

1 OPEN EXECUTIVE SESSION TO CONSIDER THE NOMINATIONS
2 OF ANDREA JOAN PALM, TO BE DEPUTY SECRETARY, DEPARTMENT
3 OF HEALTH AND HUMAN SERVICES; AND CHIQUITA
4 BROOKS-LASURE, TO BE ADMINISTRATOR, CENTERS FOR MEDICARE
5 AND MEDICAID SERVICES, DEPARTMENT OF HEALTH AND HUMAN
6 SERVICES

7 THURSDAY, APRIL 22, 2021

8 U.S. Senate,

9 Committee on Finance,

10 Washington, DC.

11 The meeting was convened, pursuant to notice, at
12 9:30 a.m., via WebEx, Hon. Ron Wyden (chairman of the
13 committee) presiding.

14 Present: Senators Stabenow, Cantwell, Menendez,
15 Carper, Cardin, Brown, Bennet, Casey, Warner,
16 Whitehouse, Hassan, Cortez Masto, Warren, Crapo,
17 Grassley, Cornyn, Thune, Lankford, Daines, Young, and
18 Barrasso.

19 Also present: Democratic staff: Michael Evans,
20 Deputy Staff Director and Chief Counsel; Ian Nicholson,
21 Investigator and Nominations Advisor; and Joshua
22 Sheinkman, Staff Director. Republican staff: Gregg
23 Richard, Staff Director; Kellie McConnell, Health
24 Policy Director; and Stuart Portman, Senior Health
25 Policy Advisor.

26

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

3

4 The Chairman. This morning, the committee is going
5 to take up two matters. First, we will hold a business
6 meeting considering the nominations of Andrea Palm and
7 Chiquita Brooks-LaSure.

8 Folks, could we just have some quiet? Members are
9 so busy this morning, I just would like everybody to
10 understand how we are going to move ahead.

11 First, I will hold a business meeting considering
12 the nominations of Andrea Palm and Chiquita
13 Brooks-LaSure, to be, respectively, Deputy Secretary of
14 Health and Human Services, and Administrator of the
15 Centers for Medicare and Medicaid Services.

16 Second, when the votes on the nominations have
17 concluded, we will adjourn the business meeting and
18 convene a virtual hearing to consider issues relating to
19 the U.S.-China Trade Policy.

20 It is a very busy morning, as many members of the
21 committee have told me, because so many committees are
22 conducting business. To assure that we have a quorum,
23 and can have a vote on the nominations at 9:45, assuming
24 a quorum is present, I urge staff to alert senators to
25 be present at 9:45. Unless Ranking Member Crapo has any

1 comments now, I will just make a very quick introductory
2 statement, and then I think our friend, Senator Crapo,
3 has a similar quick introductory statement, and then it
4 is our understanding that our colleague from Texas,
5 Senator Cornyn, will speak after Senator Crapo. And
6 once a quorum is present, then we will be able to
7 proceed.

8 Colleagues, I think these two nominees have
9 impeccable qualifications. Chiquita Brooks-LaSure is
10 President Biden's nominee to serve as Administrator for
11 the Centers on Medicare and Medicaid Services.

12 She knows America's federal health programs inside
13 out. She has worked on expanding access and bringing
14 down costs in Medicare and Medicaid. She helped write
15 the Affordable Care Act while on the staff of the Ways
16 and Means Committee, and she worked on the Affordable
17 Care Act's implementation at Health and Human Services
18 during the Obama Administration. She also worked at the
19 Office of Management and Budget, in the private sector,
20 and I would like to highlight: She repeatedly says in
21 her testimony that she understood the importance of
22 working with all the members of this committee,
23 underlining "all the members" of the committee.

24 Andrea Palm is President Biden's nominee to serve as
25 Deputy Secretary of Health and Human Services. She

1 knows exactly what it takes to run this department that
2 is so essential to the wellbeing of the American people.
3 She previously served as the department's chief of staff
4 and senior counselor to the Secretary during the Obama
5 Administration, and she also led the Wisconsin
6 Department of Health and Human Services, and her efforts
7 to combat the COVID-19 pandemic are especially relevant
8 to this committee.

