

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):

Michael Abraham Khouri
Michael Joseph Khouri (former)

2. Position to which nominated:

Commissioner
Federal Maritime Commission

3. Date of Nomination:

June 9, 2016

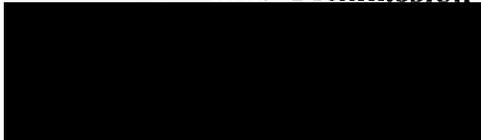
4. Address (List current place of residence and office addresses):

Residence



Office

Federal Maritime Commission

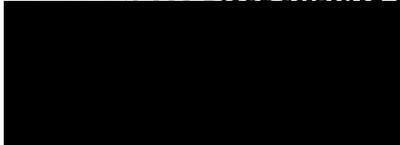


5. Date and Place of Birth:

October 31, 1949
Louisville, KY

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).

Sandra W. Khouri
Vice President – Finance & Administration
Council for Responsible Nutrition



Aaron M. Khouri, 28
Benjamin E. Khouri, 25

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

BA, Economics, 1971, Tulane University
JD, 1980, Brandeis School of Law – University of Louisville
Advanced Management Program, 1996, Harvard Business School

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.

Crouse Corporation
Paducah, KY
Deck crewman and 2nd engineer, 1971 – 1974
Pilot and Captain, 1974 – 1978

Crouse operates commercial towing vessels on the Mississippi and Ohio River system. I served as crewman, navigating officer and command officer on commercial marine vessels and earned a United States Merchant Marine Officer's License as Master of Steam or Motor Vessels and First Class Pilot. This experience provides me with firsthand

knowledge and understanding of operational issues that arise on vessels and in and around ports and terminals.

American Commercial Lines, Inc. (“ACL”)

Jeffersonville, IN

Law Clerk, 1979 – 1980

Counsel, 1980 – 1982

Counsel & Assistant Secretary, 1982 – 1984

General Counsel & Secretary, 1984 – 1988

Vice President – Law, 1988 – 1990

Senior Vice President – General Counsel & Secretary, 1990 – 1994

Senior Vice President – Corporate & Legal Affairs, 1994 – 2000

Senior Vice President – Transportation Services, 2000 – 2002

ACL was the largest U.S. marine company operating commercial towing vessels on the Mississippi, Ohio, Illinois and Missouri River systems and the Gulf Intracoastal Waterways. ACL originated and delivered cargo to public ports and terminals throughout these waterways including the major import and export facilities in New Orleans, Houston, Mobile and Tampa. ACL also operated numerous marine cargo terminals, vessel fleet facilities and ship repair yards on these waterways. ACL owned and operated JeffBoat, Inc., the largest inland new ship construction yard in the United States. Last, ACL operated marine transportation towing vessels and barges on the Orinoco River in Venezuela and on the Parana/Paraguay River System running from Brazil to Buenos Aires, Argentina.

As General Counsel, I reviewed and handled a variety of maritime issues, including ACL’s participation in carrier conference matters, tariff and independent action freight agreements, port and terminal contract agreements and related issues.

As Senior Vice President – Corporate & Legal Affairs, I managed a staff of twenty professional associates in the areas of law, government & public affairs, corporate secretary, environmental compliance, insurance & risk management, strategic planning & business development, and internal audit. All of these assignments were within the context of marine transportation of cargos in and between ports and terminals.

As Senior Vice President – Transportation Services, I had operating responsibility for approximately 2,000 vessel officers, engineers, crewman and shoreside personnel. The marine fleet included 200 towing

vessels and 5,000 barges. These management responsibilities and experiences provide me with insights and understanding of a variety of issues involving cargos moving through marine ports and terminals.

MERS Economy Boat
Memphis, TN
President & Chief Operating Officer, 2003 – 2005

My primary duties with MERS included business development, company expansion through mergers and acquisitions and management of back office operations, credit facilities, insurance and risk management.

Attorney / consultant
Memphis, TN
2005 – 2007

I advised a group of business investors on a start-up ship construction facility on the Ohio River.

Pedley & Gordinier, PLLC
Louisville, KY
2007 – 2009

I worked on commercial and financial transactions in the private capital and equity markets.

Federal Maritime Commission
Washington, DC
Commissioner
January, 2010 – 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.

Appointed as a member of the Kentucky Film Commission by Gov. Steven Beshear, 2009. I resigned upon assumption of duties as Commissioner at Federal Maritime Commission.

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.

Member, Pedley & Gordinier PLLC, law firm, 2007 – Dec. 2009
Attorney / consultant practice, 2005 - 2007

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 religious organization, private club, or other membership organization. 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 handicap.

