

**NOMINATIONS OF STEPHEN J. SWIFT,  
JOEL GERBER, TROY HAMILTON CRIBB,  
THOMAS R. SAVING, JOHN L. PALMER,  
MARK A. WEINBERGER, AND GERALD M. SHEA**

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**HEARING**

BEFORE THE

**COMMITTEE ON FINANCE**

**UNITED STATES SENATE**

**ONE HUNDRED SIXTH CONGRESS**

**SECOND SESSION**

**ON THE**

**NOMINATIONS OF**

**STEPHEN J. SWIFT AND JOEL GERBER, TO BE JUDGES OF THE U.S. TAX COURT; TROY HAMILTON CRIBB, TO BE ASSISTANT SECRETARY OF COMMERCE; THOMAS R. SAVING AND JOHN L. PALMER, TO BE PUBLIC TRUSTEES OF THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS; MARK A. WEINBERGER AND GERALD M. SHEA, TO BE MEMBERS OF THE SOCIAL SECURITY ADVISORY BOARD**

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OCTOBER 11, 2000

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(11)

# CONTENTS

## OPENING STATEMENTS

	Page
Gramm, Hon. Phil, a U.S. Senator from Texas .....	1
Hollings, Hon. Ernest, a U.S. Senator from South Carolina .....	1
Moynihan, Hon. Daniel Patrick, a U.S. Senator from New York .....	3

## ADMINISTRATION NOMINEES

Swift, Stephen J., nominated to be Judge of the U.S. Tax Court .....	5
Gerber, Joel, nominated to be Judge of the U.S. Tax Court .....	5
Cribb, Troy Hamilton, nominated to be Assistant Secretary of Commerce, Department of Commerce .....	6
Saving, Dr. Thomas R., nominated to be a Public Trustee of the Social Security and Medicare Trust Funds .....	7
Palmer, Dr. John L., nominated to be a Public Trustee of the Social Security and Medicare Trust Funds .....	9
Weinberger, Mark A., nominated to be a Member of the Social Security Advisory Board .....	10
Shea, Gerald M., nominated to be a Member of the Social Security Advisory Board .....	12

## ALPHABETICAL LISTING AND APPENDIX MATERIAL

Cribb, Troy Hamilton:	
Testimony .....	6
Prepared statement .....	19
Biographical .....	21
Gerber, Joel:	
Testimony .....	5
Prepared statement .....	27
Biographical .....	28
Gramm, Hon. Phil:	
Opening Statement .....	1
Hollings, Hon. Ernest:	
Opening Statement .....	1
Moynihan, Hon. Daniel Patrick:	
Opening Statement .....	3
Palmer, Dr. John L.:	
Testimony .....	9
Prepared statement .....	38
Biographical .....	39
Saving, Dr. Thomas R.:	
Testimony .....	7
Prepared statement .....	47
Biographical .....	49
Shea, Gerald M.:	
Testimony .....	12
Prepared statement .....	57
Biographical .....	59
Swift, Stephen J.:	
Testimony .....	5
Prepared statement .....	64
Biographical .....	65

IV

	Page
<b>Weinberger, Mark A.:</b>	
<b>Testimony .....</b>	<b>10</b>
<b>Prepared statement .....</b>	<b>74</b>
<b>Biographical .....</b>	<b>76</b>

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MARK A. WEINBERGER AND GERALD M.  
SHEA, TO BE MEMBERS OF THE SOCIAL SE-  
CURITY ADVISORY BOARD**

**TUESDAY, OCTOBER 11, 2000**

**U.S. SENATE,  
COMMITTEE ON FINANCE,  
*Washington, DC.***

The hearing was convened, pursuant to notice, at 10:00 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Phil Gramm, presiding.

Present: Senators Grassley, Gramm, Craig, Moynihan, and Rockefeller.

**OPENING STATEMENT OF HON. PHIL GRAMM, A U.S. SENATOR  
FROM TEXAS**

Senator GRAMM. Let me call the committee to order.

Senator Hollings, if you wanted to just come up here and make your statement, we would be happy to recognize you first. I know you have got things you need to do.

It is a great privilege of the Finance Committee today to have our dear colleague from South Carolina, Senator Hollings, who wants to introduce one of our nominees.

So Fritz, with that, let me recognize you.

**STATEMENT OF ERNEST HOLLINGS, A U.S. SENATOR FROM  
SOUTH CAROLINA**

Senator HOLLINGS. You are very gracious, Mr. Chairman, and I appreciate being able to be here with you and Senator Moynihan.

There is no one I admire more than this young lady who has been nominated for the Assistant Secretary of the Import Administration at the Department of Commerce. She has been Acting Assistant Secretary since April.

Right to the point, she came about a dozen years ago as an intern in our office, thereafter graduated from Northwestern in the

top of her class. Northwestern, incidentally, is back on top of the Big 10.

She handled just everything in the office there, and went over on the professional staff with the Committee of Commerce, Space Science, and Transportation, handling international trade issues including GATT, NAFTA, antidumping/countervailing duty laws, intellectual property rights, international competition policy, the global labor and environmental standards, and other trade issues.

During the time that she was serving there in the professional staff capacity, she attended night school down at Georgetown Law and graduated cum laude. Senator, I graduated thank the Lordy. [Laughter.]

Following her graduation, she served as Deputy Assistant Secretary for Textiles, Apparel, and Consumer Goods in the Trade Development Office at Commerce. As the Deputy Assistant Secretary, she was responsible for overseeing programs and strategies to improve the domestic and international competitiveness of U.S. fiber, textile, and apparel industries, as well as industries which manufacture a wide range of consumer products.

She served as the chairman of the Committee on the Implementation of the Textile Agreements, known as CITA, that makes the policy decisions related to the implementation of the WTO agreement on textiles and clothing, the bilateral agreements with non-NATO countries. She administered the Textile Chapter of NAFTA and the CBI Special Access program.

She also took the lead in formulating trade policy, performing research and analysis, compiling industry data, and promoting the U.S. trade events for a whole spectrum of textile, apparel, and consumer goods.

In this role, Mr. Chairman, she became familiar with many of your committee members here and their staffs, working tirelessly to resolve a number of contentious issues in this difficult trade area.

She has been uniformly praised on both sides of the aisle for her even-handed and knowledgeable approach to these issues, and in my mind she is, in the years I have been up here, one of the most capable, talented, and dedicated individuals that I have ever known, and is more than qualified, in my opinion.

I would appreciate the committee's consideration, and particularly in being able to present it here with the committee this morning. I would be glad to try to respond to any questions.

Senator MOYNIHAN. Could I offer one comment?

Senator GRAMM. Yes, sir.

Senator MOYNIHAN. Mr. Chairman, is Ms. Cribb responsible for your unwavering support for the World Trade Organization? [Laughter.]

Senator HOLLINGS. No. She is rather objective on that. You would have to ask her. [Laughter.] I do not want to get her in trouble here. I want her confirmed.

Thank you very much.

Senator GRAMM. Thank you, Fritz.

We have before us today seven of the President's nominees: Stephen J. Swift, who has been renominated to be a Judge of the U.S. Tax Court; Joel Gerber, who has also been renominated to be a

Judge of the U.S. Tax Court; Troy H. Cribb, who has been nominated to be Assistant Secretary for Import Administration at the Department of Commerce; Thomas R. Saving, who has been nominated to be Public Trustee of the Social Security Administration and the Medicare Trust Funds; John L. Palmer, who has been nominated to be Public Trustee of Social Security and Medicare Trust Funds; Mark A. Weinberger, who has been nominated to be a Member of the Social Security Advisory Board; and Gerald M. Shea, who has been nominated to be a Member of the Social Security Advisory Board.

Let me say to each of you that we appreciate you being here.

Senator Moynihan, did you want to make an opening statement?

**OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN,  
A U.S. SENATOR FROM NEW YORK**

Senator MOYNIHAN. Just to welcome our distinguished nominees.

Your Honors, it is very pleasing to know that you are willing to serve another term on that distinguished court, and we appreciate it very much that you are doing. We look forward to hearing from all of you.

Senator GRAMM. Well, let me see, do any of my other colleagues want to make an opening statement before we begin with the statements?

Senator GRASSLEY. I have got a statement that I want to put into the record.

Senator GRAMM. Well, let me put that statement in the record.

[The prepared statement of Senator Grassley appears in the appendix.]

Senator GRAMM. Let me say, since I am confident now that this will be the last hearing that we will have in this Congress, at least prior to the election, I know when we had our previous hearing that many people had many good things to say about our dear colleague from New York.

Since I have the opportunity to serve as the Chairman today, I want to add my voice to people who give a public rejoicing that Pat Moynihan came to the Senate. I judge members ultimately not by whether they agree with me, or by what their political philosophy is, or what part they are members of, but I judge them by their sincerity; do they believe the things they say? I would have to say, Pat, by that measure, that you measure right at the top.

I just want to say that it has been a great privilege that I have had serving with you, and you are going to be sorely missed, not only on this committee, especially with your championing of free trade, which is clearly always under assault in every society in history, but in so many other ways. I would just like to say, it has been a great privilege for me to serve with you.

Senator MOYNIHAN. It has been an honor for me to be in your company, sir. I have learned more economics at your feet than just anyone I can imagine.

Senator GRAMM. Senator Rockefeller, did you want to make a statement before we begin?

Senator ROCKEFELLER. No.

Senator GRAMM. Well, let me get our witnesses to rise, if you will, and raise your right hand.

[Whereupon, the witnesses were duly sworn.]

Senator GRAMM. Please be seated.

What we would like to do, is to have a short, concise opening statement from each of you. But let me give everybody an opportunity to introduce any family members, and why do we not start on my left over here.

Mr. SWIFT. I am honored to be here today. I have my wife, Lorraine, here with me. A wonderful wife, person, friend. I have my office staff here, Barbara Barbour, a very loyal and outstanding secretary and executive assistant.

Evelyn Sellers, who has worked with me for a few years, and also as equally outstanding. Her sister worked for me at the Department of Justice when I was just out of law school. I wanted to have Evelyn with me.

Kamron Keele, my second-year law student, from Tulane University Law School; Blaine Knight, from Gonzaga University Law School, my first-year law clerk. I appreciate them very much. I could not do it without them.

Also here, Chief Judge Tom Wells, of the U.S. Tax Court, and another colleague from the Tax Court, Judge John Colvin, whom many of you may know. He worked many years here on the Hill.

Charlie Kasasna is also here, but he stepped out for a moment. Also, Bob King, administrative assistant, chief of staff to Congressman Tom Lantos, a good friend. Appreciate him being here. Thank you.

Senator GRAMM. Thank you.

Mr. Gerber, do you have anyone you want to introduce?

Mr. GERBER. Yes, Mr. Chairman. Thank you.

I would like to introduce Trudy Gerber, who is right here. She is my wife and partner for over 37 years. Her love and her devotion has permitted me to enjoy this career I have had as a Federal judge.

Not only did she raise three fine sons, but she also has been professionally successful in her own right. For the last 20 years, she has been a career government employee and she is now Assistant Director of the Treasury in charge of computer technology. Thank you, Mr. Chairman.

Senator GRAMM. Thank you.

Ms. Cribb, did you have anyone you wanted to introduce?

Ms. CRIBB. Thank you, Mr. Chairman.

I have here with me today my brother, John Cribb, who is very supportive and one of my best friends in this world. I also have several of my good friends here. I'm very appreciative of them coming. Some of them have made this a rare occasion to put on a suit and tie, so it really is a great day. [Laughter.]

Senator GRAMM. Dr. Saving, did you have anyone here?

Dr. SAVING. I am afraid I do not have anyone here to support me.

Senator GRAMM. Dr. Palmer?

Dr. PALMER. Yes. I would like to just introduce two people, colleagues of mine from the Maxwell School at Syracuse University, the senior associate, Dean Robert McClure, and Jill Layenheart, who we just stole away from Washington to come up and join us and help us with communications.

Senator GRAMM. Mr. Weinberger?



Mr. WEINBERGER. I do not have anyone here, but I would like to take the occasion to thank my wife. I am doing all I can to make sure that the dependency ration for Social Security is in a better situation, and she is home with our four toddlers. [Laughter.]

Senator GRAMM. Well, listen, we need to encourage all people, especially working people, to have more children.

Mr. Shea?

Mr. SHEA. Thank you, Mr. Chairman. No, I do not have anyone here.

Senator GRAMM. Well, let us begin with our opening statements. I would appreciate it if you could be brief. Certainly I want to get everyone to try to stay within the 5 minutes.

Why do we not start with you, Mr. Swift?

**STATEMENT OF STEPHEN J. SWIFT, RENOMINATED TO BE  
JUDGE OF THE U.S. TAX COURT**

Mr. SWIFT. Thank you very much, Senator Gramm. It is a privilege to be here today. It is a great honor to have been a Judge of the U.S. Tax Court for the last 17 years.

I have submitted a written statement that is a little longer than 5 minutes, and I will leave that with the committee.

I am very grateful for President Clinton's renomination. I thank the members of the Senate Finance Committee and members of the U.S. Senate for their support and confirmation vote.

In particular, I would like to thank Senators Orren Hatch and Harry Reid and their staffs for their invaluable support and assistance. I see Evan Litter in here this morning; I appreciate working with him.

I would also like to thank other staff of the Senate, of the Senate Finance Committee, of the White House, of the Treasury Department, of the FBI, who have worked on this renomination and who have been a pleasure to work with.

Further, I would like to thank the leadership of the Tax Sections of both the American Bar Association and the California Bar Association and their support, as well as many other friends of the Tax Court who have offered and provided words and letters of encouragement and support. I thank my personal staff and my colleagues on the Tax Court.

Lastly, I would like to thank my wife Lorraine and our five children, Carter, Stephanie, Spencer, Meredith, and Hunter. As a family, we have greatly benefitted from living near our Nation's Capitol, and from my government service as a judge. It has been, and continues to be, an honor to serve this great Nation as a Federal trial judge.

Thank you.

[The prepared statement of Mr. Swift appears in the appendix.]

Senator GRAMM. Thank you.

Mr. Gerber?

**STATEMENT OF JOEL GERBER, RENOMINATED TO BE JUDGE  
OF THE U.S. TAX COURT**

Mr. GERBER. Mr. Chairman, members of the committee, I appreciate the many demands on your time and I will keep my remarks brief.

I am honored to have been nominated by the President for a second term on the U.S. Tax Court. My career as a tax lawyer spans 35 years, 19 of those years as a career civil servant with the Treasury Department and the Internal Revenue Service.

I have been a trial lawyer, I have been a manager of other lawyers. I was the Deputy Chief Counsel in charge of the National Litigation Program for the Internal Revenue Service, and also Acting Chief Counsel.

Since my appointment by President Reagan in 1984, I have strived to provide a fair and impartial environment for citizens and for the government to resolve their tax controversies. I have also attempted to timely issue my opinions. I am prepared to do the best, my best, to continue that pursuit and to apply our tax laws fairly and evenly.

I pledge to this committee that, if reappointed, I will continue to interpret the laws of this country in a fair and impartial manner and provide effective forums for the taxpayers and government to resolve their controversies.

Mr. Chairman, I would be pleased to answer any questions that you or other members of the committee may have. Thank you.

[The prepared statement of Mr. Gerber appears in the appendix.]

Senator GRAMM. Thank you.

Ms. Cribb?

**STATEMENT OF TROY HAMILTON CRIBB, NOMINATED TO BE ASSISTANT SECRETARY OF COMMERCE, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE**

Ms. CRIBB. Thank you, Mr. Chairman, Ranking Member Moy-nihan, and members of the committee. If I could submit my full written statement, I think I can shorten it up a bit in my oral presentation.

I want to thank you again for your courtesy of scheduling this hearing today. From my days in the Senate, I well remember how busy it is this time of year, so I appreciate your attention to these nominations.

I want to thank Senator Hollings for his kind and generous introduction. It was really a privilege for me to work with him and to witness on a daily basis the honesty and passion with which he approaches every day in the Senate, and the friendship of the Senator and his wife Petsy has been just a tremendous source of strength for me in both my professional and personal life.

