

**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF  
DEPARTMENT/AGENCY NOMINEES**

U.S. Senate Committee on Commerce, Science, and Transportation

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):

Jeffrey Adam Rosen

2. Position to which nominated:

Deputy Secretary of the U.S. Department of Transportation

3. Date of Nomination:

March 2, 2017

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

Home: [REDACTED]

5. Date and Place of Birth:

April 2, 1958; Boston, Massachusetts

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).

Married for 34 years to Kathleen Nichols Rosen, M.D. (retired)  
Children: Anne Rebecca Rosen, age 26 (New York, NY)  
Sally Amanda Rosen, age 24 (Lafayette, CO)  
James Kenneth Rosen, age 23 (Boulder, CO)

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

Northwestern University, Evanston, IL; attended 9/76-6/79; B.A. with Highest Distinction (Economics), June 1979

Harvard Law School, Cambridge, MA; attended 9/79-6/82; J.D. Magna Cum Laude, June 1982

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.
  - a) Kirkland & Ellis LLP (and Kirkland & Ellis Int'l), Washington, D.C.: Partner May 2009 to March 2017
  - b) Executive Office of the President/White House Office of Management and Budget, Washington, D.C.: General Counsel and Senior Policy Advisor, July 2006 to January 2009
  - c) U.S. Department of Transportation, Washington, D.C.: General Counsel, December 2003 to June 2006, and Senior Advisor, October 2003 to December 2003. Also served as DOT designee for Amtrak Board 2005-2006.
  - d) Kirkland & Ellis LLP, Washington, D.C.: 1982-2003--Began as an associate in 1982, became a partner in 1988, and eventually co-head of D.C. office and a member of the firm's executive management committee in 1999.
  - e) Georgetown University Law Center, Washington, D.C.: Adjunct Professor--taught course in Professional Responsibility/Legal Ethics. 1996-2003.
  - f) Summer positions after college: Dewey Ballantine LLP, New York, N.Y. (1981), Summer associate; Lord Bissell & Brook, Chicago, IL (1980), Summer associate; Apparel Buying Co., Braintree, MA (1979), Summer warehouse employee.

9. Attach a copy of your resume.

A copy of my most recent professional biography is attached as Attachment A, although it has not been updated to reflect my recent resignation from the law firm of Kirkland & Ellis LLP and other organizations.

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.

I am currently an appointed Public Member of the Administrative Conference of the United States, and have been since 2013.

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.

Partner, Kirkland & Ellis LLP and Kirkland & Ellis International, 2009-2017

Chair of the ABA Section of Administrative Law and Regulatory Practice (2015-2016); also served as Vice-Chair (2013-2014), Chair-Elect (2014-2015), and Last Retiring Chair (2016-2017)

Member of the Board of Visitors, Northwestern University's College of Arts & Sciences (2009-present)

Member of the Board of Directors, Free State Foundation (2011-2016)

Member of the U.S. Chamber of Commerce Government Operations, Oversight & Consumer Affairs Committee (2012-2017)

Member of the Advisory Board of the National Federation of Independent Business Small Business Legal Center (2011-2017)

Trustee of Jeffrey Adam Rosen Revocable Living Trust (1996-present)

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.

To the best of my recollection and available records, in addition to the organizations listed in response to question 11 above, other organizations of which I have been a member during the last ten years are listed below. I am not aware of any organization to which I have belonged having had a discriminatory restricted membership policy.

American Law Institute	1996-present	Member
U.S. Supreme Court Historical Society	1990-present	Member
D.C. Circuit Historical Society	2009-present	Member
Virginia Historical Society	1991-present	Member
Fairfax County Historical Society	1997-present	Member
Northern Neck of Virginia Historical Society	2014-present	Member
Fairfax Genealogical Society	2015-present	Member
Northwestern University Alumni Club of Washington, D.C.	1983-present	Member
Phi Beta Kappa	1978-present	Member
National Association of Scholars	2012-present	Member
Association for the Advancement of	1990-present	Member

Automotive Medicine		
Society of Automotive Engineers	1990-2009	Member
Chesterbrook Woods Citizens Association	1993-present	Member
McLean Racquet Club	2008-present	Member
Chesterbrook Swim & Tennis Club	1994-2015	Member
White Point Yacht Club	2014-present	Member
Ashburn Xtreme Youth Hockey Club	2007-2011	Asst Coach, Club Member

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.

I have not been a candidate for a public office, and I do not have any outstanding campaign debt.

I have held a number of appointed governmental positions, as General Counsel of the U.S. Department of Transportation (2003-2006); General Counsel and Senior Policy Advisor at the White House Office of Management and Budget (2006-2009); as a Public Member of the Administrative Conference of the United States (2013-present); and as a Member of the Arlington County (VA) Historical Affairs and Landmark Review Board (1991-1993).

