NOMINATION OF MICHAEL H. MOSKOW AND DAVID M. NUMMY

HEARING

BEFORE THE

COMMITTEE ON FINANCE UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON THE

NOMINATION OF

MICHAEL H. MOSKOW TO BE DEPUTY U.S. TRADE REPRESENTATIVE AND DAVID M. NUMMY TO BE AN ASSISTANT SECRETARY OF THE TREASURY

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NOMINATION OF MICHAEL H. MOSKOW TO BE DEPUTY U.S. TRADE REPRESENTATIVE AND DAVID M. NUMMY TO BE AN ASSISTANT SEC-RETARY OF THE TREASURY

TUESDAY, OCTOBER 29, 1991

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

The hearing was convened, pursuant to notice, at 10:30 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Lloyd Bentsen (chairman of the committee) presiding.

Also present: Senators Moynihan, Baucus, Bradley, Pryor, Riegle,

Packwood, Chafee, Durenberger, and Symms.

OPENING STATEMENT OF HON. LLOYD BENTSEN, A U.S. SENATOR FROM TEXAS, CHAIRMAN, SENATE FINANCE COMMITTEE

The CHAIRMAN. This hearing will come to order. The first item on our agenda this morning is the consideration of the nomination of Michael Moskow to be one of the three key Deputy U.S. Trade Representatives.

Åmbassador Hills has met with me and with other members of this committee concerning this nomination. Mr. Moskow is being asked to take a very difficult position at a crucial time for our

global trade policy.

If confirmed he is going to have the chief responsibility for our trade relations and negotiations with Japan. That has been our most persistent and deep-seated trade problem. Two weeks ago this committee heard about some of the structural barriers that American firms face in Japan because of Keiretsu practices. Our companies have also faced an uphill battle in Japan because of weak patent and trademark protection.

I am going to be especially interested in the nominee's thoughts in how the Structural Impediments Initiative talks have progressed, and how he thinks they are going to seriously deal with the key barriers our firms continue to face in Japan. Those talks are now in their third year and I sure have not seen any progress

in recent months.

Our trade relations with the People's Republic of China also raise some very serious problems. We have an over \$11 billion trade deficit with China. That is second only to Japan. That is still headed in the wrong direction. China continues to steal our intellectual property, so far largely with impunity.

But within the next month the administration will be making a decision under the Special 301 law that we added in 1988. Just recently we saw a Section 301 case brought against China's other egregious trade practices.

So I will also be interested in Mr. Moskow's thoughts on how we deal with our problems with China. How long should we wait

before we bring about a determination under Section 301?

And finally, the nominee also faces significant challenges on several fronts concerning foreign subsidies. That includes the European Community's massive Airbus subsidies, and aid that many other countries give to their steelmakers and to their ship construction firms.

Mr. Moskow, I expect those and other issues will require the application of all the skills you developed during your years in international business, government service and teaching. The committee will be interested in your thoughts in how those experiences translate to the trade area.

I yield to Senator Packwood for such comments he might make.

OPENING STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM OREGON

Mr. Packwood. I want to add something on Mexico, although I know that is not going to be your principal concern. Probably Mr.

Katz, will be more involved in the negotiations with Mexico.

Mr. Moskow was talking to Senator Moynihan and me shortly before the Chairman came in and we called to his attention that the initial vote in committee on the United States-Canada Free Trade Agreement was 10 to 10. Then President Reagan called us all down to the White House and Senator Matsunagua changed his vote, and we went ahead 11 to 9. But this was with Canada.

The Mexican negotiations are going to be 20 times as tough and you are going to start with a fair number of votes against it, no matter what. I do not care what you bring back. But if you cannot solve two issues—one is the fear of runaway plants and the other is the fear of environmental degradation—in that negotiation, I think

whatever pact you come up with will not pass.

I would like to support an agreement, but if it is one that invites a company to flee for either labor reasons or environmental reasons it will stand no hope. As I say, we had a tough enough time with Canada. This one I think will be tougher unless you can solve those problems.

Thank you, Mr. Chairman. The CHAIRMAN. Thank you. Senator Moynihan?

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

Senator Moynihan. Mr. Chairman, I want to welcome Mr. Moskow and just note for the record that he was once the Assistant Secretary of Labor for Policy, Planning and Research, which is a position that was created under the Kennedy Administration and which I was the first incumbent. We are perhaps the only two that have been heard of since.

But I think it is important that we should have as a Deputy Trade Representative someone who has had a hands-on involvement with the Department of Labor and labor issues. So you are all the more welcome, sir, to this position.

Thank you, Mr. Chairman. The CHAIRMAN. Thank you.

Senator Chafee, would you care to make any comments?

[No response.]

The CHAIRMAN. Mr. Moskow, if you would proceed, please.

STATEMENT OF MICHAEL H. MOSKOW, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE

Mr. Moskow. Mr. Chairman, Mr. Packwood, Mr. Moynihan, Mr. Chafee, I am honored to appear before you today as President

Bush's nominee to be a Deputy U.S. Trade Representative.

Let me also say that I am honored at the prospect of again working with Carla Hills, a good friend of longstanding and a consummate professional whom I hold in the highest regard. I look forward to helping her and you develop and implement U.S. trade policy.

I will not review my background in detail, but I spent the last 14 years working in Chicago for three different large companies, all of whom had extensive dealings in the international area. In fact, the last company that I worked for, Premark International, derived more than half of its income from operations outside the United States.

Prior to that I spent 8 years in the U.S. Government in seven different positions, in four different Government agencies, having been confirmed by the Senate four times of those seven. Before

that I spent 6 years teaching economics at the college level.

Based on these experiences I believe that I can usefully and effectively bring my knowledge of the competitive global corporation, the inner workings of government, and my experience in economic analysis to bear on the expanding American trade and improving our National competitiveness. I also hope to use my management skills to help USTR with its limited resources successfully handle an ever-increasing array of complicated and challenging trade initiatives.

As you know, we are currently extremely busy in the Uruguay Round of the global trade talks, the North American Free Trade Agreement, and the President's Enterprise for the American Initiative. We are also engaged in a profusion of bilateral negotiations throughout the world, particularly Japan. Each of these initiatives is critically important for America's economic future.