As I mentioned, my brother is here today. I just want to add that I have the best parents and family that anyone could ever hope for, and I can assure you, I would not be here today without their love and support.

I am sorry my parents could not be here today. My dad is retired from the peach farming business, my mom is a piano teacher, and I think that they really instilled the values in me that have brought me before this committee today, a strong work ethic and a strong sense of justice. So it is a happy day for my family, and one that takes away a little of the sting of the pain of being Atlanta Braves fans.

Mr. Chairman, I know that you and other members of the committee are very familiar with the antidumping and countervailing

duty laws, the foreign trade zones. These are the programs that I would oversee in the position for which I have been nominated, so I will spare you reading through the descriptions of those.

Senator Hollings has mentioned that I've served as the Deputy Assistant Secretary at the Commerce Department, and I think that has prepared me well for this position.

When I am asked about that job and dealing with textiles issues, I often say that it was a job that tugged at my heart in a lot of different directions. I have never lost sight of the struggles that a lot of workers and communities go through when import-sensitive industries are hit by the sometimes harsh realities of our rapidly changing world.

But at the same time, I think we all recognize that a lot of countries around the world are trying to lift their people out of poverty by expanding their export sectors.

In overseeing a wide variety of export promotion programs, I can assure you that I saw on a daily basis just the tremendous opportunities that are open for our workers and our companies as we open new foreign markets to them.

I think a lot of times it is a very difficult challenge to try to reconcile all these different competing concerns, but it is precisely that challenge that has drawn me into public service in the international trade field.

I think in my years in Commerce, both as Deputy Assistant Secretary and as Acting Assistant Secretary, I have developed a very close working relationship with this committee on a bipartisan basis.

I want to thank all my friends on the staff here that I have known for a lot of years. They have always been a big help to me. I can assure you that I will continue to operate in that manner, should I be fortunate enough to be confirmed for this position.

I want to close by thanking former Secretary Daley, Secretary Minetta, and Deputy Secretary Mallet for supporting my nomination and for really their first-rate leadership in the department. I am very proud to be part of their team.

I also want to thank my two predecessors at Import Administration, Bob Larussa and Sue Esserman, for their guidance and encouragement.

Again, thank you so much. I will be happy to answer any questions you might have.

[The prepared statement of Ms. Cribb appears in the appendix.]

Senator GRAMM. Thank you.

Dr. Saving?

#### **STATEMENT OF THOMAS R. SAVING, NOMINATED TO BE A PUBLIC TRUSTEE OF THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS**

Dr. SAVING. Thank you, Mr. Chairman. It is an honor to be nominated by the President as one of the two public trustees for the Social Security and Medicare trust funds.

I am currently University Distinguished Professor of Economics at Texas A&M University, and director of the Texas A&M University Private Enterprise Research Center, an academic think tank

which has concentrated much of its research on issues involving Social Security and Medicare.

Prior to coming to Texas A&M University, I served on the faculty at the University of Washington in Seattle, and at Michigan State University in East Lansing, where I was promoted to full Professor in 1966.

I have been a professional economist for more than 40 years, specializing in the areas of macroeconomics and monetary theory, including study of the management of the Federal debt and monetary systems.

My work on the theory of welfare and its estimated effect on behavior appeared in the *American Economic Review* in 1964, and was one of the first pieces of research on this important subject.

My work on the debt issues of the monetary system that first appeared in my book *Money, Wealth and Economic Theory* provided the methodology for measuring the extent to which a monetary system was based on debt.

Over my career, I have written in the areas of manpower economics, industrial organization microeconomics, in addition to macroeconomic theory and monetary policy.

During the past 4 years, I have concentrated analysis of alternative solutions to funding elderly entitlements. This analysis has involved the forecasting of life cycle earnings, labor force participation, hours of work, capital stock growth, and the resultant changes in the marginal productivity of capital.

In order to predict future revenues into the Social Security and the Medicare trust funds and the tax rates, it will be necessary to fund these entitlements.

In addition, I have been engaged in research into the organization of health care markets and institutional changes affecting the efficiency of these markets. I am quite familiar with the myriad of issues involved in making long-term forecasts through my role in developing actuarial models similar to those used by the Social Security Administration in preparing the trustees' reports.

For example, forecasting life cycle taxable earnings for each birth year has required me to wrestle with issues such as the convergence of male and female earnings, among other things, and have given me the requisite tools to investigate the returns to various groups of Social Security participants.

During this period of concentration on eligibility entitlement programs, I have co-authored a book, *The Economics of Medicare Reform*, co-edited a book, *Medicare Reform: Issues and Answers*, and have co-authored several papers concerned with Social Security and Medicare.

In performing this research, I have thoroughly reviewed the methodology of the Social Security Administration and the Congressional Budget Office. My work is built upon their work, and using extensive data from the current population survey I have developed alternative forecasts of long-range taxable income.

While my work in Social Security and Medicare has led me to certain conclusions about changes that will be ensure the health of the Medicare and Social Security programs, my role as a public trustee is not to advocate any of my views, but to serve as a rep-

representative of the public and assure them that the annual report presents the true state of the programs and their future.

The challenges that the Social Security and Medicare programs face will require open and objective analysis to ensure the protection of the public stake in these programs, and reliable data is the cornerstone of any analysis of the future state of both programs.

I would view my role as helping to provide the public and Congress with the best information available on the soundness of Medicare and Social Security's financial position. I will pursue this role in the same objective and open-minded fashion that I have pursued my economic research, and I understand my role as a public trustee and am ready and willing to serve in that role, should I be confirmed by the Senate.

Thank you.

[The prepared statement of Dr. Saving appears in the appendix.]  
Senator GRAMM. Thank you very much.

Dr. Palmer?

**STATEMENT OF JOHN L. PALMER, NOMINATED TO BE A PUBLIC TRUSTEE OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND**

Dr. PALMER. Thank you, Senator. It is a distinct pleasure for me to appear before you this morning. I am honored to be nominated by the President to be one of the two public trustees of Social Security and Medicare, and I thank you for your consideration of me for this position.

Social Security and Medicare are our country's largest social programs, and clearly among our most successful and popular ones. Their continued vitality is essential to our National welfare. They provide basic economic support and health care financing for the elderly, survivors of covered workers, and the disabled. They embody a social compact across generations and promote our individual and collective well-being.

The public trustees play an important institutional role with respect to both of these programs. The trust funds are a key element in ensuring the fiscal soundness of the two programs over time, and the public's confidence in them.

These funds and the annual projections of their status are essential elements of accountability in the government's management of Social Security and Medicare. The public trustees have a crucial role in helping to ensure the fiscal integrity of the programs on behalf of the American people, and current and future beneficiaries.

Let me just briefly mention a few aspects of my background that are particularly pertinent to my nomination in this position.

I received a Ph.D. in Economics some 30 years ago. Over the next decade, I served in several positions in the Office of the Assistant Secretary for Planning and Evaluation of HEW and HHS, in which I had responsibilities pertaining to both Social Security and Medicare.

Between and subsequent to my two stints in government service, I was a Senior Fellow at the Brookings Institution and the Urban Institute, where I researched and wrote about various issues related to national economic, budgetary, and social welfare policies, including some of the initial studies calling attention to the chal-

lenges the aging of our population will pose for the financing of health care and retirement for the elderly over the course of this next century.

I was also a founding member of the National Academy of Social Insurance in the late 1980's, and was its president from 1997 to 1999. As you may know, this is a nonpartisan organization whose major purpose is to advance research and public understanding of important issues surrounding our Nation's system of social insurance, including Social Security and Medicare.

If confirmed, I would bring to my service as a public trustee the considerable relevant experience and expertise I developed in these and other capacities over the course of my professional career.

Let me close by noting that I am very appreciative of the particular importance of the responsibilities that would be entrusted to me as a public trustee at this critical juncture in the history of Social Security and Medicare.

I look forward to contributing as best I can to increase public confidence in the program's ability to continue to play a vital role in our collective social welfare. Needless to say, I also look forward to working with members of this committee in this regard, and would be pleased to respond to any questions you may have now or in the future.

Thank you.

[The prepared statement of Dr. Palmer appears in the appendix.]

Senator GRAMM. Thank you.

Mr. Weinberger?

**STATEMENT OF MARK A. WEINBERGER, NOMINATED TO BE A  
MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD**

Mr. WEINBERGER. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, I am honored to appear before you today as a nominee to become a member of the Social Security Advisory Board, and also knowing of your great time demands at this time of year, I am very appreciative of your being here.

First and foremost, I would like to thank three members of this distinguished committee for recommending me for nomination. I would like to thank the Majority Leader of the Senate, Senator Trent Lott, the Chairman of this distinguished committee, Chairman Bill Roth, and my good friend and also former boss, Senator Bob Kerrey.

I would also like to pay special thanks to former Senator John Danforth, whom I staffed for this committee on tax and budget issues when he was in office. The Senator taught me an awful lot about many things: how to approach issues, policy decisions, people, and life.

He also showed me the importance of bipartisanship, statesmanship, and leadership. For that, I am every grateful. Of course, I would particularly like to thank the President of the United States for nominating me for this position.

When the Congress created the Advisory Board in 1994, it recognized the value of having a permanent, independent institution of which the Congress, President, and the Commissioner of Social Security can turn to for bipartisan advice and assistance.

I have previously served as chief of staff and counsel to the President's 1994 Bipartisan Commission on Entitlement and Tax Reform. I have also served as a Commissioner on the Bipartisan National Commission on Retirement Policy.

I have worked informally with members' offices to discuss these issues and the need for collective action to secure the financial well-being of the Social Security system.

I approach these issues with no ideological bent or political motivation. I strongly support a bipartisan approach to tackling our Nation's toughest policy issues, including Social Security. If confirmed by the Senate, I will continue to work in the same spirit as a member of the Advisory Board.

This is an increasingly challenging time for Social Security. No crisis in the program exists today, but this fact is too often used, explicitly or implicitly, as an excuse for inaction. We all know that our projected resources in the so-called trust fund cannot keep pace with our promises to future Social Security beneficiaries.

This creates a troubling feeling for policymakers and experts who examined the problem in depth. It creates an even more troubling feeling for those beneficiaries who are realizing for the first time that their federally-provided retirement nest egg may have a large and growing crack in it.

Unfortunately, when it comes to universal and bedrock programs like Social Security, history would tell us that we fail to take the bold moves necessary to prevent crisis until the crisis is at hand. However, the fraying twines of the retirement safety net can more easily be repaired today than when they began to tear apart at the seams in the not-too-distant future. The longer we wait to agree on a solution to the program we all know exists, the more difficult the remedies become.

I have noticed with great interest the measurable increase in Congressional activity on Social Security reform in terms of the introduction of bipartisan legislation to shore up the system, increase discussion by government officials and policymakers on both sides of the political aisle, public hearings and general debate in town halls.

I am encouraged by the increased public awareness of the issue. I am optimistic that policymakers in both parties will do the right thing and address the issue, and I am confident that the American people will reward those leaders who are bold enough to be honest about the problem, and forthright to work out solutions.

If confirmed, I look forward to working with the Congress, the administration, and the Commissioner of Social Security in addressing the Social Security and SSI issues that are of such importance to the American people.

Lastly, because they are my beginning and my end, I would like to thank my wonderful wife Nancy and our four terrific children, Rachel, Noah, Sean, and Ben for cheerfully supporting all of my mounting commitments in life.

Thank you. I would be happy to answer any questions at the appropriate time.

[The prepared statement of Mr. Weinberger appears in the appendix.]

Senator GRAMM. Thank you very much.

Mr. Shea?

**STATEMENT OF GERALD M. SHEA, NOMINATED TO BE A  
MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD**

Mr. SHEA. Thank you, Mr. Chairman, and good morning. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you.

I must say, I feel doubly blessed if this is, indeed, the last hearing of Senator Moynihan, someone who is simply a giant in the field of Social Security. When this Congress ends and he retires, American workers will lose a great champion in the U.S. Senate, but I trust not from the issues that he has long spoken out on.

Mr. Chairman, in 1996 I was honored to be part of the initial Social Security Advisory Board under Senator Harlen Matthew, and I think the board has acquitted itself well in that it has taken a very balanced approach on the politics of Social Security, if I can put it that way.

It has maintained a measured independence from the independent agency, which I think is in all of our best interests, and it has chosen a very practical and down-to-earth set of issues to address.

I was proud to be part of the group that began that process and I would be pleased to be part of the new board, and would argue that such characteristics should continue.

My written submission highlights some of the issues that I believe deserve some attention of the board in the future. Information, first of all, for active workers as well as for retirees. This process has begun, thanks to the urging of the members and others, and at the very least the people who have put 13 percent of their income or so into this system deserve an accurate and regular accounting of how that money is being used and what it portends for the future.

Education on Social Security and on private savings, together. I think the government, in its various agencies and those of us in the private sector who are active in this area, could do a better job of working together to give people a complete and more accurate picture of their retirement income situation, not holding out Social Security as something that it was never designed to be and not underestimating the importance of private savings, but putting them together as they properly should be.

Lastly, agency operations. I applaud the independent agency and its leadership for the steps they have taken in the past few years, again, implementing some of the ideas of this committee and others in Congress, to update and design programs for the future.

I think the personnel issues at the agency deserve a fresh look. I think a question about the future workforce and its suitability for the challenges ahead would be a proper subject for the board's discussion.

As an assistant to John Sweeney at the AFL-CIO, I have the privilege and the opportunity to talk to workers all over this country. So I come to this hearing today and to the task before all of us with a deep appreciation for how important this system is to them.



They have varying opinions as to the system and whether or not it will exist in the future, but they have a deep understanding and appreciation for what it has meant to them, their families, and their neighbors and I want to work for them to try to make it as successful as possible in the future.

Thank you.

[The prepared statement of Mr. Shea appears in the appendix.]

Senator GRAMM. Thank you.

I have three sort of standard questions I need to pose to each of our witnesses, and let me do them and then we can proceed.

First, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. SWIFT. No, Senator.

Mr. GERBER. No.

Ms. CRIBB. No.

Dr. SAVING. No.

Dr. PALMER. No.

Mr. WEINBERGER. No.

Mr. SHEA. No.

Senator GRAMM. Second, do you know any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. SWIFT. No.

Mr. GERBER. No.

Ms. CRIBB. No.

Dr. SAVING. No.

Dr. PALMER. No.

Mr. WEINBERGER. No.

Mr. SHEA. No.

Senator GRAMM. Third, do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly-constituted committee of Congress, if you are confirmed?

Mr. SWIFT. Yes.

Mr. GERBER. Yes.

Ms. CRIBB. Yes.

Dr. SAVING. Yes.

Dr. PALMER. Yes.

Mr. WEINBERGER. Yes.

Mr. SHEA. Yes.

Senator GRAMM. Let me first be sure that I am right. Judge Swift and Judge Gerber, who originally appointed you to the Tax Court?

Mr. SWIFT. President Reagan, in 1983.

Mr. GERBER. President Reagan, in 1984.

Senator MOYNIHAN. Correction, Mr. Chairman. I believe the U.S. Senate appointed them. The President nominated them.

Senator GRAMM. Yes. The President nominated them, we confirmed them. All right.

But the point I would like to make, is I think it is a great testament to you that you were nominated by Ronald Reagan, confirmed by the Senate, and now you have been nominated by Bill Clinton.

I think it says something about the quality of your work. I cannot imagine, based on that reaffirmation of the quality of what you have done, that there would be any objection to your nomination.

Let me say, Ms. Cribb, that I am a strong believer that elections have consequences. The President ought to have the right to have the people, within very broadly defined limits, to carry out his policies. You would serve for the remainder of this administration, and I cannot imagine why anyone would object to your confirmation, even though we are in the waning hours.

I would like to say to Dr. Saving and Dr. Palmer, I think the position to which you have been nominated is very important. I do not remember us ever having two nominees who were better qualified to do the job than I think the two of you are.

Senator Moynihan and I have talked on many occasions about how it is an embarrassment, in a sense, that with all of our discussion about a crisis in Medicare, we currently do not have the public trustees in place.