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.

Please see Attachment B.

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

Received various academic honors (e.g., Phi Beta Kappa, Deru Honorary, Departmental Honors in Economics).

Received various professional recognitions (e.g., "Washington, D.C. Super Lawyer" (2012, 2013, 2014, 2015, 2016); Washington, D.C. "Top Lawyers" (2012, 2013, 2014 and 2015); top-rated 'AV' Preeminent in Martindale-Hubbell for more than 15 years; Listed in Who's Who in American Law and Who's Who in America). Member of American Law Institute.

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.

To the best of my recollection and available records, my publications and public remarks are listed below.

Publications:

“Putting Regulators on a Budget,” 27 National Affairs 42 (Spring 2016)

“The Regulatory Budget Revisited,” 66 Admin.L.Rev. 835 (Fall 2014).

“Fishing for a Reason to Regulate,” The Hill online (April 10, 2013)

“President Needs to Get Serious About Spending Cuts,” The Hill (December 20, 2012)

“2008 Obama Would Like Ryan Budget,” Des Moines Register p.13A (August 30, 2012)

“The 2012 Budget Surplus That Disappeared,” National Review Online (December 14, 2011)

“Rein on Federal Regulations Will Only Benefit Economy,” Cincinnati Enquirer (November 9, 2011)

“Obama’s Spending Ideas Unbalanced,” The Hill Op-Ed p.20 (September 28, 2011)”

“Who Checks the Fact Checker?” National Review Online (September 16, 2011)

“Costly Federal Regulations Escape Congressional Approval,” Atlanta Journal Constitution (September 1, 2010)

“Major Rules Deserve a Vote,” Baltimore Sun Op-Ed, p.13 (August 10, 2010)

“Government Incentives For Businesses,” 19 Business Law Today 51-55 (May/June 2010)

“A Chance for a Second Look: Judicial Review of Rulemaking Petition Denials,” 35 Admin. & Regulatory Law News 7-9 (Fall 2009)

“Obama vs. the Regulators,” The Washington Post Op-Ed (August 6, 2009)

“Watch for Hidden Taxes,” Boston Globe Op-Ed (June 12, 2009)

“Obama Regulations are Taxing Consumers,” Washington Business Journal (June 12, 2009)

“Court Acceptance of ‘In-Kind’ Settlements in Consumer Class Actions,” 9 Class Actions & Derivative Suits 20 (Summer 1999)

In addition, during 2009-2010, I was a contributor to National Journal’s online experts’ blog series for transportation topics, with eight postings:

Speeches/Remarks:

Speaker on “Repairing Regulation” at University of Virginia Journal of Law & Politics program “Reining In the Administrative State” (October 21, 2016)

Program Co-Chair and Speaker at Joint ABA, SBCA, and GW Regulatory Studies program on “Benefit-Cost Analysis and the Courts”(October 11, 2016)

Speaker at ABA Section of Administrative Law teleforum on “New Life for the Congressional Review Act?” (May 26, 2016)

Speaker at Kirby Center for Constitutional Studies and Citizenship Program on “Leashing Leviathan: The Case for a Congressional Regulatory Budget” (May 25, 2016)

Speaker at Federalist Society’s Annual Executive Branch Review Program’s Plenary Panel on “Congressional Regulatory Reform Proposals” (May 17, 2016)

Speaker/moderator on “Current Debates on Regulatory Reform” at joint ABA and Hoover Institution program “The Second Hoover Commission’s 60th Anniversary: Lessons for Regulatory Reform” (March 16, 2016)

Moderator for “The Role of OIRA in the Regulatory Process: A Discussion with OIRA Administrator Howard Shelanski” at ABA’s 12th Annual Administrative Law Institute (March 15, 2016)

Speaker at U.S. Chamber of Commerce’s Joint Fall Committee Meeting on “Regulation: Who Decides?” (December 9, 2015)

Speaker/moderator at ABA’s Fall Administrative Law Conference on “The Regulatory Budget Revisited” (October 30, 2015)

Speaker at George Mason University program “Regulatory Boot Camp for Policy Advisors” on “Reform – The Path Forward” (April 1, 2015)

Speaker at the University of Pennsylvania Program on Regulation workshop on “Agenda-Setting and the Regulatory State” (November 7, 2014)

Speaker at the Washington Legal Foundation Media Briefing Series, U.S. Supreme Court: Reviewing The October 2013 Term (June 25, 2014)

Program Chairman, 10th Annual ABA Administrative Law Institute (April 3-4, 2014)

Speaker at U.S. Chamber of Commerce's Center for Capital Markets Competitiveness on "The Role of Cost-Benefit Analysis in Regulatory Rulemakings" (March 12, 2013).

