

1 EXECUTIVE COMMITTEE MEETING TO CONSIDER ORGANIZATIONAL
2 MATTERS; AND PENDING NOMINATIONS OF MICHAEL J. ASTRUE, TO
3 BE COMMISSIONER OF SOCIAL SECURITY, SOCIAL SECURITY
4 ADMINISTRATION; DEAL A. PINKERT, TO BE MEMBER OF THE U.S.
5 INTERNATIONAL TRADE COMMISSION; AND IRVING A. WILLIAMSON,
6 TO BE MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION
7 WEDNESDAY, JANUARY 31, 2007
8 U.S. Senate,
9 Committee on Finance,
10 Washington, DC.

11 The meeting was convened, pursuant to notice, at
12 10:07 a.m., in room 215, Dirksen Senate Office Building,
13 Hon. Max Baucus (chairman of the committee) presiding.

14 Present: Senators Rockefeller, Conrad, Kerry,
15 Lincoln, Wyden, Schumer, Stabenow, Cantwell, Salazar,
16 Grassley, Hatch, Lott, Snowe, Kyl, Thomas, Smith,
17 Bunning, Crapo, and Roberts.

18 Also present: Russ Sullivan, Democratic Staff
19 Director; Kolan Davis, Republican Staff Director and
20 Chief Counsel; Dean Zerbe, Tax Counsel and Senior Counsel
21 to the Chairman; Carla Martin, Chief Clerk; and Mark
22 Blair, Deputy Clerk.

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1 OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM
2 MONTANA, CHAIRMAN, COMMITTEE ON FINANCE

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4 Chairman Baucus. The meeting will come to order.

5 The committee meets today to continue its
6 organization for the 110th Congress, as well as to report
7 three nominations.

8 Today the nominations we will consider include the
9 nomination of Michael Astrue to be Commissioner of Social
10 Security, the nomination of Dean Pinkert to be Member of
11 the U.S. International Trade Commission, and the
12 nomination of Irving Williamson to be a Member of the
13 U.S. International Trade Commission.

14 I have expressed to the committee on other occasions,
15 I hope we can conduct mark-ups as a committee in this
16 room, and I hope we can conduct them expeditiously. As
17 soon as we have a quorum of 11 Senators to report these
18 matters, we will turn immediately to do so.

19 It is my hope that we will have Senators here to
20 constitute a quorum sometime around 10:15, 10:20, in that
21 neighborhood. So I encourage all members of staff to
22 tell their Senators--we are very accommodating here--if
23 they could be here at 10:15 just for five minutes, they
24 can go back to their other business. It would make a big
25 difference to this committee if they could be here for

1 that period.

2 I now recognize Senator Grassley for any opening
3 remarks he may choose to make.

4 Senator Grassley. I do not have a statement, but I
5 think every committee is going to have the same problem
6 we have. I just came from Agriculture where, if they had
7 had one more person, they were going to be able to have
8 their budget approved.

9 Chairman Baucus. And I am on that committee and I
10 was not there, so I am one of the culprits.

11 Senator Grassley. Yes. And there are a couple of
12 others on this committee that are also on that committee.
13 So, I just came back here and thought, well, we will get
14 done here and then I will take some people from
15 Agriculture over to help Senator Harkin. But I do not
16 know how that is going to work out.

17 Senator Crapo just went up to do the same thing in
18 Banking. He will be right back down here. Then he wants
19 to go over to Agriculture, too. So we all have the same
20 problems.

21 Chairman Baucus. Right. Does he know that the
22 bewitching time is about 10:15, 10:20? Did he talk to
23 you about that? All the offices know that. All right.
24 Do the Senators know that? [Laughter].

25 We also have some committee business to conduct. We

1 might as well discuss it. One, is to adopt the
2 committee's subcommittees, and the other is to adopt the
3 committee's budget. But to name subcommittees we are
4 waiting for a resolution, a request for a waiver on one
5 side of the aisle, so I think we will defer that action
6 to another meeting. So today we will basically be
7 adopting the committee's budget, and we will do so when a
8 quorum is present.

9 Basically, I say to the Senators who are here, a copy
10 of the budget should be before them. These materials
11 were distributed just a day ago. Again, when Senators
12 arrive we will adopt that.

13 In the meantime, I might ask, does any Senator have
14 anything he or she wishes to say for the next six or
15 seven minutes? Maybe some ideas of what you may want to
16 do in this committee? Other thoughts? I see the Senator
17 from Washington. That prompted something over there.

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1 OPENING STATEMENT OF HON. MARIA CANTWELL, A U.S. SENATOR
2 FROM THE STATE OF WASHINGTON

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4 Senator Cantwell. Thank you, Mr. Chairman. I want
5 to thank you for, in the organization of the committee,
6 considering an Energy Subcommittee, or I guess it is
7 being called by a broader name.

8 Chairman Baucus. It has got a broad name.

9 Senator Cantwell. Natural resources and a variety
10 of issues. But I think it is very important, given the
11 challenges that we face as a country on dealing with a
12 new energy strategy for our country, that this country be
13 even more involved, given that some of the issues really
14 relate to, I believe, leveling of the playing field as it
15 relates to some very mature industries, and the tax
16 incentives and tax breaks that they get, and those that
17 this committee has, in the past, started to incent in
18 renewables, and looking at those technologies that this
19 committee wants to continue to promote.

20 So I think really focusing in on how some of those
21 renewables, whether they are in biofuels, or solar, or
22 what have you, only have two-year horizons for their tax
23 incentives, while as I said, some of these other mature
24 industries have had a lot longer time frame and, thereby,
25 continue to attract investments.

1 I just recently, with many of our colleagues,
2 attended the World Economic Forum in Davos. To my
3 surprise, many of the large oil companies that were there
4 agreed that the tax incentives were still incenting the
5 fossil fuels, and that it was time to start shifting
6 those over to renewables.

7 Even they, because of the renewables that they have
8 within their portfolio, are looking to make sure that
9 their investments that they make in them are also
10 incented as opposed to having a disincentive to be
11 aggressive about their investments. So, I thought that
12 was a very interesting development, that some of those
13 sectors were also talking about the renewables.

14 So I look forward to that subcommittee, Mr. Chairman,
15 and I thank you for your foresight in creating it.
16 Hopefully our committee will spend a great deal of time
17 on this issue.

18 Chairman Baucus. Well, I appreciate that. It is so
19 important and there are so many basic questions that have
20 to be asked. We will be having a good number of
21 hearings, both at the subcommittee and full committee
22 level, and dovetailing with the Energy Committee.

23 I spoke to Senator Bingaman about this several times
24 already. We are working on ways to coordinate and
25 dovetail efforts so the right hand knows a bit what the

1 left hand is doing, not going off in different
2 directions, they in their authorizing legislation in that
3 committee, and our tax incentives, if you will,
4 jurisdiction in this committee.

5 One basic question is the efficiency of different
6 energy technologies. You know, it is calories in,
7 calories out. If we are going to wean ourselves away
8 from OPEC, that is a basic question that has to be faced
9 because on a net basis, on an energy basis, we want to
10 have very efficient technologies, not inefficient
11 technologies, or we are kind of back, not helping
12 ourselves too much.

