

**NOMINATION OF THE HONORABLE
NORMAN Y. MINETA, TO BE
SECRETARY OF COMMERCE**

HEARING
BEFORE THE
**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**
UNITED STATES SENATE
ONE HUNDRED SIXTH CONGRESS
SECOND SESSION

—————
JULY 19, 2000
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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**NOMINATION OF THE HONORABLE
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WEDNESDAY, JULY 19, 2000

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:40 a.m. in room SR-253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN MCCAIN,
U.S. SENATOR FROM ARIZONA**

The CHAIRMAN. Good morning. Today the Committee meets to consider Norman Mineta's nomination to be the United States Secretary of Commerce. Norm Mineta is one of my colleagues from my days in the House of Representatives. I welcome him before the Committee and congratulate him on his nomination to this prestigious post.

Mr. Mineta, would you like to introduce your family members who are here for this occasion?

Mr. MINETA. Mr. Chairman, thank you very much. I would like to introduce my wife Denny and my stepson Bob Brantner and my sister Etsu Mineta Masuoka and her granddaughter Michele Amano.

The CHAIRMAN. Could you all stand so we can all recognize you. Thank you.

[Applause.]

The CHAIRMAN. Thank you and welcome. I know this is a very proud moment for all of you.

Mr. Mineta has a long record of distinguished public service. He served 20 years in the House as a California Representative of Silicon Valley. During part of his tenure in the House, Mr. Mineta served as Chairman of the then Public Works and Transportation Committee. Mr. Mineta currently serves as Vice President of Special Business Initiatives at Lockheed Martin Corporation.

This is not the first time that Norm Mineta has come before the Committee. The Senate recently approved his nomination to serve on the Metropolitan Washington Airports Authority. The President also recently appointed him to chair the Advisory Commission on Asian Americans and Pacific Islanders. As most of us know, as a young boy Mr. Mineta and his family were among the Americans

of Japanese ancestry forced into internment camps during World War II.

We can all probably acknowledge that Commerce Secretary Daley made a valiant effort to clean up the Commerce Department's reputation as a "dumping ground" for the politically connected. I hope that Mr. Mineta takes this mission seriously. He and I have discussed my concerns about the more recent revelations concerning the alleged political nature of the Commerce Department trade missions.

Again, Norm, I want to congratulate you on this momentous occasion in history. I am sure that I speak for the rest of my colleagues when I say that we are proud and heartened to welcome you back to the life of public service. It is my intention to move your nomination out of the Committee as soon as possible, and thank you for your appearance today.

I would like to mention that Senator Hollings, former chairman and ranking member of this Committee, strongly supports your nomination. He is not here because he recently experienced a death in his family.

If it is agreeable to the witnesses, I would like to begin with our very senior Senator and dear friend and colleague Senator Inouye.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Today the Committee meets to consider Norman Mineta's nomination to be the United States Secretary of Commerce. Norm Mineta is one of my colleagues from my days in the House of Representatives. I welcome him before the Committee, and congratulate him on his nomination to this prestigious post. Mr. Mineta, if you would like to introduce your family members who are here for this occasion?

Mr. Mineta has a long record of distinguished public service. He served 20 years in the House as a California representative of Silicon Valley. During part of his tenure in the House, Mr. Mineta served as Chairman of the then Public Works and Transportation Committee. Mr. Mineta currently serves as Vice President of Special Business Initiatives at Lockheed Martin Corporation.

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[The prepared statement of Senator Hollings follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA

Today the Committee meets to consider the nomination of Norman Mineta to be Secretary of the Department of Commerce.

Mr. Mineta currently serves as Vice President of Special Business Initiatives at the Lockheed Martin corporation. He is a former Member of the United States House of Representatives and has a long and distinguished record of public service.

First elected to Congress in 1974 to represent Silicon Valley, he became the first Asian American to chair the important U.S. House of Representatives Committee on Public Works and Transportation. During his tenure in Congress, Mr. Mineta's legislative and policy agenda was wide and varied, including major projects in the areas of transportation, economic development, science and technology, trade, the environment, intelligence, the budget and civil rights.

A native of San Jose, California, Mr. Mineta and his family were among the 120,000 Americans of Japanese ancestry forced into internment camps by the United States Government during the Second World War. While serving in Congress, he founded and chaired the Congressional Asian Pacific American Caucus and was the driving force behind the passage of the Civil Liberties Act of 1988, which provided an official apology and a means of redress to over 100,000 Japanese Americans interned in camps during World War II. In 1995, George Washington University awarded Mr. Mineta with the Martin Luther King Jr. Commemorative Medal in recognition of his timeless efforts toward promoting civil justice and civil liberties for all individuals and groups.

Given his considerable public sector experience, and personal temperament, there is no doubt Mr. Mineta is qualified and prepared to lead the Department of Commerce and to be the leading voice for the promotion of American business.

I am in full support of Mr. Mineta's nomination and will do all I can to ensure his speedy confirmation.

[The prepared statement of Senator Snowe follows:]

PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE

Thank you, Mr. Chairman, for calling today's hearing on the President's nomination of Mr. Norm Mineta to serve as the Secretary of Commerce. Former-Congressman Mineta and I first met 26 years ago, so it is a real privilege to see him come before the Committee in this capacity today.

Mr. Mineta, I would first like to welcome you to the Senate Commerce Committee and congratulate you on your recent nomination by President Clinton. Having had the privilege of serving with you for 16 years in the House of Representatives, I know that you bring a broad range of knowledge and experience to the position for which you have been selected, and am confident that you will serve with distinction once confirmed.

Not only do you possess the professional credentials and expertise needed for the position of Secretary of Commerce, but your personal background—from your family's tragic and unfortunate experience in an internment camp for Japanese Americans during World War II, to your service as the first Asian-Pacific American mayor of a major city and first Asian-Pacific American to chair a major congressional committee—gives you a unique perspective on the need to treat all Americans fairly and provide a level playing field for those who are trying to achieve the American dream. Needless to say, today's hearing marks yet another milestone in your long and illustrious career.

Mr. Mineta, when you accepted the President's nomination to be the 33rd Secretary of Commerce at the White House last month, you highlighted the fact that the current economic expansion—which is the longest in duration in U.S. history—is an achievement, not an accident, that was brought about by “. . . raising the productivity and competitiveness of our businesses and our work force.” Later, you stated that you intend to “. . . keep all sectors of the economy strong and growing, because we owe it to the American people.” I couldn't agree with you more.

The simple fact is that we live in a time of both unprecedented growth and unprecedented change—change that, thanks to the Internet and new technologies, seems to occur with nearly blinding speed. Those caught with their eyes closed, even for a moment, can quickly find themselves falling behind in a global competitive arena that does not take pity on the complacent.

While the engine of growth, job creation, and improving standards of living is clearly the private sector, that engine needs an operating environment that permits it to run efficiently and without undue interference. And it is the federal government's role to ensure that such an environment exists so that our nation's growth—which is fueled by the private sector—can be sustained for the benefit of all Americans.

The Commerce Department maintains many responsibilities for creating the kind of competitive environment in which American businesses can succeed. Specifically, it is the chief defender of American business interests at home and abroad. In the global arena, it must help American businesses of all sizes take advantage of the

tremendous export opportunities that exist, while at the same time it must vigorously defend our businesses against the depredations of unscrupulous trading partners.

Furthermore, the Department of Commerce also contains the National Marine Fisheries Service. As a member of the House who represented a coastal district for 21 years, I know that you understand just how valuable our marine resources are. This year, the Subcommittee on Oceans and Fisheries, which I chair, has been working to reauthorize and strengthen the Coastal Zone Management Act and the National Marine Sanctuaries Act. These will provide managers with the tools necessary, including sufficient funding, to conserve and sustainably utilize these resources.

Perhaps the most significant item the Subcommittee has been working on is the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. This is the nation's primary federal fisheries statute. Fisheries are one of the most regulated industries in the country. While many such regulations are needed if we are to rebuild those stocks which have been overfished and make the transition to sustainable fisheries, we have heard from fishermen across the country that the National Marine Fisheries Service has been too rigid in implementing the Act.

The resulting lack of flexibility has led to an uncertain business climate for many of our nation's fishermen. When President Clinton announced his intention to nominate you to this post, he stressed that you will bring to Commerce "an in-depth understanding of American business" and I hope that in your tenure we will see this understanding lead to an improvement in the management of our nation's fisheries. Last year, the regulations for the New England groundfish fishery were changed 5 times. As you can well imagine, this presented many challenges to a fleet already struggling to survive. These problems need more money and more leadership if they are to improve.

Finally, through the Economic Development Administration, the Department of Commerce provides targeted assistance to the most distressed local and regional economies in the nation. I've seen the EDA in action in my own state of Maine, and I can attest to the important work that this agency performs in areas where unemployment often runs higher than the national average and new business creation runs low.

Mr. Mineta, with these and other agencies within the Department's jurisdiction, the position of Commerce Secretary involves tremendous responsibility. It requires an individual with a clear vision, innovative ideas, extensive administrative skills, and an unyielding commitment to the interests of American businesses of all shapes and sizes. Accordingly, I look forward to hearing how you intend to manage the challenges and opportunities that are facing the Commerce Department and our nation during this period of unprecedented growth *and* change.

Again, I welcome you to the Commerce Committee today, and look forward to supporting your nomination both in the Committee and on the Senate floor in the days ahead.

Thank you, Mr. Chairman.

Senator INOUE. Mrs. Feinstein, please.

The CHAIRMAN. Whatever you say, Senator Inouye.

[Laughter.]

The CHAIRMAN. Senator Feinstein.

**STATEMENT OF HON. DIANNE FEINSTEIN,
U.S. SENATOR FROM CALIFORNIA**

Senator FEINSTEIN. Thank you very much, Mr. Chairman, Senator Bryan.

As we were talking before you came in the room, I realized that I have known Norman Mineta now for 30 years. In 1970, I was President of the San Francisco Board of Supervisors, he was a member of the San Jose City Council. He then went on to become Vice Mayor and then in 1971 to 1974 Mayor of the City of San Jose.

He is a native son of California. He grew up in San Jose's Japantown. He attended public school. In 1942 when he was 11, his family was among the 120,000 Japanese Americans forcibly re-

moved to internment camps on the West Coast because of their ancestry. I think fittingly, one of his career highlights in Congress was his leadership in the enactment of the Civil Liberties Act of 1988, which called for a formal apology and \$20,000 in compensation to each Japanese American survivor of these internment camps.

He graduated from the University of California-Berkeley in 1953 with a Bachelor of Science in Business. He immediately joined the United States Army. He served there from 1953 to 1956. Upon his return, he entered the insurance business and became active in San Jose urban affairs. He served on the San Jose Human Relations Commission and the San Jose Housing Authority prior to his tenure on the City Council.

In 1967, he was the first ethnic minority elected to the City Council and that began his string of firsts. In 1971, he was elected Mayor of San Jose becoming the first Japanese American Mayor of a major city. In 1974, he became the first Japanese American from the continental United States to be elected to the House of Representatives.

When he assumed the chairmanship of the House Committee on Public Works and Transportation, he became the first American of Asian ancestry to chair a major committee in the House. Of course, should the Senate confirm his nomination as Commerce Secretary, he would become the first Asian American to serve in the President's cabinet.

I have learned to come to appreciate Norman Mineta over the years. The older I get, I find sometimes there are two kinds of people, problem makers and problem solvers. Norman Mineta is a problem solver. I think his 21 years of experience on the Hill in a whole panoply of committee assignments, and particularly as Chairman of the Committee on Public Works and Transportation, demonstrates a very solid knowledge of the interreaction between people and business.

I think he is going to be a very strong and positive Commerce Secretary. Frankly, I only wish this happened earlier in this President's tenure. He has the knowledge, he has the legislative background, he has the experience, and he has the ability, I think, to be a very fine Secretary of Commerce.

So Mr. Chairman, it is with a great deal of pleasure that I am here this morning simply to indicate my strong support and my hope, as you just stated, that this Committee will speedily process his confirmation.

I thank you very much.

The CHAIRMAN. Thank you.

Who is next, Senator Inouye?

[Laughter.]

The CHAIRMAN. Senator Boxer.

**STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Thank you, Mr. Chairman.

I want to associate myself with the remarks of my senior Senator, and I will not be repetitive. I am just going to talk from the heart about Norman Mineta for just a moment if I might. My heart

is full of joy today and it is full of joy for Norm, for his family, for Asian Americans, for all Americans, because, Mr. Chairman, I know you know this and you believe this, that when we do open the door to all of our people we are such a better Nation.

Today another door is being opened. It is a wonderful day. I agree, I wish it had been opened years ago in this particular case, but here it is. What it means is that the door will be opened to so many others who might not have been considered. So it is a huge day.

Senator Feinstein noted the number of firsts. It is hard to be a first. A lot weighs on you. I know Norm feels a lot of emotion today.

I just want to say, when I served with Norm for 10 years in the House of Representatives, Senator Feinstein is right, a problem solver. Mr. Chairman, I hope you will have the opportunity in the brief time that is left on this particular term to work with this fine, soon to be I hope Commerce Secretary, because in his district there are so many different points of view and so much diversity and so many Democrats, so many Republicans, independents. He was able to bring everyone together, which is a wonderful trait, and make progress for everyone.

So it is a wonderful day. I am very honored to be here before you and your colleagues, my colleagues. It is a tough day. We have lost Senator Coverdell in a tragic way. Some of our colleagues have suffered personal losses. So Norm, you bring us joy today, and I am just pleased that you asked me to be here with you.

Thank you very much.

The CHAIRMAN. Thank you, Senator Boxer. Senator Inouye.

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. Thank you, Mr. Chairman. Mr. Chairman and members of the Committee: I am most privileged to be here this morning to join the distinguished Senators of California to support Norm Mineta for the office of Secretary of Commerce. Norm Mineta's life story is in a real sense a celebration of America. It is a story of sadness, it is a story of sacrifice, of pain. Yet it is a story of success and of service and, if I may add, glory.

Here is a young man who, at a time when he was beginning to understand the complexities of society, had to leave his home with his parents to go to a desolate strange place in Wyoming called Hot Mountain, and there he spent nearly 2 years. This was his adult education of America. But instead of leading a life of gloom and bitterness, he returned home dedicated to serve his country. That is his life story. As Senator Feinstein and Senator Boxer have indicated, he served on the San Jose City Council, then became mayor and a distinguished member of the Congress.

Mr. Chairman, I am fully convinced that he will be an outstanding member of the Cabinet. I am certain he will be a glorious footnote in the history of America. So I sit here without any qualifications but one: I am his friend and he is my friend. I can assure you, Mr. Chairman, he is a good man.

Thank you.

The CHAIRMAN. Thank you, Senator Inouye. I thank all our friends from California for being here, and I know you have a

heavy schedule and you cannot stay, but you are welcome to leave. But I thank you all for appearing today. Thank you very much. Senator Bryan.

**STATEMENT OF HON. RICHARD H. BRYAN,
U.S. SENATOR FROM NEVADA**

Senator BRYAN. Thank you very much, Mr. Chairman. I would associate myself with the glowing remarks of our distinguished witnesses and the opening statement that you made.

The President has chosen wisely. Mr. Mineta has a distinguished career in public service. The American public will be fortunate again to have his service in their behalf as the Secretary of Commerce. I enthusiastically support and endorse the nomination and, like you, Mr. Chairman, I am hopeful that we can move this nomination as quickly as possible so that Mr. Mineta will be able to assume his duties and responsibilities on behalf of the American public.

On a personal note, having known him for 20 years, I am very pleased for him personally and his family. This is a wonderful opportunity. It is, as Senator Inouye says, it is an American success story. I congratulate you and the President for your selection.

The CHAIRMAN. Thank you, Senator Bryan. Senator Rockefeller.

**STATEMENT OF HON. JOHN D. ROCKEFELLER IV,
U.S. SENATOR FROM WEST VIRGINIA**

Senator ROCKEFELLER. Thank you, Mr. Chairman.

I just pointed out to Senator Inouye, I have been on this Committee, Congressman Mineta—I guess I have to call you for the moment—I have heard many presentations of candidates, but I have never heard them give such a deep and emotional support for a candidate. These are very genuine people talking about somebody who they very genuinely respect.

I share that view, and I share particularly the historical significance that Senator Inouye referred to. He did not say that you are the first Asian American cabinet member, and he did not specifically talk about internments and injustices done, but they were in his comments and in his heart. I think it is a powerful day that America becomes whole as you become the first Asian American to serve in the United States Cabinet.

But that in and of itself would not qualify you. It is a right and just thing, but it would not qualify you. But you also happen to bring all the other things that are necessary, too. During the course of questioning we will talk about steel, which you and I have discussed, the digital divide, and the whole question of spectrum division.

You have the toughness, the experience, the executive experience, the legislative experience, the personal nature of conflict resolution, bringing people together, the intensity of public service, the concept of public service which is so valuable and increasingly rare. Although I think it lies in the hearts of all Americans, it is not manifested as it once was. But you understand it in a unique way, as Senator Inouye understands it in a unique way.

I am embarrassed on behalf of the Committee that there are not more of us here to join you. You surely have my full support.

The CHAIRMAN. Welcome. Please proceed.

**STATEMENT OF HON. NORMAN Y. MINETA,
NOMINATED TO BE SECRETARY OF COMMERCE**

Mr. MINETA. Mr. Chairman, thank you very, very much. It is a great honor and personal privilege for me to have this opportunity to appear before you and the members of the Senate Commerce, Science, and Transportation Committee this morning.

First of all, I would like to extend on behalf of Denni and me our deepest sympathies to the Senate family, to the family of Senator Coverdell, and to Senator Hollings on the loss of his brother. Senator Hollings and his wife Petesy are close friends and so our sympathies and prayers and thoughts are with the Coverdell family and the Hollings family.

The CHAIRMAN. Thank you.

Mr. MINETA. Mr. Chairman, I would like to especially thank you for the courtesies that you have extended to me since President Clinton announced my nomination some short 3 weeks ago. Since then I have had the opportunity to reach out to you and to each Senator of this Committee, including the distinguished ranking member Senator Hollings, with whom I have worked hard and long over many years.

I am also delighted to thank my fellow Californians for their very generous comments. Both Senators Boxer and Feinstein have been great friends for many, many years and they are extraordinary representatives of the Golden State and I am proud to have them in my company.

I must also say what a great personal honor it is for me to be joined at this table by your committee colleague and my friend of close to 40 years, Dan Inouye. The senior Senator from Hawaii is a man I admire in numerous individual dimensions of humanity and public service. When the Senator received his Congressional Medal of Honor from President Clinton 4 weeks ago today, it was a proud moment for every American, but perhaps especially for those of us who have known and respected Dan for so very long.

Mr. Chairman, as you know, I have looked forward to the fullest possible conversation today. So with that in mind, I will keep my opening statement brief to help devote this hearing to the questions that all of you will have.

When the President nominated me to be the next Secretary of Commerce, I said that 6 months is a virtual eternity in the new economy, and it is. I am honored by and grateful for his confidence in me and I look forward to helping contribute to this longest period of sustained economic expansion in American history.

As many of you may know, my parents came to the United States from Japan some 90 years ago in search of the American dream. My father was actually supposed to come to Spreckles, California, to work at the Spreckles sugar farm. Not knowing that much about our U.S. geography, he got off the ship in Seattle, Washington, 1100 miles away from where he should have been. He was a boy 14 years old, not knowing the language or the culture, but knowing that he had to get to Spreckles, California.

He then worked from one labor camp, lumber camp, farm camp, working his way down to California, and he eventually founded a

small insurance agency in San Jose, California, in 1920. Now, that business remained small, but my father and my mother's dream remained large, in many ways focused on their children and our full acceptance into American society and economic opportunity.

Mr. Chairman, the American economy our parents knew and worked in to raise us has been rebooted many times. I would like to commend especially the work done by Secretary William Daley to reboot the Commerce Department, which I know to be a prime interest of this Committee. But because of Bill Daley's commitment and partnership with you, the Commerce Department today is much more efficient, effective, and transparent in its operations.

If confirmed by you and the full Senate, I will continue to make this work in progress a top priority. This commitment, which I make to you and to every constituent of the Department, should come as no surprise. During my 21 years in the House of Representatives, I had the privilege to serve the American people alongside many of you. So please forgive my repeating a personal mantra that you have probably heard before: I believe very strongly that accountability and accessibility are among the greatest responsibilities that every public servant owes to the letter and the spirit of the Constitution of this great United States.

The American people have the right to expect us to observe these principles as matters of basic good government and to use them in our partnership with the private sector. I believe that new markets, free and fair trade, research enabling the creation of advanced American products and services, e-commerce, a policy of digital inclusion to bridge the digital divide, and the best scientific data are neither partisan domains nor the province of one-size-fits-all prescriptives from Washington, D.C., or anywhere else. The advocacy of these principles, practices, and services to the American people will be foremost among my efforts as Commerce Secretary.

Six months of opportunity and responsibility will demand a greater focus to make a greater difference in that time and I plan to focus my energies and the energies of the Department in four areas: First, keeping people in business. This means keeping the economy growing, Americans more prosperous, and developing new international markets for American business. We must all remember that people are our business and we must continue to invest in our workers, their opportunities, and their communities.

Second, investing in our Nation's future. For the last 30 years, the National Oceanic and Atmospheric Administration has been the Nation's leader in predicting and protecting the environment. Americans today enjoy the best Weather Service in the world. Our ports are more efficient and environmentally safe, and rebuilding our fisheries is a top priority. In all matters, I will continue to focus our best science on managing our coastal and marine resources.

Investing in our Nation's future also means making sure that we have the technology and the policies to fuel the new economy. Across Commerce, people are doing crucial work on research and development, technology diffusion, and infrastructure modernization, and I intend to see that this work stays in high gear and on track.

Third, continuing to mainstream the new economy. Our policies and programs must reach out to help every individual and every business transform ahead of our global competition.

Fourth, accessible and accountable government. The Department has taken great strides to make its expertise and services more available to the American people, who are after all our customers. We must continue these reforms and modernizations.

So Mr. Chairman, I believe these goals are also the results that the American people expect from us and I look forward to working with each and every one of you to keep all sectors of the economy strong and growing throughout this time.

Thank you very much.

[The prepared statement and biographical information of Mr. Mineta follow:]

PREPARED STATEMENT OF HON. NORMAN Y. MINETA,
NOMINATED TO BE SECRETARY OF COMMERCE

Mr. Chairman, it is a great honor and personal privilege for me to appear before you and the members of the Senate Commerce Committee this morning.

I would like to thank you especially, Mr. Chairman, for the courtesies you have extended to me since President Clinton announced my nomination three short weeks ago. Since then, I have had the opportunity to reach out to you and each member of the Committee—including the distinguished Ranking Member, with whom I've worked long and hard over many years.

I'm also delighted to thank my fellow Californians for their comments just now. Both Senators Boxer and Feinstein have been great friends for many, many years and extraordinary representatives of the Golden State. I am proud to be in their company.

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As you know, my parents came to the United States from Japan more than 90 years ago in search of the American Dream. My father began as a farmer in Washington State, worked his way down to California, and eventually founded a small insurance agency in San Jose.

The business remained small. But my father-and-mother's Dream remained large—in many ways focused on their children and our full acceptance into American society and economic opportunity.

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During my 21 years in the House of Representatives, I had the privilege to serve the American people alongside many of you. So, please forgive my repeating a personal mantra you've probably heard before.

I believe accountability and accessibility are among the greatest responsibilities every public official owes to the letter and spirit of the Constitution of the United States. The American people have the right to expect us to observe these principles as matters of basic good government, and to use them in our partnership with the private sector.

I believe that new markets, free and fair trade, research enabling the creation of advanced American products and services, e-commerce, a policy of digital inclusion to bridge the digital divide, and the best scientific data are neither partisan domains nor the province of one-size-fits-all prescriptives from Washington, DC or anywhere else.

The advocacy of these principles, practices and services to the American people will be foremost among my efforts as Commerce Secretary.