Speaker/moderator at ABA Administrative Law Section program on "Proposals and Prospects for Regulatory Reform" (October 3, 2012)

Speaker at ABA's 8th annual Administrative Law Institute on "Current Proposals for Regulatory Reform" (May 10, 2012)

Speaker at House Energy and Commerce Committee's Roundtable on "Improving the Economy Through Better Federal Science" (March 22, 2012)

Speaker at ABA's Fall Administrative Law Conference on "Administrative Law: Time to REIN it in, CURB it, or Reform It?" (November 17, 2011)

Speaker/moderator at ABA's annual Rulemaking Institute on "Regulatory Reform-- Current Legislative Proposals and Obama Administration Initiatives" (May 3, 2011)

Speaker at U.S. Chamber of Commerce program on "Restoring Balance to the Regulatory Process" (March 22, 2011)

Speaker at Homeland Security Law Institute on "Transportation and Supply Chain Security" (March 2, 2011)

Speaker at Conference of Chief Justices Mid-Year Meeting on "When Is Federal Preemption Appropriate?" (January 25, 2011)

Speaker at American Enterprise Institute for Public Policy Research's program on "Who Is Accountable for Federal Regulations?" (December 2, 2010)

Speaker at ABA's Annual Meeting program on "Are Chevron, Vermont Yankee, and State Farm in Need of New Thinking" (August 6, 2010)

Speaker at ABA's annual Rulemaking Institute on "Formal and Hybrid Rulemaking: Time for a Revival" (June 1, 2010)

Speaker at U.S. Department of Transportation's "One DOT Legal Day" on "Former General Counsels' Lessons Learned" (May 11, 2010)

Speaker at NYU Law School Symposium on "Changes to the Regulatory State: President Obama's Approach to Regulation" (March 12, 2010)

Speaker at ABA Administrative Law Section's Fall Conference on "Scrutinizing Regulatory Reversals" (October 22, 2009)

Speaker/moderator at ABA Rulemaking Committee program on "Reflections on Rulemaking" (October 8 2009)

Speaker at Meeting of ABA Task Force on Federal Preemption of State Tort Laws (October 1, 2009)

Speaker at AAAE webinar on EPA's Proposed Airport De-Icing Rule (September 2, 2009)

Speaker at Heritage Foundation Program "Hurting or Helping Consumers? Destroying Federal Preemption One Industry At a Time" (August 5, 2009)

Speaker at Civil Justice Reform Group's General Counsels Program, on "Preemption of State Tort Law By Federal Agency Regulation of Interstate Commerce" (June 19, 2009)

Speaker at ABA Administrative Law Section's Regulatory Practice Institute, "New Directions in Agency Rulemaking" (June 10, 2009)

Speaker at Kirkland & Ellis Conference "Managing the Enforcement Response to the Financial Crisis," addressing "Pulling the tarp off the TARP: Navigating the Perils of the Bailout" (April 2, 2009)

Speaker at President's Council on Integrity and Efficiency on "Earmarks and Executive Order 13457" (March 12, 2008)

Speaker at Homeland Security Law Institute on "Regulatory Developments for 2008" (January 17, 2008)

Speaker at AEI-Brookings Joint Center for Regulatory Analysis Program on "The Role of Competition Analysis in Regulatory Decisions" (May 15, 2007)

Speaker at Washington International Business Council Meeting on "OMB Priorities Affecting International Trade and Business" (April 26, 2007)

Speaker at Heritage Foundation's Regulatory Working Group on "OMB's Regulatory Review Process" (April 19, 2007)

Speaker at Homeland Security Law Institute on "Regulatory Developments for 2007" (January 17, 2007)

Speaker at U.S. Conference of Mayors Annual Meeting on "Amtrak Reform" (May 11, 2005)

Speaker at National Conference of State Legislators Annual Spring Forum on “Amtrak Update” (April 15, 2005)

Speaker at Federal Highway Administration’s Annual Legal Workshop on “Who Owns Transportation Infrastructure” (March 2, 2005)

Speaker at DOT Aviation Enforcement Office’s Disability Rights Forum (November 9, 2004)

Speaker at ABA Administrative Law Section’s Transportation Subcommittee on “Statutory Mandates of Rulemakings” (September 30, 2004)

Speaker at National Air Carriers Association Board Meeting on “Aviation War Risk Insurance and other current issues” (August 8, 2004)

Speaker at Regional Airlines Association General Counsel Program, on “Current Legal and Regulatory Issues” (June 22, 2004)

Speaker at Price Waterhouse General Counsel Forum on “Taming the Class Action Tiger: Surviving Settlement Challenges” (December 16, 1999)

Speaker at Kirkland & Ellis Litigation Conference on “The Future of Class Action Litigation: Dealing with the Ripple Effects of the Supreme Court Decisions in Amchem and Ortiz” (September 16, 1999).