13 Second, it clearly is externalities, externality
14 costs of some energy technologies versus others. Basic
15 externality clearly is climate change. What is the
16 effect on the climate of some compared to others?
17 Clearly, renewables seem all right, by and large, and
18 that is good. But the other two, the cost for water and
19 transportation--there are lots of different
20 considerations here.

21 When we have these hearings, we are going to be
22 drilling down--an overworked term--working on some of
23 those questions to make sure that the incentives we do
24 come up with seem to make some sense.

25 It is a great opportunity for us. I think the

1 American public is thinking, generally, more
2 strategically now than before. That is, they want us in
3 the Congress to be thinking ahead a little bit, not just
4 reacting daily to the issue of the day or ad hoc
5 solutions, as much as we have in the past, the past 10,
6 15 years, basically because we cannot afford it any more.
7 We have got to think a little more deeply and plan a
8 little more.

9 That is why I think the American public wants us to
10 think very clearly and thoughtfully about energy
11 independence, knowing we will not get there 100 percent,
12 but moving down that track, what makes the most sense in
13 which ways, which technologies, which energy solutions
14 make more sense compared to others.

15 But I very much value the thought and the thinking of
16 the Senate from Washington. I know you have thought long
17 and hard about this and it has been very important to you
18 in your State, and in the country. So, I thank you for
19 showing great interest in that subcommittee.

20 Yes. The Senator from Colorado?

21 Senator Salazar. Chairman Baucus, I will say this.
22 If Senator Grassley, Senator Thomas, and I, and you were
23 to go over to the Agriculture Committee, they might have
24 a quorum.

25 But I just met Blanche Lincoln, who was on her way

1 over there, and I asked her if she was coming over here,
2 and she said she was going over there to make a quorum.
3 So, it is a competition for the quorums.

4 Chairman Baucus. Right.

5 Senator Salazar. But I think what Senator Harkin
6 said, is we might actually meet on the floor, or in the
7 President's Room, sometime later on today.

8 Chairman Baucus. Well, then they all should come
9 over here.

10 Senator Salazar. So we should send a message that
11 Finance Committee Agriculture Committee members should
12 come over here.

13 Chairman Baucus. Right. If they are going to meet
14 on the floor. Yes.

15 Senator Salazar. I just wanted to make three quick
16 points. First, I have only been on the committee now for
17 about a month, but I have recognized that this committee
18 is somehow different from all the other committees that I
19 serve on.

20 I very much appreciate the fact that, instead of
21 having two camps here with staff, a Republican camp and a
22 Democratic camp, it is a Finance Committee camp, and I
23 think that has been tremendously helpful.

24 I know that we had both Republicans and Democrats
25 briefing all of my staff on what the Finance Committee

1 does, and I think this is the kind of template that you
2 and Senator Grassley have developed which would be a good
3 template for other committees in our Senate, and I very
4 much appreciate your leadership and the work of all of
5 our staff.

6 The second point I wanted to make, is I do think that
7 on these subcommittees that you have set up you have
8 identified two of the signature issues of our time in the
9 21st century. For sure, we will debate Iraq and our
10 foreign policy and those issues are tremendously
11 important for our country and for our world in this 21st
12 century.

13 But I think when you go down to the other set of
14 issues that are so critically important to how we define
15 our world, certainly health care and energy are going to
16 be two of the most significant of those issues.

17 I am delighted that those are issues that you have
18 decided to focus on in this committee. I very much look
19 forward to working not only on this committee, but also
20 on the subcommittee on those two very important issues.

21 Chairman Baucus. I appreciate that. Thank you,
22 Senator.

23 A couple of other areas we are going to focus very
24 aggressively on, are both trade and education. I do not
25 know that the countries will reach agreement in Doha or

1 not. If they do, it will probably be around late spring,
2 before March 31, which is the effective deadline under
3 TPA, which means that this committee will be faced with
4 the question of extending TPA. The President asked for
5 it, I think, yesterday.

6 Clearly, trade is very important. Twelve million
7 jobs in this country depend upon trade, that is, exports.
8 Twelve million jobs in the United States depend upon U.S.
9 exports overseas. It helps keep inflation down.

10 However, it is also equally clear that we must
11 address much more thoughtfully and aggressively some of
12 the distortions that are caused not just by trade, but
13 just globalization generally.

14 A lot of job loss--in fact, I think most job loss--in
15 this country is due to globalization, not directly
16 related to trade in the direct sense of the term. That
17 is, trade agreements are a factor, but I think it is more
18 globalization generally.

19 It is very interesting. We are going to have to be
20 very creative here because I think the American people
21 want us to trade. Yes, sure, we need trade. We cannot
22 stick our heads in the sand. On the other hand, hey,
23 think about us, too, those of us who are losing jobs. In
24 addition to labor provisions, environmental provisions,
25 and TAA, for example, we in this committee will be

1 looking at ways to try to go a couple of steps further.

2 I was very interested in an article that I read about
3 what Denmark does. Denmark tries to take advantage of
4 the marketplace, on the one hand, and then soothe the
5 anxieties and the concerns that people might lose jobs on
6 the other.

7 First, Denmark--and I am no Danish expert, believe
8 me. This was just an article I read--has less job
9 protection than occurs in the United States. That is,
10 there is much less job protection in Denmark compared to
11 the United States. So when a company does business,
12 people tend to lose jobs in Denmark more than in the
13 United States, on the margin, at least.

14 So what does Denmark do about that? Well, Denmark
15 spends money on wage insurance and other ways to help
16 people who lose jobs not suffer a big drop in income, but
17 also the conditions that wage insurance on getting new
18 training, new jobs, and so forth.

19 They spend a lot of money on it, much more per capita
20 than we. They spend 10 times per capita on these kinds
21 of programs than does the United States. We could not
22 afford to do that, nor should we really try.

23 But it still is an approach to think about, how to
24 harness the energies of the free market, on the one hand,
25 and try to soothe some of the concerns, legitimate

1 concerns, that people have on the other.

2 I am sure there are a lot of other examples in a lot
3 of other countries that we can be looking at, to be
4 creative here. We are in the world. We have got to deal
5 with it. There are huge opportunities and it is a lot of
6 fun just to find some of these solutions.

7 I see the Senator from Wyoming seeks recognition.

8 Senator Thomas. Thank you, Mr. Chairman. You
9 mentioned just thinking in terms of the future. In a
10 very broad area, I would hope that at some point we could
11 begin to talk a little bit about the Tax Code.

12 We seem to be dealing with every detail, if you need
13 new heels on your shoes, why, we will get some kind of a
14 tax break for that. We ought to be looking at the whole
15 Tax Code and making it simplified.

16 I know that is a demanding issue and it will take
17 some time, but it seems to me that it is something useful
18 that we ought to begin to talk about and begin to get
19 some input into and see if there are not ways to feasibly
20 make more simple the Tax Code and get away from deciding
21 on every little detail, why, let us change the taxes.

22 So, just a challenge on something that I think we
23 should undertake.

24 Chairman Baucus. Well, that is a good thought. It
25 is not glamorous stuff.

1 Senator Thomas. No.

2 Chairman Baucus. Therefore, it is hard to get
3 Senators' attention to some degree. But let us take all
4 of the instances in the Code where there are many, many
5 different definitions or different tax provisions on the
6 same subject, like what is the definition of a child, and
7 what is a small business in the Code.

