

Senate Commerce Committee Nominee Questionnaire, 116th Congress

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Michelle Albright Schultz (2003 to present)
Michelle Mummert Albright (1972 to 2003)

2. Position to which nominated:

Member – Surface Transportation Board

3. Date of Nomination:

March 2, 2018
January 16, 2019 (Re-nomination)

4. Address (List current place of residence and office addresses):

Residence: 

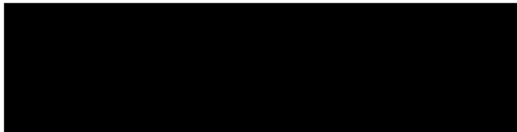
Office: Southeastern Pennsylvania Transportation Authority
1234 Market Street, 5th Floor
Philadelphia, PA 19107

5. Date and Place of Birth:

March 11, 1972 – Hanover, Pennsylvania

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

James D. Schultz (Spouse)
Cozen O' Connor
Chair, Government Law and Regulatory Affairs



7. List all college and graduate degrees. Provide year and school attended.

Pennsylvania State University, BA English – 1994
Widener University School of Law, JD -1998
University of Pennsylvania, MGA - 2008

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Hanover Concrete Company- (8/98-12/99)
Superior Court of Pennsylvania – Law Clerk (1/00-6/00)
United States Bankruptcy Court – Law Clerk (7/00-1/02)
White and Williams LLP- Associate (1/02-8/06)
Southeastern Pennsylvania Transportation Authority (8/06-Present)
 Manager, Legislative Affairs
 Director, Legislative Affairs
 Deputy General Counsel

Management positions include serving as the Treasurer of Gettysburg Concrete (1/96-12/99); Director of Legislative Affairs (10/10-12/13); and Deputy General Counsel (1/14-Present).

9. Attach a copy of your resume.

Attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

Not applicable.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

General Partner – Tamarack Four
Officer (Treasurer)– Gettysburg Concrete Company

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

The Union League of Philadelphia. The club does not restrict membership on the basis of sex, race, color, religion, national origin, age or handicap.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

No.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

I conducted policy research for a Mayoral Exploratory Committee in an unpaid capacity for State Senator Anthony Williams in 2014.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

2009

Not applicable.

2010

Pennsylvania Future Fund \$1000.00 (February)
Friends of Tom Corbett \$1000.00 (June)
Friends of Tom Corbett \$1000.00 (July)
Friends of Tom Corbett \$1000.00 (October)
Friends of Jim Kernahan \$500.00 (September)

2011

Pennsylvania Future Fund \$1000.00 (January)

2012

Not applicable.

2013

Not applicable.

2014

Not applicable.

2015

Pennsylvania Future Fund \$1000.00 (February)
Williams for Mayor \$1000.00 (March)
Keystone Alliance \$1000.00 (April)
Kevin Dougherty for Pennsylvania \$1000.00 (May)
Chris Christie for President \$2700.00 (December)

2016

Friends of Pat Toomey \$1000.00 (January)
Friends of Bill Shuster \$1000.00 (April)
Keystone Alliance \$1000.00 (April)
Friends of Pat Toomey \$1000.00 (May)
Friends of Alex Charlton \$1000.00 (October)
Friends of Alex Charlton \$1000.00 (November)

2017

Not applicable.

2018

Cozen O'Connor PAC \$3100.00 (Various dates – January through June)
Friends of Ken Lawrence \$500.00 (May)
Republican Party of Pennsylvania \$2810.05 (August)
McGarrigle for Senate \$500.00 (August)
Cozen O'Connor PAC \$3100.00 (October)

2019

Cozen O'Connor PAC \$400.00 (January)
Brian Fitzpatrick for Congress \$1000.00 (February)

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

In 2008 I was awarded the Stephen B. Sweeney Award, University of Pennsylvania for commitment to local government and public service.

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

I have not authored any books, articles, columns, or publications.
I have not given any speeches on any topics relevant to the position for which I have been nominated.

