

**NOMINATION OF MS. NEERA TANDEN,
OF MASSACHUSETTS, TO BE DIREC-
TOR OF THE OFFICE OF MANAGE-
MENT AND BUDGET**

HEARING
BEFORE THE
COMMITTEE ON THE BUDGET
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

**February 10, 2021—HEARING ON THE NOMINATION OF MS. NEERA
TANDEN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE
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Printed for use of the Senate Budget Committee

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THE NOMINATION OF MS. NEERA TANDEN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

WEDNESDAY, FEBRUARY 10, 2021

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C.

The Committee met, pursuant to notice, at 10:00 a.m., via Webex and in Room SD-608, Dirksen Senate Office Building, Honorable Bernard Sanders, Chairman of the Committee, presiding.

Present: Senators Sanders, Murray, Wyden, Stabenow, Whitehouse, Warner, Merkley, Kaine, Van Hollen, Luján, Padilla, Graham, Grassley, Crapo, Toomey, Johnson, Braun, Scott, Sasse, Romney, and Kennedy.

Staff Present: Warren Gunnels, Majority Staff Director; and Nick Myers, Republican Staff Director.

OPENING STATEMENT OF CHAIRMAN BERNARD SANDERS

Chairman SANDERS. Let me thank everybody for being here and everybody else who is with us virtually. I am delighted to call the very first meeting of the Budget Committee to order.

As all of you know, we are here today to consider the nomination of Neera Tanden to become the next Director of the Office of Management and Budget. We all know that that position is an extremely important one. It is responsible for preparing the President's budget, for reviewing Federal regulations, and for providing the proper oversight of Federal agencies. No small tasks.

For the past 10 years, Ms. Tanden has served as the president and Chief Executive Officer (CEO) of the Center for American Progress (CAP). Prior to that she worked in the United States Senate as a Legislative Director and served in the Obama and Clinton administrations as a Senior Domestic Policy Adviser. Good morning, Ms. Tanden, and thanks very much for being with us.

Before I go further, let me mention that we have some new members of this Committee, and let me welcome Senators Luján, Padilla, Sasse, and Romney to the Budget Committee.

This Committee has very broad jurisdiction dealing with any policy that impacts the Federal budget. That is a lot of stuff out there. And at a time when our country faces an unprecedented series of crises, this will be a very active Committee in which we will be exploring many issues, including trying to get an understanding of what is happening to the working class of this country, the middle class, and lower-income Americans. And I hope we are going to

have those good discussions in a civil manner. The American people need to hear different points of view. They need to get an understanding of why what is happening in this country is, in fact, happening.

In general, we do not do a good job as Members of Congress, the media does not do a good job, and I hope this Committee will have civil, serious debates about some of the most important issues facing America.

We are going to explore what it means that in this country today the people on the top economically are doing phenomenally well, while so many tens of millions of Americans are struggling right now in America to put food on the table, to pay their rent, or to have the income they need to go to a doctor in the midst of a pandemic.

Today in America we are living through the worst economic crisis since the Great Depression and the worst public health crisis in more than 100 years. Real unemployment is over 11 percent. Over 23 million Americans are either unemployed, underemployed, or have given up looking for work altogether.

Unbelievably, more than half of American workers are living paycheck to paycheck and are just one medical emergency, one car accident, one lost paycheck away from financial disaster.

In America, disgracefully, we have the highest rate of childhood poverty of almost any major country on Earth. The COVID-19 pandemic is still raging across the Nation and is responsible for taking the lives of more than 450,000 Americans, and obviously, all of us hope that we are going to address that crisis as rapidly as possible. But, meanwhile, in the midst of that pandemic, over 90 million Americans are either uninsured or underinsured, and we remain the only major country on Earth not to guarantee health care to all of our people.

We have got a climate crisis that is ravaging nations all over the world, including the United States of America. We have an affordable housing crisis where so many of our people are literally paying half of their incomes for rent. We have a racial injustice crisis in America today that this Congress is going to have to address, and we have an immigration crisis as well.

And given all of these unprecedented crises, it is absolutely imperative that we have an OMB Director who has the courage at this moment in American history to think big, not small. We need an OMB Director who is prepared to stand up to powerful special interests who dominate the economic and political life of this country, including what goes on here in Congress. We need an OMB Director who can work with the President and Congress to create an economy that works for all of us and not just wealthy campaign contributors.

Now, Ms. Tanden, at a time when the wealthy and large corporations have extraordinary influence over the economic and political life of this country, I must tell you that I am concerned about the level of corporate donations that the Center for American Progress has received under your leadership. According to the Washington Post, since 2014 the Center for American Progress has received at least \$38 million from corporate America, including Wall Street and every special interest that I can think of. So before I vote on

your nomination, it is important for me and the members of this Committee to know that those donations that you have secured at CAP will not influence your decision-making at the OMB.

Further, I would like to hear how you plan to work with this Committee and the Congress to enact the promises that President Biden made to the American people. I think one of the reasons that so many people are disillusioned with politics in America, have given up on democracy, politicians make promises and they run away from those promises. President Biden made a series of promises, and I am going to work with him to make sure that we implement those promises.

President Biden promised to raise the minimum wage over a period of several years to at least \$15 an hour. He promised to make public colleges and universities tuition-free for working families and to substantially reduce student debt. He promised to lower the Medicare eligibility age from 65 down to 60 and to also cut the outrageously high prices of prescription drugs in America. President Biden promised to rebuild our crumbling infrastructure and create millions of good-paying jobs and combat climate change. He said he would fight to make pre-K universal, to make sure that every 3- and 4-year-old in America has the quality child care and pre-K education that they need.

President Biden promised to make sure that every worker in America has at least 12 weeks of paid family and medical leave. And, yes, President Biden promised that he would make sure that corporations like Amazon began to pay their fair share of taxes.

The next OMB Director will play a major role in determining whether those policy proposals succeed or whether they fail, and I want to hear from you this morning how you plan to work with the President, this Committee, and the Congress to implement those promises that the President made.

Lastly, what I simply want to say is that over the years I have worked with Mike Enzi, who was the Chairman, and Mike and I had a very, very good relationship, and I look forward to having an excellent relationship, a cordial relationship with the Ranking Member, Lindsey Graham, whom I have known for many, many years. I hope, again, that this Committee can be the Committee that has—look, we have differences of opinion. We all know that. But let us have a civil debate, and I promise you that we are going to talk about the most important issues that face your constituents. So let us do that, and with that let me introduce the Ranking Member, Lindsey Graham.

OPENING STATEMENT OF SENATOR LINDSEY GRAHAM

Senator GRAHAM. Well, thank you very much, Mr. Chairman. Congratulations on being Chairman of the Committee. Two thousand twenty. was a heck of an election cycle. It will soon be over, hopefully, in my lifetime, and we can move on with the Nation's business.

I have talked to Bernie several times about what we can do together, and there actually is a lot we can do together. I look forward to that.

Senator Whitehouse is sort of on the fence about climate change, but if we can ever get him out of his shell, I would like to talk

about what happens if General Motors by 2035 actually converts to all electrical vehicles. I mean, that is not, you know, some left-wing group saying that. That is General Motors saying that in 2035, I think it is—is that the date? Or 2050. I cannot remember now—that they are going to stop producing gasoline-driven cars.

Well, what does that mean for the country, why they are trying to do that, and it gives us a chance, I think, to talk about big things. And there are going to be differences. Senator Sanders went down a checklist of big things, and one of my goals is to make sure that all these big things that we are talking about other people paying for, that we have a sense of, you know, how do you pay for all this stuff? And from a Republican point of view, we cannot really say a whole lot about running up the debt because we did it, too. But, eventually, it is going to take people like Bernie and Lindsey and the rest of us around here to figure out what to do about the debt one day. I do not know when that day comes. But there will be a day of reckoning, and I know Senators Whitehouse and Kaine and others have been pretty open-minded about reforms. From my point of view, that would be revenue, too, to make sure that the revenue is consistent with what we need up here to operate the Government.

But from Senator Sanders, I just want to tell you that we are going to have some real stark differences about reconciliation. We are going to have some very pointed differences. But the one thing I want to say about Bernie is that you believe what you are saying. You have been the most consistent voice in this body, and the one thing I respect is people who believe what they are saying. Senator Whitehouse, you believe what you are saying about climate change. And the question is: Can we find some common ground given what we believe?

We have some very talented people on our side of the aisle, and I would just challenge all of us to fight for our—peacefully, that is the new word now—fight for your point of view, but see if there is some common ground here, because the country needs it.

As to the nominee, I have known her for a while. She is a very nice person, but not the unity pick that I was looking for, anyway.

So Ms. Tanden was receiving corporate donations, which is fine with me. I do not mind if you receive corporate donations as long as they are lawful and fully disclosed, and I think all of us receive donations from different groups. That does not mean you are owned because somebody gives you money, so I am not going to hold that against you. But you have been a very partisan figure. You have been a very tough figure when it comes to political discourse. And that is okay, too. But calling Mitch McConnell “Moscow Mitch” is probably not a very good thing to say, suggesting that the Minority Leader is somehow in the pocket of the Russians.

“The GOP’s capacity for evil knows no bounds.” I am sure a lot of people in America believe that. I am not one of them.

So Senator Sanders was Hillary Clinton’s opponent, as we all know, so her scorn was not limited to Republicans. “Russia did a lot more to help Bernie than the DNC’s random internal emails did to help Hillary.” “Oddly, when Russia was trying to elect Trump, they did not attack Bernie Sanders. They chose to help him. They

did this in the Democratic primary. They attacked the other candidate.” I doubt if Bernie was Russia’s pick either.

So the point I am trying to make here is that in a time of unity, we are picking somebody who throws sharp elbows, and there is going to be a consequence for that, hopefully, on our side.

As to her management capability, she referred to us the Glassdoor review of her time running the Center for American Progress. Again, she is a talented person who has come a long way in life, but here are some of the reviews.

June 2019, one out of five stars. “Terrible,” “absolutely horrible.”

October 2016, “cool work but absurd management,” disapproves of CEO.

April 2016, “influential organization, poorly managed.”

September 2012, two out of five stars, “bad management.”

February 13th, two out of five stars, “great experience, terrible management.”

Two out of five stars, April 2017, disapproves of CEO, does not recommend, “what a mess.”

So all I can say is that this is not the unifying pick that I was looking for for this position.

Thank you, Mr. Chairman.

Chairman SANDERS. Thank you, Lindsey.

Amy Klobuchar, our Senator from Minnesota, is here. Senator Klobuchar, thanks for being here, and I gather you want to introduce Ms. Tanden.

Senator KLOBUCHAR. I do.

Chairman SANDERS. Please do.

STATEMENT OF HONORABLE AMY KLOBUCHAR, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA

Senator KLOBUCHAR. I want to thank you, Senator Sanders, Senator Graham. Congratulations on your new roles. To the Committee, all gentlemen today, I know there are a few women on the Committee. But it is my honor to be here to speak to you. The work of this Committee right now could not be more important. I think you know what is happening with our country, and I admire the leadership role that you, Senator Sanders, are taking right now, and this entire Committee.

I am proud to be here today to introduce my friend, Neera Tanden, a woman who is smart, organized, and tenacious. These are good qualities for the job, and if confirmed, she will make history as the first woman of color to lead the Office of Management and Budget. And I appreciate—I am sure she will address some of your concerns, Senator Graham, but I do want to note that a lot of people have said a lot of things on social media, and probably people in this room, that they regret. And so I want to give you just a different sense of this woman and what she stands for.