Six months of opportunity and responsibility will demand a greater focus to make a greater difference. In that time, I plan to focus my energies and the energies of the Commerce Department in four areas:

- First, *Keeping People in Business*. This means keeping the economy growing, Americans more prosperous, and developing new international markets for American business. We must always remember that people *are* our business. We must continue to invest in our workers, their opportunities, and their communities.
- Second, *Investing in our Nation's Future*. For the past 30 years, the National Oceanic and Atmospheric Administration has been the Nation's leader in predicting and protecting the environment. Americans today enjoy the best weather service in the world. Our ports are more efficient and environmentally safe. And rebuilding our fisheries is a top priority. In all matters, I will continue to focus our best science on managing our coastal and marine resources.
Investing in our nation's future also means making sure we have the technology and policies to fuel the new economy. Across Commerce, people are doing crucial work on R&D, technology diffusion and infrastructure modernization. I intend to see that this work stays in high gear and on track.
- Third, *Continuing to Mainstream the New Economy*. Our policies and programs must reach out to help every individual and every business transform ahead of our global competitors.
- And Fourth, *Accessible and Accountable Government*. The Department has taken great strides to make its expertise and services more available to the American people, who are—after all—our customers. We must continue those reforms and modernizations.

Mr. Chairman, I believe these goals are also the results the American people expect from us.

I look forward to working with each of you to keep all the sectors of the economy strong and growing throughout this time.

Thank you very much.

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names or nick names used.) Norman Yoshio Mineta.
2. Position to which nominated: U.S. Secretary of Commerce.
3. Date of nomination: July 17, 2000.
4. Address: (List current place of residence and office addresses.) Residence: Not released to the public. Office: Lockheed Martin Headquarters, 6801 Rockledge Dr., Bethesda, Maryland 20817.
5. Date and place of birth: November 12, 1931, in San Jose, California.
6. Marital status: Married to Danealia Darlene Mineta. Maiden name: Danealia Darlene Hill.
7. Names and ages of children: David K. Mineta (son), 35; Stuart S. Mineta (son), 27; Robert M. Brantner (stepson), 29; Mark D. Brantner (stepson), 27.
8. Education: (List secondary and higher education institutions, dates attended, degree received and date degree granted.) San Jose High School, San Jose, California, 1946–1949, Diploma; University of California at Berkeley, Berkeley California, 1949–1953 B.S.

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.)

1953 to 1956 U.S. Army; Military Intelligence Officer; Korea and Japan
 1953 to 1966 U.S. Army Reserve; Attained Rank of Major
 1956 to 1992 Mineta Insurance Agency; Owned/Managed family insurance business, San Jose, California
 1967 to 1971 City of San Jose, Member of City Council; San Jose, California
 1971 to 1974 City of San Jose; Mayor; San Jose, California
 1975 to 1995 U.S. House of Representatives; Member; Washington, D.C.
 1995 to 1998 1995 to 4/1998 Senior Vice President and Managing Director, Transportation Systems Services, Lockheed Martin IMS, Washington, D.C.; 4/98 to 10/98 Vice President, Transportation Business Development, Lockheed Martin Corp., Bethesda, Maryland; 10/98 to Present Vice President, Special Business Initiatives, Lockheed Martin Corp., Bethesda, Maryland

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.)

Metropolitan Washington Airports Authority Board of Review
 —Chair, 1987–1995
 Metropolitan Washington Airports Authority Board of Directors
 —Member, 2000
 President's Advisory Commission on Asian Americans & Pacific Islanders
 —Member, 2000
 Smithsonian Institution
 —Member, Board of Regents, 1977 to 1995
 —Member, National Board
 —Member, Smithsonian Environmental Research Committee
 —Chair, Asian Pacific American Advisory Committee
 President's Commission on Critical Infrastructure Protection
 —Member, Advisory Committee, September–December 1997
 National Civil Aviation Review Commission
 —Chair, 1997
 U.S. Department of Transportation
 —Unpaid consultant to Secretary U.S. Department of Transportation, March–June 1999; Drafted Motor Carrier Safety Administration Report.

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

Santa Clara University, Santa Clara, California; Member, Board of Regents; Santa Clara, California
 International Institute for Surface Transportation Policy Studies; Member, Board of Directors; San Jose State University; San Jose, California
 MELE Associates, Inc.; Member, Board of Directors
 ITS America; Member Board of Directors, Washington, D.C.
 Trimble Navigation Ltd.; Member, Board of Directors, Sunnyvale, California

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

Japanese American National Museum, Board of Directors
 San Jose Chamber of Commerce
 Center for Policy Alternatives, Board of Directors
 Eno Transportation Foundation, Board of Directors
 Aero Club of Washington, Board of Directors
 Asian Pacific American Institute for Congressional Studies, Board of Directors
 Junior Statesman Foundation, Board of Directors
 History Museums of San Jose, Board of Directors
 National Japanese American Memorial Foundation, Board of Directors
 San Jose Museum of Art
 Boy Scouts of America, Santa Clara County Council

13. Political affiliations and activities:

(a) List all offices with a political party that you have held or any public office for which you have been a candidate. Candidacies: 1969, San Jose City Council (Appointed, 1967); 1971, Mayor of San Jose; 1974 and every 2 years thereafter, through 1994, U.S. House of Representative from San Jose, California.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years. Democratic Congressional Campaign Committee, member; Dukakis for President Committee, Co-Chair; Santa Clara County United Democratic Committee, member; Democratic Central Committee, Santa Cruz County, member; Democratic State Central Committee, member.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. The following contributions were made by Mineta for Congress political action committee:

A Lot of Folks for Pat Williams	Federal	11/02/92	500.00
A Lot of People Supporting Tom Daschle	Federal	05/09/97	500.00
Abercrombie for Congress	Federal	10/09/96	1,000.00
Al Swift Campaign	Federal	11/02/92	500.00
Alan Wheat for U.S. Senate	Federal	05/04/94	500.00
A Lot of Friends for Pat Williams	Federal	11/07/94	500.00
Angelides for Treasurer	Non-Federal	09/14/97	500.00
Anna Eshoo for Congress	Federal	06/19/96	500.00
Anna Eshoo for Congress	Federal	10/15/96	500.00
Barca for Congress	Federal	11/07/94	500.00
Bonior for Congress	Federal	07/12/90	500.00
Boxer for Senate	Federal	10/31/92	1,000.00
Brennan for Governor/Maine	Non-Federal	10/26/90	500.00
Bud Cramer for Congress	Federal	09/28/92	500.00
Citizens for John Olver for Congress	Federal	05/30/91	500.00
Committee to Elect Antonio R. Villaraigosa	Non-Federal	03/31/98	500.00
Committee to Re-Elect Tom Foley	Federal	11/07/94	1,000.00
Committee to Re-Elect Wayne Owen	Federal	10/26/90	500.00
Congressman Bart Gordon Committee	Federal	06/03/96	500.00
Congressman Jerry Kleczka	Federal	01/09/96	1,000.00
Congressman Klidee Committee	Federal	11/07/94	500.00
Congressman William O. Lipinski Committee	Federal	05/15/92	500.00
Daniel K. Inouye in '98	Federal	02/28/98	1,000.00
Democratic Central Committee Santa Clara County	Political Organization	10/30/95	2,000.00

Democratic Congressional Dinner Committee	Federal	03/14/89	3,000.00
Democratic Congressional Dinner Committee	Federal	03/27/91	3,000.00
Democratic Congressional Campaign Committee	Federal	09/19/89	1,000.00
Democratic Congressional Campaign Committee	Federal	02/05/90	5,000.00
Democratic Congressional Campaign Committee	Federal	10/26/90	500.00
Democratic Congressional Campaign Committee	Federal	03/27/91	5,000.00
Democratic Congressional Campaign Committee	Federal	11/06/91	500.00
Democratic Congressional Campaign Committee	Federal	04/06/92	5,000.00
Democratic Congressional Campaign Committee	Federal	09/23/93	5,000.00
Democratic Congressional Campaign Committee	Federal	05/17/94	5,000.00
Democratic Congressional Campaign Committee	Federal	01/24/95	5,000.00
Democratic State Central Committee	Political Organization	05/26/92	4,000.00
Democratic Party, Santa Clara County	Political Organization	05/22/94	500.00
Democratic State Central Committee	Political Organization	09/25/92	2,000.00
Don Beyer for Governor	Non-Federal	09/07/97	500.00
Eshoo for Congress	Federal	03/31/92	1,000.00
Eshoo for Congress	Federal	09/30/92	1,000.00
Faleomavaega for Congress Committee	Federal	11/07/94	500.00
Fifth Exploratory Committee (Moffett)	Federal	10/20/89	1,000.00
Ford for Congress	Federal	10/31/91	500.00
Friends of Bob Carr	Federal	10/31/92	500.00
Friends of Bob Carr	Federal	07/22/94	500.00
Friends of Daniel Akaka	Federal	07/23/90	1,000.00
Friends of Farr	Federal	11/07/94	1,000.00
Friends of Jim Oberstar	Federal	04/15/98	500.00
Friends of L.F. Payne	Non-Federal	09/30/97	500.00
Friends of Mark Takano	Federal	02/11/94	500.00

Friends/Congressman George Miller Committee	Federal	03/31/97	500.00
Hamburg for Congress	Federal	11/07/94	1,000.00
Hefner for Congress	Federal	10/26/90	500.00
IMPAC 2000	Political Organization	05/07/90	10,000.00
IMPAC 2000	Political Organization	06/04/90	25,000.00
IMPAC 2000	Political Organization	05/07/91	10,000.00
IMPAC 2000	Political Organization	07/10/91	10,000.00
IMPAC 2000	Political Organization	09/30/91	15,000.00
Jerry Estruth for Congress Committee	Federal	10/17/95	5,000.00
Keep George Brown	Federal	10/26/90	1,000.00
Keep Nick Rahall in Congress Committee	Federal	11/02/92	500.00
Keep Nick Rahall in Congress Committee	Federal	03/13/98	500.00
Kennelly for Connecticut	Non-Federal	04/15/98	500.00
Les AuCoin for Senate	Federal	06/24/91	1,000.00
Les AuCoin for Senate	Federal	06/26/91	1,000.00
Lynn Schenk for Congress	Federal	11/07/94	500.00
Mike Honda for Assembly '96	Non-Federal	10/15/96	500.00
Moffett for Congress	Federal	10/26/90	500.00
Nagle for Congress	Federal	10/26/92	500.00
Nagle for Congress	Federal	10/31/92	500.00
Pastor for Congress	Federal	09/17/91	500.00
Price for Congress	Federal	03/25/96	500.00
Rahall, Nick (Keep Nick Rahall/ Congress)	Federal	05/02/90	1,000.00
Sam Farr for Congress	Federal	03/13/98	500.00
Santa Clara County United Democratic Committee	Political Organization	03/16/90	5,000.00
Santa Clara County United Democratic Committee	Political Organization	09/30/96	1,610.00
Sawyer for Congress	Federal	11/07/94	500.00
Sherman for Congress	Federal	10/09/96	500.00
Spratt for Congress	Federal	07/16/96	500.00
Studds for Congress	Federal	10/26/90	1,000.00

Takano for Congress	Federal	06/15/93	500.00
Torricelli for Senate	Federal	06/03/96	1,000.00
Torricelli for Senate	Federal	06/03/96	1,000.00
United Democratic Campaign	Political Organization	07/13/90	891.50
United Democratic Campaign	Political Organization	07/23/90	931.50
United Democratic Campaign	Political Organization	08/15/90	2,464.50
United Democratic Campaign	Political Organization	08/31/90	2,812.50
United Democratic Campaign	Political Organization	09/13/90	2,113.50
United Democratic Campaign	Political Organization	03/29/93	500.00
United Democratic Campaign	Political Organization	03/25/92	1,000.00
United Democratic Campaign	Political Organization	09/30/94	2,500.00
United Democratic Campaign	Political Organization	11/04/94	2,500.00
United Democratic Campaign	Political Organization	11/28/95	5,500.00
Victory '90—Federal Account	Political Organization	10/24/90	4,000.00
Vinich for Congress	Federal	04/20/89	1,000.00
Washington State Democratic Party	Federal	10/30/96	2,750.00
Washington State Democratic Party	Federal	10/30/96	2,750.00
Wolpe for Congress	Federal	10/26/90	1,000.00
Woolsey for Congress Committee	Federal	12/21/93	500.00
Yates for Congress Committee	Federal	12/29/89	1,000.00