18. List digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

Linkedin: Michelle Schultz
[linkedin.com/in/michelle-schultz-47801aa](https://www.linkedin.com/in/michelle-schultz-47801aa)

Facebook: Michelle Albright Schultz
www.facebook.com/michelle.a.schultz.5

Instagram: Michelle Albright Schultz
Michelleschultz7495

Twitter: @mich_schultz

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

I testified before the Committee on Commerce, Science and Transportation of the United States Senate on April 11, 2018 regarding my nomination to the Surface Transportation Board.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have worked for the Southeastern Pennsylvania Transportation Authority (“SEPTA”), the nation’s sixth largest public transportation agency for over 12 years. During this time, I have become quite familiar with how railroads operate; how they interact with each other; and the relationships they have with their customers. I am also familiar with the challenges that are associated with those interactions. During my career with SEPTA, I have handled legislative, regulatory, and legal issues. I have also handled compliance issues at the local, state, and federal level including issues pertaining to construction and reconstruction of commuter rail lines.

Prior to joining SEPTA, I was a law clerk for the Superior Court of Pennsylvania and for the United States Bankruptcy Court for the Eastern District of Pennsylvania. Additionally, I was an attorney at a law firm in Philadelphia. My practice focused on creditor’s rights and commercial litigation.

I have spent most of my career serving the public in the area of transportation policy, which is so vital to our citizens and our economy. Serving on the Surface Transportation Board will allow me to continue my longstanding public service at the federal level, having greater impact on our country, utilizing my regulatory, legal, and transportation policy experience.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

As a member of the Surface Transportation Board, it will be incumbent upon me and my colleagues to set the tone for efficiency and decision-making. I believe that my responsibilities would include reviewing the financial and business management of the Surface Transportation Board (“STB”) to ensure that it is in compliance with all laws and to promote the goal of efficiency. The STB is annually audited by an independent audit firm, subject to the Office of the Inspector General’s oversight and in accordance with the generally accepted Government auditing standards. My responsibilities would also include continuing to implement the recommendations made by the independent audit firm.

Relevant management experience includes my work managing a ready-mixed concrete company; serving as the Director of Legislative Affairs and as Deputy General Counsel to SEPTA. In my role as Deputy General Counsel, I have handled compliance matters on behalf of the agency and the Board as well as budget matters on behalf of the division.

22. What do you believe to be the top three challenges facing the department/agency, and why?

The top three challenges facing the Surface Transportation Board (“STB”) appear to be as follows:

Information Security

The STB became an independent, adjudicatory authority with the passage of the Surface Transportation Board Reauthorization Act in 2015. At that time, the STB became responsible for maintaining its own information security program. The STB was also required to meet the Standards of the Federal Security Management Act of 2001. Based upon a request by the STB, the Office of Inspector General conducted a review of its information security program and concluded that certain deficiencies increase the STB’s susceptibility to external threats. If confirmed, I would work with my fellow Board Members as well as the STB staff to achieve compliance and improve information security.

Rate Reform

The Rate Reform Task Force was established in January 2018 to provide recommendations on how to improve the Board's existing rate review processes as well as to propose new rate review methodologies. On April 25, 2019, the Rate Review Task Force submitted its report to the Board.

I believe the Board should give careful consideration to the findings of both the Task Force and views from stakeholders to improve Board processes.

Pending Rulemakings

The Board currently has on its docket pending rulemakings of significant importance to the various stakeholders in the railroad industry. These rulemakings include competitive switching, revenue adequacy, and commodity exemptions – important, complex issues which this Committee has been involved with for years. While I am not in a position to weigh in on the merits, I believe the stakeholders of the industry need finality on these proceedings. I look forward to working with the STB staff and stakeholders on these matters to help bring them to a conclusion.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

General Partner in Tamarack Four. As stated in my OGE Form 278e, and my Ethics Agreement, upon confirmation, I will resign from my position as a general partner of Tamarack Four and the entity will be reformed as a limited liability company. I will not hold a position with the new entity. For more detailed information please see both my OGE Form 278e and my Ethics Agreement.

