

1 OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING
2 CHARLES P. RETTIG, OF CALIFORNIA, TO BE COMMISSIONER,
3 INTERNAL REVENUE SERVICE, FOR THE TERM EXPIRING NOVEMBER
4 12, 2022
5 THURSDAY, JULY 19, 2018
6 U.S. Senate,
7 Committee on Finance,
8 Washington, DC.

9 The executive session was convened, pursuant to
10 notice, at 10:13 a.m., in room 215, Dirksen Senate
11 Office Building, Hon. Orrin G. Hatch (chairman of the
12 committee) presiding.

13 Present: Senators Roberts, Wyden, Nelson, Cardin,
14 Casey, Warner, and Whitehouse.

15 Also present: Republican Staff: Nicholas Wyatt,
16 Tax and Nomination Professional Staff Member.
17 Democratic Staff: Michael Evans, Chief Counsel; Ian
18 Nicholson, Investigator. Nondesigned staff: Joshua
19 LeVasseur, Chief Clerk and Historian; Athena Schritz,
20 Hearing Clerk.

21

1 OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR
2 FROM UTAH, CHAIRMAN, COMMITTEE ON FINANCE

3

4 The Chairman. The committee will come to order.

5 I would like to welcome everyone here to this
6 morning's executive session. Today the committee will
7 consider the nomination of Mr. Charles Rettig to serve
8 as IRS Commissioner.

9 As I mentioned at the hearing on Mr. Rettig's
10 nomination a few weeks ago, the IRS is at a critical
11 juncture. The economic success of tax reform is being
12 felt around the nation and Congress is relying on the
13 agency to maintain a smooth and efficient implementation
14 of the law so that the American people can continue to
15 realize the benefits of this historical reform.

16 The IRS will need to implement changes in order to
17 enhance efficiency at the agency. For example, the IRS
18 has information technology services that date back to
19 the Kennedy administration which could hinder the
20 agency's ability to interact with the technology
21 saturated 21st century.

22 If confirmed, I anticipate Mr. Rettig working with
23 Congress to modernize the IRS's infrastructure and
24 technology to bring the agency into the 21st century
25 which he pledged to do in his nomination hearing.

1 Mr. Rettig also said at his nomination hearing that
2 should he be confirmed, his main goal would be to
3 "rebuild trust between the IRS and American people and
4 their representatives in Congress." I find that goal
5 admirable.

6 As we all know, the challenges that face the IRS
7 today are large, but not insurmountable. The attitude
8 and goals of the commissioner will be of paramount
9 importance to setting the tone of how the IRS will go
10 about implementing our new and improved tax laws.

11 Mr. Rettig knows that the success of our tax system
12 depends on voluntary compliance and his goal of
13 rebuilding trust between the IRS and the American
14 taxpayers will go a long way towards keeping the tax
15 system fair and efficient.

16 So I thank Mr. Rettig for his willingness to serve
17 and I am confident that because of his many years of
18 experience with the tax system, if confirmed, Mr. Rettig
19 will lead the agency with integrity. My hope is that we
20 can report this nomination out of committee in short
21 order.

22 Now before we begin, I know that some of my
23 colleagues have expressed dissatisfaction with new IRS
24 reporting rules released recently and want to oppose the
25 important appointment of an IRS Commissioner because of

1 these new rules over which he personally had no control.

2 The new IRS policy to protect privacy rights of
3 donors and reduce unnecessary information reporting is a
4 commendable policy decision for many reasons. First the
5 IRS does not need this information which had previously
6 been used in connection to the gift tax that no longer
7 applies. Secondly, redacting this information consumed
8 IRS resources which are already strained and outdated as
9 I mentioned earlier. Finally, requiring the information
10 has been a risk to the American taxpayer security.

11 The IRS is aware of 14 breaches that resulted in
12 unauthorized data disclosures since 2010. This is
13 unacceptable and I welcome the IRS decision to cut back
14 on pointlessly collecting this information.

15 Since today is very busy and many members have
16 other commitments, we will be holding the vote off the
17 floor later today. Following Senator Wyden's statement,
18 other members will be given time to make any statements
19 they care to make. We ask that everybody please limit
20 our comments to no more than three minutes.

21 With that, I will turn to our Democrat leader,
22 Senator Wyden, for his comments.

1 OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM
2 OREGON

3

4 Senator Wyden. Thank you very much, Mr. Chairman.
5 I look forward to working with you. Senator Cardin is
6 here, Senator Roberts -- I look forward to working with
7 all our colleagues.