I think, since you were nominated, one recommended by Democrats, one recommended by Republicans, it would be a tragedy if we ended this Congress without you being confirmed, and I am confident that you will be confirmed. I think the same thing can be said about you, Mr. Weinberger and Mr. Shea.

I want to thank each of you, especially the four of you being willing to serve without any pay, but in a position where I think it is vitally important to the country and to a critically important program.

I just have one substantive question, and I want to ask it to you, Ms. Cribb. We have a rider on an agricultural appropriation bill which will probably come to the floor this week, and it's a rider that basically says that in antidumping actions and in claims of unfair trade practice, that the company that files the complaint, in addition to getting relief if the case is found in their favor, would also get a transfer of funds from the Treasury equal to the amount of tariff that might be imposed on the exporter, in this case the person exporting to the U.S. market, who is found to be in violation of our trade laws. I do not know that we have had a formal declaration by the administration of its policy with regard to this amendment. I would like to ask you for your views on it.

Ms. CRIBB. Thank you, Senator. I think you are correct, in that we have not had a formal expression from the White House yet on this. But as you may recall, there was very vigorous discussion about the same type of amendment back when the Uruguay Round legislation was being discussed, and at that time obviously the idea was not adopted and put into the legislation.

I can assure you that at this time we are having a similar discussion within the administration, and certainly we have taken due note of it. There are many members, including yourself, who have concerns about it.

Senator GRAMM. Well, but what is your opinion of this amendment?

Ms. CRIBB. Well, I think that the White House is going to speak with one voice on this.

Senator GRAMM. And you do not want it to be yours.

Ms. CRIBB. And I think that it would be a little bit inappropriate for me to maybe jump out and comment on it prior to that.

Senator GRAMM. Let me just say, and I think that is fair, that I think this is a very dangerous amendment because I think it is going to encourage a tidal wave of complaints because we are talking about, potentially, billions of dollars of benefits that would go to the complainant.

I hope the administration will not only oppose this amendment, but be willing to veto the bill that it is part of. I can see us literally being flooded by protests. I can see half of the lawyers in Washington, DC deciding that if you win a case that says that someone is dumping or violating the trade laws, that you actually get the tariff that they will pay which can run into the hundreds of millions of dollars. I just see the whole system potentially breaking down under that weight.

This represents a subsidy to the industry involved by the government, since the payment comes from the government. I see a potential WTO violation coming from that, and I do not have any doubt about the sincerity of the people who put this amendment on.

Even though it is in the jurisdiction of this committee—the Appropriations Committee has no jurisdiction in this area, it would be like us passing an appropriations bill—I just want to go on record as saying that I think the administration needs to come out against this amendment very strongly.

We either need to stop it in this bill or we need to put a reversal of this amendment as a rider. We have the tax bill correcting our WTO problem; I think it could be done in that if it were signed last. But I do believe this is a big-time issue and it deserves the administration's attention.

Senator Moynihan?

Senator MOYNIHAN. Yes. I think this is a matter that we are going to have to be compliant with. I would just like to say what a splendid group of nominees we have here, Mr. Chairman, Senator Rockefeller. I mean, the two judges are willing to serve away, as you do. It is a position of great honor but small remuneration compared to the people who practice before you.

Ms. Cribb, you are coming along very nicely. We have two eminent economists to deal with matters that are so easily confused. The public has little understanding of them, the notion that there is something to be called a lock box into which you can put public funds like they were dollar bills. They are not, and you know that.

I would like to thank Mr. Weinberger and Mr. Shea. When we created this advisory board, when we did create the independent agency in 1994, there is a point I would just make, if you do not mind my going on a moment, sir.

Back in 1993, 1994, if you were looked for the Social Security Administration in the Congressional directory, you got to Department of Health and Human Services and it said, "Secretary Donna Shalala." Two hundred and fourteen names later, you got to "Administrator, Social Security Administration: Vacant." It had just disappeared in that bureaucracy, and it showed.

Particularly on the point Mr. Shea made, we had mindlessly declined or disinclined to tell working people, non-retired contribu-

tors, that we knew their names, knew their addresses, had their contributions.

You had a particular mode of bureaucratic isolation, is that the word? The people who ran Social Security knew you were going to get your Social Security benefits when you retired, so it did not matter to them that you did not think so, so we ended up where a majority of non-retired workers thought they would not get it. I would say, if you do not think you are going to get it, you will not mind much if it is taken away.

We have now reversed that with the personal earnings and benefit estimate statement. But, wow. That was a bureaucracy that needed attending, an agency that needed attending. They did not trouble them, but the majority of the people they were taking taxes from never thought they would see any return. It should have been almost the first thing they thought about when they got to work.

They have done brilliant administrative work. I mean, the management costs are elemental. But we still have a system that is not understood, easily misrepresented, and in danger. So, go and do good.

Thank you, sir.

Senator GRAMM. Thank you, Senator Moynihan.

Senator Rockefeller?

Senator ROCKEFELLER. Thank you, Mr. Chairman.

There are a couple of things I would like to say. I came this morning particularly because I wanted to express my support for Jerry Shea, who is a long-term friend and I think is excellent. But, like Senator Moynihan, I have also been extremely impressed by many family members that have been introduced, and also statements that each of the nominees have given.

I would like to simply say to our acting Chairman one particular thing. You pointed out that the two judges of the Tax Court had been appointed by a Republican President and renominated by a Democratic President, and then proceeded to tell Ms. Cribb that her stay would be short. Now, that may be a law, and you said you have agreed with the spoils system, but I assume you are not ruling her out to be appointed by a Republican President, should one win.

Senator GRAMM. Well, no matter who wins, she would have to be reconfirmed.

Senator ROCKEFELLER. Yes. But you sort of graded her for a rather short stay, was my impression. [Laughter.]

Senator GRAMM. Well, in looking at her career, she has had many different positions. This one is going to end on January 3, 2001. What happens from there obviously depends on whether she is appointed by another President. My guess is, looking at her resume, she probably will at some point. But, no, I am not prejudging the election.

Senator ROCKEFELLER. That is good.

Senator GRAMM. I am hopeful of the election.

Senator ROCKEFELLER. Not the election, it is the appointment, because I happen to agree with many of her views. In my State of West Virginia, we have suffered greatly from those who have not heeded the problems of antidumping. This particularly relates to steel, as Senator Moynihan knows, and we face a problem of poten-

tially the steel industry simply going out of business in our State. That happens.

That has been true across the country. We could very well be faced with a steel industry that ceases to exist because of import surges, dumping, circumvention, and all the rest of it. Not so much circumvention in this case, but the dumping aspect of it.

The other thing I would like to say, is it is commonly said, and we love to say it on this committee regardless of whether it is true or not, that we are a very bipartisan committee. We are not, actually. We are not, and we have not been for some time. We are a very rural committee. We used to be an oil and gas committee, we are now a rural committee. But we are sharply divided by ideology.

We are particularly sharply divided by ideology when it comes to health care, so I would say to those that are going to be on the Social Security trust fund, to a little lesser extent, and the Medicare and Social Security folks to a larger extent, that your objectivity and your forcefulness is going to be very much needed.

We have passed virtually no health care legislation out of this committee or in this Congress for a long time. Each of you started out your testimony by saying that you were very grateful to us for taking the time to be with you. We have actually nothing but time here, because we are doing absolutely nothing. We had one vote yesterday. If we are lucky, we will have one today. But that is sort of the way it goes around here right now. This is not a Congress which is doing anything.

When it comes to Medicare, when it comes to a number of things, that is not terribly important because sometimes it is good that the government does not do things. On the other hand, when it comes to Medicare and the rationalization of Medicare reform, Medicare prescription drugs, whatever it is might be, that it becomes a very dangerous thing for our people.

So we have been unable to agree on virtually anything. I served 1 year. We had something called a Medicare Commission about 2 years ago which lasted a year, which accomplished absolutely nothing. It was divided virtually on partisan lines, with two exceptions, and those two exceptions had made up their mind pretty much at the beginning of the Commission what they were going to do.

It was really one of the more depressing experiences I have had in public life, which I absolutely adore and cherish. But it pointed out to me that when it comes to things like Medicare, we are extraordinarily ideological, and we are in this committee, too.

The only reason I say that, is not to demean a committee which I sought to get on, and did, and a committee which I also cherished being on, but that there is a particular type of responsibility, I think, for commissions and for commissioners to be forceful.

Sometimes if you simply report data or if you say where we are at a certain particular point in time, that becomes harder. But if I know you, Jerry, you are not going to be silent on things. If I know the two economists—who I do not—they each sounded like they had strong views.

Dr. Savings said at one point that he could come to a series of conclusions through his academic work, but then would neglect to forward those conclusions, but would simply go according to what

he saw in the real public world, which is sometimes different from what one learns elsewhere.

So I would plead for you to be aggressive. We need your help, because we are not doing the job in health care and, as far as I can see right now, in Social Security for the American people. Particularly, the story of Medicare has been a very, very sad one over the last number of years, so I plead for your aggressiveness and assume that you will all have it. I think each and every one of the candidates before us, Mr. Chairman, is very outstanding.

I thank the Chairman.

Senator GRAMM. Thank you.

I enjoyed that year on the Medicare Commission, myself. I am sorry to hear that my dear colleague did not. I wish we could have reached a conclusion. I think when you are dealing with issues like Social Security and Medicare, that final decision you make is so important, that it is hard to form a consensus, especially when you have got dramatic changes that have got to be made.

But I think if you stay on this committee, and I stay on it, we are going to get an opportunity at some point where we are going to be forced to make hard decisions about Social Security and Medicare.

I do not think it is unusual in a democracy that, whenever politicians can avoid making a hard decision, they do. I think it is unfortunate that they do, when I think they ought to make a decision, when I think they should not, and I think it is probably a good thing that life is that way.

But, in any case, I want to thank our nominees who are before us today. I want to thank them personally for their willingness to serve. We have a great country, in part because we have good people that are willing to serve it. So, thank you all for being willing to accept this challenge. I hope we can confirm each and every one of you before we adjourn.

Senator MOYNIHAN. Mr. Chairman, just as a point of procedure so our nominees here will know, it is not likely that we will get a quorum on this committee again. Do I understand that it is your judgment, and Chairman Roth's, that we should move to discharge the committee?

Senator GRAMM. I think we can do that. I think that probably be the easiest way to do it. Or we could have a vote after.

Senator MOYNIHAN. We could try.

Senator GRAMM. Either way. But I do not think there is any nomination here that is in the least way controversial, so if you and the Chairman decide that discharging would be the easiest way to do it, I would be supportive of that. If we just simply want to meet after a vote on the floor and have a roll call vote off the floor, we can do that.

Senator MOYNIHAN. But, Mr. Chairman, in order to meet after a vote, there would have to be a vote.

Senator GRAMM. That is true. [Laughter.] Well, at some point I am sure there will be, probably more than we would wish.

Thank you all very much. We are adjourned.

[Whereupon, at 10:54 a.m., the hearing was concluded.]

## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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#### PREPARED STATEMENT OF TROY H. CRIBB

Mr. Chairman, Ranking Member Moynihan and Members of the Senate Finance Committee, I am greatly honored to be here today as President Clinton's nominee for the position of Assistant Secretary of Commerce for Import Administration. I fully understand how busy you are at this time of year and very much appreciate your attention to this nomination.

I want to thank Senator Hollings for his kind introduction. As one of his aides, I was fortunate to witness firsthand the honesty and passion with which he approaches every day in the Senate. In so many ways improving education, diversifying the economy; expanding health care, modernizing infrastructure, strengthening civil rights—he has played a monumental role in making South Carolina one of the best places to live. I cherish the days I spent as an aide to him, and the friendship of the Senator and his wife Peatsy has been a tremendous source of strength for me in both my professional and personal life.

I also want to recognize my brother, John Cribb, who is here today representing my family. I have the best parents and family anyone could ever hope for, and I can assure you that I wouldn't be here today without their love and support. My father, who is retired from the peach farming and packing business, and my mom, a piano teacher, instilled in me the values that I believe have brought me before this Committee today a strong work ethic and a deep sense of justice. This is a happy day for my family, and one that takes away a little of the sting of the pain of being Atlanta Braves fans.

Mr. Chairman, as you know, the Assistant Secretary for Import Administration oversees U.S. antidumping and countervailing duty laws. These laws are a cornerstone of U.S. trade policy whose importance will only increase as global trade expands. Sound administration of these laws, consistent with Congressional intent and our international obligations, is crucial to ensuring that American businesses and workers have the opportunity to compete effectively here at home and around the world. Furthermore, vigorous enforcement against unfair trade increases the confidence of Americans in a more open global marketplace.

The position for which I am nominated also oversees the Foreign Trade Zone (FTZ) program. Within FTZ's, special Customs procedures allow domestic manufacturing activities involving foreign items to take place as if outside the U.S. Customs territory, thus offsetting Customs advantages available to overseas producers who export in competition with products made here. FTZ's are an effective means of expanding and facilitating international trade.

I believe that my experience as a Deputy Assistant Secretary at the Department of Commerce has prepared me well for the role of Assistant Secretary for Import Administration. In overseeing the U.S. textile program, I constantly faced sensitive issues with broad domestic and international implications. Quite frankly, it was a job that tugged my heart in different directions. I have never lost sight of the struggles that many American workers and communities go through when import-sensitive industries face the sometimes harsh realities of our rapidly changing world. At the same time, I recognize that many countries around the world are trying to lift their people out of poverty by expanding their export sectors. Moreover, having overseen a wide variety of export promotion programs for U.S. textile, apparel, and consumer goods industries, I know well the opportunities we create for U.S. companies and workers when we open new foreign markets. Reconciling these sometimes competing concerns is admittedly a challenge, but it is precisely that challenge that has drawn me into public service in the international trade field.

As Acting Assistant Secretary for Import Administration, I have begun work on a number of priorities, including defending and advancing U.S. interests at the World Trade Organization, coordinating with Customs to reduce circumvention of our trade laws, improving import monitoring, and preparing to monitor China's new commitments upon its entry to the WTO. I have also spent a great deal of time following up on the commitments and recommendations outlined in the Department's recent Report to the President on Global Steel Trade.

As a former Senate staff member, it is second nature to me to work closely with the Congress in forming and implementing U.S. trade policies. In my years at the Department, I have developed a close partnership on a bipartisan basis with this Committee, and I can assure you that if I am fortunate enough to be confirmed for this position, I will continue and strengthen this partnership.

I want to close by thanking former Secretary Daley, Secretary Mineta, and Deputy Secretary Mallett for supporting my nomination and for providing first-rate leadership at the Department. I am proud to be a member of their team. I also want to thank my two immediate predecessors at Import Administration, Bob LaRussa and Sue Esserman, for their guidance and encouragement.

Again, I want to thank the Committee for providing me the opportunity to be here today. I will be happy to answer any questions that you might have.



**SENATE FINANCE COMMITTEE  
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

**A. BIOGRAPHICAL INFORMATION**

1. Name: (Include any former names used.)  
Troy Hamilton Cribb
2. Position to which nominated:  
Assistant Secretary for Import Administration, U.S. Department of Commerce
3. Date of nomination:  
July 27, 2000
4. Address: (List current residence, office, and mailing addresses.)  
Home:  
221 Constitution Ave. N.E. #3  
Washington, D.C. 20002  
  
Work:  
U.S. Department of Commerce  
14<sup>th</sup> and Constitution Avenue, NW  
Suite 3099B  
Washington, DC 20230
5. Date and place of birth:  
October 4, 1965; Spartanburg, SC
6. Marital status: (Include maiden name of wife or husband's name.)  
Single

7. Names and ages of children: N/A
8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)
- Northwestern University, 1984 to 1988, B.S., 1988  
Georgetown University Law Center, 1991 to 1995, J.D., 1995
9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)
- Press Intern  
Office of Senator Ernest F. Hollings  
U.S. Senate  
Washington, D.C.  
September 1988 to January 1989
- Legislative Assistant  
Office of Senator Ernest F. Hollings  
U.S. Senate  
Washington, D.C.  
January 1989 to April 1993
- Professional Staff, Minority Counsel  
U.S. Senate Committee on Commerce, Science and Transportation  
Washington, D.C. 20510  
April 1993 to December 1995
- Deputy Assistant Secretary for Textiles, Apparel, and  
Consumer Goods Industries  
U.S. Department of Commerce  
Washington, D.C. 20230  
December 1995 to April 2000
- Acting Assistant Secretary, Import Administration  
U.S. Department of Commerce  
Washington, D.C. April 2000 to Present
10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)
- N/A

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

None

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

South Carolina State Society, member 1989 to present, Treasurer, 1992 to 1994  
 American Bar Association, member 1995 to present  
 State Bar of Illinois, member 1995 to present  
 Bar of the District of Columbia, member 1998 to present  
 Customs Lawyers Association, member 1997 to present  
 Northwestern University Alumni Club of Washington, D.C., member, 1998 to present  
 Delta Gamma sorority, 1985 to 1988; Chapter Foundation Officer, 1987

13. **Political affiliations and activities:**

- a. List all public offices for which you have been a candidate.

