OPEN EXECUTIVE SESSION TO CONSIDER THE NOMINATIONS OF
MARÍA L. PAGÁN, TO BE DEPUTY UNITED STATES TRADE
REPRESENTATIVE, GENEVA OFFICE, WITH THE RANK OF
AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT; BRENT
NEIMAN, TO BE DEPUTY UNDER SECRETARY FOR INTERNATIONAL
FINANCE AND DEVELOPMENT, DEPARTMENT OF THE TREASURY;
JOSHUA FROST, TO BE ASSISTANT SECRETARY FOR FINANCIAL
MARKETS, DEPARTMENT OF THE TREASURY; SAMUEL R.
BAGENSTOS, TO BE GENERAL COUNSEL, DEPARTMENT OF HEALTH
AND HUMAN SERVICES; CHRISTOPHER S. WILSON, TO BE CHIEF
INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR, OFFICE
OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK
OF AMBASSADOR, EXECUTIVE OFFICE OF THE PRESIDENT; AND
CHRISTI A. GRIMM, TO BE INSPECTOR GENERAL, DEPARTMENT
OF HEALTH AND HUMAN SERVICES

WEDNESDAY, NOVEMBER 17, 2021
U.S. Senate,
Committee on Finance,
Washington, DC.

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

Present: Senator Crapo.
Also present: Democratic staff: Michael Evans, Deputy Staff Director and Chief Counsel; Ian Nicholson, Investigator and Nominations Advisor; and Joshua Sheinkman, Staff Director. Republican staff: Lincoln Foran, Policy Advisor; Kellie McConnell, Health Policy Director; John O'Hara, Trade Policy Director and Counsel; Mayur Patel, Chief International Trade Counsel; Gregg Richard, Staff Director; and Jeffrey Wrase, Deputy Staff Director and Chief Economist.
OPENING STATEMENT OF HON. RON WYDEN, A U.S. SENATOR FROM OREGON, CHAIRMAN, COMMITTEE ON FINANCE

The Chairman. The Finance Committee will come to order. We meet today to consider six pending nominations before the committee: Maria Pagan, Brent Neiman, John Frost, Sam Bagenstos, Chris Wilson, and Christie Grimm.

It is a busy morning. My colleague and I have been saying there are lots of committees conducting business, and we are no exception. And after consulting with the ranking member, my friend Senator Crapo here, this is how we are going to proceed.

We will use the time now to make statements about the nominees. I am going to make a short statement, followed by the ranking member, and followed by any other Finance members who wish to make statements.

At that point, we intend to recess until the next roll call vote on the Senate Floor, when the committee will convene in the President's Room off the floor to hold the vote.

It is my understanding that is acceptable to my colleague, and I want to recognize him for his statement.
Senator Crapo. Yes, that is acceptable. And do you want me to give my statement?

The Chairman. Please.

Senator Crapo. All right, thank you very much.

We are holding a markup today for six nominees who will affect a range of administration policies. The Treasury Assistant Secretary for International Finance and Development, Brent Neiman, will be the Treasury's liaison to the international financial institutions.

Reports of possible ethical and data irregularities involving these institutions' leadership officials and staff have challenged their credibility and accountability. While I support the role that the World Bank and the IMF hold in promoting international development and financial stability, trust in the institutions and data integrity are at risk.

The administration and Congress must closely monitor the functioning of these organizations, including their leadership and funding requests, to ensure that they act fairly and impartially.

As Treasury Assistant Secretary for Financial Markets, Joshua Frost will be closely involved in
managing the debt and funding of the Federal Government. 1
A new estimate from the Committee for A Responsible 2
Federal Budget says the true cost of the current 3
tax-and-spend legislation, if made permanent, is close 4
to $5 trillion.

Consequences of those partisan decisions will 6
require additional borrowing. Democrats have the tools 7
to address those requirements by increasing the debt 8
limit through reconciliation. While Mr. Frost is not 9
responsible for this fiscal policy, he will participate, 10
if confirmed, in managing a total public debt of nearly 11
$29 trillion.