9 Let's turn now to Ranking Member Crapo.

10

1 OPENING STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR
2 FROM IDAHO

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4 Senator Crapo. Thank you, Mr. Chairman. Following
5 last Thursday's hearing, I had a favorable impression of
6 Ms. Palm and Ms. Brooks-LaSure, the Biden
7 Administration's nominees for HHS Deputy Secretary and
8 CMS Administrator.

9 While I would not necessarily expect to agree with
10 the nominees of a Democratic administration on every
11 issue, they seem very willing to work with the states,
12 with my senate colleagues, and with me on important
13 health care matters.

14 Health care is one of the many policy areas where
15 the states and the Federal Government have unique
16 insights and responsibilities. These roles require
17 close partnerships based on mutual trust between the
18 states and the Federal Government.

19 In any area of public policy, sudden shifts and the
20 uncertainty these shifts create can disrupt and fracture
21 long-standing partnerships. Moreover, in health care
22 policy the consequence of such sudden shifts can be
23 dire, especially in the midst of a pandemic.

24 For this reason, there is an established precedent
25 that new administrations cannot revoke waivers granted

1 by their predecessors. Last Thursday I asked Ms.
2 Brooks-LaSure whether she believed that revoking
3 approved Medicaid waivers, or portions of approved
4 Medicaid waivers, immediately following an election
5 sends the wrong message to the states.

6 Ms. Brooks-LaSure replied that she does a great deal
7 of work with the states, and that she understands how
8 much they would want certainty from the Federal
9 Government. She went on to say: If confirmed, I will
10 really work to make sure the states understand decisions
11 and are part of the decision making process.

12 The next day, CMS revoked Texas's Medicaid 11-15
13 waiver without warning. I will let my colleague,
14 Senator Cornyn, explain what this means for Texas. More
15 generally, this sudden policy shift on the heels of
16 other partial waivers sew significant mistrust between
17 the states and the Federal Government, and could kill
18 cooperation across a range of policy issues.

19 I am deeply concerned that the Biden Administration
20 would take such a step with regard to Texas. It is
21 particularly --

22 [Phone interruption.]

23 Senator Crapo. I am particularly -- it is
24 particularly confusing that the Administration would do
25 this now, when nominees are before this committee and

1 are seeking the advice and consent of the Senate.

2 The timing of the decision and the widespread
3 reports that this action was part of a broader strategy
4 to incent states to expand coverage through different
5 means are discouraging and raise serious questions about
6 the Administration's commitment to engagement with the
7 states.

8 Unfortunately, after CMS actions on Friday, I cannot
9 vote in favor of Ms. Brooks-LaSure. I am voting in
10 favor of Ms. Palm because she has promised to work with
11 Congress in developing and implementing HHS's policies.

12 Thank you, Mr. Chairman, I yield the remaining time.

13 The Chairman. I thank my colleague. Just a quick
14 word on waivers before we go to the Senator from Texas.

15 At the hearing, both of the initial questions from
16 me and from Senator Crapo were on waivers, because we
17 understand the importance of letting states innovate. I
18 think my colleagues know I am the author of Section
19 1332, the principal innovation waiver, which sends a
20 strong message to states. If you are progressive and
21 you want to look at public options, you want to
22 aggregate Medicare and Medicaid money because you feel
23 strongly about moving to single payer, you can do it.

24 If you are a conservative state, you have got the
25 same running room. You have got the same thing as long

1 as you meet the guard rail.

2 So, I know that my colleague from Texas is troubled
3 about the Texas situation, as I indicated to him when we
4 were talking. We are going to recognize him for his
5 remarks, and I want him to know that after we move
6 ahead, because it is critically important that we move
7 ahead on these nominations today, he has a pledge from
8 me personally, as the author of the principal waiver
9 approach, to work closely with him and the
10 Administration to see if we can find some common ground.

11 The Senator from Texas.

12

1 OPENING STATEMENT OF HON. JOHN CORNYN, A U.S. SENATOR
2 FROM TEXAS

3
4 Senator Cornyn. Well, Mr. Chairman, I am more than
5 troubled by this. This is a sucker punch by the
6 Administration against the most vulnerable population in
7 Texas covered by Medicaid. And because the
8 Administration did not reach out to us, or warn us, or
9 engage us, and frankly has been very difficult to engage
10 in a conversation to understand and explain why they did
11 this, and to figure out how to make it right, I would
12 like to ask the Chairman to postpone the vote on Ms.
13 Brooks-LaSure to give me time to talk to the White House
14 Chief of Staff who has offered to talk to me about this.