14. Honors and awards: (List all scholarship, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements.) Due to my retirement from Congress 5 years ago, it is no longer possible to assemble a comprehensive list of my awards and honors. The following is my best effort to recall some of the awards and honors I have received over the years:

Aviation Achievement Award, Aero Club of Washington, 1985
Industry Public Service Award, Air Transport World, 1987
Award for Extraordinary Service, Federal Aviation Administration, 1989
Martin Luther King, Jr. Commemorative Medal, George Washington University, 1995
Distinguished Service Medal, National Aeronautics and Space Administration, 1996
Hubert Humphrey Award, Leadership Conference on Civil Rights, 1996
Public Service Award, American Institute of Aeronautics and Astronautics, 1996
Glen A. Gilbert Memorial Award, Air Traffic Control Association, 1996

Joseph P. Hartranft, Jr. "Doc Award," Aircraft Owners and Pilots Association, 1987
Distinguished Service Award, American Public Transit Association, 1993

15. Published writings: (List the titles, publishers, and date of books, articles, reports, or other published materials which you have written.) Due to my retirement from Congress 5 years ago, it is no longer possible to assemble a comprehensive list of my published writings. The following is my best effort to list as many of my published writings as I can:

- "Winning the Peace," *SunWorld/view.point*—July 1991.
- "Making Sense of The Census: An Opinion Editorial," *The Rafu Shimpō*, It Pays to Know—April 18, 1990.
- "Congressional Insight: Biotechnology and the Future," *Details*—May/June 1991.
- "Mineta on Strategy: Government Should Help, Not Ignore, U.S. Companies in World Markets," *The Business Journal* (Santa Clara Valley)—October 16, 1989.
- "Will There Be Life in Our Space Program," *AD ASTRA*, Space Politics Forum—November 1989.
- "Comments to Letter to Gorbachev (Perspective)," *San Jose Mercury News*—June 3, 1990.
- "In Case of Oil Emergency," *San Jose Mercury News*—October 15, 1990.
- "Time to Rebuild America," *State Government News*—November 1991.
- "Ice Tea' Is Working," *ROLL CALL*, Infrastructure Policy Briefing, June 29, 1992.
- "Override Bush's Veto on the FSX," *San Jose Mercury News*, Commentary—August 4, 1989.
- "Defining the Federal Role in Infrastructure Funding," *Stone Review*—April 1991.
- "Trains, Planes, and Automobiles—Getting from Here to There in the 1990s," *TRAIL*—February 1991.
- "ADA: A Matter of Civil Rights," *Worklife*—Fall 1990.
- "National Transportation Systems—SOLUTIONS FOR THE FUTURE," *DES*—October 1990.
- "Penny-Wise and Pound-Foolish," *ROLL CALL*, Infrastructure Policy Briefing—July 23, 1990.
- "Mobility Safety Concern Congress," *Roads and Bridges*—December 1989.
- "U.S. Airlines Should Not Be Routinely Repaired Overseas," *Scripps Howard News Service*—December 11, 1989.
- "Infrastructure: The Federal Road Ahead," *Stone Review*—April 1989.
- "Curing the Air Travel Crunch," *Air and Space*—October/November 1987.
- "Building the Future Today," *U.S. MAYOR*—February 15, 1993.
- "Looking To The Future," *Heavy/Highway Report*—January 1993.
- "Reinvesting Superfund," *ROLL CALL*, Environmental Policy Briefing—July 25, 1994.
- "Technology in Motion; Privacy at Issue," *San Jose Mercury News*—September 4, 1994.
- "The Flight Into the 104th Congress," *The Alliance* (published by the Association of Flight Attendants (SFO United Council 11))—March 20, 1995.
- "In Transit We Trust," *San Jose Mercury News*—March 17, 1995.
- "Now, the Point is 'Nonpoint'," *ROLL CALL*, Environment Policy Briefing—April 3, 1995.
- "GOP Congress Must Exempt Infrastructure From Its Attacks on Government Spending," *ROLL CALL*, Infrastructure Policy Briefing—May 8, 1995.
- "The Wounds of War," *People Magazine*—December 14, 1987.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated. Due to my retirement from Congress 5 years ago, it is no longer possible to assemble a comprehensive list of my speeches. However, I have given approximately ten speeches in two areas: Asian Pacific American Affairs and federal aviation matters. I do not have copies of these speeches readily to hand. I will attempt to provide copies of these speeches if the Committee so desires.

17. Selection:

(a) Do you know why you were chosen for this nomination by the President? I believe the President selected me because my professional life has been lived successfully in one of two worlds and often both: business and public service. I have run a small business and currently hold a senior strategic position in a large one. I have held public office at the local and Federal levels, and these experiences have provided both executive and legislative insights and accomplishments. I am a consensus-builder by nature and a leader by example. The President knows that I be-

lieve in and understand the importance of the New Economy, both domestically and internationally. He also knows that I will work tirelessly in this job for the good of the American people.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? My experiences in both the public and private sector have been dedicated to job creation, free-and-fair trade, the embrace of new technologies and scientific research, and accessibility and accountability in public office.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? 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, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government office? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. As an employee of Lockheed Martin Corporation, I received a salary, certain stock options, retirement benefits, 401(k), and health benefits. In addition, as a former Member of Congress, I am vested in the federal retirement plan and draw a retirement annuity.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. I retained stock and stock options with Lockheed Martin, stock options with Trimble Navigation Ltd., and stock in MELE Associates and Union Bank of California. I will disqualify myself from participation in matters likely to affect these interests, consistent with ethics regulations. I do not anticipate these holdings creating a conflict of interest with my duties in light of this recusal.

3. 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? During the past 10 years, I have had no clients and only two employers: one is the U.S. House of Representatives, and the other is Lockheed Martin. I do not anticipate any conflict of interest being created by any of my past activities. I will disqualify myself from participating in matters concerning past employers or organizations with which I have served, as provided in ethics regulations.

4. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation affecting the administration and execution of law or public policy. Until October, 1995, I had served as a member of the US House of Representatives continuously since January, 1975. Thereafter, I have been outspoken on matters related to Asian Pacific Americans. I have also served on Federal panels in public proceedings and have testified to Congress in related matters.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) I will consult with ethics officials of the Department of Commerce and, if appropriate, divest myself of conflicting interests, recuse myself, or obtain a waiver of conflict of interests restrictions, if applicable.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to 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 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 or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so provide details. I'm aware of none.

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. None.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? To the limits of my power, yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? To the limits of my power, yes.

3. Will you cooperate in providing the Committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the Committee? To the limits of my power, yes.

4. 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? To the limits of my power, yes.

F. GENERAL QUALIFICATIONS AND VIEWS

Please describe how your previous professional experience and education qualifies you for the position for which you have been nominated.

1. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? I believe that I have all the skills necessary to successfully carry out this position. However, I also realize that the position carries with it high expectations across a wide range of areas. I am sure that there will be humbling moments and I look forward to improving my skills as I become more experienced in the job.

2. Why do you wish to serve in the position for which you have been nominated? This is a great moment in the life of the American economy. It will be a privilege to bring all of my experiences and resources to bear to help keep the economy growing and strong.

3. What goals have you established for your first two years in this position, if confirmed? In the six or so months left in President Clinton's term, there is no more important task than to further advance the policies that have contributed to our economic growth and prosperity. Six months can be a lifetime in the new economy and I intend to ensure we stay focused on promoting fair trade, ensuring all Americans can participate fully in the new economy and building the legal, technological, and policy infrastructure to sustain economic growth. This is particularly true for the resource management responsibilities of the Department where we are charged with a diverse set of environmental mandates from forecasting the weather to ensuring we leave the next generation healthier and more productive oceans.

4. Please discuss your philosophical view on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. Throughout my career in both the public and private sectors I have believed that government has several roles as it carries out the people's business. First, it provides a way for our citizens to get things done that are not necessarily viable for the private sector acting alone. Building our country's transportation infrastructure is an example from my own experience. Second, government provides the legal and policy framework for fair competition and to encourage robust innovation. I believe this is the role Abraham Lincoln had in mind when noted that "The patent system added the fuel of interest to the fire of genius." The words now carved into the stone of Commerce's Herbert Hoover building.

I do not believe there is a bright line that divides public and private roles. Indeed, this Administration, with Congress's support, has shown the power of public-private partnerships to get things done in a cost-effective and timely manner. Nevertheless,

we must constantly ask ourselves whether government's role is needed. In a rapidly changing economy, we should be prepared to accept new challenges and drop old roles that are no longer necessary.

Finally, it is uniquely government's role to ensure the protection of every American's rights and to ensure citizens and corporations live up to their responsibilities. That is why I worked so hard and am still proud to this day of the action this body took with the passage of the Civil Liberties Act of 1988. The redress for Japanese Americans in the Act remains in my mind as one of the best expressions of what this nation can be about and the power of government to admit its mistakes—even the most tragic of mistakes—offer tangible remorse, and commit to ensuring that the same mistakes are never repeated.

5. *In your own words*, please describe the agency's current missions, major programs, and major operational objectives. Commerce is a diverse department. But at its core, each of its nine bureaus plays a role in job creation, sustainable economic growth and in improving our living standards. I am sure you have seen Commerce's mission statement and I strongly agree with the objectives it outlines to: (a) build for the future and promote U.S. competitiveness in the global marketplace by strengthening and safeguarding the nation's economic infrastructure, (b) keep America competitive with cutting-edge science and technology and an unrivaled information base, and (c) provide effective management and stewardship of the nation's resources and assets to ensure sustainable economic opportunities. In my tenure, I will work to ensure that Commerce's diverse responsibilities are more interconnected than ever before. It will be my priority to see that we build on our successes and continue to enable the American people to participate in this thriving economy.

6. In reference to question number six, what forces are likely to result in changes to the mission of this agency over the coming five years? The Department is in the middle of preparing its five year Strategic Plan which it will deliver to you, as required by the Government Performance and Results Act, on September 30, 2000. While this is still a work-in-progress, my view is that Commerce's mission is not likely to change but the tools it uses are likely to undergo evolution. We must make major strides in how we use information technology to become the "digital department." This means finding ways the Internet and electronic commerce can help us provide better and faster services to our clients. This also means taking a page from business which has used these tools to cut costs and improve service in B2B transactions and apply them for the same purpose in G2G transactions. I also believe the next five years will see us make changes in the type of statistical tools we use to measure the economy and inform our policy decisions. Finally, I will be encouraging the Department to pick up the pace of innovation in how we use technology in everything from processing patents to managing fisheries.

7. In further reference to question number six, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the board/commission and why? The top three challenges are: (1) maintaining focus and effectiveness in a world that is increasingly globalized and interconnected, (2) continuing to effect change within the Department, and (3) working with Congress to ensure the Department has adequate resources. As our world becomes more complex, a Department as diverse as Commerce will inevitably be pulled in many different directions. Similarly, economic and resource management policy issues are becoming more global in nature. For example, we can't protect whales that we enjoy seeing off our coasts without the cooperation of dozens of nations around the world. Neither can we ensure fair trade simply through bilateral discussion with a handful of trading partners. To meet these challenges will require evolution in how we do business and the tools we use. This may mean changes to or even elimination of some services and launching of new ones. Change will raise concerns from some stakeholders within and outside the Department. Equally, to meet these challenges, the Department will need adequate funding. I look forward to working with you on all these fronts.

8. In further reference to question number six, what factors in your opinion have kept the board/commission from achieving its missions over the past several years? In preparing for this job, I have reviewed the Committee's assessments of Bill Daley and the Department over the past several years. The evidence makes it easy to agree with your views on just how good a job he and the Department have done in achieving its mission. To quote Senator McCain's characteristically straight-talk, "I give Secretary Daley high marks." I look forward to working with you to continue this record of success and meeting the challenges of the next six months.