I urge him to work transparently with Congress, if 13
he is confirmed, and to give direct answers to the 14
questions we pose.

There remains room for improvement in Treasury's 16
transparency with members of this committee from both 17
parties. With nearly $29 trillion of Federal debt 18
outstanding, and ongoing discussions within Treasury 19
about ceding U.S. taxation rights to foreign 20
jurisdictions, transparency is a necessity, not an 21
option.

Turning to Ms. Pagan, nominated for Deputy U.S. 23
Trade Representative to the World Trade Organization, I 24
appreciate her commitment to the cause of WTO reform.
It is critical that the institution embrace a reform agenda in order to ensure that the rules of global trade reflect the state of the world today. In particular, it is critical that the WTO recognize that major economic powers like China should no longer avail themselves of the special and differential treatment intended to benefit developing countries.

Mr. Wilson will be the first Chief Innovation and Intellectual Property Negotiator for the USTR, if confirmed. The COVID-19 pandemic is receding, thanks to the American innovators who developed highly effective vaccines. We must have strong global intellectual property protections in order to foster this type of innovation. I welcome Mr. Wilson's commitment in response to questions we submitted for the record to be a vigorous advocate for American interests, and to consult with my colleagues and me on our priorities.

Lastly, turning to the Department of Health and Human Services, we have the nominations of Christie Grimm and Samuel Bagenstos. Ms. Grimm has already proven herself to be a capable Inspector General. I deeply appreciate her work in combating waste, fraud, and abuse at HHS, and ensuring that the Department provides essential services to the public in an efficient manner, especially through coordination with
other relevant agencies.

Finally, Mr. Bagenstos as HHS General Counsel will have a critical role in helping formulate and explain the rationale for policy. Some of my colleagues have concerns with HHS's treatment of existing waivers, concerns which I share. Other colleagues are concerned about the administration's stance on abortion and Mr. Bagenstos's past work on residential care facilities. I share these concerns as well. Further, they cannot ignore the administration's interpretation of current law, especially in light of the Democrats' reckless tax and spending proposals.

I share these concerns also, and unfortunately cannot vote in favor of Mr. Bagenstos's nomination today. We are covering a lot of ground with this markup, and these six nominees will have influence across the Finance Committee's jurisdiction. I look forward to working with each of them.

Thank you, Mr. Chairman.

The Chairman. I thank my colleague. I want to make it clear at this point that I strongly support each of the nominees. I urge my colleagues to do so as well. By unanimous consent I will put my own statement into the record at this point, and we will reconvene at 10:30 in the President's Room. That will be between the
votes, and we can conduct our business at that time.

[The prepared statement of Chairman Wyden appears at the end of the transcript.]

The Chairman. With that, the committee will continue its business at 10:30 a.m.

[Whereupon, at 9:40 a.m., the meeting was recessed to reconvene at 10:30 a.m.]

The open executive session was reconvened, pursuant to notice, on Wednesday, November 3, 2021, at 10:30 a.m., in Room S-216, The President’s Room, U.S. Capitol, Hon. Ron Wyden (chairman of the committee) presiding.

The Chairman. We will now continue the open executive session from this morning to consider pending nominations.

I would begin by entertaining a motion to favorably report the nomination of Ms. Pagan.

Senator Crapo. So moved.

The Chairman. The clerk will call the roll.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Ms. Cantwell?
1 Senator Cantwell. Aye.
2 The Clerk. Mr. Menendez?
3 Senator Menendez. Aye.
4 The Clerk. Mr. Carper?
6 The Clerk. Mr. Cardin?
7 Senator Cardin. Aye.
8 The Clerk. Mr. Brown?
10 The Clerk. Mr. Bennet?
12 The Clerk. Mr. Casey?
13 Senator Casey. Aye.
14 The Clerk. Mr. Warner?
16 The Clerk. Mr. Whitehouse?
18 The Clerk. Ms. Hassan?
19 Senator Hassan. Aye.
20 The Clerk. Ms. Cortez Masto?
21 Senator Cortez Masto. Aye.
22 The Clerk. Ms. Warren?
10