For the past few years the flow of U.S. goods and services abroad has been the engine driving the American economy. And more than ever we need the hundreds of billions of dollars a year of economic stimulus that great access to foreign markets could provide.

Our country faces many difficult challenges in developing and implementing its trade policy. In order to be successful the executive branch and the legislative branch must work closely together to ensure that we have a bipartisan policy to open markets and expand trade with our trading partners.

I know that Ambassador Hills is a regular visitor to this committee. I also know, Mr. Chairman, how much she values the close working relationship she has with you and with your colleagues.

I share completely her commitment to this partnership and should I be confirmed I look forward to working with you in this

critical endeavor.

Thank you, Mr. Chairman.

The prepared statement of Mr. Moskow appears in the appen-

dix.]

The CHAIRMAN. You commented a moment ago about the firm you worked with most recently. Now as I recall half of their sales were international. In that experience, what did you find as the major impediments to trying to expand their overseas business? What were the major obstacles that you ran into in trying to increase your exports?

Mr. Moskow. Mr. Chairman, just one correction. I said that more than half the earnings were from outside the United States, not

half the sales.

The Chairman. All right.

Mr. Moskow. Our international operations were actually more profitable than our domestic operations. I would say one of the most difficult challenges we faced was just pure competition from other firms that we ran into in other countries, other firms that had products that were similar to ours, firms that had products that they were trying to introduce them to the market just as we

The CHAIRMAN. I sure cannot quarrel with that. So let's get on to the next one then. How about the problem we have with intellectual property rights protection in Japan? Let me give you an example. You have a situation where we file for protection in Japan and they develop a "cocoon" around that one application: the companies come in and totally encase that application with fringe protections. So it is very difficult to protect that copyright or that other intellectual right.

Let me give you an example of another one that shows how far they will sometimes go. I have a little company in Texas that makes ice cream and it is called "Blue Bell." It is a quality product. It is probably the major producer of ice cream in our State. Japanese businessmen came in with the idea that the Blue Bell should think of franchising it or selling their product in Japan under their labels and so on, looked at the formula, tasted the

product, went into the whole production line.

Then they went back into Japan and filed the trademark application the name "Blue Bell," but they would take ownership of it.

Absolutely outrageous.

Now I was able to go to Carla Hills, to the Ambassador. She reacted very quickly and the Japanese reacted very quickly and we are through that. But that makes it pretty tough for a small business here trying to do business in Japan. What can be done insofar as protection of intellectual property rights that we have not already done?

Mr. Moskow. Mr. Chairman, I am pleased to see that in your situation the matter was addressed appropriately. But you are absolutely correct. This is a very serious problem in Japan. It is an area that has been addressed under the strategic impediments initiative and I know there have been ongoing discussions with Japan about the importance of speeding up the processing of patents and also the issue of patent flooding that you mentioned in your comments.

I think this is an area that is extremely important for any foreign firm trying to do business in Japan and it is one that I think will have to be addressed even on an ongoing basis in the SII talks.

The CHAIRMAN. Well the other part is on those Structural Impediments talks. I saw that report that came out last May. I really was not impressed with it. What do you see as the main achievements of those negotiations thus far on structural impediments?

Now we have had these hearings here on Keiretsu and what is happening there. I do not see the movement. I do not see the head-

way. Maybe you can enlighten me.

Mr. Moskow. Of course, I have not been involved in the process up to now. I, too, have read the report that you mentioned. I think there has been some progress in selected areas. You know, for example, in the patent area, I think they have put more people into the processing of patents and they have speeded up to some extent the processing of patents in Japan. There are other areas that you can mention like that.

But I think the bigger issue is going to be how American business is going to break through and be able to sell its products to Japanese business firms when they are tied in with these Keiretsu relationships that you mentioned. These are very complicated relationships, long standing and there are cross-ownership ties as well.

These are not going to obviously change overnight. But I think American firms have been successful in breaking through those relationships and becoming really part of the Keiretsu. I think in the future this is an area that the SII talks should address in much more intensity.

The CHAIRMAN. Good luck.

Senator Packwood?

Senator Packwood. Is there something wrong with a long-term

relationship between a supplier and a customer?

Mr. Moskow. No, Senator Packwood. There are pluses and minuses to a Keiretsu type of relationship. In fact, in the company that I worked for we made a very strong effort in the last few years to develop more long-term relationships with our suppliers; and, in fact, to narrow down the group of suppliers.

You know, for example, we had five different companies supplying us cardboard boxes. We narrowed that down to one or two because we wanted to have this type of relationship. It was efficient for the supplier; it was efficient for us; and it made sense for the

customer as well.

So there are some positive aspects to these long-term relationships. But when they exclude an American business firm that is trying to do business in Japan and they do that unfairly, then I think that it is something that has to be dealt with.

Senator Packwood. What is the test of unfairly? If a company has been supplying Toyota with ballbearings for 20 years, and an American company wants in and Toyota says, no, we like our sup-

plier of 20 years, where is the unfairness?

Mr. Moskow. Well, I think there has to be—I mean, first, the American firm has to be able to demonstrate that it can supply that product in a more cost effective manner than the existing sup-

plier the Japanese firm is using.

And second of all, these relationships sometimes go way beyond this in terms of setting standards for an industry or for a group of suppliers. In that standard setting process I think it is important that American firms be involved in the process of setting the standards themselves so that they can be part of the action.

Senator Packwood. Now you touch a sensitive point. You are familiar with the agreement with Japan in 1990 on lumber. We had a study of three areas and lumber was one. You are familiar with

that?

Mr. Moskow. Yes, I am.

Senator Packwood. And one of the complaints we had was standard setting, that the American lumbar companies had no part in setting the standards. Our argument was the standards were set uniquely to favor the Japanese producers. We thought that was true. In any event, in 1990 Japan agreed to open up the market and to buy more American lumber and fewer American logs.

I simply want to ask, can you give me your assurance that you know that since agreement has already been reached on this issue, we do not have to renegotiate it. What we need now is your assurance to simply follow up and make sure that Japanese do what

they said they would do.

Mr. Moskow. Yes, you have my assurance on that, Senator.

Senator Packwood. You have my vote. I have no other questions, Mr. Chairman.

The CHAIRMAN. Well that gets to the heart of it pretty fast.

Senator Moynihan?