9. Who are the stakeholders in the work of this agency? The Secretary of Commerce has a sweeping responsibility to be the balanced voice of business leadership within the Department of Commerce. The Department makes possible the weather

reports heard every morning; facilitates technology that Americans use in the workplace and home every day; it supports the development, gathering and transmitting of information essential to competitive business; and it conducts the constitutionally mandated decennial census which is the basis of representative democracy. Primary stakeholders are businesses and workers. The Department works to produce a fertile environment for business growth and innovation. This included investing in people and working to close the "divides" in our society to open new doors of opportunity all over America. Commerce works to create a stable international market place that includes level playing fields, stable laws and strong protections for consumers and fair competition. Equally important stakeholders are the millions of men and women who make their living and find relaxation along our coasts and in our seas. So too those who depend on weather forecasts to chart safe air transportation, plant crops and prepare for natural disasters. Arguably more than any other Department, Commerce has stakeholders in every part of American society.

10. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number eleven? The Secretary of Commerce is the reasoned voice of American business within the administration and in the international area. The Secretary is also a decision-maker in issues related to marine resources and weather forecasting. The proper relationship between the Secretary and stakeholders in all these areas is governed by clear legislative mandates, executive orders and Departmental guidance. I can assure you that I will follow in the footsteps of my predecessor in adhering to both the letter and spirit of those documents and other guidance you may have for me.

11. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? My philosophy has always been straightforward—set the direction, demand the best and trust your staff's judgement to make things work on the ground. As Secretary, I plan to set the goals and require frequent and frank progress reports from the Department's senior leadership. I expect them, in turn, to provide clear guidance and oversight to the work of their bureaus. At the same time, I will trust in the Department's leaders to carry out our business efficiently and with integrity on a day-to-day basis.

12. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. As many of you know, I was a Congressman from San Jose, California for over two decades. I have had a long and positive working relationship with Congress. I look forward to continuing that relationship in a new role.

13. Please explain how you will work with the Committee and other stakeholders to ensure that regulations issued by your board/commission comply with the spirit of the laws passed by Congress. I have said many times over my career that accessibility and accountability should be two of the most important values for governmental institutions and officials. I have worked hard to make sure that I and the offices I hold reflect those values. I look forward to the formal opportunities for dialogue afforded to me through testimony and responding to written requests such as this one. However, I believe informal communications are critical to ensuring we share an understanding of how the Department's actions are in full support of the laws passed by Congress. I have every hope and expectation that you will not hesitate to pick up the phone and call with questions or concerns. I also anticipate visiting with you and your constituents both here in Washington and back in your districts.

14. In the areas under the board/commission jurisdiction, what legislative action(s) should Congress consider as priorities? Please state your personal views. There are a number of bills that are currently under consideration by Congress that directly or indirectly affect Commerce. I look forward to working with you on the specifics of them as they are taken up by the Senate and House. As my record from two decades in Congress shows, you can rest assured that I will work diligently and cooperatively with you to make sure that we have the necessary legal framework in place to continue to provide for continued prosperity, fair trade, sustainable development and inclusion of all Americans in the opportunities for economic growth.

15. Please discuss your views on the appropriate relationship between a voting member of any independent board or commission and the wishes of a particular president. While I would hope and expect that my relations with the President would remain cordial and friendly, in this particular position, once nominated and confirmed, I have by statute one responsibility, and that is to 'ensure that adequate consideration is given to the national interest.' It would be, after listening to anyone with a view on the question, including the President if he wished to convey a view, to determine independently and to the best of his or her ability the responsibility

of any board member what the national interest was and to make sure the Board gave it adequate consideration.

The CHAIRMAN. Thank you very much. Again, I want to add my congratulations on this truly outstanding appointment for a great American. I am very pleased to know of your record of commitment to free trade, your appreciation of the importance of open markets both here and abroad, and obviously one of the areas that I think will take some more of your time and attention, and that is aviation and open skies agreements.

Both in the case of Britain and in the case of some Asian countries, we have not achieved the kinds of agreements that we would like to see for the benefit of Americans as well as citizens of other countries.

Would you like to comment on that a little bit?

Mr. MINETA. Yes. You have, Mr. Chairman, been a leader in this whole area and, having chaired the House Subcommittee on Aviation for 8 years, have had a very keen interest on issues related to aviation. So I am very much committed to the whole area of open skies, whether it be as it relates to Europe, Africa, Asia, wherever it might be, and I intend to pursue that line as the Secretary of Commerce, working in conjunction with the Department of Transportation and the USTR.

The CHAIRMAN. I thank you, because I think you are uniquely qualified to address what I think is an issue that is going to become more and more important. More Americans in history are visiting Europe this summer. I think that even more could have if the prices had been on the affordable level. Yet, although we complain a great deal on this Committee, and I am one of them, about the domestic services, when you look at the air fares that prevail in Europe and in Asia as compared to the United States, it is dramatically different.

I just have 2 or 3 other questions. The first one relates to the ongoing litigation regarding Freedom of Information Act requests concerning Department of Commerce trade missions. The trade mission litigation represents an unfortunate and I believe easily avoidable instance of administrative stonewalling. I want to draw your attention, I did when you visited my office, to a *Washington Post* article that I noted when you met with me.

I would request that you commit that in all instances the Department be as forthcoming as possible in response to Commerce Committee requests for documents, as well as all other legal requests of the Department.

Mr. MINETA. Absolutely, Mr. Chairman. This is an area in which Secretary Daley took a very hard view in terms of making sure that trade missions were a very transparent and open process, and I think he went a long way toward reforming the process to make sure that the substance of those trade missions really were paramount and that the political nature of those were minimized.

So I want to continue that policy and make sure that it is transparent and also to make the information available within the prerogatives of protecting privacy or proprietary information.

The CHAIRMAN. I thank you, and I share your opinion about Secretary Daley's efforts to really make a trade mission what a trade

mission should be. I do agree that trade missions are important. I have no problem with them per se.

I also request your commitment that if you are confirmed you would order any Commerce Department employee to testify before the Commerce Committee, if the Committee deems their testimony important, to discover the manner in which the Commerce Department trade missions were used, both appropriately to promote trade and perhaps inappropriately as a reward for political contributions.

Mr. MINETA. Absolutely. Any of that would be all done within the prerogatives of what would be provided by law.

The CHAIRMAN. I thank you.

In a sworn affidavit, a Commerce Department career civil servant who had supervisory authority over all Freedom of Information Act matters stated the Office of the General Counsel staff "improperly assumed and exercised the final authority to approve or disapprove the release of documents responsive to FOIA requests submitted by Judicial Watch." Many times the FOIA staff was not notified what documents had or had not been released.

The employee has further asserted that the General Counsel's procedure in this instance "was and is inconsistent with the Commerce Department's written prescribed rules for responding to Freedom of Information Act requests."

Can you give the Committee these rules? Would you submit to the Committee these rules that prevail?

Mr. MINETA. I would have no problem in doing that, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. MINETA. All of these things, of course, took place quite some time ago, and I believe that the kinds of reforms that have been placed or put in place I think will in the future avoid similar difficulties.

The CHAIRMAN. I agree. Do you know if these rules allow for the intervention or prevent the intervention of White House staff in Commerce Department FOIA requests? You may want to answer that—

Mr. MINETA. No, sir, I am not aware of that detail.

The CHAIRMAN. The U.S. district court indicated in its December 1998 opinion that sensitive classified information concerning national security matters had been removed from the Department of Commerce. I would appreciate if you would provide the Committee with the procedures now in place to ensure that classified documents are not removed from the Department.

Mr. MINETA. We will do that.

The CHAIRMAN. At about the time of Secretary Daley's confirmation hearing before this Committee, significant allegations had been raised that the Commerce Department was being used by certain individuals for fundraising purposes. Then-Commerce Secretary nominee Daley assured me that he would not tolerate such conduct. Last week in *The Washington Post* there were reports that the former head of the Commerce Department Office of Business Liaison sent fundraising letters to trade mission participants.

I cannot judge the accuracy of these statements. Nevertheless, they are disturbing. Therefore, could you tell me what safeguards

you would propose to ensure that political activities do not occur in conjunction with Commerce Department trade missions?

Mr. MINETA. Well, first of all, there would be a total separation, so that if there is any kind of political activity related to a trade mission that there would be a firewall placed between them. Even in assessing who will be a member of the trade wall—trade mission, a firewall will be there.

The other part of it I think, Mr. Chairman, is that in reviewing who gets to go on these trade missions, there is a panel and the panel as I recall is in the majority made up of civil servants. So to the extent that it is not the political side that is making the decision, but that there is the very strong input from the professional career bureaucrats. Plus on top of that, the after-trade mission report again will I think make sure that the political aspects of it are minimal, minimized, if totally prohibited, and that these people are there because of the substantive nature of the trade mission.

The CHAIRMAN. I thank you. Again, you and I are in agreement. Trade missions I think are important.

I am very concerned, as I know you are, about the situation in Africa. I am very pleased that we passed legislation which may enhance our ability to help the African countries through more free and open trade. Yet I see a lack of U.S. investment, which is understandable. I see a continued deterioration in that very unfortunate continent.

I wonder if you have thought about ways that perhaps we can put more emphasis and perhaps improve the situation in that very tragic continent.

Mr. MINETA. Well, I suppose like a lot of the underdeveloped countries, lack of financing is probably the core of their ability to do something. Even though, let us say, in terms of the region, even if governments got together and agreed on a certain project or a certain path to undertake, the lack of finances keeps them from pursuing their goals.

So I would hope that in that instance the Department of Commerce would be able to help their dealing with the development banks that exist or with the World Bank or other kinds of financing mechanisms that are available, including our own direct assistance programs, to be able to help. I think there are a number of them as they relate to aviation, especially as it relates to open skies. I would like to work with the Department of Transportation on those efforts.

The CHAIRMAN. Thank you. Senator Inouye.

Senator INOUE. Mr. Chairman. In the spirit of expediting the proceedings, I have no questions for the nominee.

The CHAIRMAN. Senator Rockefeller.

Senator ROCKEFELLER. Thank you, Mr. Chairman.

Mr. Mineta, you and I have already discussed the steel situation and that obviously is of great importance to relatively few States, but in those States it becomes a paramount issue. There is a steel report which is due out, I believe this week, and the whole question of dumping in this world, which has enormous economic consequences, which is not—as some would say, in support of free trade. But we are moving more and more toward a rules-based so-

ciety. That is what WTO is all about. That is what common commercial practice is meant to be about.

So the question of dumping and countervailing duties and circumvention, all of these things are tremendously important. We have discussed those issues, so I wanted to just mention that again.

Also, you do a lot of very, very important things in the Commerce Committee. One of them, which is not very well known and which the Administration has not particularly been helpful to in this year's budget, is something called EPSCoT [Experimental Program to Stimulate Competitive Technology], which has to do with technology. It takes areas of the country and universities and other areas, entities which are not necessarily technologically advanced, but they have a lot to offer, and it encourages their technological competitiveness.

EPSCoT does that, and EPSCoT does that well. I want to particularly emphasize both of those programs to you. They were started in the eighties. In the nineties they have made a lot of difference in my State. They are small, they are easy to ignore, easy to forget, but they are significant. So I would just put that to you.

Then in the form of a question, in the range and mania of technology across this country it is very easy to talk about the digital divide, but then in one's heart not really to, when it comes down to voting, to do anything about it. There is a feeling on this Committee and other committees throughout the Congress that the Internet world must be left alone because what they do is what they know best and they know it better than we do, therefore we should just stay out of the way.

Which gets to be a little more difficult when you start thinking about local tax bases, school systems, national security, other areas. But my concern is the digital divide in terms of, as they say, those places that are guaranteed a future because not only technology, the Internet, the use of the Internet, but broadband, the placement of broadband, will be there, as opposed to probably the other 80 percent of the land mass of this country, not the population but the land mass of this country, which will not have, for example, broadband services.

People who look at the digital divide and choose not to be really serious about it often say: Oh, that is just digital delay. It is not. It is not. In my State, every week that passes where we are at a disadvantage to other places which are thriving because of infrastructure and efforts that we do not have, both on the part of the public sector and of the private sector, are deeply costly ones, ones which cause our 12-, 13-, and 14-year-olds to prejudge their future in our State and therefore to decide to go elsewhere, which has been the history of our State for a variety of industrial revolutions, so to speak.

I am interested in your view on this question of digital divide versus digital delay and where you think through TOP, the Technology Opportunities Program, and other places that the Department of Commerce can be helpful.