1  Senator Warren.   Aye.
2  The Clerk.   Mr. Crapo?
3  Senator Crapo.   Aye.
4  The Clerk.   Mr. Grassley?
5  Senator Crapo.   Aye by proxy.
6  The Clerk.   Mr. Cornyn?
7  Senator Cornyn.   Aye.
8  The Clerk.   Mr. Thune?
9  Senator Thune.   Aye.
10 The Clerk.   Mr. Burr?
12 The Clerk.   Mr. Portman?
13 Senator Crapo.   Aye by proxy.
14 The Clerk.   Mr. Toomey?
15 Senator Toomey.   Aye.
16 The Clerk.   Mr. Scott?
17 Senator Crapo.   Aye by proxy.
18 The Clerk.   Mr. Cassidy?
19 Senator Cassidy.   Aye.
20 The Clerk.   Mr. Lankford?
21 Senator Lankford.   No.
22 The Clerk.   Mr. Daines?
The Clerk. Mr. Young?
Senator Young. Aye.
The Clerk. Mr. Sasse?
Senator Sasse. Aye.
The Clerk. Mr. Barrasso?
Senator Barrasso. Aye.
The Clerk. Mr. Chairman?
The Chairman. Aye.
The clerk will announce the vote.
The Clerk. Mr. Chairman, the final tally is 27 ayes, 1 nay.
The Chairman. The “ayes” have it. The nomination is ordered favorably reported. I would now move the nomination of Mr. Neiman to be favorably reported.
Senator Crapo. So moved.
The Chairman. The clerk will call the roll.
The Clerk. Ms. Stabenow?
Senator Stabenow. Aye.
The Clerk. Ms. Cantwell?
Senator Cantwell. Aye.
The Clerk. Mr. Menendez?

Senator Menendez. Aye.

The Clerk. Mr. Carper?


The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Brown?


The Clerk. Mr. Bennet?

Senator Bennet. Aye.

The Clerk. Mr. Casey?

Senator Casey. Aye.

The Clerk. Mr. Warner?


The Clerk. Mr. Whitehouse?


The Clerk. Ms. Hassan?

Senator Hassan. Aye.

The Clerk. Ms. Cortez Masto?

Senator Cortez Masto. Aye.

The Clerk. Ms. Warren?

The Clerk. Mr. Crapo?

Senator Crapo. Aye.

The Clerk. Mr. Grassley?

Senator Crapo. Aye by proxy.

The Clerk. Mr. Cornyn?

Senator Cornyn. No.

The Clerk. Mr. Thune?

Senator Thune. Aye.

The Clerk. Mr. Burr?

Senator Burr. Aye.

The Clerk. Mr. Portman?

Senator Crapo. Aye by proxy.

The Clerk. Mr. Toomey?

Senator Toomey. No.

The Clerk. Mr. Scott?

Senator Crapo. No by proxy.

The Clerk. Mr. Cassidy?

Senator Cassidy. No.

The Clerk. Mr. Lankford?

Senator Lankford. No.

The Clerk. Mr. Daines?

Senator Daines. No.
The Clerk.  Mr. Young?

Senator Young.  Aye.

The Clerk.  Mr. Sasse?

Senator Sasse.  No.

The Clerk.  Mr. Barrasso?

Senator Barrasso.  No.

The Clerk.  Mr. Chairman?

The Chairman.  Aye.

The clerk will announce the vote.

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

The Chairman.  The “ayes” have it. The nomination is ordered favorably reported. I would now move the nomination of Mr. Frost to be favorably reported.

Senator Crapo.  So moved.

The Chairman.  The clerk will call the roll.

The Clerk.  Ms. Stabenow?

Senator Stabenow.  Aye.

The Clerk.  Ms. Cantwell?

Senator Cantwell.  Aye.