Speaker at ALI-ABA Securities Law Seminar on “New Dimensions In Securities Litigation” (March 22, 1990)

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.
  - “Hearing on Nominations for the Department of Commerce, Corporation for Public Broadcasting, and Department of Transportation,” testimony before the Senate Committee on Commerce, Science, and Transportation. November 4, 2003.
  - “Implementation of the Small Business Paperwork Relief Act of 2002,” testimony before a joint hearing of the House Government Reform Committee’s Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, and of the House Small Business Committee’s Subcommittee on Regulatory Reform and Oversight. January 28, 2004.
  - “Ratification of the 2001 Cape Town Convention on International Interests in Mobile Equipment,” testimony before the Senate Foreign Relations Committee. April 1, 2004.

- “Government Policies Regarding the Ability of an Airline to Deny Transport to an Individual Found Unsafe or Dangerous,” testimony before the Senate Appropriations Committee’s Subcommittee on Transportation, Treasury, and General Government. June 24, 2004.
- “Amtrak’s Budget,” testimony before the House Appropriations Committee’s Subcommittee on Transportation, Treasury, HUD, Judiciary and District of Columbia. April 27, 2005.
- “Amtrak’s Budget,” testimony before the Senate Appropriations Committee’s Subcommittee on Transportation, Treasury, and General Government. May 12, 2005.
- “The Impact of Regulation on U.S. Manufacturing,” testimony before the House Committee on Government Reform’s Subcommittee on Regulatory Affairs. June 28, 2005.
- “Amtrak Reform,” testimony before the Senate Commerce, Science, and Transportation Committee’s Subcommittee on Surface Transportation and Merchant Marine. April 21, 2005.
- “Amtrak Reform Proposals,” testimony before the House Transportation and Infrastructure Committee’s Subcommittee on Railroads. September 21, 2005.
- “Current Governance Issues at Amtrak,” testimony before the House Transportation and Infrastructure Committee’s Subcommittee on Railroads. November 15, 2005.
- “The Administrative Procedure Act at 65- Is Reform Needed to Create Jobs, Promote Economic Growth and Reduce Costs?,” testimony before the House Judiciary Committee’s Subcommittee on Courts, Commercial and Administrative Law. February 28, 2011.
- “The Regulatory Accountability Act of 2013”, testimony before the House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial and Antitrust Law. July 9, 2013.
- “Nomination of the Honorable Jeffrey A. Rosen to be a Governor, U.S. Postal Service”, U.S. Senate Committee on Homeland Security & Governmental Affairs, April 21, 2016.

I also appeared at the following hearings along with DOT Secretary Mineta:

- “CAFÉ Standards for Passenger Cars,” Senate Commerce, Science, and Transportation Committee. May 9, 2006.

- “Fiscal Year 2006 DOT Budget Request,” House Appropriation Committee’s Subcommittee on Transportation, Treasury, HUD, Judiciary, and District Columbia. March 18, 2005.
  - “Fiscal Year 2006 DOT Budget Request,” Senate Appropriations Committee’s Subcommittee on Transportation, Treasury, and General Government. March 15, 2005.
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?

I am interested in serving because I believe I can make a positive contribution. Several aspects of my background may prove helpful to this position, including my prior service at both the U.S. Department of Transportation and at the Office of Management and Budget. The full span of my career includes experiences useful to the leadership of organizations, such as management, economics and policy, legal requirements, regulation, and budgets, as well as other skills useful to the position. In addition to my previous public service, I have served in leadership roles in a large national law firm and for a nationwide bar association, for example.

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?

Being a good steward of the public’s resources is an essential responsibility of DOT leaders. My prior experience at OMB of course included a strong focus on fiscal and management oversight, and my prior service at DOT included a strong role in ensuring adherence to legal requirements and fiscal integrity measures there as well. At my law firm, I was for several years a member of the Finance Committee, in addition to other roles in management in the past.

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

In significant part, the Department’s major responsibilities involve safety and safety regulation, infrastructure programs and funding, and operation of the air traffic control system (and some other operational activities). As the Department enters its fiftieth year, there are policy and fiscal challenges related to all of these.

**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 have no such arrangements except the retirement benefits that are identified on my financial disclosure report. In particular, my law firm has a longstanding defined benefit pension plan, and, because of the length of my service (1982-2003 and 2009-2017), I am entitled to receive a pension.

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.

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

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.

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

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.

I have not been paid to lobby on behalf of any organization or individual. I have occasionally testified or provided advice without compensation in my personal capacity.

