

April 2, 2019

The Honorable Lindsey Graham
Chairman, Judiciary Committee
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510-6050

The Honorable Dianne Feinstein
Ranking Member, Judiciary Committee
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050

Dear Chairman Graham and Ranking Member Feinstein:

We are former general counsel of executive branch departments and agencies in the administration of President George W. Bush. We write in strong support of the nomination of our friend and colleague Jeffrey Rosen to serve as Deputy Attorney General of the United States.

It goes without saying that the Committee should focus its attention on Jeff's successes in his current position as Deputy Secretary of the Department of Transportation, and his distinguished career in the private sector as a litigator and leader at the premier law firm of Kirkland & Ellis. But we, as former general counsel, would like to discuss the sometimes under-the-radar duties of chief legal officers of executive branch departments, Jeff's exemplary execution of those duties, and their direct applicability to the role of Deputy Attorney General.

As you know, Jeff served as general counsel twice in the Bush administration: first, at the Department of Transportation from 2003 to 2006, and second, at the Office of Management and Budget from 2006 to the end of the administration. We came to know and admire Jeff during his service in these important positions.

While serving as DOT's general counsel, Jeff was responsible for all legal matters at a department of 60,000 employees and a \$60 billion budget. He managed DOT's Office of the General Counsel, with over 425 lawyers in headquarters and each operating component, including the Federal Aviation Administration, the Federal Highway Administration, the Maritime Administration, and the National Highway Traffic Safety Administration.

The role of general counsel is multi-faceted: it includes acting as counselor to the Secretary on the pressing matters that the department faces every day, managing the lawyers and legal functions of the department, and most importantly making sure that the laws passed by Congress are implemented lawfully, quickly, and efficiently. Moreover, the general counsel represents the department on myriad issues with other agencies and the White House on a regular basis. In his role at DOT, Jeff extensively interacted with the Department of Justice, including with the Offices of the Solicitor General and the Associate Attorney General, the Civil Division, the Energy and Natural Resources Division, the Antitrust Division, and the Civil Rights Division.

The DOT general counsel also serves as its regulatory policy officer. In that role, Jeff ran the machinery of DOT's regulatory program, interacting with the Office of Management and Budget and making the department's regulatory structure more efficient and fair. It is Jeff's expertise in this area—administrative law and regulatory policy—that so well suited him for his next general counsel position in the Bush administration, at the Office of Management and Budget.

OMB's general counsel is responsible for providing timely and correct legal advice and counsel to the Director and the OMB components and staff, but also reviews and clears all legal and constitutional comments by DOJ and other agencies on proposed legislation before such comments are conveyed to Congress; evaluates legal issues in proposed regulations from every executive branch agency; and convenes and leads meetings of all agency general counsel to coordinate legal issues across agencies. While serving as OMB's general counsel, Jeff worked closely with various DOJ components, including the offices of the Attorney General, the Deputy Attorney General, and the Associate Attorney General, as well as the Office of Legal Counsel, the Office of Legal Policy, and the Civil Division.

Jeff executed these important duties, at both DOT and OMB, in an exemplary, thoughtful, and even-handed manner. He gained the uniform admiration of his fellow general counsel. His deep experience managing large organizations and budgets, achieving consensus on government-wide legal issues, interacting with the Department of Justice on key initiatives, and managing the regulatory processes of not only a single federal department but the entire executive branch, will suit him well if he is confirmed to be Deputy Attorney General of the United States.

We recommend him unreservedly.

Respectfully,

David D. Aufhauser
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United States Department of Treasury (2001-2013)

John B. Bellinger III
Legal Adviser
United States Department of State (2005-2009)
Senior Associate Counsel to the President and Legal Advisor, National Security Council (2001-2005)

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United States Small Business Administration (2007-2008)
Senior Advisor and Counselor to the Secretary
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