First, I want to acknowledge the people that are here with Neera and that know well her perseverance and her ability to balance a budget firsthand. That would be her husband, Ben, who is with us; her 18-year-old daughter, Alina, over there. At the earlier hearing we had with Homeland Security with Senators Peters and Portman, which went well, her mother, Maya, was there with us

as well. And I know she is watching from a distance today, as well as Neera's 15-year-old son, Jaden.

It is an honor to tell you Neera's story. Not only is her story characterized by hard work and determination, but it actually shows the power of the American dream. Neera is the daughter of Indian immigrants and grew up in Bedford, Massachusetts. Raised by a single mom, her mom, Maya, Neera learned the value of perseverance at a very young age. Maya, her mom, put her kids first. She relied on food stamps and public housing. She was on her own.

But then she found new footing and began working as a travel agent, forging her family's path to the middle class. It is her mother's work ethic and drive that I see in Neera, and it is those same qualities that I know will serve her well as our next Director of the Office of Management and Budget.

As she started out as a travel agent, Neera's mom may not have ever thought that her daughter would one day be asked to serve in the Cabinet of the President of the United States. But after years of never taking no for an answer and setting high expectations for her family, somehow Neera ended up before us today.

Growing up, Neera understood the circumstances of her family's struggle and saw what worked and what did not work. Because of that personal connection, she from a young age wanted to pursue public service.

Throughout her career, she has shown a passion for improving people's lives. She brings years of Government experience, including working in the Senate as then-Senator Clinton's Legislative Director. And while people may have disagreements about Senator Clinton, I think everyone knows and I know you know, Senator Graham, that her time here was marked by working across the aisle, getting things done, respect for other members regardless of difference in beliefs. And Neera led that legislative effort.

Neera understands, like you do, that inscribed in any budget is a set of priorities, choices about ensuring that everyone gets a fair shot. She knows that the work of the Office of Management and Budget shapes the lives of millions of American families. She is an experienced manager who will be ready to help take the helm of the Office of Management and Budget on day one.

In her near decade at the Center for American Progress, she led teams in promoting, as Senator Sanders noted, bold solutions to problems, including the pandemic. And, no, not everyone in this room will agree with every solution she has put forth in her career. I do not agree with every solution she has put forth. But what matters, my friends, is her devotion to the country and her ability to do the job. That is why President Biden picked her.

Chairman Sanders, Ranking Member Graham, I know you both recognize the severity of the coronavirus pandemic, and this Committee will and continue to play a key role in taking it on, and you will have a partner in Neera.

She graduated from UCLA and Yale Law School. As I noted, she worked for former Senator Clinton. She has the background, and she knows how to forge practical solutions.

As President Biden put it succinctly when he announced her, she is "smart as hell." And maybe that is a good way to end. I know that all members of this Committee can trust her to hear you out,

to negotiate when necessary, and to do so in good faith. She will be a phenomenal Director, and I urge the Committee to give her utmost consideration and respect and support her nomination.

Thank you very much, Chairman Sanders and Ranking Member Graham and all members of the Committee.

Chairman SANDERS. Senator Klobuchar, thank you very much for those remarks.

Now we have a brief statement, prerecorded, from Senator Booker.

STATEMENT OF HONORABLE CORY A. BOOKER, A UNITED STATES SENATOR FROM THE STATE OF NEW JERSEY

Senator BOOKER. Thank you for giving me this what I consider a really precious opportunity to introduce President Biden's nominee to serve as the Director of the Office of Management and Budget, Neera Tanden.

I want to first just be candid with you all. I have known Neera for decades. I do not like to admit that because it shows that both of us are old, but we go back a very long way. Neera is a friend in the truest and deepest sense of the word, and I want to tell you, when we first met and went to school together, she struck me as someone who had a powerful trifecta. She is a person of deep heart, authentic caring and empathy. She is a person of fierce intellect who I have learned a lot from, even back then in our days of study. And then, finally, she is a person who has this spirit, this abundance of love for this Nation, its ideals and its principles, and she has lived a life where she has been fiercely adherent to the highest ideals of patriotism, of service, of being there for others.

I know that Neera's public career has been not only impressive, but she has lived a life of extraordinary impact. She was involved in both the Clinton and the Obama administrations. She served in the White House, in the Senate, in the Department of Health and Human Services, and most recently, she has led the Center for American Progress, providing critical analysis and policy research that has informed many of my colleagues and my office itself.

But part of what has made her so impactful is that, to Neera, policymaking is not an academic exercise. It is a powerful force that has deeply personal implications on the lives of millions of people. She understands the decisions we make all have consequences, and often unintended consequences, and that we and the work we do, which she honors so much, has a potential to change life trajectories and make this Nation more real for all of her people.

Now, Neera, there is a great poem that is by Langston Hughes about a mother giving a message to her son, and she says in that poem, the line is, "For me life ain't been no crystal stair." In other words, life has not been easy. Neera's climb to impact and influence has been difficult. Neera was raised by a single mother who emigrated from India like so many others seeking a better life. America was a light unto her nation, in her nation, and Neera's family came here. Neera has said that when her mom could not find work, they had to rely on America's social safety net to keep them afloat. They relied on food stamps. They relied on rental assistance. And because they had the support they needed when they were strug-

gling, Neera's mom was able to get them on their feet, and she got a job and she bought a house, and she achieved so much of the American dream. But as we all know, the greatest part of the American dream is seeing your children do better than you, go on to heights that you might not have thought possible.

As my mom often said, behind every successful child is an astonished parent. Well, Neera, she went on to college and then law school with the likes of people like me. She has led a life that has given her mother great pride and maybe even a little astonishment.

Neera saw firsthand what this country can do when it invests for its people, and in her example before us today, we see what a country that invests in its people can do, can accomplish.

As leader of the Office of Management and Budget, Neera will be tasked with overseeing the office responsible for implementing the Biden administration's agenda and making the Government work for people. During a time of a dual crisis in public health and the economy, Neera will be asked to help oversee our Federal Government's response and plan to rebuild and restore. She will be tasked with helping to ensure that the American people are being served by an accountable Government, that it is transparent, and that it is truly committed to them.

If confirmed, Neera will accomplish this American mission. She will offer the kind of vision that is reflective of her brilliance, of her huge heart, and of her commitment and spirit for this country. She will continue to be truly a public servant and a servant leader. She will lead with empathy. She will lead with skill and understanding of our economy and of our country's challenges. And she will lead with love. She will lead with love of country and all of her citizens.

I urge my colleagues to swiftly confirm Neera Tanden's nomination.

Thank you so much for giving me this opportunity to share with you why I so believe in my friend. Thank you.

Chairman SANDERS. Thank you, Senator Booker.

Ms. Tanden, under the rules of the Committee, nominees are required to testify under oath. Please rise, if you could. Do you swear that the testimony that you will give the Senate Budget Committee will be the truth, the whole truth, and nothing but the truth?

Ms. TANDEN. I do.

Chairman SANDERS. If asked to do so and if given reasonable notice, will you agree to appear before this Committee in the future and answer any questions that the members of this Committee might have?

Ms. TANDEN. Absolutely.

Chairman SANDERS. Thank you. Please be seated. Now it is appropriate for you to give your opening statement.

**TESTIMONY OF NEERA TANDEN, OF MASSACHUSETTS, TO BE
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET**

Ms. TANDEN. Thank you, Chairman Sanders, Ranking Member Graham, and members of the Committee. I am humbled and honored to be here today as President Biden's nominee to serve as Director of the Office of Management and Budget. Chairman Sanders, I am grateful for your visionary leadership, and, Ranking Member

Graham, I look forward to working with you if I have the privilege of being confirmed.

I want to begin by thanking Senators Booker and Klobuchar for their gracious introductions. And I also want to recognize two members of my family who are here with me today—my husband, Ben, and my daughter, Alina—as well two who are not: my son, Jaden, and my mother, Maya.

I owe my presence here today to their love and support and to the grit and resilience of my mother: an immigrant from India who was left to make it on her own in America with two young children after her divorce from my father.

Back then she faced a harsh choice: stay in the United States and rely on the social safety net, or return to India where she knew her children would face the stigma of divorce. She had faith in this country and made the decision—I believe the courageous decision—to stay.

We relied on food stamps to eat and Section 8 vouchers to pay the rent. At school, I remember being the only kid in the cafeteria line who used 10-cent vouchers from the Free and Reduced Lunch Program. I remember using food stamps at the grocery store.

Within just a few years, my mother found a job, and a few years later she was earning a middle-class salary. Soon she was able to buy a home and eventually see her children off to college and beyond.

I spend every day of my life grateful for a Nation, and a Government, that had faith in my mother and in me, that invested in our humanity and gave me a fair shot to pursue our potential.

As I sit before this Committee, I am mindful that my path in life would never have been possible without the budgetary choices that reflected our Nation's values—many of them made in the very agency I am now nominated to lead.

That recognition and gratitude has been the North Star of my career. I have spent the past 20 years at the forefront of some of our country's most important policy debates. And for the past decade, I have led a major think tank that engages many areas that OMB handles every day—from budget plans, to regulatory proposals, to efforts to make our Government more effective.

My experience also extends to both the legislative and executive branches, having served in the U.S. Senate, at the White House under President Clinton, and at an agency under President Obama.

I believe that experience provides me with a strong foundation to lead the OMB.

I also know that the role of OMB Director is different from some of my past positions. Over the last few years, it has been part of my role to be an impassioned advocate. I know there have been some concerns about some of my past language in social media, and I regret that language. And I also want to say I express that regret to Senator Sanders and other members of this Committee. I understand that the role of OMB Director calls for bipartisan action, as well as nonpartisan adherence to facts and evidence.

OMB will play a vital role in addressing many of the country's biggest challenges, from beating back the virus, to delivering aid that will help ensure a strong economic recovery, to ensuring we build back better than before.

If I am privileged to serve as Director, I would ensure that OMB uses every tool at its disposal to effectively deliver for America's working families, for small businesses, and to the many communities struggling right now.

I would vigorously enforce my ironclad belief that our Government should serve all Americans—regardless of party—in every corner of the country.

I would ensure that our budget reflects the values of a Nation built on hard work, human dignity, common purpose, and boundless possibility.

And I would work in good faith with all members of this Committee to tackle the challenges, the grave challenges, Americans are facing: the COVID pandemic, as I said, the deep economic pain in our country, climate change, racial inequity, and the broad issue of inequality in our country.

Let me finally say this: As a child in line with my mom at that grocery store—feeling shy and a bit embarrassed as we stood in line and my mom was using food stamps instead of money—I never dreamed that I would be sitting in this august room, with great leaders like all of you. I am so incredibly grateful for the opportunities this country has given me. And I am profoundly honored by the possibility to serve and to help ensure that we provide real opportunities for those who come after us.

Thank you for inviting me before this Committee, and I look forward to your questions.

[The prepared statement of Ms. Tanden appears on page 38]

Chairman SANDERS. Ms. Tanden, thank you very much. And as the son of an immigrant, I understand some of what you are talking about.

Let me begin by picking up on a point that the Ranking Member, Lindsey Graham, made, and that is, we understand that we are a divided Nation, and on this Committee there are people who have very, very different political points of view. But I think most of us understand that it is important we debate the issues and try to minimize the level of personal and vicious attacks that seem to be so prevalent all over this country today.

I have a letter in front of me, which I am sure you have seen, from a number of Republican Members of the House concerned about some of the things you said as the head of CAP. But, of course, your attacks were not just made against Republicans. There were vicious attacks made against progressives, people who I have worked with, me personally.

So as you come before this Committee to assume a very important role in the United States Government, at a time when we need serious work on serious issues and not personal attacks on anybody, whether they are on the left or the right, can you reflect a little bit about some of your decisions and the personal statements that you have made in recent years?