Mr. MINETA. Senator, having represented the Silicon Valley area for 21 years, I am very acutely aware of the ability of technology to really make a difference in someone's life. I think in terms of our

own expansion of the economy, technology has played a very large role. That is why in my statement I really talk about digital inclusion, because I do not want to leave areas behind.

My whole being is about dealing with the issues of the underserved and underrepresented. So whether it is in technology or whether it be in civil rights or it be in housing or any other areas, I am strongly committed to inclusion. So when I see technology coming along and yet it may be fine for center city, but it may not work in the rural areas, and even if it does work in center cities it may not get into the depths of the areas where minority and the others are living, it seems to me we have a duty to look at those areas and to try and do something about it.

Now, this is, I think, where the public and the private sector can really shine in terms of their work effort. So, given the resources of the Department and the technology that is available there, and with the private sector, it seems to me that we can do something about making sure that communities are not left behind.

I remember, and you probably saw, that news article when the President was dealing with trying to expand the whole issue of Internet capability. He was in Shiprock, New Mexico, I believe, the community, and he was honoring a young lady, a girl in grade school who had won a computer in a contest, but she had no telephone service at home, so she had no way to connect up to the Internet. That is one example.

But it seems to me that you would be in a position to cite the kind of leaving behind that there might be, and I want to work with you and the others to make sure that we have inclusion, because that is really what I am all about.

Senator ROCKEFELLER. I believe and accept that, Mr. Mineta. I just, I cannot stress how important this is and how scary it is to me. It is a little bit like Internet access, having a computer in your home as opposed to just at the schools when that happened in every classroom. It is almost like something is being built into your DNA, that you are predestined by the currents of the economy to make it or not and there comes to be very little that you can do about it, because this is not something that an individual can—I mean, sure, somebody from southern West Virginia can decide, well, I am going to go to Carnegie Mellon University and become a real computer science pro. Cisco has Cisco Academies all over the country, all over the world, trying to do their best.

But all of these efforts when added up fall tremendously short. So I really understand it when people talk about the digital divide as being the next civil rights movement, with all of the passions and the dangers and in many ways, since much of the civil rights movement was nonviolent based upon that philosophy, this will not necessarily be that way, because we are not just talking about America here. We are talking about the African subcontinent that the chairman was speaking about, others across the world who do not have this.

If they are denied technology and they feel that it is built into their DNA, so to speak, that there is no way out for them and therefore they are condemned to low wages and a life of poverty—and I think this will happen unless intervention is made on a mas-

sive scale—that they will resort to using the very technology that they do not have against those who do have it.

I think this is the whole question of international terrorism in a new form, where people are simply angry because they have been systemically and predictably left out and can see that from a very early age.

Now, terrorism is not what I am here to talk about. The digital divide is. I will pass and simply submit my question on spectrum management to you in the interest of time. But there is simply no way for me to talk strongly enough about what I think the digital divide is in the process of doing to this country. I can see it in my own State. I see it in the State of New Mexico that you referred to a few moments ago, and many other rural areas.

I see it in broadband where Bell Atlantic, which is our phone company, has broadband plans, but they have it for 5 of our 55 counties and they are all contiguous and they are where all the people are and where all the people of wealth are. But the counties like Calhoun County, where you have 26 to 30 percent unemployment, rural areas, which in a State which is 96 percent mountainous is obviously preordained, too, they have no part. They have no future.

They are not quite aware of that yet, but I am and you are, and it is unfair. The public and the private sector can make a difference and has to in my judgment.

I thank you, Mr. Mineta, and I look forward to supporting you.

The CHAIRMAN. We intend to move your nomination as quickly as possible. We will make every effort to do it before the recess, and I know that the other members of the Committee will join in that.

So I will not make that my closing comment because I see our friend Senator Ashcroft here.

**STATEMENT OF HON. JOHN ASHCROFT,
U.S. SENATOR FROM MISSOURI**

Senator ASHCROFT. Thank you, Mr. Chairman.

Mr. Mineta, I want to thank you for appearing before the Committee today, and I have appreciated your remarks and appreciated your responses and I am grateful to you. I want to commend you and thank you for your service to this country in the U.S. House of Representatives, but I do not want to be unmindful of your commendable service to the country in the private sector.

Too often we think that public service only extends to those of us who take the check from the public, and many of you in the private sector have made the prosperity possible which has made it so pleasant to be in America in recent—well, forever, because our system has provided an opportunity base for individuals to achieve in accordance with the talent God has given them.

I want to talk to you a little bit about some trade issues. In particular, I have been hearing a lot back in my home State about the issue of trade enforcement. My goal for U.S. trade relationships—and in particular we have been focused on China recently—is to ensure that Missouri workers and farmers and ranchers and businesses will indeed benefit from trade agreements we reach.

That has been my goal around the globe. That is not just focused on China. But of course, our recent discussions on China have highlighted the way in which that would play out as it relates to the Nation of China. I have talked with a lot of Missourians about China's bid to join the WTO and, frankly, they are in many respects pleased with the administration's negotiation of the November 1999 bilateral agreement on everything from manufactured parts, automobiles, agriculture. Missourians want to embrace the opportunities that the agreement could afford.

But I would like to go over a couple of issues with you as a result of my concern about China's record in living up to agreements in the past. Back in April, Secretary Daley testified before this Committee and I raised my concerns about trade enforcement and rather thoroughly discussed them with him. The Secretary told me in response to those concerns he had set up in the Department of Commerce a "China Compliance and Enforcement Initiative."

Would you mind commenting on the development of this initiative in relation to the concerns that I have raised and just give me a very brief thumbnail of how you would see that continuing in your administration?

Mr. MINETA. Senator, I do intend to continue what Secretary Daley has laid out in terms of that China compliance effort. It includes also putting, as I recall, a person in China in terms of having someone on site.

Again, because of the nature of the district that I represented, high tech Silicon Valley, I recall in 1995 taking a trip with Chairman Hyde as it related to intellectual property rights, and one of the big problems really involving intellectual property rights, and I think it extends also to manufactured goods, is the area of compliance and enforcement.

So, seeing what is happening in Japan, Korea, China, at least as a result of that trip, and knowing what the Department is doing, I fully intend to make sure that that unit is an effective unit and that it deals with the area of compliance and enforcement relating to our trade agreements.

Senator ASHCROFT. Well, Secretary Daley had communicated to me in a document that was a fact sheet that outlined the staffing and other things. Would it be your view that you would likely follow that guideline?

Mr. MINETA. Yes, sir.

Senator ASHCROFT. Thank you.

The second issue I want to address is a little broader than China and, frankly, I have a China trade enforcement bill called the Show-Me Act. But the principles in the bill apply to all countries that are members of the WTO. I will be looking for ways to raise the issues in my bill in the context of the PNTR debate, but if I can get a commitment from the administration that you would pursue these principles of enforcement in a broader context in the WTO then I think that would be more appropriate than simply focusing on China.

The point is this. It is my belief that the U.S. has lost a measure of its leverage or its enforcement capacity in the WTO to get actual implementation of cases that we have won in the WTO, that we frequently will litigate an offense against the United States or its

businesses in the context of the dispute resolution mechanisms provided for in WTO, we get the decision, but the enforcement measures provided for as a result of the decision do not really get us compliance.

So that the decisionmaking process ends up in sort of authorizing continued noncompliance upon the payment of a certain fee, which is the fine or the penalty. So that in my judgment in many respects the WTO has become a way to license noncompliance by paying a fee, rather than to enforce compliance.

I think one of the problems that exists here is that the standards for leverage or retaliation or response to noncompliance once determined in the setting of dispute resolution, the standards have changed. I can provide copies of these standards, but I am sure you have them already. In 1947 the standard was that you had response or leverage or retaliation "appropriate in the circumstances to achieve the objective," the objective being the purpose of the free trade or access to the market or to make sure that the agreement was enforced. Under the GATT 1947, article 23, paragraph 2, it authorizes "suspension of such concessions or other obligations under this agreement as they are determined to be appropriate in the circumstances," and GATT case law says this standard must be liberal enough "to achieve the objective."

Now, in 1994 under the WTO the standard for enforcement was changed and it was a standard that was equivalent to the level of nullification or impairment. The dispute settlement understanding, article 22.4, says that the suspension level must be "equivalent" to the level of nullification or impairment.

Now, in the U.S.-EU banana case, for example, the equivalency test is strictly interpreted. This 1994 change has affected our rights—in Europe, \$120 million over 10 years to try to enforce the beef case we have been trying to enforce, and we still do not have access to the European market for American beef. The banana retaliation was whittled down by the WTO from a \$520 million U.S. request down to a \$191 million situation.

It seems to me that we need to have robust enforcement for these trade agreements or else the trade agreements do not really achieve their intended purpose. I noted that in the Far East in the not too far distant past we were able to get compliance by China in terms of our intellectual property demands by having robust threats for enforcement, and you are very familiar with their piracy, prevalent piracy at one time, of the intellectual property of the folks from your home district.

But we threatened \$4.6 billion of retaliation over the last 5 years to enforce those property rights and, frankly, that has worked. But those are sort of 301 leverage threats, which will not be available to us under WTO. As we move from non-WTO status to WTO status, we give up some of our other capacity to determine the levels of our own retaliation.

So without belaboring the question, I would like to invite your ideas about whether you think it might be possible for or whether you think it would be wise to pursue a way for these trade agreements to be enforced, trade agreements to be enforced in ways that are sufficient to get us to a place of compliance with the agreement, rather than being enforced at a level which provides basically a li-

cense that can be purchased with a fine that is a basis for non-compliance.

Mr. MINETA. Well, given the standard and the alternative dispute resolution mechanisms that are in WTO, again speaking to your point of enforcement, I am not that familiar with what all the tools that we have in our kit bag to be able to do that. But I would work with you as well as others who are interested in this subject matter to really hone my own ideas in a more positive way, because I am not really familiar with all of the alternative resolution ways to resolve these differences. But let me look at that and work with you, because to me compliance and enforcement are very, very important.

Senator ASHCROFT. I thank you for that assurance. What I was really saying was this, that under the non-WTO framework we have been successful in eliciting compliance when we had the robust leverage potential of 301.

Mr. MINETA. We do not have that any longer.

Senator ASHCROFT. And if we give that up going into the WTO, which has proved to be, at least as it relates to our access to European markets for beef, our access to European markets for fresh fruit, that in each of those cases it has been notably deficient. I want to, really want to have the assurance that the administration cares about the deficiency, recognizes it, and would be eager to work toward improving our ability not just to have some enforcement, which results more in just the perpetuation of the non-compliance, but to have a kind of enforcement that will get us to the place where the agreements we negotiated will be the terms and conditions under which we live.

Mr. MINETA. I can give you that assurance, Senator.

Senator ASHCROFT. Mr. Chairman, I thank you for giving me the opportunity.

The CHAIRMAN. Thank you, Senator Ashcroft. Senator Cleland.

**STATEMENT OF HON. MAX CLELAND,
U.S. SENATOR FROM GEORGIA**

Senator CLELAND. Thank you very much, Mr. Chairman.

It is an honor to be with such a distinguished citizen today in our country. We appreciate your continuation in public service and your willingness to, as Shakespeare said, take the slings and arrows of outrageous fortune. We are glad to be with you today.

Let me just say, being on the Commerce Committee here and seeing the transition from just commerce to e-commerce, I know the FTC gets involved and the FCC gets involved in e-commerce. What do you see as the role of maybe the Commerce Department in the near future in terms of e-commerce? Are there some rules of the road that have applied to commerce in general, especially interstate commerce, for the last say 100 years or so that we might want to consider as we look at e-commerce, or is this such a new baby that we better take hands off until we see how things progress?

What is your reaction to this whole dramatic growth of e-commerce?

Mr. MINETA. Well, I think that, Senator Cleland, that the whole issue of e-commerce is really business as we have always seen it,

but now being done in terms of a different vehicle, I guess you might call it. In the past, I suppose there was a threat to the local merchant when the U.S. Postal System started having parcel post delivery, and whether or not that merchant felt threatened by their home town citizen writing to someplace else to get a package.