8 I mean, we cannot be too one-size-fits-all in this,
9 but there are clearly many areas in the Code that we can
10 provide, just starting out. We can get a few successes
11 by just combining lots of different parts of the Code,
12 addressing the same subject, but just on a definitional
13 basis.

14 Then, of course, the big complexity is the PEPS and
15 the PISAs, that is, the Phase-Ins and the Phase-Outs done
16 only for budget purposes. That is a big complexity. We
17 think very short-term here. Solve the budget issue
18 today, how we are going to pay for it at this moment, and
19 just kick down the road and all the problems that it
20 causes.

21 Senator Thomas. All right.

22 Chairman Baucus. You make a very good point. Maybe
23 have Joint Tax give some recommendations that we could
24 follow up with. That might be a way to get there.

25 Senator Thomas. Good. Thank you.

1 Chairman Baucus. You bet. Well, let me see how
2 many we have here. Eight.

3 Senator Grassley. Senator Crapo is upstairs in
4 another meeting.

5 Chairman Baucus. Can you drag him down?

6 Senator Grassley. Well, it is in Banking. I do not
7 now anything about how Banking operates. But they are
8 doing the same thing we are doing here.

9 Chairman Baucus. Just tell him to come down. We
10 have three in the Agriculture Committee. Maybe we will
11 do a trade here. They can all come right now and I will
12 go over there. Tell them that.

13 I thank all the Senators who are here. You are very
14 busy, all of you. You have got lots to do and I
15 appreciate trying to make a quorum here. I just think it
16 is important for us to do our business as a committee,
17 not off the floor. I think it is important, in the
18 daylight here, and so forth.

19 Another area. Clearly, health is one. I am glad you
20 mentioned that, Senator Salazar. The CHIP hearing is
21 tomorrow, and efforts to expand health insurance. Then
22 we may get into small business health issues. I know you
23 and I have talked about that, as has the Senator from
24 Michigan and I talked a lot about that.

25 But I kind of want to move in that direction, but

1 then have a series of hearings getting at the root causes
2 of health insurance cost increases, not just the
3 symptoms, and highlighting some companies who are cutting
4 health care costs on their own. What are they doing that
5 is working? There might be some lessons for all of us.
6 So, perhaps we are biting off more than we can chew, but
7 that is what we are trying to do.

8 The Senator from Michigan is seeking recognition.

9 Senator Stabenow. Thank you, Mr. Chairman. I am so
10 appreciative of your focus on this. In Michigan, it is
11 about jobs for us. For an automobile in Michigan or in
12 the country, it is \$1,500 per vehicle that is the cost of
13 health care. I was with a group on a panel the other
14 night where there was a gentleman from Canada there
15 saying that, in Canada, the same wage structure, the same
16 environmental structure and so on, it is \$200 per
17 vehicle. That is the difference we are competing with.
18 So, I certainly would welcome the opportunity to have
19 folks in the industry share their experiences.

20 Two things that they talk to me about in addition to
21 restructuring all of health care, is health IT. I know
22 Senator Snowe and I had mentioned that to you, that there
23 are potentially very large savings, as well as savings in
24 lives, certainly, by focusing on health technology, and I
25 hope we will have an opportunity to talk about that.

1 Chairman Baucus. Well, that is a good question. I
2 do not mean to put the Senator on the spot, but how do we
3 get at that disparity between U.S. manufacturers on the
4 one hand and their health care costs, which is just
5 gargantuan compared with the health care costs of other
6 countries.

7 Senator Stabenow. Right.

8 Chairman Baucus. I mean, it is a glaring problem.
9 It causes our industry to be much less competitive. We
10 all know what the problem is. We have got to start
11 finding some solutions here.

12 Senator Stabenow. Well, if I might, Mr. Chairman,
13 we are the only industrialized country that structures
14 health care, really, through your job, as you know.

15 Chairman Baucus. That is right.

16 Senator Stabenow. As I know you know. So I know
17 there is a great deal of interest in looking for
18 different ways to structure how we fund health care. I
19 personally think it would actually save us money, because
20 when someone is walking into an emergency room without
21 health insurance and gets treated, then people with
22 health insurance end up paying higher bills as a result
23 of it.

24 So I think it is an important discussion, and I
25 welcome an opportunity. I think it is a really

1 fundamental question for us, so I appreciate the chance
2 that we will have to hear from people about that.

3 Chairman Baucus. All right. Well, I appreciate
4 that very much.

5 Senator Salazar?

6 Senator Salazar. If I may, just tagging on to the
7 conversation on health care, I had lunch with Secretary
8 Nicholson at the VA the day before yesterday and he spoke
9 at some length about what the VA has done in terms of
10 health care and cutting down the costs, including the
11 error rates, because of their implementation of the IT
12 system. I know the VA system is not perfect, but it is
13 certainly a lot better than most other aspects of our
14 health care system in America.

15 I told him that I knew it was an interest of yours,
16 Mr. Chairman, and he volunteered to bring the VA himself
17 before the committee, if it was your wish, to talk about
18 what it is that the VA has done, especially in the whole
19 area of IT where they have been receiving national
20 recognition for some of the good work that they have
21 done. So, I told him I would pass that on to you, sir.

22 Chairman Baucus. I appreciate that. There are a
23 lot of lessons to be learned from the VA.

24 Well, I think it is good to be optimistic. It is
25 also good to be realistic. Realistically, we are not

1 going to get 11 Senators here and we are going to have to
2 take this up off the floor at a later time.

3 Senator Grassley. It has to be done today, does it
4 not? Is today not the last day?

5 Chairman Baucus. The budget has to be done today,
6 the 31st. That is correct. So, we will find a way to do
7 it. But I am not giving up. I am giving up today, but I
8 am not giving up in the long term. I want to have mark-
9 ups here in the committee and we just have to figure out
10 a way of how we can accommodate each other to help make
11 that happen.

12 The committee is in recess.

13 [Whereupon, at 10:30 a.m. the meeting was recessed.]

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1 [Whereupon, at 2:25 p.m. the meeting was reconvened in
2 Room 212, the President's Room.]

3 The Clerk. Mr. Lott, we have four votes today:
4 budget, nomination of Astrue for Social Security
5 Commissioner, and two ITC nominations, Pinkert and
6 Williamson.

7 Senator Lott. All right. I guess I will vote
8 "aye" on all four.

9 The Clerk. Thank you, sir. Mr. Lott, aye.

10 Senator Lott. Do you need anything else?

11 The Clerk. No, sir.

12 Senator Lott. Am I free?

13 The Clerk. Yes, sir. Mr. Chairman, four votes.

14 Chairman Baucus. Aye.

15 The Clerk. All four?

16 Chairman Baucus. All four.

17 The Clerk. Thank you, sir.

18 The Clerk. Mr. Grassley?

19 Senator Grassley. The same for Grassley.

20 The Clerk. Mr. Grassley votes "aye". Thank you.

21 Chairman Baucus. Thank you.

22 Senator Lincoln. Did you all have this party just
23 for me?

24 The Clerk. There are four votes.

25 Senator Lincoln. Yes, yes, yes.

1 The Clerk. Mrs. Lincoln, aye.

2 Senator Lincoln. Aye, aye, aye. I thought there
3 were only three.

4 The Clerk. Three nominees and our budget.

5 Senator Lincoln. Oh, the budget.

6 The Clerk. Yes, ma'am.

7 Senator Lincoln. All right.

8 The Clerk. Thank you.

9 Senator Lincoln. You bet.

10 The Clerk.

11 Senator Bunning. Is this Finance?

12 The Clerk. Yes, sir.

13 Senator Bunning. All right. What am I voting on,
14 just three nominations?

15 The Clerk. Yes. And the committee budget.

16 Senator Bunning. And the committee budget.

17 The Clerk. Yes, sir.

18 Senator Bunning. Well, I am going to vote "aye" on
19 the three nominations. I do not know the committee
20 budget. What does the committee budget do?

