidelines meant to guarantee due process of law. Having been on the other side of the "v" from the government in litigation, I can understand the trepidation citizens feel when they must challenge the govern-

ment's decision. It is the job of the General Counsel to keep the government to its word by requiring the Department to follow its constitutional, statutory, and regulatory responsibilities. I believe that a general counsel can be considered to have done well if producers can say that while they did not always agree with the Department's decisions, they felt their concerns were heard, and the Department treated them fairly. If confirmed, this is the goal I aim to meet.

I would be remiss if I did not mention, for the past 11 months, I have served in the Office of General Counsel, first as a senior advisor, and since the 17th of March, as the Principal Deputy General Counsel.

Every day I have the high honor of working with 203 of the finest lawyers in America to perform the legal work necessary to allow rural America to thrive. We are joined by 54 support staff, without whom none of us attorneys could get anything done. As the members of this Committee know all too well, the men and women of the Office of the General Counsel are committed to providing legal advice in a timely and professional manner.

Equally as important, the office provides that advice with the accumulated knowledge of the challenges that our producers face to grow the food and fiber that powers America. It is a charge that each and every member of that office takes seriously, including myself.

As I mentioned in my opening remarks, my father was a farmer. Throughout his life he was a grocer, an investor, and a real estate developer. But it was the title of "farmer" of which he was most proud. I know this because he placed that title—"Farmer"—below his name on every check I ever saw him sign. The last three checks he ever signed hang on my wall, framed, as a reminder of the responsibilities I bear as Principal Deputy General Counsel, to ensure that America's producers are treated fairly, equitably, and in accordance with the law. Should the Senate confirm me to the position of General Counsel, I commit to you today to carry out the responsibilities of that office with the same very personal commitment represented by those checks.

Thank you once again for the opportunity to come before you here today, and I look forward to answering your questions.

[The prepared statement of Mr. Vaden can be found on page 26 in the appendix.]

Senator BOOZMAN. Thank you, Mr. Vaden and Mr. Smith, very much, for your testimony.

Mr. Smith, when we met prior to your confirmation hearing we discussed young and beginning farmers and the difficulties that they face. I hear often from Arkansans about the high barriers to enter into production agriculture, and this, as we all know, is a very serious issue. Like you noted in your testimony, with the average age of the American farmer now around 60 years of age, we must have the next generation ready to produce enough food and fiber to sustain an expected world population of 9 billion by 2050.

The year 2050 is only 32 harvests away. Could you expand on what you see the Farm Credit System's role is in supporting and providing opportunities for these younger, riskier farmers and ranchers?

Mr. SMITH. Thank you, Senator. As I mentioned in my opening remarks, my concern over the advanced age of the American farmer, I am 61 and I think the average age of farmers in Iowa is 62. Sometimes we are still referred to as the young farmers in the neighborhood, after 35 years. But I think it is an acute problem and I think it is something that Farm Credit can address.

As a lender you always have that balance between risk, and generally younger producers are riskier. There are programs within FSA that help mitigate that risk and also help eliminate those hurdles of capital investment up front, and I certainly would encourage partnerships with Farm Credit and FSA and the programs that would help beginning farmers get a start.

In Iowa, I am quite proud that we do have some good programs that offer tax advantage to landlords that choose to rent their farms to beginning farmers through state tax credits, and I think it could serve as a good model for other states around the country. I think we've done some good jobs. There's also financing for land for livestock, for machinery also available through the state, to their beginning farmer.

I think in my role with Farm Credit, I do plan to travel considerably, and I think we could share those ideas. Hopefully maybe Farm Credit could be a little bit of a clearing house. What my intention is not is to just have a nice, shiny brochure on the coffee table saying that we have a beginning farmer program. I think part of those travels would be to ask some very specific questions about numbers and about risk orientation, and success stories along with failure stories, because risk doesn't go without failure.

Senator BOOZMAN. Great. Very good. Thank you.

Mr. Vaden, there is a longstanding history of USDA, generally, and specifically the Office of General Counsel, providing technical assistance to the Committee as we write the farm bill. This assistance ensures the workability of the legislation. Will you commit to continuing to provide OGC resources towards technical assistance for the upcoming farm bill, for other legislation that helps to ensure the workability of these programs so the USDA is better able to defend itself against potential lawsuits?

Mr. VADEN. Absolutely, Mr. Chairman. Thank you for the question. As I remarked to you during our meeting in your office, regardless of whether or not the Department may support a particular bill, it can, of course, always become law. So it's important that bill be written well, because we are going to be the ones who are asked to interpret it once it is passed into law. So we will absolutely continue to provide the Committee, of both houses of Congress, with technical assistance when requested.

Senator BOOZMAN. Thank you very much. Senator Stabenow.

Senator STABENOW. Thank very much, Mr. Chairman. First, Mr. Smith, just a follow-up on Senator Boozman's question on new and beginning farmers. You and I talked about that as well, and I know you share the commitment, as you have just spoken about. I wanted to remind the Committee that in the last farm bill we included veterans in that category, as you and I talked about, and there is an extra opportunity for support and assistance for both new and beginning farmers, but also for those who have served our country, in other ways that are incredibly important. We want to make sure

we're providing them the same opportunities. So I appreciate your efforts on that front.

Mr. Vaden, you talked a lot about areas of the law where you have argued cases, but I think it is important for me to indicate that there is one area of your past work that you did not talk about, and that was defending recent state efforts to restrict voting access for African Americans and other minorities. This is very troubling. Ensuring that citizens have access to the right to vote is a bedrock principle of our democracy. In fact, our democracy thrives when more citizens participate, and we should be in the business of increasing voter participation.

If you are confirmed, I would expect you to ensure that USDA operates in a manner that is consistent with our laws, our values, our principles, and that all USDA customers and employees would be treated with dignity and respect.

Let me further go into, just in the interest of time, what Senator Boozman talked about in terms of providing information to the Committee, because technical assistance, obviously, is very important. But it is also very important that we see the same prompt and full information, provided to myself as Ranking Member, on the minority side of the Committee, as well as the majority side.

Earlier this year there was some question about whether or not that would happen, if there would be responses as we have always had to my questions as well as the Chairman's. Senator Roberts and I sent a joint letter, and talked with Secretary Perdue about this issue. He certainly indicated that he would work with us on that issue.

But just for the record, will you commit to allowing and directing USDA officials, including yourself, to respond fully and promptly to information and requests from me and from all other members of the Committee, both sides of the aisle, and commit to providing us with the information that is requested?

Mr. VADEN. Thank you very much for the question, Senator, and I enjoyed addressing this with you when we spoke in your office earlier this season.

Yes, Senator, the Secretary has a very simple policy. When we receive a letter from a Member of Congress we respond.

Senator STABENOW. Great. Thank you very much. Will you commit to providing the public with transparency about agency activity to the maximum extent permitted by law?

Mr. VADEN. Senator, as I mentioned in my opening remarks, one of my past legal experiences has been suing the government for failing to follow the guidelines of the Freedom of Information Act, which guarantees citizens access to information for any reason whatsoever. So having worked on this issue in the private sector and having seen the frustration that clients have when they cannot get access to information, I feel very strongly that citizens should have access to information to which the law entitles them.

Senator STABENOW. Then, finally, will you also commit to providing the public with a meaningful opportunity to comment on proposed agency actions, such as reorganization, and to considering these comments before making a final decision?

Mr. VADEN. Well, Senator, as you are aware and as we discussed in your office, for each of the Secretary's moves that he has made

regarding reorganization he has sought and accepted public comment, and as I think you have seen with the letters that he has sent to this Committee, as well as the House Committee, notifying them of the changes that he wants to make and then following up on that, he does take comments into account and changes have resulted as a result of comments received.

Senator STABENOW. Thank you. Then, finally, one other question. This is a topic you and I have talked about extensively but it is important to raise because both Senator Roberts and I feel it is important that it be addressed before the next farm bill, to be able to help us successfully write a farm bill and address all the needs of all of our farmers and ranches in rural communities. In the 2014 Farm Bill, Congress provided authority to the Federal Crop Insurance Corporation Board to make decisions related to new insurance products and improvements to existing products.

We know our dairy farmers are operating without an effective safety net. It is the one area where I feel we missed the mark, in terms of the last farm bill, and it needs to be corrected. There is a corrective mechanism. There is the authority within the USDA to independently make that decision. I know that there is ongoing consultation with OMB, but USDA has the capacity and responsibility to act on behalf of our dairy farmers.

So I ask you, for the record, will you work to move this forward so that the issue can come before the next FCIC Board meeting for decision at the end of the month, so that we can actually make sure this is part of next year's baseline, as we go into the farm bill?

Mr. VADEN. Senator, once again I thank you for the question. As we discussed, just before the hearing, as a matter of fact——

Senator STABENOW. Right.

Mr. VADEN. —on this very important issue to you, we have been working this issue, both internally and with the Office of Management and Budget, and we will continue to do so and make our points plain to them about what we feel that the law requires us to do.

Senator STABENOW. Thank you. Just for the record, this is not only, as you know, of interest to dairy farmers but really does relate to our capacity to address all of the farm safety net issues that we need to within the farm bill. So I look forward to working with you on this. I think it is very important to our success with the next farm bill.

Thank you, Mr. Chairman.

Senator BOOZMAN. No, thank you, Senator Stabenow, and I know that Senator Roberts and the entire Committee agree with you wholeheartedly regarding request and transparency, which is so, so very important.

Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman, Madam Vice Chairman.

Welcome to both of you. Mr. Smith, how can Farm Credit Service help our producers in this time of low commodity prices?

Mr. SMITH. I think the role of a lender maybe is a little similar to the role of a parent. Sometimes saying yes all the time is not correct. I think close analysis and projection and models, if we should continue with these low commodity prices, is essential in

looking at new loans or expanding existing loans with existing customers.

I mean it when I say we need to be cautious. We do not have the trifecta we did in the '80s with low prices, super-inflated interest rates, and the third factor would be price supports that were not relative to the market.

Today, I believe due to crop insurance, we have got a good safety net there, and I think, particularly with the last farm bill, this Committee should be commended for that, and I think a lender should work very closely with the borrower on that safety net. We do not have high interest rates. That is not saying 5 or 10 years from now we will not.

Senator HOEVEN. So I have got legislation that would raise the direct loan—the FSA direct loan from $300,000 to $600,000, and the guarantee from $1.3 to $2.5 million. What is your sense of that? Is that a good idea, or not, and how would you respond to that?

Mr. SMITH. Well, it is a symptom of the times in that land, at least in the Midwest, has about tripled in value in the last 12, 13 years. So we have had to stick some added zeroes to add relevancy to that. But it is debt, and it is debt that has to be paid back.

Senator HOEVEN. Do you think we need the higher limits or not?

Mr. SMITH. Yes, I do, because of the relevancy——

Senator HOEVEN. Because of the cost of——

Mr. SMITH. Yes.

Senator HOEVEN. —production agriculture——

Mr. SMITH. The cost of production agriculture.

Senator HOEVEN. —has gone up so much. Good.

The average age of the—or the average farmer age now is 60 years old. How do we help get the younger producers in there?

Mr. SMITH. Partnerships with lender and existing farmers I think is one way. Subsidized interest rates through FSA. I know our firm, we have tried to be a clearinghouse for information on beginning farmer loans through FSA that partners with local banks, that can partner with Farm Credit. It is surprising. There are some good programs out there but it does not seem like the word gets out a lot of times to the consumers.

Senator HOEVEN. But you would agree we need to find ways to bring—to help younger farmers get involved in production agriculture.

Mr. SMITH. Absolutely. I have got two sitting behind me, Senator.

Senator HOEVEN. Well, that is good.

Mr. SMITH. Yep.

Senator HOEVEN. Of course, the capital constraints, when you look at land and equipment, inputs, everything else, that is part of the challenge, is it not?

Mr. SMITH. It is, and I had the question raised earlier in the week, what difference we see between going into an uncertain economic time and now. The thing that is most concerning to me, where in 1981, average land values in our area was around $2,000. It sunk down to around $685, $700 an acre. Today we are $7,500, $8,000 an acre.

Senator HOEVEN. Right. Exactly.

Mr. SMITH. So it is the high cost of capitalization today that really does worry me.

Senator HOEVEN. Right. Right. So you have an important role to play.

Mr. Vaden, regulatory burdens is an issue for our farmers now. I mean, it's an issue for all small businesses, so we have to find ways to reduce the regulatory burden on all small business. Talk about that in terms of farmers, and then, in particular, in my state of North Dakota we have a section line issue where we have had disputes with Forest Service on section lines, which is very important for our products that we are able to have those section lines for access. So I want you to talk about, one, would you be willing to work with me on the section line issue, and, two, in general, are you willing to reduce the regulatory burden on our producers, farmers and ranchers?

Mr. VADEN. Absolutely, Senator. As you have correctly noted, the burden of regulations on all industries, and in particular, agriculture, is a very important issue to the current administration. I know you mentioned an issue regarding the Forest Service. As you know, we have a new Chief of the Forest Service, Chief Tooke. I have met with Chief Tooke and he is—one of the first things that he is engaging in is a look at how the Forest Service can use its regulatory authority, both more effectively but use it to reduce the burdens on producers.

Regarding your question about working with you, as I said earlier in response to questions from both the Chairman and the Ranking Member, we absolutely will work on you—will work with you, rather, to help you craft whatever legislation you may need in order to fix the issue that you see.

Senator HOEVEN. Thanks to both of you. I appreciate it and look forward to working with you.

Senator BOOZMAN. The Chair recognizes Senator Brown for questions, and also wishes him a big happy birthday.

Senator BROWN. Thank you, Mr. Chairman.

Senator BOOZMAN. Show them your birthday cake.

Senator BROWN. This is from Senator Klobuchar, who claims to have made this.

[Laughter.]

Senator BROWN. What is interesting is there are 35 others that look just like it out in the main room.

Senator STABENOW. They are all for you.

Senator BROWN. I signed up for Medicare today, too, Mr. Chairman.

Senator BOOZMAN. Yes, let us cut the cake.

Senator BROWN. This is not off my time, is it? Thank you.

Thanks, Mr. Chairman. Mr. Smith, thank you for joining. Mr. Vaden, thank you, and it was nice to meet you before the hearing, accompanied by your two Senators.

Mr. Vaden, as you know, USDA's budget—annual budget is some $125 billion. Its mission is, of course, broad. You can imagine this Committee's concern that your legal experience, as listed on your resume, is in election law, Federal campaign finance law, and the Foreign Agents Registration Act. As far as I know, the USDA General Counsel does not deal with any of these matters.

I am also concerned with your lack of managerial experience, and my question is this. In your testimony, you noted that the General Counsel's office employs about 250, including some 200 lawyers. You worked at law firms for six years prior to this job. What is the largest number of individuals you ever managed?

Mr. VADEN. Thank you for the question, Senator. As I noted in response to questions from your staff, when you allowed me the opportunity to meet with them earlier, it varied by case. There were some cases where I was the sole attorney responsible for everything that was going on. There were other cases that involved litigators that could involve a dozen or more attorneys.

Senator BROWN. So this would be an office of 250, including 200 lawyers, and I guess you are saying in the cases when you had a big management role it was maybe a dozen. Okay.

Mr. VADEN. Senator, I think it is also important to point out that for the past 11 months, and beginning March 17th, I have served as Principal Deputy General Counsel, as the General Counsel's chair is currently vacant. I have had managerial responsibility for those 203 attorneys, as well as those 54 support staff. I would respectfully submit to you, sir, that I think one of the reasons why the first time you heard my name was when the President announced my nomination is because I have spent the past 11 months in my office at the Department of Agriculture, competently carrying out the functions of my job, both its managerial and legal responsibilities.

Senator BROWN. Okay. Let me talk about something you have done in your practice. Last year you were part of two briefs that supported efforts by the states of Ohio and North Carolina to deprive citizens of their right to vote. Senator Stabenow, the Ranking Member, mentioned this and did not have time to ask a question. I would like to.

In the North Carolina case, the court found the State Legislature targeted "African Americans with almost surgical precision" in its efforts to deny the right to vote. In the Ohio case, the lower court found Ohio's actions also targeted minorities.

Mr. Vaden, I am deeply concerned you have been involved with efforts to deny minorities the right to vote and reduce access to the polls for everyone. I am concerned about what this might signal for USDA's approach to these issues. What can you tell me—what can you tell the Committee—I mean, that is fact, that you were part of that. I would like you to answer, what can you tell the Committee about your client? Your client is the Judicial Education Network, your client in both these cases. What can you tell us about the Judicial Education Network?

Mr. VADEN. Well, Senator, as you are aware, as an attorney I am covered by Rule 1.6 of the Rules of Professional Conduct, which require me to guard client confidences, both of current clients and former clients. With regard to your question about the Judicial Education Project, the information on the public record that was required to be submitted to the Court of Appeals for the Fourth Circuit, as well as the Court of Appeals to the Sixth Circuit, in the two cases that you note, list the information about the background and membership of that organization. That is a matter——

Senator BROWN. But what can you tell——

Mr. VADEN. —of public record.

Senator BROWN. —this Committee. Is the Judicial Education Network a nonprofit?

Mr. VADEN. Senator, I do not have the information in front of me.

Senator BROWN. You do not know? They funded your actions and you do not know if they are a nonprofit?

Mr. VADEN. Senator, while——

Senator BROWN. You, a moment ago, Mr. Vaden, illustrated—I was about to say bragged—but illustrated that you were a competent manager for the last number of months, and you do not know if the group that funded you is a nonprofit? Do you know who funds the organization? Do you not know any of those things?

Mr. VADEN. Senator, as an associate at a law firm it was my job to do the legal work that was assigned to me. It was not the job of an associate at a law firm to take care of billing practices.

Senator BROWN. Well, I understand. You have such narrow intellectual curiosity that you were involved in a case that the court said—that targeted African Americans with surgical precision, affecting their right to vote, in Ohio the same kind of—the same kind of—roughly the same kind of language was used about targeting minorities—and you did not care enough or know enough. You are a smart guy. You are well educated. You are obviously a good lawyer. You did not have the—any of—you did not have any interest in knowing who was funding this and whether they were a not-for-profit?

Mr. VADEN. Senator, first, thank you for the compliments. Second of all, as it refers to the Judicial Education Project, as you know, in both of those cases, its sole function was to file one amicus brief in each case, and I would note for the record that in the Ohio case the Sixth Circuit Court of Appeals disagreed with your characterization of the record——

Senator BROWN. Oh, I understand——

Senator BROWN. —the Sixth Circuit Court of Appeals. There is, coming out of the Federalist Society and others, a real effort to restrict the right to vote in this country. I know that. It is part of a political movement. I know that. I was Secretary of State of Ohio in the '80s, and I know how we expanded the right to vote, and we encouraged people to register to vote. I know we are in a different time period now, after the Shelby case, and I know what a lot of young lawyers are trained to do about targeting right to vote.

But you, again, did—is—who funded this group? I mean, do you now—do you honestly not know who funds the Judicial Education Network? Do you honestly not know whether they are a not-for-profit?

Mr. VADEN. Senator, I would have to refer you to the information that was filed with the court which explains, on the public record, who was providing funding for the lawsuit.

Senator BROWN. You cannot say to this Committee, yes, it is a not-for-profit, or no, it is not a not-for-profit? You cannot say—you cannot give me any indication in this hearing today who actually funds the Judicial Education Network?

Mr. VADEN. Senator, I have not seen their organizational paperwork and I would not want to mislead you by speculating.

Senator BROWN. It is pretty troubling that you are—you seem so blissfully unaware of who funded that lawsuit that clearly was targeted to take people's right to vote away. I am just stunned by that.

Thanks, Mr. Chairman.

Senator BOOZMAN. Thank you. Senator Ernst.

Senator ERNST. Thank you, Mr. Chair. Thank you, gentlemen, for being here today.

As both of you know, the ag economy is going through a bit of a slump, rivaled only by the farm crisis that we had in the 1980s. While we know that, on average, farm balance sheets are stronger than they were in the '80s, decreasing land prices can change that in a hurry.

I am especially concerned for some of the younger and smaller farmers who got their start in the past decade, veterans and other beginning farmers who have only known those good times of high commodity prices and they have not had a chance to pay off debt and build equity. I hear that all the time when I am out on my 99-county tour, as you would know, Mr. Smith.

So I would like to start with you, Mr. Smith. If you are confirmed to the FCA Board, what do you believe must be done to ensure that young and beginning farmers are receiving the support they need to avoid going under?