The Clerk.  Mr. Menendez?
15

1 Senator Menendez. Aye.
2 The Clerk. Mr. Carper?
3 Senator Carper. Aye.
4 The Clerk. Mr. Cardin?
5 Senator Cardin. Aye.
6 The Clerk. Mr. Brown?
8 The Clerk. Mr. Bennet?
9 Senator Bennet. Aye.
10 The Clerk. Mr. Casey?
12 The Clerk. Mr. Warner?
14 The Clerk. Mr. Whitehouse?
16 The Clerk. Ms. Hassan?
17 Senator Hassan. Aye.
18 The Clerk. Ms. Cortez Masto?
19 Senator Cortez Masto. Aye.
20 The Clerk. Ms. Warren?
22 The Clerk. Mr. Crapo?
Senator Crapo. Aye.
The Clerk. Mr. Grassley?
Senator Crapo. Aye by proxy.
The Clerk. Mr. Cornyn?
Senator Cornyn. Aye.
The Clerk. Mr. Thune?
Senator Thune. Aye.
The Clerk. Mr. Burr?
Senator Burr. Aye.
The Clerk. Mr. Portman?
Senator Crapo. Aye by proxy.
The Clerk. Mr. Toomey?
Senator Toomey. Aye.
The Clerk. Mr. Scott?
Senator Crapo. No by proxy.
The Clerk. Mr. Cassidy?
Senator Cassidy. No.
The Clerk. Mr. Lankford?
Senator Lankford. No.
The Clerk. Mr. Daines?
The Clerk. Mr. Young?
Senator Young.  Aye.
The Clerk.  Mr. Sasse?
Senator Sasse.  Aye.
The Clerk.  Mr. Barrasso?
Senator Barrasso.  No.
The Clerk.  Mr. Chairman?
The Chairman.  Aye.
The clerk will announce the vote.
The Clerk.  Mr. Chairman, the final tally is 24 ayes, 4 nays.

The Chairman.  The “ayes” have it.  The nomination is ordered favorably reported.  I would now move the nomination of Mr. Bagentos to be favorably reported.

Senator Stabenow.  So moved.
The Chairman.  The clerk will call the roll.
The Clerk.  Ms. Stabenow?
Senator Stabenow.  Aye.
The Clerk.  Ms. Cantwell?
Senator Cantwell.  Aye.
The Clerk.  Mr. Menendez?
Senator Menendez.  Aye.
The Clerk. Mr. Carper?


The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Brown?


The Clerk. Mr. Bennet?

Senator Bennet. Aye.

The Clerk. Mr. Casey?

Senator Casey. Aye.

The Clerk. Mr. Warner?


The Clerk. Mr. Whitehouse?


The Clerk. Ms. Hassan?

Senator Hassan. Aye.

The Clerk. Ms. Cortez Masto?

Senator Cortez Masto. Aye.

The Clerk. Ms. Warren?


The Clerk. Mr. Crapo?

Senator Crapo. No.
The Clerk. Mr. Grassley?

Senator Crapo. No by proxy.

The Clerk. Mr. Cornyn?

Senator Cornyn. No.

The Clerk. Mr. Thune?

Senator Thune. No.

The Clerk. Mr. Burr?

Senator Burr. No.

The Clerk. Mr. Portman?

Senator Crapo. No by proxy.

The Clerk. Mr. Toomey?

Senator Toomey. No.

The Clerk. Mr. Scott?

Senator Crapo. No by proxy.

The Clerk. Mr. Cassidy?

Senator Cassidy. No.

The Clerk. Mr. Lankford?

Senator Lankford. No.

The Clerk. Mr. Daines?

Senator Daines. No.

The Clerk. Mr. Young?