8 The Trump administration has taken a qualified
9 nominee and dumped him right into the middle of a dark
10 money political firestorm of their own creation. And a
11 radical change in tax law regarding transparency and
12 disclosure has dragged the IRS and Treasury into a
13 swirling set of questions about the President's foreign
14 financial ties and his motivations.

15 As a result, this nomination is no longer an
16 isolated debate that can begin without some context. On
17 Monday morning, the news broke that a Russian national
18 with alleged ties to Russian intelligence was arrested
19 for "using a gun rights organization as a conduit to
20 infiltrate and influence our economy" -- a Russian
21 national using gun rights organization to infiltrate our
22 democracy.

23 Just a few hours later, the Trump administration
24 unveiled a pro corruption transformation of our tax law
25 that would make it even easier for Russian to get away

1 with it the next time. It was a good day for dark
2 money.

3 Mr. Chairman and colleagues, our laws regarding
4 donor disclosure in campaign finance were already
5 horribly broken before this change was announced, and by
6 the way, I had no notice of it. There were no hearings
7 on it. It was just sprung on us.

8 So the laws were broken before the change was
9 announced. That was true even before the Citizens
10 United ruling. Now the latest blow, dark money groups
11 used to be required to disclosure their donors to the
12 IRS. No they will not be required to disclose at all.

13 Not only is the Trump administration's move
14 dangerously undemocratic, it goes straight into the hall
15 of fame of shameless partisan politics. It is a signal
16 to the public the administration is more interested in
17 protecting foreign meddlers than American voters, and it
18 came just hours after the President stood at a lectern
19 next to a murderous dictator, praised him, and threw our
20 intelligence professionals under the bus.

21 So in my view what happened this week leads to a
22 few conclusions and next steps. First, this committee
23 has to hold a hearing on the Trump administration's move
24 to allow more dark money to influence and undermine our
25 elections.

1 As I stated, this was a change never debated in
2 this room or in any public venue. It was basically
3 plucked from the dream list of deep pocketed groups on
4 the far right who want to rewrite our laws to their
5 benefit.

6 The Congress and the American people need to know
7 how the administration came to this decision, who they
8 discussed it with, and what the full implications will
9 be going forward. I will say as the ranking Democrat on
10 the Finance Committee, someone who worked with Chairman
11 Hatch on these issues before, I was not informed
12 anything about this. It is long past time we make
13 several major changes to the laws in this area so that
14 the people can have confidence our elections are not
15 bought and sold.

16 Second, Mr. Chairman, I believe the committee needs
17 to see Donald Trump's tax returns. We ought to set up a
18 time -- as is provided in statute -- to discuss this in
19 executive session because this week proved enough is
20 enough. People across the country, across the globe,
21 are still reeling from the President's conduct in
22 Helsinki and London and meetings with NATO and our
23 partners over the last several days.

24 There is a serious question looming. Did the
25 President's lavish praise on Putin and slam on our

1 allies take place because he prefers strong men to
2 democratically elected leaders, or is it because he has
3 personal and financial connections to Russia that
4 Vladimir Putin is exploiting? The committee needs
5 answers to that question. Those answers eventually need
6 to become public.

7 Reviewing the President's tax returns would be a
8 start. It might not uncover the full picture because
9 the ties between Russia, the President, the expansive
10 business organizations he and his family continue to run
11 are certainly complicated and very well concealed. But
12 the President's refusal to adhere to a 40 year plus
13 bipartisan pro transparency tradition of releasing tax
14 returns after what happened this Monday can go on no
15 longer.

16 Finally, there are more questions in my view that
17 ought to be investigated with the usual bipartisan
18 approach we bring. Mr. Chairman, that includes further
19 inquiries into the NRA's role in the 2016 election,
20 Michael Cohen's influence peddling, and the conduct of
21 the Trump Foundation.

22 As of right now, we on this side of the dais have
23 no dance partners to proceed as is the best tradition of
24 the Finance Committee in a bipartisan way. I hope that
25 changes because one thing has become clear with the

1 string of explosive revelations in the last few weeks,
2 what the President calls a witch hunt is turning up a
3 lot of witches.

4 As for the nomination the committee is scheduled to
5 vote on today, I want to close with this. For now,
6 despite his qualifications, I am unable to support Mr.
7 Rettig. I have appreciated the productive conversations
8 I have had with him since he was nominated.

