

1 OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING
2 THE NOMINATIONS OF HON. XAVIER BECERRA, KATHERINE C.
3 TAI, AND ADEWALE ADEYEMO
4 WEDNESDAY, MARCH 3, 2021
5 U.S. Senate,
6 Committee on Finance,
7 Washington, DC.
8

9 The hearing was convened, pursuant to notice, at 10
10 a.m., in Room SH-216, Dirksen Senate Office Building,
11 Hon. Ron Wyden (chairman of the committee) presiding.

12 Present: Senators Stabenow, Cantwell, Menendez,
13 Carper, Cardin, Brown, Bennet, Casey, Warner,
14 Whitehouse, Hassan, Cortez Masto, Crapo, Grassley,
15 Cornyn, Thune, Burr, Portman, Toomey, Scott, Cassidy,
16 Lankford, Daines, Sasse, and Barrasso.

17 Also present: Democratic staff: Michael Evans,
18 Deputy Staff Director and Chief Counsel; Ian Nicholson,
19 Investigator and Nominations Advisor; and Joshua
20 Sheinkman, Staff Director. Republican staff: Mayur
21 Patel, Chief International Trade Counsel; Gregg Richard,
22 Staff Director; Jeffrey Wrase, Deputy Staff Director and
23 Chief Economist; and Nicholas Wyatt, Infrastructure and
24 Nominations Policy Advisor. Non-designated staff,
25 Joshua LeVasseur, Chief Clerk and Historian.
26

1 The Chairman. We are in nominations week, with
2 votes on three nominees. For the information of
3 members, we plan to have the votes around 11 a.m.,
4 depending on the number of members who wish to make
5 statements.

6 As we get a better sense, we will adjust the time of
7 the vote and inform members when to come back to the
8 hearing room. And since members spent plenty of time in
9 the hearing room last week, I am just going to start off
10 with brief remarks today.

11 First, I would like to address the nomination of
12 Attorney General Xavier Becerra to serve as Secretary of
13 Health and Human Services. He served for 24 years in
14 the House of Representatives. He was on the committee
15 of jurisdiction with respect to health care. He was
16 involved in writing and debating major pieces of health
17 care legislation, including the Affordable Care Act.

18 He has defended the Act in court. During the
19 pandemic, he fought to protect the health and well-being
20 of all Californians, particularly nurses, doctors, and
21 other workers who found themselves in harm's way.

22 He's got the right managerial experience as well.
23 As California's Attorney General, he was in charge of a
24 billion dollar budget, and a staff of thousands. If
25 there is an effort to paint the attorney general as some

1 kind of inexperienced radical, it is just not backed up
2 by what the committee saw last week.

3 Senators will always have differing views of the
4 nominees of the other party. Some of those issues came
5 up on Wednesday, including women's health care. But
6 disagreement on some issues alone is not a good enough
7 reason to oppose a nominee as knowledgeable and
8 qualified as Attorney General Becerra.

9 It was clear, in my view, that he respects those,
10 and he said this, colleagues, repeatedly, he respects
11 those with whom he has differences of opinion, and he
12 wants to find common ground with all members of this
13 committee to solve big health care challenges. And I,
14 too, very much wish to accomplish that.

15 Bottom line, the country is in the middle of a
16 public health nightmare, and the American people need
17 and deserve a Senate-confirmed leader running the
18 Department of Health and Human Services as soon as
19 possible. The department is right at the center of the
20 effort to save lives and end the pandemic. There is a
21 tough job ahead of Attorney General Becerra, and the
22 American people cannot afford delay with respect to
23 moving this nomination.

24 Next, not many hearings in the Senate feature as
25 much bipartisan praise for nominees as Thursday's

1 hearing on Katherine Tai's nomination to be the U.S.
2 Trade Representative. On top of bipartisan credentials,
3 she knows precisely the kind of smarter and stronger
4 approach the country needs on trade: Cracking down on
5 China's trade cheating and using the leverage of our
6 economic allies, rebuilding domestic supply chains,
7 fighting to protect American jobs and wages, and
8 expanding what she and I call the "economic winner's
9 circle."

10 I also want to work with her on continuing to expand
11 transparency on our trade policy. It is a lot for USTR
12 to work on in the months ahead, but our workers, our
13 businesses, our farmers and ranchers will be well served
14 with Katherine Tai on the job.