Senator Moynihan. Mr. Chairman, Mr. Moskow has my vote because he was once Assistant Secretary of Labor for Policy, Plan-

ning and Research.

But in that context I would like to ask a question which just sort of puzzles me without—and I do not know whether it is a good question or not and I am going to ask you as a teacher of economics to help me—which is this old category one used to hear of least cost producer.

That is a legitimate economic idea isn't it or is it not or have things become so various as to have it lost in any real context? I

mean one used to hear of it in terms of steel, things like that.

Mr. Moskow. Mr. Chairman, I have not taught economics for a long time, but I think that that concept still is a meaningful concept.

Senator Moynihan. I think that the United States passed Britain as least cost producer in steel around 1907 and the Japanese passed us around 1972, something like that. At the time the Japanese were getting their coal in West Virginia, their iron ore in Australia and their technology is Austria. But they put it together pretty well.

We can deal with this whole question of impediments and they are real. But are the Japanese becoming in a significant way the least cost producer of many of the manufactured things that move

in international trade? Is that really what has happened?

Mr. Moskow. I think there clearly are cases where the Japanese have been able to produce a product, let's say at a comparable cost and maybe a higher quality or comparable quality, lower cost, but they have that value cost relationship in a way that is let's say more efficient than other competitors. I think that has been in some industries one of the reasons for their success.

Senator MOYNIHAN. I do not want to get labeled a free trade whimp or anything like that the way the administration is. You know, they do not believe in standing up for America; I do. But, you know, the Trade Representatives would do us no harm, your office, or get Commerce to give us some information. I mean, you know, what are the areas in which the Japanese now are simply the world's least cost producer?

You are not going to get into their markets. Say, losses which are dumping. And they are going to overrun the United States because of gray squirrels and black squirrels. And there are such sit-

uations.

Are they not probably now the least cost producer of automobiles?

Mr. Moskow. Well I guess if you said that you were asking American consumers to judge where the least, as you put it produce the lowest cost car for comparable quality or the best package, you would have to say that they have increased their share of the U.S. market in recent years.

Now they still are a minority share of the U.S. market. But at least in certain categories they are competing very effectively with

U.S. cars.

Senator Moynihan. Their shares, but we have a quota on what

we bring in; do we not?

Mr. Moskow. In my understanding, there is no quota on automobiles that are coming into this country. The Japanese have voluntarily set some limits on the number of cars that will be—

Senator MOYNIHAN. The Japanese have voluntarily set a quota? Mr. Moskow. They are voluntarily setting a limit on how many cars will be exported to the United States, but they do have other

cars being manufactured in the United States.

Senator Moynihan. Yes, please. Sir, they voluntarily set a quota on immigration. Remember? In 1895. So we did not have a Japanese Exclusion Act because we had a Chinese Exclusion Act. A voluntary quota is a quota.

You are going to be a good Deputy, but you are going to clear

your mind of that. All right?

My time is up. Our distinguished colleague and chairman, Mr. Chafee. Sir?

Senator Chafee. Thank you, Mr. Chairman.

You went to Lafayette College. I believe Bill Salmon went to Lafayette, didn't he?

Mr. Moskow. Yes, he did, Mr. Chafee.

Senator Chafee. I want to start off by saying I am delighted to see an individual here who has given so much of his time to government service as you have. I know that you have been in and out of government and now you are coming back. I think that is a great tribute to you and we are grateful that you are doing that. I

think if our government is going to succeed we have to get individuals to come back into our service, get good people.

Mr. Moskow. Thank you, Senator.

Senator Chaffee. I noticed that you had Tupperware as one of your divisions when you were at Premark. Tupperware was founded in Rhode Island. I visited the Tupperware Plant, Mr. Carto, in Japan.

The reason I bring that is that we are doing some things right but we apparently are not doing enough things right in trying to sell to Japan and I would like to concentrate on that, if I could.

Tupperware is a big success in Japan. The plant is here, as you know; and a very successful plant. And yet I read in today's newspaper about the Tokyo auto show, the biggest auto show in the world, automobile show. Some American automobiles are on display. Not a single U.S.-manufactured car has the steering wheel on the right-hand side to conform with the Japanese style.

Now what is going on? Tupperware succeeds; U.S. automobiles do not sell. Now true Tupperware is made there. So maybe that is one of the reasons it succeeds. Just from your business experience, and I am not trying to predict what you are doing in the job you are nominated for, but tell us a little bit about why some people suc-

ceed in Japan and why others do not.

Mr. Moskow. Tupperware, as you said, Senator Chafee, has been very successful in Japan. They entered Japan about 30 years ago. It is a wholly-owned subsidiary. It is not a joint venture. They built their manufacturing plan, and it is an extremely well-run plant as well. It competes quite well with other Tupperware plants throughout the world.

One of the reasons that Tupperware has been successful in Japan, and the automobile companies have not, I believe, is because Tupperware sells directly to the final customer. Tupperware is a direct selling company. It hires representatives. Those representatives then go out and meet with the final customer directly. That is the whole principal of the Tupperware party and the Tupperware method of selling.

The automobile companies, they cannot sell directly to the final customer. They have to work through a distribution system that is much more complicated in the United States. Now this varies by industry, of course. But in the automobile industry this is one of the key problems that the automobile companies face in Japan.

Senator Chaffee. Well how are our cars selling if they do not even put the steering wheel on the side that the Japanese have

their steering wheels?

Mr. Moskow. Well, obviously, the steering wheel has to be on the right side to sell large quantities of cars in Japan. I think, I have not talked to our automobile firms about this as to what their plans are, but obviously there would be some significant capital investment required before they could design a car specifically for the Japanese market.

It may be that they are doing that now. I just do not know the

facts in this case, Senator.

Senator Chaffee. Well tell me about your experiences in selling abroad. In the European Community, I presume, it was rather like our rules here, access was not that difficult. How about in the Pa-

cific Rim? And finally, what are the objectives that you would try

to achieve as Deputy in your job at USTR?

Mr. Moskow. Let me answer that question first. There are two major objectives that I think I should try to achieve. One is expanding exports for U.S. business firms so that they have the same access to markets and other countries that foreign firms have to those markets.

The second is the other side of that and that is protecting U.S. business and U.S. workers against unfair trade practices by other

companies outside the United States.

To me, those are the two most important aspects or most impor-

tant goals of my job.