Well, essentially the means today are different. It is electronic. So because of that, because of the speed and the volume that is obviously going to be there, whether it be business to individuals or business to business or business to government or government to government, what we have to make sure, I think, is accessibility. We also have to make sure that there is recourse or some redress to people who feel shortchanged in terms of the product they bought, what they were anticipating buying and the product they in fact received. There has to be some redress there to make sure that those customers are going to have some way to resolve that problem.

This is an area I think in which the marketplace is able and has functioned in a good way, a positive way. But I think what happens is that government can provide the backstop so that we become the safety net where the businesses are not responding to resolve those conflicts. I think in those instances we have seen, whether it be the National Governors Association or others trying to, or a Federal commission, a Congressionally mandated commission, taking a look at e-commerce in its broadest perspective to see what it is that has to be done, whether the controversy be sales tax or whatever it is, and be able to let the marketplace, I think, to a very great degree determine where we are, and that we serve as a backstop in being the safety net for the consumers.

Senator CLELAND. Do you think—well, there are two issues that this Committee is struggling with. One is the whole issue of privacy and the other is taxation of the Internet and e-commerce. Ultimately, do you see that maybe government might have some kind of backstop role, some kind of fundamental role here in maybe guaranteeing privacy or working out some accommodation vis a vis the Internet taxation?

Mr. MINETA. Well, first of all, on the privacy issue there is no question, whether it be let us say credit card information or even getting into other things, medical information, how do we protect the privacy of a person's medical, the prescriptions I take? Yet from a telemedicine perspective, if I am injured in an accident—obviously the Georgia roads are too safe. I would not have an accident in Georgia. But wherever I might have an accident, I would want that attending physician to be able to have my records here from this area, my doctor.

So we want to be able to expand the utilization and yet protect the privacy. I think that is where government does exercise a great deal of—can exercise a great deal of effort and control.

On the taxation issue, the administration is in opposition to any taxation on access to the Internet for sales that are generated through the Internet. I think that is again something that is going to have to be resolved more by the States. The State laws vary and until there is a meeting of the mind there at the State level I do not believe that as a Federal perspective we ought to jump into that area right now.

Senator CLELAND. Well, thank you very much. Those are vexing issues, challenging issues for us all. We will be certainly looking to you for your guidance and your continued leadership on these and other issues. I just want to thank you again for your willingness to serve and I look forward to working with you. You certainly have my support in your confirmation and I am proud to see the President nominate you.

Thank you very much, Mr. Chairman.

Mr. MINETA. I appreciate that very much, Senator. Thank you.

The CHAIRMAN. I was reading from an editorial where you said your proudest moment was the 1988 Civil Rights Act, which at least caused the government to apologize for what happened to Japanese Americans in World War Two. Is that true?

Mr. MINETA. It was a very proud moment, Senator. Especially, it was the 17th of September 1988, the two hundredth anniversary of the—1987, rather, when we took up the bill in the House, which was the two hundredth anniversary of the signing of the Constitution. So to have that legislation on the two hundredth anniversary of the signing of the Constitution I thought was very, very important and had a great deal of meaning to me.

The CHAIRMAN. Well, we are all very proud of you for making it happen. We look forward—I know I speak for Senator Hollings and I believe the entire Committee. We look forward to attending your swearing-in ceremony if you will invite us.

Mr. MINETA. Absolutely, absolutely.

[Laughter.]

The CHAIRMAN. This hearing is adjourned.

[Whereupon, at 10:49 a.m., the Committee was adjourned.]

APPENDIX

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO NORMAN Y. MINETA

Question 1. My question relates to the ongoing litigation regarding Freedom of Information Act requests concerning Department of Commerce trade missions. About one year into Secretary Daley's tenure at Commerce, the Department reportedly held an awards program for its employees, at which several of the employees who were responsible for the Commerce Department's response to the Freedom of Information Act requests were honored. The presiding judge in the related litigation characterized himself as incredulous given that the ". . . DOC's document search . . . by all indications was ridden with conduct that was grossly careless at best and in blatant violation of the law at worst." Do you find this report as troubling as I do?

Answer. I have learned that it was under Secretary Daley's tenure that the Department of Commerce acknowledged that its Freedom of Information Act search regarding trade missions was faulty and that it turned a second search over to the supervision of the Department's Inspector General. I also understand that the non-monetary award to which you refer was given in recognition of the long hours spent by employees responding to numerous requests for information from Congress and other sources. As I said at my hearing today, I will do everything to fully respond to requests for any documents from your Committee and to fulfill all FOIA obligations.

Question 2. As you are probably well aware, I believe that earmarking federal funds is wrong because it gives special benefits to certain groups of individuals when others may be more in need or better qualified in the case of research or a similar project. I strongly believe that the expenditure of federal money should be made solely on the basis of national priorities determined in an open fashion based on a standard set of criteria that provide no undue advantage to any one entity or locality. Will you pledge to work to ensure that federal funds are distributed on a merit basis and not due to earmarks? If so, does that pledge include "congressional priorities" that are itemized in committee report language? If not, please state why.

Answer. I agree with you that the expenditures of federal money should be based on national priorities. If I am confirmed, my goal will be to provide the best government and services possible. I will ensure that grants and contracts are awarded using fair and open procedures.

Question 3. This session of Congress has been unusually successful in approving trade legislation. Both the African Growth and Opportunity Act and the CBI Parity legislation passed this year. A bill granting Permanent Normal Trade Relations with China passed in the House, and we look forward to approving it in the Senate soon. However, as my colleague from South Carolina points out, the trade deficit still remains a problem.

As Secretary of Commerce, what do you intend to do to gain greater market share for U.S. exports in other countries?

Answer. If confirmed, I plan to continue the Department of Commerce's vigorous efforts to increase market share for U.S. exports by focusing on negotiating market-opening agreements around the world, resolving existing trade disputes, enforcing compliance with current trade agreements, advocating for U.S. projects and companies abroad, and providing the services exporters need to sell their products overseas. I plan to make a particular effort to take advantage of new technologies to make it easier for U.S. businesses to export. I want to make sure the Department of Commerce is also working to increase trade through technology by promoting the expansion of e-commerce exports. I will place particular emphasis on implementing the Africa/CBI legislation and on finding new ways to promote trade and investment between Africa and the United States. I also would hope that the Senate will move forward as quickly as possible on granting permanent normal trade relations for China.

Is there any legislation that you would suggest Congress approve to help you?

Answer. I am committed to the five-point China compliance plan announced by Secretary Daley in early May. I would hope that Congress will approve the President's request for a \$22 million trade compliance initiative, which will greatly enhance the Administration's worldwide compliance efforts, including with respect to China.

Question 4. Currently, the United States has free trade agreements with Canada, Mexico, and Israel, it is in negotiations to set up free trade agreements with Jordan and Latin and South America, and Congress has passed legislation authorizing free trade agreement negotiations with Africa.

Where do you foresee opportunities for embarking on future negotiations for free trade agreements?

Answer. In general, I support free trade agreements as long as they expand trade rather than distort trade, and as long as they provide benefits for American industries, workers, and consumers. They must also provide adequate safeguards against unfair trade practices. It is also critically important to pursue multilateral trade liberalization through the WTO. Chile has instituted enough economic reform and market liberalization to warrant serious consideration for a free trade agreement. I also fully support the Administration's efforts to complete the Free Trade Area of the Americas by 2005.

Would you support beginning free trade negotiations with Asian countries?

Answer. I firmly believe in free and fair trade and would support free trade agreements in accordance with the principles cited above. I understand that there has been some preliminary consideration of a free trade agreement among the United States, Chile, New Zealand, Australia, and Singapore. Because the economies of each of these countries is open, I believe that a potential free trade agreement among them is worthy of further exploration.

Question 5. The Department of Commerce plays a major role in administering American anti-dumping laws. These laws have become very controversial as some U.S. domestic producers complain that foreign dumping in the new globalized economy is driving them out of business, while American exporters allege that other countries will use U.S. anti-dumping laws as an excuse not to open foreign markets.

Are foreign countries using U.S. anti-dumping laws as an excuse for not lowering their trade barriers?

Do you believe that the United States would be more successful at lowering foreign trade barriers if it agreed to discuss its anti-dumping laws as part of World Trade Organization negotiations?

Answer. While some of our trading partners would like the United States to weaken its dumping laws in exchange for liberalizing certain sectors of their economies, I do not believe that this tactic would ultimately lead to greater market access abroad. This is because weakening our trade laws would weaken the consensus among the American people for free trade and open markets. Without this consensus for free trade, we will not be able to negotiate further lowering of foreign trade barriers. The U.S. market is already much more open than those of the overwhelming majority of our trading partners. Until the markets of our trading partners approach the level of openness that we have, we must maintain the strength of the dumping laws to ensure free and fair trade.

It has been alleged that American consumers are hurt by anti-dumping laws that help only a small percentage of domestic producers.

Has the Department of Commerce done any studies concerning these allegations?

Answer. The Department of Commerce has not done any studies on this topic.

Is there any validity to these claims?

Answer. I do not believe that these claims have much validity. Antidumping duties affect less than one half of one percent of total U.S. imports. The United States has the most open market in the world. The overwhelming majority of our imports enter at extremely low rates of duty. The openness of our economy is one of the reasons for the unprecedented economic growth and prosperity that we are experiencing. I am firmly committed to maintaining our open markets. But it must be on fair terms. The dumping law is an essential tool to counteract the effects of foreign closed markets, subsidies, and government intervention in the marketplace that enable foreign firms to undercut our firms and put American workers at a severe disadvantage.

Question 6. A major issue concerning the Department of Commerce concerns export controls. A number of major U.S. companies, including Lockheed Martin, have been

charged with transferring sensitive U.S. technology to China as part of their satellite launch programs. Legislation has been introduced in Congress to prevent the spread of U.S. technology abroad, including renewal of the Export Administration Act and legislation to shift satellite export licenses back to the State Department from the Department of Commerce. A June 1999 Department of Commerce Inspector General's report stated that the "intelligence community does not review all dual-use export applications or always conduct a comprehensive analysis of export license applications it does review."

As Secretary of Commerce, what will you do to ensure that the Departments of State and Defense, and the intelligence communities conduct comprehensive reviews of dual-use export applications?

Answer. Ensuring that our nation's security is protected in an increasingly global economy is of paramount importance and I believe that the current process as established in the Executive Order of December 1995 which allows for unlimited right of review by State and Defense is working effectively. With respect to the intelligence community, the Executive Order provides the opportunity for its regular input on cases of concern to them, and it permits Commerce and the other referral agencies to seek advice as they deem necessary. If confirmed, I can assure you of my intention to support the process put in place by the Executive Order and to continue Bureau of Export Administration's (BXA) efforts to work constructively with the intelligence community.

Question 7. One major piece of legislation that was introduced to solve recent export control problems is S. 1712, the Export Administration Act. I had a number of problems with this legislation. One of my major concerns involved Section 202, which directs the Secretary of Commerce to develop a National Security Control List (NCSL) for dual-use commodity exports. The NCSL contained those items which are controlled for national security, and was to be determined with the "concurrence" of the Secretary of Defense. In addition, Section 211 allowed the Secretary of Commerce to delist any item which is controlled by the act if he determines that such item "[h]as a foreign availability or mass market status," after consultation with the Secretary of Defense.

As Secretary of Commerce, how would you interpret the use of the words "concurrence" and "consult?"

More specifically, would you allow the Secretary of Defense to veto listing items on the National Security Control List or the delisting of items based on "foreign availability" or "mass market status?"

Answer. I understand that the Administration has not taken a position on this legislation. Under current practice and regulation, Commerce would not add or remove an item from the control list without the approval of the other appropriate agencies, including Defense. In addition, Commerce makes foreign availability decisions pursuant to an interagency process that strives for consensus. If confirmed, I would support the continuation of a process that allows for such concurrence, and I would be happy to work with others in the Administration to provide you comments on this legislation.

Question 8. Recent newspaper articles, such as a Monday, July 17, report in *The Washington Times*, describe a Department of Commerce "deemed export" program which is alleged to allow 252 citizens of the PRC to work on "dual-use" technology at 27 U.S. firms, including Texas Instruments, Intel, Sun Microsystems Inc., Raytheon Co., Hughes Electronics, and Cisco Systems. The articles include allegations that the Department of Commerce oversight of the programs is lax, because it is difficult to verify a Chinese technician's resume.