Ms. TANDEN. Yes, Senator. I really appreciate that question, and I recognize that my language and my expressions on social media, you know, cause hurt to people, and I feel badly about that and I really regret it. And I recognize it is really important for me to

demonstrate that I can work with others, and I look forward to taking that burden. And I apologize to people on either the left or right who were hurt by what I have said.

Chairman SANDERS. As you know, it is not a question of being hurt. We are all big boys—and I do not see too many girls here, but big boys who get attacked all the time. But it is important that we make the attacks expressing our differences on policy and that we do not need to make personal attacks, no matter what view somebody may hold. So can we assume that as the Director of the OMB we are going to see a different approach, if you are appointed, than you have taken at CAP?

Ms. TANDEN. Absolutely. And I would say, you know, social media does lead to too many personal comments, and my approach will be radically different.

Chairman SANDERS. Good. Thank you.

All right. Let me get to another issue that concerns me very much. I happen to believe that big money interests have an undue influence over the economic and political life of our country, and that too often campaign contributions are what determines policy rather than the needs of ordinary Americans. And according to the Washington Post, since 2014 the Center for American Progress has received roughly \$5.5 million from Walmart, a company that pays its workers starvation wages; \$900,000 from the Bank of America; \$550,000 from JPMorgan Chase; \$550,000 from Amazon; \$200,000 from Wells Fargo; \$800,000 from Facebook; and up to \$1.4 million from Google. In other words, CAP has received money from some of the most powerful special interests in our country.

How will your relationship with those very powerful special interests impact your decision-making if you are appointed to be the head of OMB?

Ms. TANDEN. Senator, I thank you for that question. It will have zero impact on my decision-making. I am actually—CAP took a number of positions that disagreed vigorously with the policy decisions of those institutions. But I appreciate this question, and it is my role—it will be my role to ensure that I am only serving the interests of the American people, the administration, and its agenda to address rising inequality and address the needs of working families.

Chairman SANDERS. Ms. Tanden, will you at this point commit to doing what President Biden and I and many others want to see happen, and that is, help us move to end starvation wages in America by raising the minimum wage over a period of several years?

Ms. TANDEN. Absolutely.

Chairman SANDERS. Will you do what President Biden and I and many other Members of Congress want, and that is, move to make public colleges and universities tuition-free for families under \$125,000 a year?

Ms. TANDEN. Yes. As you know, President Biden has committed to make college affordable, truly affordable, tuition-free for middle-class families.

Chairman SANDERS. President Biden has stated that he would like to see the eligibility age for Medicare go from 65 down to 60. Is that something you will help him implement?

Ms. TANDEN. Yes, absolutely, and we know that that can actually help save money because it will over the long term recognize—lower the costs, per beneficiary costs, of Medicare.

Chairman SANDERS. We pay by far the highest prices in the world for prescription drugs. That is an issue I intend to take a hard look at as Chairman of this Committee. President Biden has indicated that he wants Medicare to negotiate with the pharmaceutical companies to lower drug prices. Is that something you will help us move forward on?

Ms. TANDEN. Yes.

Chairman SANDERS. President Biden has said that he wants to guarantee 12 weeks of paid family and medical leave. Is that something you will help us move forward on?

Ms. TANDEN. Yes, absolutely, and I have worked for over 20 years on the issue of paid leave.

Chairman SANDERS. Okay. President Biden wants to provide universal pre-K education for every 3- and 4-year-old in this country and make child care more affordable for working families, an issue of enormous importance in general, especially now in the pandemic. Is that something you will help us move forward on?

Ms. TANDEN. Yes, absolutely, and I think over the long term those investments help us address both racial and income inequality.

Chairman SANDERS. President Biden has said that he wants to triple Title I funding for public schools to make sure that lower-income kids in this country are able to get the education they need. Will you help us move forward in that direction?

Ms. TANDEN. Yes, absolutely.

Chairman SANDERS. I know this is not necessarily universally held on this Committee, but I happen to believe that climate change is an existential threat to our country and the world and that we have the opportunity to create millions of good-paying union jobs as we transform our energy system. Is that something you will help us move forward on?

Ms. TANDEN. Absolutely, and as you know, President Biden agrees with you that climate change is an existential threat.

Chairman SANDERS. Lastly, I think where there is an area of agreement—and Lindsey and I have chatted how we can work together—I do not think anybody on your side denies that our infrastructure is crumbling and that we can create millions of good jobs, rebuilding our roads and bridges and wastewater systems and water systems, et cetera. Will you help us go forward creating the jobs rebuilding our crumbling infrastructure?

Ms. TANDEN. Yes, absolutely, and I hope we can work in a bipartisan manner on infrastructure.

Chairman SANDERS. Good. Lindsey, it is yours.

Senator GRAHAM. Thank you, Bernie.

One, congratulations to your family. You have lived the American dream, seem to have an incredible background, and I want to congratulate you.

So let us talk about policy. In the education debate, is there any room for school choice in the Biden administration?

Ms. TANDEN. Thank you, Senator. Thank you for your question. So the President has supported charter schools, and to the extent

that we make sure that those charter schools are delivering, that they are accountable to the public, that they are as accountable as public schools. And so there is room for charter schools, absolutely, but they need to be accountable, and I think many charter school advocates recognize that.

Senator GRAHAM. Anything beyond charter schools?

Ms. TANDEN. Well, I mean, obviously, in the country today, people, parents have access to private schools. I think it is one of the inequities we actually have to recognize, that upper-income families have access to private education, and sometimes those have much more resources than public schools.

Senator GRAHAM. Okay. So let us talk about fair share of taxes. What is the fair share? What should be the corporate rate in America? What is fair for corporations to pay?

Ms. TANDEN. The President has supported restoring the corporate rate to, I believe, ordinary—to a higher rate. I believe it is 35 percent, but I should double-check that.

Senator GRASSLEY. 28 percent.

Ms. TANDEN. 28 percent. I am sorry.

Senator GRAHAM. Well, let us get this right.

Ms. TANDEN. You are right, 28 percent.

Senator GRAHAM. Well, that is what Grassley says now. Do not let him speak for the Biden administration.

Do you think 35 percent is a fair rate for corporations or is that too high?

Ms. TANDEN. I would follow the President's policies on these issues.

Senator GRAHAM. Okay. What should the individual rate be?

Ms. TANDEN. It depends on the income of the individual.

Senator GRAHAM. If somebody makes \$10 million.

Ms. TANDEN. I believe we should restore it back to 39.6.

Senator GRAHAM. Is that enough?

Ms. TANDEN. On the income, yes. There are other—

Senator GRAHAM. So 39.6 is fair in your belief?

Ms. TANDEN. Well, my role is to address President Biden's policies, and he has—

Senator GRAHAM. I am just talking about you as an individual. Would you go up higher? Would the Center for American Progress support individual rates beyond 39.6, do you think?

Ms. TANDEN. My role in this, if I have the privilege of being confirmed, my role is to address the President's priorities. And the President's priority has been to restore it to a 39.6-percent rate.

Senator GRAHAM. Okay, so that is fair. Do you believe raising the minimum wage to \$15 an hour will cost millions of Americans their job?

Ms. TANDEN. Actually, the most recent data on this—and there have been studies over the last few years, 2018, 2019—indicate that the minimum wage—analyses that have looked at 40 years of minimum wage increases have found that the elasticity rate is different than previous understandings, and that actually job loss rates are relatively low.

Senator GRAHAM. So you think 1.5 million people losing their job would be relatively low?

Ms. TANDEN. No. Actually, what I am saying is that more recent studies—I appreciate that the Congressional Budget Office (CBO) looked at several years——

Senator GRAHAM. But you do not accept it.

Ms. TANDEN. I think that there are—I think that the important thing is to be guided by facts and evidence, and there has been a discussion about more recent data being more——

Senator GRAHAM. Have you ever run a restaurant?

Ms. TANDEN. I have not run a restaurant.

Senator GRAHAM. Okay. Well, you need to go talk to people who have because I think they will give you some facts.

Ms. TANDEN. I would say respectfully, Senator, we should also talk to the waiters and waitresses.

Senator GRAHAM. Yeah, I think they want their jobs. I think that the tip—doing away with the tip wage is probably bad for them. The best thing you can do for a waiter and a waitress is open up a new restaurant and people hire you at higher wages because a new restaurant in town needs good workers. So that is the way I believe to increase wages. But this is why we have elections.

Simpson-Bowles. Do you support a Simpson-Bowles approach to dealing with the debt?

Ms. TANDEN. I think the Simpson-Bowles approach—I think there are deep challenges with the Simpson-Bowles approach. I think what we should really decide is what——

Senator GRAHAM. Do you support that concept of trying to find a bipartisan way to deal with the debt?

Ms. TANDEN. Oh, I think we should try to find bipartisan ways to——

Senator GRAHAM. Do you support——

Ms. TANDEN. —deal with the debt.

Senator GRAHAM. —entitlement reform?

Ms. TANDEN. That is the idea of the Simpson-Bowles. I think there were some things that we found were not——

Senator GRAHAM. Do you support entitlement reform?

Ms. TANDEN. The President, President Biden, has put forward particular ideas on Social Security. One is to raise the payroll cap for people earning over \$400,000.

Senator GRAHAM. All right.

Ms. TANDEN. That is an idea he has put forward to address Social Security solvency, which would also address the debt.

Senator GRAHAM. Okay. I got you. So, real quick, on immigration, here is what has happened thus far in the first 3 weeks. We stopped building the wall; we have halted deportations; we canceled the “Remain in Mexico” policy; withdrew from asylum agreements with Triangle Nations; we eliminated advance vetting for terrorists, reinstated catch-and-release; we are considering canceling the public charge rule; we are ending travel restrictions with countries with national security concerns.

Do you believe that the sum total of these policies will lead to more illegal immigration?

Ms. TANDEN. I do not, and I would be guided by facts and evidence about——

Senator GRAHAM. Okay. Here are the facts: so a 178-percent increase in single adults coming across the border this year versus

last; 50-percent increase in unaccompanied minors. So the fact that you do not see this as a problem is very disturbing.

Thank you very much, Mr. Chairman, Bernie.

Chairman SANDERS. Thank you very much, Lindsey.

We are now going to hear via video from Senator Murray. Senator Murray?

Senator MURRAY. Well, thank you very much, Mr. Chairman, and let me start by saluting you on becoming Chair of this Committee. I know you will do great things in this role. I also want to congratulate Senator Graham on becoming Ranking Member. I look forward to working with you both.

Now, to our nominee, Ms. Tanden, I think she is an excellent choice for this role, and I was thrilled when then-President-elect Biden announced her as his nominee to lead the Office of Management and Budget. I have known and worked closely with Neera for many years, and I think she will excel as OMB Director because she brings both practical experience as well as knowing how to get things done, as well as the personal experience that is so important on the programs behind these budget numbers and how important they are to our families and to our communities. And now we need more than ever both sets of experiences.

Neera brings a deep familiarity with a broad array of policy, including areas of great importance to me such as health care and child care and paid leave and income inequality, as well as extensive managerial experience from overseeing a very large think tank.

I know she will also bring a high level of energy and engagement to the role of Director that has been sorely missing. I had many complaints about Russ Vought as Director of OMB; chief among them was the complete lack of engagement and leadership shown by him at OMB during the coronavirus pandemic. I can assure my colleagues that these will not be issues if Ms. Tanden is confirmed as Director.

Whether or not you agree with her on every issue, you will not be able to question Neera's passion, her knowledge, or her engagement. This pandemic has put a spotlight on the everyday challenges that many families face, from finding affordable quality child care, to having access to paid leave so they can take care of themselves or their loved ones without fear of losing a paycheck or their job; simply earning a living wage for themselves and their families; and [inaudible] for communities of color.