15 Finally, Wally Adeyemo showed this committee on
16 Thursday why he is exactly the right choice for the
17 number two spot at the Treasury Department. He is
18 committed to rebuilding our economy out of the wreckage
19 of the pandemic unemployment crisis in a way that gives
20 all Americans a chance to get ahead.

21 The fact is, our economy is split in two. For those
22 at the top, the economy is strong. But for tens of
23 millions of working families, particularly for women,
24 for Black and Latino workers, for those who are already
25 walking an economic tightrope before the pandemic, the

1 last year has been a disaster. Unemployment is at
2 levels not seen since the Great Depression.

3 The Senate is going to continue its work on those
4 issues with the American Rescue Plan hitting the Floor.
5 We understand there is a lot more to do. Mr. Adeyemo
6 would be a leader on the economic recovery and more at
7 the Treasury Department, and I look forward to working
8 with him.

9 All three of these nominees are highly qualified.
10 All three have accounted for themselves, in my view, in
11 an excellent fashion last week. I am going to support
12 all three. I urge my colleagues to do so.

13 Senator Crapo?

14 Senator Crapo. Thank you very much, Mr. Chairman.
15 And, Mr. Chairman, before I talk briefly about the three
16 nominees, I am going to take a moment to discuss my
17 disappointment with the response letter Senator Grassley
18 and I received from IRS Commissioner Rettig to specific
19 questions regarding the current proposal to impose
20 significant structural changes to the administration of
21 the Child Tax Credit.

22 The Commissioner shared more detail at a recent
23 House hearing, which suggests to me that the internal
24 review process for the letter approval made the letter
25 much less responsive.

1 Senators expect real and timely answers to
2 questions, especially when they involve significant
3 policy changes. As the National Taxpayer Advocate Aaron
4 Collins recently stated regarding this proposal, being
5 pushed through in reconciliation, "It is morphing the
6 IRS into this dual mission of both tax administration
7 and administration of social programs. The challenge is
8 the IRS was not set up for that purpose, and their IT is
9 not structured for that."

10 I expect real answers to the follow-up letter
11 Senator Grassley and I just sent, and a timely response.

12 Likewise, I am concerned that several of the
13 nominees' responses to Senators questions for the record
14 were also lacking. In the case of the USTR nominee,
15 senators submitted 220 questions on Friday night. We
16 received responses to all of them by Sunday morning.

17 I was somewhat disappointed by the less than fully
18 responsive nature of many of the responses. That is a
19 shame, because they provided an opportunity to correct
20 misperceptions about trade policy and engender
21 bipartisan support. For example, a member of this
22 committee raised with Ms. Tai that Congress should know
23 what is in a trade agreement before they vote on it. I
24 agree. That is why one of my questions pointed to the
25 exact provision in the U.S. Code that requires Congress

1 to have access to all pertinent documents relating to
2 the negotiations, including classified materials.

3 Rather than confirming her understanding that the
4 USTR must provide negotiating proposals, per statute,
5 Ms. Tai's response noted she will, quote "consult with
6 the committee on trade negotiations," end quote, and on
7 information flow.

8 That is not good enough. It is a statutory
9 imperative for the USTR to follow. Chairman Wyden, you
10 and I are on the same page on this issue in particular.
11 I hope this is something we can work together on to get
12 nominees to provide appropriate assurances.

13 Senators expect nominees to provide actual answers
14 to questions, not non-answers. And to the larger point,
15 though, nominees cannot pledge to be responsive while at
16 the same time not being responsive.

17 Now let me move to the nominees. Turning to the
18 nominations of Mr. Adeyemo and Ms. Tai, who I intend to
19 support today, over the last year Congress has come
20 together five times to pass massive bipartisan bills
21 totaling roughly \$4 trillion, in relief measures to help
22 American families and businesses weather the pandemic.

23 It is disappointing that, as one of the first acts
24 of this Congress, the White House and Senate Democratic
25 leadership have charted a partisan course with the

1 proposed \$1.9-trillion COVID relief legislation. It is
2 my hope that we can find opportunities to work together
3 and build bipartisan support for future legislative
4 initiatives.

5 Former Deputy Secretary Justin Muzinich played a
6 large role in facilitating the bipartisan beneficial
7 ownership and BSA ANL reform legislation, among other
8 complicated issues, and I hope to work with Mr. Adeyemo
9 in a similar capacity.