Senator Chaffee. The Chairman mentioned the patent situation. From your experience, has that been a major problem? How about in the EC?

Mr. Moskow. From my own personal business experience I do not believe that we had any serious patent problems in EC countries.

Senator Chafee. How about Pacific Rim?

Mr. Moskow. We had problems in Japan with patents.

Senator Charge. Okay, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Symms?

Senator Symms. Just to follow on with Senator Chafee's questions, how about the Foreign Corrupt Practices Act and the implications there for American companies that you worked with. Did that have any impact on keeping you from getting business that other country's companies were able to get away from?

Mr. Moskow. Not to my knowledge, Senator.

Senator Symms. Do you have a strategy as Deputy at USTR to engage Presidential support in these negotiations, particularly with the challenge that Japan presents to us in the Pacific Rim and in all the opportunities that are there also with so much focus on the Eastern block and on the Middle East? Do you have a strategy of how you might want to help engage the President himself in the support on these negotiations, if necessary?

Mr. Moskow. All of the negotiations that we conduct are planned through an interagency process in the executive branch. There is a trade policy review group and a staff level group as well that meets when specific negotiations come up and specific deci-

sions have to be made.

The President, as you know, has made a number of statements about the Uruguay Round over a course of years and has been a strong supporter of negotiating a favorable agreement in the Uruguay Round. The President becomes involved obviously when he chooses, but when he feels it is appropriate for him to elevate the level of discussion in those negotiations.

But there is extensive interagency discussion and preparation for

these negotiations.

Senator SYMMS. Thank you very much. I think you have a very impressive set of credentials and I look forward to wishing you well and working with you in this position. I think you certainly have the capability to do a good job for all of us.

Thank you, Mr. Chairman.

Mr. Moskow. Thank you, Senator

The CHAIRMAN. Thank you.

Senator Baucus?

Senator Baucus. Thank you, Mr. Chairman.

Mr. Moskow, I am frankly a little concerned about your statement. On page 3 you basically state, "I also hope to use my management skills to help USTR with its limited resources, successful-

ly handle . . .

My problem is, I do not sense that you are tough enough. I do not sense that you have sufficient prior negotiating skill to deal with some very, very rough customers. It is clear to me that one reason why we do not as Americans, why we are not more successful in trade negotiations, is because other countries have a strong deep cadre of trade negotiators. They are tough. They have been there a long time. They know the business. And we Americans have this revolving door policy, people come and go. Our trade negotiators come and go.

We all know in Japan, for example, every Japanese mother hopes that her son will be admitted to Tokyo University, one of the top universities, graduate near the top of the class and go on to the top ministries. Not to go into business, not to go into politics, but to go into one of the top ministries. Work his way up and be one of the top number two or three people in MITI or Finance Ministry or

whatever.

They are tough. They have been there a long time and they know their business. I do not see any trade negotiating experience in your background. So what can you tell us to reassure us that you are tough? You have no experience in trade negotiations with these countries. You are replacing Lynn Wilson who has very deep negotiating experience and negotiated a semi-conductor agreement for example and very deeply involved in bilaterals.

Jules Katz and Rufus Yurksa have their portfolios. I am concerned that you are just a manager and we cannot have managers here, quite frankly. Can you please say something to me to reassure me that you are meaner than a junkyard dog, that you are

going to stand up for American and so forth?

Mr. Moskow. Senator, I appreciate your concern about the necessity to have strong, tough negotiators on the U.S. side. I guess there are a couple of things I can point to.

First, I think Carla Hills also to my knowledge had no or very limited experience in international trade negotiations before she took her current job. I think Carla Hills is very well respected and I do not think people would accuse her of being soft or easy.

Senator Baucus. We are not talking about her. We are talking

about you.

Mr. Moskow. That is correct.

Senator Baucus. That is a different subject.

Mr. Moskow. Directly to that point, I have had some limited experience in international trade negotiations. I negotiated an agreement with the Soviet Union back in 1973 when I was at the U.S. Department of Housing and Urban Development.

But beyond that I have had negotiating experience in other areas—in the labor management relations area. My training is as a labor economist and I have had practical experience in labor negotiations. And in business I have had extensive experience in negotiations in acquiring other companies or selling companies.

So I feel I am experienced as a negotiator. I think I have suffi-

cient skills there to serve me well in this position.

I would add also that the USTR has an excellent staff of career people who do provide a lot of continuity that you are referring to. As you know the Assistant U.S. Trade Representatives are career people in USTR and they do not turn over.

Senator Baucus. Going back to the Japanese, you know, the number two person does not turn over and they are the ones that have the power in these ministries. The Minister of Finance is a political figure. But the number two guy has been there forever.

He is the tough person.

Mr. Moskow. Well I think, you know, you can have a good cop or bad cop, depending on how you want to structure the negotiations. Senator Baucus. I want an effective cop. That is what I want.

Mr. Moskow. Well I would agree with that, Senator. I think that our Assistant U.S. Trade Representatives are a very effective group of people who work extremely well with the political appointees in the agency.

Senator Baucus. What about Airbus? Are you concerned about

European Airbus subsidies?

Mr. Moskow. I certainly am.

Senator Baucus. Would you agree with the industry's recommendation to request a panel under the GATT subsidies code if current

negotiations break down?

Mr. Moskow. Well we are working very closely with the industry. I share your frustration on this. These negotiations have been going on for 5 years now. I know the negotiations broke down earlier this year and that the administration has already pursued one case, the German exchange rate case, and another case is underway as well.

There is no question in my judgment there are very serious unfair subsidies here being provided to foreign firms that are disad-

vantageous to our U.S. companies.

On the other hand I was very pleased to see in this morning's paper that Japan airlines just purchased 10 U.S. planes, a \$1 billion order, and shows U.S. firms over the European consortium.

Senator Baucus. My time is up. I wish you well, but I must tell you I am very concerned. We as Americans, I think, need to develop deeper sophistication and experience in most of our international agencies. It very much bothers me to see people come and go, particularly people coming into top spots who have no direct experience in the position that they are appointed to fill.

Thank you.

The CHAIRMAN. Thank you.

Senator Pryor?