None

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

1993 to present: Registered to vote as Democrat in District of Columbia  
 1984-1993: Registered to vote in South Carolina (no party affiliation required)

- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

1992, \$50, Friends of Barbara Boxer  
 1997, \$250, Citizens Committee for Ernest Hollings  
 1998, \$50, Friends of Barbara Boxer  
 1999, \$100, Re-Elect Joe Riley (Mayor's race, Charleston, S.C.)  
 1999, \$250, Hollings for Senate  
 2000, \$250, Hollings for Senate  
 2000, \$150, Andy Brack for Congress  
 2000, \$1,050, DNC Federal Victory Fund

14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

College scholarships: National Honor Society scholarship; grant from Northwestern University

15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

None

16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

None

17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)

My experience in handling international trade issues over the last eight years, both within the Congress and the Administration, has given me a deep understanding of the importance of U.S. trade laws and the Foreign Trade Zone program. The sound administration of these statutes is fundamental to building a consensus for free and fair trade. In my service as a Deputy Assistant Secretary at the Department of Commerce, I have had daily experience in handling sensitive issues with broad domestic and international implications. I have made decisions in a fair manner after careful consideration of input from all interested parties. My years at Commerce have also given me experience in navigating issues through the interagency process and negotiating with foreign governments – crucial skills for senior-level trade officials. Furthermore, as a former Senate staffer, I strongly believe in a close working relationship between the Administration and the Congress in addressing the opportunities and challenges of international trade.

#### **B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

N/A

2. Do you have any plans, commitments, or agreements to pursue outside

employment, with or without compensation, during your service with the government? If so, provide details.

No

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.

Yes

### C. POTENTIAL CONFLICTS OF INTEREST

1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I have no investments, obligations, liabilities, or other relationships which create conflicts of interest which should preclude me from being confirmed for this position. The value of assets listed in Question F1 may create a conflict of interest with respect to decisions within the Department directly affecting those companies. As described below, I will work with the Department's ethics officers to ensure that I recuse myself from decisions when necessary.

2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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

3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal government need not be listed.

None

4. Explain how you will resolve any potential conflict of Interest, including any that

may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

I will consult with the General Counsel of the Department of Commerce and, if appropriate, divest myself of conflicting interests, recuse myself, or obtain a conflict of interest waiver under 18 U.S.C. section 208(b) if the interest is not substantial.

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

See attachments.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

#### **D. LEGAL AND OTHER MATTERS**

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Yes. December, 1996, Frank Emmet Real Estate v. Troy Cribb; Complaint for

Possession of Real Estate; Superior Court of DC; Landlord-Tenant Branch. Plaintiff (Frank Emmet Real Estate) filed complaint for possession of real estate when tenant (Troy Cribb) was more than 7 days late paying 11/1996 rent. Plaintiff withdrew complaint 12/9/1996 after receiving tenant's payment of rent, late fee, and court filing costs. I otherwise have an excellent record of paying rent on time, and this may be confirmed with Frank Emmet Real Estate (still my landlord), 8609 2<sup>nd</sup> Avenue, Suite 502, Silver Spring, MD 20910, (301) 589-6000.

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, provide details.

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

#### **E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, 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

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes

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#### **PREPARED STATEMENT OF JOEL GERBER**

I am honored to have been nominated by the President for a second 15 year term as a judge of the United States Tax Court. My career as a tax lawyer spans 35 years and includes 19 years of career government service with the Treasury Department and the Internal Revenue Service. I have held positions as a trial lawyer, supervisor in charge of a district office, Deputy Chief Counsel in charge of a nation-wide litigation program, and as the Acting Chief Counsel for the Internal Revenue Service.

Since my appointment by President Reagan in 1984, I have strived to provide a fair and impartial environment for citizens and the government to resolve their tax controversies. I have also attempted to timely issue my opinions. I am prepared to do my best to continue that pursuit and to apply our tax laws fairly and evenly.

I pledge to this committee that, if reappointed, I will continue to interpret the laws of this country in a fair and impartial manner and provide an effective forum for taxpayers and government to resolve their controversies.

**SENATE FINANCE COMMITTEE  
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

**A. BIOGRAPHICAL INFORMATION**

1. Name: (Include any former names used.)

Joel Gerber

2. Position to which nominated:

Judge, United States Tax Court

3. Date of nomination:

Sept. 12, 2000

4. Address: (List current residence, office, and mailing addresses.)

Residence: 3639 N. 36th Road  
Arlington, VA 22207

Office: United States Tax Court  
400 Second St., N.W.  
Washington, D. C. 20217

5. Date and place of birth:

July 16, 1940  
Chicago, Illinois

6. Marital status: (Include maiden name of wife or husband's name.)

Married to Judith R. (Smilgoff) Gerber



## 7. Names and ages of children:-

Jay Lawrence Gerber, Age 35  
Jeffrey Mark Gerber, Age 33  
Jon Victor Gerber, Age 29

## 8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

Von Steuben High School  
Chicago, Illinois  
Diploma, January 1958

University of Illinois  
Chicago, Illinois / Champaign-Urbana, Illinois  
January 1958 - January 1961

Roosevelt University  
Chicago, Illinois  
January 1961 - January 1962  
B.S. in Business Administration - 1962

DePaul College of Law  
Chicago, Illinois  
January 1962 - January 1965  
Juris Doctor - 1965

Boston University  
Boston, Massachusetts  
September 1965 - January 1968  
LL.M. Taxation - 1968

## 9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

Various positions with Office of Chief Counsel, Internal Revenue Service from June 1965 through May 1984, as follows:

Trial Attorney - Boston, Massachusetts June 1965 - January 1971

Staff Assistant to the Regional Counsel - Atlanta Georgia January 1971 - March 1976

District Counsel - Nashville, Tennessee - March 1976 - June 1980

Deputy Chief Counsel - Washington, D.C., June 1980 - May 1983

Acting Chief Counsel - Washington, D.C., May 1983 - March 1984

Judge, United States Tax Court, 400 Second St., N.W.,  
Washington, D. C., June 18, 1984 - present

10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

Member, Advisory Committee to the Court of Claims 1982 - 1984

11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

Advisory Committee to the Graduate Tax Program, DePaul University College of Law 1991 - 1998

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

Member - State Bars of Illinois, Georgia, Tennessee

Member - American Bar Assn., Section of Taxation

Member - J. Edgar Murdock American Inn of Court

Various charitable, civic and museum "memberships", such as Smithsonian Associates, Washington Ballet, Central City Opera, none of which involve active participation in the affairs of the organization.

13. Political affiliations and activities:

a. List all public offices for which you have been a candidate.

None

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None

- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

None

14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

Presidential Meritorious Rank Award - 1983  
Treasury Department's Exceptional Service Award - 1984

15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

The IRS' Tax Shelter Program: How It Operates and Where It's Going, The Practical Accountant, October 1983

Since June 18, 1984, I have authored hundreds of opinions in my position as a Judge of the United States Tax Court. In addition, the following materials have been published:

16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

As a Judge of the United States Tax Court, I have participated on panels and made presentations at American Bar Assn. Section of Taxation meetings and other professional gatherings. Occasionally, as a trial judge visiting various cities I am invited to local bar luncheons or dinners and make informal remarks or respond to questions. My presentations are made from abbreviated notes. Accordingly, no copies of my speeches are available. The topics normally concern the operation of the Court and trial procedure. I am careful not to discuss any substantive topic that may be considered by the Court. In addition, I am not compensated for any of the presentations. At most I receive reimbursement of travel expenses and/or a meal. The following is a list of the occasions where I either participated on a panel or made a presentation:

- Jan. 1995    Lecturer  
University of Miami School of Law  
Graduate Program  
Coral Gables, FL
- May 1995    Panelist  
Georgetown University School of Law  
Continuing Legal Education Program  
San Francisco, CA
- July 1995    Speaker  
I.R.S. North Atlantic Region  
Continuing Legal Education Program  
Baltimore, MD
- Aug. 1995    Speaker  
I.R.S. Western Region  
Continuing Legal Education Program  
San Diego, CA
- Oct. 1995    Speaker  
Assn. of Tax Counsel of Los Angeles  
Los Angeles, CA
- Feb. 1996    Speaker  
San Diego County Bar Tax Section Luncheon  
San Diego, CA
- Apr. 1996    Speaker  
Hawaii State Bar  
Honolulu, HI
- May 1996    Speaker  
U.S. Tax Court meeting with the Taxation  
Section of Calif. State Bar Assn. and  
Taxation Section of the Los Angeles County Bar  
Assn.  
U.S. Tax Court, Washington, D.C.
- Oct. 1996    Speaker  
California Tax Bar Awards Luncheon  
San Francisco, CA

- Jan. 1997 Panelist  
American Bar Assn. Midyear Meeting  
Scottsdale, AZ
- Jan. 1997 Judge/Speaker  
1997 National Tax Moot Court Competition  
St. Petersburg, FL
- Mar. 1997 Speaker  
Arkansas Bar Assn. Tax Section dinner  
Little Rock, AR
- Mar. 1997 Panelist  
Federal Bar Assn. 1997 Tax Law Conference  
Washington, D.C.
- May 1997 Speaker  
Boise Tax Bar  
Boise, ID
- June 1997 Speaker  
Bar Assn. of Erie County, Committee on  
Taxation  
Buffalo, NY
- June 1997 Speaker  
General Tax Committee of the Cleveland  
Bar Assn.  
Cleveland, OH
- Sept. 1997 Panelist for an I.R.S. Appeals continuing  
education video.  
New Carrollton, MD
- Oct. 1997 Speaker  
Assn. of Tax Counsel of Los Angeles  
Los Angeles, CA
- Jan. 1998 Judge/Speaker  
1998 National Tax Moot Court Competition  
St. Petersburg, FL
- Mar. 1998 Instructor  
National Institute for Trial Advocacy's

**1998 Tax Court Litigation Program  
Denver, CO**

- June 1998 Speaker**  
**Insight Conferences' "Transfer Pricing  
Maximizing Profits While Minimizing  
Costs" Conference**  
**Chicago, IL**
- Dec. 1998 Speaker**  
**San Francisco Tax Litigation Club Luncheon**  
**San Francisco, CA**
- Mar. 1999 Speaker**  
**Assn. of Tax Counsel of Los Angeles**  
**Los Angeles, CA**
- Apr. 1999 Speaker**  
**DePaul University College of Law Tax Seminar for Alumni**  
**Chicago, IL**
- Oct. 1999 Speaker**  
**State Bar of Michigan, Taxation Section**  
**Detroit, MI**
- Dec. 1999 Speaker**  
**Atlanta Bar Assn. Tax Section reception**  
**Atlanta, GA**
- June 2000 Judge - Mock Trial with Commentary**  
**Philadelphia Society of Certified Public Accountant-**  
**Philadelphia, PA**

- 17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)**

**I have been involved in public service for 35 years. My involvement and professional discipline have been concentrated on the subject of Federal Tax Law. As a Judge of the United States Tax Court for 16 years, I have conducted numerous trials and authored hundreds of opinions. I enjoy my judicial responsibilities and would like to continue serving my country in that capacity. Prior to my service as a Tax Court Judge, I was involved in tax trial work before the United States Tax Court and other courts, tax administration, and the**

formulation of tax policy for over 19 years as an employee of the United States Treasury Department. During the 1970's I was a lecturer of tax law at Vanderbilt University, Nashville, Tennessee and I have also lectured at the Graduate Tax Program, University of Miami.

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

It is my intention to continue my in present position as a Tax Court judge.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

No.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.

Yes.

**C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I own relatively small amounts of common stock of less than 10 publicly held corporations, which potentially could be a party before the United States Tax Court.

2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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.

3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal government need not be listed.

None.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

In accord with my personal principles and the existing rules of judicial conduct, I would recuse myself from participation in any controversy involving an entity in which I have stock ownership. Most of my stock ownership is in broadly held mutual-type funds, so that the potential for conflict is inconsequential.

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.
6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

#### **D. LEGAL AND OTHER MATTERS**

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.



No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

I am a plaintiff in a personal injury lawsuit currently pending in the Arlington, Virginia civil courts. I brought suit against an individual whom I have alleged caused me personal injuries and other harm. My allegations are that the defendant is liable for damages because, while operating his automobile he hit my bicycle and caused me to fall and to be injured. This lawsuit is styled, Joel Gerber v. Fernando Rodriguez, Circuit Court for Arlington County, VA, Law No. 00-107

I am also occasionally named as a defendant, usually along with other judges and/or government officials as a defendant in connection with my official capacity. The following are the proceedings of which I am aware that have been brought during my 16 year judicial tenure:

Robert E. Birth & Lorraine J. Birth v. United States, et. al., Civil Action No. 4:CV-91-3098 (M.D. Pa. Decided 2/7/92) & No. 92-7184 (3d Cir. App. Decided 2/7/92) Action by taxpayers against numerous Federal defendants, alleging conspiracy to violate taxpayers' constitutional and common law rights through the collection of Federal income taxes. Decision was entered for the defendants by the District Court and affirmed by the Appellate Court.

Richard H. Strickland v. U.S. Tax Court, et. al., Civil Action No. 2:99CV7751 (C.D. Cal. Filed 7/28/99) Action by taxpayer against U.S. Tax Court and deciding judge, resulting from a Tax Court decision entered against Mr. Strickland. Pending.

Mark Sato & Francis Harigan, et. al. V. FEMA et al, Civil Action No. 91C314 (N.D. Ill. no date available) Action by taxpayer against U.S. Tax Court, resulting from a Tax Court decision against taxpayers.

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, provide details.

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I am unaware of any.

#### E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, 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

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes

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#### PREPARED STATEMENT OF JOHN L. PALMER

It is a distinct pleasure to appear here before you this morning. I am honored to be nominated by the President to be one of two public trustees of Social Security and Medicare, and I thank you for your consideration of me for this position.

Social Security and Medicare are our country's largest social programs and clearly among our most successful and popular ones. Their continued vitality is essential to our national welfare. They provide basic economic support and health care financing for the elderly, survivors of covered workers and the disabled. They embody a social compact across the generations and promote our individual and collective well-being.

The public trustees play an important institutional role in their fiduciary oversight of Social Security and Medicare. The trust funds are a key element in insuring the fiscal soundness of the two programs over time and the public's confidence therein. These funds, and the annual projections of their status in the short and long-term, are essential elements of accountability in the Government's management of Social Security and Medicare. The public trustees have a critical role in helping to assure the fiscal integrity of the programs on behalf of the American people and current and future beneficiaries.

Let me very briefly outline some aspects of my background that are particularly pertinent to my nomination as public trustee. I received a Ph.D in economics from Stanford University, with a specialty in public finance, some 30 years ago. Over the next decade, I served in several positions in the Office of the Assistant Secretary for Planning and Evaluation of HEW and HHS, in both Democratic and Republican Administrations, in which I had responsibilities pertaining to both Social Security and Medicare. Between and subsequent to my two stints in government service, I was a senior fellow of The Brookings Institution and The Urban Institute. There I researched and wrote about various issues related to national economic, budgetary and social welfare policies, including some of the initial studies calling attention to the challenges the aging of our population will pose for the financing of health care and retirement for the elderly as this century progresses. I was also a founding member of the National Academy of Social Insurance in the late 1980s, have served on its Board of Directors since 1997, and was its president from 1997-1999. This is a non-partisan organization of several hundred scholars and practitioners elected into membership by virtue of their distinguished contributions to the field of social insurance, whose major purpose is to advance research and public understanding of important issues surrounding our nation's system of social insurance, including Social Security and Medicare.