10 Mr. Adeyemo is known for his bipartisan approach,
11 working with members on both sides of the aisle during
12 the Obama administration on issues such as currency
13 manipulation, and I expect that approach to carry over
14 into his new role at Treasury.

15 With regard to Katherine Tai, at her nomination
16 hearing Ms. Tai demonstrated that she has the training,
17 background, experience, and capabilities to fulfill the
18 duties of the USTR, and to do that job well. I
19 identified several priorities during last week's hearing
20 which she has shown that she shares.

21 And we all look forward to working with her to make
22 sure that our shared objectives are achieved. Whether it
23 is our efficient farmers, or our cutting edge
24 technology, we share an interest on both sides of the
25 aisle in making sure that they get access to all the

1 customers they can.

2 Moreover, I agree with the chairman, noting that one
3 theme from Ms. Tai's hearing was enforcement,
4 enforcement, enforcement. That is of major concern to
5 every member of this committee, and one of the main
6 areas I think you will see strong cooperation on.

7 Trade is not only a bipartisan issue in Congress,
8 but one where we can build a very strong, unified
9 approach with the administration and move forward to
10 significantly expand opportunities for the American
11 workers and the businesses in this country.

12 Finally, as I mentioned before, I am very
13 disappointed in many of the responses to questions asked
14 of the nominees, including Mr. Becerra. Some responses
15 were seemingly made to avoid discussion of important
16 issues, and sometimes controversial issues. Avoidance
17 of issues is not something that would help Americans
18 confront health care challenges or recover from the
19 pandemic.

20 The Secretary of Health and Human Services will have
21 substantial power in interpreting and implementing the
22 law through regulation. Significant concerns have been
23 raised about Attorney General Becerra's challenges to
24 HHS's authority to provide a conscience exemption from
25 the Obamacare contraception coverage mandate. And

1 enforcement of the State's restrictive actions,
2 including a ban on indoor religious services that was
3 rejected by the Supreme Court.

4 Although I will not be voting in favor of Mr.
5 Becerra's nomination today, this process has
6 demonstrated that we do share some areas of common
7 interest and concern. If he is confirmed, I will work
8 with Mr. Becerra to permanently expand telehealth in a
9 fiscally responsible way, to update payment systems
10 based on lessons learned from COVID-19 flexibilities,
11 and to find bipartisan solutions to shore up Medicare's
12 finances.

13 Thank you, Mr. Chairman.

14 The Chairman. I thank my colleague. We will go to
15 Senator Cortez Masto, and then Senator Grassley is next
16 after Senator Cortez Masto. And I would like colleagues
17 to stay within the 5-minute rule, if we are going to
18 have an 11 o'clock voting time.

19 Senator Cortez Masto?

20 [No response.]

21 The Chairman. Is our colleague out there on the
22 Web?

23 [No response.]

24 The Chairman. Okay, Senator Grassley is next.

25 Senator Grassley. I am going to pass.

1 The Chairman. Okay, Senator Cornyn is next.

2 [Comment off-microphone.]

3 The Chairman. All right, Senator Toomey? Are you
4 out there in cyberspace somewhere?

5 [No response.]

6 The Chairman. Okay, Senator Scott is next.

7 [No response.]

8 The Chairman. Senator Cassidy is here.

9 Senator Cassidy. Mr. Chairman, I will briefly say
10 that my concerns regarding Mr. Becerra's qualifications
11 have been mischaracterized. Let me phrase it
12 differently. He is a very good Attorney General. He
13 has administered a legal department, as you point out,
14 with a budget of about a billion dollars. But his
15 qualifications to be HHS Secretary seem to be minimal,
16 beyond suing HHS. And I say that because we would
17 expect someone who is an attorney general to have a
18 legal background pertinent to being Attorney General; it
19 sees as if we should expect that of an HHS Secretary.

20 Previous HHS Secretaries have had a pharmaceutical
21 industry background, have been a State health
22 commissioner, run health systems, have been Governors,
23 somebody who has had a background in actually
24 administering the programs that HHS administers.

25 Now, when Mr. Becerra was here, I asked him, very

1 respectfully, about three different aspects of HHS
2 territory. In the HELP Committee, I asked about the
3 340-B program, which is something that we have had
4 hearings on over the last year. A Governor would know
5 about 340-B. A pharmaceutical rep would. A health care
6 provider, et cetera. And Mr. Becerra displayed no
7 familiarity.