15 My inclination, like Senator Crapo, the ranking
16 member, is to vote for Ms. Brooks-LaSure. She did not
17 have any part of this, and she -- but she now finds
18 herself caught in the crosshairs of this controversy,
19 which was entirely of the Administration's making.

20 But the Center for Medicare and Medicaid Services
21 plays, as you know, a vital role in providing health
22 care for the most vulnerable populations in the country.
23 More than four million of my constituents, including
24 half of all children in the state, depend on the
25 stability of the state's Medicaid Program to provide

1 health care for themselves and their families.

2 Unfortunately, as I said, this recent unannounced
3 and surprise move by the Biden Administration has put
4 our entire health care system in jeopardy.

5 Mr. Chairman, I am advised that this is the first
6 time in history, the first time, that a subsequent
7 Administration has rescinded a previous Administration's
8 grant of a waiver. So this is unprecedented.

9 As Senator Crapo said, last Friday the
10 Administration rescinded approval of our 1115 waiver
11 extension. Now that sounds pretty bureaucratic, but
12 here is the short of it. The Biden Administration
13 reversed the decision by the previous Administration
14 that enabled billions of dollars to flow to Texans in
15 need so we can provide for the most vulnerable
16 population.

17 In sum, the Biden Administration is simply pulling
18 the rug out from under those vulnerable Texans. This
19 action undermines the safety net and the ability of
20 hospitals to provide quality care to its Medicaid and
21 uninsured patients. This does not just put the health
22 care of Texas families at risk, it threatens our whole
23 health care system, which is already on fragile footing.

24 Hospitals and providers in the state have been
25 pushed to the brink by COVID-19. And this action robs

1 hospitals of the ability to plan ahead for their
2 financial stability and uncompensated care costs. And
3 it directly threatens care for uninsured patients.

4 It is not hyperbole to say that there are life and
5 death consequences to this decision. So, what was the
6 Administration's reasoning? The official answer from
7 CMS was "to correct an administrative error." But two
8 federal health officials did something unusual in
9 Washington, DC, albeit anonymously, they told the truth.
10 They told The Washington Post that this was done to push
11 state officials toward accepting the Affordable Care
12 Act's Medicaid expansion.

13 Well, it is pretty bold to admit that this is not
14 about an administrative error at all, it is about
15 pushing the state into a decision that the elected
16 officials there have chosen not to make. The
17 Administration clearly does not have the authority to do
18 this by themselves, so they are playing a high-stakes
19 game of chicken with the health care of our most
20 vulnerable.

21 And this is not just about my state. If they can do
22 this to any state represented here in the room, they can
23 do it to North Carolina, they can do it to Iowa, they
24 can do it to Ohio, they can do it to Pennsylvania, or
25 Idaho, all of which have approved or pending waivers.

1 They may very well be planning to do so as I speak.
2 I appreciate Ms. Brooks-LaSure's experience in working
3 with states to develop these waivers. She sounds to me
4 like a very qualified person. And I appreciate her
5 willingness to meet with me on this issue.

6 I feel badly for her because this controversy was
7 not necessary. And, frankly, I was looking forward to
8 voting for her nomination. But this unprecedented
9 action by the Administration threatens the security of
10 my state's Medicaid program. It disrespects the
11 continuity of this agreement and erodes the partnership
12 between the state and CMS. And, it sets a dangerous
13 precedent of an administration undoing agreements made
14 in good faith between the states and the Federal
15 Government in a previous administration.

16 Until Texas can receive an assurance that this
17 action will be rectified, and the rug will not be pulled
18 out from under our poorest patients, I cannot support
19 the nominee at this time. I do not know what else to
20 do. I urge my colleagues to join me in standing up for
21 the health care of all of our constituents, and
22 particularly the most vulnerable in our states.

