

TESTIMONY OF STEVEN GILL BRADBURY

**Nominee to be General Counsel of the
Department of Transportation**

**Before the
Committee on Commerce, Science, and Transportation
United States Senate**

Wednesday, June 28, 2017

Thank you, Chairman Thune, Ranking Member Nelson, and distinguished Members of the Committee. I am humbled and honored to come before you today as the nominee to serve as General Counsel of the Department of Transportation.

I am deeply grateful to the President and Secretary Chao for the trust and confidence they have placed in me.

I want to thank my family for their love and support. I am especially thankful to my wife Hilde Kahn—among other things, for putting up with me for 29 years. Hilde is here today, along with our daughter Susanna, who is 18 and just graduated from Thomas Jefferson High School for Science and Technology in Fairfax County, Virginia, and my wife's parents, Barbara and Walter Kahn of Bethesda, Maryland. Our two sons, James and Will, are busy working in Silicon Valley and could not be with us.

Someone else who could not be here today, but who would be the proudest person in this hearing room if she were still alive, is my mother Cora Gill Bradbury. She raised me in Portland, Oregon, as a single mom after my father died before my first birthday. She took in ironing for 75 cents an hour and worked

nights in a bakery to support me and my grandmother and to supplement our Social Security income. She encouraged me in every endeavor and always pointed me toward college and a better future.

Because of her, I was the first in our family to attend a four-year university, graduating from Stanford University and later from the University of Michigan Law School.

After serving judicial clerkships with Judge James L. Buckley on the U.S. Court of Appeals for the D.C. Circuit and for Justice Clarence Thomas on the Supreme Court of the United States, my legal career has focused on administrative litigation and antitrust law, agency rulemakings and enforcement actions, appellate cases, and constitutional issues. I have handled a number of substantial regulatory matters in private practice, including before the Department of Transportation.

I have also had the great fortune to serve previously in the Executive Branch of our government. From 2005 to 2009, I headed the Office of Legal Counsel (“OLC”) at the U.S. Department of Justice, where I was called upon to advise the President, the Attorney General, and the executive departments and agencies on a broad range of the most complex legal questions arising under the Constitution and the statutes and treaties of the United States.

As you may know, OLC is the office in the Executive Branch where the buck often stops on contentious legal issues. OLC does not make policy decisions or authorize any policies for the Executive Branch; rather OLC’s essential function is to provide unvarnished legal advice, not distorted by policy objectives or political considerations, to help ensure that the programs approved by senior policy makers are consistent with the rule of law.

In performing that duty, every opinion I gave for OLC represented my best judgment of what the law required. I certainly recognize and respect that some of the questions we addressed raised difficult issues about which reasonable people could disagree. Indeed, my opinions recognized as much at the time.

My previous experiences both in government and in private practice have given me a working base of knowledge in administrative law and a healthy appreciation for the limits of government authority. More broadly, they have instilled in me an abiding reverence for the rule of law and a dedication to the preservation of our Nation's constitutional structures and traditions on which our freedom depends—not least of which is the proper relationship between the federal government and the States.

I pledge to this Committee that, if confirmed, I will bring those same values to work with me every day at the Department of Transportation.

DOT's mission is exceptionally important. The liberty and prosperity of the American people depend in no small part on the safe, efficient operation of the Nation's transportation systems and infrastructure.

If privileged to be confirmed by the Senate, I will work alongside the many dedicated career lawyers of DOT to ensure, to the best of our abilities, that the Department's decisions are well-founded and consistent with the statutory authorities provided by Congress.

We will devote ourselves to giving the Secretary and the administrators of the Department the legal support they need to maximize public safety in accordance with the law, to strengthen our Nation's infrastructure through efficient implementation of authorized funding programs, and to preserve, as Congress

intended, competitive markets for private investment and innovation in transportation technology.

Thank you, Mr. Chairman. That concludes my statement, and I would be happy to answer the Committee's questions.

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