8 In this committee, I asked about the program, the
9 Temporary Assistance for Needy Families. A Governor
10 would know that. Mr. Becerra showed no familiarity.
11 And in this committee I asked about Part D
12 pharmaceutical costs, which we have had hearings on, as
13 my Grassley-Wyden bill supports, as Senator Crapo has
14 had an alternative bill, as Mr. Cornyn has voted, should
15 have been aware of and had no familiarity with.

16 Being HHS Secretary should not be a learn-on-the-job
17 position. And I am afraid that Mr. Becerra will be very
18 dependent upon advisors. I could be Attorney General
19 with no legal background if I said all I am going to do
20 is rely upon providers. But I would not serve our
21 country well.

22 Mr. Becerra is very bright. He is very well-
23 meaning. He is very smart. I will cooperate with him
24 and work with him. But we should not have the pretense
25 that this person has the qualifications of someone with

1 a different background.

2 With that, I yield back.

3 The Chairman. I thank my colleague. Just in the
4 interest of time, I am going to recognize Senators, and
5 then I will have more to say in response to colleagues,
6 as well. Senator Cassidy and I have been talking about
7 these issues as well.

8 Senator Daines?

9 Senator Daines. I yield back my time.

10 The Chairman. All right; next is Senator Young.

11 [Off-microphone comment.]

12 The Chairman. All right. Next is Senator Sasse,
13 and I believe he is there.

14 Senator Sasse. Thank you, Mr. Chairman. In the
15 interest of getting to the voting, I will also yield
16 back my time. But I would like to associate myself with
17 Senator Cassidy's great comments. Thanks.

18 The Chairman. We do not have a quorum, so we
19 cannot vote at this point. I believe we could recess
20 now, and, Senator Crapo, if we can go back to where we
21 have been, I think we might recess now and try to get
22 the quorum for 11 a.m. You may want to make brief
23 remarks. I know I am going to make brief remarks at 11
24 a.m. But I think, if that is acceptable to you, we will
25 vote at 11 o'clock.

1 Senator Crapo. I think that is a good idea. I do
2 not know that I will have any additional remarks at that
3 time, so let's plan on voting at 11 and encourage our
4 members to be here then.

5 The Chairman. Well let's do this. Just very
6 quickly, I am going to respond to my colleagues. And I
7 understand that there are differences of opinion with
8 respect to women's health care. I just feel very
9 strongly over the last four years women across the
10 country saw their health providers close down, their
11 access to reproductive health care, including abortion,
12 ripped away. And the attacks that were leveled against
13 the Attorney General in my view twist reality when it
14 comes to women's health care.

15 And the fact is that fewer women are getting
16 essential health care. More women are taking
17 unnecessary risks to get there. And the bottom line,
18 colleagues, is the attorney general repeatedly said -- I
19 mean, he must have said multiple times -- that his
20 position would be with respect to these issues, he will
21 follow the law and science.

22 Now, folks have a constitutional right to say that
23 is a radical position. I do not share that view. And
24 with that, we will stand in recess until 11 o'clock, and
25 we will vote on all three nominees at 11 a.m. And I

1 thank my colleagues.

2 [Whereupon, a recess was taken.]

3 The Chairman. We are present to vote on all three
4 nominees. We will proceed to have the nomination of
5 Katherine Tai for U.S. Trade Representative and the
6 nomination of Mr. Wally Adeyemo to be Deputy Secretary
7 of the Treasury. Both of those will be by voice vote.

8 So, to begin with Katherine Tai, I move that the
9 committee favorably report the nomination of Katherine
10 C. Tai to be United States Trade Representative with the
11 rank of Ambassador Extraordinary and Plenipotentiary.

12 Senator Crapo. Second.

13 The Chairman. All those in favor will vote "aye."

14 [A chorus of ayes.]

15 The Chairman. All those opposed will vote "no."

16 [No response.]

17 The Chairman. The ayes have it, and the nomination
18 is favorably reported.

19 I now move that the committee favorably report the
20 nomination of Wally Adeyemo to be Deputy Secretary of
21 the Treasury.

22 Senator Crapo. Second.

23 The Chairman. All those in favor will vote "aye."

24 [A chorus of ayes.]

25 The Chairman. All those opposed will vote "no."

1 [No response.]