As a practicing lawyer in private practice--primarily as a litigator--I have advised clients about a wide variety of legal and policy issues.

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

## 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.

I have never been involved as a party to any civil litigation, administrative agency proceeding, or criminal proceeding. Kirkland & Ellis LLP has on occasion been a party in some civil litigation, but none of those concerned any activities involving me personally, and I am not personally familiar with the details of any of those.

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.

**D. RELATIONSHIP WITH COMMITTEE**

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

Yes, to the extent reasonable and feasible.

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, to the extent consistent with legal and customary requirements.

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?

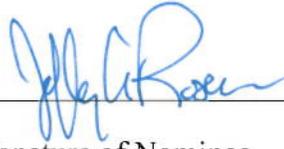
Yes.

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

**F. Affidavit**

Jeffrey Adam Rosen, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.



Signature of Nominee

Subscribed and sworn before me this 21<sup>st</sup> day of March 2017.

Notary Public



MAUREEN S. TAYLOR  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires August 31, 2017



Jeffrey A. Rosen, P.C.



**Partner**  
**Washington, D.C.**

Phone: [REDACTED]

Fax: [REDACTED]

#### Practice Areas

- Litigation
- Energy
- Regulatory
- Class Action, Mass Tort & Toxic Tort Litigation
- Antitrust & Competition

#### Admissions

- 1982, District of Columbia

#### Education

- Harvard Law School, J.D., 1982 *magna cum laude*
- Northwestern University, B.A., Economics, 1979 with Highest Distinction

Departmental Honors in Economics

President of Student Government

#### Professional Profile

During his nearly thirty years at Kirkland, Jeff Rosen has handled a wide variety of complex legal problems for major companies and organizations. In 2009, Jeff rejoined the Firm as a senior partner in the Washington, D.C. office, following more than five years of public service. In recent years, Jeff's practice has focused on both regulatory and litigation matters. During his previous 21 years at Kirkland from 1982 to 2003, Jeff's practice principally involved complex business litigation matters involving antitrust, securities, contracts, RICO, business torts, government enforcement actions and product liability, including class actions. He has handled litigation before federal and state courts in more than 20 states, including jury trials, bench evidentiary hearings, arbitrations and appellate arguments. He also served on Kirkland's Firmwide Management Committee and as Co-Head of the Washington, D.C. office.

From 2003 to 2006, Jeff served as the General Counsel of the U.S. Department of Transportation, after having been unanimously confirmed by the U.S. Senate. As that Department's Chief Legal Officer, he had final authority within the DOT to resolve all legal questions arising within or referred to the Department. As General Counsel, he oversaw the activities of more than 400 lawyers in the Transportation Department and its operating administrations. Jeff also had responsibility for DOT's regulatory program, enforcement and litigation activities, legal issues relating to international activities involving transportation, legislative proposals, and he acted as counsel to Secretary Norman Mineta. At DOT, Jeff testified on behalf of the Administration before various committees of Congress on ten occasions. He served on DOT's Credit Council, which was responsible for four federal loan programs. In addition, he served as the Government's representative on the Amtrak Board of Directors, which was responsible for overseeing the company's management, personnel, operations, and finances.

From 2006 to 2009, Jeff served as General Counsel and Senior Policy Advisor for the White House Office of Management and Budget, which made him the Administration's lead lawyer for regulatory and fiscal issues, as well as for executive orders. Jeff's legal responsibilities included giving analysis and advice to the OMB Director and the President with regard to federal laws related to a wide array of government agencies and programs, as well as administrative law, Constitutional law, ethics laws, federal credit and insurance laws, litigation against the United States, and federal budget and appropriations laws. He also handled responses to Congressional oversight and investigations.

#### Representative Matters

During his years of practice at Kirkland, Jeff has represented leading companies in a range of industries, including transportation, energy, technology and software, communications, chemicals, hotels, shopping malls,

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and financial services, among others. Some illustrative clients for whom he has handled significant matters during his years as a partner include Raytheon, Yamaha, PG&E Generating, AOL, General Motors, Hyundai, Qwest, Marriott, CF Industries, and the U.S. Chamber of Commerce.