21 The Clerk. It funds the committee for the next two
22 years, as well as subcommittees.

23 Senator Bunning. I know. Good. Very good.

24 The Clerk. Here is a copy of it. It was sent to
25 your staff yesterday.

1 Senator Bunning. My staff?

2 The Clerk. Yes, sir.

3 Senator Bunning. Oh, good. I want to know about
4 changes.

5 The Clerk. Over guidelines, you mean?

6 Senator Bunning. Over the last one.

7 The Clerk. We are funding subcommittees this year.
8 Last year we obtained funding for subcommittees under the
9 special reserves for the Rules Committee, so it was not
10 built in the baseline. This line we are requesting that
11 those funds be built into the baseline. So, that is the
12 only change.

13 Senator Bunning. Including the new subcommittees?

14 The Clerk. All subcommittees.

15 Senator Bunning. All subcommittees.

16 The Clerk. Yes, sir.

17 Senator Bunning. And did we determine what they
18 were going to be and who the members were going to be?

19 The Clerk. Not yet, sir.

20 Senator Bunning. When will that be done?

21 The Clerk. I believe we are waiting on a waiver for
22 a Republican member. I am not sure.

23 Senator Bunning. We gave him that waiver at lunch.
24 We just gave him the waiver.

25 The Clerk. The staff directors will have to let me

1 know when we are going to schedule that meeting. I have
2 not heard yet when we are going to assign the
3 subcommittees, so I do not know the answer to that
4 question.

5 Senator Bunning. All right. I will vote "aye" on
6 that also.

7 The Clerk. Mr. Bunning, aye.

8 Mr. Thomas?

9 Senator Thomas. What are we voting on?

10 The Clerk. The budget and the nominee for Social
11 Security Administrator, and two ITC nominees. Four ayes?

12 Senator Thomas. Aye.

13 The Clerk. Mr. Thomas, aye, aye, aye, aye. Thank
14 you.

15 Senator Thomas. Aye on my subcommittee, too.

16 The Clerk. Mr. Wyden?

17 Senator Wyden. I would like to be an "aye" on all
18 four.

19 The Clerk. Thank you, sir.

20 Senator Wyden. Are there not four pieces of
21 business?

22 The Clerk. Yes. Yes, sir.

23 Senator Wyden. Right. All right. Thanks.

24 The Clerk. Mr. Wyden, aye.

25 Senator Rockefeller. I vote "aye" on all counts.

1 The Clerk. Thank you, sir. Mr. Rockefeller, aye.
2 Thank you.
3 Senator Rockefeller. How about that?
4 The Clerk. Very good.
5 Senator Roberts. Senator Roberts reporting as
6 ordered, ma'am. You are supposed to say "at ease."
7 The Clerk. At ease.
8 Senator Roberts. Thank you, ma'am.
9 The Clerk. Mr. Crapo?
10 Senator Crapo. Aye.
11 The Clerk. Four ayes.
12 Senator Crapo. Yes.
13 The Clerk. Thank you. Mr. Crapo, aye, aye, aye.
14 Mr. Salazar?
15 Senator Salazar. Aye.
16 The Clerk. Aye, four times? The budget, the Social
17 Security nominee, and the two ITC nominees?
18 Senator Salazar. All of them.
19 The Clerk. Thank you, sir.
20 Senator Salazar. Is that all you need me for?
21 The Clerk. Yes, sir. That's it.
22 Senator Salazar. Thank you.
23 The Clerk. Yes, sir?
24 Senator Roberts. Do we have a gathering of the
25 sheep?

- 1 The Clerk. We are having a roving quorum today.
- 2 Senator Roberts. So it is a moving quorum.
- 3 The Clerk. Yes, sir.
- 4 Senator Roberts. Put me down. So when you mark
- 5 that, I voted for the organizational stuff.
- 6 The Clerk. The budget and three nominees. The
- 7 Social Security Commissioner.
- 8 Senator Roberts. Got it. Okay.
- 9 The Clerk. Aye. Mr. Roberts, aye.
- 10 Ms. Snowe?
- 11 Senator Snowe. Aye.
- 12 The Clerk. On all four issues?
- 13 Senator Snowe. Aye, aye, aye.
- 14 The Clerk. Thank you. Ms. Snowe, aye.
- 15 Ms. Stabenow?
- 16 Senator Stabenow. Aye.
- 17 The Clerk. There are four.
- 18 Senator Stabenow. I am sorry.
- 19 The Clerk. There's the budget and three nominees,
- 20 so four votes.
- 21 Senator Stabenow. All right. Aye, aye, aye, aye.
- 22 The Clerk. Ms. Stabenow, aye.
- 23 Senator Schumer. Not Dean Pinkert. Forget it.
- 24 [Laughter].
- 25 The Clerk. Mr. Schumer?

1 Senator Schumer. Four ayes.

2 The Clerk. Thank you. Mr. Schumer, aye.

3 Ms. Cantwell?

4 Senator Cantwell. Four ayes.

5 The Clerk. Yes, sir. Mr. Kerry, four votes. We
6 have four votes, sir.

7 Senator Kerry. Aye.

8 The Clerk. Mr. Kerry votes "aye".

9 Mr. Smith?

10 Senator Smith. Aye.

11 The Clerk. Mr. Smith votes "aye".

12 Mr. Hatch? Four ayes?

13 Senator Hatch. Four ayes.

14 The Clerk. Mr. Hatch votes "aye". Thank you.

15 Mr. Conrad? Four ayes.

16 Senator Conrad. Aye, aye, aye, aye.

17 The Clerk. Mr. Conrad, aye. Thank you.

18 Mr. Bingaman, aye by proxy on the budget.

19 [Whereupon, Mr. Bunning modified his vote on the
20 budget to present.]

21 [Whereupon, Mr. Kyl voted aye on all three
22 nominations and present on the budget.]

23 [Whereupon, at 3:30 p.m. the meeting was concluded.]

24

25

**UNITED STATES SENATE
COMMITTEE ON FINANCE
Max Baucus, Chairman**

**January 31, 2007
10:00 a.m.
215 Dirksen Senate Office Building**

**Agenda for Executive Session
Committee on Finance
110th Congress**

- I. Organizational Matters
 - Committee Budget

- II. Pending Nominations
 - Nomination of Michael J. Astrue to be Commissioner of Social Security, Social Security Administration
 - Nomination of Dean A. Pinkert, to be Member of the United State International Trade Commission
 - Nomination of Irving A. Williamson, to be Member of the United States International Trade Commission

S. RES. _____
IN THE SENATE OF THE UNITED STATES

Mr. Baucus, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration

Resolution

authorizing expenditures by the Committee on Finance.