Mr. SMITH. It is a frequent question that I have gotten in just about every Senate office that we have visited is how do we get young farmers involved, and as a lender, how do we stay secure and reliable and help mitigate that risk.

One of the things I referred to a little earlier, and would refer to again, is partnerships with entities that are encouraging beginning farmers, FSA, for instance, that minimize capital requirements, that have lower interest rates, are ways of possibly Farm Credit partnering with other entities to make those loans and try to mitigate the risk at the same time.

As you know, Iowa has been a very—has got some very good programs for beginning farmers, offering subsidies to owners that cooperate with renting land to beginning farmers, and also selling land to beginning farmers, if it is sold on a contract, anyway.

So I think from the standpoint of Farm Credit, I think my role would be encouraging using additional programs to help mitigate risk, to help that risk with lower interest rates. But one thing, Senator Ernst, that does scare me—and again, not to be repetitive, but it is the high cost of capital—the land, the breeding livestock, the machinery, that does worry me, that we did not have in the '80s. You know, $30,000 financed, really my beginning machinery package to farm 500 acres. Today, you can ask my son because that is his department, but I think it barely financed our GPS equipment.

Senator ERNST. Right.

Mr. SMITH. So a huge disparity in the amount of capital that is required today, and those beginning—just because you say yes to that loan does not mean it might be good for that young borrower. Diversification—and we talked in Senator Stabenow's office a lot about this—is diversification, small loans, getting people started in a small way I think should be encouraged, maybe is one answer to help mitigate that risk. Making $10,000 loans, 20, $15,000 loans,

and getting people started maybe is better than that big loan that may be more efficient, but again, is it really serving the needs of those young farmers?

Senator ERNST. That is a really great point, and in your testimony, you mentioned the economic prosperity of farming communities in 2006 to 2013, that time frame, and the spending habits it led to that may no longer be supportable. How concerned are you that too many farmers are over-leveraged if interest rates continue to rise?

Mr. SMITH. Very concerned. Very concerned. Even a minimal two-point rise in interest rates would significantly impact operating budgets, again, getting back to the high cost of capital that we are working with today.

Again, getting back to the diversification part, back in my parents' generation, pigs, cattle, chickens—that was diversity on farms even I grew up with. Today I say an intelligent, working wife is the best diversification, hopefully with insurance benefits, right?

But the point being—and you can ask Fauzan and I, and I know you have, because we lived with that, is taking care of those family living expenses and not having to serve those in addition to paying your loan obligations.

So a lot of counseling. I think the opportunity in Farm Credit with beginning farmers would be a lot of counseling on different ideas to survive, not just making the loan.

Senator ERNST. I appreciate that, and I do think that is essential, the counseling aspect of that. We were laughing about having a spouse that maybe works outside of the home, but that is truly how many of our farm families are able to survive, especially with the crisis that we are seeing with health insurance right now, especially in Iowa.

Mr. SMITH. Yes.

Senator ERNST. So thank you, Mr. Smith, so much, for your time. Thank you, Mr. Vaden, for being here as well.

Thank you, Mr. Chair.

Senator BOOZMAN. Thank you, and next is a former House colleague of mine, Senator Van Hollen.

Senator VAN HOLLEN. Thank you. Thank you, Mr. Chairman. Thank you and the Ranking Member, and welcome, Mr. Smith and Mr. Vaden.

Mr. Vaden, I do want to follow up on some of the concerns that have been raised by Senator Stabenow and Senator Brown regarding your representation in some of these voting rights cases, because I think compared to many of your predecessors in this position, as General Counsel, who had experience in the agricultural law or natural resources area, you have not had that experience in that area. You have had, and done a lot of work in these voting rights cases.

So my first question is, when it came to the North Carolina case, I know the Judicial Education Project was a party. Did they pay Jones Day in full for that, or was it taken on in part as a part—a discounted rate? Do you know whether or not they paid the firm in full?

Mr. VADEN. Senator, as I mentioned in response to my question—to the question from Senator Brown, as an associate I did not

have access, nor did I participate in the billing function of the firm. So that was solely with partners, so I do not know the rate they were charged and I do not know their payment status and am unable to comment.

Senator VAN HOLLEN. Okay. Now, so, you and I share the experience of having been associates in a law firm. Jones Day, of course, is a big law firm. It was my experience that in a case like these, that if an associate indicated that they did not want to participate, the firm would certainly defer to those associate wishes. Did you express any concern or—about participating in these cases to your partners at Jones Day?

Mr. VADEN. Senator, my ethical responsibility as a lawyer is to represent every client with ethical propriety and zealousness.

Senator VAN HOLLEN. That was—Mr. Vaden, that is not my question. The firm—these were clients of the firm. The first has—like Jones Day has hundreds of associates. It happens that you were involved in cases on behalf of the Judicial Education Project in North Carolina, Ohio, and Virginia. Is that correct?

Mr. VADEN. That is correct, Senator.

Senator VAN HOLLEN. So you, at no time, expressed to the partners the fact that you did not want to participate in these cases, I assume. Right?

Mr. VADEN. I did not, just as I did not, Senator, express displeasure about representing multiple labor union to protect the rights of their members or any of the other cases for which I was——

Senator VAN HOLLEN. Are you familiar with the Judicial Crisis Project?

Mr. VADEN. I am aware of the name but I cannot claim to be familiar with it.

Senator VAN HOLLEN. Okay. So you have had no kind of affiliation or participation in any way with that group.

Mr. VADEN. The Judicial Crisis Project?

Senator VAN HOLLEN. Yes.

Mr. VADEN. No, sir. I do not believe I have.

Senator VAN HOLLEN. So in the North Carolina case—and you mentioned a number of cases where you had, for example, defended clients' due process rights against the government--

Mr. VADEN. Yes.

Senator VAN HOLLEN. —and I think that is a worthy thing. Now, of course, in the case of North Carolina, you were on the opposite side, right? You were defending the State of North Carolina and the Education Project as an amicus—amicus filing—against claims from the defendants that their due process rights had been violated. Right?

Mr. VADEN. The job of an amicus is to make a legal point.

Senator VAN HOLLEN. I know. I know what the job of amicus is. I have got your amicus brief here. The North Carolina—the U.S. Court of Appeals in this case, in North Carolina, found, and I quote, "The General Assembly enacted legislation that restricted voting and registration in five ways, all of which disproportionately affected African Americans." They went on to say, "We can only conclude that the North Carolina General Assembly enacted the challenge provisions of the law with discriminatory intent."

You all wrote in your brief that "North Carolina allows all its citizens to vote, although members of minority races may disproportionately choose, for socioeconomic or other reasons, not to take advantage of this equal opportunity. North Carolina's practices are not the proximate cause of this phenomenon."

Now clearly the court, both the District Court and the Court of Appeals concluded very differently. My question to you is, now, stepping back, given the full scope of this case, having now heard all the arguments and seen the decisions from the Circuit Court, do you agree with the finding of the Court of Appeals, that, in fact, the North Carolina law was discriminatory?

Mr. VADEN. Senator, the ruling of the court is the final decision of the court, and that is what the law—that is what they——

Senator VAN HOLLEN. Mr. Vaden, I understand what the law is. The law of the land is citizens united. I disagree with the decision. I am asking you whether, in the full light of being able to look back, whether you agree with the finding of the Circuit Court, that the North Carolina law was discriminatory?

Mr. VADEN. I respect the ruling of the court.

Senator VAN HOLLEN. So you choose not to answer that direct question.

Mr. VADEN. Senator, I have a duty of fidelity to former clients, under Rule of Professional Conduct 1.6. I also have a duty to respect the final ruling of each and every court in which I am involved in litigation. I take both responsibilities very seriously.

Senator VAN HOLLEN. Thank you. Thank you, Mr. Chairman.

Senator BOOZMAN. Thank you, Senator. Our Senator from Michigan.

Senator STABENOW. Thank you, Mr. Chairman. I welcome our guests again and I have completed my questions. Thank you.

Senator BOOZMAN. Thank you so much. That will conclude our hearing today. I thank the nominees for their thoughtful comments and their engagement with the members of this Committee. I also thank all of you for your willingness to advocate for American farmers and ranchers as USDA and Farm Credit.

The answers you provide today will be considered as we move to approve your nominations in the near future. To that end, I would request that if my fellow members have any additional questions for the record that they may be submitted to the Committee Clerk by 2:00 p.m. Monday, November 13th. We look forward to receiving your responses in a timely fashion and to further consider your nominations.

The Committee will be adjourned.

[Whereupon, at 10:41 a.m., the Committee was adjourned.]

A P P E N D I X

NOVEMBER 9, 2017

Introduction
(Written Statement)
Glen R. Smith

Chairman Roberts, Ranking Member Stabenow, and Members of the committee, my name is Glen R. Smith of Atlantic, Iowa. This past September, President Trump nominated me to serve on the board of the Farm Credit Administration. I am humbled by the honor of this nomination, but also sobered by the huge responsibility, if confirmed, of having a role in ensuring that American agriculture continues to have a source for reliable, secure credit. I felt it was important for most of my immediate family to be here to witness and experience the magnitude of that responsibility.

(Introduction of Family)

As an active farmer, ag-businessman and even dating back to my Ag-Finance class days at Iowa State University, I have understood the important role of the Farm Credit Administration in setting policy, examining and regulating our nation's largest agricultural lender, the Farm Credit System. I also understand that the health of American agriculture is critically dependent upon a healthy, viable Farm Credit System.

What I would hope to bring to the board is a keen sense of agricultural cycles throughout modern history (economic booms and busts) and the challenges those cycles place on dependable, safe sources of credit. In my lifetime, I have lived through the boom 70's and struggled to survive in the mid to late 80's, only to prosper exponentially in the last 20 plus years. With the alarmingly advanced average age of the American farmer, we cannot afford to lose a generation of agriculturalists like we did in the 80's. Farm Credit can play a key role in supporting young farmers like my son who is 27 or my daughter and son-in-law who are in their early 30's, both of whom are just entering the growth, risk-prone stage of their production agriculture careers.

As a life-long agriculturalist, I have always considered myself to be an optimist. However, I do have to confess that I am very concerned about the current agricultural outlook, particularly with younger, risk-prone producers. Land is typically the dominate asset on a farmer's balance sheet. In the Midwest, we've already seen a 15-20% erosion in land values over the last several years. A further 15-20% erosion in land values is not out of the realm of possibility, which would

throw financial ratios into a danger category. The economic prosperity enjoyed 2006-2013 has contributed to spending habits in the farming community that may no longer be supportable. Low interest rates have camouflaged the difficulty in paying back principle with after tax dollars on high price machinery and land. Given the highly capitalized nature of agriculture, an uptick of only a few percentage points in interest rates would significantly and negatively impact farm net operating income. We're a long ways from crisis management as experienced in the 80's; however, out of love for this wonderful industry, I would be a strong advocate for caution within the Farm Credit System.

Being selected as a board member to the Farm Credit Administration would represent one of the greatest challenges of my life, but also potentially, one of the most rewarding. I feel I would be a reliable, honest representation of American agriculture and have a vision for its future that has defined my own life. My wife and I feel the time is right in our lives for a transition from the private sector to public service. We are financially secure and our four grown children have all graduated from state universities. Our youngest son has been actively involved in our farm operation and businesses for several years and is well prepared to assume leadership responsibilities as I plan to resign from those entities.

It won't be an easy transition, moving away from the land and community that has defined our life's work and love. Hopefully, our positive contribution to public service can offset that severance. Again, I thank you for considering me for this tremendous opportunity, and look forward to answering your questions.

Written Remarks of Stephen Alexander Vaden
U.S. Department of Agriculture General Counsel Nominee
before the
United States Senate Committee on Agriculture, Nutrition & Forestry
November 9, 2017

Mr. Chairman, Ranking Member Stabenow, and members of the Committee, it is an honor to come before you today as the President's nominee to serve as General Counsel for the United States Department of Agriculture. Before I respond to your questions, I wish to spend a few moments to tell you about my background and why the President's nomination – and Secretary Perdue's unwavering confidence – are so personally meaningful to me.

I come from a farming family. My father, John Marshall Vaden, was born on a farm in rural Obion County, Tennessee, in April 1918 and engaged in farming his whole life. Following his death two years ago, my brother and I learned that one of the family farms we inherited had been in the family since the early 1800s, as it appears in exactly its current dimensions on the original map of Fulton County, Kentucky, with the name of my ancestor handwritten across its plat.

It was the profits my Father reaped that paved the way for me to come before you today. Those profits, wisely invested over time, paid for the exorbitant tuition charged by Vanderbilt University and Yale Law School. They made it possible for me to delay entering the private practice of law so that I could clerk for two of our nation's finest federal judges – Julia Smith Gibbons of the United States Court of Appeals for the Sixth Circuit and Samuel H. Mays, Jr., of the United States District Court for the Western District of Tennessee. They supported my move to the much more expensive Washington, D.C., area, where I entered the private practice of law

first at the firm of Patton Boggs and later at the firm of Jones Day. I therefore need no refresher course on why low commodity prices are harmful to the futures of rural communities.

As I am nominated for the role of U.S. Department of Agriculture General Counsel, it is important to spend a moment reviewing my legal experience. My practice has focused primarily on three main areas: litigation, particularly appellate litigation; administrative law; and regulatory compliance. These happen to be three of the principal areas of focus for any departmental general counsel. The briefs I have drafted and the cases I have argued have covered areas of law as diverse as the procedural requirements of the Administrative Procedure Act, the confines of the First Amendment's protections, the transparency requirements imposed on agencies by the Freedom of Information Act, the fiduciary duties of corporate officers, and the procedural protections provided to union members to safeguard union elections – to name just a few.

My practice thus has focused on making certain the government and others in positions of power follow the legal guidelines meant to guarantee due process of law. Having been on the other side of the "v" from the government in litigation, I can understand the trepidation citizens feel when they must challenge a governmental decision. It is the job of the General Counsel to keep the government to its word by requiring the Department to follow its constitutional, statutory, and regulatory responsibilities. I believe that a General Counsel can be considered to have done well if producers can say that, while they did not always agree with the Department's decisions, they felt their concerns were heard; and the Department treated them fairly. If confirmed, this is the goal I aim to meet.

I would be remiss if I did not mention that, for the past eleven months, I have served in the Office of General Counsel – first as a senior adviser and, since March 17, as the principal deputy general counsel.

Every day I have the high honor of working with 203 of the finest attorneys in America to perform the legal work necessary to allow rural America to thrive once again. They are joined by 54 support staff, without whom, none of us attorneys could get anything done. As the members of this Committee know all-to-well, the men and women of the Office of the General Counsel are committed to providing legal advice in a timely and professional manner. Equally as important, the Office provides that advice with the accumulated knowledge of the challenges that our producers face to grow the food and fiber that powers America. It is a special charge that each member of the Office takes seriously – including myself.

As I mentioned at the opening of my remarks, my Father was a farmer. Throughout his life, he also was a grocer, an investor, and a real estate developer. But it was the title of farmer of which he was most proud. I know this because he placed that title – "Farmer" – below his name on every check I ever saw him sign. The last three checks he ever signed hang on my wall, framed, as a reminder of the responsibilities I bear as principal deputy general counsel to ensure that America's producers are treated fairly, equitably, and in accordance with the law. Should the Senate confirm me as General Counsel, I commit to you to carry out the responsibilities of that office with this same, very personal, commitment.

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

DOCUMENTS SUBMITTED FOR THE RECORD

NOVEMBER 9, 2017

Executive Branch Personnel
Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Smith, Glen Richard

Board Member, Farm Credit Administration

Other Federal Government Positions Held During the Preceding 12 Months:
None

Names of Congressional Committees Considering Nomination:

- **Committee on Agriculture, Nutrition, and Forestry**

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Smith, Glen Richard [electronically signed on 06/05/2017 by Smith, Glen Richard in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulation (subject to any comments below).
/s/ Shebest, Philip J, Certifying Official [electronically signed on 09/15/2017 by Shebest, Philip J in Integrity.gov]

Other review conducted by
/s/ Shebest, Philip J, Ethics Official [electronically signed on 09/15/2017 by Shebest, Philip J in Integrity.gov]

U.S. Office of Government Ethics Certification
/s/ Apol, David, Certifying Official [electronically signed on 09/22/2017 by Apol, David in Integrity.gov]

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	Smith Land Service Co.	Atlantic, Iowa	S-Corporation	President	8/1982	Present
2	Smith Generation Farms, Inc.	Atlantic, Iowa	C- Corporation	President	4/1982	Present
3	S&K Land Co.	Atlantic, Iowa	Limited Liability Company	Member Manager	12/2003	12/2016

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Smith Land Service Co. (Farmland Services)		N/A	$100,001 - $250,000	Salary plus dividends.	$109,759
2	Smith Generation Farms, Inc., (Crop Production of corn,soybeans and hay all located in Cass County, Iowa)		N/A	$1,000,001 - $5,000,000		None (or less than $201)
3	S&K Land Co., 50% ownership in a real estate holding company.	See Endnote	No	None (or less than $1,001)		$15,001 - $50,000
4	VANGUARD INTL EQUITY ET INDEX FDS		Yes	None (or less than $1,001)		None (or less than $201)
5	VANGUARD TOTAL WORLD ET STOCK INDEX FUND		Yes	$1,001 - $15,000		None (or less than $201)
6	CAPITAL WORLD GROWTH & INCOME FD INCOME CLASS A		Yes	$1,001 - $15,000		None (or less than $201)
7	BOARDWALK PIPELINE PARTNERS LP		N/A	None (or less than $1,001)	Capital Gains	$201 - $1,000
8	FIDELITY ADVISOR VII EMERGING ASIA FD		Yes	None (or less than $1,001)		$201 - $1,000
9	PIMCO INCOME OPPT'Y FUND		Yes	None (or less than $1,001)		$201 - $1,000

3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	Smith Land Service Co	Atlantic, Iowa	I will resign from my position with this entity but other officers will continue to operate it and I will retain a passive investment with this entity. Before I assume the duties of the position of Board Member, my son, Peter T. Smith, will be named President of the business. Additionally, all client fees will be fixed before I assume the duties.	7/2017
2	Smith Generation Farms, Inc	Atlantic, Iowa	I will resign from my position as President but will retain a passive investment interest in this entity. I will not provide any services material to the production of income.	7/2017

4. Filer's Sources of Compensation Exceeding $5,000 in a Year

#	SOURCE NAME		CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Smith Land Service Co.	See Endnote	Atlantic, Iowa	Administrative, Farm Management and Land Brokerage.
2	S&K Land Co.	See Endnote	Atlantic, Iowa	Co-Owner (50%) Land Improvement, Acquisition and Exchange.

5. Spouse's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Smith Land Service Co. (Farm land sales, management and appraisal)		N/A		Independent contractor hourly wage	
2	Rodan and Fields (Skin Care sales)	See Endnote	N/A		consulting fees	
3	Cass County Memorial Hospital, defined benefit plan (value not readily ascertainable)		N/A		Retirement Payments	
4	AMERICAN CAPITAL INCOME BUILDER FUND		Yes	$1,001 - $15,000		$201 - $1,000

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5	AMERICAN FUNDAMENTAL INVESTORS FUND	Yes	$1,001 - $15,000		$201 - $1,000
6	AMERICAN FUNDS WA MUT INVS	Yes	$1,001 - $15,000		$201 - $1,000
7	AMERICAN GROWTH FUND OF AMERICA	Yes	$1,001 - $15,000		$201 - $1,000
8	AMERICAN INCOME FUND OF AMERICA	Yes	$1,001 - $15,000		$201 - $1,000
9	EUROPACIFIC GROWTH FUND	Yes	$1,001 - $15,000		None (or less than $201)
10	FRANKLIN LOW DURATION TOTAL RETURN FUND	Yes	$1,001 - $15,000		None (or less than $201)
11	JP MORGAN MID CAP VALUE FUND	Yes	$1,001 - $15,000		$201 - $1,000
12	VICTORY SYCAMORE SMALL COMPANY OPPT'Y FUND	Yes	$1,001 - $15,000		$201 - $1,000

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Commercial Real Estate, Atlantic, Iowa	N/A	$100,001 - $250,000	Rent or Royalties	$15,001 - $50,000
2	Farmland, Cass County, Iowa, leased for cash rent	N/A	$250,001 - $500,000	Rent or Royalties	$5,001 - $15,000

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

#	CREDITOR NAME	TYPE	AMOUNT	YEAR INCURRED	RATE	TERM
1	Agri-Financial	Mortgage (investment/rental property)	$500,001 - $1,000,000	2014	4.67%	15 Years

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
2.	3	LLC dissolved in 2016, held the following properties: * Commercial real estate, Atlantic, Iowa; *Farmland, Cross County, Iowa
4.	1	I did not provide personal services to any clients who paid more than $5000 in any year for those services going back to January 2015.
4.	2	I did not provide any personal services to any clients who paid more than $5000 in any year for th services going back to January 2015.
5.	2	Consultant relationship is ongoing.