### **Memberships & Affiliations**

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Chair of the ABA Section of Administrative Law and Regulatory Practice (2015-2016); previously Member of the Governing Council (2008-2012), and co-chair of the Section's Committee on Rulemaking (2009-2014)

Member of the Administrative Conference of the United States (2013-present)

Member of the U.S. Chamber of Commerce Government Operations, Oversight & Consumer Affairs Committee (2012-present)

Member of the Advisory Board of the National Federation of Independent Business Small Business Legal Center (2011-present)

Member of National Journal's Panel of Transportation Experts and contributor to the online experts blog (2009-2012)

Counsel to the RNC Platform Committee (2012)

Member of the Board of Visitors, Northwestern University's College of Arts & Sciences (1998-2003, 2009-present)

Adjunct Professor of Law, Georgetown University Law Center, Washington, D.C. (1996-2003)

### **Other Distinctions**

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Nominated by President Bush to be a Federal District Judge; Received highest rating from American Bar Association's Standing Committee on the Judiciary (2008)

Member of the American Law Institute (1996-present)

Recognized as a "Washington, D.C. Super Lawyer" (2012, 2013, 2014, 2015 and 2016) by *Super Lawyers* magazine for Business Litigation/Administrative Law/Transportation

Recognized in Washington, D.C. "*Top Lawyers*" (2012, 2013, 2014 and 2015) by ALM Media for Business Litigation

Recognized in *Corporate Responsibility Magazine's* "Legal Who's Who" (2014) for Environmental Litigation

Recognized in *The Legal 500 U.S.* (2012) for Trade Secrets Litigation

Listed in *Who's Who in American Law* and *Who's Who in America*; top-rated 'AV' Preeminent in Martindale-Hubbell for more than 15 years

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**Publications**

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"Putting Regulators on a Budget," 27 National Affairs 42 (Spring 2016)

"The Regulatory Budget Revisited," 66 Admin. L. Rev. 835 (Fall 2014).

"Fishing for a Reason to Regulate," The Hill online (April 10, 2013)

"President Needs to Get Serious About Spending Cuts," The Hill (December 20, 2012)

"2008 Obama Would Like Ryan Budget," Des Moines Register p.13A (August 30, 2012)

"The 2012 Budget Surplus That Disappeared," National Review Online (December 14, 2011)

"Rein on Federal Regulations Will Only Benefit Economy," Cincinnati Enquirer (November 9, 2011)

"Who Checks the Fact Checker?" National Review Online (September 16, 2011)

"Costly Federal Regulations Escape Congressional Approval," Atlanta Journal Constitution (September 1, 2010)

"Major Rules Deserve a Vote," Baltimore Sun Op-Ed, p.13 (August 10, 2010)

"Government Incentives For Businesses," 19 Business Law Today 51-55 (May/June 2010)

"A Chance for a Second Look: Judicial Review of Rulemaking Petition Denials," 35 Admin. & Regulatory Law News 7-9 (Fall 2009)

"Obama vs. the Regulators," The Washington Post Op-Ed (August 6, 2009)

"Watch for Hidden Taxes," Boston Globe Op-Ed (June 12, 2009)

"Obama Regulations are Taxing Consumers," Washington Business Journal (June 12, 2009)

"Court Acceptance of 'In-Kind' Settlements in Consumer Class Actions," 9 Class Actions & Derivative Suits 20 (Summer 1999)

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**Seminars**

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Some of Jeff's recent seminar appearances include:

Speaker on "Repairing Regulation" at University of Virginia Journal of Law & Politics program "Reining In the Administrative State" (October 21, 2016)

Program Co-Chair and Speaker at Joint ABA, SBCA, and GW Regulatory Studies program on "Benefit-Cost Analysis and the Courts" (October 11, 2016)

Speaker at ABA Section of Administrative Law teleforum on "New Life for the Congressional Review Act?" (May 26, 2016)

Speaker at Kirby Center for Constitutional Studies and Citizenship Program on "Leashing Leviathan: The Case for a Congressional Regulatory Budget" (May 25, 2016)

Speaker at Federalist Society's Annual Executive Branch Review Program's Plenary Panel on "Congressional Regulatory Reform Proposals" (May 17, 2016)

Speaker/moderator on "Current Debates on Regulatory Reform" at joint ABA and Hoover Institution program "The Second Hoover Commission's 60th Anniversary: Lessons for Regulatory Reform" (March 16, 2016)

Moderator for "The Role of OIRA in the Regulatory Process: A Discussion with OIRA Administrator Howard Shelanski" at ABA's 12th Annual Administrative Law Institute (March 15, 2016)

Speaker at U.S. Chamber of Commerce's Joint Fall Committee Meeting on "Regulation: Who Decides?" (December 9, 2015)

Speaker/moderator at ABA's Fall Administrative Law Conference on "The Regulatory Budget Revisited" (October 30, 2015)

Speaker at George Mason University program "Regulatory Boot Camp for Policy Advisors" on "Reform – The Path Forward" (April 1, 2015)

Speaker at the University of Pennsylvania Program on Regulation workshop on "Agenda-Setting and the Regulatory State" (November 7, 2014)