So my question to you today, Ms. Tanden, consists of two parts. First, can you tell me how you see this administration prioritizing investments in these core areas for families? Second, [inaudible] the economic case for prioritizing and making those investments?

Ms. TANDEN. Thank you so much, Senator. I would note that as we experience the deep economic challenges we are facing, women are disproportionately being impacted by that: 4.2 million people are leaving the workforce, 2.4 million women are leaving the workforce primarily because they are facing high—they are taking a disproportionate impact—the recession is having a disproportionate impact on caregiving. Women are leaving because they need to take care of children who are not in school, amongst other reasons. And so I do think that is a reason why it is important that we invest

in child care, that we have robust paid leave programs. Those programs are part of the American Recovery Plan, but it is also—I do think those are important areas for us to prioritize as long-term investments. As part of the President’s Build Back Better agenda, he has put forward a caregiving agenda that has long-term direct support for child care and paid leave in which the United States—I would just note on paid leave the United States would rejoin 99 percent of countries on the planet if we adopted a universal paid leave program.

Senator MURRAY. Thank you for that. And real quick, before I close, I do want to briefly raise an issue of critical importance to my home State, which is the cleanup of the Hanford nuclear site. We talked about this in our calls, but the Federal Government has a moral and legal obligation to clean up the Hanford site and to make sure that our workers are doing that very difficult cleanup work given the resources and protections they need. So I look forward to working with you in partnership to make sure the Hanford mission is on a cost-effective trajectory, without compromising that critical cleanup mission.

Ms. TANDEN. Thank you, Senator, and I would very much look forward to working with you on that issue.

Senator MURRAY. Thank you very much.

Thank you, Mr. Chairman.

Chairman SANDERS. Senator Murray, thank you very, very much.

Next up is Senator Grassley.

Senator GRASSLEY. Congratulations, Senator, for your chairmanship. Congratulations to you.

The issue I want to bring up I discussed with you on the phone, and pretty soon you will have 3 minutes to figure out what you are going to answer because I only have one question.

In 1981, President Reagan issued an Executive order issuing a common-sense directive. Regulations promulgated by Federal agencies should have more benefits than costs. I think that most Americans would agree that the benefit of a particular action should outweigh the cost of taking that action. Regulations should be a net positive for society and should have more benefits than doing nothing or taking another action. The emphasis on cost and benefits was further codified through Executive Order 12866 issued under the Clinton administration. This order also required agencies to submit significant rules to the Office of Independent Regulatory Analysis for review accompanied by a cost-benefit analysis. I do not think any of this would strike the average American as unreasonable.

However, President Biden recently issued a memo entitled “Modernizing Regulatory Review.” This memo threatens the important role that cost-benefit analysis plays in the development of a regulation and creates a framework that could unleash a torrent of burdensome and overreaching regulations under the guise of improvement to society that cannot be measured or proven. It instructs OMB to update its guidance to agencies to “fully account for regulatory benefits that are difficult or impossible to quantify.” It also instructs OMB to provide suggestions on how the regulatory review process can be used to promote vague concepts such as social welfare, racial justice, and human dignity—all goals that we should all

seek, I guess, but it is kind of hard to quantify it. There is no mention of taking into account more nonquantifiable benefits—or costs, only benefits. The Executive order seems designed to take non-partisan, objective analysis out of the rulemaking process in favor of subjective claims of social benefit that could be used to justify virtually any cost, economic or otherwise, on the backs of everyday Americans. This sounds like writing any regulation for any rationale can be justified, and I think it opens the floodgates.

So here comes my question: Existing OMB guidance already outlines how costs and benefits should be quantified and compared. It outlines a process for agencies to consider impact on a regulation that may be hard to put into numbers and how to evaluate those costs and benefits against more concrete.

So to you, in what ways is the current guidance insufficient to capture qualitative costs and benefits? And going forward, how will agencies be instructed to compare quantitative and nonquantitative benefits and costs?

Ms. TANDEN. Thank you, Senator Grassley, for your question, and I would just note that President Biden's recent Executive memorandum does not limit the power of Executive Order 12866, which outlined cost-benefit analysis. So it is my orientation and it is the process behind—the process here would indicate that we continue cost-benefit analysis. But the memorandum outlines why it is important to have more information, and I think that is really the idea behind this Executive memorandum, is to ensure that we have up-to-date and more information.

And if I may, I might just give an example of what I think the Executive memorandum is driving at. So as part of the Americans with Disabilities Act, there were rules promulgated around access to bathrooms and ensuring that people with disabilities have access to bathrooms. And there is obviously a cost-benefit analysis to access to bathrooms, but there is also a dignity interest in people with disabilities having access to bathrooms. And I think that is really what the Executive memorandum is trying to outline, is that we take into account that dignity interest, which, you are absolutely right, is intangible. And I would agree with you, when we are discussing issues like those kinds of intangible qualities, that we would look at them both on the cost and benefit side. But I also think we should analyze how rules are impacting subpopulations—communities of color, rural communities. Sometimes regulations can disproportionately impact rural communities, and we should understand what kind of impact that has.

Senator GRASSLEY. This is not a question, and I will close with this. I think in our telephone conversation you spoke about transparency.

Ms. TANDEN. Yes, absolutely.

Senator GRASSLEY. And transparency on this would be very important because that sort of transparency is only the way to which I can judge you are following what you just told me.

Ms. TANDEN. Absolutely, and I would commit to you, Senator and members of this Committee, to be as transparent as possible, not only on the rulemaking process but in budget discussions and elsewhere regarding the whole work OMB does.

Senator GRASSLEY. Thank you.

Chairman SANDERS. Senator Grassley, thanks very much.

Senator Wyden is going to join us virtually. Ron?

Senator WYDEN. Thank you, Chairman Sanders, and it is great to see you in this position. You have a chance to work with Senator Graham. And suffice it to say, Ms. Tanden, I have worked with you often in the past, and it is very good to have you here today. The time is short, so I am going to dig right in.

Millions of Americans are unemployed this morning, and expanded unemployment insurance expires on March 14th. Across the political spectrum, there is a recognition that in helping those laid off through no fault of their own, expanded unemployment insurance packs an exceptional bang for the economic relief buck. It is weekly. It is spent on groceries, on rent, on medicines locally, and it literally has kept communities afloat since the spring of 2020.

The program has got a major limitation, though. It allows politicians to pluck an arbitrary end date for coverage. With that, it satisfies the political agenda of the politician, but it does not meet the needs of those who are suffering. To meet the needs of those who have been laid off through no fault of their own, it is time to tie unemployment insurance to real economic conditions on the ground. And it just defies the principle of good Government to empower politicians rather than empowering the unemployed who, through no fault of their own, overwhelmingly want to work and want to get ahead in the economy and help their families.

So I proposed legislation to fix this, and it is through something called "stabilizers," which is really fancy Government talk to say when unemployment is high, the insurance benefit should reflect what is needed to pay for rent and groceries and essentials. When you have better times, the benefit can taper off. And I decided last spring we had to do this because the unemployment system is in a time warp. It really goes back to the 1930s. So what I am talking about is a crucial next step for the program.

My question to you, Ms. Tanden: What can you do as OMB Director to help us secure this crucial unemployment insurance reform?

Ms. TANDEN. Thank you so much, Senator, and I do recognize how critical it is that we have more stability and more security in essentially our social safety net, and having automatic stabilizers would provide more stability to families. It would provide more security to families. And, obviously, there would be more planning we could do.

I appreciate that unemployment cliffs have become an action-forcing event, but I consider that an unfortunate aspect of where we are. And I think we have seen in this pandemic particularly that people are suffering because of completely extraneous events like a global pandemic. So if there is a time to move forward with automatic stabilizers, it is in this moment where so many people are subject to so much pain at the whims of a pandemic and how it is raging. And as we know, right now it is raging with significant impact across the country.

Senator WYDEN. I appreciate your answer, and you are, if anything, pretty diplomatic, because this idea of forcing folks laid off through no fault of their own to kind of lurch from one cliff to an-

other—we saw this over Christmas time, and we saw on the TV news parents were giving up their meals in order to help their kids. We have got to have a good Government approach along the lines of what I have described, and I appreciate your answer.

Let me ask one other question, if I might. Rural communities were hurting even before the pandemic, and now the rollercoaster they are on, particularly in the rural West, has just been devastating in terms of their being able to lay the foundation for a brighter future.

Senator Crapo, Senator Merkley, Senator Risch, and I have made a proposal for reforming a law that we wrote with the help of the Budget Committee sometime ago to reform the Secure Rural Schools Program and, in effect, to take it off this rural rollercoaster where, for example, the County Roads Program cannot even predict what kind of funds it might have and established an endowment program to try to grow the payment for the counties.

My question here is: Will you work with us on this bipartisan proposal that has received an enormous amount of support from rural counties all across America?

Ms. TANDEN. Absolutely, Senator, I really appreciate——

Chairman SANDERS. Ms. Tanden, if you can make your remarks brief, because we have got a 12 o'clock impeachment engagement we have got to get to, and I want to hear from everybody. So please——

Ms. TANDEN. Yes, absolutely, Senator, I appreciate the bipartisan leadership on this Committee on this issue.

Senator WYDEN. Thank you.

Chairman SANDERS. Senator Braun.

Senator BRAUN. Thank you, Mr. Chairman.

We had a very engaging conversation. I think it went over half an hour and covered a broad array of topics. I think it is worth it for the public record to cite a few things. I have come from Main Street, built a business, a real little one, that over many, many years was able to turn into that American dream. From my point of view, a lot of the policies that were in place had kind of hit the sweet spot pre-COVID. A lot of that had to do with, I think, unleashing the entrepreneurial spirit across the country, looking at the productive side of our economy in a way that is different from how you treat big corporations that generally have had their way here in terms of impacting not only statute, Tax Code.

The rest of us have none of that, and I think it would be wise to look at understanding the difference I think we have talked about when it comes to personal income tax, which is currently all thrown into one category where wage and 1099 income is treated the same as business income. One is liquid; one is illiquid. And sooner or later, we are going to have to have the discussion for those here, which would be most of everyone that love the place for what you can do through it.

I have been amazed mostly in the little over 2 years of how many businesses, entities, all organizations that are interdependent with the Federal Government think that it is just going to go on the way it is. And I advise them maybe look at getting a new business partner until we recognize that we borrow over 20 percent of what we spend here, over half of our structural \$1 trillion deficit—and I am

sure it is more than that now—driven by Social Security, Medicare, actuarially things we have seen coming for a long time. And I will never forget, in my first Budget meeting, Chris Van Hollen said the thing we are lacking most is political will.

We were generating record revenues pre-COVID, but were at record levels of spending. And in all other places that work in this country, from households, which are laughed at when you use that analogy, school board, which I have been on, State government, especially running a business, there is accountability. And we have none of that here. We have got a Budget Committee where I do not think we have actually done a budget that we have adhered to in over 20 years. So you have got a lot, I think, to work on.

I would also cite that, regardless of the tax rate in this country, we basically had revenues in a group of about 17 percent of Gross Domestic Product (GDP); spending has been closer to 20. So I do not think you can keep this place healthy unless you look at the spending side of it.

Health care, I have been the loudest Senator on reforming it. It is a broken industry. I agree with the Chairman on that. But before we throw more Government at it, I would like to see transparency, competition, engaging the health care consumer, things that would fix it to make what we pay for through the Government for health care and the private sector a better value.

Is that something that you would work with me on?