Senator PRYOR. Mr. Chairman, I really do not have any questions, just an observation. When Senator Chafee talked about the big automobile show in Tokyo, talking about the American cars not having the steering wheels on the proper side. It also reminded me of an event that took place not only 1 year ago but I think also 2 years ago on the Tokyo food show when they would not allow any American rice to be displayed. As you know, that is a very sensi-

tive issue in our part of the world and also in Chairman Bentsen's part of the world because Arkansas and Texas are two of the major rice States in our country.

I wonder if you have any thoughts on that situation that you

would like to share with us.

Mr. Moskow. Well I share that frustration. This is clearly a market where U.S. firms are being excluded. It is my understanding that the discussion of the issue of opening up the Japanese market to rice imports is really part of the Uruguay Round discussions and that is the context that this will be addressed.

Senator Privor. I appreciate that.

Mr. Chairman, I have no further questions. Thank you.

The CHAIRMAN. Thank you.

Senator Packwood?

Senator PACKWOOD. I will follow up on what Senator Pryor said. In the New York Times review of the auto show a couple of days ago, it was reported that the Japanese drive lots of small cars, "personal cars" as they call them, that haul one or two people.

These cars are basically to be used for commuting.

Of course, we have cars that hold four people, but that only one person drives in. The Japanese "personal car" makes sense to me, I thought. But there was a Vice President for General Motors there who said, oh, no, Americans do not want cars like this. And I thought, this sounds like 20 years ago when we started the CAFE standards. American auto companies came out saying, oh, Americans do not want cars like that. And we cannot make cars like that anyway. They kind of dismissed it.

I hope we do not miss the boat on this again. I hope we do not let the Japanese have 95 percent of the market because we overlooked

it.

Senator Pryor. And I think, Mr. Chairman, if I may respond to Senator Packwood, I think the Japanese are getting ready to come out with a car this season, I believe, that gets about 52 miles to the gallon.

When we talked to them about CAFE standards they said, fine, put them on us, we will comply, that is fine with us. And our guys, they resisted every way they can. These are just some observations.

I thank you, Mr. Chairman.

The CHAIRMAN. Are there any further observations? [Laughter.] I would like to have Mr. Nummy come forward, along with Senator

Domenici and Representative Skeen.

Mr. Nummy has been nominated to be the Assistant Secretary of the Treasury for Management. Upon confirmation he will also be designated the Chief Financial Officer of the Department of the

Treasury.

The Assistant Secretary serves as the principal policy advisor on the internal management and budget process of the Department of the Treasury. The Chief Financial Officer, a new position that was created by the Congress last year, is similarly responsible for establishing and overseeing the financial management, accounting and internal control policies of the Department of Treasury.

My understanding is you worked for 11 years now in the area of financial management in both the government and in the private sector. You have served as Deputy Assistant Secretary for Departmental Finance and Management since 1989. You have also had experience in the Congress, working for the Senate Budget Com-

mittee, and you have been able to overcome that.

Senator Domenici. He is much the better for it, Mr. Chairman. The CHAIRMAN. We will be looking for you to effectively apply that experience in your new duties at the Treasury Department. Your challenge, of course, is going to be to manage effectively and efficiently matters within the Department of the Treasury during these times of serious financial constraint. We are pleased to have

I yield to the ranking Republican. Senator Packwood. No comment. The CHAIRMAN. Senator Baucus? [No response.]

The CHAIRMAN. Senator Pryor?

[No response.]

The CHAIRMAN. We eagerly anticipate your introduction, Senator Domenici.

STATEMENT OF HON. PETE DOMENICI, A U.S. SENATOR FROM **NEW MEXICO**

Senator Domenici. Thank you very much, Mr. Chairman. This is the first time I have introduced a nominee where I felt like I was bringing my son before the Senate. That probably means I am getting very old, but it also means this is a very young man, but a very successful one.

When I first met him, Mr. Chairman, he was 22 years of age. He had come to the U.S. Senate to work for us as the youngest certified public account in the State of Oklahoma's history, with an undergraduate degree from Oklahoma State that emphasized finan-

cial management and from that he got his CPA.

He came to work with us on the Budget Committee, immediately became extremely proficient with the management of numbers and program numbers. He was quickly promoted. Then I must admit that there was just a slight departure from such marvelous work during which time, Senator Packwood, he was shipped to New Mexico and he became the financial manager of a campaign out there was called a "People for Pete" campaign. That was Pete Domenici.

He had the first national experience at figuring out how to file all the new forms required under election law and I must suggest I cannot imagine how he got through that without one error ever being challenged by the Federal Government in a \$2.5 to \$3 million campaign. He came back and decided to take a little leisurely visit to Europe and came back and helped the President of the United States in the same way, with reference to the election returns, that is the financial side. And has since that time been working for the Department.

You can see in his summary that he has held some very important jobs and done them all very well. I would suggest in the interest of brevity that I do not believe there is any job of the type we are talking about here today that David Nummy will not do well and I urge that he be accepted by the Senate and recommended by this committee.

The CHAIRMAN. Thank you.

I see we have 8 minutes left for a vote here.

Congressman Skeen?

STATEMENT OF HON. JOSEPH SKEEN, A U.S. REPRESENTATIVE FROM NEW MEXICO

Representative Skeen. Thank you, Mr. Chairman, and members of the committee. I, too, want to add my voice to the recommendations to this committee regarding the confirmation of David Nummy.

As a former ranking member of Treasury/Postal Subcommittee of Appropriations in the House I have had the pleasure of working with David. I have known him before that time. But he handled himself with some of the greatest professionalism and expertise of about anybody I have ever worked with before. So my admiration for his professionalism and his ability to do his work is enormous.

He has acquitted himself well in the acting positions that he has held and I think that he will make an excellent Assistant Secre-

tary for Management upon his confirmation.

He comes from upper Texas, which is Oklahoma. [Laughter.]
Oklahomans always say that Texas has bought out Oklahoma.
Senator Domenici. But you got it right the first time with this Chairman.

Representative Skeen. I knew what I was doing. [Laughter.]

We want to commend him to you. He comes with a great background and I think Senator Domenici has covered that well. You have seen it on the sheets.

I have to say that he acquitted himself well on the University that he went to, which was Oklahoma State University, where he received a bachelor and a master of science in accounting. I think that it has served him well throughout the rest of his career.

I certainly would give a strong commendation and recommenda-

tion for David Nummy.