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reporte even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) po held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limi partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than $200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than $1,000 c produced more than $200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount c income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current emp
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future sh a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding $5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than $5,000 in a calendar year for the filer's services during any year of the reporti period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the sou made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the ser for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than $1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than $200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value great than $1,000 or (2) produced more than $200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/ac and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's busi employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount c income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, that (1) ended the reporting period with a value greater than $1,000 or (2) produced more than $200 in investme income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retiremen benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) single financial institution with a value of $5,000 or less (unless more than $200 of income was produced). Additional exceptions apply. Note: The type of income i required if the amount of income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of $1,000 made on behalf of the filer, the filer's spouse or dependent child c reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, m market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over $10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, suc credit card balances, if the outstanding liability did not exceed $10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than $375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than $375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting p

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of $150 or less. Regardless of the value, this section does n include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent ch totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. The prima of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may alsc disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to another Fe agency, court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (4) to source when necessary to obtain information relevant to a conflict of interest investigation or determination; (5) to the National Archives and Records Administrat the General Services Administration in records management inspections; (6) to the Office of Management and Budget during legislative coordination on private re legislation; (7) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (8) to reviewing officials in a ne office, department or agency when an employee transfers or is detailed from one covered position to another; (9) to a Member of Congress or a congressional off response to an inquiry made on behalf of an individual who is the subject of the record; (10) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to an OGE Government-wide system of records; and on the OGE Website and to any person, department or agency, any written ethics agreement filed with OGE by an individual nominated by the President to a posit requiring Senate confirmation. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data neede completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of informatic unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

Philip J. Shebest
Designated Agency Ethics Official
Farm Credit Administration
1501 Farm Credit Drive
McLean, VA 22102

Dear Mr. Shebest:

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 Board Member, Farm Credit Administration.

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

I am President of an S Corp doing business as Smith Land Service Co., which manages the officers' consulting work. Upon confirmation, I will resign from my position with this entity but other officers will continue to operate it. Before I assume the duties of the position of Board Member, my son, Peter T. Smith, will be named President of the business. Because I will retain a passive investment interest in this entity, 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 Smith Land Service Co., unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). All amounts owed to me by my clients will be fixed before I assume the duties of the position of Board Member, and I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of any client to pay the agreed upon amount. In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a 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 also will not participate personally and substantially in any particular matter involving specific parties in which I know a client of Smith Land Service Co is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R.§ 2635.502(d).

I am President of Smith Generation Farms, Inc. Upon confirmation, I will resign from my position as President. I will continue to have a financial interest in this entity, but I will not provide services material to the production of income. Instead, I will receive only passive investment income from it. 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 Smith Generation Farms, Inc., unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

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.

I currently have a personal farm mortgage that was sold to Agri-Financial, an entity that does business with Farmer Mac. I plan on refinancing this mortgage with an institution not affiliated with the Farm Credit System before I assume the duties of the position of Board Member. If the refinancing does not take place before that time, I have been advised that the duties of the position of Board Member may involve particular matters affecting the financial interests of Agri-Financial. However, the likelihood that my duties will involve any such matter is remote. Accordingly, regarding Agri-Financial, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the creditor's ability or willingness to collect the debt or on the amount or terms of the loan, 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 Board Member 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,

Glen Smith

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

★

September 22, 2017

The Honorable Pat Roberts
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Glen Smith, who has been nominated by President Trump for the position of Board Member, Farm Credit Administration.

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

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

Sincerely,

DAVID APOL

Digitally signed by DAVID APOL
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=95491600981870
Date: 2017.09.22 17:01:50 -04'00'

David J. Apol
Acting Director and General Counsel

Enclosures

Mr. Glen R. Smith
54939 Buck Creek Road
Atlantic, Iowa 50022-8203

November 3, 2017

The Honorable Pat Roberts, Chairman
U.S. Senate Committee on Agriculture, Nutrition
& Forestry
328A Russell Senate Office Building
Washington, DC 20510-6000

Dear Chairman Roberts:

As required of all nominees, five-days prior to the confirmation hearing, I am writing to update my financial information that I provided to the Committee on October 8, 2017. Nothing has changed in my finances or holdings, and I have not received any additional honoraria since my earlier submission.

Thank you.

Sincerely yours,



Glen R. Smith

U.S. Senate Committee on Agriculture, Nutrition & Forestry
Questions for Executive Nominees
115th Congress
Addendum

Question 6 (A)

I will resign my position of Township Trustee upon confirmation to the Farm Credit Administration Board.

Question 6 (B) –

Senator Charles Grassley (In-kind Co-host Event) – August 10, 2016

Senator Charles Grassley – made 8 fundraising contacts (by phone and In-person) for the event

Senator Joni Ernst (In-kind Host Event) – October 23, 2014

Senator Joni Ernst – made 39 fundraising contacts (by phone and in-person) for the event

Governor Jeb Bush – spoke on behalf of the candidate at local caucus meeting

Question 6 (C)

Campaign Contributions:

7/25/2016 – Representative David Young - $500.00

11/8/2016 – Representative David Young - $500.00

Question 7

Spring Semester, 2014, 2016 and 2017

Iowa State University – one-day presentation on building appraisal to an economics class (Powerpoint attached)

2017 Iowa Farmland Seminar – (Powerpoint attached)

- Ft Myers, Florida, January 22, 2017
- Scottsdale, Arizona, January 29, 2017

2017 Rotary Presentation – (Powerpoint attached)

December 2009 –November 2011 – KSOM 96.5 – Informational advertisement radio program titled, "Ag Week In Review" – Subject: agricultural economy (non-political).

Ethics Agreement

Smith Land Service, Company fees are based on a fixed percentage of our clients' land ownership earnings. Smith Land Service, Company's annual fee revenue varies based upon our clients' rental income. Therefore, any passive earnings I receive from Smith Land Services, Company have already been negotiated prior to my confirmation to the FCA Board. If confirmed, I will not take part in any further negotiations between Smith Land Services, Company and clients.

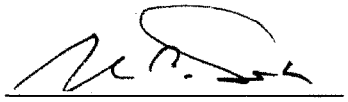
Ethics Agreement

Following the meeting with Senate Committee on Agriculture staff, I met with the FCA ethics official, Phil Shebest, to clarify my obligations as an FCA Board Member, if confirmed. Mr. Shebest verifies that the ethics letter is comprehensive.

OGE 278 #3

Following the meeting with Senate Committee on Agriculture staff, I met with the FCA Ethics Official, Phil Shebest, to ensure the accuracy of the original answer to both questions. The answer I gave to the questions were at the advice of the Office of Government Ethics. However, if it is helpful and for more clarification, the answer to both questions is the same.

I, Glen R. Smith, have reviewed the questionnaire and to the best of my ability affirm that the answers are correct.



Signature

11/3/2017

Date

U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY
Questions for Executive Nominees
115th Congress

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
Farm Credit Administration Board	**September 12, 2017**

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Glen	**Richard**	**Smith**	**Mr.**

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			**Street:10 West 6th Street**		
City: Atlantic	**Iowa**	**50022**	**Atlantic**	**Iowa**	**50022**

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
					Est ☐	**Est** ☐
					Est ☐	**Est** ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1956	Atlantic, Iowa

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

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
Fauzan	Marie	Smith	Mrs.

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
Fauzan	Marie	Nemer	Ms.	X	**04/1956** **Est** ☐	**06/1982** **Est** ☐
					Est ☐	**Est** ☐

Children's Names (if over 18)			
First Name	**Middle Name**	**Last Name**	**Suffix**
Rachel	**Marie**	**Wayson**	**Mrs.**
Jacob	**Glen**	**Smith**	**Mr.**
Peter	**Thomas**	**Smith**	**Mr.**
Anna	**Kathryn**	**Smith**	**Ms.**

2. Education

List all post-secondary schools attended.

Name of School	**Type of School** (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	**Date Began School** (month/year) (check box if estimate)	**Date Ended School** (month/year) (check box if estimate) (check "present" box if still in school)	**Degree**	**Date Awarded**
Iowa State Universtiy	University	August/1974	February/1979	B.S.	February 1979
		Est ☐	Est ☐ Present ☐		
		Est ☐	Est ☐ Present ☐		
		Est ☐	Est ☐ Present ☐		

3. Employment

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

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	**Name of Your Employer/ Assigned Duty Station**	**Most Recent Position Title/Rank**	**Location** (City and State only)	**Date Employment Began** (month/year) (check box if estimate)	**Date Employment Ended** (month/year) (check box if estimate) (check "present" box if still employed)
Self	Smith Generation Farms, Inc.	President	Atlantic, Iowa	April/1982	Present
Self	Smith Land Service, Co.	President	Atlantic, Iowa	April/1982	Present
Self	S & K Land Co., L.L.C.	Member-Manager	Atlantic, Iowa	2003- est.	December 2016
Independent Contractor	Doane Agricultural Service, Co.	State Manager-Real Estate Division	Ankeny, Iowa	March/1979	1982 Est ☐x
Part-Time Employee	Jim and Nancy Pellett	Farmhand	Atlantic, Iowa	1970 Est ☐x	1978 Est ☒x

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

Name of Government Entity	**Name of Position**	**Date Service Began** (month/year) (check box if estimate)	**Date Service Ended** (month/year) (check box if estimate) (check "present" box if still serving)
		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐

		Est ☐	Est ☐ Present ☐

4. Honors and Awards

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

Accredited Rural Appraiser (ARA) in American Society of Farm Managers and Rural Appraisers

5. Memberships

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

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

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
Cass Atlantic Development Corporation	2015 – Present	Board Member
Atlantic Community Schools Board	2002 – 2011	Board Member and Past President
Wesley Retirement Services	1994 – 1999	Board Member
Nishna Valley YMCA	2003 – 2005	Board Member
Iowa Chapter, American Society Of Farm Managers and Rural Appraisers	1985 – Present	Board Member and Past President
Atlantic Rotary Club	1985 – 2014	Board Member and Past President

First United Methodist Church	1983 – Present	Members and Administrative Council
Iowa Farm Bureau Association	1982 – Present	Member

6. Political Activity

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

Name of Office	Elected/Appointed/ Candidate Only	Year(s) Election Held or Appointment Made	Term of Service (if applicable)
Township Trustee	Elected	Estimate 1982-Elected Re-Elected-Present	35 years

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

Name of Party/Election Committee	Office/Services Rendered	Responsibilities	Dates of Service

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

Name of Recipient	Amount	Year of Contribution
Governor Kim Reynolds	$200.00	2017
Senator Charles Grassley (In-kind co-host event)	$251.00	2016
Senator Charles Grassley	$1000.00	2016
Representative David Young	$500.00	2016
Governor Jeb Bush	$200.00	2016
Senator Joni Ernst (In-Kind Host Event)	$660.00	2014
Senator Joni Ernst	$500.00	2014
Representative David Young	$300.00	2014
Senator Joni Ernst	$500.00	2014
Representative David Young	$200.00	2014
David Weiderstein, County Attorney	$250.00	2014
Tom Lathum For Congress	$250.00	2012

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

Title	Publisher	Date(s) of Publication

8. Lobbying

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

No

Executive Branch Personnel
Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Vaden, Stephen A.

General Counsel, Department of Agriculture

Other Federal Government Positions Held During the Preceding 12 Months:

Senior Adviser to the Office of General Counsel, U.S. Department of Agriculture (1/2017 - 3/2017)

Principal Deputy General Counsel, U.S. Department of Agriculture (3/2017 - Present)

Names of Congressional Committees Considering Nomination:

- **Committee on Agriculture, Nutrition, and Forestry**

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Vaden, Stephen A. [electronically signed on 07/14/2017 by Vaden, Stephen A. in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulation (subject to any comments below).
/s/ Bender, Stuart, Certifying Official [electronically signed on 09/06/2017 by Bender, Stuart in Integrity.gov]

Other review conducted by

U.S. Office of Government Ethics Certification
/s/ Apol, David, Certifying Official [electronically signed on 09/08/2017 by Apol, David in Integrity.gov]

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME	CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	Jones Day	Washington, District of Columbia	Law Firm	Associate	8/2014	1/2017

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	Jones Day	N/A		Salary	$314,486

3. Filer's Employment Agreements and Arrangements

None

4. Filer's Sources of Compensation Exceeding $5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	Jones Day	Washington, District of Columbia	Associate
2	Miriam Adelson	Washington, District of Columbia	Legal services
3	Alliance Data-Epsilon	Washington, District of Columbia	Legal services

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
4	America Leads	Washington, District of Columbia	Legal services
5	Campaign Capital Group	Washington, District of Columbia	Legal services
6	Coalition to Save Medicare Advantage Retiree Coverage	Washington, District of Columbia	Legal services
7	Coalition to Stop Internet Gambling	Washington, District of Columbia	Legal services
8	Community Financial Services Association of America	Washington, District of Columbia	Legal services
9	Discovery Communications	Washington, District of Columbia	Legal services
10	Doug McAuliffee Strategies	Washington, District of Columbia	Legal services
11	Drive Capital, LLC	Washington, District of Columbia	Legal services
12	DT Client Services	Washington, District of Columbia	Legal services
13	eBay, Inc.	Washington, District of Columbia	Legal services
14	EPU, LLC.	Washington, District of Columbia	Legal services
15	Foundation for Accountability and Civic Trust	Washington, District of Columbia	Legal services

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
16	Fraternity and Sorority PAC	Washington, District of Columbia	Legal services
17	FreedomWorks for America	Washington, District of Columbia	Legal services
18	Future 45	Washington, District of Columbia	Legal services
19	GIC Special Investments	Washington, District of Columbia	Legal services
20	Google, Inc.	Washington, District of Columbia	Legal services
21	GRA Venture Fund	Washington, District of Columbia	Legal services
22	Gus West Government Affairs	Washington, District of Columbia	Legal services
23	Havenstein for Governor	Washington, District of Columbia	Legal services
24	Hayek Institute for American Renewal	Washington, District of Columbia	Legal Services
25	Heaney for Congress	Washington, District of Columbia	Legal Services
26	Internet Corp. for Assigning Names and Numbers	Washington, District of Columbia	Legal services
27	Judicial Education Project	Washington, District of Columbia	Legal services

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
28	L Brands, Inc.	Washington, District of Columbia	Legal services
29	Las Vegas Sands Co.	Washington, District of Columbia	Legal services
30	LoBiondo for Congress	Washington, District of Columbia	Legal services
31	Maverick Capital LLC	Washington, District of Columbia	Legal services
32	Ministry of Sport of Russian Federation	Washington, District of Columbia	Legal services
33	Edward T. Moore and Lawrence W. Rosenfeld	Washington, District of Columbia	Legal services
34	National Football League Players Association	Washington, District of Columbia	Legal services
35	National Republican Senatorial Committee	Washington, District of Columbia	Legal services
36	Oklahoma Leadership Council	Washington, District of Columbia	Legal services
37	Opportunity Solutions Corp.	Washington, District of Columbia	Legal services
38	Pat Roberts for U.S. Senate	Washington, District of Columbia	Legal services
39	Pershing Square Capital Management	Washington, District of Columbia	Legal services

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
40	Reynolds American, Inc.	Washington, District of Columbia	Legal services
41	Ron Johnson for Senate	Washington, District of Columbia	Legal services
42	Sphere Consulting	Washington, District of Columbia	Legal services
43	Steris Corp.	Washington, District of Columbia	Legal services
44	Strategic Elements	Washington, District of Columbia	Legal services
45	StudentsFirst	Washington, District of Columbia	Legal services
46	Tarrance Group	Washington, District of Columbia	Legal services
47	Tennesseans for a Responsible Future	Washington, District of Columbia	Legal services
48	The Business Roundtable	Washington, District of Columbia	Legal services
49	The Maccabee Taskforce	Washington, District of Columbia	Legal services
50	Verint Systems, Inc.	Washington, District of Columbia	Legal services
51	Victory Media, LLC.	Washington, District of Columbia	Legal services

5. Spouse's Employment Assets & Income and Retirement Accounts

None

6. Other Assets and Income

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	IRA	See Endnote	No			
1.1	EUROPACIFIC GROWTH FUND CLASS F2 - AMERICAN FUNDS N/L		Yes	$1,001 - $15,000		None (or less than $201)
1.2	JPMORGAN U.S. LARGE CAP CORE PLUS FUND SELECT CLASS N/L		Yes	$1,001 - $15,000		None (or less than $201)
1.3	MFS RESEARCH FUND CLASS A M/F		Yes	$1,001 - $15,000		None (or less than $201)
1.4	PRUDENTIAL JENNISON SMALL COMPANY FD INC CL Z N/L		Yes	$1,001 - $15,000		None (or less than $201)
2	Raymond James RJCS Managed Southern Sun Account	See Endnote	No			
2.1	AGCO CORPORATION		N/A	$1,001 - $15,000		None (or less than $201)
2.2	BROADRIDGE FINL SOLUTIONS INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.3	CENTENE CORPORATION DEL		N/A	$1,001 - $15,000		None (or less than $201)
2.4	CLEAN HARBORS INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.5	ENVISION HEALTHCARE CORPORATION		N/A	$1,001 - $15,000		None (or less than $201)
2.6	FLOWSERVE CORPORATION		N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
2.7	HANESBRANDS INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.8	IDEX CORPORATION		N/A	$1,001 - $15,000		None (or less than $201)
2.9	KNOWLES CORPORATION		N/A	$1,001 - $15,000		None (or less than $201)
2.10	MURPHY USA INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.11	NEWFIELD EXPL COMPANY		N/A	$1,001 - $15,000		None (or less than $201)
2.12	OGE ENERGY CORPORATION		N/A	$1,001 - $15,000	Dividends	$201 - $1,000
2.13	PENTAIR PLC SHS		N/A	$1,001 - $15,000		None (or less than $201)
2.14	POLARIS INDUSTRIES INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.15	THOR INDUSTRIES INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.16	TIMKEN COMPANY		N/A	$1,001 - $15,000		None (or less than $201)
2.17	TRINITY INDUSTRIES INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
2.18	WESTERN UN COMPANY		N/A	$1,001 - $15,000		None (or less than $201)
2.19	WESTROCK COMPANY		N/A	$1,001 - $15,000		None (or less than $201)
2.20	Cash (U.S. Investment Account)		N/A	$1,001 - $15,000		None (or less than $201)
2.21	Diebold NXDF Inc		N/A	$1,001 - $15,000		None (or less than $201)
2.22	DARLING INGREDIENTS INCORPORATED		N/A	None (or less than $1,001)	Capital Gains	$2,501 - $5,000
3	Raymond James Ambassador Account #1	See Endnote	No			

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
3.1	ALLERGAN PLC SHS	N/A	$1,001 - $15,000		None (or less than $201)
3.2	ALLSTATE CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
3.3	ALPHABET INCORPORATED CAP STK CLASS A	N/A	$1,001 - $15,000		None (or less than $201)
3.4	AMAZON COM INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
3.5	BECTON DICKINSON & COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
3.6	CELGENE CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
3.7	CVS HEALTH CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
3.8	EXPRESS SCRIPTS HLDG COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
3.9	HALLIBURTON COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
3.10	HOME DEPOT INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
3.11	INGERSOLL-RAND PLC SHS	N/A	$1,001 - $15,000		None (or less than $201)
3.12	INTERCONTINENTAL EXCHANGE INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
3.13	JPMORGAN CHASE & COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
3.14	KANSAS CITY SOUTHERN COM NEW	N/A	$1,001 - $15,000		None (or less than $201)
3.15	LAUDER ESTEE COMPANIES INCORPORATED CLASS A	N/A	$1,001 - $15,000		None (or less than $201)
3.16	MICROSOFT CORPORATION	N/A	$1,001 - $15,000	Dividends Capital Gains	$201 - $1,000