Speaker at the Washington Legal Foundation Media Briefing Series, U.S. Supreme Court: Reviewing The October 2013 Term (June 25, 2014)

Program Chairman, 10th Annual ABA Administrative Law Institute (April 3-4, 2014)

Speaker at hearing of House Judiciary Committee's Subcommittee on Regulatory Reform, Commercial and Antitrust Law on "The Regulatory Accountability Act of 2013" (July 9, 2013)

Speaker at U.S. Chamber of Commerce's Center for Capital Markets Competitiveness on "The Role of Cost-Benefit Analysis in Regulatory Rulemakings" (March 12, 2013)

Speaker/moderator at ABA Administrative Law Section program on "Proposals and Prospects for Regulatory Reform" (October 3, 2012)

Speaker at ABA's 8th annual Administrative Law Institute on "Current Proposals for Regulatory Reform" (May 10, 2012)

Speaker at House Energy and Commerce Committee's "Roundtable on Improving the Economy Through Better Federal Science" (March 22, 2012)

Speaker at ABA's Fall Administrative Law Conference on "Administrative Law: Time to REIN it in, CURB it, or Reform It?" (November 17, 2011)

Speaker/moderator at ABA's annual Rulemaking Institute on "Regulatory Reform - Current Legislative Proposals and Obama Administration Initiatives" (May 3, 2011)

Speaker at U.S. Chamber of Commerce program on "Restoring Balance to the Regulatory Process" (March 22, 2011)

Speaker at Homeland Security Law Institute on "Transportation and Supply Chain Security" (March 2, 2011)

Speaker at hearing of House Judiciary Committee Subcommittee on Courts, Commercial and Administrative Law on "The APA at 65" (February 28, 2011)

Speaker at Conference of Chief Justices Mid-Year Meeting on "When Is Federal Preemption Appropriate?" (January 25, 2011)

Speaker at American Enterprise Institute for Public Policy Research's program on "Who Is Accountable for Federal Regulations?" (December 2, 2010)

Speaker at ABA's Annual Meeting program on "Are Chevron, Vermont Yankee, and State Farm in Need of New Thinking" (August 6, 2010)

Speaker at ABA's annual Rulemaking Institute on "Formal and Hybrid Rulemaking: Time for a Revival" (June 1, 2010)

Speaker at U.S. Department of Transportation's "One DOT Legal Day" on "Former General Counsels' Lessons Learned" (May 11, 2010)

Speaker at NYU Law School Symposium on "Changes to the Regulatory State: President Obama's Approach to Regulation" (March 12, 2010)

Speaker at ABA's Fall Administrative Law Conference on "Scrutinizing Regulatory Policy Reversals" (October 22, 2009)

Speaker/moderator at ABA Rulemaking Committee program on "Reflections on Rulemaking" (October 8, 2009)

Speaker at meeting of ABA Task Force on Federal Preemption of State Tort Laws (October 1, 2009)

Speaker at AAAE webinar on EPA's Proposed Airport De-Icing Rule (September 2, 2009)

Speaker at Heritage Foundation Program on "Hurting or Helping Consumers? Destroying Federal Preemption One Industry at a Time" (August 5, 2009)

Speaker at ABA Administrative Law Section's Regulatory Practice Institute, "New Directions In Agency Rulemaking" (June 10, 2009)

Speaker at Kirkland & Ellis Conference "Managing the Enforcement Response to the Financial Crisis", addressing "Pulling the tarp off the TARP: Navigating the Perils of the Bailout" (April 2, 2009)

Speaker at President's Council on Integrity and Efficiency on "Earmarks and Executive Order 13457" (March 12, 2008)

Speaker at Homeland Security Law Institute on "Regulatory Developments for 2008" (January 17, 2008)

Speaker at AEI-Brookings Joint Center for Regulatory Analysis Program on "The Role of Competition Analysis in Regulatory Decisions" (May 15, 2007)

**Illustrative Media Quotes and Coverage**

Cheryl Bolen, "Rosen Revitalizing ABA Section With More Debate, Programs," Bloomberg BNA (July 6, 2016)

Cheryl Bolen, "Resolutions to Disapprove Rules on the Rise," Bloomberg BNA (May 27, 2016)

Hugh Kaplan, "Justices Halt DOJ's Broad Application Of Criminal Provision of Sarbanes-Oxley Act" Bloomberg BNA (February 25, 2015)

Sara Murray, "Romney Taps Bush Hands to Shape Economic Policies," The Wall Street Journal (February 24, 2012)

Kathryn Wolfe, "Mitt Romney taps Bushies for transportation advice," Politico (Oct. 10, 2012)

Cheryl Bolen, "Romney Proposals to Cut Back Regulations," BNA Daily Report (August 31, 2012)