Ms. TANDEN. Absolutely, Senator. I want to really just note issues of health care costs in the country, per capita costs are very high in the United States. It is one of the reasons why our health care system is so expensive. And I would just note to you that, you know, the issue of transparency and competition amongst large, concentrated interests in the health care system is a big challenge. Market concentration within health care is a big challenge, as well as the fact that we do not have transparency around pharmaceutical costs, hospital costs, and work in this area can have a huge impact.

If you go back to 2010, CBO projected that we would be spending 6.4 percent of GDP on Federal health care costs. It actually was 5.4. That is a savings of over \$1 trillion over the last decade from some of the reforms around bundling and other issues.

So I would just say I would look forward to an opportunity to work with you on issues around price transparency, particularly in pharmaceuticals and market concentration.

Senator BRAUN. Thank you.

Chairman SANDERS. I apologize, but I am going to try to keep people to 5 minutes, because we have a number of folks who want to speak and we have a 12 o'clock impeachment engagement.

Ms. TANDEN. And my apologies.

Chairman SANDERS. No, not at all.

All right. Senator Stabenow is going to talk to us virtually.

Senator STABENOW. Thank you very much, Mr. Chairman, and congratulations to you, Senator Sanders, and to Senator Graham. I look forward to working with both of you on this Committee. And to Neera Tanden, Ms. Tanden, congratulations on your nomination.

I might just say as an editorial comment, when you were asked to respond to what would be your mean tweets over the years, that

we have endured 4 years of the ultimate mean tweets. I know we were all thinking that. And certainly I do not want to hold you to a higher standard, but we certainly want to turn the page on how we move forward together and wish we had seen those comments consistently over the last 4 years. But welcome. Welcome, welcome, welcome, and I want to focus, first of all, on something I have spoken with you about, and that is strengthening our Buy American Act and the jobs that can come with that. And I know this is a priority for you; it is a priority for President Biden. I am very excited about that, that we ensure that the Federal Government spends taxpayer dollars on American products that are made by American workers.

What we are seeing now is that we need to strengthen those laws and, frankly, close some of those loopholes. Over the last years, due to loopholes and outright noncompliance, Federal agencies have bypassed Buy American Act provisions in order to purchase products made by foreign entities without good explanations for why they are doing that.

Two years ago, my office issued an oversight report that between 2008 and 2016, Federal agencies spent over \$92 billion on foreign contracts because of loopholes, and the Department of Defense was one of the main drivers of foreign contracts. So we were bolstered by the Inspector General for the Department of Defense at the time, which found numerous instances of noncompliance with the Buy American Act and Berry Amendment, and this is jobs, this is American jobs.

So I am so glad to see President Biden take aggressive action through an Executive order within just his first week on Buy American requirements, and I appreciate what that means as well for so many small and medium-sized manufacturers like we have in Michigan.

But my question is this: His Executive order is a great first step, but do you believe that Congress has a role to play in this area in terms of ensuring Federal taxpayer dollars are used for American industries, American jobs? And if so, what additional steps can Congress take to bolster our shared goal of strengthening Buy American laws?

Ms. TANDEN. Senator, thank you so much for the question and for your leadership on the issue of Buy America. I would say that it is always the case with Executive actions, you know, they can be limited from administration to administration. So to set permanent policy, that is really an area for Congress, and so I would welcome the leadership of Congress.

You are absolutely right that there have been many waivers granted in the last several years by agencies, and part of the Executive action is to publish those waivers so that there can be real accountability around issues around Buy America. And it can also provide information to domestic manufacturers about how they can better compete in the future.

So I would really welcome an opportunity to work with you to make these policies permanent and welcome ideas from this Committee about the Buy America provisions. Obviously, one of the aspects of the Executive order is to have a Make It in America Office

within OMB within the Office of Federal Procurement. So I would welcome ideas from you and other members of this Committee.

Senator STABENOW. Well, thank you so much, and, in fact, I will be soon introducing legislation with my Budget Committee friend and colleague Senator Braun that is going to make much-needed reforms in the Buy American Act. So we look forward to working with you. There is accountability, tightening up some of the waivers, also training, also making sure that basically we are doing everything possible to bring those jobs, that manufacturing, and all the things that we can do to make things and grow things back to America. I am excited about what we can do together and very much am excited about your having the opportunity to serve in this role, Senator. Congratulations.

Ms. TANDEN. Thank you, Senator.

Senator STABENOW. Thank you, Mr. Chairman.

Chairman SANDERS. Thank you, Senator Stabenow.

Senator Toomey via video. Pat?

Senator TOOMEY. Thank you, Mr. Chairman.

Ms. Tanden, many people, myself included, have been critical of Donald Trump for casting doubt on the legitimacy of the 2020 election that he lost. You yourself have a long list of statements casting doubt on the legitimacy of the 2016 election. In January of 2017, you tweeted, and I quote, "Why does he"—meaning Donald Trump—"lie about this? Because he knows people have intuitive sense, Russians did enough damage to affect more than 70,000 votes in three States."

The 70,000 votes certainly appears to be a reference to Hillary Clinton's losing margin in the three States of Michigan, Pennsylvania, and Wisconsin, which would have resulted in her victory had she won those States.

You also tweeted, and I quote, "Why would hackers hack unless they could change results? What is the point?"

So these are just two of the statements that you have made that certainly undermine the faith and the integrity of the 2016 election. So let me just ask you directly: Can you tell me this morning that you believe that Donald Trump was legitimately elected President in 2016 and his Presidency was legitimate?

Ms. TANDEN. Absolutely, and I said that on November 13, 2016, so immediately after the election, I said President Trump was duly elected and that he legitimately won the election immediately after the election itself.

Senator TOOMEY. Okay. But after that, you subsequently suggested that the Russians manipulated the results in the three States that were decisive, so I am——

Ms. TANDEN. No, no, I——

Senator TOOMEY. —glad to get clarification——

Ms. TANDEN. My apologies, Senator.

Senator TOOMEY. We get very few minutes. Let me just run a couple of things.

Following up on Senator Graham's question on school choice, you made the point that wealthy families have access to private education, which is exactly correct. It is also the case that in many, many school districts—Philadelphia, most across Pennsylvania—the average expenditure per student in the public system is greater

than the cost of educating kids in many of the private schools, especially Catholic but including others in those systems. If we gave parents the money that we force them to utilize through the government-run schools, if we gave the parents that money to choose a school for their child, that school would have to be accountable to the parents, wouldn't it?

Ms. TANDEN. Sir, I think one of the challenges with private schools in other areas is broad accountability, but I do not take away from the fact that wealthy parents can be accountable—can hold schools accountable.

Senator TOOMEY. Right, but the point is that if you were to—if we could pass school choice, we would give poor and middle-income families the same choice that wealthy families have today.

Ms. TANDEN. Senator, I would—

Senator TOOMEY. Let me just—I have got very little time. I just have a quick question on unemployment insurance benefits. If unemployment insurance pays people more not to work than they can make by going to work, does that have any incentive at all on their inclination to go back to work?

Ms. TANDEN. Senator, there have been several studies over the last year of this phenomenon, of this question of whether the unemployment levels of support is discouraging work, and they have found that actually people are more concerned about their personal safety, and that is why they are—we have discouragement of work. That is the analysis. I will always be guided by facts and evidence on these questions.

Senator TOOMEY. But you did not answer the question. The question is: Do you think if a person can make more money by not working than they can make by working, does that affect their incentive to go back to work?

Ms. TANDEN. I would say that we should really look at why people may not be working, and it may be because of concerns about safety during a global pandemic.

Senator TOOMEY. Okay. Last question for you. You have been an advocate for free college for, I guess, middle-income folks. It is the case that college grads on average make nearly \$1 million more over the course of their lifetime than non-college grads. How is it fair to a blue-collar worker who did not go to college to have to contribute tax dollars to cover the cost of tuition of someone who is going to make \$1 million more on average than he or she makes?

Ms. TANDEN. I would say broadly, Senator, that you could extend that argument for high school or other forms of education, and we all benefit—

Senator TOOMEY. We require—

Ms. TANDEN. —from a system in which people have access to good quality education.

Senator TOOMEY. That is not true. We require people to go to high school, at least through the age of 16, and virtually everybody does go through high school. So I have to—my time has expired, but thank you.

Thanks, Mr. Chairman.

Chairman SANDERS. Thank you, Senator.

Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman, and congratulations on assuming the gavel here. I look forward to working with you and Senator Graham.

Ms. Tanden, welcome. Good to have you here. I am going to give you two presents today, and I am going to describe them both to you. The first one is going to be this graph, which I think you have seen before. As you will recall, in 2010 the Budget Committee, off of CBO information, did an estimate of what Federal health care costs were going to be.

Ms. TANDEN. Yes.

Senator WHITEHOUSE. And that is this top line right here.

Ms. TANDEN. Yes.

Senator WHITEHOUSE. But we passed the Affordable Care Act back here, and what happened actually is that health care costs came down substantially below that projection. So, again, 2020, did another prediction, and based off the actuals, this is that prediction. If you simply move that extrapolation to what was originally predicted, so it is apples against apples here, you will see that in the next decade, 2020 to 2030, the difference between what was originally projected and where we are on health care spending saves over \$5 trillion. No benefits were cut. Nobody got taken away their right to have some procedure. I think that what happened is that we changed the way we did business in health care. We set up the Center for Medicare and Medicaid Innovation (CMMI), the Center for Innovation. We set up the accountable care organizations that many providers have profited from. Proudly, the two best are probably in Rhode Island—Superscores, so a little home-State props there. And we have helped move the health care system off the fee-for-service treadmill.

I want to give you this and I will give you this because I want you every day you are at your job to be thinking of what more can we do that got us that \$5 trillion in savings. I fought constantly with the Obama administration about things that they did that would have actually damaged this process.

Ms. TANDEN. Yes.

Senator WHITEHOUSE. And in the Trump administration, there is no point even having that conversation. But now I think we have got enough of a record that it is really worth fighting to figure out, because in these Accountable Care Organizations (ACO) in Rhode Island, you have got happier customers, you have got better care, you have got more support. It is not just the triple aim win. It is like win, win, win, win, win across the board, and they are sending checks back to Medicare for the savings. So let us work on that, huh?

Ms. TANDEN. Absolutely. I mean, that is what I was referring to with Senator Braun, of the \$1.4 trillion—

Senator WHITEHOUSE. Yeah, I am kind of a segue to Senator Braun on that. I got that.

So, second thing, this volume, this is a bunch of reports warning of economic crash due to unconstrained climate change. Some are from like Freddie Mac, which has warned that coastal property is vulnerable to a crash worse than the 2008 mortgage meltdown that would cascade through the whole economy because of the additional threat of sea level rise and storms and what that does to in-

surance and what that does to a 30-year mortgage and all of that. But it is other groups as well. It is Moody's. It is the Bank of International Settlements. It is Standard & Poor's. It is McKinsey. It is BlackRock. There is a report by a Nobel Prize-winning economist that he filed under oath and subject to cross-examination in all of that.

In February of 2019, I sent this to every single one of my colleagues here in the Senate—with very little effect, apparently—but I want you to be aware of it, and I would like you to comment briefly on how seriously you at OMB are going to take these warnings. If there is a crash from the carbon bubble bursting, if there is a crash from coastal property values collapsing, it will have been the most warned of crash in history. And what are we going to do about it? And do you take these warnings seriously?

Ms. TANDEN. Senator, I absolutely take them seriously, and the President himself recognizes the deep, cataclysmic crisis of climate change. But I would also say I am really excited by the possibility—if I am privileged enough to be confirmed, I am excited by the possibility of taking into account the cost of inaction on climate and the impacts of what the Federal Government is doing by its actions and inaction on climate and the economic impact of those decisions over time.

As you so clearly stated, markets, insurers, people who are assessing—

Senator WHITEHOUSE. Not greenies. Hard-eyed, flinty economic people are warning.