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
3.17	NXP SEMICONDUCTORS N V		N/A	$1,001 - $15,000		None (or less than $201)
3.18	O REILLY AUTOMOTIVE INCORPORATED NEW		N/A	$1,001 - $15,000		None (or less than $201)
3.19	PIONEER NAT RES COMPANY		N/A	$1,001 - $15,000		None (or less than $201)
3.20	PRICELINE GRP INCORPORATED COM NEW		N/A	$1,001 - $15,000		None (or less than $201)
3.21	SYNCHRONY FINL		N/A	$1,001 - $15,000		None (or less than $201)
3.22	VISA INCORPORATED COM CLASS A		N/A	$1,001 - $15,000		None (or less than $201)
3.23	Cash (U.S. Investment Account)		N/A	$1,001 - $15,000		None (or less than $201)
3.24	Rockwell Collins Inc.		N/A	$1,001 - $15,000		None (or less than $201)
3.25	Salesforce.com Incorporated		N/A	None (or less than $1,001)	Capital Gains	$201 - $1,000
4	Raymond James Ambassador Account #2	See Endnote	No			
4.1	COCA COLA COMPANY		N/A	$1,001 - $15,000	Capital Gains Dividends	$201 - $1,000
4.2	JOHNSON & JOHNSON		N/A	$1,001 - $15,000	Dividends	$201 - $1,000
4.3	Procter & Gamble		N/A	$15,001 - $50,000	Dividends	$201 - $1,000
4.4	JOHNSON CITY TN HEALTH & EDL FACS BRD HOSP REV, REV BDS, MOUNTAIN ST HLTH ALLIANCE, SER 2012 A		N/A	$15,001 - $50,000	Interest	$201 - $1,000
4.5	DREYFUS MUN BD INFRSTRCTR FD SHS		Yes	$1,001 - $15,000		$201 - $1,000
4.6	EATON VANCE MUN BD FD		Yes	$1,001 - $15,000		$201 - $1,000
4.7	EATON VANCE MUN INCOME 2028 TE SHS		Yes	$1,001 - $15,000		$201 - $1,000

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
4.8	EATON VANCE NATL MUN OPPORT TR COM SHS	Yes	$15,001 - $50,000		$201 - $1,000
4.9	INVESCO MUN OPPORTUNITY TR	Yes	$1,001 - $15,000		$201 - $1,000
4.10	INVESCO QUALITY MUNI INCORPORATED TRST	Yes	$1,001 - $15,000		$201 - $1,000
4.11	MAINSTAY DEFINEDTERM MN OPP FD	Yes	$15,001 - $50,000		$201 - $1,000
4.12	NUVEEN INTER DURATION MN TMFD	Yes	$1,001 - $15,000		$201 - $1,000
4.13	NUVEEN MUN VALUE FD INCORPORATED	Yes	$1,001 - $15,000		$201 - $1,000
4.14	PUTNAM MANAGED MUN INCOM TR	Yes	$15,001 - $50,000		$201 - $1,000
4.15	WESTERN ASSET INTM MUNI FD INCORPORATED	Yes	$1,001 - $15,000		$201 - $1,000
4.16	WESTERN ASSET MUN HI INCM FD	Yes	$1,001 - $15,000		$201 - $1,000
4.17	WESTERN ASST MN PRT FD INCORPORATED	Yes	$1,001 - $15,000		$201 - $1,000
4.18	Cash (U.S. Investment Account)	N/A	$1,001 - $15,000		None (or less than $201)
4.19	Putnam Mun Opportunities	Yes	$1,001 - $15,000		$201 - $1,000
4.20	Neuberger Berman Inter Muni	Yes	$1,001 - $15,000		$201 - $1,000
5	Raymond James RJCS Managed Regular Acct. See Endnote	No			
5.1	Cash (U.S. Investment Account)	N/A	$1,001 - $15,000		None (or less than $201)
5.2	AMERIGAS PARTNERS L P UNIT L P INT	N/A	$1,001 - $15,000		None (or less than $201)
5.3	CROWN CASTLE INTERNATIONAL CORPORATION NEW REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.4	GEO GROUP INCORPORATED NEW REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.5	IRON MTN INCORPORATED NEW REIT	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.6	MAGELLAN MIDSTREAM PRTNRS LP COM UNIT RP LP	N/A	$1,001 - $15,000		None (or less than $201)
5.7	RYMAN HOSPITALITY PPTYS INCORPORATED REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.8	SPECTRA ENERGY PARTNERS LP	N/A	$1,001 - $15,000		None (or less than $201)
5.9	VENTAS INCORPORATED REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.10	WELLTOWER INCORPORATED REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.11	WEYERHAEUSER COMPANY REIT	N/A	$1,001 - $15,000		None (or less than $201)
5.12	ABBVIE INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.13	ALTRIA GROUP INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.14	AMEREN CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.15	AMERICAN ELEC PWR INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.16	AMGEN INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.17	ASTRAZENECA PLC SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.18	AT&T INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.19	AXIS CAPITAL HOLDINGS LIMITED SHS	N/A	$1,001 - $15,000		None (or less than $201)
5.20	BAE SYSTEMS PLC SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.21	BB&T CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.22	BCE INCORPORATED COM NEW	N/A	$1,001 - $15,000	Dividends	$201 - $1,000
5.23	BP PLC SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.24	BRITISH AMERN TOB PLC SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.25	CARDINAL HEALTH INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.26	CHEVRON CORPORATION NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.27	CINEMARK HOLDINGS INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.28	COCA COLA COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
5.29	COMPASS MINERALS INTERNATIONAL INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.30	CORNING INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.31	DOMINION ENERGY INC	N/A	$1,001 - $15,000		None (or less than $201)
5.32	DUKE ENERGY CORPORATION NEW COM NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.33	EMERSON ELEC COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
5.34	ENTERGY CORPORATION NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.35	EXXON MOBIL CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.36	FASTENAL COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
5.37	GLAXOSMITHKLINE PLC SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.38	GRAINGER W W INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.39	IMPERIAL BRANDS PLC SPON ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.40	INTEL CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.41	JOHNSON & JOHNSON	N/A	$1,001 - $15,000		None (or less than $201)
5.42	JOHNSON CONTROLS INTERNATIONAL PLC SHS	N/A	$1,001 - $15,000		None (or less than $201)
5.43	KIMBERLY CLARK CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.44	MARATHON PETE CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.45	MCDONALDS CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.46	MERCK & COMPANY INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.47	METLIFE INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.48	MICROSOFT CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.49	MOTOROLA SOLUTIONS INCORPORATED COM NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.50	MUNICH RE GROUP ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.51	NATIONAL FUEL GAS COMPANY N J	N/A	$1,001 - $15,000		None (or less than $201)
5.52	NATIONAL GRID PLC SPON ADR NEW	N/A	$1,001 - $15,000	Dividends	$201 - $1,000
5.53	NOVARTIS A G SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.54	OCCIDENTAL PETE CORPORATION DEL	N/A	$1,001 - $15,000		None (or less than $201)
5.55	OMNICOM GROUP INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.56	PEPSICO INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.57	PHILIP MORRIS INTERNATIONAL INCORPORATED	N/A	$1,001 - $15,000	Dividends	$201 - $1,000
5.58	PNC FINL SVCS GROUP INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.59	PPL CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.60	PRAXAIR INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.61	PROCTER AND GAMBLE COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
5.62	QUALCOMM INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.63	REYNOLDS AMERICAN INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.64	ROGERS COMMUNICATIONS INCORPORATED CLASS B	N/A	$1,001 - $15,000		None (or less than $201)
5.65	ROYAL DUTCH SHELL PLC SPONS ADR A	N/A	$1,001 - $15,000		None (or less than $201)
5.66	SANOFI SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.67	SOUTHERN COMPANY	N/A	$1,001 - $15,000		None (or less than $201)
5.68	SWISSCOM AG SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.69	TARGET CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.70	TE CONNECTIVITY LIMITED REG SHS	N/A	$1,001 - $15,000		None (or less than $201)
5.71	THOMSON REUTERS CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.72	TOTAL S A SPONSORED ADR	N/A	$1,001 - $15,000		None (or less than $201)
5.73	UNILEVER PLC SPON ADR NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.74	UNION PAC CORPORATION	N/A	$1,001 - $15,000		None (or less than $201)
5.75	UNITED PARCEL SERVICE INCORPORATED CLASS B	N/A	$1,001 - $15,000		None (or less than $201)
5.76	US BANCORP DEL COM NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.77	VALERO ENERGY CORPORATION NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.78	VERIZON COMMUNICATIONS INCORPORATED	N/A	$1,001 - $15,000	Dividends	$201 - $1,000
5.79	VODAFONE GROUP PLC NEW SPONSORED ADR	N/A	$1,001 - $15,000	Dividends	$201 - $1,000
5.80	WAL-MART STORES INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.81	WEC ENERGY GROUP INCORPORATED	N/A	$1,001 - $15,000		None (or less than $201)
5.82	WELLS FARGO & COMPANY NEW	N/A	$1,001 - $15,000		None (or less than $201)
5.83	Public Storage	N/A	$1,001 - $15,000		None (or less than $201)
5.84	Sabra Healthcare REIT, Inc. - Common Stock	N/A	$1,001 - $15,000		None (or less than $201)
5.85	Uniti Group Inc. REIT	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
5.86	ALLIANZ SE SP ADR 1/10 SH (GERMANY)		N/A	$1,001 - $15,000		None (or less than $201)
5.87	CONSOLIDATED EDISON INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
5.88	COTY INCORPORATED COM CLASS A		N/A	$1,001 - $15,000		None (or less than $201)
5.89	DEUTSCHE TELEKOM AG SPONSORED ADR (GERMANY)		N/A	$1,001 - $15,000		None (or less than $201)
5.90	EXTENDED STAY AMER INC SHS 1 COM 1 CLASS B		N/A	$1,001 - $15,000		None (or less than $201)
5.91	GENERAL MLS INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
5.92	INTERPUBLIC GROUP COMPANIES INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
5.93	NOVO-NORDISK A S ADR (DENMARK)		N/A	$1,001 - $15,000		None (or less than $201)
5.94	PFIZER INCORPORATED		N/A	$1,001 - $15,000		None (or less than $201)
5.95	TERNA RETE ELETTRICA NAZIONALE ADR (ITALY)		N/A	$1,001 - $15,000		None (or less than $201)
5.96	UNIBAIL-RODAMCO SE ADR REP JCE 08 (FRANCE)		N/A	$1,001 - $15,000		None (or less than $201)
6	Banc3. (Community bank)		N/A	$50,001 - $100,000		None (or less than $201)
7	Residential Rental Property 1, Obion County, TN	See Endnote	N/A	$15,001 - $50,000		None (or less than $201)
8	Residential Rental Property 2, Obion County, TN	See Endnote	N/A	$15,001 - $50,000		None (or less than $201)
9	Residential Rental Property 3, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
10	Residential Rental Property 4, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
11	Residential Rental Property 5, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
12	Residential Rental Property 6, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
13	Residential Rental Property 7, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$1,001 - $2,500
14	Residential Rental Property 8, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$1,001 - $2,500
15	Residential Rental Property 9, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$2,501 - $5,000
16	Residential Rental Property 10, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
17	Residential Rental Property 11, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$201 - $1,000
18	Residential Rental Property 12, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$1,001 - $2,500
19	Residential Rental Property 13, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
20	Residential Rental Property 14, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$1,001 - $2,500
21	Residential Rental Property 15, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
22	Residential Rental Property 16, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
23	Residential Rental Property 17, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
24	Residential Rental Property 18, Obion County, TN	See Endnote	N/A	$1,001 - $15,000	Rent or Royalties	$1,001 - $2,500
25	Residential Rental Property 19, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
26	Residential Lot 1, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
27	Residential Lot 2, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
28	Residential Lot 3, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
29	Residential Lot 4, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
30	Residential Property 20, Obion County, TN	See Endnote	N/A	$15,001 - $50,000	Rent or Royalties	$1,001 - $2,500
31	Commercial Property 1, Obion County, TN	See Endnote	N/A	$15,001 - $50,000		None (or less than $201)
32	Farm Land 1, Obion County, TN	See Endnote	N/A	$500,001 - $1,000,000	Rent or Royalties	$15,001 - $50,000
33	Farm Land 2, Obion County, TN	See Endnote	N/A	$500,001 - $1,000,000	Rent or Royalties	$15,001 - $50,000
34	Farm Land 3, Fulton County, KY	See Endnote	N/A	$500,001 - $1,000,000	Rent or Royalties	$15,001 - $50,000
35	U.S. Bank Account (cash) #1		N/A	$250,001 - $500,000	Interest	$1,001 - $2,500
36	U.S. Bank Account (cash) #2		N/A	$100,001 - $250,000	Interest	None (or less than $201)
37	U.S. Bank Account (cash) #3		N/A	$100,001 - $250,000	Interest	$1,001 - $2,500
38	U.S. Bank Account (cash) #4		N/A	$100,001 - $250,000	Interest	None (or less than $201)
39	U.S. Bank Account (cash) #5		N/A	$15,001 - $50,000	Interest	None (or less than $201)
40	U.S. Bank Account (cash) #6		N/A	$250,001 - $500,000	Interest	$201 - $1,000
41	Raymond James Holding Account #2		No			
41.1	JOHNSON & JOHNSON		N/A	$15,001 - $50,000	Dividends	$201 - $1,000

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
41.2	PROCTER AND GAMBLE COMPANY		N/A	$15,001 - $50,000	Dividends	$201 - $1,000
41.3	JOHNSON CITY TN HEALTH & EDL FACS BRD HOSP REV, REV BDS, MOUNTAIN ST HLTH ALLIANCE, SER 2010A		N/A	$1,001 - $15,000	Interest	$201 - $1,000
41.4	NORTH TX TWY AUTH REV, FIRST TIER REF REV BDS, INT AT MATY SER 2008D ASSURED GUARANTY CORP FORMERLY ACE GTY		N/A	$1,001 - $15,000	Interest	None (or less than $201)
41.5	METROPOLITAN WA D C ARPTS AUTH DULLES TOLL RD REV, REV BDS, DULES METRORAIL AND CAPITAL, INT AT MATY SER 2009B ASSURED GUARANTY CORP FORMERLY ACE GTY	See Endnote	N/A	$15,001 - $50,000		None (or less than $201)
42	Residential Lot 5, Obion County, TN	See Endnote	N/A	$1,001 - $15,000		None (or less than $201)
43	Vanguard 500 Index Fund (VFIAX)		Yes	$15,001 - $50,000		None (or less than $201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

None

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
6.	1	Individual IRA.
6.	2	RJCS is Raymond James Consulting Service.
6.	3	Guided Model Core Growth Equity Portfolio.
6.	4	Raymond James Closed End Fund Municipal Income Model.
6.	5	Raymond James Freedom UMA-EINC. Equity Income Unified Managed Account.
6.	7	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	8	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	9	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	10	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	11	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	12	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	13	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	14	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	15	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	16	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	17	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	18	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	19	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	20	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	21	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	22	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	23	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	24	This represents 50% ownership in the property, with sibling owning other 50% of the property.

PART	#	ENDNOTE
6.	25	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	26	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	27	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	28	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	29	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	30	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	31	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	32	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	33	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	34	This represents 50% ownership in the property, with sibling owning other 50% of the property.
6.	41.5	Zero Coupon Municipal Bond.
6.	42	This represents 50% ownership in the property, with sibling owning other 50% of the property.

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reporte even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) pos held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limi partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than $200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities that (1) ended the reporting period with a value greater than $1,000 c produced more than $200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount c income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current emp
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future sh a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding $5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than $5,000 in a calendar year for the filer's services during any year of the reporti period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the sou made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the ser for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than $1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than $200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities that (1) ended the reporting period with a value great than $1,000 or (2) produced more than $200 in income during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/ac and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's busi employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount c income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, that (1) ended the reporting period with a value greater than $1,000 or (2) produced more than $200 in investme income during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retiremen benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) single financial institution with a value of $5,000 or less (unless more than $200 of income was produced). Additional exceptions apply. Note: The type of income i required if the amount of income is $0 - $200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of $1,000 made on behalf of the filer, the filer's spouse or dependent child c reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, m market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over $10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, suc credit card balances, if the outstanding liability did not exceed $10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than $375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than $375 that the filer, the filer's spouse, and dependent children received from any one source during the reporting p

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of $150 or less. Regardless of the value, this section does n include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent ch totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. The prima of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may alsc disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to another Fe agency, court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (4) to source when necessary to obtain information relevant to a conflict of interest investigation or determination; (5) to the National Archives and Records Administrat the General Services Administration in records management inspections; (6) to the Office of Management and Budget during legislative coordination on private re legislation; (7) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (8) to reviewing officials in a ne office, department or agency when an employee transfers or is detailed from one covered position to another; (9) to a Member of Congress or a congressional off response to an inquiry made on behalf of an individual who is the subject of the record; (10) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to an OGE Government-wide system of records; and on the OGE Website and to any person, department or agency, any written ethics agreement filed with OGE by an individual nominated by the President to a posit requiring Senate confirmation. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data neede completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of informatic unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).

September 6, 2017

Mr. Stuart Bender
Designated Agency Ethics Official
U.S. Department of Agriculture
Washington, DC 20250

Dear Mr. Bender:

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 General Counsel of the U.S. Department of Agriculture.

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

I resigned from my position as an Associate with Jones Day in January 2017. For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know 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). In addition, 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 own real property in Obion County, Tennessee, and Fulton County, Kentucky. This property is leased out for farming on a fixed cash basis to a tenant on a fixed cash lease on the farm. I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on my interest in the value of this property 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).

Through my farm property, I participate in USDA's Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) programs. The ARC program provides revenue loss coverage at the county level. In other words, ARC is a local county-specific program. ARC payments are issued when the actual county crop revenue of a covered commodity is less than the ARC-CO guarantee for the covered commodity. As noted above, the ARC program is distinctly and separately focused on each of the numerous specific counties across the country. Because my farming property is located in Obion County, Tennessee, and Fulton County, Kentucky, I will not participate personally and substantially in any particular matter involving the ARC program that will have a direct and

predictable effect upon Obion County or Fulton County 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).

PLC program payments are commodity-specific and are issued when the effective price of a covered commodity is less than the respective reference price for that commodity. In other words, the PLC program is focused distinctly on specific covered commodities. Because the commodities grown by the tenant on my farming property are corn and soybeans, I will not participate personally and substantially in any particular matter involving the PLC program that will have a direct and predictable effect on the commodities of corn and soybeans 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).

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.202 with regard to any of my financial interests in securities, I will monitor the value of those interests. If the aggregate value of interests affected by a particular matter increases and exceeds the *de minimis* threshold, I will not participate personally and substantially in the particular matter that to my knowledge has a direct and predictable effect on the interests, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1).

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.

I will meet in person with you during the first week of my service in the position of General Counsel 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 must continue to abide by the Ethics Pledge (Exec. Order No. 13770) that I previously signed 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,

Stephen A. Vaden

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

★

September 8, 2017

The Honorable Pat Roberts
Chairman
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Stephen A. Vaden, who has been nominated by President Trump for the position of General Counsel, Department of Agriculture.

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

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

Sincerely,

DAVID APOL

Digitally signed by DAVID APOL
DN: c=US, o=U.S. Government, ou=Office of Government Ethics, cn=DAVID APOL, 0.9.2342.19200300.100.1.1=95491002981870
Date: 2017.09.08 10:15:42 -04'00'

David J. Apol
Acting Director and General Counsel

Enclosures

November 6, 2017

The Honorable Pat Roberts, Chairman
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, D.C. 20510

The Honorable Debbie Stabenow, Ranking Member
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

Dear Chairman Roberts and Ranking Member Stabenow:

Please be advised that pursuant to section 10 1 (b) of the Ethics in Government Act of 1978, as amended, I have informed the appropriate ethics officials that the information required by section 102(a) (I)(A) of the Act with respect to income and honoraria contained in OGE Form 278e (Executive Branch Public Financial Disclosure Report) executed by me on August 29, 2017 is correct.

This information is current as of Monday, November 6, 2017. This date is within five days prior to the date of the first hearing scheduled to consider my nomination.

Sincerely,

Stephen Alexander Vaden

November 3, 2017

The Honorable Pat Roberts, Chairman Committee on Agriculture
Nutrition & Forestry United States Senate
Washington D.C. 20510

The Honorable Debbie Stabenow, Ranking Member Committee on Agriculture
Nutrition & Forestry United States Senate
Washington, DC 20510

RE: Addendum to the Committee Questionnaire

Chairman Roberts and Ranking Member Stabenow:

During my interview with your staff counsels, the following questions were raised. Please accept this letter and its contents as my responses:

Employment from 6/2004 – 7/2005? During the period of May 2004 and August 2005, I worked for my Father taking care of his rental and agricultural properties. It is listed on the additional form submitted and referenced as "property manager."