2 The Chairman. The ayes have it, and the nomination
3 is favorably reported.

4 Next, I move that the committee favorably report the
5 nomination of the Honorable Xavier Becerra to be the
6 Secretary of Health and Human Services.

7 All in favor will vote "aye."

8 [A chorus of ayes.]

9 The Chairman. All opposed will vote "nay."

10 [A chorus of nays.]

11 Senator Crapo. Mr. Chairman, I think we want a
12 recorded vote on this.

13 The Chairman. All right. We will have a recorded
14 vote, and the Clerk will call the roll.

15 The Clerk. Ms. Stabenow?

16 Ms. Stabenow. Aye.

17 The Clerk. Ms. Stabenow, aye. Ms. Cantwell?

18 Senator Cantwell. Aye.

19 The Clerk. Ms. Cantwell, aye. Mr. Menendez?

20 [No response.]

21 The Clerk. Mr. Carper?

22 Senator Carper. Aye.

23 The Clerk. Mr. Carper, aye. Mr. Cardin?

24 Senator Cardin. Aye.

25 The Clerk. Mr. Cardin, aye. Mr. Brown?

1 Senator Brown. Aye.

2 The Clerk. Mr. Brown, aye. Mr. Bennet?

3 Senator Bennet. Aye.

4 The Clerk. Mr. Bennet, aye. Mr. Casey?

5 Senator Casey. Aye.

6 The Clerk. Mr. Casey, aye. Mr. Warner?

7 Senator Warner. Aye.

8 The Clerk. Mr. Warner, aye. Mr. Whitehouse?

9 Senator Whitehouse. Aye.

10 The Clerk. Mr. Whitehouse, aye. Ms. Hassan?

11 Senator Hassan. Aye.

12 The Clerk. Ms. Hassan, aye. Ms. Cortez Masto?

13 Senator Cortez Masto. Aye.

14 The Clerk. Ms. Cortez Masto, aye. Ms. Warren?

15 Senator Warren. Aye.

16 The Clerk. Ms. Warren, aye. Mr. Crapo?

17 Senator Crapo. No.

18 The Clerk. Mr. Crapo, no. Mr. Grassley?

19 Senator Grassley. No.

20 The Clerk. Mr. Grassley, no. Mr. Cornyn?

21 Senator Crapo. No by proxy.

22 The Clerk. Mr. Cornyn, no by proxy. Mr. Thune?

23 Senator Thune. No.

24 The Clerk. Mr. Thune, no. Mr. Burr?

25 Senator Crapo. No by proxy.

1 The Clerk. Mr. Burr, no by proxy. Mr. Portman?

2 Senator Portman. No.

3 The Clerk. Mr. Portman, no. Mr. Toomey?

4 Senator Crapo. No by proxy.

5 The Clerk. Mr. Toomey, no by proxy. Mr. Scott?

6 Senator Scott. No.

7 The Clerk. Mr. Scott, no. Mr. Cassidy?

8 Senator Crapo. No by proxy.

9 The Clerk. Mr. Cassidy, no by proxy. Mr.

10 Lankford?

11 Senator Lankford. No.

12 The Clerk. Mr. Lankford, no. Mr. Daines?

13 Senator Daines. No.

14 The Clerk. Mr. Daines, no. Mr. Young?

15 Senator Young. No.

16 The Clerk. Mr. Young, no. Mr. Sasse?

17 Senator Crapo. No by proxy.

18 The Clerk. Mr. Sasse, no by proxy. Mr. Barrasso?

19 Senator Barrasso. No.

20 The Clerk. Mr. Barrasso, no. Mr. Chairman?

21 The Chairman. Aye.

22 The Clerk. The chairman votes aye.

23 [Pause.]

24 The Chairman. We are, colleagues, waiting for

25 Senator Menendez. Is there any Senator who would like

1 to make a statement? Senator Stabenow.

2 Senator Stabenow. Mr. Chairman, it is really my
3 honor today to offer my support and to have voted for
4 these three outstanding nominees. Xavier Becerra, Wally
5 Adeyemo, and Katherine Tai are ready to go to work on
6 behalf of the American people, and the American people
7 can certainly use the help. Our Nation faces a whole
8 host of challenges from the pandemic to building our
9 economy back better, to strengthening our middle class.
10 And perhaps no nomination is more urgent than that of
11 Secretary of Health and Human Services.