If confirmed, I would bring to my service as public trustee the considerable relevant experience and expertise I have developed in these and other capacities over the course of my professional career.

In closing, let me note that I am very appreciative of the particular importance of the responsibilities that would be entrusted to me as a public trustee at this critical juncture in the history of Social Security and Medicare. I look forward to contributing as best I can to increased public confidence in the programs' ability to continue to play a vital role in our collective social welfare. Needless to say, I also look forward to working with members of this committee in this regard and would be pleased to respond to any questions you may have now or in the future.

Thank you for your attention.

#### A. BIOGRAPHICAL INFORMATION

1. Name: (include former names used.)

John Logan Palmer

2. Position to which nominated:

Public Trustee for Social Security and Medicare

3. Date of Nomination:

September 26, 2000

4. Address: (List current residence, office, and mailing addresses)

Home: 6980 Woodchuck Hill Rd, Fayetteville, NY 13066

Office: 200 Eggers Hall, Syracuse, NY 13244

5. Date and Place of Birth:

April 10, 1943 in Darby, PA

6. Marital Status: (Include maiden name of wife or husband's name)

Married to Stephanie Graham Gould

7. Names and Ages of children:

Joanna Mason Palmer (11) and Georgina Palmer (20)

8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

Nether Providence High School, Wallingford, PA; 1956 - 1961; high school diploma in 1961.

Williams College, Williamstown, MA; 1961 - 1965; BA in Mathematics, 1965.

Stanford University, Palo Alto, CA; 1965 - 1971; Ph.D. in Economics, 1971.

9. **Employment Record:** (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

Senior Staff, Office of Income Maintenance Planning, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education and Welfare; Washington, D.C.; 1971 - 1972.

Director, Office of Income Security Policy, as above; 1973 - 1975.

Senior Fellow, Economics Studies Program, The Brookings Institution; Washington, D.C.; 1975 - 1979.

Principal Deputy, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education and Welfare; Washington, D.C.; 1979.

Assistant Secretary for Planning and Evaluation, Department of Health and Human Services; Washington, D.C.; 1979 - 1981.

Senior Fellow, The Urban Institute; Washington, D.C.; 1981 - 1988.

Adjunct Faculty, The John F. Kennedy School of Government, Harvard University; Cambridge, MA; 1982 - 1984.

Dean and Professor of Economics and Public Administration, The Maxwell School of Citizenship and Public Affairs, Syracuse University; Syracuse, NY; 1988 - present.

10. **Government Experience:** (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

I was asked by several Federal government agencies for consultative expertise involving a day or two at various times during the 1980's and 1990's. I cannot recall the details now, but the agencies involved included GAO, CRS, and HHS.

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

Vice President, Association for Public Policy Analysis and Management; 1988 - 1990.

Board of Directors, National Academy of Social Insurance; 1997 - present. (President of same; 1997 - 1999.)

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, charitable, and other organizations.)

Member: American Economic Association; Association of Public Policy Analysis and Management; National Academy of Social Insurance; National Academy of Public Administration; Dean's Council of the Association of Professional Schools of International Affairs; Executive Council of the National Association of Schools of Public Affairs and Administration.

13. **Political Affiliations and activities:**

- a. List all public offices for which you have been a candidate.

None

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None

- c. Itemize all political contributes to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

None that I can recall at present. Certainly nothing in past five years, although my wife and I might have provided a contribution of \$50 - \$100 to an individual or campaign organization in the early 1990's.

14. **Honors and Awards:** (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

Fellow, National Academy of Public Administration  
 Member, National Academy of Social Insurance  
 Secretary's (HEW) Superior Service Award  
 Woodrow Wilson Fellowship  
 National Defense Education Act Fellowship  
 National Merit Scholarship

15. **Published Writings:** (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

**BOOKS**

Who Cares for America's Children: Day Care Policy for the 1990's, co-editor (with Cheryl Hayes and Martha Zaslow), National Academy Press, 1990.

The Vulnerable, co-editor (with Timothy Smeeding and Barbara Torrey), The Urban Institute Press, 1998.

Perspectives on the Reagan Years, editor, The Urban Institute Press, 1986.

The Reagan Record: An Assessment of America's Changing Domestic Priorities, co-editor (with Isabel V. Sawhill), Ballinger Publishing Company, 1984.

Federal Budget Policy in the 1980s, co-editor (with Gregory B. Mills), The Urban Institute Press, 1984.

The Deficit Dilemma (with Gregory B. Mills), The Urban Institute Press, 1983.

The Reagan Experiment: An Examination of Economic and Social Policies Under the Reagan Administration, co-editor (with Isabel V. Sawhill), The Urban Institute Press, 1982.

Jobs for Disadvantaged Workers: The Economics of Employment Subsidies, co-editor (with Robert Haveman), The Brookings Institution, 1982.

Creating Jobs: Public Employment Programs and Wage Subsidies, editor, The Brookings Institution, 1978.

Welfare in Rural Areas: The Iowa and North Carolina Income Maintenance Experiments, co-editor (with Joseph A. Pechman), The Brookings Institution, 1978.

Toward an Effective Income Support System: Problems, Prospects, and Choices (with Michael Barth and George Carcagno), The Institute for Research on Poverty, 1974.

Inflation, Unemployment and Poverty, Heath-Lexington, 1973.

#### PROFESSIONAL ARTICLES

"Policymakers and Administration: the Inherent Conflict," review article in the Journal of Public Administration Research and Theory, Vol. 1, No. 2, April 1991.

"Medicare's Fiscal Problems: An Imperative for Reform" (with John Holahan), The Journal of Health Politics, Policy and Law, Winter 1988.

"The Uses and Limits of Income Comparisons" (with Christopher Jencks and Timothy Smeeding), in Palmer et al. (editors), The Vulnerable, The Urban Institute Press, 1988.

"Outcomes, Interpretations, and Policy Implications" (with Stephanie G. Gould), in Palmer et al., ibid.

"Financing Retirement and Health Care for the Aged", in Isabel V. Sawhill (editor), Challenge to Leadership: Economic and Social Issues for the Next Decade, The Urban Institute Press, 1988.

"The Changing Structure of the Deficit," in The National Tax Journal, Volume XXXIX, No. 3, September 1987.

"The Next Decade: The Economic, Political and Social Context of Employment and Training Policies," Policy Studies Review, Vol. 6, No. 4, May 1987.

"Income Security Policies in the United States: The Inevitability and Consequences of Retrenchment," The Journal of Public Policy, Vol. 7, No. 1, January/March 1987.

"Philosophy, Policy, and Politics: Integrating Themes," in Palmer (editor), Perspectives on the Reagan Years, The Urban Institute Press, 1986.

"The Economic Consequences of an Aging Society" (with Stephanie G. Gould), Daedalus (The Aging Society), 115(1), Winter 1986, and in Alan Piñer and Lydia Bronte (editors), Our Aging Society: Paradox and Promise, Norton, 1986.

"Social Policy: Challenging the Welfare State" (with D. Lee Bawden), in Palmer and Sawhill (editors), The Reagan Record, Ballinger, 1984.

"An Overview" (with Isabel V. Sawhill), in Palmer and Sawhill, ibid.

"The Federal Budget in Flux" (with Gregory B. Mills), in Mills and Palmer (editors), Federal Budget Policy in the 1980s, The Urban Institute Press, 1984.

"Health and Pension Programs" (with Barbara B. Torrey), in Mills and Palmer, ibid.

"Perspectives on the Reagan Experiment" (with Isabel V. Sawhill), in Palmer and Sawhill (editors), The Reagan Experiment. The Urban Institute Press, 1982. (Reprinted in Public Law Forum, Volume 3, 1983.)

"Budget Policy," (with Gregory B. Mills) in Palmer and Sawhill, ibid.

"Financing Health Care" (with Steve Long), in Irwin Garfinkel (editor), Income-Tested Programs: The Case For and Against, Academic Press, 1982.

"Jobs Versus Income Transfers," in Eli Ginzberg (editor), Employing the Unemployed, Norton, 1980.

"Issues, Evidence, and Policy Implications" (with Irwin Garfinkel), in Palmer (editor), Creating Jobs: Public Employment Programs and Wage Subsidies, The Brookings Institution, 1978.

"Some Equity Issues in Social Security," in Martin and Anita Pfaff (editors), Main Issues of Distribution in Social Policies: Volume 2, Dunker and Humboldt, 1978.

"Employment and Income Security," in Joseph A. Pechman (editor), Setting National Priorities: The 1979 Budget, The Brookings Institution, 1978.

"Employment and Training Assistance," in Joseph A. Pechman (editor), Setting National Priorities: The 1978 Budget, The Brookings Institution, 1977.

"The Distributional Effects of Inflation and Higher Unemployment" (with Michael C Barth), in Marilyn Moon and Eugene Smolensky (editors), Augmenting Measures of Economic Well-Being, Academic Press, 1977. (Brookings Reprint No. 339).

"The Future Role of Social Security," in Richard Burkhauser and George Tolley (editors), Income Support Policies for the Aging, Ballinger, 1977.

"The Distributional Impact of Higher Energy Prices: How Should the Federal Government Respond?" (with John Todd and Howard Tuckman), Public Policy, Fall 1976. (Brookings Reprint No. 331).

"Income Security Policy" (with Joseph Minarik), in Henry Owen and Charles L. Schultze (editors), Setting National Priorities: The Next Ten Years, The Brookings Institution, 1976.

"Policy Implications: A Positive View" (with Michael C. Barth and Larry L. Orr), in Joseph Pechman and Michael Timpane (editors), Work Incentives and Income Guarantees: The New Jersey Work Incentive Experiment, The Brookings Institution, 1975.

"Federal Policy Toward Labor Markets and Poverty," in Dennis Dugan (editor), Perspectives on Poverty, Praeger, 1973.

"The Implicit Tax of Inflation and Unemployment: Some Policy Implications" (with Robinson G. Hollister), in Kenneth Boulding and Martin Pfaff (editors), Redistribution to the Rich and Poor: The Grants Economics of Income Distribution, Wadsworth, 1972.

"The Impact of Inflation on the Poor" (with Robinson G. Hollister), in Boulding and Pfaff, *ibid.*

#### POPULAR PRESS ARTICLES

"America's Day Care Crisis," various newspapers served by the Washington Post-Los Angeles Times news service, 1990.

"Treating the Symptoms [of Poverty]" (with Stephanie G. Gould), review article in Commonwealth, Volume CXVI, No. 7, 1989.

"America Was Once God's Country" (with Stephanie G. Gould), Newsday, October 26, 1986.

"The Reagan Legacy" (with Stephanie G. Gould), Knight-Ridder newspaper chain, September 1986.

"Should We Worry About the Deficit?" (with Stephanie G. Gould), The Washington Monthly, May 1986.

"Tax Reform and the Economy," Scripps-Howard newspaper chain, December 1985.



"Taking Reagan's Route, or Not?" (with Isabel V. Sawhill), The New York Times, September 25, 1982.

"Taxing Benefits (Isn't a Vicious Idea" (with Isabel V. Sawhill), Los Angeles Times, December 24, 1982.

"Government Growth in Perspective," The Washington Post, November 1975. (Reprinted in Challenge magazine, January/February, 1976.)

16. **Speeches:** (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

None

17. **Qualifications:** (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)

My Ph.D. in Economics, the experience and expertise I developed in my positions in HEW and HHS, my election and service as President of the National Academy of Social Insurance, and my scholarship on economic, budgetary and social welfare issues.

#### **B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

No, since none present a conflict with carrying out my part-time responsibility as a Public Trustee for Social Security and Medicare.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

None, other than continuing my current employment with Syracuse University.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.

Yes

**C. POTENTIAL CONFLICTS OF INTEREST**

1. 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

2. Describe any business relations, dealing or financial transaction which you have had during the last 10 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

3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal Government need not be listed.

I have signed two public letters in the past five years, along with a bipartisan group of more than 200 other prominent economists, advocating policies that promote more free trade. I don't recall any other relevant activity.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

I don't believe that there are any now, and I would certainly do my best to avoid any in the future. In any event, I would expect to take whatever action the Office of Government Ethics or General Counsel of the Social Security Administration considers appropriate.

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

To my knowledge, there are no potential conflicts of interest or any legal impediments but SSA will provide whatever relevant written opinions might exist.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Not applicable

**D. LEGAL AND OTHER MATTERS**

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Only once. In the mid-1970's my wife and I sued the general contractor for a house we were building. It was settled out of court.

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, provide details.

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

There is none.

**E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, 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

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes

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**PREPARED STATEMENT OF THOMAS R. SAVING**

It is an honor to be nominated by the President as one of two Public Trustees for the Social Security and Medicare Trust funds.

I am currently University Distinguished Professor of Economics at Texas A&M University and Director of the Texas A&M University Private Enterprise Research Center, an academic think tank which has concentrated much of its research on issues involving Social Security and Medicare. Prior to coming to Texas A&M Uni-

versity I served on the faculty at the University of Washington in Seattle and Michigan State University in East Lansing. At Michigan State I was promoted to full professor in 1966.

I have been a professional economist for more than forty years, specializing in the areas of macroeconomics and monetary theory, which includes the study of the management of the federal debt and monetary systems. My work on the theory of welfare and its estimates on behavior appeared in the *American Economic Review* in 1964 and was one of the first pieces of research on this important subject. My work on the debt issues of the monetary systems that first appeared in my book *Money, Wealth and Economic Theory*, provided the methodology for measuring the extent to which a monetary system was based on debt. Over my career I have written in the areas of manpower economics, industrial organization, and micro-economics, in addition to macroeconomic theory and monetary policy. During the past four years I have concentrated on the analysis of alternative solutions to funding elderly entitlements. This analysis has involved the forecasting of life cycle earnings, labor force participation, hours of work, capital stock growth, and the resultant changes in the marginal productivity of capital in order to predict future revenues into the Social Security and Medicare Trust Funds and the tax rates that will be necessary to fund these entitlements. In addition, I have been engaged in research into the organization of health care markets and institutional changes affecting the efficiency of these markets.

I am quite familiar with the myriad of issues involved in making long-term forecast through my role in developing actuarial models similar to those used by the Social Security Administration in preparing the Trustee's Reports. For example, forecasting life-cycle taxable earnings for each birth-year has required me to wrestle with issues such as the convergence of male and female earnings among other things and has given me the requisite tools to investigate the returns to various groups of Social Security participants.

During this period of concentration on elderly entitlement programs, I have co-authored a book, *The Economics of Medicare Reform*, co-edited a book, *Medicare Reform: Issues and Answers*, and have co-authored several papers concerned with Social Security and Medicare. In performing this research, I have thoroughly reviewed the methodology of the Social Security Administration and the Congressional Budget Office. My work has built upon their work, and using extensive data from the Current Population Survey, I have developed alternative forecasts of long range taxable income.

While my work on Social Security and Medicare has lead me to certain conclusions about the changes that will best ensure the health of the Social Security and Medicare programs, my role as a Public Trustee is not to advocate any of my views, but to serve as a representative of the public and assure them that the annual report presents the true state of the programs and their future. The challenges that the Social Security and Medicare programs face will require open and objective analysis to ensure the protection of the public's stake in these programs. Reliable data is the cornerstone of any analysis of the future state of both programs.

I would view my role as helping provide the public and Congress with the best information available on the soundness of Medicare's and Social Security's financial position. I will pursue this role in the same objective and open-minded fashion that I have pursued my economic research. I understand the role of a public trustee and I am ready and willing to serve in this role.