What steps do you plan on taking to work with the pertinent other U.S. agencies to ensure the participants in this program are not transferring sensitive U.S. technology back to China?

Answer. As I understand it, the Department, together with other agencies, most notably the Departments of Defense, Energy, and State, closely scrutinizes all "deemed export" applications, following procedures defined by Executive Order. A "deemed export" license is not a license to take anything out of the United States, but is instead an authorization for foreign nationals to use advanced technologies in commercial work in this country. The license explicitly prohibits them from exporting that controlled information. If confirmed, I will continue the Department's efforts to coordinate these license reviews closely with other agencies, and I will continue BXA's visa review program, which involves reviewing information contained in selected visa applications from China and other countries of interest in order to detect and prevent possible export control violations.

Do you have an end-use verification system in place to make sure that these technicians do not go back to China to work for the Chinese military or a firm or university affiliated with the PLA?

Answer. With respect to end-use verification, it is my understanding that the Department has a rigorous up-front screening process to ensure that no “deemed export” license is approved where there is a risk that the Chinese national will return to China to engage in military-related activity. The Department does conduct follow-up on these and all approved licenses. It, together with the Customs Service, the FBI, and the U.S. Immigration and Naturalization Service, has police powers and active programs to ensure compliance with export licenses, including “deemed export” licenses. I certainly intend to support and encourage vigorous follow-up of deemed export licenses—especially where the individual has not become a permanent resident or U.S. citizen by the time the license expires—by Commerce’s enforcement unit in cooperation with other agencies with appropriate authorities.

Question 9. In a June 1999 report and a March 2000 follow-up report, the Department of Commerce Inspector General’s office recommended that the Bureau of Export Administration “be more proactive in getting the word out to high technology companies and industry associations it feels are most likely to need deemed export licenses.” According to the March report, BXA argues that it does not have “sufficient resources” to conduct visits to noncompliant American companies.

What do you intend to do to ensure that American companies are following the law to protect sensitive U.S. technology?

Answer. It is my understanding that BXA takes a number of steps to ensure compliance with the Export Administration Regulations (EAR), including on-site visits to companies believed to be in noncompliance. BXA did inform the Department’s Inspector General that resource constraints prevented it from conducting visits to all entities that may be noncompliant. BXA also conducts extensive outreach to the public, including companies and trade associations. I understand BXA currently has 33 outreach seminars scheduled between now and September, as well as its two annual conferences. If confirmed, I intend to continue BXA’s outreach efforts as well as the critical on-site visits to ensure compliance with regulations to protect vital U.S. technology.

Question 10. The Commerce Department released a report on advanced telecommunications in rural America this past April. The report suggests that rural areas and small markets where population density is *just* high enough for cable modem or DSL technology to work will *eventually* receive access.

How long do you feel we can wait for “eventually” to arrive in seeking to close the digital divide?

Answer. Commerce’s report, entitled *Advanced Telecommunications in Rural America*, found that cable modem and DSL technologies are deployed in large metropolitan areas and, increasingly, in mid-sized and smaller cities and towns. Remote rural areas, however, are unlikely to be served by either of these technologies because of the high cost and various technical limitations. I do not believe that we can let these remote rural regions remain on the wrong side of the broadband divide. If confirmed, I plan to work with the Congress and the Federal Communications Commission (FCC) to ensure that residents in rural areas have access to advanced services.

Question 11. This same report recommended revisions to the universal service program to ensure that advanced services are deployed to rural America. Do you believe that in order to ensure that all Americans have access to broadband technology we must subsidize broadband deployment, or do you believe a competitive market-based approach can accomplish this task?

Answer. I believe that competition will bring advanced services to most Americans. In order to ensure that *all* Americans have access to broadband services, however, the Telecommunications Act of 1996 recognizes that the FCC may have to adjust its policies. Specifically, the Act requires that the FCC base policies of universal service on the principle that consumers in rural areas should have access to advanced services that are reasonably comparable to services in urban areas, and that there should be specific, predictable and sufficient support mechanisms to advance universal service. If confirmed, I look forward to working with Congress and the FCC to develop policies to accomplish these goals.

Question 12. Several bills have been introduced in this Congress that seek to facilitate broadband deployment nationwide by leveling the regulatory playing field between cable companies and regional Bell operating companies. Specifically, these bills would deregulate Bell data services to more closely resemble the largely un-

regulated environment in which cable modem deployment is taking place. Do you believe regulatory parity and the anticipated increased competition for broadband subscribers will facilitate broadband deployment to rural areas?

Answer. Competition is the best way to stimulate broadband deployment. Congress determined in 1996 that the best way to foster competition would be to require the Bell operating companies to open their local monopolies to competitive entry before regulatory limitations are removed. Based on the Act's requirements, a new group of firms is now marketing broadband services to residential and business customers across the country, and cable firms have entered the market. This new competition has spurred local companies to begin offering their own broadband services and they have become vigorous competitors. Broadband deployment is accelerating across the country. However, as the Department's report, *Advanced Telecommunications in Rural America*, has shown, broadband deployment in rural areas lags behind that in urban areas. The Administration is committed to ensuring that all Americans have access to advanced services and has proposed a series of initiatives to foster that goal. I will do all I can to make sure that no one is denied access to advanced services because of where they live.

Question 13. As new wireless telecommunications services become available and spectrum becomes more scarce, increasing pressure is placed on the federal government to share or turn over more of the spectrum it uses to the private sector for commercial use. What do you see as the proper role of the NTIA, the manager of federal spectrum, as commercial demands increase?

Answer. NTIA serves as the radio frequency spectrum manager for Federal agencies to satisfy their critical missions such as national defense, law enforcement, emergency management, air traffic control and other public safety services. NTIA's role includes ensuring that there is sufficient spectrum available for the Federal agencies to operate their radio communications in the most efficient and cost-effective manner for the U.S. taxpayers. I believe that NTIA's job is to work with the Federal agencies and the FCC to constantly study and re-evaluate the use of the radio spectrum by the government and the private sector to make sure that this public resource is managed in a way that meets both critical governmental needs and the burgeoning commercial marketplace.

Question 14. Currently, NTIA's Public Telecommunications Facilities Program is being used to assist public broadcasters' transition to digital television, a project that can only be achieved with a \$1 billion price tag according to the Administration and public broadcasters. Last week at our CPB nomination hearing, Senator Rockefeller indicated that viewership was in the low single digits. Given the explosion in new sources of data and content available to the public through the Internet and multichannel video marketplace, and the public's apparent lack of interest in the programming offered through public broadcasting, do you believe the tax payers should be asked to give public broadcasters \$1 billion for DTV?

Answer. I strongly support public broadcasting as the means through which millions of Americans receive free, over-the-air, high quality broadcast programming, including educational and children's programming. I feel that it is very important that, as the broadcasting community makes its transition to digital technology, public broadcasters and their viewing and listening public are not left behind.

Question 15. How can the Department of Commerce address the technology transfer functions performed by the National Technical Information Service if the Department's position is to terminate it?

Answer. The Department's position on the National Technical Information Service (NTIS) is that the private sector can perform many of NTIS's functions more efficiently. The Government Accounting Office, in a recent report, supports the Department's position that, as currently structured, NTIS is not viable. The Department believes that the core functions, such as maintaining scientific and technical materials, should be transferred to the Library of Congress. For new information, the Department proposes that government agencies be required to keep the information on their web sites for three years and send a copy of the information to the Library of Congress for archival purposes. In these ways, the technology transfer functions will be maintained.

Question 16. With the focus of the government's research and development investment focusing more on economic development, how would you promote the commercialization of these research and development results within the government and the industry?

Answer. If confirmed as Secretary of Commerce, I plan on working with private industry and our laboratories to encourage federal-private partnerships. It is important to have agencies regularly review their technical advances and to find ways to

help businesses become aware of the capabilities of federal laboratories. If confirmed, I also plan to seek ways to increase the cooperation among the various bureaus focused on innovation and economic development.

Question 17. Congress recently created the Office of Space Commercialization within the Department of Commerce. What are your plans to highlight the importance of space-based assets as part of the national economic infrastructure?

Answer. In the recent past, the Office has continued to focus on its role as the principal coordinating unit within the Commerce Department for space-related policy matters. It has been deeply involved in ongoing interagency and international policy deliberations concerning the future of satellite remote sensing, satellite navigation, space transportation infrastructure, and trade in commercial launch services. In addition to these policy activities, one of the primary missions of the Office is the collection and dissemination of information on the space market. This important activity highlights the significance of the commercial space market in our economy, and encourages investment in this sector. If confirmed, I will support the objectives of this program. I point out that, as indicated in my answers to the Commerce Committee Confirmation Questionnaire, I will confer with counsel to ensure that there is no conflict of interest before engaging in any decisions affecting space commercialization.

Question 18. The Advanced Technology Program continues to garner a tremendous amount of support and criticism from Capitol Hill. Many, including myself, believe that the program does not consistently award high-risk research and development proposals that the private sector is unwilling to undertake.

Considering our unprecedented national economic prosperity, do you believe that the Advanced Technology Program has outlived its original utility?

Furthermore, should the program be restructured to better meet the needs of individual states who are eager, yet unable to sufficiently fund high-risk research and development projects?

Answer. The ATP has not outlived its original utility. The ATP fills a critical technology gap between research and product development that is vital to U.S. economic growth. Industry surveys show that international competition and short technology and product life cycles have pushed U.S. firms to invest their R&D dollars on shorter-term, lower-risk technologies. Individual firms acting in their own immediate interests tend not to invest in enabling technologies from which many firms and consumers may benefit. This dynamic is equally true in periods of high economic growth as well as during periods of low economic growth. And finally, I would be very concerned if there are deserving applicants anywhere who are not being funded and look forward to working with you, if confirmed, to address any such problems that may be identified.

Question 19. Someone has contacted the Committee to allege that you used your influence as a former Congressman to win contracts for Lockheed-Martin during your time as a Vice President for that firm. For example, it was alleged that you met with Federal Aviation Administration Administrator Jane Garvey for several hours concerning the NISC II contract just days before the contract was scheduled for selection in order to secure the contract for Lockheed-Martin, in violation of the Procurement Integrity Act and other federal statutes. I cannot judge the veracity of these allegations. Could you please respond to the allegations that your actions were unlawful, specifically those in connection with your role in Lockheed Martin's proposal for the FAA's NISC II contract?

Answer. I have never attempted to influence any decision of the FAA Administrator regarding any Lockheed Martin proposal or contract.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN D. ROCKEFELLER IV
TO NORMAN Y. MINETA

Question. We are in the middle of a spectrum crunch. New technologies are demanding more and more spectrum. Critical current users like the FAA and the Department of Defense feel their spectrum is at risk. International spectrum coordination is becoming harder and harder. We have to make sure that we manage the spectrum more efficiently so we do not choke off new technologies or threaten aviation or satellite communications. The Commerce Department should take the lead in the effort to create a strategic spectrum plan. What will you do to meet this need?

Answer. As I said in my response to Senator McCain's question regarding spectrum management, I believe that we should work with other Federal agencies and the FCC to constantly study and re-evaluate the use of the radio spectrum by the

government and private sector to make sure that this public resource is managed in a way that meets both critical government needs and the burgeoning commercial marketplace. I would work through the National Telecommunications Information Agency (NTIA) to accomplish this objective, if I am confirmed.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JOHN ASHCROFT
TO NORMAN Y. MINETA

Question. As we discussed in both my office, and in your confirmation hearing, I am extremely concerned that the permissible level of retaliation under the WTO is insufficient to guarantee the United States that other nations will comply with their international obligations. In your positions, will you work, and urge the Administration to work, toward gaining flexibility for the United States on its level of retaliation after it wins a WTO case?

Answer. As we have recently discussed, I share your concerns about enforcement of dispute resolution cases under the WTO and the available means of retaliation. If confirmed, I will make one of my top priorities enforcement of our trade laws and compliance with our trade agreements, particularly the WTO. Our goal must be to ensure that panel decisions are faithfully implemented. Let me assure you that I will work closely with you and members of the Administration to find effective means of retaliation when decisions are not properly implemented.