Ms. TANDEN. Wall Street Banks, et cetera, are all taking into these challenges.

Senator WHITEHOUSE. Thank you.

Chairman SANDERS. Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman. I did come back and one of the reasons is I wanted to express to you the fact that I really do appreciate the fact that you want to use this Committee, have open, honest debates. I do not think we use numbers enough around here. I realize I am an accountant, but we really do need to look at facts and figures.

One of the things I want to throw out on the table here, this is from an article that Phil Gramm wrote for the Wall Street Journal. I think we realize he is pretty good with numbers and has his facts straight, but in 2020, last year, the average household in the bottom 20 percent of earnings got \$45,000 in transfer payments. Now, I would imagine those things are tax-free.

Now, I think we all agree—I think you start with, you know, what do we agree on? We all realize people are hurting and people need financial help. And there has been a lot of financial help, \$4 trillion worth. My concern—and I think this is shared by not only Phil Gramm but Jason Furman and Lawrence Summers—is the potential of overheating our economy with another \$2 trillion when the per capita disposable income is up 5.5 percent; savings, \$1.6 trillion higher last year than 2019; private business up 25 percent; Federal Reserve is estimating a 4.2-percent growth rate for this year; International Monetary Fund (IMF) just increased their estimate to 5.1 percent.

So, listen, I realize we had a natural disaster, COVID, in 2020, but there is so much pent-up demand, so much excess savings, it is just going to be coming, you know, bursting forth in economic activity, and we do need to be concerned about overheating our economy.

In addition to that article and some other articles written by, as I mentioned, Jason Furman and Lawrence Summers, Internal Revenue Service (IRS) just came out with their 2018 tax data, and I have got the Tax Foundation summary of that, Ms. Tanden. They have got some interesting notations on what the IRS presented.

The first one was in 2018, the first year after the Tax Cuts and Jobs Act, the decrease in taxes paid was \$65 billion. Now, the static score on the tax plan was \$1.5 trillion. If you just multiply that times 10, that would be a reduction in revenue of about \$650 billion. So I would argue that those of us that supported that, because we were looking for economic growth to make up for that static revenue loss, dynamic scoring, I think this indicates that we were maybe on the right path here, because it was really going to be \$1.5 trillion, and you would think that revenue loss would have been \$150 billion rather than \$65 billion.

Would you kind of agree with that assessment?

Ms. TANDEN. Senator, I would actually have to look at that data. One of the concerns about the tax cut was that it disproportionately impacted higher-income people and used deficit spending to address it at a time where we were not facing an economic crisis. So I would have to look at that data.

There is other data, like business investment did not increase after the law. Some of the promises around wages did not follow through. But I obviously would welcome looking at that analysis.

Senator JOHNSON. One thing I think I agree with Senator Sanders on is I am concerned about growing wealth disparity in this country. But I think we also have to look at it honestly. Other work that Senator Gramm has done is oftentimes when we look at that, we look at pre-tax income and we look at income before benefits. And when you add benefits, like \$45,000, and you take away taxes, that disparity is a lot closer than what it looks before taxes and before benefits. So we need to look at that honestly. And I realize this is an old survey, but it was done in 2012 for The Hill and really asking the right question when it comes to what the public's opinion is of tax rates. I know Senator Graham was talking to you earlier about that. Oftentimes you think the rich ought to pay more, and people go, "Yeah, you know, as long as somebody else is paying more, I am all for it."

But then you ask a fairer question: What should be the top tax rate on any dollar of income for people making over \$250,000? And here are the results: 61 percent thought it ought to be 25 percent or less; 75 percent thought it ought to be 30 percent or less; only 4 percent thought it should be—actually, 6 percent should be 40 percent or higher.

I think Americans are pretty fair. They realize we all need to pay a fair tax rate, but at the same time, we need to provide incentives for economic activity so people can invest in businesses and create jobs.

So do you kind of agree with that assessment, that kind of a 30-percent top tax rate seems to be pretty fair to the American public?

Ms. TANDEN. Well, I would not—you know, I will take the data that you are offering. I would also note, though, that the Tax Code has many ways in which upper-income people can avoid taxation, stepped-up basis, you know, capital gains is taxed at a very different rate. So I would just note that what people are actually paying and what their income rate paying is not the same. And so what they are actually paying—

Senator JOHNSON. And I am all for tax simplification and tax rationalization. That makes sense.

My final point is the top 1 percent made 20 percent of the income, and they paid 40 percent of the taxes, a 1.9-percent ratio. Thanks.

Chairman SANDERS. Senator Warner will join us on video.

Senator WARNER. Thank you, Mr. Chairman. And let me first of all say that it is great to see you, Neera, and let me say to my colleagues I have worked with Ms. Tanden for years. We have not always agreed, but she is incredibly smart, she engages. I would say to my Republican colleagues you will not find a smarter, better partner than Neera Tanden and someone that I hope you will through this confirmation process, you know, give her the benefit of the doubt. She would be, I think, a great OMB Director, and I look forward to voting for her and confirming her.

Normally in these settings I would launch into my whole future work and how we fix capitalism issues. I am going to do a little home cooking on a couple of issues, Neera, on my questions. So here is that. I have got two or three I would love to get through.

One, one of the things that is really important to the Commonwealth of Virginia is the Army Corps of Engineers work particularly around our new starts in terms of harbor improvements. Over the last few years, we have seen the Army Corps of Engineers civil works program, which has been extraordinarily bipartisan, a thorough review of projects come forward, get evaluated, and then on a basis of points, usually get added into that precious new start category.

Unfortunately, over the last couple of years, we have seen that process politicized. We have seen a project, for example, in my State, Norfolk Harbor, which has far and away over the last 2 years, particularly in the last year, clearly been qualified as the top project to get funded under any kind of objective analysis. Then at the 11th and a half hour, that objective analysis was thrown out the door by the previous administration's OMB, and a political process took over. So I hope that you will be willing to conduct a full review of the Army Corps work plans to make sure that we can get back to a fair evaluation. We sometimes know the Army Corps of Engineers operates on its own, kind of a separate branch of Government, but in this case, you know, the review process has been thoroughly vetted, both parties generally agree with it, and we should not have at the 11th hour projects that suddenly appear magically on the list and trump over all of the projects that have been waiting patiently making their cases. So I hope you will be willing to commit to that kind of review process and get it back to a fully nonpartisan, objective review.

Ms. TANDEN. Absolutely, and I would say that, if I am privileged to be confirmed, I will commit to every member of this Committee that the work we do at OMB will be nonpartisan guided by facts and evidence, and I will look forward to working with you on this particular question.

Senator WARNER. Thank you so much.

Another area that is bipartisan, I know the previous Treasury Secretary, one of the areas that he regretted that we did not more fully address in the final package, and that is the whole effort of upgrading the technology capacity of the Federal Government. The Technology Modernization Fund, which President Biden has at least proposed, I believe, \$9 billion put in to make sure that we can upgrade our technology. You know, part of that ought to be at least \$1 billion to the IRS.

Some of us on this Committee have different views about who ought to qualify for the stimulus checks going out. I strongly believe checks ought to go out. I think they ought to be targeted in a fairer way. But part of the challenge is I have a lot of folks in my State and I am sure every Senator can recount these stories where there are still people, because they have not gotten the 2019 tax returns done in a timely way, they did not receive the benefit from the last set of stimulus checks we did. We have not gotten everything validated.

You know, my fear is that there are already efforts by some up here to take away that necessary long-term, I would call it, capital investment in upgrading our Federal Government technology, in particular an emphasis on IRS technology. This would clearly come under your purview as—

Ms. TANDEN. Yes.

Senator WARNER. —OMB, and we are going to need a fighter to make sure that—we all complain about the inefficiencies in the Federal Government, but when our technology is 20 years old, we should not be surprised at how—

Chairman SANDERS. Thanks. Thanks, Mark.

Senator WARNER. Can you address that?

Chairman SANDERS. I think not because we have to, Mark, just get to a lot of Senators to make the 12 o'clock impeachment trial

Senator WARNER. Okay.

Chairman SANDERS. I apologize.

Ms. TANDEN. I will just commit to—

Senator WARNER. If you could take that for the record. Thank you.

Senator WARNER. Thank you, Bernie.

Chairman SANDERS. Thank you, Mark.

Senator Scott.

Senator SCOTT. Thank you, Chairman Sanders. Thank you for hosting this hearing.

Ms. Tanden, in an op-ed you published last year, you said now is not the time for policy holders to worry about rising deficits and debt as they consider what steps to take in regards to the coronavirus. We are sitting on \$27 trillion worth of debt, and the deficit going forward looks like it is going to continue, and we are starting to see long-term interest rates go up. They are still low, but they are going up.

So what is your perception of how much debt we can have? And do you have concerns about the amount of debt we have and the fact that long-term interest rates are starting to move up?

Ms. TANDEN. Senator, I would say I very much appreciate the bipartisan action in the Congress, amongst this Committee and the Congress to address the COVID crisis. I also—address the COVID crisis without contracting the economy by having pay-fors. I mean, it has been deficit financed, and that has been bipartisan, and the crisis continues.

We should absolutely monitor interest rates. It is the case that interest rates have remained low. They have remained low in 2017; they have remained low in 2018. And, in fact, you know, when we had relatively low unemployment, interest rates remained low. We obviously have to monitor that very carefully.

We should also recognize, though, that the Fed has tools for high interest rates. It does not have tools for expansionary economic policies any more. It essentially cannot lower rates any more. It could increase rates.

I do think we should—it is incumbent upon all of us as policy-makers to monitor these issues very, very closely, but I would also say that our unemployment numbers from Friday demonstrated that we still have a lot of economic pain, and in this moment we do have to ensure strong economic recovery, which over the long run would make us stronger—it would put us in a better position to address deficit issues. But as a matter we should all be concerned about long-term fiscal sustainability.

Senator SCOTT. So do you have a number that we should not go above? Is \$30 trillion too much or \$35 trillion? If you look since George W. Bush was elected President, the unbelievable increase in debt, if we continue on that path, we are not just talking about \$30 trillion or \$35 trillion. We are talking about unbelievable amounts of debt here. And the 50-year average for long-term rates is over 6 percent. I mean, that would be a \$1 trillion increase in interest costs for the Federal Government a year.

Ms. TANDEN. Absolutely. I mean, I did serve towards the end of the Clinton administration when we had a surplus. At that time our revenues were 20 percent of GDP, and our spending was 20 percent of GDP, and that is basically how we managed our surplus. So I recognize that we have to be concerned about long-term health. The case is that over the 10 years, the next 10 years, we do see increasing deficits towards the end from issues like the aging of the people, and we do need to manage those.

I think the data that I am most focused on in terms of debt is the cost of borrowing itself. Now the cost of borrowing has declined because interest rates are so low. You are absolutely right, though, that we face high interest rates. That cost goes up. So that is an area where I think we should monitor closely, but in this particular moment, the concerns I think are significant about scarring in the economy and basically growing at a low level for too long. If you look at CBO's analysis, I mean, they say we would not—without further action, we would not get back to pre-pandemic levels with our GDP for several years.

Senator SCOTT. Thank you.

In 2012 you said, “If we are going to have a deal to address long-term deficit reduction, we need to put both entitlements on the table as well as taxes.” So can you address what you anticipate with regard to that? You know, that the Medicare Trust Fund and the Social Security Trust Fund are going insolvent over the next few years, and so what would you do?

Ms. TANDEN. So I would say just about my 2012 comment, that was at a time where people were not putting revenue on the table, and so I was making the case that we should have revenue as part of the table—as part of the discourse. The President has proposed—as I said earlier, the President has proposed lifting the payroll cap to address Social Security solvency for families over \$400,000.