Pro bono work for any campaign? No, I did not provide pro bono legal services to any campaign.

Campaign contributions to Grant Starrett?

Grant Starrett For Congress	$1,500	2015
Grant Starrett For Congress	$1,200	2015

Trump-Pence transition work? The work performed for the Presidential Transition Team (PTT) was as a volunteer and not client-billable work. As the OGE Form 278 only requires the disclosure of firm clients for which you did work and for which the law firm received payment and because the work I did for the PTT was as a volunteer and Jones Day did not receive compensation for this work, I was not required to disclose it on my OGE Form.

Out of an abundance of caution, before submitting my OGE Form 278, I consulted with USDA's Director of Ethics who confirmed that this was correct and that it would be erroneous to disclose this volunteer activity on the OGE Form 278's client list, since the form only requires listing sources of "compensation of $5,000 or more."

Sincerely,

Stephen Alexander Vaden

U.S. SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY
Questions for Executive Nominees
115th Congress

1. Basic Biographical Information

Please provide the following information.

Position to Which You Have Been Nominated	
Name of Position	**Date of Nomination**
General Counsel of Department of Agriculture	

Current Legal Name			
First Name	**Middle Name**	**Last Name**	**Suffix**
Stephen	Alexander	Vaden	

Addresses					
Residential Address (do not include street address)			**Office Address** (include street address)		
[redacted]			Street: 1400 Independence Avenue, SW		
City: Union City	State: TN	Zip: 38261	City: Washington	State: DC	Zip: 20250

Other Names Used						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
N/A					Est ☐	Est ☐
					Est ☐	Est ☐

Birth Year and Place	
Year of Birth (Do not include month and day.)	**Place of Birth**
1982	**Memphis, TN**

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

Spouse's Name (current spouse only)			
Spouse's First Name	**Spouse's Middle Name**	**Spouse's Last Name**	**Spouse's Suffix**
N/A			

Spouse's Other Names Used (current spouse only)						
First Name	**Middle Name**	**Last Name**	**Suffix**	Check if Maiden Name	**Name Used From** (Month/Year) (Check box if estimate)	**Name Used To** (Month/Year) (Check box if estimate)
N/A					Est ☐	Est ☐
					Est ☐	Est ☐

Children's Names (if over 18)			
First Name	Middle Name	Last Name	Suffix
N/A			

2. Education

List all post-secondary schools attended.

Name of School	Type of School (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	Date Began School (month/year) (check box if estimate)	Date Ended School (month/year) (check box if estimate) (check "present" box if still in school)	Degree	Date Awarded
Vanderbilt University	University	Est ☐ 8/2000	Est ☐ Present ☐ 5/2004	B.A.	5/14/04
Yale Law School	Professional School	Est ☐ 8/2005	Est ☐ Present ☐ 6/2008	J.D.	6/4/08
		Est ☐	Est ☐ Present ☐		
		Est ☐	Est ☐ Present ☐		

3. Employment

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

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/ Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Other Federal Employment	U.S. Department of Agriculture	Principal Deputy General Counsel	Washington, D.C.	1/2017 Est ☐	Present Est ☐
Non-Government Employment	Jones Day	Associate	Washington, D.C.	8/2014 Est ☐	1/2017 Est ☐
Non-Government Employment	Patton Boggs	Associate	Washington, D.C.	1/2011 Est ☐	7/2014 Est ☐
Other Federal Employment	Hon. Samuel H. Mays, Jr. (W.D. Tenn)	Law Clerk	Memphis, TN	9/2009 Est ☐	12/2010 ☐
Other Federal Employment	Hon. Julia Smith Gibbons (6th Cir.)	Law Clerk	Memphis, TN	9/2008 Est ☐	9/2009 Est ☐

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

Name of Government Entity	Name of Position	Date Service Began (month/year) (check box if estimate)	Date Service Ended (month/year) (check box if estimate) (check "present" box if still serving)
None		Est ☐	Est ☐ Present ☐

		Est ☐	Est ☐ Present ☐
		Est ☐	Est ☐ Present ☐

4. Honors and Awards

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

Phi Beta Kappa

Phi Alpha Theta (history honorary society)

Vanderbilt Fellow to the Center for the Study of the Presidency

5. Memberships

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

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

Name of Organization	Dates of Your Membership (You may approximate.)	Position(s) Held
First Baptist Church	October 2016 - Present	Member
Federalist Society for Law and Public Policy Studies	August 2006 - Present	Member of the Administrative Law Practice Group Executive Committee March 2015 - Present
Teneo* *Social organization unaffiliated with Teneo Holdings	August 2008 (approx.) - Present	Member

6. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?
No

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

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

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

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

Name of Recipient	Amount	Year of Contribution
Tennessee Republican Party	$250.00	2017
Tennessee Republican Party	$275.00	2016
Grant Starrett for Congress	$1,200.00	2016
Grant Starrett for Congress	$1,500.00	2016
Ken Leonczyk for Congress	$1,500.00	2012
Ken Leonczyk for Congress	$1,000.00	2012
Bill Sanderson for State Representative	$250.00	2016
John Stevens for State Senate	$200.00	2016

7. Publications

List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet.

Title	Publisher	Date(s) of Publication
Ghosts from the Past: Richard Nixon, the 1970 Cambodian Incursion, and a Re-Evaluation of His "Plan" to End the Vietnam War	Available on Vanderbilt University library website	Published online March 2004
More Judicial Accountability is Welcome	*The Commercial Appeal*	July 5, 2013
Tennessee Trial Court Strikes Down State's Tort Reform Act	Federalist Society *State Courts Guide*	June 1, 2015 (Summer 2015 edition)
Perez v. Mortgage Bankers Association: Portending a Return to Judicial Engagement	*Engage: The Journal of the Federalist Society Practice Groups*	October 2015 (Volume 16, Issue 3)
Bad Buy in Real Life Potboiler is Not Election of Judges	*The Tennessean*	August 24, 2008
Chevron Deference in the Circuit Courts	Federalist Society	Blog: August 17, 2016 Podcast: October 28, 2016
Pre-9/11 Politicians in a Post 9/11 World (essay in *Intelligence and National Security: The Secret World of Spies*)	Oxford University Press	2007

8. Lobbying

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

I have not registered as a lobbyist.

QUESTIONS AND ANSWERS

NOVEMBER 9, 2017

Senate Committee on Agriculture, Nutrition, and Forestry
Nomination Hearing
Thursday, November 9, 2017
Questions for the Record
Mr. Glen Smith

Questions from Chairman Pat Roberts

1. Crop insurance is a critical tool to producers in Kansas and many of the entities who finance them. What thoughts do you have about risk management and how the Farm Credit Administration should consider these tools as you assess the state of our agricultural economy and its potential impacts on the safety and soundness of the Farm Credit System?

   Crop insurance is the most important risk management tool and safety net farmers have to manage the up-and-down cyclical nature of production agriculture. After the elimination of direct payments, lenders have come to depend on crop insurance before extending credit to a farmer. If confirmed to the Farm Credit Administration board, the knowledge I've gained over the past 35 years as a farmer and agribusiness owner will guide my decisions. The Farm Credit System remains safe and sound so that it can continue to serve its mission of providing competitive credit to America's farmers, ranchers, and their cooperatives. I know from experience, crop insurance is a critical tool for the System to continue to serve its mission.

2. Farmer Mac is a Government Sponsored Enterprise under the Farm Credit Administration's jurisdiction. As with a number of other GSEs, Farmer Mac experienced significant financial losses due to investments during the economic downturn of 2008. It has since recovered and remains an important partner to both System lenders and commercial banks. What lessons were learned after 2008, and what safeguards should the Farm Credit Administration maintain to ensure the strength of Farmer Mac?

   Farmer Mac was created by Congress in 1987 to provide a secondary market for agricultural lenders and rural utility cooperative loans. The Farm Credit System stepped in to stabilize Farmer Mac in 2008 when non-Farm Credit System investments resulted in losses. FCA routinely examines Farmer Mac to evaluate its safety and soundness. If confirmed, I will be very active with the Office of Secondary Market Oversight to ensure that Farmer Mac continues to be safe and sound so that it will continue to serve its important mission to agricultural lenders.

3. One point of contention I hear from competitors is that the System is expanding into areas of the economy that, some argue, Congress might not have envisioned when the System's lending jurisdiction was expanded back in the early 1990s. What limits are there to the lending authority of the Farm Credit System, and does the Farm Credit Administration

authorize System lending to any company engaged in business in a "rural" part of the country, regardless of the availability of other private financing?

I too have heard this contention from my banker friends. My understanding is that Congress gave the System the authority to lend to functionally similar entities over 20 years ago as a risk diversification tool. There are guidelines in the statute that need to be followed. Sometimes, however, the lines are a bit gray. It is the FCA board's responsibility to make sure that the System stays within the lines. I think that is where communication with this committee is vital. Even though similar entities may be within the guidelines of the statute, I believe the board should always keep in mind that System institutions are agricultural co-op lenders and they must be wary about possible criticism and reputation risk that could result if they misinterpret the guidelines.

4. **At times, it may be necessary to gauge the correct oversight response towards a particular issue of the Farm Credit System. What principles will guide your decision making on regulatory questions? In addition, what impact, if any, do you believe agricultural commodity prices should have on this regulatory lens at the FCA? What ideas do you have going forward to make sure confidence in the Farm Credit Administration is improved?**

If confirmed, I know that I have a lot to learn. I was honored and humbled by my nomination to the Farm Credit Administration board. As a successful farmer and agri-businessman, I know the importance of being flexible. My wife and business partner of 35 years and I intentionally kept our family business at a manageable size so that we could react to ever-changing conditions. Regulation aimed at promoting the strength of the System also needs to be flexible. Congress created FCA as a small, independent, regulatory agency that nimbly responds to the unique credit needs of farmers and ranchers in the volatile agriculture economy. As a safety and soundness regulator, FCA has to be aware of market conditions. Current conditions in the agriculture economy do cause me concern. As an FCA board member, I will encourage System lenders to focus on their relationships with their member-borrowers and to work with them to determine the best outcome for each individual.

Questions from Senator Debbie Stabenow

1. **You have been nominated to serve at a challenging time for the farm economy. From low commodity prices to major natural disasters and trade uncertainty, there are many factors that are impacting a farmers' bottom line. At the same time, it is my understanding that today, the Farm Credit System on the whole is in a safe position from a lender's perspective to weather the current downturn. However, a prolonged period of low commodity prices could begin to take a toll on both farmers and lenders. If confirmed, you will have an important role in balancing the Farm Credit Administration's (FCA) mission to serve agriculture and rural America, while maintaining the financial stability of Farm Credit System lenders.**

a. How will the current state of the farm economy shape your decision making?

The current state of the farm economy warrants caution. As a safety and soundness regulator, FCA will need to take that into consideration in the examination process.

b. How will you work with FCS institutions to find the balance between maintaining their financial safety and soundness, while also ensuring our farmers and ranchers have a dependable source of credit?

America has a diverse ag economy and while many ag producers are under some stress, each bank and association regulated by FCA face similar but different challenges. Farm Credit System institutions know their borrowers best. Regulation aimed at promoting the strength of the System needs to be flexible. Congress created FCA as a small regulatory agency that nimbly responds to the unique needs of farmers and ranchers in the volatile agriculture economy.

2. The Farm Credit System's (FCS) rural and agricultural mission is part of what makes it such a valuable partner for many farmers, ranchers, and communities around the country. However, this reputation can be compromised when it is perceived that FCS institutions are engaging in activities that stray from this mission. In particular, commercial lenders often cite loans that fall under the "similar entity" lending authority as instances where the FCS is falling short of fulfilling their mission. While it is important that this authority is used judiciously, it also provides an important tool by allowing greater diversification of risk among FCS institutions.

a. How will you advise regulated entities when it comes to decisions related to using the "similar entity" authority, or other authorities that may be scrutinized by the public or private lenders as straying from the mission of Farm Credit?

Congress gave the System similar-entity authority as a risk management tool. The authority allows the System to diversify its loan portfolio by working through non-System, commercial lending institutions. Reputational risk to the System posed by any transaction must always be considered. The Farm Credit System is a government-sponsored enterprise with a public purpose mission. This mission means the role of FCA as an arm's-length regulator goes beyond the obligation to confirm institutional compliance with the Farm Credit Act. FCA will need to work with the Agriculture Committee to determine the congressional intent for this authority.

b. Will you commit to working with the other FCA board members to protect the FCS's reputation as a reliable partner for farmers, ranchers, and rural communities?

If confirmed, I am committed to working with the other members of the FCA board and other stakeholders to protect the FCS's reputation as a reliable partner for farmers, ranchers, and rural communities.

3. FCA board members are responsible for reviewing any mergers, name changes, and other corporate changes within the FCS. If confirmed, what factors will you consider as you review mergers and other potential changes within the FCS?

   If I am confirmed, service to mission will be one of the criteria I will use to evaluate possible mergers, name changes, or other corporate changes. I will also look to the professional staff at FCA for guidance in any potential System change.

4. In addition to FCS institutions, the FCA is also responsible for the oversight of Farmer Mac, a separate GSE created in the wake of the 1980s farm crisis to provide a secondary market for agricultural loans. This secondary market serves an important function, but few people fully understand Farmer Mac, its mission, where it fits in the lending community, and it is a smaller portion of the FCA's regulatory responsibilities. Will you commit to providing the same rigor of oversight of Farmer Mac's safety and soundness as you will to the rest of the Farm Credit System?

   Congress created Farmer Mac in 1987 to provide a secondary market for ag lenders and rural utility cooperative loans. I believe in its mission and have used it in my private sector career. Rigorous oversight of Farmer Mac is critical to its ability to fulfill its mission. Therefore, I am committed to providing the same degree of oversight to the safety and soundness of Farmer Mac as is applied to the rest of the Farm Credit System.

5. In your ethics agreement, you agree, if confirmed, to resign from your current position with Smith Land Service Co. and Smith Generation Farms Inc. and agree to receive passive investment income from these entities. What do you understand that agreement to receive passive investment income to mean regarding any activities or actions you can take with regard to Smith Land Service Co and Smith Generation Farms or any advice you can provide to individuals operating those entities?

   If confirmed, I have agreed to resign from Smith Land Service Co. and Smith Generation Farms. My son Peter will take over all decision-making roles in both companies. I understand he may seek advice from time to time, but all final decisions will be his and his alone. I have been in contact with the FCA ethics official. I will comply with their guidance, and if in the future any questions arise, I will seek and follow agency ethics guidance.

6. If you are confirmed, I look forward to working with you on the upcoming Farm Bill and other issues of importance to American farmers, ranchers, and families. If confirmed, do you agree, without reservation, to:

   a. Promptly reply to any request for information from me or any duly constituted committee of the Congress and provide the requested information?

      I do.

b. Respond to my requests for data and technical assistance in drafting legislation?

We will provide any requested assistance.

c. Notify me or my staff in advance of making public any major changes FCA decides to make or major decisions FCA makes during your tenure?

We will always keep you aware of any major changes to FCA during my tenure.

d. Provide to this Committee any reports provided by FCA to the Senate Appropriations Committee or the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee?

We will provide to this committee any reports requested in accordance with statute.

Questions from Senator Amy Klobuchar

1. In Minnesota, the average farmer is 58 years old. As I travel the state, I hear from young people who are enthusiastic about getting started in agriculture and are actively trying to acquire the capital necessary to begin their own operation. In your testimony you talked about the importance of supporting young farmers. In your opinion, how big of a problem is access to land and capital for young and beginning farmers? How can the Farm Credit Administration help address the obstacles that young and beginning farmers face in accessing capital?

I believe that land and machinery are significant barriers for young people wanting to begin a career in production agriculture. Iowa farmland averages $7,500 to $8,000 an acre. I am sure Minnesota land values are comparable. Costs for farm implements and machinery are in the hundreds of thousands of dollars. Unless a young or beginning farmer inherits the family farm or has help from someone, it is almost cost-prohibitive to start. At my confirmation hearing, I suggested that a young person might want to start out small — for example, raising specialty crops on a small-acreage farm.

Farm Credit System institutions have programs to help young and beginning farmers and ranchers. Something I've noticed about these programs is that a lot of young people are not aware of them. In this case, more aggressive marketing and outreach about these programs to young people would be helpful. Also, I believe Farm Credit should partner more often with USDA's Farm Service Agency.

FSA loan guarantees could be very helpful in mitigating the risk associated with young and beginning farm lending. I am passionate about the future of our industry and for the next generation of farmers and ranchers. This is personal to me because my son and daughter are young farmers just entering the growth, risk-prone stage of their careers. If confirmed to the FCA board, I will dedicate myself to helping the next generation of America's farmers and rancher.

2. **Mr. Smith, as your testimony described, commodity prices have been declining for several years and the USDA is forecasting lower cash income for crops and livestock going forward. Some believe that we are heading into a period of lower commodity prices for several years. I have recently met with lenders in Minnesota and they outlined for me the challenges that credit institutions may face as commodity prices drop. How can the Farm Credit System and its member institutions help individual farmers get through a longer-term downturn in commodities prices?**

   First, the economic prosperity many in agriculture enjoyed recently spurred spending practices that may not be sustainable if the farm economy has a prolonged downturn. That is one thing farmers and ranchers should consider in their finances. A farmer may want to keep farm machinery longer instead of trading up. Also, diversifying income with off-farm jobs may be necessary. In other words, there are actions farmers and ranchers can take to help themselves survive, but Farm Credit may have to act as a financial advisor at times to assist in these decisions.

   As far as the Farm Credit System and its institutions are concerned, I believe they should be partners with their borrower-owners during difficult times. As a government-sponsored enterprise, Farm Credit has an obligation to be there for farmers and ranchers in the bad times as well as the good times. Farm Credit borrowers also have rights, provided by Congress, that require Farm Credit institutions to work with troubled borrowers. These rights include a least-cost test between foreclosure and loan restructuring and a right of first refusal, to name a few.

   As the Farm Credit System's safety and soundness regulator, FCA may need to take a prolonged downturn in commodity prices into consideration in our examination and oversight responsibilities. In general, I believe that good communication and a willingness for the borrowers, lenders, and regulator to work together will keep the Farm Credit System safe and sound and at the same time allow farmers and ranchers to survive a prolonged downturn in the farm economy.

Senate Committee on Agriculture, Nutrition, & Forestry
Nomination Hearing
November 9, 2017
Questions for the Record
Mr. Stephen Vaden

Chairman Pat Roberts

(1) In 1935, Congress created the authority for the "Section 32" account that provides funds towards child nutrition programs, as well as programs for producers and other domestic food assistance. Section 32 is funded by a permanent appropriation of 30 percent of annual U.S. customs revenue. While Congress has reduced USDA's flexibility to assist farmers with these dollars, some discretion remains for AMS to purchase commodities and to make available food commodities for those affected by disasters, such as the recent hurricanes. What are your views generally regarding these types of authorities? Should USDA seek to utilize all of its available authorities to help various constituencies, even when not required by law? USDA has authority to use a variety of resources to provide food assistance for those in need during a disaster. These authorities help USDA fulfill the Secretary's mission to "Do Right and Feed Everyone." However, like any resource available to USDA, the "Section 32" resources must be utilized in a manner consistent with applicable law. One of my roles as General Counsel would be to define the legal options USDA has to use such resources to address specific situations. Once these options have been identified, the selection of a specific approach is a decision of the policy officials of USDA, not the General Counsel.

(2) A significant amount of resources is spent defending the U.S. Forest Service from frivolous litigation. Are there any tools that Congress can provide to the Agency to help with this issue? I understand that several Congressional committees are reviewing the major environmental statutes and that some of the contemplated changes would affect the manner in which litigation is conducted. OGC is providing technical assistance as requested.

(3) Regarding commodity checkoffs, how should USDA work to ensure that qualified state beef councils and qualified state soybean boards can still operate and promote the beef and soybeans produced in their states? Will the recent RCALF vs. MT Beef Council case require a change in operation by these entities? The Agricultural Marketing Service (AMS) continues to work with the Cattlemen's Beef Board and the United Soybean Board to oversee the work done by the qualified state beef councils and qualified state soybean boards respectively. It is premature to speculate whether a change in operations will be needed, as the Federal courts have not rendered final decisions on the pending cases involving qualified state beef councils. USDA is committed to ensuring these entities remain in operation.

(4) The Farm Bill process is complex and functions best for the Department and stakeholders, in the short and long term, when there is candid communication, both technical and programmatic, between the implementing agencies and the legislative branch of government. How will the U.S. Department of Agriculture work to help to ensure that these

lines of communication are not chilled by future third party information requests, especially those that appear broad or do not have a particular subject matter? OGC will provide advice regarding compliance with the FOIA statute, including all applicable exemptions.