Church of the Holy Communion, Episcopal, 2003 – 2009

Lay Reader

Conference of Freight Counsel 2008 – 2009

Louisville Business Nexus 2008 – 2009

Fraternal Order of Police Associates 2008 – 2009

Maritime Law Association of the United States 2008 – present

Proctor in Admiralty 2012 – present

Transportation Lawyers Association 2008 – present

Kentucky Bar Association 1981 – present

The Honorable Order of Kentucky Colonels

Commissioned by Gov. Julian Carroll 1976

Contributing member 2008 – present

None of the above listed organizations 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. 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. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

NONE

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

Journal of Family Law. The law review for the Brandeis School of Law – University of Louisville
1979 – 1980

Department of Transportation, United States Coast Guard
Public Service Commendation
Presented by Rear Admiral J.C. Card for service with the American Waterways Operators and United States Coast Guard task force to develop effective “non-regulatory” processes to improve safe vessel operations on U.S. flag vessels.

16. Please list each book, article, column, or publication you have authored, individually or with others. 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.

Speech: Intermodal Association of North America, Intermodal EXPO, Florida, November, 2015

Speech: National Customs Brokers and Forwarders Association of America, Government Affairs Conference, Washington DC, November 2015

Speech: Global Shippers Forum, Toronto, Canada, June, 2015

Speech: Journal of Commerce Port Performance Conference, Newark, NJ, December, 2014

Speech: International Propeller Club Annual Convention, Louisville, KY, October, 2014

Panel discussion: FMC Public Forum, Charleston, SC October, 2014

Speech: Maritime Law Association of the United States, Fall Meeting, San Juan, Puerto Rico, November, 2013

Speech: International Association of Movers Annual Meeting, Denver, CO, 2011

Speech, Keynote: National Customs Brokers and Forwarders Association of America Annual Conference, Phoenix, AZ, April, 2011

Speech: New York / New Jersey Freight Forwarders Annual Dinner, New York, NY, January, 2011

Speech: Propeller Club of the United States – Port of Washington, DC, January, 2011

Speech: International Association of Movers Annual Conference, San Diego, CA, October, 2010

Speech: National Customs Brokers and Forwarders Association of America, Government Affairs Conference, Washington, DC, September, 2010

Speech: Virginia Maritime Association International Trade Symposium, Norfolk, VA, May, 2010

Speech: Containerization International Global Liner Shipping Conference, London, England, April, 2010

Article: “Transporting Minerals by Water” Kentucky Mineral Law, Banks-Baldwin, 1986

Speech: Thirteenth New Orleans Maritime Seminar, "Floods, Droughts, Ice, River Closures: Operational, Contractual, and Insurance Issues"
Tulane Law School, 1984

17. 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.

In 1986, I gave a prepared statement and testimony to the U.S. House of Representatives, Committee on Merchant Marine and Fisheries, on behalf of American Commercial Lines, Inc. ("ACL") I was General Counsel for ACL and the testimony concerned the Department of Transportation, Maritime Administration Title XI ship financing loan guarantee program and then pending legislation to amend the rules and requirements for marine companies regarding qualifications for program loan guarantees.

In December, 2009, I testified before the Senate Committee on Commerce, Science and Transportation concerning my nomination to serve on the Federal Maritime Commission.

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18. 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?

My service as a Commissioner with the Federal Maritime Commission, beginning January, 2010, serves as my first qualification for reappointment. I have served as the Fact Finding Officer for an investigation concerning "Potentially Unlawful, Unfair or Deceptive Ocean Transportation Practices Related to the Movement of Household Goods or Personal Property in U.S. Foreign Oceanborne Trades." I serve as the FMC representative on the Coordinating Board of the Committee on the Marine Transportation System ("CMTS") a Cabinet level inter-departmental committee that focuses on the development and implementation of national marine transportation system policies consistent with national needs.

Taking a longer view of my working career, I stepped onto the deck of a commercial marine vessel forty-five years ago this summer. Since that day, I have had the opportunity to serve in marine vessel operating and management positions that involved a wide range of issues including carrier conference freight tariff matters, cargo service contracts, antitrust exemptions and compliance, marine company mergers and acquisitions, port and terminal contracts and all of the related legal issues that flow from these matters.

I believe that my marine industry experience together with my government service at the FMC provides a solid foundation for my ongoing efforts to promote the mission, programs and objectives of the Federal Maritime Commission. My wish is to continue my service at the FMC and to further contribute the combined sum of my marine operating, legal and business experience back to the maritime community, its diverse stakeholders and the American public who rely on an efficient, competitive and reliable marine transportation system.

19. 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?