9 As soon as this hearing ends, I intend to ask Mr.
10 Rettig to meet with me to discuss what he will do if
11 confirmed to protect our country from a new flood of
12 dark money, potentially foreign, to further infect our
13 politics.

14 Colleagues, this week has been about as far from
15 business as usual as I can remember. What the Trump
16 administration announced late on Monday after a Russian
17 national is indicted for trying to infiltrate our
18 politics, just yanks control of our democracy even
19 further from the hands of the American people. So today
20 I will be a no.

21 Thank you, Mr. Chairman.

22 The Chairman. Thank you. We will try to hold the
23 markup of Mr. Rettig off the floor before the end of the
24 day if it is alright with everybody. I think that's the
25 -- you what?

1 Senator Wyden. I think that Senator Cardin --
2 Senator Warner, I know, is under the gun, and I am sure
3 Senator Roberts would like to talk.

4 The Chairman. Senator Cardin?

1 OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, A U.S.
2 SENATOR FROM MARYLAND

3

4 Senator Cardin. Thank you, Mr. Chairman.

5 First, I want to just underscore what Senator Wyden
6 said. Mr. Rettig is a good person. He has a background
7 that is very impressive. I have enjoyed my one-on-one
8 meeting with him where we talked about a lot of the IRS
9 issues, and I thought that his response to my questions
10 during the nomination hearing was what I had hoped to
11 receive.

12 But two things have happened in the last week that
13 I think causes this committee to have to take priority
14 action. The first, as Senator Wyden pointed out, the
15 Treasury Department's change of position on disclosure
16 was a very partisan action by the Treasury Department.
17 But more because I think Secretary Mnuchin thought that
18 this was be some advantage, quite frankly on a partisan
19 basis, it jeopardizes our national security. It allows
20 for us not to have transparency in our political system.

21 The second event that happened this week, the
22 Summit between President Putin and President Trump
23 underscores even more the security risks to our country
24 and the indictment that came out on the Russian
25 national.

1 I think what we are asking is this committee -- we
2 have to speak out. I was on the floor yesterday and
3 said that Congress, an independent branch of government,
4 we need to speak out and act to protect the national
5 security of our country.

6 The Senate Finance Committee, I believe, plays a
7 very important role here. I hope that we can rise to
8 the occasion and use this committee to understand
9 exactly what is happening with Russia's incursions here
10 into America.

11 At a very minimum, we have to understand the
12 disclosure rules and what that could do in impacting our
13 national security. That is a responsibility of this
14 committee because of the action of Treasury.

15 Secondly, Americans are wondering what is going on
16 here. Does Mr. Putin have something on Mr. Trump? I do
17 not know, but the Mueller investigation will determine
18 whether there was collusion, but we saw open collusion
19 in Helsinki with President Trump giving Mr. Putin
20 exactly what he wants.

21 They were smiling in Moscow. They are scrambling
22 at the White House.

23 I would just urge us to use this committee in the
24 appropriate way, a bipartisan way so that we can respond
25 to the legitimate concerns of the American people. And

1 I would just urge the chairman and ranking member to use
2 a process within this committee. The tax returns are
3 certainly reasonable in an Executive Session. Let us
4 take a look at that and let us understand what Treasury
5 did and the impact it could have on our national
6 security.

7 The Chairman. I understand our side has no more
8 comment. We will go to Senator Warner.

9 Senator Warner. Senator Whitehouse got here
10 before me, but I am on -- I will let Senator Whitehouse
11 go, and then I will be brief.

1 OPENING STATEMENT OF HON. SHELDON WHITEHOUSE, A U.S.
2 SENATOR FROM RHODE ISLAND

3

4 Senator Whitehouse. Thank you. I have several
5 hearings that are ongoing right now that I need to get
6 back to. So I will claim my time. I am sorry.

7 The practice of politics has been viewed for
8 virtually as long as it has existed as separating those
9 who seek influence in government and wish to use their
10 influence seeking in government to advance their
11 personal interests from those who simply more or less
12 want government to leave them along and not be the
13 captive of big special interests.

14 A lot of people have written about this. President
15 Jackson's veto message was one of the clearest
16 expressions of this. It is in this context that I join
17 Ranking Member Wyden in opposing the nomination of Mr.
18 Rettig, not because I have anything against him, but in
19 objection to the recent step taken to advance the
20 encroachment of dark money into our politics.