**SENATE FINANCE COMMITTEE  
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

**A. BIOGRAPHICAL INFORMATION**

1. Name: (Include any former names used.)  
Thomas R. Saving
2. Position to which nominated:  
Federal Old-Age & Survivors Insurance Trust Fund & Federal Disability Insurance Trust Fund Public Trustee
3. Date of nomination:  
September 27, 2000
4. Address: (List current residence, office, and mailing addresses.)  
Residence: 1402 Post Oak Circle  
College Station, TX 77840  
Office: Private Enterprise Research Center  
3028 Academic Building West  
Texas A&M University  
4231 TAMU  
College Station, TX 77843-4231  
Mailing: 1402 Post Oak Circle  
College Station, TX 77840
5. Date and place of birth:  
December 27, 1933, Cook County, Chicago, IL
6. Marital status: (include maiden name of wife or husband's name.)  
Married  
Barbara Sorby Saving
7. Names and ages of children:  
Jason Lee Saving, 31  
Nicole Aline Saving Youngblood, 29

8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

New Albany High School, New Albany, IN, 1948-1949  
 South Shore High School, Chicago, IL, 1950-1952, High School Diploma, 1952  
 Wilson Jr. College, Chicago, IL, 1952-1953  
 Michigan State University, East Lansing, MI, 1956-1957, B.A., 1957  
 University of Chicago, Chicago, IL, 1957-1960, M.A., 1958, Ph.D., 1960

9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

Director, Private Enterprise Research Center, Texas A&M University, College Station, TX, 1991-present  
 Head, Department of Economics, Texas A&M University, 1985-1991  
 President, RRC, Inc., Bryan, Texas, 1979-1989  
 Chairman of the Board, RRC Inc. 1989-present  
 University Distinguished Professor, Department of Economics, Texas A&M University, 1989-present  
 Professor, Department of Economics, Texas A&M University, 1968-present  
 Professor, Department of Economics, Michigan State University, East Lansing, MI, 1966-1968  
 Associate Professor, Department of Economics, Michigan State University, 1963-1966  
 Assistant Professor, Department of Economics, Michigan State University, 1961-1963  
 Assistant Professor, Department of Economics, University of Washington, Seattle, WA, 1960-1961

10. Government experience: (List any advisory, consultative, honorary, or other parttime service or positions with Federal, State or local governments, other than those listed above.)

Federal Trade Commission, Consultant, 1965  
 Joint Economic Committee, Consultant, 2000

11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

President, RRC, Inc., Bryan, Texas, 1979-1989  
 Chairman of the Board, RRC, Inc., Bryan, Texas, 1989-present  
 Member, Board of Directors, Metrica, Inc. San Antonio, Texas, 1985-present

12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

Western Economic Association, President, 1971-1972  
 Southern Economic Association, President, 1980-1981  
 The Association of Private Enterprise Education, Vice President and President-Elect, 2000  
 Econometrics Society  
 Mont Pelerin Society

## 13. Political affiliations and activities:

a. List all public offices for which you have been a candidate.

None

b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None

c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

1996: Contributed \$1,000 to Gramm for President

## 14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

Ford Foundation Faculty Fellowship, 1970-1971

Who's Who in Economics: A Biographical Dictionary of Major Economists

## 15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

## Books:

*Money, Wealth and Economic Theory*, with B.P. Pesek, Macmillan Company, 1967. Reprinted in Chinese and Spanish.*The Foundations of Money and Banking*, with B.P. Pesek, Macmillan Company, 1968.*Medicare Reform: Issues and Answers*, edited with Andrew J. Rettenmaier, The University of Chicago Press, 1999.*The Economics of Medicare Reform*, with Andrew J. Rettenmaier, Upjohn Institute for Employment Research, 2000.

## Articles:

"Estimation of Optimum Size of Plant by the Survivor Technique," *The Quarterly Journal of Economics*, November, 1961, pp. 569-607."Note on Factor Demand Elasticity: The Competitive Case," *Econometrica*, July 1963, pp. 555-557."Monetary Policy, Taxes, and the Rate of Interest," with B.P. Pesek, *Journal of Political Economy*, August 1963, pp. 347-362."The Demand for General Assistance Payments," with C.T. Brehm, *American Economic Review*, December, 1964, pp. 1002-1118.

- "The Four Parameter Lognormal, Diseconomies of Scale and the Size Distribution of Manufacturing Establishments," *International Economic Review*, January 1965, pp. 105-113.
- "The Demand for General Assistance Payments: Reply," with C.T. Brehm, *American Economic Review*, June 1967, pp. 585-588.
- "Monetary Policy Targets and Indicators," *Journal of Political Economy*, August 1967, pp. 446-456.
- "State Branching Restrictions and the Availability of Banking Services," with R.F. Lanzillotti, *Journal of Money, Credit and Banking*, November 1969, pp. 778-788.
- "Long-run Scale Adjustments of a Perfectly Competitive Firm and Industry," with C.E. Ferguson, *American Economic Review*, December 1969, pp. 774-783.
- "Concentration Ratios and the Degree of Monopoly," *International Economic Review*, February 1970, pp. 139-146.
- "Outside Money, Inside Money, and the Real Balance Effect," *Journal of Money, Credit and Banking*, February 1970, pp. 83-100.
- "Portfolio Choice and Monetary Theory," *Journal of Money, Credit and Banking*, May 1970, pp. 258-267.
- "The Theory of the 'Second Best' and the Efficiency of Marginal Cost Pricing," (in H.M. Trebing (ed.), *Essays on Public Utility Pricing & Regulation*, Michigan State University Press, with E.G. Furubotn, 1971.
- "Inside Money, Competitive Rents, and the Real Balance Effect," *The Journal of Money, Credit and Banking*, May 1971, pp. 276-280.
- "Transactions Costs and the Demand for Money," *American Economic Review*, June 1971, pp. 407-420.
- "Transactions Costs and the Firm's Demand for Money," *Journal of Money, Credit and Banking*, May 1972, pp. 245-259.
- "Toward a Competitive Financial Sector," *Journal of Money, Credit and Banking*, November 1972, pp. 898-914.
- "On the Neutrality of Money," *Journal of Political Economy*, January/February 1973, pp. 98-119.
- "The Value of Time and Economies of Scale in the Demand for Cash Balances, A Comment," *Journal of Money, Credit and Banking*, February 1974, pp. 122-124.
- "Transactions Cost Functions and the Inventory-Theoretic Approach to Money Demand," *Journal of Money, Credit and Banking*, August 1976, pp. 339-345.
- "Competitive Money Production and Price Level Determinacy," *Southern Economics Journal*, October 1976, pp. 987-995.
- "Market Organization and the Durability of Durable Goods," with L. Auernheimer, *Econometrica*, January 1977, pp. 219-228.



- "A Theory of the Money Supply with Competitive Banking," *Journal of Monetary Economics*, July 1977, pp. 289-303.
- "Product Quality, Uncertainty and Regulation: The Trucking Industry," with A.S. DeVany, *American Economic Review*, September 1977, pp. 583-594. Reprinted in Herbert Morhing, *The Economics of Transport*, in *The International Library of Critical Writings in Economics*, Edward Elgar Publishing Ltd., London 1992. Also reprinted in Melvin Greenhut and George Norman (eds.) *The Economics of Location*, in *The International Library of Critical Writings in Economics*, Series Editor: Mark Blaug, Edward Elgar Publishing Ltd., London, 1993.
- "Welfare Aspects of Mandated Quality," (in Robert F. Lanzillotti, ed.), *Economic Effects of Government Mandated Costs*, University of Florida Press, 1977.
- "Money Supply Theory with Competitively Determined Deposit Rates and Activity Charges," *Journal of Money, Credit and Banking*, February 1979, pp. 22-31.
- "Competition and Highway Pricing for Stochastic Traffic," with A.S. DeVany, *Journal of Business*, January 1980, pp. 45-60.
- "Competition and Value of Service Pricing in the Trucking Industry: Reply," with A.S. DeVany, *American Economic Review*, March 1980, pp. 181-185.
- "Uncertain Markets, Reliability and Peak-Load Pricing," with A.S. DeVany, *Southern Economic Journal*, April 1981, pp. 908-923.
- "Market Organization and Product Quality," *Southern Economic Journal*, April 1982, pp. 855-867.
- "The Impact of Input Regulation: The Case of the U.S. Dental Industry," with A.S. DeVany, W.L. Gramm, C.W. Smithson, *Journal of Law and Economics*, October 1982, pp. 367-381.
- "Life-Cycle Job Choice and the Demand and Supply of Entry Level Jobs: Some Evidence From the Air Force," with A.S. DeVany, *Review of Economics and Statistics*, September 1982, pp. 457-465.
- "The Role of Patient Time in the Pricing of Dental Services: The Fee-Provider Density Relation Explained," with A.S. DeVany and D.R. House, *Southern Economic Journal*, January 1983, pp. 669-680.
- "Production in a Service Industry Using Customer Inputs: A Stochastic Model," with A.S. DeVany, W.L. Gramm, C.W. Smithson, *Review of Economics and Statistics*, February 1983, pp. 149-153.
- "The Economics of Quality," with A.S. DeVany, *Journal of Political Economy*, December 1983, pp. 979-1000.
- "Gold and Gold Mining Stocks in Your Personal Investment Portfolio." In *Precious Metals 1984*, ed. Thomas Patrick Mohide, International Precious Metals Institute, 1984, pp. 81-89.
- "Government Revenue from Money Creation with Government and Private Money," with G.P. Dwyer, *Journal of Monetary Economics*, March 1986, pp. 239-249.

- "Quality of Service, Contestable Markets, and the Effectiveness of Motor Carrier Rate Bureaus as Cartels," with A.S. DeVany, *Public Policy Toward Corporations*, ed. Arnold Heggestad, University Presses of Florida, 1988, pp. 108-126.
- "History's Role in Coordinating Decentralized Allocation Decisions," with R.C. Battalio, D. Meyer and J.B. Van Huyck, *Journal of Political Economy*, April 1992, pp. 292-316.
- "Measuring the Cost and Benefits of Import Fees," with T.J. Gronberg, *Does Economic Space Matter?*, eds. Hiroshi Ohta and Jacques-Francois Thisse, Macmillan Press, 1993, pp. 207-228.
- "Institutional Economics of Public Firms and Administrations: Some Guidelines for Efficiency-Oriented Design: Comment," *Journal of Institutional and Theoretical Economics*, Vol. 150, No. 1, March 1994, pp. 236-238.
- "Legal Implications of Imperfect Information in Consumer Markets: Comment," *Journal of Institutional and Theoretical Economics*, Vol. 151, No. 1, March 1995, pp. 52-57.
- "Finance and the Firm: Comment," *Journal of Institutional and Theoretical Economics*, Vol. 152, No. 1, March 1996, pp. 108-112.
- "Tax Reform," with O'Driscoll, Gerald P., Grubel, Herbert C., Harberger, Arnold C., Friedman, Molton and Hoskins, W. Lee, *Contemporary Economic Policy*, Vol. XV, January 1997.
- "A Five-Year Plan for Economic Policy," with Jason L. Saving, *Job & Capital*, Milken Institute, Volume VI, Number 3/Summer 1997.
- "Currency Substitution and Central Bank Sovereignty," with Jason L. Saving, *Journal of Institutional and Theoretical Economics*, March 1998, Vol. 154, No. 1, 261-279.
- "Medicare Policy for Future Generations, A Search for a Permanent Solution," with Phil Gramm and Andrew J. Rettenmaier. *New England Journal of Medicine*. April 30, 1998, Volume 338, No. 18, 1307-1310.
- "Thailand's Exchange-Rate Crisis: Relationships to East Asia and the Global Economy, with S.N.S. Cheung, J. Hall M. Kawai, A. Nasution, S. Panitchpakdi, W. Puppavesa, A. Siamwalla, and J. Tatom, *Contemporary Economic Policy*, April 1998, Vol. XVI, No. 2.
- "Converting Medicare to Pre-Paid Health Insurance," with Andrew J. Rettenmaier. In *Medicare in the 21<sup>st</sup> Century. Seeking Fair and Efficient Reform.*, American Enterprise Institute for Public Policy Research, February 2000, pp. 41-66.
- "Medicare for the 21<sup>st</sup> Century," with Andrew J. Rettenmaier. In *Medicare Reform: Issues and Answers*, ed. Andrew J. Rettenmaier and Thomas R. Saving, The University of Chicago Press, 1999.
- "Constraints on Big Bang Solutions: The Case of Intergenerational Transfers," with Liqun Liu and Andrew J. Rettenmaier, *Journal of Institutional and Theoretical Economics*, Vol. 156, No. 1, March 2000, pp. 270-291.
- "Making the Transition to Pre-Paid Medicare," *Journal of Economic Perspectives*, Volume 14, No. 2, Spring 2000, pp. 85-98.

**TESTIMONY BEFORE CONGRESSIONAL COMMITTEES AND OTHER AGENCIES:**

"Medicare Policy for Future Generations, A Search for a Permanent Solution," with Andrew J. Rettenmaier, presented to the United States Senate Committee on Finance, Subcommittee on Health, February 27, 1997.

"Insuring Medicare's Future," with Andrew J. Rettenmaier, presented to the United States Senate Subcommittees on Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, and the Committee on Finance's Subcommittees on Health Care and on Social Security and Family Policy, October 7, 1997.

Presentation before the Republican Senate Steering Committee, United States Senate on "Medicare Reform," February 11, 1998.

"Financing Medicare," with Andrew J. Rettenmaier, presented to The Restructuring Task Force of The National Bipartisan Commission on the Future of Medicare, June 23, 1998.

"Prefunding Medicare," with Andrew J. Rettenmaier, presented to The National Bipartisan Commission on The Future of Medicare, September 8, 1998.

16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

Speeches I have given have not had formal text. Relevant testimony is listed immediately above.

17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)

For the past four years I have been heavily involved in the analysis of alternative solutions to funding elderly entitlements. This analysis has involved the forecasting of life cycle earnings, labor force participation, capital stock growth, capital marginal productivity, and wage rates in order to predict future revenues into the Social Security and Medicare Trust Funds and the tax rates that will be necessary to fund these entitlements. In addition, I have been engaged in research into the organization of health care markets and institutional changes that will increase the efficiency of these markets.

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

Since this is not a paid position, I will retain my current position as member of the faculty at Texas A&M University. As a state educational institution, my employment at Texas A&M University does not pose a conflict of interest.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

Not Applicable

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.

Yes

### C. POTENTIAL CONFLICTS OF INTEREST

1. 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, that I am aware of.

2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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

3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal government need not be listed.

None

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

Not Applicable

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

#### D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

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, provide details.

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None

#### E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you maybe reasonably requested to do so?

Yes

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes

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#### PREPARED STATEMENT OF GERALD M. SHEA

Mr. Chairman and Members of the Committee, I am honored to appear before you as a nominee of the President for the Social Security Advisory Board.

Having been a member of the Board as it started work in 1996 under the chairmanship of Senator Harlan Matthews, I'm particularly pleased at the prospect of rejoining the Board at this important time in Social Security's history.

Social Security is clearly one of our country's success stories, providing retirement, disability and income insurance benefits for millions of Americans every year, while never having added a penny to the national debt. Yet it clearly faces challenges in the future, particularly the retirement income requirements of the baby boom generation.

It is a system that has evolved over the decades to meet the changing needs of the American workforce and it will need to change further to insure it is strong and stable for future generations.

The past four years have been something of a start-up period for the Board, as it has been for the new, independent agency version of the Social Security Administration itself. Still, I think the role of the Board and its importance to both the agency, Congress, and the public have become clear in this short period of time.

The Board has functioned in a decidedly balanced and non-partisan manner—no mean feat in the midst of a highly contentious and, at times, politicized national debate over the future of Social Security.

While democratic discourse over issues as significant as the future of the nation's primary retirement and family insurance system are often highly-charged—and understandably so—the nation's interests are not well-served if there's lots of heat and not much light. Policy makers, and indeed the American people, need balanced analyses and options. The Board has shown itself capable of just that and, if confirmed, I am committed to contributing to the Board in precisely this manner.

The Board has also demonstrated its independence from the agency in the manner of its day-to-day operations and the content of its recommendations. I applaud them for that and would want to see that independence continue.