23 And, Mr. Chairman, I would just reiterate my request
24 to postpone the vote on Ms. Brooks-LaSure just to give
25 me time to take the Administration up on their offer for

1 me to talk to the White House Chief of Staff about this.
2 We were not warned ahead of time, and so we are trying
3 to play catchup and reaching out in any way we can to
4 understand why this action was taken, and what we might
5 be able to do to make it right.

6 The Chairman. Senator Cornyn and colleagues, let me
7 just advise where we are on the state of play. We do
8 not have a quorum now. I would -- we do have a quorum?
9 We do want to give all Senators an opportunity to vote.
10 So, we are hoping in a few minutes to be able to do
11 that.

12 I just want to respond briefly to Senator Cornyn. I
13 know Senator Cantwell would like to make a comment, and
14 maybe other colleagues on the other side who would like
15 to do it.

16 With respect to Texas, the Biden Administration was
17 working on this until late in the evening. So they are
18 taking the Senator's concerns very seriously, as am I,
19 as arguably the biggest proponent of getting these
20 waivers right in the United States Senate.

21 I do think it is important to move forward today,
22 and that is why my hope is that senators will arrive,
23 and we will be able to vote. But as I said earlier, and
24 some colleagues have come in, I have made a pledge to
25 Senator Cornyn. After we move in committee today, we

1 are going to work very closely with him to try to find
2 common ground here.

3 It is very important to me, I would say to the
4 Senator from Texas, because my whole thinking on this
5 issue -- you probably recall this -- is I want to give
6 states that want to do waivers for progressive goals the
7 chance to do it, and I want to give states that have
8 conservative objectives, as long as they stay within the
9 guard rails, to do it.

10 So that is where we are. Senator Cantwell, did you
11 want to be recognized? And then we would go to the
12 Republican side. I see our friends --

13 Senator Cornyn. Mr. Chairman, can I just make the
14 point that being chairman of the Senate Finance
15 Committee is arguably one of the -- being chairman of
16 one of the most powerful committees in the United States
17 Senate. It is a big deal. But you do not have the
18 power to reverse a CMS decision. I do not have the
19 power to do it. Only CMS and the Administration has
20 that authority.

21 And so I appreciate your offer. I think you and I
22 have got a good working relationship together. We agree
23 about many things and disagree about some things. But
24 this is unprecedented, as I say, and I do not think, as
25 good as our working relationship is, there is anything

1 that, frankly, this committee or the Senate can do
2 unilaterally. It requires the cooperation of the Biden
3 Administration and CMS to do it.

4 The Chairman. We are working exactly toward that
5 objection, and my only difference of opinion is I would
6 not minimize the influence of the Finance Committee's
7 impact on waivers.

8 Senator Cantwell?

9 Senator Cantwell. Mr. Chairman if we have --

10 The Chairman. And then Senator Young.

11 Senator Cantwell. If we are going to continue to
12 debate, I will make a point. But if we want to vote, I
13 am happy to do that too.

14 But I think, you know, for me I have long had a
15 question about this. I certainly believe in the 1115
16 waiver from an innovation perspective. But I definitely
17 feel that our committee should be more aggressive in
18 making sure that the policies that we as a Congress have
19 passed are implemented.

20 And so, I do have questions. I am pretty sure I
21 probably disagree with the original waiver that was
22 granted by the Trump Administration. I am pretty sure I
23 probably disagree with that. So I probably do not
24 disagree with where the Biden Administration is going.

25 But what I do think is an issue at stake here is I

1 do not think it is good policy for us to constantly be,
2 let's just say undermined in certain ways with what we
3 as a Congress actually pass and vote on, because a new
4 Administration comes along and basically arranges a new
5 deal with a new governor.

6 The reason I say that is because we write the
7 checks. Okay? The majority of the checks come from us.
8 So the policies that we are trying to pursue to save
9 money for taxpayers to basically implement what we think
10 is a better health care system, I just feel like needs
11 to win the day.

12 So I am pretty sure I probably, you know, agree with
13 moving states along, but I definitely think it is time
14 to review the 1115 waver in the grander context. I can
15 understand the Senator's frustration, guaranteed there
16 were times when previous governors in our state cut a
17 deal with CMS that Senator Murray and I totally
18 disagreed with. We had a different policy objective
19 that we thought we had actually passed in Congress and
20 were moving forward on.