21 Dark money in our politics is the tool of big
22 influencers, period, end of story. It is a plague on
23 our democracy, and it continually encroaches. We have
24 to come around to stopping it.

25 I do not care if you are a Tea Partier or a Bernie-

1 ite, you can go out and look at the American public and
2 they do not like dark money. They do not like hidden
3 hands pulling strings in government.

4 We had the Citizens United decision that unleashed
5 unlimited money. That has been completely unpoliced.
6 Therefore, that unlimited money is now unlimited dark
7 money.

8 Around that ability to spend unlimited dark money
9 exists a zone of threats and promises about the use of
10 unlimited and dark money that is inherently corrupting.
11 It is inherently corrupting, and we are doing nothing
12 about it.

13 American democracy, I believe, is now at its lowest
14 ebb since Teddy Roosevelt cleaned house and broke the
15 big trusts and cartels that corrupted his era of
16 politics. We cannot take the further encroachment of
17 dark money lightly.

18 It becomes even more important when you look at our
19 international situation right now, because if dark money
20 can hide the identity of a big special interest behind
21 it, its ability to hide the identity that is behind it
22 applies to anyone. It applies to oligarchs, it applies
23 to Putin himself, it applies to any foreign source that
24 seeks influence.

25 When you have dark money, you have an avenue for

1 foreign influence that by definition you cannot police.
2 And why in this world in which we are -- every red light
3 is blinking according to our own DNI about Russian
4 interference. Why we would want to expand this avenue -
5 - not narrow it, expand this avenue -- I think runs
6 directly counter to true national security imperatives.

7 At some point, we are going to have to make this
8 choice where our loyalties are. Are our loyalties to
9 the big forces behind the dark money? Are our loyalties
10 to the wellbeing of the ordinary people of this country
11 who are being rolled by those big special interests, and
12 to the foreign influences that seek to encroach and
13 interfere with our democracy and have this as an avenue
14 and an invitation?

15 I would close by echoing the ranking member's
16 request that we get access in some bipartisan fashion to
17 the Trump tax returns. It was anomalous and bizarre
18 that this President would refuse to do what all modern
19 presidents have done and disclose their tax returns. It
20 is unjustifiable. It is inexcusable.

21 Now that we have seen him cavorting with Vladimir
22 Putin -- if he had been dragged out on a leash and done
23 pet tricks, it could not have been more humiliating.
24 The spectacle that was presented to the world of an
25 American President next to Vladimir Putin behaving that

1 way -- that conduct demands and explanation.

2 The easiest avenue to an explanation that we have
3 is financial connections between him and Russian
4 interests. And we, I think, are duty bound at this
5 point -- having seen that spectacle -- to examine the
6 question why and to look at an obvious and heretofore
7 always available clue which is the tax returns.

8 Thank you, Mr. Chairman. I thank the ranking
9 member.

10 The Chairman. Senator Warner?

1 OPENING STATEMENT OF HON. MARK R. WARNER, A U.S. SENATOR
2 FROM VIRGINIA

3

4 Senator Warner. Thank you, Mr. Chairman. I
5 appreciate the time. Mr. Chairman, I do not normally
6 come and give opening statements.

7 Mr. Chairman, I probably on this side of the aisle
8 have voted for more of Mr. Trump's appointees than
9 virtually anybody on the minority. And until a few days
10 ago, I was prepared to vote for Mr. Rettig. I do not
11 question his qualifications at all.

12 The actions of this week, I implore you to urge us
13 to take a time out. I can assure you, not just me, take
14 anyone on the Senate Intelligence Committee, Russia
15 massively intervened in our elections in 2016. They did
16 it to help Mr. Trump and to hurt Clinton. They did it
17 in ways that did not stop at the end of the election.
18 They continue to this day, echoes by intelligence
19 reports, echoed by the Director of National Intelligence
20 who gave as start a warning as I have heard just last
21 Friday.

22 I also was taken aback by the President's actions
23 on Monday. I happened to be meeting -- Senator Rubio
24 and I were meeting with representatives that Russian had
25 also intervened in, Latvia, Estonia, Ukraine, Poland,

1 the Brits, the Canadians. They were astounded that
2 morning.

3 So with this most recent move by the Treasury
4 Department to actually allow more dark money in, I
5 cannot support Mr. Rettig at this point. My hope would
6 be just like anyone who serves this President, they are
7 going to have to stand up and decide which side of
8 history they will come down on.