Senator Young. No.
The Clerk. Mr. Sasse? 
Senator Sasse. No. 
The Clerk. Mr. Barrasso? 
Senator Barrasso. No. 
The Clerk. Mr. Chairman? 
The Chairman. Aye. 
The clerk will announce the vote. 
The Clerk. Mr. Chairman, the final tally is 14 ayes, 14 nays. 
The Chairman. In accordance with section 3 of Senate Resolution 27, notice will be transmitted to the Secretary of the Senate, thereby giving either Majority or Minority Leader the authority to make a motion to discharge the nomination. I would now move the nomination of Mr. Wilson to be favorably reported. 
Senator Crapo. So moved. 
The Chairman. The clerk will call the roll. 
The Clerk. Ms. Stabenow? 
Senator Stabenow. Aye. 
The Clerk. Ms. Cantwell? 
Senator Cantwell. Aye. 
The Clerk. Mr. Menendez?
Senator Menendez. Aye.

The Clerk. Mr. Carper?


The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Brown?


The Clerk. Mr. Bennet?

Senator Bennet. Aye.

The Clerk. Mr. Casey?

Senator Casey. Aye.

The Clerk. Mr. Warner?


The Clerk. Mr. Whitehouse?


The Clerk. Ms. Hassan?

Senator Hassan. Aye.

The Clerk. Ms. Cortez Masto?

Senator Cortez Masto. Aye.

The Clerk. Ms. Warren?


The Clerk. Mr. Crapo?
Senator Crapo.  Aye.

The Clerk.  Mr. Grassley?

Senator Crapo.  Aye by proxy.

The Clerk.  Mr. Cornyn?

Senator Cornyn.  Aye.

The Clerk.  Mr. Thune?

Senator Thune.  Aye.

The Clerk.  Mr. Burr?

Senator Burr.  No.

The Clerk.  Mr. Portman?

Senator Crapo.  Aye by proxy.

The Clerk.  Mr. Toomey?

Senator Toomey.  No.

The Clerk.  Mr. Scott?

Senator Crapo.  No by proxy.

The Clerk.  Mr. Cassidy?

Senator Cassidy.  Aye.

The Clerk.  Mr. Lankford?

Senator Lankford.  No.

The Clerk.  Mr. Daines?


The Clerk.  Mr. Young?
Senator Young. Aye.

The Clerk. Mr. Sasse?

Senator Sasse. Aye.

The Clerk. Mr. Barrasso?

Senator Barrasso. Aye.

The Clerk. Mr. Chairman?

The Chairman. Aye.

The clerk will announce the vote.

The Clerk. Mr. Chairman, the final tally is 24 ayes, 4 nays.

The Chairman. The “ayes” have it. The nomination is ordered favorably reported. I would begin by entertaining a motion to favorably report the nomination of Ms. Grimm.

Senator Crapo. So moved.

The Chairman. The clerk will call the roll.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Ms. Cantwell?

Senator Cantwell. Aye.

The Clerk. Mr. Menendez?

Senator Menendez. Aye.
The Clerk.   Mr. Carper?  

The Clerk.   Mr. Cardin?  
Senator Cardin.   Aye.

The Clerk.   Mr. Brown?  

The Clerk.   Mr. Bennet?  
Senator Bennet.   Aye.

The Clerk.   Mr. Casey?  
Senator Casey.   Aye.

The Clerk.   Mr. Warner?  

The Clerk.   Mr. Whitehouse?  

The Clerk.   Ms. Hassan?  
Senator Hassan.   Aye.

The Clerk.   Ms. Cortez Masto?  
Senator Cortez Masto.   Aye.

The Clerk.   Ms. Warren?  

The Clerk.   Mr. Crapo?  
Senator Crapo.   Aye.
The Clerk. Mr. Grassley?

Senator Crapo. Aye by proxy.

The Clerk. Mr. Cornyn?

Senator Cornyn. Aye.

The Clerk. Mr. Thune?

Senator Thune. Aye.

The Clerk. Mr. Burr?

Senator Burr. Aye.

The Clerk. Mr. Portman?

Senator Crapo. Aye by proxy.

The Clerk. Mr. Toomey?

Senator Toomey. Aye.

The Clerk. Mr. Scott?

Senator Crapo. Aye by proxy.

The Clerk. Mr. Cassidy?

Senator Cassidy. Aye.