21 So I just think it is something to look at, look at
22 how it has been used, how we can better do policy. But
23 we are the ones who are making these decisions. We are
24 the ones who are writing these checks. We are the ones
25 who are saying this is the cost of health care.

1 So I definitely think that a previous
2 Administration's, you know, desire to circumvent that
3 probably would not come in my category of something that
4 I would have wanted to see. So let's just review this.
5 I think voting on Ms. Brooks-LaSure still gives the
6 Senator time to address this issue as we move to the
7 floor. We all know the floor continues to be another
8 process.

9 But I do hope we would look at this larger issue of
10 1115 waivers, how they are used, and what we can do to
11 assure that good, cost-savings health care policy that
12 the Federal Government wants to see is implemented by
13 states. Thank you.

14 The Chairman. I thank my colleague. And now I want
15 to ask a courtesy of Senator Young. We now have
16 sufficient votes in order to vote, Senator Young. Would
17 it be possible, because Senators are in bedlam this
18 morning -- they are all running to committees -- that we
19 could vote, and you will be recognized first after the
20 vote? Is that acceptable to my colleague?

21 Senator Cornyn. Mr. Chairman, may I just please ask
22 a question?

23 The Chairman. Sure.

24 Senator Cornyn. I thought the purpose of debate was
25 to try to persuade each other to maybe their point of

1 view. Having a vote before senators have had a chance
2 to express themselves on this matter, which is pretty
3 important and this unprecedented revision of a waiver,
4 could happen to any of us. I would object, for what it
5 is worth -- I know you can overrule my objection -- but
6 I object to putting the vote to the committee without
7 giving senators a chance to express themselves.

8 Senator Young. Mr. Chairman, just as a matter of
9 professional courtesy, why don't I compress my
10 five-minute comments down to 60 seconds?

11 The Chairman. That would be terrific. I appreciate
12 my colleague's thoughtfulness, and we are going to have
13 lots of debate on this waiver issue, colleagues.

14 Senator Young?

15 Senator Young. Well, I would commend the leader,
16 our Chairman, on your leadership on waiver authority. I
17 think we need waiver certainty. The State of Indiana
18 has implemented a very popular program under the 1115
19 waiver program. It is the Healthy Indiana Plan. To
20 think that that could be jeopardized, after President
21 Obama and the CMS under that Administration approved it,
22 is really troubling to me. So I do not see this as a
23 major inconvenience.

24 I fully anticipate supporting this nominee after
25 this is resolved, but I agree with the gentleman from

1 Texas. I stand in solidarity, and I welcome my
2 colleagues from both sides of the aisle so that no
3 states have to undergo this lack of certainty. And the
4 Senator from Washington, I agree, perhaps structurally
5 we need to take a look at how we address these waivers.
6 Thank you. I yield back.

7 The Chairman. I thank my colleague for his
8 courtesy. A quorum is now present. We will consider
9 the nomination. I move that the Committee favorably
10 report the nomination of Andrea Joan Palm of Wisconsin
11 to be Deputy Secretary of Health and Human Services. Is
12 there a second?

13 [Motion is duly seconded.]

14 The Chairman. The clerk will call the roll.

15 The Clerk. Ms. Stabenow?

16 Senator Stabenow. Aye.

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

18 Senator Cantwell. Aye.

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

20 Senator Menendez. Aye.

21 The Clerk. Mr. Menendez, aye. 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. Aye.

18 The Clerk. Mr. Crapo, aye. Mr. Grassley?

19 [No response.]