9 Will they come down on the side of normal,
10 traditional openness in American activities, or will
11 they side with this President's bizarre approach? I
12 know many of the leaders of the intelligence community
13 who are Trump appointees are wrestling with that fact
14 right now.

15 So I joint the ranking member in opposing Mr.
16 Rettig at this point. I would also urge -- because
17 there are real questions that need to be answered -- in
18 appropriate -- even if it was just you and the ranking
19 member. Someone needs to take a look at those tax
20 returns and make the determination then of what goes
21 from there.

22 I think it is time. I think we have a cloud that
23 hangs over this whole administration at this moment in
24 time. And Mr. Chairman, you have served this body with
25 enormous, enormous distinction. You have served this

1 committee with enormous distinction. You were kind
2 enough when you could have maybe bumped me off this
3 committee at one point to keep me on. So I implore you
4 to think about this, think about Mr. Rettig, think about
5 what is happening right now because history will not
6 only judge the Trump presidency on the actions of this
7 week, but ultimately, history is going to judge all of
8 us in terms of how we react.

9 Thank you for the courtesy of giving me this kind.

10 The Chairman. Thank you, Senator. I am concerned
11 about these matters also. I would sure like to get Mr.
12 Rettig approved because he is -- I do not think there is
13 any objection to him by anybody on this committee. And
14 you are not hurting anybody except the American public
15 by not voting for him.

16 So we --

17 Senator Wyden. Mr. Chairman, could I just make
18 one --

19 The Chairman. If I could just finish this.

20 Senator Wyden. Yes, please.

21 The Chairman. We will hold that vote of the
22 floor. I hope that my Democratic colleagues will
23 consider Mr. Rettig and I can understand, perhaps
24 because of comments made here today, that they have very
25 distinct irritations with the President. But that

1 should not stop us from getting a good IRS Commissioner.

2 So I hope that you will reconsider. I do not think
3 it hurts President Trump for us to hold up Rettig, but
4 it hurt the country. So I am very concerned about it.

5 Senator Wyden?

6 Senator Wyden. I will be very brief, Mr.
7 Chairman.

8 Senator Roberts remembers that we always worked in
9 the Intelligence Committee in a bipartisan way. That is
10 what Senator Warner has stood for throughout our
11 service. I think he would be the first to tell you we
12 have disagreed on stuff, but we have always said we are
13 going to try to work in a bipartisan way.

14 Senator Cardin has done exactly the same thing on
15 the Senate Foreign Relations Committee. I think what
16 has troubled us so, and I think I told you about this
17 earlier, Mr. Chairman. I said the first words out of my
18 mouth are going to be Mr. Rettig is a qualified nominee.
19 Those were the first words out of my mouth.

20 But what happened last Monday, when you have an
21 indictment of a Russian national and the indictment --
22 this is not somebody in politics -- basically saying
23 that they were trying to use a special interest group,
24 the NRA, to infiltrate our politics. And then a few
25 hours later in what to me was just a jaw-dropping sense

1 of timing, the Trump administration said, well, we are
2 going to try to make it easier for foreign dark money to
3 make its way into the nooks and crannies of American
4 politics.

5 I think that is what has troubled us so. I want
6 you to know as Senator Warner just mentioned, I think
7 all of our colleagues have mentioned, I think this is
8 something you and I should talk about and explore.
9 There is a statute for our looking at this issues in a
10 responsible way, and I just want to reiterate that I
11 have always appreciated your willingness to step up on
12 big issues. I think we have got to do it again.

13 I see one of my colleagues, Senator Nelson. He may
14 want to talk. By the way, Senator Roberts has been
15 exceptionally patient, so basically anytime he wants the
16 floor it ought to be his.

17 The Chairman. All right. Senator Nelson, should
18 we call on you?

1 OPENING STATEMENT OF HON. BILL NELSON, A U.S. SENATOR
2 FROM FLORIDA

3

4 Senator Nelson. Well, I want to add to the
5 comments of Senator Warner and Senator Wyden, two
6 members of the Intelligence Committee.

7 From my perspective as the ranking member of the
8 Cyber Subcommittee of the Armed Services Committee, we
9 all know -- and it is not disputed -- the Russians are
10 in our election systems. As a matter of fact, page 25
11 and 26 of the indictment last Friday indicates that the
12 Russians were, in 2016, in the election systems of
13 Florida. That is stated in two pages of the 30-some
14 page indictment. The Russians were there in my state.