The Clerk. Mr. Lankford?

Senator Lankford. Aye.

The Clerk. Mr. Daines?


The Clerk. Mr. Young?

Senator Young. Aye.
26

1 The Clerk.  Mr. Sasse?
2 Senator Sasse.  Aye.
3 The Clerk.  Mr. Barrasso?
4 Senator Barrasso.  Aye.
5 The Clerk.  Mr. Chairman?
6 The Chairman.  Aye.
7 The clerk will announce the vote.
8 The Clerk.  Mr. Chairman, the final tally is 28 ayes, 0 nays.
9
10    I thank my colleagues, and with that, we are
11    adjourned.
12 [Whereupon, at 11:20 a.m., the meeting was
13 concluded.]
STATEMENT OF:

Hon. Ron Wyden,
A U.S. Senator from Oregon,
chairman, Committee on Finance

Hon. Mike Crapo,
a U.S. Senator from Idaho
PREPARED STATEMENT OF HON. RON WYDEN, A U.S. SENATOR
FROM OREGON, CHAIRMAN, COMMITTEE ON FINANCE

The Finance Committee meets this morning to vote on six nominations for important roles in three Federal agencies. I’ll have brief remarks on each before I turn it over to Senator Crapo and any other members who wish to speak.

María Pagán is President Biden’s nominee to serve as a Deputy U.S. Trade Representative and our envoy to the WTO in Geneva. She currently serves as USTR’s Deputy General Counsel, and she’s also been a WTO litigator for the U.S. She’s an ideal nominee and she knows exactly what it takes to get the best possible outcomes in high-stakes trade negotiations for American workers and businesses.

Chris Wilson is President Biden’s nominee to serve as USTR’s Chief Innovation and Intellectual Property Negotiator. This position was created by the Finance Committee in a bill called the Trade Facilitation and Trade Enforcement Act of 2015, and today marks the first time the committee will vote on a nominee for this role.

This is about ensuring that our trade policies reflect our modern, high-tech economy, and balance the
interests of IP owners, innovators, tech users, and the public at large. Mr. Wilson’s decades of service in a variety of roles at USTR make him a highly qualified nominee for this new position.

Joshua Frost is President Biden’s nominee to serve as Assistant Treasury Secretary for Financial Markets. He brings to his nomination 20 years of experience at the Federal Reserve, during which he’s worked on the responses to economic crashes and unemployment spikes. He’s nominated to a role that’s all about protecting the integrity and stability of our economy and our financial system, which makes his experience highly valuable.

Dr. Brent Neiman is President Biden’s nominee to serve as Deputy Under Secretary of the Treasury for International Finance and Development. One of the issues he’ll work on when he’s confirmed is fixing global supply chains that are still tangled and bottlenecked as a result of the pandemic. This is one of the most urgent economic issues out there today, and it affects just about every American household right up to the largest businesses in the country. That means there’s no time for the Senate to waste on moving this nomination forward.

Sam Bagenstos is President Biden’s nominee to serve
as General Counsel to the Department of Health and Human Services. Mr. Bagenstos is a highly accomplished lawyer and public servant. He’s argued cases before the Supreme Court dealing with protections for workers and Americans with disabilities. He’s served as Principal Deputy Assistant Attorney General for Civil Rights. He is currently the General Counsel to the Office of Management and Budget. He’s highly qualified to serve as HHS General Counsel, and he’ll be a valuable member of Secretary Becerra’s team.

Finally, Christi Grimm is the President’s nominee to serve as the Inspector General for the Department of Health and Human Services. There’s no questioning her qualifications for this role. She’s served within the Office of the Inspector General for more than 2 decades. Currently she serves as Principal Deputy Inspector General, and she’s been performing the role of the IG for more than a year. This committee takes its oversight role very seriously and believes in good government, so we look forward to working with Ms. Grimm in the months and years ahead.

All six of these nominees are highly qualified and highly experienced. I’m happy to support all of them today, and I urge my colleagues on both sides to do the same.