

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):

Derek Tai-Ching Kan

2. Position to which nominated:

Director, Amtrak Board of Directors

3. Date of Nomination:

July 30, 2015

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

Residence:

[Redacted]

Office:

[Redacted]

5. Date and Place of Birth:

August 15, 1978
Los Angeles, CA

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).

Spouse: Connie Kan
Deputy Attorney General
California Department of Justice

Children:

7. List all college and graduate degrees. Provide year and school attended.
- Stanford Graduate School of Business, MBA (2012)
 - London School of Economics, M.Sc. Economic History (2004)
 - London School of Economics, Diploma in Economics (2001)
 - University of Southern California, B.S. Business Administration (1999)
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.

Managerial/Related Positions Are Bolded Below:

- **General Manager**
Lyft Inc (Current)
- **Director of Strategy**
GenapSys Inc (2014 – 2015)
- **Management Consultant**
Bain & Company (2012 – 2014)
- Advisor
Elliott Management (2010)
- **Presidential Management Fellow**
White House Office of Management and Budget (2004 – 2006)
Program Examiner

- **Policy Advisor**
U.S. Senate Office of the Republican Leader (2008 – 2010)
- **Chief Economist**
U.S. Senate Republican Policy Committee (2006 – 2007)

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.

Board Member, Environmental Defense Action Fund (2013 -2014)

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.

- Member, Pacific Council on International Policy (2010 – Current)
- Member, Stanford Graduate School of Business Alumni Association (2012 – Current)
- Member, London School of Economics Alumni Association (2001 – Current)
- Member, University of Southern California Alumni Association (1999 – Current)
- Board Member, Environmental Defense Action Fund (2013 - 2014)

- Board Member, Great Commission Community Church (2007 – 2010)

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.

- Arjay Miller Scholar, Stanford Graduate School of Business (June 2012)
- Harvey Fellowship, Stanford Graduate School of Business (September 2011)
- Arbuckle Leadership Fellow, Stanford Graduate School of Business (September 2011)
- Fellow, Presidential Management Fellowship Program (September 2004)

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.

- "TARP without Strings," American Enterprise Institute (September 29, 2010)

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.

None.

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?

In its latest strategic plan, Amtrak defines its mission as, "Delivering intercity transportation with superior safety, customer service and financial excellence." Spanning the public and private sector, my experiences provide me with a unique skill set to help fulfill this mission. As a Program Examiner at OMB, I worked to ensure taxpayer resources were used effectively while also holding agencies accountable through the President's Management Agenda. At OMB, we worked closely with agencies to develop strategic plans and construct budgets that supported those plans. As a Senate staffer, I continued this work by supporting Senators as they not only allocated scarce resources among agencies through the appropriations process, but also ensuring an effective oversight process. In more recent years, I spent much of my time at Bain driving financial and operational excellence among clients.

It would be an honor to serve on the Amtrak Board because commuter rail is an important aspect of our transportation infrastructure. I hope to identify ways in which Amtrak can more effectively use their resources while ensuring safe and reliable service.

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?

The responsibilities of the Amtrak Board are to set and oversee the strategic direction of the corporation while enabling the CEO to manage day-to-day operations. My responsibilities would include (but are not limited to) approving the annual corporate budget, annual legislative request, capital commitment approval requests, reprogramming of funds

in excess of \$1 million, and large contracts. Notably, one other significant responsibility is personnel actions for Executive employees. Many of the tools available to the Amtrak Board are informal such as providing advice and/or asking difficult questions to the CEO. I have experience in managing a large organization both at OMB and also at Bain.

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

- Maintaining a high level of safety and security: Every day, Amtrak moves almost 90,000 people often at a speed of over 100 mph. Ensuring a high level of safety and security is one of the most important priorities of Amtrak. As Amtrak equipment and rail infrastructure ages, the organization will be challenged to maintain a high level of safety and security.
- Effectively using taxpayer resources: While cost controls, operational improvements, and debt reduction have been positive developments in recent years, Amtrak continually faces persistent deficits. One of the greatest challenges for Amtrak is improving their bottom line and effectively using taxpayer resources particularly as it relates to its capital infrastructure program.
- Recruiting and deploying a talented and capable labor force: Amtrak employs almost 20,000 highly-skilled individuals. One of the major challenges facing Amtrak is retaining top talent and enabling senior managers to effectively deploy their workforce.

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.

No financial arrangements, except current full-time employment.
Regarding retirement accounts, defined contribution plan through the Thrift Savings Plan (TSP) and a Vanguard 401(k).

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 AMTRAK Board of Directors' designated agency ethics official to identify any 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 the Board'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 AMTRAK Board of Directors' designated agency ethics official to identify any 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 the Board'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.

As a Congressional staffer, I directly influenced the legislative process advising Senators, drafting amendments, and negotiating legislation.

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 AMTRAK Board of Directors' designated agency ethics official to identify any 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 the Board'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.

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.

No.

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.

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

F. Affidavit

Derek Kan 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.

Derek Kan
Signature of Nominee

Subscribed and sworn before me this 3 day of Sept, 2015.

See Attached Jurat
Notary Public

California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

S.S.

Subscribed and sworn to (or affirmed) before me on this 03 day of SEPTEMBER

2015, by DEREK KAN _____ and _____
Name of Signer(s)

_____ proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

Susan K. Malhotra

Signature of Notary Public



Seal

For other required information (Notary Name, Commission No., etc.)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

WHITE HOUSE NOMINATION
PAPERWORK

containing 17 pages, and dated 09/03/2015

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
 form(s) of identification credible witness(es)

Notarial event is detailed in notary journal on:

Page # 38 Entry # 1

Notary contact: Susan K. Malhotra

Other

Affiant(s) Thumbprint(s) Describe: _____