The CHAIRMAN. Let me say, Mr. Nummy, we have your prepared statement. You are obviously just making a lateral move into something that you are quite versed in.

Are there any questions concerning him? Any questions?

[No response.]

The CHAIRMAN. If not, I move your confirmation. You cannot do any better than that.

STATEMENT OF DAVID M. NUMMY TO BE AN ASSISTANT SECRETARY OF THE TREASURY

Mr. Nummy. Mr. Chairman, could I just state my appreciation publicly for the presence of Congressman Skeen and Senator Domenici. It is a real honor for them to come here and I also want to publicly thank the President and Secretary Brady as well.

[The prepared statement of Mr. Nummy appears in the appen-

dix.]

The CHAIRMAN. Thank you.

[The hearing was adjourned at 11:19 a.m.]

APPENDIX

Additional Material Submitted

PREPARED STATEMENT OF MICHAEL H. MOSKOW

Mr. Chairman and Members of the Committee, I am honored to appear before you

today as President Bush's nominee to be Deputy U.S. Trade Representative.

Let me also say that I am honored at the prospect of working again with Carla Hills, a good friend of longstanding and a consummate professional, whom I hold in the highest regard. I look forward to helping her, and you, develop and implement U.S. trade policy.

Before answering your questions, I should like to make a few comments.

The aim of U.S. trade policy is to make American industry more competitive, create more jobs, and achieve political, economic, and social stability possible only through a truly open world trading system.

As Deputy U.S. Trade Representative, I believe that I would bring a unique range

of professional experiences to bear on that task:

For the past 14 years, I have served as a corporate executive with three major U.S. companies in a wide range of industries. Much of my experience has been with

companies doing substantial business in foreign markets.

For example, during the past five years, I was Vice President for Strategy and Business Development at Premark International—a \$2.7 billion enterprise—which earned more than one-half of its income from outside the United States. Among my duties was the development of corporate strategies and the acquisition of businesses world wide. Premark has significant operations in Europe, Latin America, and Southeast Asia including a wholly owned subsidiary in Japan.

My experience in business gave me an intimate understanding of the problems American entrepreneurs face trying to do business abroad. I have seen successes first hand in opening new markets and, unfortunately, some failures as well. In all of these, I have developed a deep appreciation of the importance of understanding each country's unique combination of culture, politics, economic and competitive en-

vironment.

For the eight years before going into business, I held seven positions in four federal agencies. In four of those positions, I was confirmed by the Senate. My last post, Under Secretary of Labor from 1975 to 1976, was then the second-ranking position in the Department. I was responsible for the day-to-day management of a 16,000employee department with an annual budget of \$20 billion.

My years in government gave me a special perspective on the importance of developing and executing policy in close working partnership with Congress and the private sector. I also worked on, or headed, numerous interagency committees. This

gave me a keen appreciation of Executive Branch policy development.

Finally, for the first six years of my professional life, I taught economics at the college level having earned bachelor's, master's, and doctorate degrees in economics.

I believe that I can usefully and effectively bring my knowledge of the competitive global corporation, the inner workings of government policymaking, and my experience at economic analysis to bear on expanding American trade and improving our national competitiveness.

I also hope to use my management skills to help USTR, with its limited resources, successfully handle an ever increasing array of complicated and challenging trade initiatives. As you know, we are currently extremely busy in the Uruguay Round of global trade talks, the North American Free Trade Agreement, the President's Enterprise for the Americas Initiative. We also are engaged in a profusion of bilateral negotiations throughout the world—particularly with Japan. Each of these initiatives is critically important for America's economic future. For the past few years, the flow of U.S. goods and services abroad has been the engine driving the American economy. Just last year the increase in exports generated 83 percent of the growth of GNP. This flow must be maintained and expanded lest exports—our vital engine of growth—sputter or stall. More than ever, we need the hundreds of billions of dollars a year of economic stimulus that greater access to foreign markets could provide.

Our country faces many difficult challenges in developing and implementing its trade policy. In order to be successful, the Executive and Legislative branches must work closely together to ensure that we have an bipartisan policy to open markets and expand trade with our trading partners. I know that Ambassador Hills is a regular visitor to—this Committee. I also know, Mr. Chairman, how much she values the close working relationship she has with you and your colleagues. I share completely her commitment to this partnership, and should I be confirmed, I look forward to working with you in this critical endeavor.

BIOGRAPHICAL

EMPLOYMENT SUMMARY

PREMARK INTERNATIONAL, INC., Deerfield, IL

A \$2.7 billion spin off from Dart and Kraft that includes Tupperware, Hobart, Wilsonart, West Bend, Florida Tile, Hartco Flooring and Precor Exercise Equipment. Premark's businesses are heavily international with over one-half of its income from outside the United States.

Vice President, Strategy and Business Development (1986-1990)

Responsible for development of domestic and international corporate strategies, review of business unit strategies, and acquisitions and divestitures. Completed seven acquisitions costing over \$350 million including \$215 million for Sikes Corporation, a publicly held company. Worked closely with Tupperware on a financial transaction for Tupperware Japan and on training its senior managers from over 15 countries on strategic planning.

DART AND KRAFT, INC. Northbrook, IL

A \$10 billion diversified consumer products company that resulted from the 1980 merger of Kraft Foods and Dart Industries.

Vice President, Corporate Development (1985-1986)

Lead responsibility for acquisitions and divestitures reporting to Office of Chairman. Completed seven acquisitions and one divestiture including the \$82 million purchase of Vulean Hart Company.

NORTHWEST INDUSTRIES, INC., Chicago, IL

\$2 billion Holding Company owning autonomously run operating companies in steel, chemicals, and consumer products.

President and CEO, Velsicol Chemical Corporation (1982-1984)

Responsible for this \$200 million stand along subsidiary manufacturing agricultural chemicals, specialty chemicals, and pest control products involving 1,700 people, six U.S. and two foreign plants.

ESMARK, INC., Chicago, IL

A \$3 billion holding company with major interest in consumer, industrial products, including Swift Playtex, Vickers Oil, and Vigaro fertilizer.

Executive Vice President, Estronics, Inc. (1980-1982)

Second ranking officer of this \$450 million wholly owned subsidiary. Manufacturer/distributor of high fidelity speakers, electronics (Jensen), electrical, dental supplies (distribution only), and industrial products. Managed two Group Presidents (industrial products and dental supplies) with 2000 people; seven manufacturing and 70 distribution facilities nationwide.