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed \$4,203,707, of which amount (1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed \$7,356,895, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed \$3,120,762, of which amount (1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of

1946, as amended), and (2) not to exceed \$4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2007, through September 30, 2007; October 1, 2007 through September 30, 2008; and October 1, 2008 through February 28, 2009, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

Results of Executive Session January 31, 2007

The Committee on Finance reported an original Senate Resolution, Authorizing Expenditures by the Committee on Finance, by roll call vote, 19 ayes, 2 present.
Ayes: Baucus, Rockefeller, Conrad, Bingaman (proxy), Kerry, Lincoln, Wyden, Schumer, Stabenow, Cantwell, Salazar, Grassley, Hatch, Lott, Snowe, Thomas, Smith, Crapo, Roberts
Present: Kyl, Bunning

The Committee on Finance reported the nomination of Michael J. Astrue to be Commissioner of Social Security, Social Security Administration, by roll call vote, 21 Ayes, 0 nays.
Ayes: Baucus, Rockefeller, Conrad, Bingaman (proxy), Kerry, Lincoln, Wyden, Schumer, Stabenow, Cantwell, Salazar, Grassley, Hatch, Lott, Snowe, Kyl, Thomas, Smith, Bunning, Crapo, Roberts.

The Committee on Finance reported the nomination of Dean A. Pinkert, to be Member of the United States International Trade Commission, by roll call vote, 21 Ayes, 0 nays.
Ayes: Baucus, Rockefeller, Conrad, Bingaman (proxy), Kerry, Lincoln, Wyden, Schumer, Stabenow, Cantwell, Salazar, Grassley, Hatch, Lott, Snowe, Kyl, Thomas, Smith, Bunning, Crapo, Roberts

The Committee on Finance reported the nomination of Irving A. Williamson, to be Member of the United States International Trade Commission, by roll call vote, 21 Ayes, 0 nays.
Ayes: Baucus, Rockefeller, Conrad, Bingaman (proxy), Kerry, Lincoln, Wyden, Schumer, Stabenow, Cantwell, Salazar, Grassley, Hatch, Lott, Snowe, Kyl, Thomas, Smith, Bunning, Crapo, Roberts

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

The Committee requests the nominee provide the following information in a single written statement by typing each question in full followed by the nominee's response. Please provide three copies of your typed statement to Carla Martin, Chief Clerk, 219 Dirksen Senate Office Building, Washington, D.C. 20510.

A. BIOGRAPHICAL INFORMATION

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

Irving Alexander Williamson

Irving Alexander Williamson, Jr.

2. Position to which nominated:

Commissioner of the United States International Trade Commission

3. Date of nomination:

September 7, 2006

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

Residence and office address: [REDACTED]

5. Date and place of birth:

August 5, 1943; St. Louis, Missouri

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

Married. Wife: Cheryl A. Parham

7. Names and ages of children:

[REDACTED]

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

George Washington University National Law Center, 1971-1975, JD, 1975
Johns Hopkins School of Advanced International Studies, 1965-67, MA, 1969
Brown University 1961-1965, BA, 1965

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.)

President of Williamson International Trade Strategies, Inc. (1999 - present)
As a consultant, I have worked on USAID-funded projects which have assisted countries such as Egypt, Algeria, Cape Verde, Ethiopia, Jordan, Kosovo and Guyana to understand and comply with WTO obligations. I have conducted WTO training programs in Egypt, Barbados, Lebanon, Mali, Macedonia, Uganda and China. I also conducted seminars throughout West Africa on the "Africa Growth and Opportunity Act" (AGOA) and on globalization.

Vice President for Trade, Investment and Economic Development Programs, The Africa-America Institution, New York, NY (1998-1999)

Deputy General Counsel, Office of the U.S. Trade Representative (USTR) Washington, DC (1993-1998)

Manager, Trade Policy, The Port Authority of New York & New Jersey, New York, NY (1985-1993)

Foreign Service Officer, U.S. DEPARTMENT OF STATE (1967-1985), with the following assignments:

Economic Officer, Office of Brazilian Affairs, State Department, Washington, DC (1983-1985)

Associate General Counsel, Office of the U.S. Trade Representative, Washington, DC (1980-1983)

Deputy Division Chief, Office of Aviation, State Department, (1979-1980)

Attorney-Adviser, Office of the Assistant General Counsel for International Affairs, Treasury Department (1978-1979)

Economic Officer, U.S. Mission to the International Organizations in Geneva, Switzerland (1975-1978)

Economic/Commercial Officer, Office of Commercial Affairs, State (1973-1975)

Personnel Officer, Office of Performance Evaluation, State Department, Washington (1971-1973)

International Affairs Officer, Operations Center, State Washington (1970-1971)

Consular Officer and Acting Head Economic/Commercial Section, American Embassy, Antananarivo, Madagascar (1968-1969)
Junior Officer, American Embassy, Port Louis, Mauritius (1967-1968)

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.)**

- **Chapter 19 of the North American Free Trade Agreement roster of individuals qualified to serve on binational panels to review antidumping or countervailing duty determinations**
- **State Dept. Advisory Committee on International Investment (1989-1993)**

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, Williamson International Trade Strategies, Inc.

Consulting assignments since 1999; all work was for projects funded for the U.S. Agency for International Development except where noted:

For Booz Allen Hamilton

- **Chief of Party and legal adviser for project to assist Ethiopia accede to the WTO.**
- **Intellectual property rights and WTO seminar in Beirut, Lebanon and WTO seminar in Macedonia**
- **Advised Cape Verde on establishment of WTO unit.**

For BearingPoint

- **Trade policy advisor to Economic Reconstruction Project for the Government of Kosovo.**

For IBM Business Consulting Services

- **Workshops in seven West African countries on the African Growth and Opportunity Act (AGOA) and globalization.**
- **Proposal for project in South Africa**

For Institute for Trade and Commercial Diplomacy Project (ITCD)

- **Trade policy training programs in Egypt**
- **Trained Vietnamese government officials on trade policy skills and WTO rules (Ford Foundation funded)**
- **Dispute settlement case studies. (Project funded)**

For Chemonics International, Inc.

- **Common Market for Eastern and Southern Africa (COMESA) workshop on services trade and WTO services trade rules**
- **Trade and investment advisor to the US-Egypt Business Council.**
- **Training programs for Egyptian trade officials**

- Evaluated Egyptian compliance with WTO Agreements on technical barriers to trade and sanitary and phytosanitary measures agreement.
- Organization plan for WTO Unit in Jordan Trade Ministry
- Work program to improve Guyana's compliance with WTO obligations and WTO participation.

For Common Market for Eastern and Southern Africa (COMESA)

- Services workshop follow-up

For Manchester Trade and KPMG/Barents

- U.S. government conference with West African Economic and Monetary Union (WAEMU)

For Institute for International Law Institute

- Course on trade agreement monitoring (State Department funded)

For Commercial Law Development Program of Commerce Department (CLDP)

- Organization and work plan for WTO Unit in Egyptian trade ministry
- Assessed status of Algeria WTO accession

For Institute for International Education

- Organized US study tour for Egyptian government trade lawyers and policy analysts

For Computer Frontiers

- Background papers for USTR training program for African trade ministers.