Finally, the Board has been genuine value added to the Social Security system in its choice of agenda items and in its public reports.

The Board deliberated extensively on its role and its agenda in the initial meetings four years ago and I was proud to be part of the consensus that the Board should tackle important but discrete issues. We could have chosen instead to dive headlong into the debate over major structural changes being proposed then, as well as now. While the Board may someday take up that challenge, it would not have been wise to do so in 1996, particularly in the wake of the failed 1994–1996 Advisory Council, of which I was also a member.

By focusing on service to beneficiaries, among other things, and issuing reports on topics such as improving service to the public and increasing public understanding, the Board has brought valuable information and recommendations to the Agency, the Administration, Congress and the American people.

Overall, the approach and the orientation of the Board has served it, and the nation, well in its first years. It should continue along this path and I hope it will be my honor to encourage this as a member of the Board.

Of particular importance to me, and the standard by which I judge the working of the Social Security Administration, is the effectiveness of the system in meeting the needs of working families.

We must never forget that Social Security is the retirement system for average-wage working families. Stagnation in defined benefit pension plans and the difficulty in developing genuinely useful defined contribution plans for low and moderate income workers has made Social Security even more important today as a source of income support than it was twenty years ago.

The agency, supported by the Board, has increased reporting to active workers in a variety of ways. This is a crucial task which should get even greater emphasis in the future. While the agency has done an outstanding job for years in providing information to beneficiaries, no one is more deserving of regular reporting than those who pay the freight.

Nor should the objective in this regard be providing more information alone. Rather, efforts should focus on information that makes a difference in creating greater understanding of Social Security both in regard to its importance and its limitations.

Second, I believe that it will be increasingly important to emphasize the relationship between Social Security and private savings. Right now, there is little coordination of efforts underway to increase public understanding of Social Security and private savings. While private retirement savings is not the responsibility of Social Security, the question of how to relate the Agency's work on increasing public understanding with the work of other agencies, such as the Pension Welfare Benefits Administration at the Labor Department, and private sector initiatives would be, in my opinion, a useful topic for the Board to take up.

Third, I think the Social Security Administration operations are at a crossroads, both in terms of programs and personnel. A strong beginning was made over the past five years in designing future program direction of the agency. This work needs to be advanced considerably over the next five.

At the same time, a major investment in Agency personnel needs to be made. SSA staff suffered two major hits over the past few years and is within a few years of another. First, the agency staff was cut back substantially in the 80's for budgetary reasons. The problem is that there was as much muscle as fat taken out in the process. Second, staff watched as the national press pronounced the end of Social Security in the early nineties. This phenomenon may have been highlighted by the Time magazine cover depicting a torn Social Security card, but the gloom-and-doom reporting was reflected in national, regional and local outlets. It's hard to underestimate the demoralizing effect of unbalanced reporting on an agency that performed superbly while its workforce was decreased from the mid-eighties to the mid-nineties by just about the same amount that the Internal Revenue Service was increased.

Now the agency faces perhaps another major challenge in the aging of its workforce. The decisions made over the next few years—even in the final days of this Congress—will shape the Social Security staff of the future. Those decisions will be

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a major determinant of the quality of service for beneficiaries as the baby boom generation starts to retire in a little more than ten years.

Operations issue have gotten considerable attention from the Board. This is prudent investment of time that should be expanded, in my opinion.

There are other major issues—the question of disability policy that has caused such extensive turmoil over the past 18 years, for instance—have properly appeared on the Board's agenda and will, I'm sure, continue to do so.

I would be honored and delighted to serve on the Board as it tackles these and other important issues in America's premier retirement and insurance system.

Thank you.

## SENATE FINANCE COMMITTEE STATEMENT OF INFORMATION REQUESTED OF NOMINEE

### A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)  
Gerald Michael Shea
2. Position to which nominated:  
Member, Social Security Advisory Board
3. Date of nomination:  
September 30, 1998
4. Address: (List current residence, office, and mailing addresses.)  
Residence: 2630 Garfield Street, NW, Washington, D.C., 20008  
Office: 815 16<sup>th</sup> Street, NW, Washington, D.C., 20006
5. Date and place of birth:  
December 16, 1946  
Fall River, Massachusetts
6. Marital status: (Include maiden name of wife or husband's name.)  
Married to Jacquelynn Ruff
7. Names and ages of children:  
NA
8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)  
Bishop Stang High School, No. Dartmouth, Massachusetts, 1960-1964,  
degree received in May, 1964  
Boston College, Chestnut Hill, Massachusetts, 1964-1968, BA, May, 1968
9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)  
VISTA Volunteer, Boston, Ma., 1968 -1970

Field Director, University of Massachusetts "University Year in ACTION", Boston, Ma., 1970 -1972  
 Organizer, Massachusetts Hospital Workers Organizing Committee, Service Employees International Union, AFL-CIO, Boston, Ma., 1972 - 1976  
 Executive Director, SEIU Local 880, Boston, Ma., 1976 -1979  
 Business Manager, SEIU Local 285, Boston, Ma., 1979-1981  
 Health Care Coordinator, Service Employees International Union, AFL-CIO, Washington, D.C., 1981-1984  
 Director, Health Care Division, SEIU, Washington, D.C., 1984-1993  
 Ass't to the President for Government Affairs, SEIU, Washington, D.C., January 1993-August 1993  
 Director, Employee Benefits Department, AFL-CIO, Washington, D.C., August 1993-May 1994  
 Executive Assistant to the Secretary-Treasurer, AFL-CIO, May 1994-August 1995  
 Executive Assistant to the President, AFL-CIO, Washington, D.C., August 1995-October 1995  
 Assistant to the President for Government Affairs, AFL-CIO, Washington, D.C., November 1995 to present

10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)  
 Social Security Advisory Council, 1994-1996  
 Social Security Advisory Board, 1996-1998  
 Medicare Payment Advisory Commission, 1997-2000  
 Medicare Prospective Payment Assessment Commission 1990(?) -1997
11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)  
 RxHealth Value, Board of Directors, 2000-  
 National Forum for Health Care Quality Measurement and Reporting, Board of Directors, 1999-present  
 Joint Commission on the Accreditation of Health Care Organizations, Board of Commissioners, 1996-present  
 Foundation for Accountability in Health Care, Board of Directors, 1995-present  
 National Academy of Social Insurance, Board of Directors, 1994-present  
 National Health Policy Council, Board of Directors, 1993-1995  
 Woodley Park Towers Condominium, Board of Directors, 1993-1998



12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)  
 Washington National Cathedral Association  
 Service Employees International Union, AFL-CIO  
 International Foundation of Employee Benefit Plans  
 Institute of Medicine Quality In Health Care Committee, Subcommittee on External Environment, 1998-2000
13. Political affiliations and activities:
- List all public offices for which you have been a candidate.  
 NA
  - List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.  
 2000 Democratic Party Platform Drafting Committee
  - Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.  
 Service Employees International Union, AFL-CIO, Committee on Political Education, approximately \$1390 ((1990-1993)  
 AFL-CIO Committee on Political Education, approximately \$6935 (1993-2000)  
 Gore Presidential Campaign, \$1000
14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)  
 NA
15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)  
 NA
16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)  
 NA
17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)  
 Nearly 30 years experience in regard to union bargaining for retirement benefits for workers and worker retirement planning, generally; 15 years experience in social insurance policy issues, especially Social Security.

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.  
My understanding is that such action is not necessary for confirmation to the Social Security Advisory Board.
2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.  
No
3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.  
No
4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.  
Yes

**C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.  
NA
2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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.  
NA
3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal government need not be listed.  
For the past 18 years, work on Federal, state and local policy and legislation affecting working families has comprised the bulk of my job responsibilities.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

NA

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.
6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

**D. LEGAL AND OTHER MATTERS**

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

Other than FBI background checks for appointment to the Social Security Advisory Board:

I was arrested in 1969 or 1970, for participation in a sit-in conducted by the National Welfare Rights Organization at the Massachusetts State House. I was charged with trespassing and conspiracy to conduct state business. To the best of my knowledge, the charges were left on file for a period of time.

In 1974, trespass charges were filed against me by the Beth Israel Hospital of Boston because of my being on hospital property in conjunction with a union organizing effort. A hearing before a Suffolk County judge result in no finding, but a warning to stay off the property.

In 1978, the City of Quincy, Massachusetts sought an injunction against me and my union for a threatened work stoppage involving city hospital employees. A hearing before a Norfolk County Court judge resulted in an order for intensified bargaining, but no injunction was issued. Subsequently, a contract settlement was reached and the strike averted.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

While working with local unions in Massachusetts from 1972-1981, I was extensively involved in administrative matters before the National Labor Relations Board.

In 1982 I was a named plaintiff in a suit brought by the Service Employees International Union in U.S. District Court in Washington, D.C. (Case #821081), attempting to compel compliance with FOIA requests for the names of non-profit hospitals attempting to withdraw their employees from the Social Security System.

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, provide details.

No

5. Please \_\_\_\_\_ a Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

#### E. TESTIFYING BEFORE CONGRESS

1. If you are confirmed by the Senate, 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

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes

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#### PREPARED STATEMENT OF STEPHEN J. SWIFT

Senators Roth and Moynihan, and other members of the Senate Finance Committee, I am honored to be renominated for a second 15-year term as a judge on the United States Tax Court.

For the past 17 years, I have served as a judge on the Tax Court—15 years as a regular member of the Court and the last 2 years as a senior judge, awaiting re-appointment. I look forward to my confirmation and to serving many more years as a judge on the Tax Court. I commit my best efforts to hear and decide the cases that come before me on the basis of impartiality and fairness.

Over the course of 13 years before my initial appointment in 1983 (7 years as a Justice Department trial lawyer representing the I.R.S. and 6 years as a corporate tax lawyer for Bank of America N.T. & S.A.), I came to appreciate the overall effectiveness and integrity of our Federal tax system. My experience as a Tax Court judge has increased that appreciation for our U.S. tax system, for the general professionalism of I.R.S. personnel and the tax bar and for the general honesty of taxpayers.

The Tax Court is a unique judicial institution. Tax Court judges have the case management, fact finding, legal analysis, decision making, and opinion writing responsibilities that are associated with being a trial judge. But Tax Court judges (other than senior judges) also have the additional and unique responsibility (unique for trial judges) of sitting together as a conference and of reviewing and voting on the decisions of their colleagues regarding the important issues of Federal tax law

that come before the Tax Court. This review function is one of the most important functions of Tax Court judges, and I look forward, with my reappointment, to again being able to participate fully in this review function, as well as in the other important work of the Tax Court.

I am grateful for President Clinton's renomination, and I thank the members of the Senate Finance Committee and all members of the United States Senate for their support and confirmation vote.

In particular, I would like to thank Senators Orrin Hatch and Harry Reid, and their staffs, for their invaluable support and assistance.

I also would like to thank other staff of the Senate, of the Senate Finance Committee, of the White House, of the Treasury Department, and of the F.B.I., who have worked on this renomination. Further, I would like to thank the leadership of the Tax Sections of both the American Bar Association and the California Bar Association for their support, as well as the many other friends of the Tax Court, who have offered and provided words and letters of encouragement and support.

I thank my personal staff and my colleagues on the Tax Court for their support and friendship.

Lastly, I thank my wife Lorraine, and our 5 children (Carter, Stephanie, Spencer, Meredith, and Hunter). As a family, we have greatly benefitted from living near our Nation's Capital and from my government service as a judge. It has been and continues to be an honor to serve this great Nation as a Federal trial judge.

Thank you.

**SENATE FINANCE COMMITTEE  
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

**A. BIOGRAPHICAL INFORMATION**

1. Name: (Include any former names used.)

**Stephen Jensen Swift.**

2. Position to which nominated:

**Judge, United States Tax Court.**

3. Date of nomination: **September 12, 2000**

4. Address: (List current residence, office, and mailing addresses.)

**Residence:**

**809 Balls Hill Rd.  
McLean, VA 22101.**

**Office & Mailing Address:**

**U.S. Tax Court  
400 2nd St. N.W., Rm. 316  
Washington, D.C. 20217.**

5. Date and place of birth:

**September 7, 1943  
Salt Lake City, Utah.**

6. Marital status: (Include maiden name of wife or husband's name.)

**Married since August 4, 1972, to Lorraine Facer Swift,  
whose maiden name was Lorraine Bumell Facer.**

## 7. Names and ages of children:

<b>Carter Zang Swift</b>	<b>26</b>
<b>Stephanie Facer Swift Osguthorpe</b>	<b>25</b>
<b>Spencer Richards Swift</b>	<b>22</b>
<b>Meredith Ann Swift</b>	<b>20</b>
<b>Hunter Jensen Swift</b>	<b>16</b>

## 8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)

**Secondary:**

**Menlo Atherton High School**  
**Atherton, CA.**  
**Attended 9/57- 6/61**  
**High School Diploma 6/61.**

**University:**

**Brigham Young University**  
**Provo, Utah.**  
**Attended 9/61- 2/63, 9/65-1/66 , 1/67- 6/67**  
**B.S. 6/67.**

**San Jose State University**  
**1 Washington Square, San Jose, CA.**  
**Attended 2/66 - 1/67. No Degree.**

**Graduate School:**

**George Washington University Law School**  
**801 22nd St. N.W., Washington, D.C.**  
**Attended 9/67 - 5/70**  
**J.D. 6/70.**

## 9. Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)

**Dormitory Resident Assistant**  
**George Washington University, Washington, D.C.**  
**9/68 - 6/70.**

## 9. Employment record (continued):

**Law Clerk**  
Koteen & Burt, Washington, D.C. 10/67 - 5/69.

**Legal Assistant**  
Office of the Deputy for Refund Litigation  
Tax Division, U.S. Department of Justice  
Washington, D.C.  
Part time 6/69 - 6/70.

**Trial Attorney**  
Honors Program  
Tax Division, U.S. Department of Justice, Washington, D.C.  
8/70 - 4/74.

**Assistant U.S. Attorney**  
Tax Division, U.S. Attorney's Office, San Francisco, CA.  
5/74 - 4/77.

**Grader for Bay Area Review Course of practice bar exam questions.**  
Part time 5/75 - 4/77.

**Adjunct Professor**  
Golden Gate University Graduate School of Taxation.  
Part time 2/76 - 1983.

**Vice President and Senior Tax Counsel**  
Bank of America N.T. & S.A., San Francisco, CA.  
1977 - 8/83.

**Judge**  
U.S. Tax Court, 400 2nd St. N.W., Washington, D.C.  
8/83 - Present.

**Adjunct Professor**  
Graduate Tax Program, University of Baltimore  
1420 N. Charles St., Baltimore, MD 21201.  
Part time 1/87 - Present

**Teaching Consultant, Harvard Institute for International Development**  
1 Elliot St., Cambridge, MA 01238.  
Moscow, Russia - 3/97 - 4/97; 5/97 - 6/97; 9/97 - 10/97

## 9. Employment record (continued):

**Teaching Consultant, Policy Research Center  
Georgia State University  
35 Broad St., #809, Atlanta, GA 30303-3083.  
Moscow and Omsk, Russia -10/98 - 11/98.**

**Teaching Consultant for Metrica, Inc.  
1601 N. Kent St., Suite 918, Arlington, VA  
Kiev, Ukraine, and Riga, Latvia 1/99 - 3/99; 5/99 - 6/99.**

## 10. Government experience: (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

**None other than the government experience described in response to Question #9 above.**

## 11. Business relationships: (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

**None other than those employment relationships listed in response to Question #9 above.**

## 12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

**(1) American Bar Association (Unpaid)  
A. Judicial Division  
B. Senior Lawyer's Division  
C. Tax Section.**

**(2) District of Columbia Bar Association (Unpaid).**

**(3) University of California, Los Angeles Tax Controversy Institute  
Advisory Board Member, 1998 - Present. (Unpaid).**

**(4) BYU Management Society (Washington, D.C. Chapter)  
Advisory Board Member, 1992 - Present. (Unpaid).**



## 12. Memberships (continued):

(5) J. Reuben Clark Law Alumni Society (Mid-Atlantic Chapter)  
Director, 1991 - Present. (Unpaid).