I own common stock in a closely held, family company (ready mix concrete manufacturer) – Trenton Group Inc. and Gettysburg Concrete Inc.

I have a 457 Plan with Prudential through my current employer, SEPTA. For more detailed information about each of the funds it contains, please see my OGE Form 278e which is attached. I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation.

I am vested in SEPTA's defined benefit plan. I will continue to participate in this defined benefit plan.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

I own common stock in Trenton Group Inc. and Gettysburg Concrete Company. Both companies are ready-mix concrete manufacturers and are closely held family companies.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

I have been employed by the Southeastern Pennsylvania Transportation Authority ("SEPTA") since 2006. The Surface Transportation Board performs certain oversight of passenger rail operations, which may include SEPTA. Pursuant to my Ethics Agreement, I will not participate personally and substantially in any particular matter where SEPTA is a party for a period of one year after my resignation from SEPTA.

As reflected in my Ethics Agreement with the STB, my spouse is employed by the law firm of Cozen O'Connor and in which he is a shareholder. For as long as my spouse continues to work for Cozen O'Connor, I will not participate personally and substantially in any particular matter involving specific parties in which I know my spouse's employer or any client of my spouse is a party unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502 (d).

My spouse is a contractor with Cable News Network (CNN). As stated in my Ethics Agreement, for as long as my spouse is a contractor with CNN, I will not participate personally and substantially in any particular matter involving specific parties in which I know CNN is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

While I am not aware of any potential conflicts of interest that could involve my relationship with my spouse besides the ones previously listed, my spouse was previously employed as a lawyer in the White House Counsel's Office in 2017. Should I be confirmed, I will comply with all applicable ethics laws and regulations and consult with agency officials when appropriate.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

I have not had any business relationship, dealing, or financial transaction during the last ten years for myself or on behalf of a client that could in any way constitute or result in a possible conflict of interest in the position to which I have been nominated.

As previously stated, upon confirmation, I will resign from my position with SEPTA and will not participate personally and substantially in any particular matter involving specific parties in which I know SEPTA is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

As reflected in my Ethics Agreement with the STB, my spouse is employed by the law firm of Cozen O'Connor and in which he is a shareholder. For as long as my spouse continues to work for Cozen O'Connor, I will not participate personally and substantially in any particular matter involving specific parties in which I know my spouse's employer or any client of my spouse is a party unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502 (d).

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

With regard to SEPTA, for a period of one year after my resignation from SEPTA, I will not participate personally and substantially in any matter which SEPTA is a party.

Upon confirmation, I will resign from my position as General Partner of Tamarack Four and the entity will be reformed as a limited liability company. I will not hold a position with the new entity. For more detailed information, please see my Ethics Agreement.

For as long as my spouse continues to work for Cozen O'Connor, I will not participate personally and substantially in any matter that to my knowledge has a direct and predictable effect on my spouse's financial interest in the firm, unless I first obtain a written waiver.

For as long as my spouse is a contractor with CNN, I will not participate personally and substantially in any matter involving specific parties in which I know CNN is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R §2635.502(d).

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

From 2006 through 2013 I served as both a Manager and Director of Legislative Affairs for SEPTA. In this capacity, I advocated for dedicated state and federal funding for public transportation. I also advocated for changes in legislative language to advance the interests of SEPTA.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? No. If yes:
 - a. Provide the name of agency, association, committee, or group;
 - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
 - c. Describe the citation, disciplinary action, complaint, or personnel action;
 - d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

I believe the responses to the questions contained within this Questionnaire are thorough and complete. If confirmed, I look forward to serving as a Member of the Surface Transportation Board.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

F. AFFIDAVIT

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

Michelle A. Schalte
Signature of Nominee

Subscribed and sworn before me this 31 day of 05, 2019.

Ashley Lewis
Notary Public

Commonwealth of Pennsylvania - Notary Seal
ASHLEY M. LEWIS, Notary Public
Philadelphia County
My Commission Expires February 4, 2023
Commission Number 1345827