20 The Clerk. Mr. Cornyn?

21 Senator Cornyn. This is on the Palm nomination?

22 The Chairman. Yes, sir.

23 Senator Cornyn. Aye.

24 The Clerk. Mr. Cornyn, aye. Mr. Thune?

25 Senator Thune. No.

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

2 Senator Crapo. Aye by proxy.

3 The Clerk. Mr. Burr, aye by proxy. Mr. Portman?

4 Senator Crapo. Aye by proxy.

5 The Clerk. Mr. Portman, aye by proxy. Mr.

6 Toomey?

7 Senator Crapo. No by proxy.

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

9 Senator Crapo. No by proxy.

10 The Clerk. Mr. Scott, no by proxy. Mr. Cassidy?

11 Senator Crapo. No by proxy.

12 The Clerk. Mr. Cassidy, no by proxy. Mr. Lankford?

13 Senator Lankford. No.

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

15 Senator Daines. No.

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

17 Senator Young. Aye.

18 The Clerk. Mr. Young, aye. Mr. Sasse?

19 Senator Crapo. No by proxy.

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

21 Senator Barrasso. No.

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

23 The Chairman. Aye.

24 The Clerk. The chairman votes aye. Mr. Grassley?

25 Senator Grassley. No.

1 The Clerk. Mr. Grassley, no.

2 The Clerk. Mr. Chairman, the final tally is 20
3 ayes and 8 nays.

4 The Chairman. The nomination is reported favorably,
5 colleagues. I now move that the committee favorably
6 report the nomination of Chiquita Brooks-LaSure of
7 Virginia to be Administrator of the Centers for Medicare
8 and Medicaid Services. Is there a second?

9 [Motion is duly seconded.]

10 The Chairman. The clerk will call the roll.

11 The Clerk. Ms. Stabenow?

12 Senator Stabenow. Aye.

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

14 Senator Cantwell. Aye.

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

16 Senator Menendez. Aye.

17 The Clerk. Mr. Menendez, aye. Mr. Carper?

18 Senator Carper. Aye.

19 The Clerk. Mr. Cardin?

20 Senator Cardin. Aye.

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

22 Senator Brown. Aye.

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

24 Senator Bennet. Aye.

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

1 Senator Casey. Aye.

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

3 Senator Warner. Aye.

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

5 Senator Whitehouse. Aye.

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

7 Senator Hassan. Aye.

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

9 Senator Cortez Masto. Aye.

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

11 Senator Warren. Aye.

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

13 Senator Crapo. No.

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

15 [No response.]

16 The Clerk. Mr. Cornyn?

17 Senator Cornyn. No.

18 The Clerk. Mr. Cornyn, no. Mr. Thune?

19 Senator Thune. No.

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

21 Senator Crapo. No by proxy.

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

23 Senator Crapo. No by proxy.

24 The Clerk. Mr. Portman, no by proxy. Mr. Toomey?

25 Senator Crapo. No by proxy.

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

2 Senator Crapo. No by proxy.

3 The Clerk. Mr. Scott, no by proxy. Mr. Cassidy?

4 Senator Crapo. No by proxy.

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

6 Lankford?

7 Senator Lankford. No.

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

9 Senator Daines. No.

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

11 Senator Young. No.

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

13 Senator Crapo. No by proxy.

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

15 Senator Barrasso. No.

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

17 The Chairman. Aye.

18 The Clerk. The chairman votes aye. Mr. Grassley?

19 Senator Grassley. No.

20 The Clerk. Mr. Grassley, no.

21 The Chairman. The clerk will announce the vote.

22 The Clerk. Mr. Chairman, the final tally is 14

23 ayes, 14 nays.

24 The Chairman. Okay. Colleagues, in the instance of

25 a tie vote, and the committee not having reported the

1 nomination because of the tie vote, in accord with
2 Senate Resolution 27, I will transmit a notice of the
3 tie vote to the Secretary of the Senate in accordance
4 with section 3.1(a) of such resolution, thereby giving
5 either the majority or minority leader the authority to
6 make a motion to discharge the nomination. And I want
7 to repeat for colleagues that have just come in, now it
8 is my intent to work closely with the Senator from
9 Texas, the Administration, folks represented here -- and
10 those discussions will begin immediately.

11 And with that, the business meeting is now
12 adjourned. And, colleagues, we will begin the hearing
13 on China and competitiveness in just a few minutes when
14 everybody has a chance to get settled. That will be a
15 virtual hearing. With that, the business meeting is now
16 adjourned.

17 [Whereupon, at 10 a.m., meeting was concluded.]

18

	STATEMENT OF:	PAGE
1		
2	Hon. Ron Wyden,	2
3	a U.S. Senator from Oregon,	
4	chairman, Committee on Finance	
5		
6	Hon. Mike Crapo,	5
7	a U.S. Senator from Idaho	
8		
9	Hon. John Cornyn,	9
10	a U.S. Senator from Texas	