You know, I think there are a range of ideas here. I do think we should recognize how important the benefit structure of these programs have been as a lifeline for needy families, particularly in this crisis. So as we think through how we address them in the long term, I would welcome a bipartisan conversation about that. The President has his own proposals. I do think on the Medicare Trust Fund issue, the Medicare Trust Fund solvency was expanded dramatically by many Affordable Care Act (ACA) reforms, and there are many areas we can build on in that area as well.

Senator SCOTT. Thank you.

Chairman SANDERS. Thank you.

Senator Merkley.

Senator MERKLEY. Thank you very much, Mr. Chairman, and greetings, Neera. Great to have you here. I will try to get through a whole bunch of questions very quickly.

Will you make sure that in the budget we fund the Interagency Task Force on the Reunification of Families?

Ms. TANDEN. Absolutely, Senator.

Senator MERKLEY. And will you take a close look at rules the Trump administration put forward that were trying to undermine the Flores Settlement Agreement which required the humanitarian treatment of children?

Ms. TANDEN. Yes, we will absolutely look at those rules.

Senator MERKLEY. Thank you.

In the past, OMB, particularly the Office of Information and Regulatory Affairs (OIRA), has really delayed rules. It has been kind of a place where rules go in and nothing happens. An example would be the vaping rule. And as a result of inaction for years, we had an epidemic of addiction in new forms. Great for the tobacco industry, terrible for American health. Will you make sure that we do not have OMB become kind of the obscure pit that things fall into and we can never get them out again?

Ms. TANDEN. Yes, and I think that is one of the reasons for the President’s Executive memorandum, which is to really focus—have OIRA focus on general welfare, public good.

Senator MERKLEY. Great. And, also, I had experiences in the past where we appropriated funds for particular things. One was to rebuild villages that had been wiped out by dams on the Columbia River. We had worked with the Corps of Engineers to get the right language and so forth. Mr. Mulvaney then said basically, I do not

care about rectifying these historic wrongs. I am going to just block the money from ever going out the door.

Will you be fair to Democrats and Republicans alike on issues that have been passed by legislation?

Ms. TANDEN. Absolutely, Senator, and it is my focus to not be concerned about the party affiliations of people asking questions and the need to put appropriate—properly appropriate and apportion funding.

Senator MERKLEY. Thank you. And OIRA has not always used a cost-benefit analysis that incorporated the cost of carbon and damaged the externality, if you will, the negative externality. Is that something you can help address?

Ms. TANDEN. Absolutely, and I would say that we are committed, as I said earlier, to internalize the cost of carbon, the cost of inaction, and the cost of action as well.

Senator MERKLEY. Great. And the President has indicated support for 40 percent of green Federal investments to go to environmental justice communities, those who have been left behind before, those who are suffering transition from fossil fuels to renewable energy. How will you envision OMB's role in tracking that and targeting that, trying to make sure we help communities that have been previously left behind, from fossil fuel communities to urban inner-city communities?

Ms. TANDEN. Thank you so much, Senator. OMB will play a critical role in ensuring that we keep our commitment in how we are allocating those dollars and how agencies themselves are allocating dollars to make sure that they go to communities that have been left behind, tribal, as you mentioned, communities of color.

Senator MERKLEY. And when it comes to how OMB interacts with the power of the Federal Government to address student debt, I know you mentioned this before I got into the room, but I would like to just hear again how you envision OMB can help drive solutions to the problem of massive student debt, something many other developed nations are saying, "Hey, it is so important to the individual's life and to our economy. We want to make sure people have a track to be able to acquire an upper education for jobs that require it." Do you see that as important? And do you see debt as a problem? And how can OMB help?

Ms. TANDEN. Great. I do see that as a central problem. I will say I went to UCLA. It is a public university in a State where they recognize how it is a public good. But it is also a good for the country. So the President has proposed an agenda that tries to redress student debt and the massive levels of debt that young people are taking on, and that is a deep—that is not just a challenge for those people, but it obviously hurts economic growth. It hurts their ability to purchase a home. It hurts their ability to be economically mobile.

So I know there is a rich, robust discourse about Executive action versus legislative steps. The President has supported legislative steps to address student debt and reduce student debt, and particularly in this crisis, eliminate student debt where we can.

Senator MERKLEY. Thank you very much. I so appreciate you are willing to bring your vast set of experiences in different positions

in a broad range of issues to bear on a critical agency to help our Nation build back better. Thank you.

Ms. TANDEN. Thank you so much.

Chairman SANDERS. Thank you, Senator Merkley.

Senator Kennedy.

Senator KENNEDY. Ms. Tanden, congratulations. I think we are both aware how powerful the OMB position is. You will touch on just about every social and economic policy.

You are probably also aware that we produce—"we," meaning the United States—about 2,000 metric tons of nuclear waste every year. And we have got it stored "all over hell and half of Georgia," I think about 80 different locations. It is dangerous. I would like your personal thoughts, not the President's thoughts but your personal thoughts, about what we ought to do about that.

Ms. TANDEN. I have studied various issues like Yucca Mountain and other issues around nuclear waste, and I think the challenge around nuclear power, personally my perspective is that nuclear power is cleaner, when we are thinking about greenhouse gas emissions—

Senator KENNEDY. Yes, ma'am, excuse me for interrupting. I hate to do this.

Ms. TANDEN. I am sorry.

Senator KENNEDY. But what do you think, if anything, we ought to do about the nuclear waste being dispersed around the United States?

Ms. TANDEN. I think we should be taking active steps to ensure the security of nuclear waste—

Senator KENNEDY. Anything else? We want it to be secure. We can agree on that. Anything else?

Ms. TANDEN. Sir, I am happy to work with you and your office on concerns you have about nuclear waste disposal.

Senator KENNEDY. All right. Let me ask you this: Is it not true that you have told a major news organization in this country that you support moving that waste to Yucca Mountain?

Ms. TANDEN. I do not believe I have, actually.

Senator KENNEDY. Okay.

Ms. TANDEN. But I am happy to examine some statement I have made in the past.

Senator KENNEDY. Well, you are under oath. Are you saying you did not say it or you do not remember?

Ms. TANDEN. I have to tell you I do not remember making any comments about Yucca Mountain, but in my long career I may have, so I am happy to—I do not know—I am not remembering as of this moment.

Senator KENNEDY. Okay. All right. Let me ask you about Senator Sanders' line of questioning. You were a very aggressive fundraiser for your think tank, and I am not suggesting you did anything wrong. Please do not construe my remarks as suggesting that. But there will be a perception—I am not saying it is reality, but as we know, in Government and politics perception matters. But there will be a perception that if you took Wall Street, given the money you have raised from them, if you took Wall Street, turned them upside down and shook them, you would fall out of their pockets.

How are you going to deal with that, I mean, when Wall Street comes calling and you are at OMB?

Ms. TANDEN. Senator, at the Center for American Progress, we proposed a financial transaction tax. We proposed higher regulations of Wall Street. We proposed dealing with carried interest. Many, many, many years ago, we proposed a whole series of policy proposals that would restrict the power of Wall Street. I believe Wall Street has too much power in our political discourse, and I have said that multiple times. I have said that in every role, so—

Senator KENNEDY. Okay. Let me interrupt you, because I have got to go to another subject. I appreciate your answer.

I have to tell you I am very disturbed about your personal comments about people, and it is not just one or two. I think you deleted about a thousand tweets. And it was not just about Republicans. And I do not mind disagreements in policy. I think that is great. I love the dialectic. But the comments were personal. I mean, you called Senator Sanders everything but an ignorant slut.

Ms. TANDEN. That is not true, Senator.

Senator KENNEDY. And when you said these things, did you mean them?

Ms. TANDEN. Senator, I have to say I deeply regret my comments—

Senator KENNEDY. I understand that, but when you said them—

Ms. TANDEN. —and I feel badly about them.

Senator KENNEDY. —did you mean them? I understand you have taken them back, but did you mean them?

Ms. TANDEN. I would say the discourse over the last 4 years on all sides has been incredibly polarizing—

Senator KENNEDY. I am asking about yours. Did you mean them?

Ms. TANDEN. I really feel badly about them, Senator.

Senator KENNEDY. Did you mean them?

Ms. TANDEN. I feel badly about them.

Senator KENNEDY. Did you mean them when you said them?

Ms. TANDEN. I mean, I would say social media is—

Senator KENNEDY. Did you mean them when you said them?

Ms. TANDEN. I feel terribly about them.

Senator KENNEDY. Did you mean them when you said them or were you not telling the truth?

Ms. TANDEN. I mean, I feel badly. I look back at them. I said them. I feel badly about them. I deleted tweets over a long—

Senator KENNEDY. Are you saying that because you want to be confirmed?

Ms. TANDEN. No. I felt badly about them, and—

Senator KENNEDY. Did you mean them when you said them?

Ms. TANDEN. Senator, I must have meant them, but I really regret them.

Senator KENNEDY. I want the record to reflect that I did not call Senator Sander “an ignorant slut.” Okay?

Chairman SANDERS. Thank you. I do not know how I should take that, Senator Kennedy.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chair. I am excited about your leadership. And to Ms. Tanden, congratulations. I have six questions that are susceptible probably to yes-no answers, really short.

If Senators of either party reach out to you or your office with requests for information, do you plan to respond to the extent possible in a timely manner?

Ms. TANDEN. Yes.

Senator KAINE. If the Government Accountability Office reaches out to you or your office seeking cooperation relating to congressional oversight of the executive branch, will you direct your staff to work with them in a timely and complete manner?

Ms. TANDEN. Absolutely, yes.

Senator KAINE. Will you respect the requirements and intent of the Impoundment Control Act and other laws that govern how the executive branch spends congressionally appropriated funds?

Ms. TANDEN. Absolutely.

Senator KAINE. Would you ever facilitate the withholding of congressionally appropriated funds for political purposes?

Ms. TANDEN. Absolutely not.

Senator KAINE. Do you plan to respect the expertise of the career staff at the OMB and follow the facts on OMB analysis?

Ms. TANDEN. Absolutely, and I believe they are a great asset to the Federal Government and OMB.

Senator KAINE. Finally, should you be the OMB Director at the end of the administration, would you fully cooperate with the transition to the subsequent administration's team regardless of the President-elect's political affiliation?

Ms. TANDEN. Absolutely, Senator.

Senator KAINE. I ask those questions because we have had some challenges in each of these areas, and I am glad to hear your answers.

Thank you, Mr. Chair.

Chairman SANDERS. Thank you very much, Senator Kaine.

Senator Van Hollen I think is with us on video.

Senator VAN HOLLEN. Thank you, Mr. Chairman. Congratulations to you, Chairman Sanders, and to Ranking Member Graham. I think the Budget Committee can be a central place for debating and discussing and acting on the big issues of our day.

To Ms. Tanden, congratulations on your nomination. In selecting you, President Biden has picked somebody who has both deep and wide policy expertise and a life story that shows how the Government can help families when they are most in need and provide a springboard to success. So I look forward to working with you on these issues.

I heard earlier in this debate a reference to the rise in per capita income over the last year, and I think it is important that we recognize that often references to per capita income can be very misleading. So, for example, if Jeff Bezos had moved to Baltimore City in 2020, the per capita income of the residents of Baltimore City would have tripled from \$53,000 a year to \$175,000 a year, even though nobody was any better off as a result. So I hope as we debate these issues going forward we will remember that.

My question relates to this tale of two economies and the K-shaped recovery. This is one of the reasons why it is necessary that

we take bold action with the American Rescue Plan. CBO has told us that if we do not act, we will continue to see high levels of unemployment until the year 2025.