Mark Drajem and Catherine Dodge, "Obama Wrote Fewer Rules Than Bush, But Cost More," Bloomberg News (Oct. 26, 2011)

Catherine Dunn, "Cutting Red Tape to Reduce Regulatory Costs of Government Rules," Corporate Counsel/Law.com (August 24, 2011)

David Ingram, "GOP Starts Race for Top Attorneys," The National Law Journal, p. 1 (July 25, 2011)

Susan Crabtree, "Airline Lawsuit Threatens Delays for FAA," The Hill, January 24, 2011

Tony Mauro, "Inadmissible," Legal Times, p. 16 (November 29, 2010)

Carrie Levine, "For Chamber, Legal, Lobbying Fights Multiply," The National Law Journal, p.6 (August 9, 2010)

Sue Reisinger, "Reunited We Stand," Corporate Counsel, p.17 (August 2010)

David Ingram, "Homecoming," The National Law Journal, p. 13 (June 7, 2010)

Ralph Lindeman, "Government Operations," Daily Report for Executives - BNA (May 3, 2010)

Melanie Trottman and Josh Mitchell, "New Transit-Funding Rules Make Streetcars More Desirable," The Wall Street Journal (January 15, 2010)

Jim McTague, "Congress Goes Head-Hunting," Barron's (July 20, 2009)

Robert Pear, "Bush Directive Increases Sway on Regulation," New York Times, p.1 (January 30, 2007)

Cindy Skrzycki, "Bush Order Limits Agencies' 'Guidance,'" Washington Post p.D1 (January 30, 2007)

Amir Efrati, "U.S. Policy on Attorney Fees Sparks Debate at State Level," Wall Street Journal p.A12 (May 17, 2007)

Cindy Skrzycki, "Agencies' Rules Quietly Enable Tort Reform," Washington Post, p.D1 (September 27, 2005)

Daniel Machalaba, "Senator Questions Firing of Amtrak President," Wall Street Journal (November 15, 2005).

Alexandra Marks, "Brake Trouble Fuels Larger Debate Over Amtrak," Christian Science Monitor (April 22, 2005)

"Big Suits—AOL v Microsoft," in The American Lawyer, p.42 (April 2002)

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### **Courts**

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In addition to the D.C. Bar (1982) and the U.S. Supreme Court (1986), Jeff is a member of the bars of six federal appeals courts and three district courts. He has appeared pro hac vice in numerous state and federal courts throughout the country.

**ATTACHMENT B**

<b><u>Name of Recipient</u></b>	<b><u>Amount</u></b>	<b><u>Year of Contribution</u></b>
Rob Portman (Senate)	\$1000	5/4/2009
Rob Portman (Senate)	\$1200	11/9/2009
Kelly Ayotte (Senate)	\$500	3/22/2010
Robert Dold (House)	\$500	6/1/2010
National Republican Congressional Committee	\$1000	7/7/2010
National Republican Senatorial Committee	\$1000	5/20/2011
Romney for President	\$2455	6/7/2011
Rob Portman (Senate)	\$1000	6/30/2011
Ted Cruz (Senate)	\$1000	9/12/2011
Republican Jewish Coalition	\$500	10/20/2011
Boehner for Speaker	\$1500	2/16/2012
Rob Portman (Senate)	\$2000	7/19/2012
Nan Hayworth (House)	\$500	7/16/2012
Romney-Ryan	\$2500	9/8/2012
Republican National Committee	\$750	10/31/2012
Rob Portman (Senate)	\$1000	8/2/2013

Ryan-NRCC Victory Committee	\$1000	8/30/2013
NRSC/NRCC Victory Committee	\$500	11/21/2013
Liz Cheney (Senate)	\$500	12/3/2013
Tom Cotton (Senate)	\$1000	6/30/2014
Rob Portman (Senate)	\$1200	8/2/2014
James Lankford (Senate)	\$1000	9/23/2014
Barbara Comstock (House)	\$750	10/14/2014
John Boozman (Senate)	\$500	11/11/2014
Right to Rise PAC	\$1000	2/5/2015
Ed Gillespie (Senate)	\$500	3/26/2015
Ron Johnson (Senate)	\$500	5/19/2015
Boehner for Speaker	\$2700	8/1/2015
Rubio for President	\$500	1/12/2016
Mike Gallagher (House)	\$1000	2/6/2016
Mike Gallagher (House)	\$500	3/31/2016
Liz Cheney (House)	\$1000	3/23/2016
Jason Chaffetz (House)	\$500	3/16/2016

James Lankford (Senate)	\$500	5/14/2016
Elise Stefanik (House)	\$500	9/15/2016

In the summer of 2012, I served as counsel to the Platform Committee for the RNC Convention.