12 HHS Secretary is always a critical role, but
13 especially during a pandemic that has claimed more than
14 515,000 American lives so far. Attorney General
15 Becerra's experience will be a tremendous asset as he
16 works to address the pandemic, to make health care more
17 affordable. As a Congressman, he helped write the
18 Affordable Care Act. Then, as Attorney General, he led
19 the defense in court of the Affordable Care Act and
20 protected the health care of millions.

21 He has taken on drug companies for their high
22 prices, and their role in the opioid epidemic. And he
23 has worked to enforce mental health parity. That is
24 especially important when so many people are facing
25 challenges because of the pandemic.

1 I know he will put American families at the top of
2 his agenda. I also know we can count on Wally Adeyemo
3 to do the same as Deputy Secretary of the Treasury. Mr.
4 Adeyemo has been a trusted advisor to America's leaders
5 during times of crisis. He served as former Deputy
6 Director of the National Economic Council, Deputy
7 National Security Advisor, and the first Chief of Staff
8 for the Consumer Financial Protection Bureau.

9 He understands the importance of advancing our
10 national security and increasing the U.S.
11 competitiveness. And he understands that we need to
12 build an economy that works for everybody, not just
13 those at the top.

14 And America's hardworking families could not have a
15 better advocate than Katherine Tai, nominated as United
16 States Trade Representative. I will continue to say
17 that America needs to export our products, not our jobs.
18 And Ms. Tai has the experience and qualifications to
19 ensure that that happens.

20 She has spent her career working to ensure that
21 American workers and families have a level playing
22 field. She is ready on day one to represent the United
23 States, to advance our priorities, and to hold countries
24 accountable for unfair trade practices.

25 These nominees are the leaders we need to get our

1 country back on track, and I look forward to supporting
2 these nominees on the floor and putting them to work on
3 behalf of the American people.

4 Thank you, Mr. Chairman.

5 Senator Brown. Mr. Chairman?

6 The Chairman. I thank my colleague. Senator Brown
7 would like to be recognized.

8 Senator Brown. Yes. Thank you, Mr. Chairman. It
9 is an honor today to vote yes on these three nominees.
10 These are enthusiastic emphatic yeses, I think, from
11 virtually all the supporters of them in this room.

12 I am obviously only speaking for myself. I am
13 excited about all three of them. I served in the
14 Congress. Xavier Becerra and I were House members, or
15 freshmen at the same time, and I saw his leadership
16 qualities then and what that spoke to for the American
17 public, running one of the most difficult government
18 agencies in the world.

19 I would work with Mr. Adeyemo on the work that he
20 has done and will do at Treasury. It is a terrific team
21 of Secretary Yellen and Deputy Adeyemo, and I am
22 especially thrilled that we confirmed overwhelmingly, I
23 believe by voice before I got here, Katherine Tai. I
24 look to her as with the chairman especially, in
25 partnership, Chairman Wyden moving in a very different

1 direction on trade. It centers around the dignity of
2 work.

3 The work she did to take another corporate trade
4 agreement from President Trump and turn it into -- the
5 old NAFTA, and turn it into USMCA, which emphasizes the
6 role of workers and communities and the environment.
7 And I thank Chairman Wyden for so much of that. And I
8 think Katherine Tai, as our new U.S. Trade Rep, is going
9 to make a difference for our workers and our
10 communities, and is going to make a difference for us on
11 the world's stage.

12 The Chairman. I thank my colleague, and look
13 forward to continuing to work with him.

14 Senator Menendez?

15 Senator Menendez. Yes, Mr. Chairman. I am sorry
16 that I was presiding over a nomination hearing at the
17 Senate Foreign Relations Committee, but I would like to
18 cast my vote for all in the affirmative for the
19 nominees.

20 The Chairman. Very good. Colleagues, now we have
21 acted favorably on Mr. Adeyemo and Ms. Tai. With
22 respect to Mr. Becerra, the committee vote having
23 concluded in a tie vote, in accord with section 3 of
24 Senate Resolution 27, I will transmit a notice of the
25 tie vote to the Secretary of the Senate in accord with

1 section 3A of such resolution, thereby giving either the
2 majority or the minority the authority to make a motion
3 to discharge the nomination pursuant to section 3B of
4 such resolution.

5 And with that, the Committee on Finance is
6 adjourned.

7 [Whereupon, at 11:11 a.m., the meeting was
8 concluded.]