I will be responsible for working with the Chairman, my fellow Commissioners and the FMC's Inspector General to regularly review the management practices, procedures and accounting controls being utilized to ensure that the Commission (i) maintains a fair, open, equitable and productive work environment, (ii) utilizes the human resources assigned in an efficient manner, and (iii) has audit processes and policies that provide reasonable assurances to the Chairman and the Commissioners that waste, fraud or abuse has been eliminated.

Concerning management experience, as referenced in Questions 8 and 18 above, I managed a fairly large and diverse workforce at American Commercial Lines. As Senior Vice President – Corporate & Legal Affairs, I was responsible for all legal, environmental, general corporate and audit compliance for an organization that included 4,000 employees working on hundreds of vessels, numerous marine cargo terminals and ship construction – repair facilities throughout the Mississippi river System and Gulf of Mexico, together with international operations on the Orinoco River in Venezuela and the Parana/Paraguay River System running from Brazil to Buenos Aires, Argentina. Then, as Senior Vice President – Transportation Services, Marine Operations, I had direct day-to-day operational responsibility for 2,000 crew men and women, engineers, pilots, captains and all of the related shore side management and support personnel. Vessel assets included a marine fleet of 200 towing vessels, 5,000 barges and an annual operating budget in excess of \$400 million.

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

A. The international shipping industry is going through a transformation period. Major carriers are merging and virtually all of the top twenty liner carriers are forming operating alliances of various descriptions. A new generation of ultra large container ships are entering the Asia to US trade and Europe to US trade. All of the vessel sharing agreements and alliance agreements fall within the FMC regulatory jurisdiction for review and monitoring processes – all aimed at ensuring fair competition and market based freight pricing for our American importers and exporters. The FMC will be challenged to vigorously monitor all of the commercial activities of the liner carriers and ensure a fair and efficient ocean transportation system for the U.S. shipping public.

B. The U.S. container ports along the West, Gulf, and East coasts have all experienced moderate to severe congestion over the last two years. There are many causal factors contributing to port congestion. Among such factors include rising volumes, lack of infrastructure investment, less than optimal port and local road/rail design, lack of 21st century technology/communication software and hardware equipment, and labor/management disagreements – to name just the headline issues. The Commission will be challenged to effectively serve its role “to provide an efficient and economic transportation system in the ocean commerce of the United States” and “promote the growth and development of United States exports through competitive and efficient ocean transportation...” all as set forth as the declaration of policy of the Shipping Act of 1984.

C. The Commission will be continually challenged to review all of its regulatory programs and find ways to reduce or eliminate regulatory burdens on the regulated community of container vessel operators and the ocean transportation intermediary industry (non-vessel operators and freight forwarders) while, at the same time, protecting the other stakeholders in the maritime community – principally the American exporters, importers and consumers who rely on fair, efficient, timely, and low cost ocean transportation.

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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.

I receive a monthly pension payment from American Commercial Lines' qualified pension 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.

NO

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.

NONE

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.

NONE

5. Describe any activity during the past ten years 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.

In 2008 and 2009, I had meetings, conversations and email exchanges with various Kentucky State House and Senate members and staff members with Gov. Steven Beshear's administration concerning proposed legislation to provide economic incentives to attract film and television production projects to Kentucky. These communications were

to educate the legislators and staff of the economic benefits that the film industry could provide to Kentucky and to support the adoption of the economic incentive legislative.

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

In the event American Commercial Lines, Inc. was a party to a matter before the Commission, I would ask all parties if they reasonably believed that my participation as a Commissioner would constitute a conflict or appearance of a conflict of interest. If a party responded “yes”, I would recuse myself from the matter.

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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? 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.

NO

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.

In my personal capacity, I have never been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation matter.

American Commercial Lines was a large and diverse marine transportation, cargo terminal and ship construction/repair company. It was involved with the normal array of administrative proceedings and litigation. Administrative agency proceedings included permits with the U.S. Army Corps of Engineers, operational and safety issues with the U.S. Coast Guard, compliance and enforcement proceedings with the Environmental Protection Agency, complaint/dispute proceedings with

the Equal Employment Opportunity Commission, and disputes before the National Labor Relations Board. Civil Litigation included crew and shoreside injury and death cases, cargo damage/loss litigation, freight contract dispute matters, ship construction warranty and repair claims, wrongful discharge from employment claims and general contract dispute claims.

MERS Economy Boat was a regional supplier of marine fuels, lubricants and vessel supplies to marine companies along the Mississippi River and Gulf Coast. During my tenure, I recall only two legal matters, both involving an alleged work place injury by a vessel crew employee.

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.

NONE

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D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees?