Vice President, Corporate Development and Planning, Esmark, Inc. (1977-1980)

Officer of this \$3 billion holding company, responsible for strategic planning, budgeting, capital expenditure requests, acquisitions, and divestitures. During this period Esmark sold its oil business and spun off Swift's meatpacking business.

U.S. GOVERNMENT POSITIONS, Washington, D.C. (1969-1977)

Under Secretary of Labor, U.S. Department of Labor (1975-1976)

Second ranking official with responsibility for day-to-day management of 15,000 person cabinet department with annual budget of \$20 billion.

Director, Council on Wage and Price Stability (1975-1976)

Directed government agency responsible for monitoring price and wage increases and inflationary impact of government regulations.

Assistant Secretary for Policy Development and Research, U.S. Department of Housing and Urban Development (1973-1975)

Assistant Secretary for Policy, Evaluation and Research, U.S. Department of Labor

Deputy Under Secretary for Economic Affairs and Program Coordination, U.S. Department of Labor (1971-1972)

Executive Director, Construction Industry Collective Bargaining Commission (1970-1971)

Senior Staff Economist. Council of Economic Advisors. Executive Office of the President (1969-1970)

TEACHING EXPERIENCE (1963-1969)

Director, Bureau of Economics and Business Research, and Associate Professor of Economics, Temple University, Philadelphia, Penna. (1967-1969)
Assistant Professor of Management (1965-1967) and Instructor in Economics (1963-1964), Drexel University, Philadelphia, Penna.
Instructor in Economics, Lafayette College, Easton, Penna. (1964-1965)

Instructor in English and History, Eastside High School, Paterson, N.J., (1960-1961)

EDUCATION

A.B. in Economics, Lafayette College, 1959

M.A. in Economics, University of Pennsylvania, 1962

Ph.D. in Business and Applied Economics, University of Pennsylvania, 1965

PROFESSIONAL

Board of Directors, Broadway Financial Corporation, parent of Broadway Bank and Trust Co., 1987-1991

Board of Directors and Executive Committee, National Bureau of Economic Research, 1979-present
Board of Trustees, University of Chicago Hospitals, 1978-Present

U.S. Holocaust Memorial Commission; Appointed by President Reagan, 1989-

National Commission on Employment and Unemployment Statistics; Appointed by President Carter, 1978-1979

President, Industrial Relations Research Association, 1987; Executive Board, 1983-

Industrial Relations Research Association National Association of Business Economists Center for Excellence in Government Economic Club of Chicago Chicago Council on Foreign Relations Northmoor Country Club Standard Club

PERSONAL

Born: January 7, 1938 in Paterson, New Jersey

Spouse: Constance Bain Moskow Children: Robert (23), Eliot (21), Lisa (17) Military: 1st Lieutenant, U.S. Army, Infantry, 1959-1960

PUBLICATIONS

Books

Teachers and Unions, University of Pennsylvania, 1966 Collective Negotiations for Teachers, Rand McNally and Company, 1966 (co-author) Reading on Collective Negotiations in Public Education, Rand McNally and Company, 1967 (co-editor)

Employment Relations in Higher Education, Phi Delta Kappa, 1969 (co-editor)

Collective Bargaining in Public Employment, Random House, Inc., 1970 (co-author) Labor Relations in the Performing Arts: An Introductory Survey, Associated Councils for the Arts, 1970

Collective Bargaining in Government: Readings and Cases, Prentice Hall, 1972 (co-

editor)

Strategic Planning in Business and Government, Committee for Economic Development, 1978

Working Women: Past, Present and Future, Industrial Relations Research Association Series, Bureau of National Affairs, 1987 (co-editor)

Articles

"Collective Bargaining for Public School Teachers," Labor Law Journal, December

1964 (reprinted in one book of readings)
"Collective Bargaining for Teachers," Monthly Labor Review, November 1964
"Recent Legislation Affecting Collective Negotiations for Teachers," Phi Delta
Kappan, November 1965

"Representation Among Teachers," Monthly Labor Review, July 1986

"Teacher Organizations: An Analysis of the Issues," Teachers College Record, February 1965 (reprinted in four books of readings)

"The Collective Negotiations Movement in Education," Colorado Journal of Educational Research, Fall 1967
"Teacher Strikes: Their Causes and Their Impact," Management of Personnel Quarterly, 1969 (co-author)

"Teacher Organizations in the United States," Teacher Unions and Associations: A Comparative Study, Albert A. Blum (ed.), University of Illinois Press, 1969 (co-

author) (reprinted in two books of readings)
"Labor Relations in the Performing Arts" and "Teacher Negotiations and the Public Interest," Emerging Sectors of Collective Bargaining, Seymour Wolfbein

(ed.), 1969

"Multilateral Bargaining in the Public Sector, Proceedings of the 22nd Annual Winter Meeting, Industrial Relations Research Association, 1969 (co-author)

"The Economic Basis of Multilateral Bargaining in Public Education," paper delivered at the February 1969 meeting of the American Educational Research Association and published in the ISR Journal, Spring, 1969 (co-author)
"On Walls with Figures: The Economic Status of Art Museums," Cultural Affairs,

Summer 1969

"The Impact of Collective Negotiations on American Education," Issues in American Education, Arthur M. Kroll (ed.), Brookings Institution, 1970 (co-author). This paper was delivered at a Brookings Institution conference "Trade Unions in the Performing Arts," Monthly Labor Review, March 1970

"The Impact of School Decentralization on Collective Bargaining in Urban Educa-tion," Proceedings of the 23rd Annual Meeting, Industrial Relations Research As-sociation, 1970

"The Scope of Collective Bargaining in Higher Education," Wisconsin Law Journal,

February 1971

"New Initiatives in Public Policy for the Construction Industry," Proceedings of the

24th Annual Meeting, Industrial Relations Research Association, 1971
"Construction Bargaining and the Public Interest," Collective Bargaining: Survival in the 70's?, Richard L. Rowan (ed.), University of Pennsylvania Press, 1972
"The Zero Draft and the Labor Market," Conference Board Record, September 1972
"National Emergency Strikes: The Final Offer Selection Procedures and Other Options." Proceedings of the New York University 21th Annual Conference on Industrial tions," Proceedings of the New York University 24th Annual Conference on Labor, 1972

"Affirmative Action: Further Progress Toward Equal Opportunity for Women," Corporate Lib: Women's Challenge to Management, Eli Ginsberg (ed.), Johns Hopkins Press, 1973

"Environment Regulation and Public Values," Conference Board Record, April 1976 "Collective Bargaining Strategies in the Context of Unemployment and Inflation," Labor Law Journal, August 1976 "Managing in the Public Sector," Proceedings of the 40th Annual Meeting, Industri-

al Relations Research Association, 1988.