For Colgate Palmolive

- Advised on investment problems in Africa

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

Council on Foreign Relations

District of Columbia Bar (admitted 1975)

United States Court of International Trade

American Bar Association

Board Member, Spence Chapin Services to Families and Children

Board Member, American Foreign Service Association (81-85)

Member, Education Commission, Riverside Church (about 91-93)

Board Member, Christianity & Crisis (about 89 to 93)

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.

National Leadership PAC	\$200	10/12/2000
NY State Democratic Committee	\$250	8/30/2001
National Leadership PAC	\$100	11/1/2002
National Leadership PAC	\$50	5/21/2003
Democratic National Committee	\$50	7/4/2004
Kerry Victory	\$50	7/14/2004
John Kerry for President	\$50	7/4/2004
Democratic Congressional Campaign Committee (DCCC)	\$50	7/4/2004
National Leadership PAC	\$250	8/9/2004

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.)

Fellowships:

Ford Foundation Fellowship to study at Johns Hopkins School of Advanced International Studies

Awards

- Incentive Award for excellent support of the commodities program at USTR. (1981)
- Meritorious Step Increase for exceptional performance while at USTR. (1983)
- Port Authority World Trade & Economic Development Dept. Achievement Award for exceptional performance. (1989)

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

ARTICLES:

- "The African Growth and Opportunity Act" published in "International Legal Developments in Review 2000" for The International Lawyer (2001);
- "Private Sector Trade, Investment and Economic Development in Sub-Saharan Africa" for Law and Policy in International Business (1999);
- "Helping Africans and Americans to Trade" for Business Directory African-American Summit Trade and Investment Exposition (1999);
- "A New Alliance for Progress" for Portfolio: A Quarterly Review of Trade and Transportation (published by the Port Authority of New York & New Jersey)(1992);
- "EC 1992: New Opportunities in Old Europe" for VIA Port of New York-New Jersey (1992) (published by the Port Department of the Port Authority);

- "The Telecommunications-Trade Link" for WTA Update, the Newsletter of the World Teleport Association (1991);
- "The GATT Uruguay Round ... Everyone has a Stake in its Success" for VIA Port of New York-New Jersey (1990);
- "Foreign Trade Barriers Can Be Overcome" for New Jersey International Trade News (1990);
- "The Uruguay Round of GATT Multilateral Trade Negotiations - Implications for World Trade Centers" for World Traders (published by the World Trade Centers Association) (1989);
- "Thy Neighbor's Goods (and Services): The U.S.-Canada Trade Pact" for Portfolio: A Quarterly Review of Trade and Transportation (1988);
- Foreign Investment in the United States: A Summary of Federal Laws Bearing on Foreign Investment in the United States, booklet for Treasury Department (1979)

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.)

I have not given any formal speeches in the last five years.

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

I have been working on trade policy matters for over thirty years; I have worked in a wide variety of positions at the federal and regional government level and as an international consultant. This extensive and long experience should make me an effective commissioner if I am confirmed.

From 1993 to 1998, I was Deputy General Counsel at the Office of the United States Trade Representative (USTR) where I worked on the WTO and North American Free Trade Agreement (NAFTA) implementing legislation. As Chairman of the interagency Section 301 Committee, I led the Committee through 24 investigations of foreign trade barriers. I served as acting general counsel for seven months and helped manage a 14-attorney office that was engaged in over 30 WTO dispute settlement proceedings and was named best government international law office in May of 1997.

From 1985 to 1993 I was Manager, Trade Policy for the Port Authority of New York and New Jersey where I advised its departments and the World Trade Centers Association on international trade issues; I also assisted local firms, who were clients of its export trading company, to deal with foreign trade barriers. I saw first hand how trade policy decisions and trade agreements affected companies in the bi-state region.

While a Foreign Service Officer with the State Department, I served as Associate General Counsel at USTR where I worked on a number of US-EU agricultural

disputes, trade preferences legislation and East-West trade matters. From 1975 to 1978 I served in the US Mission in Geneva in Geneva, Switzerland, where I worked on GATT, UNCTAD, WIPO and Economic Commission for Europe matters.

As a consultant I have worked in over 20 countries on projects designed to help them improve compliance with WTO obligations and to make trade policy decisions that contribute to their economic development and to being a good trade partner for the United States.

Throughout my career I have worked closely with the USITC and come to appreciate the importance of the agency in helping to ensure that the United States has a good trade policy decision making process that focuses on producing results that are in the interest of employment in the US and the US economy. In my consulting assignments, I have seen how poor trade policy decisions are made when countries do not have an institution such as the USITC which can conduct independent investigations and make decisions or recommendations based on sound research and good information.

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.

YES

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

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.

NONE

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, I intend to serve out my full term.

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.

Spouse's shares in General Electric Co.
Board Member, Spence Chapin Services to Families and Children, an adoption agency

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.

President and sole owner of Williamson International Trade Strategies, Inc. For the last 18 months, headed for Booz Allen Hamilton a USAID-funded project in Addis Ababa, Ethiopia and have had no other clients since the start of the project.

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.

As head of a USAID funded project to assist Ethiopia with WTO accession, I have written or edited memos discussing the consistency of certain Ethiopian laws and regulation with WTO rules. These memos were given to the WTO Affairs Department of the Ethiopian Ministry of Trade and Industry and were part of the assistance USAID was providing to help Ethiopia with WTO accession.

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.)

As stated in the Ethics Agreement letter to the Designated Agency Ethics Official at the USITC:

I will not participate personally and substantially in any investigation or other particular matter that would have a direct and predictable effect on the financial interests of General Electric Co., or any other organization in which I have or

may acquire an ownership interest, unless I first obtain a written waiver or qualify for a regulatory exemption, or dispose of my interests in those organizations.

Upon confirmation, I will place Williamson International Trade Strategies, Inc. in an inactive status. Other than to pay any necessary fees and taxes required in order to keep the firm in existence, I will no longer provide professional services to the company or receive compensation for professional services except for those services provided prior to my entry into federal government service. The firm will remain in an inactive status during my tenure as Commissioner. Furthermore, I will not participate personally and substantially in any particular matter that would have a direct and predictable effect on the financial interests of Williamson International Trade Strategies, Inc. unless I first obtain a written waiver or qualify for a regulatory exemption.

I will not participate in any particular matter involving specific parties in which a former client of mine through Williamson International Trade Strategies, Inc. is a party or represents a party, for one year after I have ceased providing services to that former client, unless I am authorized to participate pursuant to 5 C.F.R. § 2635.502(d).

Upon confirmation, I will resign from the board of Spence-Chapin Services to Families and Children.

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.

Divorce proceeding. Judgment for absolute divorce, August 18, 1983 in Supreme Court of the District of Columbia, Family Division.

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 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

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

The Committee requests the nominee provide the following information in a single written statement by typing each question in full followed by the nominee's response. Please provide **three** copies of your typed statement to Carla Martin, Chief Clerk, 219 Dirksen Senate Office Building, Washington, D.C. 20510.