(5) The National Bioengineered Food Disclosure Standard became law in July 2016. As you are aware, there was a significant delegation of authority to the Secretary regarding the scope and application of the Standard. The law also included express preemption language that prohibited state and local governments from interrupting the distribution and availability of food in interstate commerce. When the Secretary makes the determinations regarding the scope of the Standard, how will you advise him regarding whether any exemption under the Standard would or would not affect the express preemption provided last summer? The preemption language in 7 U.S.C. § 1639i to be broad, notwithstanding the exclusion in 7 U.S.C. § 1639j. My advice to the Secretary would be that any exemptions under the National Bioengineered Food Disclosure Standard should not affect the preemption provided in those statutory provisions.

(6) Authority for a new organic checkoff was included in the 2014 farm bill. Checkoff promotions are prohibited from disparaging other products. What does "disparagement" mean to you? How will you ensure that the new organic checkoff will not disparage food that is produced from biotechnology? The Agricultural Marketing Service (AMS) considers communications disparaging when they depict other commodities in a negative or unpleasant light via either overt or subjective video, photography, or statements. AMS does not consider communications that are strictly comparative to be disparaging. Comparative advertising is advertising that compares facts about different commodities or products. Should the Secretary implement a new organic checkoff, AMS would exercise the same oversight of that checkoff as it does of all commodity checkoffs. It would review all communications that are to be funded by the organic checkoff and disapprove any communications deemed disparaging to another commodity or competitor, including commodities produced from biotechnology, or in violation of the prohibition against false and misleading advertising. The Office of the General Counsel's role would be to advise AMS should questions arise about the checkoff's proposed communications.

(7) Senator Stabenow and I wrote the Secretary in September regarding administrative actions that could improve dairy insurance through the Risk Management Agency. Dairy producers have raised the question of whether the milk they produce may be treated by definition as "livestock" or as a separate "agricultural commodity" under crop insurance. If confirmed as General Counsel, how will you ensure the agencies and the Department conduct reviews, reach decisions, and implement programs to provide support for producers in a timely and transparent manner? The role of the General Counsel is to provide legal advice to ensure that the actions of USDA are consistent with applicable law. To the extent that the law requires a specific review, decision, or action be made within a specific period of time or through a specific process, my staff and I will work with the appropriate USDA policy officials to ensure such legal obligations are satisfied. OGC will also work with your Committee to provide timely technical assistance as requested.

(8) USDA OIG's Management Alert Memo on September 29, 2017, discusses efforts by USDA's Office of the Chief Information Office (OCIO), Agriculture Security Operations Center (ASOC), to drill down on suspicious network activity. Essentially, monitoring has revealed that USDA suffers "information technology-related misconduct, or unauthorized network use" involving some degree of pornography. This activity, which exposes USDA's IT systems to risk, is preventable. Do you commit to drilling down on the problem, and using available resources to eliminate the problem? It is my understanding that OCIO's office had submitted to OIG a plan of action to address suspicious network activity and the Secretary's office has told OCIO to make these corrections a priority.

Senator Debbie Stabenow

(1) The Office of General Counsel plays a critical role in ensuring that USDA – along with its Agencies, offices, and employees, and institutions participating in or administering USDA programs – acts in accordance with the law.

a. Please describe your vision and priorities in leading this critical Office. My priorities are excellent client service, providing professional training and development opportunities for OGC attorneys, protecting the rule of law, and ensuring that our attorneys render the best possible legal advice.

b. What changes to the Office – or to its operations, processes, or personnel – do you believe should be implemented, if any? Currently, the Regional Attorney position for the Mountain Region as well as the Deputy Associate General Counsel position for OGC's General Law Division are vacant. I anticipate that these leadership positions will be filled. Should I be confirmed as General Counsel, I would also anticipate the appointment of a Principal Deputy General Counsel. OGC is currently transitioning to a new document management system that will allow all attorneys easy access to all of the Office's legal documents. I also anticipate further steps toward integrating the Regional Offices into the work of the Department as a whole.

c. Please describe how your management approach has been developed through specific examples of your past experiences. My management approach has been developed through my experience working as an attorney in a two large law firms, as a clerk for two federal judges, and running my family's business. I believe in direct lines of communication with those who are responsible for the issue at hand. I have an open-door policy and expect attorneys with issues requiring my attention to bring those matters directly to me. I believe in eliminating unnecessary meetings so that attorneys can spend the majority of their time advising clients. I expect senior attorneys, including myself, to be available to our clients as their needs dictate.

(2) The USDA's Office of the Inspector General (OIG) plays a critical role.

a. Do you commit to ensuring that USDA cooperates fully and candidly with any request for information from the OIG, and that USDA provides all requested information promptly to OIG? Yes.

b. What steps will you take to ensure the OIG has timely access to all requested information? Our career Deputy General Counsel Inga Bumbary-Langston serves as OGC's liaison to OIG. She is in regular contact with OIG to ensure that our staff promptly fulfill any pending requests for information, as stated above.

(3) Recent media reports have revealed a lack of cooperation by certain Executive Branch officials with respect to the important work of the Government Accountability Office (GAO). As you know, GAO is an independent, nonpartisan agency that works for Congress, with a principal focus on investigating the Federal government's spending of taxpayer dollars. As public servants, we must ensure that taxpayer dollars are spent appropriately, and GAO plays a critical role in fulfilling our collective responsibility to American taxpayers.

a. Do you commit to ensuring that USDA cooperates fully and candidly with any request for information from GAO, and that USDA provides all requested information promptly to GAO? Yes.

b. What steps will you take to ensure that GAO has timely access to all requested information? OGC staff will work with agency GAO liaison officers to make sure that any problems with respect to access to information are promptly resolved between the agency and GAO. When requested, OGC attorneys will attend GAO entrance conferences with instructions to ensure that the process for accessing records is finalized at the start. Finally, OGC's career Associate General Counsel for General Law and Research maintains a positive relationship with GAO's appropriations law group and provided all information requested as well as legal input for two GAO decisions rendered in FY 2107 on appropriations matters.

(4) If confirmed as General Counsel, you will be asked for your legal opinion on proposed USDA policies and actions, and on occasion, you may believe that a proposed policy or action is not fully supported by law.

a. Should such a situation arise, do you commit to clearly communicating your legal concerns to the appropriate senior USDA leadership? Yes.

b. What will you do if other USDA officials or individuals outside USDA ask you to approve something that you do not feel the law, congressional intent, or the Constitution supports or allows? I will refuse to approve it.

(5) Except for a valid claim of executive privilege, do you believe that there are any other bases to withhold documents or information from Congress? If so, please describe those bases. Unless there is a statute that specifically prohibits the sharing of the information, it is my understanding that the Executive Branch works to accommodate Congressional

committee requests according to longstanding policy and practice recognized by the courts. Where such requests touch upon Executive Branch confidentiality concerns, we will work with the Committee under this Constitutional accommodation process to reach a mutual agreement for conditions of release to satisfy the Committee interest.

(6) On June 14, 2017, I sent a letter to you, Acting Deputy Secretary Michael Young, and Chief Information Officer Jonathan Alboum, requesting information relating to USDA's actions with respect to public disclosure of records and information under FOIA. In a July 28, 2017 written response to my letter, Chief Information Officer Alboum stated that proposed amendments to USDA's FOIA regulations, including amendments to incorporate changes required by the FOIA Improvement Act of 2016, had been drafted by USDA personnel and were "near the point of proceeding through formal Departmental clearance before seeking publication in the Federal Register."

a. What is the current status of the proposed amendments? OGC has cleared the regulations and they are being sent to the Office of Budget and Program Analysis (OBPA) by OCIO for transmission to OMB.

b. By what target date do you anticipate the publication of the amendments in the Federal Register? The timeline will be determined by OBPA and OMB in conjunction with other rulemakings on the agenda.

c. Do you commit to prioritizing the prompt finalization of these amendments? Yes.

(7) Please describe, in detail, any role of political appointees and other non-career personnel at USDA in the review of requests for information under the Freedom of Information Act, including the final determinations of, and responses to, such requests. The role of political appointees and other non-career personnel in the review of requests for information under FOIA, including the final determinations of, and responses to, such requests are governed by the FOIA Act, including its 2016 amendments. Those amendments require USDA to appoint as its chief FOIA officer someone of the rank of at least an Assistant Secretary. USDA will follow this requirement, meaning that the person who holds this role will likely be a political appointee. Generally, review of requests for information, including final determinations, is handled by career staff. If a requester appeals the withholding of information, that appeal is frequently decided by the head of the agency from which the information was requested. That person may be a political appointee. From time to time, when asked by career personnel, OGC will provide legal advice with respect to the interpretation of the FOIA statute.

(8) Do you believe that there are any circumstances under which a USDA employee or official could properly decline to testify before a Congressional Committee? If so, for each such instance, please provide the legal basis. At times, the Executive Branch may decline to provide a particular employee to testify when requested, and instead provide someone more suitable for the subject matter at hand. If a request is made for an employee of the agency to testify to which we have an objection and the Committee disagrees, we would work with the Committee under the accommodation process to find a solution that would meet the Committee's needs and satisfy our institutional concerns about providing testimony.

(9) In February 2017, USDA removed thousands of pages from its APHIS website relating to the enforcement of the Animal Welfare Act and the Horse Protection Act, including facility inspection reports, lists of regulated entities, enforcement records, and research facility annual reports. Much of this information continues to be withheld from the public, depriving the public of a valuable resource to gain transparency into USDA's enforcement of these important animal welfare laws and cases of abuse and mistreatment of animals.

a. Will you commit to providing a briefing on this issue and updating the Committee on where USDA stands regarding reposting the information previously removed? Yes.

b. If confirmed will you promote transparency and adherence to animal welfare laws and restoring, to the greatest extent allowed by the law, the AWA and HPA records previously available? Yes.

(10) On January 30, 2017, President Trump issued an executive order (EO), titled "Reducing Regulation and Controlling Regulatory Costs," requiring that for every significant regulation issued by an agency, two regulations must be repealed. The notice and comment requirement in the Administrative Procedure Act (APA) provides the American public with a crucial voice in the Federal rulemaking process.

a. If confirmed as General Counsel, will you follow the one-in-two-out directive in the EO? If so, how will you ensure that both the letter and the spirit of the APA is followed, notwithstanding the directive contained in the EO? USDA will comply with the requirements of the EO, and USDA recognizes the importance of public participation in the rulemaking process. Compliance with the EO will not prevent compliance with the APA; notice and comment rulemaking will proceed as required. The EO repeatedly includes the qualifying statement "unless otherwise required by law." In the event USDA cannot meet a requirement of the EO because it would prevent compliance with federal law, USDA will work closely with OIRA to develop appropriate alternatives, such as extending timelines or obtaining a waiver of the requirement.

b. There has been considerable confusion over whether and how this EO would apply to regulations required by statute, such as the GMO labeling program, which is required by statue to be fully implemented by July 29, 2018. Please list USDA regulations currently under development that are required by statute, such as the GMO labeling program, and explain how USDA will apply the EO to the GMO labeling regulations and other statutorily-mandated regulations, including how such application of the EO will comply with the safeguards provided by the Administrative Procedure Act. The EO repeatedly includes the qualifying statement "unless otherwise required by law." OMB issued guidance on April 5, 2017 specifically advising that the EO does not prevent agencies from finalizing significant regulatory actions in order to meet a statutory deadline, even if unable to identify offsetting regulatory actions at the time of issuance. The guidance further provides that agencies must offset such regulatory actions as soon as practicable thereafter. USDA will follow this guidance. As previously indicated, the requirements of

EO 13771 are not preemptive of statutorily imposed requirements, and therefore will not impede compliance with the APA. I have been advised by career personnel that the Bioengineered Food Rule is the only rule currently under development that is required by statute.

c. List any regulations that USDA has identified for repeal in order to meet the EO requirements. To the best of my knowledge, the following are the Proposed and Final Rules withdrawn after January 20, 2017:

Agency	RIN	Title	Published Action	Date	FR Cite
APHIS	0579-AE15	Part 340 -- Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms	NPRM-Withdrawal	11/7/2017	82 FR 51582
GIPSA	0580-AB28	Scope of Sections 202(a) and (b) of the Packers and Stockyards Act	Final Rule – Withdrawal	10/18/2017	82 FR 48594
GIPSA	0580-AB27	Unfair Practices and Undue Preferences in Violation of the Packers and Stockyards Act	NPRM – notice of no further action (Withdrawal)	10/18/2017	82 FR 48603
AMS	Exempt	Regulations Issued Under Authority of the Export Apple Act and Export Grapes and Plums; Changes to Export Reporting Requirements; Withdrawal	Withdrawal of a proposed rule	10/5/2017	82 FR 46425
APHIS	0579-AD96	Restrictions on the Importation of Fresh Pork and Pork Products From a Region in Mexico	NPRM-Withdrawal	8/11/2017	82 FR 37546
FAS	0551-AA68	Quality Samples Program	NPRM	8/03/2006	71 FR 43992
FAS	0551-AA81	Export Sales Reporting Program	NPRM	3/19/2013	78 FR 16819
RUS	0572-AC21	Project Financing - Renewable Energy Loans	ANPRM	6/5/2013	78 FR 33755
RUS	0572-AC32	Rural Determination and Financing Percentage	NPRM	6/5/2013	78 FR 33757

APHIS	0579-AC65	Tuberculosis: Require Approved Herd Plans Prior to Payment of Indemnity	NPRM	7/24/2008	73 FR 43171
AMS	0581-AC83	Farmers' Market Promotion Program	NPRM	1/19/2011	76 FR 3046
FNS	0584-AC72	National School Lunch Program: Reimbursement for snacks in afterschool care programs	NPRM	10/11/2000	65 FR 60502
Forest Service	0596-AC89	Enhancing Policies Relating to Partnerships	ANPRM	9/14/2010	75 FR 55710
Forest Service	0596-AD03	Management of Surface Activities Associated with Outstanding Mineral Rights on National Forest System Lands (Directive)	ANPRM	12/29/2008	73 FR 79424

(11) **The President and Secretary Perdue have each talked about removing regulatory burdens that they have characterized as hindering the productivity of farmers and ranchers.**

a. Please provide a list of any USDA rules or regulations that have been delayed or rolled back since January 20, 2017. To the best of my knowledge, these are the Actions Taken to Delay Effective Dates after January 20, 2017:

- RIN: 0579-AE08 – Became Effective March 21, 2017

The Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) delayed the effective date of the final rule for *Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List*, which was published on January 19, 2017 (82 FR 6197) from February 21, 2017, until March 21, 2017. RIN: 0579-AE08

- RIN: 0596-AD26 – Became Effective April 17, 2017

The Department of Agriculture's Forest Service delayed the effective date of a final rule titled, *Roadless Area Conservation; National Forest System Lands in Colorado*, which reinstated the North Fork Coal Mining Area exception to the Colorado Roadless Rule, and was published in the Federal Register on December 19, 2016, from February 17, 2017, until April 17, 2017. RIN: 0596-AD26

- RIN: 0580-AB28 – Withdrawn 10/18/2017

The Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA), Packers and Stockyards Program withdrew the *Scope of Sections 202(a) and (b) of the Packers and Stockyards Act* interim final rule (IFR) published in the Federal Register on December 20, 2016. GIPSA accepted and analyzed comments on the IFR received on or before March 24, 2017. In addition,

in the April 12, 2017 Federal Register, GIPSA solicited and analyzed comments received on or before June 12, 2017, on four alternative actions regarding the disposition of the IFR. After careful review and consideration of all comments received, GIPSA withdrew the IFR. RIN: 0580-AB28

- RIN: 0584-AD87 – Became Fully Effective 06/5/2017

The Department of Agriculture's Food and Nutrition Service (FNS) extended the effective dates and comment period for a rule that was published January 6, 2017, and implemented provisions of the *Food, Conservation and Energy Act of 2008 (FCEA) affecting the eligibility, benefits, certification, and employment and training (E&T) requirements* for applicant or participant households in the Supplemental Nutrition Assistance Program (SNAP). The effective date for the final rule published on January 6, 2017 (82 FR 2010) was delayed to May 8, 2017. The effective date for the amendments to 7 CFR 273.11(e) and 273.11(f), which were issued as an interim final rule, was delayed to June 5, 2017. The effective date for the amendments to 7 CFR 273.2(c)(1)(v) was delayed to March 9, 2018. RIN: 0584-AD87

- RIN: 0581-AD74 – Final Rule; delay of effective date to 5/14/2018

The Department of Agriculture's Agricultural Marketing Service (AMS) has delayed the effective date of the *Organic Livestock and Poultry Practices* final rule published in the Federal Register on January 19, 2017, until May 14, 2018. The final rule was originally set to take effect on March 20, 2017. This action follows two other actions taken to delay the effective date; first to March 20, 2017, then to November 14, 2017. RIN: 0581-AD74.

b. **Please identify any specific regulations or rules that USDA has identified to repeal thus far.** The GIPSA Rule was repealed. We will ask for comment regarding the Organic Livestock and Poultry Practices Rule.

c. **Will USDA provide the public with notice and an opportunity to comment on any future actions to rescind or remove any such regulations?** USDA will comply with the requirement of the Administrative Procedure Act.

d. **Will you seek approval from Congress to carry out this regulatory reform agenda?** USDA will comply with the requirements of the Administrative Procedure Act and all other applicable laws, including the Congressional Review Act.

e. **Do you commit to keeping the Committee informed of USDA's plans for removing regulatory burdens?** Yes, if requested.

(12) **On May 11, 2017, Secretary Perdue announced a major reorganization of USDA, impacting several critical mission areas. Although USDA solicited comments from the public on the reorganization, with a public comment period that closed on June 14, 2017,**

USDA apparently proceeded with the reorganization prior to that date. The timeline in that statement is incomplete. On May 11, 2017, Secretary Perdue announced the first phase of a reorganization of USDA by signing a Secretarial Memorandum and submitting a Report to Congress. The Department also solicited public comments on the proposed reorganization through a posting on the USDA website and a Request for Information published in the *Federal Register*. These changes reflected the establishment of the Under Secretary for Trade and Foreign Agricultural Affairs, made corresponding changes to create the Farm Production and Conservation Mission Area, and disestablished the position of Under Secretary for Rural Development (RD), instead realigning RD to report directly to the Secretary. Although the Secretary signed the Secretarial Memorandum on May 11, 2017, the Memorandum stated that it would not go into effect until "the latter of 30 days from signature or the latest effective date that is applicable to any required notification to interested parties." Accordingly, the reorganization changes outlined in the Secretary's Memorandum did not take effect until June 16, 2017, as stated in the Secretary's letters to Congress that same day, more than 30 days after the Secretary announced the proposed reorganization, notified Congress, and solicited public comment.

a. **Does the proposed reorganization comply with labor relations obligations and with human resources management rules and regulations? If so, how did you determine this?** USDA reviewed and complied with affected labor-management contracts and applicable personnel statutes and regulations in announcing the reorganizations.

b. **With respect to the proposed reorganization, did USDA complete the Civil Rights Impact Analysis (CRIA) that was required pursuant to USDA regulations? If yes, please provide a copy of the civil rights impact analysis.** USDA will evaluate and mitigate any potential civil rights impacts in accordance with all applicable laws and regulations.

c. **Did USDA comply with Department Regulation 1010 for this reorganization?** Departmental Regulation 1010 is an internal procedure of the Department for providing appropriate notice of certain organizational changes to Congress and others, and to ensure that reorganizations that affect more than one mission area are coordinated by a central responsible figure, the Assistant Secretary for Administration. However, the DR does not constrain the ability of the Secretary to implement a reorganization of the Department under his authority using a Secretary's Memorandum with the completion of organizational charts and other administrative matters required by DR 1010 to follow after. This follows the precedent set by the prior Administration in the creation of Departmental Management and the realignment of the Office of Advocacy and Outreach.

d. **In your staff interview, you indicated that USDA could have dispensed with obtaining public comments on the proposed reorganization if desired. What authority do you point in support of this position? Does 7 U.S.C. section 2201 direct the Secretary to allow interested persons to provide their views to USDA on any proposed reorganization?** The Secretary's authority to reorganize the Department by transfers, functions, and delegations is provided for in Reorganization Plan No. 2 of 1953, which is codified as a note to 7 U.S.C. 2201. Section 4(b) of the Reorganization Plan provides that the Secretary, "to the extent deemed practicable by the Secretary," shall provide advance notice and an

opportunity to comment on a reorganization. The Secretary could have determined that notice and comment was not practicable in this circumstance, but he did not.

e. Was the proposed reorganization, or any part of it, in effect prior to the conclusion of the public comment period or review of comments received? No.

f. How were the comments on the aspects of the reorganization announced on May 11, 2017 received, considered or adjudicated by USDA? Were any changes made to the proposed reorganization in response to public comments? Please describe any such changes. This was not APA notice and comment rulemaking. The comments were considered in terms of the final adoption of the reorganization. On reconsideration after reviewing the submitted comments, the Under Secretary for Food Safety will continue to be the U.S. Codex Office Policy Committee chair; and the Under Secretary for Trade and Foreign Agricultural Affairs will be the vice chair.

g. While the creation of the Trade Under Secretary was required by the law, the rest of the reorganization was not. What analyses (legal, workload, etc.) did USDA conduct to justify the reorganization, including the justification that moving NRCS to the new mission area for Farm Production and Conservation would "improve customer service"? The legal requirement for the establishment of the Under Secretary for Trade lacked some conforming amendments, notably, how to deal with the remaining misnamed Under Secretary for Farm and Foreign Agricultural Services. The Farm Bill provision also did not create an additional Under Secretary. Thus, it was determined that existing legal authority under the Reorganization Plan combined with the Farm Bill trade Under Secretary provision allowed for the renaming of the Under Secretary for Farm and Foreign Agricultural Services as the Farm Production and Conservation mission area to accomplish the mandate of the Farm Bill provision. The move of NRCS to FPAC brings together all the agencies directly serving producers under one "roof" with the intent to provide the highest and best customer service.