15 So then when you fast forward and we see that we
16 are not giving greater sunshine into the disclosure of
17 money going into these 501(c)(4), it seems to me that
18 this -- as has been pointed out by Senator Wyden and
19 Senator Warner -- this is a confluence of events that
20 ought to have us in the words of Dan Coats, the Director
21 of DNI, that the light is blinking red. This is danger
22 and we ought to have the IRS require the disclosure of
23 these contributions to 501(c)(4) that are not being used
24 just for a social purpose, which is what the law is
25 supposed to be.

1 Thank you, Mr. Chairman.

2 The Chairman. Thank you.

3 If there are no more statements, we will meet off
4 the floor, hopefully get Mr. Rettig through.

5 With that we will recess until that time.

6 [Whereupon, at 10:41 a.m., the executive session
7 was recessed to reconvene off the floor.]

8

9 The hearing was reconvened, pursuant to notice, at
10 1:45 p.m. in room S-216, The President's Room, United
11 States Capitol.

12 The Chairman. The Committee will come to order. It
13 appears we now have a quorum and I would entertain a
14 motion to favorably report the nomination of Mr. Rettig.

15 Senator Grassley. So moved.

16 The Chairman. The clerk will call the roll.

17 The Clerk. Mr. Grassley?

18 Senator Grassley. Aye.

19 The Clerk. Mr. Crapo?

20 Senator Crapo. Aye.

21 The Clerk. Mr. Roberts?

22 Senator Roberts. Aye.

23 The Clerk. Mr. Enzi?

24 Senator Enzi. Aye.

25 The Clerk. Mr. Cornyn?

1 Senator Cornyn. Aye.
2 The Clerk. Mr. Thune?
3 Senator Thune. Aye.
4 The Clerk. Mr. Burr?
5 Senator Burr. Aye.
6 The Clerk. Mr. Isakson?
7 Senator Isakson. Aye.
8 The Clerk. Mr. Portman?
9 Senator Portman. Aye.
10 The Clerk. Mr. Toomey?
11 Senator Toomey. Aye.
12 The Clerk. Mr. Heller?
13 Senator Heller. Aye.
14 The Clerk. Mr. Scott?
15 Senator Scott. Aye.
16 The Clerk. Mr. Cassidy?
17 Senator Cassidy. Aye.
18 The Clerk. Mr. Wyden?
19 Senator Wyden. No.
20 The Clerk. Ms. Stabenow?
21 Senator Stabenow. No.
22 The Clerk. Ms. Cantwell?
23 Senator Cantwell. No..
24 The Clerk. Mr. Nelson?
25 Senator Nelson. No.

1 The Clerk. Mr. Menendez?

2 Senator Menendez. No.

3 The Clerk. Mr. Carper?

4 Senator Carper. No.

5 The Clerk. Mr. Cardin?

6 Senator Cardin. No.

7 The Clerk. Mr. Brown?

8 Senator Brown. No.

9 The Clerk. Mr. Bennet?

10 Senator Wyden. No by proxy.

11 The Clerk. Mr. Casey?

12 Senator Casey. No.

13 The Clerk. Mr. Warner?

14 Senator Warner. No.

15 The Clerk. Mrs. McCaskill?

16 Senator McCaskill. No.

17 The Clerk. Senator Whitehouse?

18 Senator Whitehouse. No.

19 The Clerk. Mr. Chairman?

20 The Chairman. Aye.

21 The clerk will announce the vote.

22 The Clerk. Mr. Chairman, the final tally,

23 including proxies, is 14 ayes and 13 nays.

24 The Chairman. The "ayes" have it. The

25 nomination is ordered favorably reported. I thank my

1 colleagues for their time and the markup is concluded.

2 [Whereupon, at 2:15 p.m., the meeting was

3 adjourned.]

I N D E X

	<u>PAGE</u>
<u>STATEMENT OF:</u>	
THE HONORABLE ORRIN G. HATCH A United States Senator from the State of Utah	2
THE HONORABLE RON WYDEN A United States Senator from the State of Oregon	5
THE HONORABLE BENJAMIN L. CARDIN A United States Senator from the State of Maryland	11
THE HONORABLE SHELDON WHITEHOUSE A United States Senator from the State of Rhode Island	14
THE HONORABLE MARK R. WARNER A United States Senator from the State of Virginia	18
THE HONORABLE BILL NELSON A United States Senator from the State of Florida	23