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.) Dean Arthur Pinkert
2. Position to which nominated: Commissioner – U.S. International Trade Commission
3. Date of nomination: September 8, 2006
4. Address: (List current residence, office, and mailing addresses.) [REDACTED]
5. Date and place of birth: June 5, 1956. Chicago, Illinois.
6. Marital status: (Include maiden name of wife or husband's name.) Divorced.
7. Names and ages of children: [REDACTED]
8. Education: (List secondary and higher education institutions, dates attended, degree received, and date degree granted.) New Trier High School - East, 1970-74, diploma in May 1974; Oberlin College, 1974-78, B.A. in May 1978; Princeton University, 1978-1979 (graduate work, no degree); University of Texas School of Law, 1980-1983, J.D. in May 1983; London School of Economics, 1988-89, L.L.M. in September 1989.
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.) Associate, Robins, Zelle, Larson, and Kaplan, Minneapolis, MN., July 1983 to January 1984; Associate and (later) Partner, Fickman & Van Os, P.C., Austin, TX., February 1984 to May 1988; Attorney-Advisor International, Office of Chief Counsel for Import Administration, U.S. Department of Commerce, Washington, D.C., April 1990 to November 1998; Senior Associate, King & Spalding, Washington, D.C., November 1998 to November 2000; Trade & Judiciary Counsel, Office of Senator Robert C. Byrd, Washington D.C., December 2000 to December 2001, Senior Attorney, Office of Chief Counsel for

Import Administration, U.S. Department of Commerce, January 2002 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.) See 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.) Trustee of the Norman L. Pinkert Trust (testamentary trust), current; Partner, Fickman & Van Os, P.C. of Austin, Texas (1988); Board Member of Planned Parenthood of Austin, Texas (1987-88).
12. Memberships: (List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.) Currently a member of Congregation Adat Shalom in Bethesda, Maryland. Vice-Chairman of the International Trade Steering Committee of the American Bar Association (recently ended one-year term).
13. Political affiliations and activities:
 - a. List all public offices for which you have been a candidate.
 - b. List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.
 - 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. Kerry for President Campaign in 2004 – approximately \$400; Gephardt for President Campaign in 2004 – approximately \$100; ~~House Democratic Campaign Committee for period 2000-2004 – approximately \$250.~~
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.) Graduated with High Honors in Government and Phi Beta Kappa from Oberlin College; graduated with Honors from the University of Texas School of Law; graduated with Merit from the London School of Economics; special recognition from the Office of Chief Counsel for Import Administration at the Department of Commerce for softwood lumber litigation and negotiations; Department of Commerce Silver Medal for antidumping duty regulations; Department of Commerce Bronze Medal for countervailing duty regulations; chaired export control panel at the 11th Judicial Conference of the Court of International Trade.

15. Published writings: (List the titles, publishers, and dates of all books, articles, reports, or other published materials you have written.) "The Concept of Specificity in the Bilateral Steel Agreements" in *The University of Ottawa Law Journal* (1991); "Issues in Sampling" in *The Commerce Department Speaks* (PLI 1992); "Targeted Dumping Methodology: Scattershot or Bull's-Eye?" in *The Commerce Department Speaks* (PLI 1998); "Judicial Review of Export Control Determinations" in Volume XXVI, No. 3, of the *Brooklyn Journal of International Law* (2001).

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.

17. Qualifications: (State what, in your opinion, qualifies you to serve in the position to which you have been nominated.) For the past sixteen years, my professional life has focused on international trade law. During that time, I have worked both in the federal government (executive and legislative branches) and the private sector. I have had responsibility for a wide variety of issues. I have had an administrative role with a public-private trade project, handled consultations with Congressional aides and with foreign governments concerning WTO disputes, drafted decisions for the Under Secretary for Export Administration, counseled the Assistant Secretary for Import Administration on Title VII administrative determinations, worked directly with several administrative agencies (especially U.S. Customs and Border Protection) on the enforcement of U.S. trade law, and litigated/negotiated to resolve international trade disputes. I have a broad knowledge of the law, and a deep commitment to applying it as Congress intended.

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. Yes.
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. Investment holdings of the Norman L. Pinkert Trust in General Electric (recently divested), AFLAC, CitiGroup, Proctor and Gamble, and Southern Company. Personal investment holding in Texas Instruments.
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.) Two copies of letter to designated agency ethics official at the U.S. International Trade Commission are provided.
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.

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 have been part of the class in class action shareholder suits involving ATI Technologies, Lucent, and AT&T Wireless. I did not participate in any way in the prosecution of those cases.
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.
-

Senate Finance Committee: Statement of Information
Requested of Nominee

A. BIOGRAPHICAL INFORMATION

- 1) Name: (Include any former name) Michael James Astrue
- 2) Position to which nominated: Commissioner, Social Security Administration
- 3) Date of nomination: September 15, 2006
- 4) Address (List current residence, office, and mailing addresses)
[REDACTED]. No current office address
- 5) Date and place of birth: October 1, 1956 Fort Dix, New Jersey
- 6) Marital status: (Include maiden name of wife or husband's name):
Married on June 16, 1979 to Laura Whitney Mali
- 7) Names and ages of children: [REDACTED]
- 8) Education: (List secondary and higher education institutions, date attended, degree received, and date granted):

Roxbury Latin School, 1968-1974; graduated *magna cum laude* in 1974

Yale University, 1974-1978; B.A. *magna cum laude* in 1978 with honors in Philosophy and English;

Harvard Law School, 1980-1983; J.D. *cum laude* in 1983

Assorted undergraduate and graduate courses taken and audited at George Washington University, Tufts University and Harvard University Extension School

- 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):

Milton Academy, Milton, MA, Associate Teacher, 1974-1978, 1980

United States Senator Richard S. Schweiker, Washington DC, Legislative Correspondent, 1978-1979

National Council of Senior Citizens, Washington DC, Research Assistant/Data Analyst, 1979

National Social Science and Law Center, Washington DC, Research Assistant, 1979-1980

Shipman & Goodwin, Hartford CT, Summer Associate, 1981

Harvard Law School, Cambridge MA, Research Assistant (intermittently) for Professors Paul Bator and Arthur Miller, 1981-1983

BarBri Bar Review, Cambridge MA, ran projectors, 1983

Ropes & Gray, Boston, MA, Summer Associate/Associate 1982, 1984-1985

The Honorable Walter J. Skinner, Boston MA, Law Clerk, 1983-1984

U.S. Department of Health & Human Services, Washington DC, Acting Deputy Assistant Secretary for Legislation (Human Services), 1985-1986

U.S. Department of Health & Human Services, Baltimore MD, Counselor to the Commissioner of Social Security, 1986-1988

The White House, Washington DC, Associate Counsel to the President, 1988-1989

U.S. Department of Health & Human Services, Washington DC, General Counsel, 1989-1992 (also concurrent appointments to U.S. Architectural and Transportation Barriers Compliance Board and Administrative Conference of the United States)

Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, Boston MA, Partner, 1992-1993

Biogen, Cambridge MA, Vice President & General Counsel, 1993-1999

Transkaryotic Therapies, Cambridge MA, Senior Vice President-Administration & General Counsel 2000-2003, President & Chief Executive Officer (and board member) 2003-2005

Boston University Law School, Boston, MA, Adjunct Instructor 2000-2003;

Emerson College, Boston, MA, Adjunct Instructor 2005

Epix Pharmaceuticals, Cambridge MA, Interim Chief Executive Officer, 2005-2006

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

Belmont Republican Town Committee, 1984-1985; 1994-2006

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.)