(13) Did you participate, in any way, in USDA's decision to eliminate the position of Undersecretary of Rural Development? If so, please describe, in detail, your involvement. OGC provides legal advice, not policy advice. I commented, when asked, regarding the legal powers available to the Secretary to reorganize the Department.

(14) The Office of Management and Budget (OMB) has a clear role in both the formulation of the President's Budget and the regulatory review and approval process. But the majority of decisions at USDA are vested with Secretary Purdue. The OMB budget proposal for agriculture included a number of radical proposals and was rejected by Congress.

   a. From a legal perspective, is it accurate that the Secretary is obligated to follow Congressional direction and that OMB has no legal authority to require USDA to manage to a budget that was rejected by Congress? The Secretary is obligated to follow the law and expects to manage USDA's budget as provided in appropriations acts. The President's budget and the Congressional appropriations do not line up

one-to-one. Therefore, where Congress has not expressly rejected or modified a budgetary line item, the Secretary will manage the program in accord with the instructions of the President's budget and in accommodation with the amounts and conditions provided in the appropriations act.

b. Please identify any programs, grants or initiatives that are Congressionally directed and/or funded that have been targeted for elimination or had funding reduced, in conflict with Congressional intent? None.

(15) On April 25, 2017, President Trump issued an executive order (EO) establishing the Interagency Task Force on Agriculture and Rural Prosperity (Task Force), for which USDA is expected to provide administrative support and funding, subject to appropriations and any applicable legal requirements.

a. What, if any, planning or specific activities have taken place concerning the EO? OGC played a minor role with the EO to date.

b. Do you commit to informing the Committee of any legislative, regulatory, or policy changes that are identified or contemplated by the Task Force? Upon the release of the report by the White House, I am available to provide legal context to the Committee, if requested.

c. Do you further commit to briefing the Committee on the report that is required by section 5 of the EO, and providing the Committee with copies of any supporting materials underlying the report? Upon the release of the report by the White House, I am available to provide legal context to the Committee, if requested.

(16) The Forest Service continues to operate with a broken budget, with the agency now routinely spending over half of its budget fighting wildfires, up from 16% in 1995.

a. In response to questions that I posed during Secretary Perdue's confirmation, the Secretary "committed to working across the Administration to build support for a comprehensive solution" to the Forest Service's budget. Has USDA followed through on Secretary Perdue's commitment to me? If so, please describe the work that has been completed to date. Secretary Perdue has made identifying a comprehensive solution to the Forest Service budget a top priority and has worked with Congress, the Administration and key stakeholders to craft a permanent solution.

b. Will USDA submit language to Congress to fix the wildfire budget, as it has in past years? Budget submissions of the Forest Service are included in the budget submitted by the President of the United States; USDA will continue to provide advice and guidance to Administration officials in this regard.

(17) Secretary Perdue has indicated in an October 6, 2017 letter to the Committee that the USDA maintained a coordinating role in Secretary of Interior Zinke's recent review of national monuments designated under the Antiquities Act of 1906.

a. What was your role in that review? Career attorneys provided answers to Department of Interior officials on technical questions relating to the authority of the Secretary of Agriculture to manage national monuments jointly with the Secretary of the Interior.

b. In the letter, Secretary Perdue indicated that "USDA continues to be actively involved in reviewing the remaining four national monuments in California and are in the process of advancing related data to the joint Department of Interior team." Can you outline USDA's continuing role in the review of these California monuments in more detail and provide a description of the "related data" that Secretary Perdue was talking about in his letter? USDA responded to requests from DOI regarding the four Forest Service-managed monuments under review in California. Related data provided by the USDA Forest Service included information on associated land use plans; activities permitted at the monument prior to and since monument designation (recreation, energy, minerals, timber, grazing, subsistence, and cultural); agency awareness of associated legislative language; alternative options other than monument designation for protecting resources within the designated areas; designated wilderness areas or wilderness study areas within the monuments; and nearby cultural or historic resources located near monuments that would benefit from additional protection.

c. Secretary Zinke's final report to President Trump following the aforementioned review contained a recommendation to administratively shrink or diminish at least one national monument that is partially comprised of Forest Service land. Did the USDA recommend that Forest Service land be removed from existing national monuments during the review process? As a cooperating Department, USDA provided data and information for the assessments associated with the existing National Monuments greater than 100,000 acres in size without a recommendation for removing acreage.

d. If so, which specific acres on which national forest(s) did USDA recommend removing? No specific acres were recommended for removal.

e. Please share the rationale that USDA is using to justify the acreage's removal from the national monument(s). As a cooperating Department, USDA provided data and information for the assessments associated with the existing National Monuments greater than 100,000 acres in size without a recommendation for removing acreage.

f. If confirmed, will you commit to publicly releasing all the relevant USDA documents on which the national monument review and the recommendations were based? The documents requested are protected by attorney-client and attorney-work product privileges, among others. If a valid request were received from the Committee, USDA would work with the Committee to provide access while maintaining the legal and other privileges.

g. Do you believe that the President has the authority to shrink, diminish, rescind, modify, or revoke the acreage that comprises an existing national monument designated by a past President under the Antiquities Act? If the answer to this is yes, please provide a citation for any such legal authority. This is a matter of Presidential authority and one that is not within my purview, but it is within the purview of the Attorney General.

h. If you answered yes to 17(g), do you believe that the Federal Land Policy Management Act of 1976 made clear that only Congress has the authority to modify and revoke withdrawals for national monuments created under the Antiquities Act? If not, why not? Explain. This is a matter of Presidential authority and one that is not within my purview, but it is within the purview of the Attorney General.

(18) Recently the Department released a report in response to President Trump's energy independence executive order in which USDA recommended rescinding an order from the previous administration that protected more than 1 million acres of Forest Service land surrounding the Grand Canyon from new mining claims.

a. Was the USDA General Counsel's office involved in the recommendation to rescind the order protecting the Grand Canyon area from new mining claims? Forest Service staff reviewed regulations and policies per the executive order and recommended revisions for consideration to the order for mining restrictions near the Grand Canyon. Once the draft report was completed, the Office of General Counsel reviewed the report for legal sufficiency with no specific comments on recommendations for revision.

b. If the answer to 18(a) was yes, explain the Department's rationale for changing course. The Forest Service was asked to look at burdens to development on Forest Service lands and this is one of the burdens that was identified.

(19) Thirteen federal agencies, including USDA, contributed to last week's release of the most recent National Climate Assessment. The new report found, among other things, that "It is extremely likely that human influence has been the dominant cause of the observed (global) warming since the mid-20th century," and goes on to say "For the warming over the last century, there is no convincing alternative explanation (other than human influence) supported by the extent of the observational evidence."

a. Do you agree with the report's findings outlined above? OGC provides legal counsel, not scientific counsel. Consequently, the Office does not take policy positions on matters of science.

b. If not, why not? Explain. OGC provides legal counsel, not scientific counsel. Consequently, the Office does not take policy positions on matters of science.

(20) On August 8, 2017, I sent a letter to Secretary Perdue regarding media reports that USDA leadership officials, through internal USDA communications, sought to remove mentions of phrases such as "climate change," "reduce greenhouse gases," and "sequester carbon," among others, and replace those terms with other terminology such as "weather extremes." The censorship of USDA's dedicated and highly-skilled scientists and natural resource professionals does a great disservice to the men and women who grow the food, fuel, and fiber that drive our economy, not to mention the agency's civil servants themselves.

a. Were you or the Office of General Counsel (OGC) consulted with respect to these internal USDA communications or any policy or directive – formal, informal or otherwise – pertaining to the subject covered in those communications? If so, please describe, in detail, the actions taken by you and/or OGC. As Secretary Perdue stated in his letter dated August 22, 2017 letter to you, there is no USDA policy prohibiting the use of such phrases. OGC engaged in no such consultations.

(21) In 2016, the USDA proposed a rule change to the Horse Protection Act regulations concerning horse soring, after a 2010 audit by USDA's Inspector General found that the program failed to adequately ensure that horses were not being abused. The rule had overwhelming, bipartisan Congressional support from 42 Senators and 182 Representatives who sent letters to USDA, along with more than 100,000 public comments submitted in support. After an extended public comment period, the rule was revised and finalized. Although the rule final rule was announced by USDA on January 13, 2017, a backlog at the Federal Register prevented it from being published. If confirmed, will you commit that the USDA will publish the final rule promptly? The OGC does not dictate policy decisions by agencies.

(22) If confirmed, do you commit to ensuring that all USDA employees and customers are treated with dignity and respect, and not discriminated against on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity? Yes.

(23) How does USDA ensure that military personnel and veterans are given the legal protections to which they are entitled, including protections afforded to military personnel who are on reserve duty? All Departmental agencies must provide training to human resources personnel related to the employment of military personnel, including training on the protections afforded to military personnel under the Uniformed Services Employment and re-employment Rights Act (USERRA). Additionally, supervisors, managers, and executives are required to complete initial and ongoing supervisory training. Furthermore, postings throughout the Agency enumerate covered employees' rights under USERRA. Finally, where applicable, Departmental Regulations highlight the authorities and context under which they operate including an emphasis on performance management and leave.

a. **During your time at USDA, have any USDA employees been fired while on reserve duty?** During my tenure, USDA has upheld the rights of all qualifying employees serving in the military. This includes employees holding temporary, part-time, probationary, or seasonal employment positions. Under 20 CFR § 1002.41, USERRA protections do not extend to individuals employed for brief, non-recurrent periods. Nor do these protections extend to those for whom there is no reasonable expectation that their employment would have continued indefinitely or for a significant period of time. To the best of my knowledge, no USDA employees have been fired while on reserve duty since January 20, 2017.

(24) **What steps does the Office of General Counsel take to ensure that information provided in an employee's or nominee's financial disclosure report (OGE 278) is complete and accurate? Please describe how the Office of General Counsel interacts with and assists nominees in completing OGE 278 forms.** Stuart Bender, the Director of the Office of Ethics, and his deputy, Andrew Tobin, work personally with each USDA nominee to ensure the accuracy of each nominee's Form 278. Through personal meetings with each nominee, they ensure that all necessary assets and affiliations are listed before the transmittal of the form to OGE. Mr. Bender and Mr. Tobin also provide advice to each nominee about their ethical requirements and what actions the nominee will need to take to comply with those requirements, such as divestiture, recusal, or some other action.

(25) **As you know, Michael Young served in the position of Acting Deputy Secretary of Agriculture from January 20, 2017 until September 2, 2017. Stephen Censky was confirmed to the position of Deputy Secretary of Agriculture on October 3, 2017. Who served as Acting Deputy Secretary of Agriculture, from September 2, 2017 to October 3, 2017?** No one. The position was vacant.

(26) **How many career Senior Executive Service (SES) employees at USDA have been reassigned, or have been proposed to be reassigned, since January 20, 2017? For each such reassignment or proposed reassignment, please describe the career SES employee's pre-reassignment and post-reassignment positions, as well as any bases for deciding to propose and/or implement the reassignment.** To date, USDA has issued 12 directed reassignments for SES personnel. Reassignments were made in accordance with applicable OPM regulations. The Secretary approved these reassignments, supporting the intent of the SES as a mobile corps of professionals and believes that rotation of SES provides an opportunity to improve talent development, mission delivery, and collaboration. All the new assignments were made based on organizational needs and to match the knowledge, skills, and abilities of each SES member to their new positions.

USDA SES Directed Reassignments 2017

Employee Name	Current Position	Proposed Position
Shorter, Malcom	Deputy Assistant Secretary for Administration, ES-0301, DM	Associate Deputy Chief, Business Operations, ES-0341, FS

Ruiz, Carl-Martin	Director, Office of Adjudication, ES-0301 OASCR	Deputy Assistant Administrator, Office of Investigation Enforcement and Audit, FSIS
Alboum, Jonathan	Chief Information Officer, ES-2210, DA	Deputy Director, Office of Procurement and Property Management, DM, ES-0301
Jeanquart, Roberta	Director, Office of Human Resources, ES-0201, DM	Deputy Director, National Finance Center, ES-0340
Nash, Douglas	Deputy Chief Information Officer, ES-2210, OCFO	Deputy Administrator, Information Technology Service, ES-2210, AMS
Chen, Vivian	Deputy Assistant Administrator, Office of Public Health and Science, ES-0601, FSIS	Director, Recreation and Heritage Resources, ES-0401
Sekar, Radha	Director, Office of Budget and Finance, ES-0501, FSA	Associate Director, Midwest Area, ES-0340, ARS
Beyerhelm, Christopher	Associate Administrator for Operations and Management, ES-0301, FSA	Associate Deputy Administrator for Farm Loan Programs, ES-0301, FSA
Simon, Samantha	Director, Field Management Division, ES-0340, GIPSA	Senior Invasive Species Coordinator, ES-0401, APHIS
White, John	Deputy Director, Office of Budget and Finance, ES-0501, FSA	Deputy Director, National Financial Accounting and Operations Center, ES-0505, RD
Adams, Keith	Assistant Administrator, Telecommunications , ES-0301, RUS	Deputy Administrator, Compliance and Analysis, ES-0301, AMS
Adkins, Anita	Director, Office of Human Resources, ES-0201, RD/RHS	Deputy Director, National Finance Center, ES-0340, OCFO

(27) Is USDA holding all of its agencies and offices to the full-time equivalent (FTE) employee caps specified in the President's FY2018 budget proposal? If yes, will the current cap on FTEs remain in place even if the FY18 omnibus appropriations bill is enacted that increases funding beyond the President's budget request for some agency salaries and expenses accounts? USDA does not use full-time equivalent employee caps but manages its resources by funding levels provided by Congress. USDA agencies operate in accordance with enacted legislation.

(28) At present, the Senate is still waiting to receive nominees for almost half of the Senate-confirmed positions at USDA. Under the Federal Vacancies Reform Act of 1998 (Vacancies Act), if an Acting official remains in office beyond the 300-day mark after the start of the new Administration, then the Acting official risks violating the Vacancies Act.

a. What will happen to current Acting officials roles at USDA at the conclusion of the 300-day period? There are currently no acting officials for PAS positions.

b. What steps will USDA take to ensure compliance with the Vacancies Act and minimize any negative impact on the effectiveness of USDA operations and programs? USDA has complied with the Vacancies Act since January 20, 2017 and has filed reports on nominations, confirmations, resignations, and assumption/termination of acting status as required. Since almost all USDA authorities are delegated down to the non-PAS agency head level, there has been no impact on the effectiveness of USDA operations and programs due to a lacking of actings for vacant positions. As Secretary Perdue has stated many times, the professional staff at USDA has been unsurpassed during this time of transition.

c. Please provide the names of all individuals currently serving as Acting officials in Senate-confirmed positions at USDA, and the respective dates on which they started serving in that Acting capacity. None.

(29) It has come to my attention that with the Farm Bill due to expire on September 30, 2018, USDA NRCS is planning to sunset the Regional Conservation Partnership Program. However, NRCS is not planning to sunset the Environmental Quality Incentives Program or Conservation Stewardship Program, even though these programs also expire on September 30, 2018.

a. Can you please provide the legal reason the agency cannot prepare for an FY19 sign up for RCPP but they can continue to accept applications for EQIP and CSP? NRCS has been advised that with respect to FY19 a sign-up may be initiated and offers accepted for RCPP but such action is not required.

b. Even though NRCS is not authorized to allocate funding for RCPP projects beyond September 30, 2018, are there any legal barriers to the agency accepting applications, as long as applicants are made aware of the fact that awards can only be made contingent on the passage of a new Farm Bill? NRCS has been advised that with respect to FY19 a sign-up may be initiated and offers accepted for RCPP but such action is not required.

c. Is the budget proposal, which calls for elimination of RCPP, a factor in the decision to not prepare for an Fiscal Year 2019 RCPP application period, contingent on a new Farm Bill? If so, please list any other mandatory programs that USDA intends to sunset. The Department has not concluded its review of programs for consideration in the upcoming Farm Bill debate and at this time continues to work with Committee staff by providing technical assistance as requested. Accordingly, the Department will continue to implement all statutorily required programs.

(30) What role, if any, do you think Presidential Signing Statements should have in how you interpret or implement legislation? According to the Department of Justice's Office of Legal Counsel, Presidential Signing Statements have four main purposes: (1) to set forth the President's interpretation of a new statute for the Executive branch to follow; (2) to set forth how the President intends to implement the new law; (3) to set forth the

President's enforcement priorities when a new law is enacted; and (4) to identify for Congress substantial constitutional problems with the law that cannot be avoided such that it cannot be implemented and a correction is needed. OGC interprets statutes in accordance with their text, Supreme Court and other relevant caw law, and other useful authorities and tools of statutory construction.

(31) During your time at USDA, have there been any changes in litigation strategies or settlements? Do you anticipate making any such changes if confirmed? There have been none by USDA. USDA does not have independent litigation authority. The Department of Justice litigates on behalf of USDA in federal court. Should DOJ announce changes in its strategies affecting USDA, OGC will advise USDA's client agencies on how best to respond. OGC handles administrative cases before USDA's administrative judges and administrative law judges. It also handles employment disputes that are heard by administrative panels. I anticipate considering changes to agencies' settlement process by requiring agencies to consult with OGC attorneys before settling any case. This will promote the rule of law and better protect taxpayer monies.

(32) What role would you like to see unions play at USDA, and what style or arrangements involving labor and management do you intend to foster? For example, will you foster labor-management partnerships at the USDA or do you believe that other kinds of arrangements would be preferable? What steps would you take to achieve the kind of labor-management relationships you want? I believe in a culture of clear communications. Expectations should be set and their fulfillment should be rewarded. I believe that negotiations are the preferred way to come to an agreement on terms legally subject to collective bargaining.

Senator Patrick Leahy

1) The General Counsel of USDA oversees two Deputy General Counsels, five Associate General Counsels, four Regional Attorneys, and according to your written testimony, a total of 203 attorneys and another 54 support staff, which are spread across four regional offices, 8 branch offices, and the Washington, D.C. office. How have your previous associate positions in private practice prepared you for the considerable management role that comes with the position of General Counsel? And in your previous positions in private practice, how many staff were you personally responsible for overseeing or managing? I have management experience handling litigation and other matters for firm clients as well as the opportunity to observe and learn from my fellow attorneys and clients. The number of staff I was responsible for overseeing varied from case to case, and the largest number I can recall was approximately 12. Since March 17, 2017, I have been responsible for overseeing the USDA's 203 attorneys and 54 support staff of OGC.

2) You stated several times at your confirmation hearing that, as an associate at a law firm, it was not your job to take care of billing practices and that you were not able to comment on the billing for your clients. If you are confirmed to be the next General Counsel of the USDA, you would be responsible for the Office of the General Counsel, which has an

annual budget of $44,697,000. With that in mind, what should this Committee know about your previous management and budgeting experience that has prepared you for the position to which you have been nominated, since as an associate you had no experience or responsibility with financial matters? Beginning in college, I took a greater share of responsibility for my family's business and financial matters and have successfully managed annual budgets and made certain that revenues do not exceed expenses since that time. In that capacity, I dealt with a complicated balance sheet and handled assets valued in the millions of dollars.