(6) Tax Section, California Bar Association,  
Advisor To Executive Committee, 1987 - Present.  
(Unpaid).

(7) S.G.M.A. Capital Challenge  
Co-Chair, May 2000 - Present. (Unpaid).

(8) Church of Jesus Christ of Latter-Day Saints  
Various ecclesiastical and youth leadership positions  
1961 - Present. (Unpaid).

## 13. Political affiliations and activities:

- a. List all public offices for which you have been a candidate.

Judge on U.S. Tax Court.

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

- c. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.

None.

## 14. Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)

V. Judson Klein Award, Tax Section, California Bar Association  
1999.

## 14. Honors and Awards (continued):

**Outstanding Faculty Award, Graduate Tax Program,  
University of Baltimore, 1992.**

**Outstanding Faculty Award, Graduate Tax Program,  
Golden Gate University, 1983.**

## 15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)

**Numerous judicial opinions published from 1983 - Present. These opinions are reported and published in the format of Tax Court regular and memorandum opinions. They can be found in the government official and unofficial reports of Tax Court opinions and in various nongovernment publications such as Lexis, Westlaw, CCH, and Prentice Hall. If you wish me to provide copies of any of the opinions please so advise me.**

## 16. Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)

**Although I often speak on panels and at bar association luncheons and seminars, the speeches are not formal, and I do not have written scripts for such talks.**

## 17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)

**Prior to 1983, as a senior lawyer for Bank of America N.T. & S.A. and as a trial attorney for the Tax Division of the U.S. Department of Justice, I obtained extensive trial experience of Federal tax issues in the Federal and State courts throughout the Country. In court, I represented both the IRS and corporate taxpayers.**

**Since August 16, 1983, I have had more than 17 years of experience as a Federal trial judge.**

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.

I do not believe this question is applicable. I hope to be reappointed as a judge on the Tax Court, not to sever my ties therewith. With regard to the associations listed in answer to questions #9 and 12 above, generally I would expect to continue my association with such organizations.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.

No commitments at the present time. I do hope to continue teaching 1 class a year as an adjunct professor at the University of Baltimore Graduate Tax Program. Also, I hope to continue to participate in additional U.S. Government sponsored Rule of Law programs in the former Russian Republics, teaching foreign government judicial and tax officials about the United States' legal and tax systems.

3. Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.

No.

4. If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.

Yes.

**C. POTENTIAL CONFLICTS OF INTEREST**

1. 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 that I anticipate. If any of the above organizations with which I have been affiliated have a dispute over their Federal tax liabilities and choose to litigate such dispute in the U.S. Tax Court, I would recuse myself from handling such a case. The financial savings and investments of myself and of my wife are invested in bank accounts and in equity growth mutual stock funds, and I do not anticipate any conflicts with regard thereto.**

2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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. Same answer as in C-1 above.**

3. Describe any activity during the past 10 years in which you have 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. Activities performed as an employee of the Federal government need not be listed.

**No partisan activity. Note that all of my judicial opinions affect the administration of the Federal tax laws in some way. They affect the IRS and the taxpayer(s) involved in each particular case by either sustaining or rejecting the tax deficiencies in dispute, and they may create precedent that will affect subsequent interpretations of the tax laws. Rarely, in a written judicial opinion I have commented that I regard certain statutory language to be ambiguous and ought to be clarified by Congress.**

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

**I will recuse myself from handling any case involving a conflict of interest.**

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

None.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

Not Applicable.

#### D. LEGAL AND OTHER MATTERS

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

None that I know of.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

None, other than 2 frivolous lawsuits brought by tax protesters against me as a Tax Court judge, as described below:

Joseph A. Bonacci: Tax Court docket No. 42883-85 and Complaint filed with the U.S. District Court for the District of Columbia at its docket No. 90-0123. Case dismissed Oct. 10, 1990.

Jack M. Gookin: Tax Court docket Nos. 15788-83, 23987-83, and 5176-84, and Complaint filed with the U.S. District Court for the Northern District of California at its docket No. C-85-9420-SW. Case long ago dismissed.

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, provide details.

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I believe you have it all. Thank you for your consideration.

#### **E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, 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.

2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?

Yes.

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#### PREPARED STATEMENT OF MARK ALAN WEINBERGER

Mr. Chairman and Members of the Committee, I am honored to appear before you today as a nominee of the President of the United States to become a member of the Social Security Advisory Board (the Advisory Board).

First and foremost, I would like to thank three members of this distinguished Committee for recommending me for nomination. I would like to thank the Majority Leader of the Senate, Senator Trent Lott (R-MS); the Chairman of this distinguished Committee, Senator Bill Roth (R-DE); and Senator Bob Kerrey (D-NE). I would also like to thank Senator Judd Gregg (RNH) for his support and courageous leadership on the issues surrounding Social Security. I have had the distinct honor and pleasure to work with each of these gentlemen, and their outstanding staffs, during my government service and in the private sector.

I would also like to pay special thanks to former Senator John Danforth (R-MO), whom I staffed on tax and budget issues for a time when he was in office. The Senator taught me an awful lot about many things—how to approach issues, policy decisions, people and life. He also showed me the importance of bipartisanship, statesmanship and leadership. For that, I am ever grateful.

Of course, I would particularly like to thank the President of the United States for nominating me for this position.

I appreciate the trust and confidence that each of you have placed in me.

When the Congress created the Advisory Board in 1994 it recognized the value of having a permanent, independent institution to which the Congress, the President, and the Commissioner of Social Security can turn for bipartisan advice and assistance.

I have deep interest in the area of retirement security and especially Social Security. I am not as expert as some in the inter-workings of the program. I am, however, well versed in the difficult policy and political issues surrounding its future. I have worked on these issues from both public and private sector vantages. I approach these issues with no ideological bent or political motivation. I strongly support a bipartisan approach to tackling our nation's toughest policy issues, including Social Security.

I have previously served as Chief of Staff and Counsel to the President's 1994 Bipartisan Commission on Entitlement and Tax Reform. I have also served as a Commissioner on the bipartisan National Commission on Retirement Policy. I have worked informally with Members' offices to discuss these issues and the need for collective action to secure the financial well being of the Social Security system. If confirmed by the Senate, I will continue to work in this same bipartisan spirit as a member of the Advisory Board.

The federal statute creating the Advisory Board gives the Board a broad mandate. The Board is responsible for advising the Congress, the President, and the Commissioner of Social Security on a wide range of subjects, including policies that will ensure the solvency of the Social Security program, recommending ways to improve the quality of service that the agency delivers to the public, increasing public understanding of Social Security, making recommendations for coordinating the Social Security and the Supplemental Security Income (SSI) programs with the Medicare and Medicaid programs, and performing other important duties.

For most of its short history, the Board has been operating without its full membership. Nevertheless, it has unanimously approved a number of reports that respond to the mandate that you have given it. It has made valuable recommendations relating to improving service to the public, strengthening the disability programs, promoting better public understanding of Social Security; and strengthening the agency's policy and research capacity. The Board's report on why action should be taken soon to address Social Security's long-term solvency problem provides a helpful discussion of the magnitude of the financing shortfall and alternatives for addressing it. Recently, the Board convened a panel of noted economists, demographers, and financial experts to review the assumptions and methods used by the Board of Trustees to project the status of the OASDI Trust Funds. I will do everything I can to work with other members of the Board to build on this strong beginning.

This is an increasingly challenging time for Social Security. No crisis in the program exists today. But, this fact is too often used—explicitly or implicitly—as an excuse for inaction. We all know that our projected resources in the so-called "Trust Fund" cannot keep pace with our promises to future Social Security beneficiaries. That creates a troubling feeling for policy makers and experts who have examined the problem in depth. It creates an even more troubling feeling for those beneficiaries who are realizing for the first time that their federally provided retirement nest egg may have a large and growing crack in it.

Unfortunately, when it comes to universal and bedrock programs like Social Security, history would tell us that we will fail to take the bold moves necessary to prevent a crisis until the crisis is at hand. However, the fraying twines of the retirement safety net can more easily be repaired today than when they begin to tear apart at the seams in the not too distant future. The longer we wait to agree on a solution to this problem we all know exists, the more difficult the remedies become.

I have noted with great interest the measurable increase in Congressional activity on Social Security reform in terms of the introduction of bipartisan legislation to sure up the system, increased discussion by government officials and policy makers on both sides of the political isle, public hearings and general debate in town halls. I am also encouraged by the increased public awareness of the issue. I am optimistic that policy makers of both parties will do the "right thing" and address the issue.

And, I am confident that the American people will reward those leaders who are bold enough to be honest about the problem and forthright with workable solutions.

If confirmed, I look forward to working with the Congress, the Administration, and the Commissioner of Social Security in addressing the Social Security and Supplemental Security Income issues that are of such critical importance to the American people.

Lastly, because they are my beginning and my end, I would like to thank my lovely wife Nancy and our four wonderful children Rachel, Noah, Sean and Ben for cheerfully supporting all of my mounting commitments in life.

Thank you. I would be happy to answer any questions that you have at the appropriate time.

**SENATE FINANCE COMMITTEE  
STATEMENT OF INFORMATION REQUESTED OF NOMINEE**

**Mark A. Weinberger**

**A. BIOGRAPHICAL INFORMATION**

**1. Name: (Include any former names used.)**

Mark Alan Weinberger

**2. Position to which nominated:**

Member of the Social Security Advisory Board

**3. Date of nomination:**

October 2, 2000

**4. Address: (List current residence, office, and mailing addresses.)**

Residence: 401 Midsummer Drive  
Gaithersburg, Maryland 20878

Office: Ernst & Young  
1225 Connecticut Avenue, N.W.  
Washington, D.C. 20036

**5. Date and place of birth:**

July 28, 1961 - Scranton, Pennsylvania

**6. Marital status: (Include maiden name of wife or husband's name.)**

Married.

Spouse (maiden name): Nancy Lynn (Williams) Weinberger

**7. Names and ages of children:**

Rachel Gayle Weinberger	6/28/95
Noah August Weinberger	12/24/97
Sean Michael Weinberger	10/20/99
Benjamin David Weinberger	10/29/99



8. **Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.)**

School	Dates	Degrees Attendance	Awarded
Georgetown University Law Center	9/88 to 5/91	Masters in Tax Law	5/91
Case Western Reserve University	8/83 to 5/87	J.D. & MBA	5/87
Emory University	8/79 to 5/83	BA	5/83
Wyoming Seminary High School	9/77 to 6/79	Diploma	6/79
Scranton Central High School	9/76 to 6/77		

9. **Employment record: (List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.)**

Ernst & Young LLP, Washington, D.C. Partner and Director of National Tax	5/00 – Present
Washington Counsel, P.C., Washington, D.C. Principal	3/96 – 5/00
Oldaker, Ryan & Leonard, Washington, D.C. Partner	1/95 – 3/96
President's Bipartisan Committee on Entitlement & Tax Reform, Washington, D.C. Chief of Staff	3/94 – 12/94
Senator Danforth, Washington, D.C. Chief Tax and Budget Counsel	6/91 – 3/94
Ernst & Young, National Tax Department, Washington, D.C. Tax Manager	9/87 – 6/91
Ernst & Whinney, Washington, D.C. Intern	2/85 – 9/87

10. **Government experience:** (List any advisory, consultative, honorary, or other part-time service or positions with Federal, State or local governments, other than those listed above.)

See Question No. 9. In addition:

Office of Senator Arlen Specter (R-PA)  
Intern

Congressional Research Service  
Policy Analyst (Summer Internship)

11. **Business relationships:** (List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, other business enterprise, or educational or other institution.)

Gifts In Kind International	Board of Directors & Secretary
B'nai Israel Congregation	Board of Directors
Center for Strategic and International Studies	Tax Fellow
Federal Bar Association Tax Section	Board of Directors
M. Weinberger Family Trust	Investment partnership with three sisters

12. **Memberships:** (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.)

Gifts In Kind International	Board of Directors & Secretary
B'nai Israel Congregation	Board of Directors
Center for Strategic and International Studies	Tax Fellow
Federal Bar Association Tax Section	Board of Directors

13. **Political affiliations and activities:**

- a. List all public offices for which you have been a candidate.

None.

- b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

- c. **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 10 years.**

**See Attachment No. 1.**

14. **Honors and Awards: (List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievement.)**

No.

15. **Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.)**

*Ripon Forum*, Before We Spend the Projected Surpluses, Let's Take Another Look; Summer 1998.

Social Security: Facing the Facts; April 10, 1996.

*Single Class of Stock Regulations Could Cause Multiple Problems for S Corporations*, Journal of S Corporation Taxation, Warren, Gorham and Lamont; Spring 1991, (co-author).

*"SERPs" Up: Retirement Benefits for Senior Executives*, Journal of Accountancy; November 1990, (co-author).

*Grantor Trusts Offer Flexible Planning Opportunities for S shareholders*, The Journal of Taxation of S Corporation; Spring 1990, (co-author).

*S Corporations*, Tax Practice Series, Tax Management Inc.; 1989, (co-author).

*Service Holds Two Trusts Ineligible as QSSTs*, The Tax Advisor; August 1989.

*Compensation and Asset Planning, Planning for the Highly Compensated*, Callaghan, (co-author).

16. **Speeches: (List all formal speeches you have delivered during the past five years which are on topics relevant to the position for which you have been nominated. Provide the Committee with two copies of each formal speech.)**

No formal speeches that were transcribed, but I have spoken at several dozen conferences on tax, budget and retirement issues over the past several years.

17. **Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.)**

I have deep interest and extensive experience in the area of retirement security and especially Social Security. I have worked on these issues from both a public and private sector perspective. I approach this issue with no ideological bent or political motivation. I am truly interested in the sustainability of our retirement safety net and adequate retirement resources for all Americans. I believe this is perhaps the single largest challenge we face as a nation at this point in our history.

**B. FUTURE EMPLOYMENT RELATIONSHIPS**

1. **Will you sever all connections with your present employers, business firms, associations, or organizations if you are confirmed by the Senate? If not, provide details.**

This position does not require severance.

2. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, provide details.**

Not applicable.

3. **Has any person or entity made a commitment or agreement to employ your services in any capacity after you leave government service? If so, provide details.**

Not applicable.

4. **If you are confirmed by the Senate, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, explain.**

Yes.

**C. POTENTIAL CONFLICTS OF INTEREST**

1. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I foresee no such conflicts. The FBI, Social Security Administration and offices of the White House Counsel and Personnel have all reviewed extensive paperwork detailing my investments and relationships as part of this process.

2. Describe any business relationship, dealing or financial transaction which you have had during the last 10 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. See C.1. Above.

3. Describe any activity during the past 10 years in which you have 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. Activities performed, as an employee of the Federal government need not be listed.

From 1995 to May 2000 I was a Principal in a Washington law firm that represented numerous clients on tax, health care and related issues before Congress and the Administration. Attached is a listing of the clients the firm had during this period. (See Attachment No. 2.)

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Provide the Committee with two copies of any trust or other agreements.)

I do not foresee any conflicts.

5. Two copies of written opinions should be provided directly to the Committee by the designated agency ethics officer of the agency to which you have been nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position.

Done.

6. The following information is to be provided only by nominees to the positions of United States Trade Representative and Deputy United States Trade Representative:

Have you ever represented, advised, or otherwise aided a foreign government or a foreign political organization with respect to any international trade matter? If so, provide the name of the foreign entity, a description of the work performed (including any work you supervised), the time frame of the work (e.g., March to December 1995), and the number of hours spent on the representation.

Not applicable.

**D. LEGAL AND OTHER MATTERS**

1. Have you ever been the subject of a complaint or been investigated, disciplined, or otherwise cited for a breach of ethics for unprofessional conduct before any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.
- No.
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority for a violation of any Federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.
- No.
3. Have you ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.
- 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, provide details.
- No.
5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.
- No additional information.

**E. TESTIFYING BEFORE CONGRESS**

1. If you are confirmed by the Senate, 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.
2. If you are confirmed by the Senate, are you willing to provide such information as is requested by such committees?
- Yes.