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

[remainder of page is blank]

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

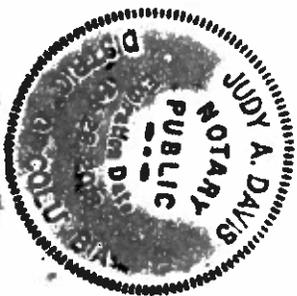
F. Affidavit

MICHAEL A. Khouri, 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.

MA Khouri
Signature of Nominee

Subscribed and sworn before me this 10th day of June, 2016

Judy A. Davis
Notary Public



Michael A. Khouri

Curriculum vitae
June, 2016

2010 to present

Commissioner, Federal Maritime Commission (FMC), Washington D.C.

Nominated by President Obama and confirmed by U.S. Senate, December, 2009. Nominated to new term and confirmed by U.S. Senate, November, 2011.

- Active in Commission antitrust enforcement, rulemaking, and judicial matters.
- FMC voting member on the Board of the Committee on the Marine Transportation System, a Federal Cabinet-level cross departmental committee devoted to coordination of all U.S. maritime transportation issues.
- Elected as Commission Investigative Officer for FMC Fact Finding Investigation in international household goods container trade issues.

2007 to 2010

Member-Partner with Pedley & Gordinier, pllc, Louisville, KY; a mid-sized law firm serving US and international corporate clients in general and complex business issues and insurance defense litigation.

2005 to 2007

Attorney and business advisor, Memphis, TN; advising metal manufacturing/shipbuilding investor group on corporate, regulatory compliance and legislative issues.

2003 to 2005

President & Chief Operating Officer, MERS/Economy Boat, Memphis, TN.

MERS (\$250 million annual revenue) was a closely held maritime fuels and industrial supply firm with operations from the Florida Gulf Coast through the Mississippi River system.

1979 to 2002

American Commercial Lines, Inc. (ACL), Jeffersonville, IN.

ACL was a wholly owned business unit of CSX Corporation. During this period, ACL was the largest (\$1 billion annual revenue) integrated marine company operating on near coastal, intracoastal and inland waters in the U.S. and South America. Marine operations included:

- Seven break-bulk and bulk cargo terminals throughout the Mississippi River system.
- Two hundred towing vessels and 5,000 barges on the Mississippi River, Gulf of Mexico, Orinoco River in Venezuela and the Parana-Paraguay Rivers from Brazil to Argentina.
- Jeffboat shipbuilding and Louisiana Dock ship repair yards.

Principal assignments included:

- Senior Vice President - marine operations, 2000 to 2002. Responsible for all vessel operation services and marine-side terminal support with management supervision of 2,000 ship and shoreside personnel and \$500 million annual operating budget.
- Senior Vice President – Law & Corporate Affairs, 1994 to 2000; responsible for senior staff functions including law, strategic planning & business development, government &

public affairs, internal audit, insurance & risk management, environmental affairs, and corporate secretary.

- Senior Vice President, General Counsel & Secretary, 1990 to 1994.
- Vice President-Law 1988 to 1990; General Counsel & Secretary 1984 to 1988; Counsel & Assistant Secretary, 1982 to 1984; Counsel 1980 to 1982, Law Clerk 1979 to 1980.

1971 to 1978

Crouse Corporation, Paducah, KY. Served as deck crewman, engineer, Pilot and Captain on river vessels on the Mississippi-Ohio River system. Earned U.S. Merchant Marine Officer's License as Master-Steam or Motor Vessels and First Class Pilot.

Recognition and Board Positions

Department of Transportation, United States Coast Guard Public Service Commendation, from Rear Admiral J.C. Card, for service with the American Waterways Operators and USCG Task Force to develop effective "non-regulatory" processes to improve safe vessel and crew operations on U.S. flag vessels.

Served on the Boards of Directors of the American Waterways Operators and the Waterways Council, Inc.

Education

Tulane University, BA, Economics
Brandeis School of Law – University of Louisville, JD
Harvard Business School, Advanced Management Program

Bar Admissions

Commonwealth of Kentucky
U.S. District Court, Western District of Kentucky
Maritime Law Association of the United States, Proctor in Admiralty
Transportation Lawyers Association

Professional Articles

"Transporting Minerals by Water", Kentucky Mineral Law, Banks-Baldwin, 1986.
"Floods, Drought, Ice, River Closures: Operational, Contractual and Insurance Issues", Thirteenth New Orleans Maritime Seminar – Tulane Law School, 1994.
Numerous speeches on the Shipping Act and Federal Maritime Commission topics.

Experience in numerous legal areas

Direct involvement and professional practice in following legal areas: administrative, admiralty, antitrust, bankruptcy, commercial transactions, U.S. constitution, contracts, corporate, employment, labor, merger/acquisitions, property, securities, tort and transportation law.