Board memberships: HealthBanks (previously RSVP Information) (1998-2003); Tercica, Curagen, ArQule (2005-2006)

Consultancy: Bellevue Research (2000)

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

Board memberships: Massachusetts Biotechnology Council (1993-2002) (Chairman 2000-2002); Kenneth B. Schwartz Center (501(c)(3) subsidiary of Massachusetts General Hospital) (1999-2006); Massachusetts High Technology Council (2004-2006) (Vice Chairman, 2006); New England Healthcare Institute (2001-2004)

Advisory Boards: RSVP Information (1995-1998) Harvard University Extension School, Biotechnology Advisory Board (2001-2004); Board of Overseers, Deaconess Beth Israel Hospital (2002-2003); West Chester University, Iris N. Spencer Poetry Awards Advisory Committee (2005-2006)

Other roles: American Bar Association, Administrative Law Section, Bioethics Liaison (1993-1996), Chair of FDA Committee (1996-1998), Section Council (1998-2001); Federalist Society, Vice Chairman, Administrative Law Section (1997-2003); Hudson Institute, Adjunct Fellow (2003); Assistant Girl Scout Troop Leader (2002-2006)

Other memberships:

Oakley Country Club, Watertown, MA Associate member (1993-1995);

Nisi Prius, Boston MA (social club of Boston-area judges and lawyers, primarily litigators) (1997-2006)

New England Poetry Club and Poetry Society of Virginia (both intermittently over the past 12 years) and informal writing groups

13) Political affiliations and activities:

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

Belmont Republican Town Committee, 1984-1985, 1994-2006

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

Massachusetts Lawyers for Dole (1995-1996); Cellucci Transition Committee (1998-1999); Romney Transition Committee (2002-2003); Healey Finance Committee (2005-2006)

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: R. Blute \$250; W. Weld \$1000; E. Teague \$250; 1997: P Torkildsen \$100; G. Bush (TX) \$100; A. Cellucci \$500; J. Smith \$100; 1998: P. Torkildsen \$50; M. Amorello \$200; D. Miller (VA) \$100; C. Morella (MD) \$100; Cellucci-Swift Inaugural Committee \$90; 1999: J. Swift \$500; A. Cellucci \$500; Middlesex Club \$65; Mass GOP \$5000; L. Faircloth (NC) \$250; G. Bush (TX) \$1000; W. Frist (TN) \$1000; Committee to Vote YES for Belmont \$50; 2000: W. Owens (CO) \$100; P. Abair \$500; D. McIntosh (IN) \$500; E. Teague \$500; 2001: R. Portman (OH) \$1000; J. Swift \$500; S. Collins (ME) \$1000; 2002: E. Slavitt \$100; M. Romney \$500, Massachusetts GOP \$6000; J. Swift \$500; O. Hatch (UT) \$500; VOLPAC \$5000; R. Burr (NC) \$1000; Bush-Cheney (DC) \$2000; E. Meyer (NC) \$4000; 2003: Healey \$500; E. Meyer (NC) \$4000; 2004 Mass GOP \$5000; R. Blute \$500; 2005: Mass GOP \$5000; K. Healey \$500; M. Romney \$500; 2006: Mass GOP \$10,000; K. Healey \$500; O. Hatch (UT) \$2000; Straight Talk America \$1000; R. Hillman \$200; S. Diaz \$500.

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

Social Security Administration, Honorary Administrative Law Judge (1988); National Health Lawyers Association, Honorary Member (1989); HHS Inspector General's Special Award (1992); Howard Nemerov Sonnet Award (1995 & 2000); Richard Wilbur Award (2002); Father William Ralston Fellow, Sewanee Writers' Conference (2005)

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

(with David Szabo) "Pharmaceutical Marketing and the Anti-Kickback Statutes," 10 *Food, Drug, Cosmetic and Medical Device Law Digest* No. 2 (April 1993)

"Pseudoscience and the Law: The Case of the Oregon Medicaid Rationing Experiment" *Issues in Law & Medicine*, Volume 9, Issue 4 (Spring 1994) pp. 375-386

"Healthcare Reform and the Constitutional Limits on Private Accreditation as an Alternative to Direct Government Regulation" *Law & Contemporary Problems*, Volume 57, Issue 4 (Autumn 1994) pp. 75-89

"Attacking the Kickback Violations of Competitors" *Healthspan*, Volume 10, Issue 2 pp. 3-9

"Disability Legislation and Litigation" in *Disability & Work* (Carolyn Weaver, ed.) (American Enterprise Institute 1991) pp. 83-84

"Health care providers, insurers and individual patients; the right to treatment; economic and policy issues" *Suffolk University Law Review*, Volume 23, issue 4 (Winter 1993) pp. 1499-1523

Under my literary pseudonym, I have published a book of Petrarch translations called *Longing for Laura* (Birch Brook Press 2001), a book of original poetry and translations called *The Secret Language of Women* (University of Evansville 2003), and my poetry has appeared in a number of anthologies. I have also published a few book reviews.

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.)

I believe that I am qualified to serve as Commissioner of Social Security because: a) I have work experience in, and a passion for, the agency; b) I have substantial experience in administrative law and policy; c) I have substantial work experience in many aspects of both aging and disability; d) I have substantial private sector and public sector management experience; and e) I have a strong commitment to public service.

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.

Yes

- 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.

I aspire to serve the full term.

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. I have been selling my publicly traded stock in anticipation of a return to public service, and I have been making arrangements to put the bulk of my assets into a blind trust upon confirmation even though the Office of Government Ethics is not requiring me to do so.

- 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.

I think it is highly unlikely that any of my recent employers, charities or trade associations will have business before the agency, but I will be careful to recuse myself if they do. I would also anticipate recusing myself from matters involving the law firm of Wilmer Hale since my intention is to have this firm manage my blind trust.

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.

As a member of the board of the Massachusetts Biotechnology Council I was involved in supporting the legislative agenda of the Council, which generally included opposition to pharmaceutical price controls, support for public education and reform of state taxation provisions that treated biotech research investment less favorably than comparable investments by other industries. As a member of the board of the Massachusetts High Technology Council, I have supported the legislative agenda of the Council, which primarily involved advocating against the closure of Hanscom Air Force Base, but also included opposition to tax policies that discourage economic development, support for public education and opposition to pharmaceutical price controls.

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 trusts or agreements.)

To avoid any possible appearance of impropriety, I intend to place all my stock holdings in a blind trust. In addition, I will be careful to recuse myself when dealing with organizations that I have been associated with in the recent past. I do not intend, however, to recuse myself from dealings with employers of more than a decade ago such as the Legal Services Corporation, the parent of the National Social Science and Law Center, or the successor organization to the National Council of Senior Citizens.

I have had some difficulty disentangling myself from a directorship and shares in a nominal defunct Argentinian subsidiary of Transkaryotic Therapies now owned by Shire, but I have retained Argentinian counsel to assist me with that effort and I am cautiously optimistic that I will have severed this relationship before confirmation.

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.

I have asked the agency's designated ethics official and the Office of Government Ethics to forward those materials directly to you.

6) N/A

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?

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 have no additional information to offer that I believe the Committee would consider important.

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