3) With respect to competition policy for agriculture, should the USDA focus on the effects that certain practices have on individual farmers and firms in those markets? The role of OGC is to provide legal – not policy – counsel. OGC should and will advise USDA to follow the law as interpreted by the federal courts.

4) What role do you believe the USDA should play in the overall farm economy and competitive markets? The role of OGC is to provide legal – not policy – counsel. OGC should and will advise USDA to follow the law as interpreted by the federal courts.

5) Last week it was announced that the USDA is again delaying the effective date of the Organic Livestock and Poultry Practices final rule (AMS-NOP-15-0012; NOP-15-06PR) that was published on January 19, 2017. In the November 9, 2017, announcement of this delay, one of the reasons cited was that the Department was questioning its statutory authority to promulgate this rule. This rule has received tremendous scrutiny since it was first published on April 13, 2016, and has received comments and input from hundreds of organic farmers and organic farming associations in support of the rule, including comments from the Northeast Organic Farming Association of Vermont (NOFA-VT) and Vermont Organic Farmers (VOF), which is a USDA accredited organic certifier representing over 650 certified organic farmers and processors.

    a. As the Principal Deputy General Counsel or acting General Counsel, what specific role, if any, did you have in the review and decision for the continued delay of the Organic Livestock and Poultry Practices final rule? I provided legal advice regarding the requirements of the Administrative Procedure Act.

    b. Have you reviewed the authorizations given to the Secretary under the Organic Foods Production Act (OFPA) and the direction within the Act for the National Organic Standards Board to advise the Secretary on aspects of the implementation of the title, the applicable organic certification program, and practices determined to be inconsistent with the applicable organic certification program? Yes.

    c. Do you believe that the USDA has the statutory authority to promulgate this rule? If not, what is the justification for that view? As noted in the recent Federal Register notice, USDA believes there are questions about the scope of its statutory authority. It plans to seek comments from the public about that issue, which was raised during the prior comment period. The justification for these questions is the statutory text and a number of Supreme Court decisions, such as *City of Arlington v. FCC*,

Chevron v. Natural Resources Defense Council, Utility Air Regulatory Group v. EPA, and Yates v. United States.

6) In your testimony you cited your legal experience and that your practice focused on "litigation, particularly appellate litigation; administrative law; and regulatory compliance." You went on to say that you have expertise on the transparency requirements imposed on agencies by the Freedom of Information Act (FOIA).

   a. How do you believe has your past work on FOIA has prepared you for this General Counsel role? My past work has acquainted me with the Federal Records Act, FOIA, and the case law interpreting USDA's responsibilities under these statutes.

   b. Do agree that our very democracy is built on the idea that our government should not operate in secret, and that transparency allows the American people to hold their government accountable? Yes.

   c. Do you share my belief that our federal agencies should operate under a presumption of openness when considering the release of government information under FOIA and aim to reduce the overuse of statutory exemptions to withhold information from the public? Yes.

7) Given your stated expertise in transparency requirements imposed on agencies by FOIA, it would be useful to hear from you about the transparency efforts you have been involved with at the USDA related to the abrupt decision earlier this year to take the animal welfare database offline.

   a. What specific role, if any, did you have with the decision at the beginning of this year to remove the Animal and Plant Health Inspection Service's inspection reports related to violations of the Horse Protection Act and the Animal Welfare Act? The decision was made by OGC career attorneys to allow for the documents' review under the Privacy Act and I supported their recommendation. The OGC career employees' initial recommendation to take this course of action was made in 2016.

   b. It is concerning that earlier this year, in response to a FOIA request from members of the media about the USDA decision to remove the animal welfare database, all of the 1,771 pages of material produced in response was redacted without clear explanation. Can you explain the justification for the Department's wholesale redaction of these 1,771 pages? Without knowing which specific request you are referring, I cannot fully respond. However, this matter is the subject of litigation; and the Department of Justice would have advised what redactions were appropriate.

8) There were reports recently that one of your first official acts at the Department was to terminate the labor contract between the Office of General Counsel and its staff of over 200 lawyers and legal professionals nationwide. Can you share more information with the Committee about what transpired, your role in this termination, and where things stand at

this point? OGC began negotiations with its union for a new collective bargaining agreement (CBA) in August 2015. In December 2016, then-General Counsel Jeffrey Prieto submitted a final proposal to the union through its president, Matt Tilden, who rejected the offer. Union management did not share the terms of Mr. Prieto's offer with bargaining unit members. Mr. Tilden submitted a counterproposal to Mr. Prieto, which Mr. Prieto rejected. By its terms, the CBA expired in March 2017. OGC then exercised its contractual right to renegotiate the contract, as the union had exercised that same contractual right on the expiration of an earlier agreement in 2010. OGC's negotiating team is comprised solely of career attorneys and I have not participated in the negotiations. I am apprised of the negotiations' progress as events warrant. Currently, OGC has reached tentative agreement with the union on 31 of 44 articles of the CBA and is negotiating an additional 7 articles with the help of Commissioner Randall Mayhew of the Federal Mediation and Conciliation Service. Four articles are the subject of a proceeding before the Federal Labor Relations Authority to determine their negotiability. OGC remains hopeful of reaching an agreement on the remaining negotiable articles.

Senator Sherrod Brown

1) **Your resume states that one of your practice areas was advising clients on compliance with the Foreign Agent Registration Act. Have you advised any persons who have previously been employed by or affiliated with a presidential campaign or presidential transition team, or are currently employed by an executive branch agency? If so, please provide the names of any such individuals as well as the scope and extent of your representation.** My work regarding FARA matters involved advising lobbying and strategic communications companies on whether taking on particular client matters would require their having to register under FARA. I do not know if any employees of these clients were previously employed by or affiliated with a presidential campaign, presidential transition team or are currently employed by an executive branch agency.

2) **Your resume states that one of your practice areas was election law. If so, please provide the names of any individuals or groups as well as the scope and extent of your representation.** My client list was disclosed on OGE Form 278.

3) **Please share with the Committee a full list of your pro bono clients over the course of your career.** Subject to Rule of Professional Conduct 1.6, I represented the American Association of University Professors in litigation before the Kentucky Supreme Court on a First Amendment issue. I also represented Ms. Esperanza Guerrero in an appeal before the United States Court of Appeals for the Fourth Circuit, where the Court upheld the denial of qualified immunity for a police officer accused of entering Ms. Guerrero's home without a warrant. And, as noted in my November 3, 2017 letter to the Committee, I volunteered to assist with the Presidential Transition Team to help perform public records searches on individuals under consideration to serve on agency "beachhead" teams.

4) **You previously have represented the Judicial Education Project (JEP), in which you defended recent State efforts to restrict voting access for African-Americans and other minorities.**

a. Have you been in contact with this client since August 2016? Yes, when the decision of the Court in the Virginia case was rendered in December 2016.

b. Have you asked JEP to waive any privilege that might exist so as to better inform the Committee about this client? Would you do so? No and no.

c. In conjunction with your work for the Judicial Education Project, have you communicated, directly or indirectly, with anyone at the Judicial Crisis Network, and if so, with who? When did these communications occur? To the best of my knowledge, no.

5) Following up on a question I asked you during your confirmation hearing, please answer the following if you have personal knowledge or have access to the information through any means not related to your representation of the client:

a. Do you know if the JEP is a non-profit organization? According to publicly available documents that I have reviewed in response to this question, JEP indicates on IRS Form 990 that it is organized as a 501(c)(3) organization.

b. Did you ever learn of or make an attempt to learn of the identity of the individuals or entities who fund the JEP? If so, please provide any information you discovered in your personal capacity. No, with the exception of seeing a publicly available version of IRS Form 990 online as referenced above.

c. If you know the answers (or, in the case of question two, you know the identity of some, but not all of the individuals or entities that fund JEP) but are unable or unwilling to provide the answers, please explain in detail, with appropriate citations for any legal basis, why you are not providing these answers. N/A

6) You filed an amicus brief on behalf of four U.S. Senators and the Judicial Education Project in *North Carolina State Conference of NAACP v. McCrory* in June 2016. In your brief you argued that North Carolina's voting restrictions were "race neutral." Yet, the Fourth Circuit found the law in question required "inperson voters to show certain photo IDs, . . . which African Americans disproportionately lacked, and eliminated or reduced registration and voting access tools that African Americans disproportionately used," such as same-day registration and early voting. The Fourth Circuit concluded that North Carolina's voting restrictions "target African Americans with almost surgical precision" and "impose cures for problems that did not exist."

a. Are there any facts in the Fourth Circuit's decision with which you disagree? Please see the brief filed on behalf of JEP. I respect the opinion of the Court.

b. Do you still agree that the North Carolina voter ID law was not intended to disenfranchise African Americans? Please see the brief filed on behalf of JEP. I respect the opinion of the Court.

7) It's my understanding that over a period of years, USDA has worked to greatly reduce the backlog of EEOC and civil rights cases at the department. USDA has a long history of systemic discrimination. The Congress has engaged in considerable oversight and, in my opinion, the previous Administration took significant steps to improve the system for both producers and employees. By all accounts, you have expressed your recognition of the challenges and your interest in continuing upon this progress. Thank you for that, and I know it is the Committee's expectation to see results in this regard.

   a. What steps are you taking to close this backlog? Through an extensive six-month initiative and collaboration between OGC and OASCR, USDA was able to reduce the average processing time for EEO complaints. Over 50+ OASCR staff were detailed for six-months to the Office of Adjudication's Employment Directorate to address processing deficiencies. Significant achievements were realized and some staff realignments took place to keep up the momentum. More importantly, OASCR has established procedures to ensure that they are able to maintain and improve on this success and prevent future backlogs of investigations.

   b. Were any of these new policies put in place prior to your arrival? There were some short-term EEO initiatives prior to January 20, 2017 which unfortunately did not have permanent effects. Since that date, OASCR successfully eliminated a significant backlog of program discrimination complaints and maintained that progress to date.

   c. Are you investigating fewer claims? OASCR reports that the number of EEO complaints filed in the past three years remains constant but the number of program complaints filed has decreased.

   d. Are there more employees in the office? No, OASCR reports that the number of employees has remained at about 130 - 134 FTEs for the past six years.

   e. Who led USDA's Office of the Assistant Secretary for Civil Rights (OASCR) on January 20, 2017? Has anyone else led OASCR since January 20, 2017? If so, please identify the names of those individuals and the dates of their leadership. Winona Lake Scott was named as the Acting Deputy Assistant Secretary for Civil Rights and David King was detailed to Ms. Scott's position as the Acting Associate Assistant Secretary for Civil Rights on January 20, 2017.

   f. How many full-time-equivalent (FTE) employees and contractors serve in USDA's OASCR? How have the numbers of employees and contractors in this office changed since you joined the USDA? OASCR reports 134 FTEs and six contract employees. This number has remained constant since I joined USDA.

g. **How many complaints were pending in USDA's OASCR on January 20, 2017? How many complaints are currently pending in OASCR?** As of January 20, 2017, OASCR reports that there were 168 EEO complaints filed in FY 2017, 89 pending a decision on acceptance, 143 pending investigation, and 140 pending a final action either by USDA or EEOC. As of November 13, 2017, the number of EEO matters in FY 2018 are 51 new complaints filed, 26 complaints pending a decision on acceptance, 161 pending investigation, and 80 pending final action. As of January 20, 2017, OASCR reports that there were 48 accepted program discrimination complaints for FY 2017, 299 pending investigation, and 83 pending a final action either by USDA or EEOC. As of November 13, 2017, the number of program civil rights matters in FY 2018 are eight complaints accepted, 146 pending investigation, and 137 pending final action. Please note that these numbers for both EEO and program complaints are cumulative and change as each stage of the processes move forward.

h. **Of the complaints that were pending in USDA's OASCR on January 20, 2017, how many are no longer pending? Of those complaints that are no longer pending, in how many complaints were problems found, and in how many complaints was wrongful conduct identified?** With respect to EEO cases, many are settled, withdrawn, or outside of USDA's control because they are pending action at EEOC. Since January 20, 2017, OASCR issued two findings of discrimination in EEO cases and one finding in a program discrimination case. Once a finding is issued, the decision and the investigative file are forwarded to the appropriate human resources office within 10 days of issuance for review for appropriate administrative and/or corrective action in accordance with USDA's civil rights accountability policy.

8) **Do you commit to protecting whistleblowers who identify problems with USDA-related issues?** Yes.

a. **If yes, what specific measures will you take to ensure that whistleblowers are protected?** OGC assists Agencies and the Department when contacted about certain complaints of whistleblowing made to the Office of Special Counsel (OSC) and other federal agencies, and will continue to work with OSC to attempt to resolve claims where warranted prior to investigation. OGC attorneys working to defend cases of whistleblower retaliation before the U.S. Merit Systems Protection Board (MSPB) will ensure a fair and honest legal analysis and recommend attempted resolution, if warranted. USDA's Office of the Inspector General (OIG) is responsible for ensuring compliance with the Whistleblower Protection Enhancement Act of 2012, which, among other things, directs Inspectors General to designate a Whistleblower Protection Ombudsman. OGC will work with the OIG Whistleblower Ombudsman on any alleged whistleblowing issues if contacted, and will work to ensure compliance with anti-retaliation laws related to whistleblowing, including the recently-enacted Kirkpatrick Whistleblower Protection Act.

9) In early November, the U.S. Global Change Research Program (GCRP) released its Climate Science Report. The report is a product of a number of scientists across government agencies including USDA, NASA, NOAA, and DOE. The report found that "based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."

   a. Do you agree with this assessment? If not, on what scientific studies do you base your opinion? The Office of the General Counsel provides legal – not scientific – counsel and therefore, does not take policy positions on matters of science.

   b. Do you believe that there are negative effects of climate change on American agriculture? Yes.

   c. If confirmed, would you use the science summarized in the report to guide agency decisions and policy recommendations made to the Secretary of Agriculture? The Office of the General Counsel provides legal – not scientific – counsel.

   d. Will you commit to not taking any adverse action or making any adverse recommendation concerning the employment of any USDA scientists who contributed to the report? I will commit to advising USDA to follow all applicable laws with respect to employment matters.

   e. Will you advise the Secretary of Agriculture and direct your subordinates to consider the report the best and latest compilation of climate science for the U.S.? The Office of the General Counsel provides legal – not scientific – counsel.

10) News reports have reported that USDA staff have been instructed to "stop using the phrase 'climate change.'"

   a. Are you aware if this is true? As stated in Secretary Perdue's August 22, 2017 letter to Senator Stabenow, there is no USDA policy prohibiting the use of the term climate change.

   b. Do you believe this is an appropriate demand of agency staff? If yes, why? As noted above, no such policy was issued.

11) Who has served as Acting General Counsel since January 20, 2017? Please provide names and time periods in which those named individuals served as the Acting General Counsel. I served as Acting General Counsel from March 17, 2017, until the President's nomination of me to serve as General Counsel on September 5, 2017.

Senator Michael F. Bennet

1) Along other Colorado River Basin Senators, we asked that USDA dedicate half of the $150 million in FY17 Watershed Act (PL-566) funding to the Colorado River Basin. Across the West, this funding can help address western agriculture's off farm needs. I was

disappointed to learn that the Department did not fund any Colorado projects, despite proposals to build on successful conservation work in the Lower Gunnison basin.

a. How many projects that were awarded FY17 Watershed Act funds also received funding through the Regional Conservation Partnership Program (RCPPP)? NRCS has identified three Watershed Act projects that have different components of the project being funded with direct FY 2017 Watershed Act funding or with RCPP funding. The Watershed Act projects are the Departee Creek project in Arkansas, the Wahoo Creek project in Nebraska, and the Uintah County project in Utah.

b. Is the USDA prohibited from providing Watershed Act funding to applicants or projects that also received RCPP funds? The authorities of the Watershed Protection and Flood Prevention Act of 1954 (Watershed Act), Public Law 83-566 may be used to implement an RCPP project but RCPP projects can only be funded with RCPP funds. Watershed Act funds are not among the covered program funds made available under the Food Security Act of 1985 to implement RCPP. In certain situations, a project proponent may receive both Watershed Act funding and RCPP funding in order to meet the objectives of a larger Watershed Act plan.

2) Farmers and ranchers depend on trained and qualified USDA staff to work with them on applications for grants and loans, and enrollment in conservation programs. We continue to hear about vacancies for trained loan officers and Country Executive Directors at USDA offices across Colorado. Our farmers and ranchers are rightfully concerned about the shortage of staff.

a. How is the USDA currently making hiring decisions for its state and local offices? Staffing decisions for the Farm Service Agency and the Natural Resources Conservation Service state and local offices are handled by these agencies of USDA and not by the General Counsel.

b. If confirmed, will you provide state and local offices the authority to fill these positions and increase the number of individuals who are training to become farm loan or county office employees? The General Counsel does not have hiring authority for FSA and NRCS state positions or FSA county office positions.

Senator Chris Van Hollen

1) Given your previous experience in election law, do you believe that voter fraud is a problem within our system? For example, President Trump has frequently alleged that millions of Americans voted illegally in the 2016 elections costing him the popular vote. Do you believe that to be true? I believe that we must always be diligent against perceived or actual voter fraud to protect this precious right given us by the U.S. Constitution.

2) The Jones Day Amicus Brief you co-authored argued that "The challenged laws [in North Carolina] are reasonable, race-neutral regulations of the time, place, and manner of holding

elections, and do not impose "a substantial burden on the right to vote," much less an unequal burden on voting opportunities." The Fourth Circuit rejected your argument and found that the legislature requested race specific information regarding voters and voter practices and with "surgical precision" wrote laws that would impact African American North Carolinians but not white North Carolinians. How do you explain the legislature's decision to place restrictions on voting methods overwhelmingly used by African American North Carolinians, like early voting, but not those used by white North Carolinians, like **absentee voting**? I will allow the brief filed by the Judicial Education Project to speak for itself, and am otherwise unable to comment on the decisions made by the North Carolina legislature.

3) Mr. Vaden, I think it's important to note that prior to joining USDA in January, you had no particular involvement in any agriculture-specific issues or any agriculture-specific clients during your tenure at Jones Day. Your nomination is a significant departure by the Trump Administration from the background and experience of previous USDA General Counsel nominees, Republican or Democrat. For example, during the Obama Administration, Jeff Prieto was a longtime attorney at the Justice Department's Environment and Natural Resources Division before becoming USDA General Counsel. His predecessor, Ramona Romero, was an attorney with DuPont, a major U.S. agribusiness company involved in a wide range of agricultural policy and legal issues. Going back to the Administration of George W. Bush, Nancy Bryson was a long time environment and natural resources attorney both at the Justice Department and in private practice. Please walk the Committee through your specific experience with the key laws that guide the USDA and support its authorities. Given your lack of experience in agricultural legal matters, why do you believe you are as prepared and as qualified as your predecessors to be USDA General Counsel? As I mentioned in my opening statement, my family has been engaged in farming since at least the early nineteenth century. I made the farm management decisions for our family's farmland from college until my joining USDA. In addition, my prior experience litigating as well as advising clients focused on the Administrative Procedure Act, Freedom of Information Act, common law as well as statutory fiduciary duties, and the protections of the First Amendment. Yes, I was an associate in Jones Day's Government Regulation practice group so that advising clients on the Administrative Procedure Act and regulatory compliance in general constituted the bulk of my work. Regulatory compliance and administrative law are the focus of what any departmental general counsel handles.

4) Mr. Vaden, an August 7, 2017 story by The Guardian reported emails in which a USDA supervisor directed employees to avoid using the term climate change. Do you believe that the rapid pace of climate change is driven by human activity? If confirmed, will you also direct your staff to avoid using the term climate change? OGC provides legal counsel, not scientific counsel. Consequently, the Office does not take policy positions on matters of science. As explained in the Secretary's August 22, 2017 letter to Senator Stabenow, there is no USDA policy prohibiting the use of the term climate change.

5) Mr. Vaden, my understanding is that you have been involved in the USDA reorganization process. I have heard some concerns from stakeholders about USDA's ongoing reorganization and the lack of information and stakeholder engagement about the process. Specifically, I've heard from the Chesapeake Bay Commission that the Natural Resources Conservation Service

(NRCS) staff are stretch too thin doing administrative work that used to be done by the Farm Services Agency (FSA), leaving significantly less time for one-on-one engagement with farmers. Can you assure the Committee that if confirmed, you will make sure the Department does not over-reach in its reorganization efforts and engages with core partners about plans moving forward? Yes.

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