PREPARED STATEMENT OF DAVID M. NUMMY

Thank you, Mr. Chairman and Members of the Committee. It is a pleasure to appear before you today as you consider my qualifications for the position of Assistant Secretary of the Treasury for Management. I am deeply honored to have been nominated by President Bush for this important post and I am grateful to Secretary Brady for his confidence in choosing me for this position.

As I come before you today, I would like to discuss with you my experience and

background and share with you my philosophy of public service.

As you know, I have served in the Department of the Treasury for the past twoand-a-half years in the capacity of Deputy Assistant Secretary for Departmental Finance and Management, a position under the Office of the Assistant Secretary for Management. Additionally, while at Treasury, I have served as Acting Assistant Secretary for Management from February, 1989 to August, 1989, and from May, 1991 to the present.

During my tenure at Treasury, I have gained a knowledge and understanding of the Department, Federal procurement and personnel policies and the challenges as-

sociated with managing a Federal agency.

In addition, I am a Certified Public Accountant, and my formal education was in Accounting, Economics and Business Management. My work experience of the past eleven years has been in the area of financial management and I have had opportu-

nities to manage diverse workforces in both small and large organizations.

In particular, my experience with the Senate Budget Committee provided me with extensive knowledge of the Federal budget process and the financial structure of the U.S. Government. I feel it also has given me a unique perspective on the interactions between the legislative and executive branches of the Federal government, a perspective which, I believe, will facilitate a most productive relationship between the Department and the Congress.

Indeed, in addition to being honored by this nomination, I am excited by the opportunity it presents to continue the important and challenging work we have un-

dertaken at the Department.

One of the specific reasons why I am eager to assume an even broader leadership role at Treasury is because of the efforts we already have started to place greater emphasis on service to our customers; these efforts are directly related to my strong beliefs in the nature of public service.

At Treasury, we perceive our customers to be not just our Bureaus, other Federal agencies and departments, and the Congress. We view our customers to be the American people, and all our efforts are directed to providing them the most effi-

cient, highest quality, service possible.

That is what I believe public service is all about. Mr. Chairman, I know I share with you and the Members of this Committee, the conviction that public service is among the highest of any professional calling. Public service is more than just a phrase; it is a trust, demanding the highest standards of honesty, fairness, integrity, efficiency and economy.

I pledge to you and to the American people that these principles will continue to be the measure by which I will gauge my conduct and the decisions I make in the

years ahead.

BIOGRAPHICAL

1. NAME—David Michael Nummy

ADDRESS-1511 22nd Street, N.W. #15, Washington, D.C. 20037 DATE AND PLACE OF BIRTH—April 6, 1957, Oklahoma City, Oklahoma
 MARITAL STATUS—Single
 NAMES AND AGES OF CHILDREN—None

EDUCATION-

Oklahoma State University, 9/75 to 12/79; Masters of Science in Accounting— 12/79; Bachelors of Science in Accounting-5/79 Northwest Classen High School, Oklahoma City, Oklahoma; High School Diploma = 5/75

EMPLOYMENT RECORD—

Deputy Assistant Secretary for Departmental Finance and Management, U.S. Department of the Treasury, Washington, D.C. 20220, 2/89 to Present

Comptroller, Office of the President Elect, 1825 Connecticut Avenue, N.W., Washington, D.C. 20270, 11/88 to 1/89

Comptroller. George Bush for President/Bush-Quayle 88. 733 15th Street, N.W., Washington, D.C. 20005, 1/87 to 11/88

Business Manager. Research/Strategy/Management, 9344 Lanham Severn Road #1102, Lanham, MD 20706, 7/86 to 12/86

Senior Analyst for Tax Policy, U.S. Senate Budget Committee, Dirksen Building, Washington, D.C. 20510, 1/85 to 8/85

Deputy Campaign Manager, People for Pete Domenici, PO Box 2206. Albuquerque, N.M. 87503, 7/83 to 12/84

Assistant to the Staff Director, Analyst for Federal Credit Programs, U.S. Senate Budget Committee, Dirksen Building, Washington, D.C. 20510, 1/81 to 6/83

Advanced Staff Accountant. Ernst and Whinney, 2001 Ross Avenue, #2800, Dallas, TX 75201, 1/80 to 12/80

- 8. GOVERNMENT EXPERIENCE—See positions listed above in Employment Experience with U.S. Senate Budget Committee and U.S. Department of the Treas-
- 9. MEMBERSHIPS-Member, Oklahoma State Society of Certified Public Accountants.
- 10. POLITICAL AFFILIATIONS AND ACTIVITIES—Served as Comptroller of George Bush for President and Bush-Quayle 88 from January, 1987 to November, 1988.

Served as Deputy Campaign Manager for People for Pete Domenici from July, 1983 to December, 1984.

Contributed \$35 to George Bush for President in 1987.

11. HONORS AND AWARDS—Awarded Honorable Mention in the State of Oklahoma for the November, 1979 CPA examination. Award is given to the recipient of the second highest score statewide.

12. PUBLISHED WRITINGS—None13. SPEECHES—No formal speeches have been given in the last three years.

14. QUALIFICATIONS-I am a Certified Public Accountant and my formal education was in Accounting, Economics, and Business Management. My work experience of the last eleven years has been in the area of financial management with opportunities to manage diverse workforces in both small and large organizations. My experience with the Senate Budget Committee provided me with extensive knowledge of the Federal budget process and the financial structure of the U.S. Government. During my tenure at the U.S. Treasury, I have gained a knowledge and understanding of the Department, federal procurement and personnel policies and the challenges of managing a federal agency. In addition, I have served as Acting Assistant Secretary for Management from February, 1989 to August, 1989 and from May, 1991 to the present.