So can you just talk briefly about the risks of undershooting here when it comes to emergency action and in that connection talk about the problem of long-term unemployment? This is something many of us are very focused on. We have 4 million Americans long-term unemployed, and I am worried as the economy does recover that we do not leave millions of people behind, because all the data shows that the longer you are out of a job, the harder it is to find one; and when you find one, you are often at a lower wage that you have to live with for the remainder of your working life. So if you could talk about those challenges and your willingness to work with us to address them.

Ms. TANDEN. Absolutely, Senator. I will just briefly say I think for all the statements about overheating the economy, we should recognize where the economy is right at this moment, which is we have data that any economic recovery is faltering with the COVID crisis. Unemployment numbers last Friday demonstrated that we continue to have 10 million people, some data suggests it is 12 million people who are unemployed—who are unemployed today who would not have been unemployed a year ago.

And so that is a deep crisis that we need to address, and you are absolutely right about the K-shaped recovery. Lower-income workers are bearing the huge brunt of this crisis, and that is why action is required and necessary.

Senator VAN HOLLEN. And can you talk about, as we go forward, the importance of looking at—

Chairman SANDERS. Chris, I am sorry. I have got to cut you off.

Senator VAN HOLLEN. Oh, I am sorry. Mr. Chairman, I understand.

Chairman SANDERS. Okay.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Chairman SANDERS. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chairman, and congratulations on the chairmanship. I look forward to working with you on this Committee. I will try to be brief. I had an opportunity to ask Ms. Tanden a few questions yesterday as a member of Homeland Security and Government Affairs Committee (HSGAC), and I appreciate the opportunity to raise a few more issues and questions here today. And if only there was somebody else who could ask if they meant what they tweeted later this afternoon, whether or not they have been taken back.

But let me jump into it here. In regards to the economic recovery that we keep talking about and COVID, which is clearly the most front-burner issue of all, the State I represent, California, as you know, constitutes the fifth largest economy in the world and the largest economy of any State in the Nation. The saying is, “As goes California, so goes the Nation.” So we will not achieve a successful national economic recovery unless there is recovery in California.

At the same time, California, and particularly Los Angeles County, has been the epicenter of the COVID-19 pandemic. Most people will agree, including most economists, that our economy will not recover until we get through the pandemic. I will call your attention

to a recent New York Times article about the equity in which vaccine distribution, or lack of equity of vaccine distribution, has been made and the consequences of that.

So my question is this, Ms. Tanden: Will you commit to leveraging the full resources of the Office of Management and Budget to help California get this virus under control, particularly when it comes to vaccine distribution?

Ms. TANDEN. Absolutely, Senator, and I would just very quickly say that I think it is really important that the administration is taking the steps to ensure that federally qualified health centers can provide vaccines, provide vaccines in places that are hard to reach, provide vaccines in places that are—that communities of color as disproportionately impacted by, and that is really important, and community health centers are playing a vital role. And I appreciate Chairman Sanders' leadership over many years on the issue of community health centers.

Senator PADILLA. Thank you. And, Mr. Chairman, I would love to submit this article for the record as well.

[The article appears on page 119]

Senator PADILLA. Just one other question in the interest of time. Ms. Tanden, we often talk about immigration in moral terms, and we should, and I appreciate you sharing in your opening statement your life story and your family's journey. The 11 million undocumented immigrants in this country are part of the backbone of many communities and our economy as well. They are essential workers in many cases on the front lines of the pandemic, from farm workers to the restaurant industry to the health care industry and many other sectors in between. In my opinion, they deserve not just safety in the workplace but dignity and a pathway to citizenship.

But immigration is not just a moral imperative. It is also an economic imperative. I believe you are familiar with a 2016 report from the Center for American Progress where you note that undocumented workers contributed \$4.7 trillion to the United States GDP, and it has been estimated that undocumented immigrants specifically contribute \$11.7 billion in State and local taxes and \$12 billion in Social Security revenues annually.

As our country works to recover from the pandemic-induced recession at the same time that the baby-boom generation is retiring in droves, it is clear that our Nation needs the economic contributions of immigrant workers now more than ever.

So, Ms. Tanden, as the Senate takes up immigration reform legislation in the coming months, will you work with us and bring the full resources of the office to bear in helping illustrate the significance of immigrants and their economic contributions to our Nation?

Ms. TANDEN. Absolutely, Senator, and I would note that there has been much work done in recent years about how comprehensive immigration reform will ensure broader economic growth. I am proud of the work I have done on a bipartisan basis with the offices of Senator Graham and many other Republicans in the past on the issue of recognizing how comprehensive immigration reform can

build—is not just a moral issue but an economic case, and as wages rise for people who have citizenship, that helps America’s economy grow and grow more robustly.

Senator PADILLA. Thank you, Ms. Tanden.

Thank you, Mr. Chair.

Chairman SANDERS. Thank you very much, Senator.

I want to thank Ms. Tanden for appearing before the Committee today. Ms. Tanden, your full statement will be included in the record.

As information for all Senators, questions for the record are due by 5:00 p.m. today with signed hard copies delivered to the Committee clerk in Dirksen 624. Emailed copies will also be accepted due to our current conditions. Under our rules, Ms. Tanden will have 7 days from receipt of our questions to respond with answers.

With no further business before the Committee, this hearing is adjourned. Thanks, Ms. Tanden.

Ms. TANDEN. Thank you so much, Chairman Sanders.

[Whereupon, at 12:01 p.m., the Committee was adjourned.]

ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD

[Prepared statement, responses to written questions, and additional material supplied for the record follow:]

PREPARED STATEMENT OF MS. NEERA TANDEN

Hearing before the U.S. Senate Committee on the Budget

Ms. Neera Tanden
Nominee to be Director, Office of Management and Budget
February 10, 2021

Chairman Sanders, Ranking Member Graham, and Members of the Committee—

I am humbled and honored to be here today as President Biden's nominee to serve as Director of the Office of Management and Budget. Chairman Sanders, I am grateful for your visionary leadership; and Ranking Member Graham, I look forward to working with you if I have the privilege of being confirmed.

I want to begin by thanking Senators Booker and Klobuchar for their gracious introductions. And I also want to recognize two members of my family who are here with me—my husband, Ben, and my daughter, Alina—as well two who aren't: my son, Jaden, and my mother, Maya.

I owe my presence here to their love and support—and to the grit and resilience of my mother: an immigrant from India who was left to make it on her own in America with two young children after her divorce from my father.

Back then she faced a harsh choice—stay in the United States and rely on the social safety net. Or return to India where she knew her children would face the stigma of divorce. She had faith in this country and made the decision—I believe the courageous decision—to stay.

We relied on food stamps to eat, and Section 8 vouchers to pay the rent. At school, I remember being the only kid in the cafeteria line who used ten-cent vouchers from the Free Lunch Program. I remember using food stamps at the grocery store.

Within just a few years, my mother found a job, and a few years later she was earning a middle-class salary. Soon, she was able to buy a home, and eventually see her children off to college and beyond.

I spend every day of my life grateful for a nation, and a government, that had faith in my mother and in me—that invested in our humanity and gave me a fair shot to pursue my potential.

As I sit before this Committee, I'm mindful that my path in life would never have been possible without budgetary choices that reflected our nation's values—many of them made in the very agency I am now nominated to lead.

That recognition and gratitude has been the north star of my career. I've spent the past twenty years at the forefront of some of our country's most important policy debates. And for the past decade, I've led a major think tank that engages many areas that OMB handles every day—from budget plans, to regulatory proposals, to efforts to make government more effective.

My experience also extends to both the legislative and executive branches, having served in the U.S. Senate, at the White House under President Clinton, and at an agency under President Obama.

I believe that experience provides me with a strong foundation to lead OMB.

I also know that the role of OMB director is different from some of my past positions. Over the last few years, it's been part of my role to be an impassioned advocate. I know there have been some concerns about some of my past language in social media, and I regret that language and take responsibility for it. I understand that the role of OMB director calls for bipartisan action, as well as nonpartisan adherence to facts and evidence.

OMB will play a vital role in addressing many of the biggest challenges we face: from beating back the virus, to delivering aid that will help ensure a strong economic recovery for all families, to ensuring we build back better than before.

If I am privileged to serve as Director, I would ensure that OMB uses every tool at its disposal to efficiently and effectively deliver for working Americans, small businesses, and struggling communities.

I would vigorously enforce my ironclad belief that our government should serve all Americans—regardless of party—in every corner of the country.

I would ensure that our budgets reflect the values of a nation built on hard work, human dignity, common purpose, and boundless possibility.

And I would work in good faith with **all** Members of this Committee to tackle the challenges Americans are facing: the COVID pandemic, the deep economic pain across our country, climate change, and racial inequity.

Let me finally say this. As a child in line with my mom at that grocery store—feeling shy and a bit embarrassed as my mother used food stamps instead of money—I never dreamed that one day I would be sitting in this august room, with great leaders like all of you. I am so incredibly grateful for the opportunities this country has given me. And I am profoundly honored by the possibility to serve and to help ensure we provide real opportunities for those who come after us.

Thank you for inviting me before this Committee, and I look forward to your questions.

United States Senate

COMMITTEE ON THE BUDGET
ROOM SD-624
(202) 224-0642

WASHINGTON, D.C. 20510-6250

STATEMENT OF BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF PRESIDENTIAL NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.) Neera Tanden
2. **Position to which nominated:** Director of the Office of Management and Budget
3. **Date of nomination:** November 30, 2020
4. **Address:** (List current place of residence and office addresses, information will not be made available for public inspection.) *REDACTED*
5. **Date and place of birth:** September 10, 1970; Bedford, MA
6. **Marital status:** (Include name of spouse.) *REDACTED*
7. **Names and ages of children:** (information will not be made available for public inspection) *REDACTED*
8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Yale Law School, J.D., 08/1993-05/1996
University of California Los Angeles, B.A., 09/1988-06/1992
9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

1.

<u>Type of Employment</u>	<u>Name of Your Employer/ Assigned duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State)	<u>Date Employment Began</u>	<u>Date Employment Ended</u>
Non-government Employment	Center for American Progress	President & CEO	Washington, DC	02/ 2010	Present

Federal government employment	Department of Health and Human Services	Senior Advisor for Health Reform	Washington, DC	01/2009	02/2010
Non-government employment	Obama-Biden Presidential Transition Team	Director of Domestic Policy Personnel Cluster	Washington, DC	11/2008	01/2009
Non-government Employment	Obama Presidential Campaign	Domestic Policy Director	Washington, DC	06/2008	11/2008
Non-government Employment	Hillary Clinton Presidential Campaign	Policy Director	Washington, DC	01/2007	06/2008
Non-government employee	Center for American Progress	Senior Vice President for Academic Affairs	Washington, DC	02/2005	01/2007
Federal government employment	Senator Hillary Rodham Clinton	Legislative Director	Washington, DC	10/2003	02/2005
Non-government employment	Center for American Progress	Senior Vice President for Domestic Policy	Washington, DC	02/2003	10/2003
Non-government employment	Democratic Congressional Campaign Committee	Policy Director	Washington, DC	12/2001	01/2003
State government employment	New York City Board of Education	Senior Policy Advisor to the Chancellor	New York, NY	02/2001	12/2001
Non-government employment	Hillary Clinton Senate Campaign Committee, Inc.	Deputy Campaign Manager & Policy Director	New York, NY	07/1999	01/2001
Federal government employment	White House Office of The First Lady & The Domestic Policy Council	Senior Policy Advisor to the First Lady & Associate Director for Domestic Policy	Washington, DC	11/1997	07/1999
Federal government employment	White House Office of Communications	Associate Director of Research	Washington, DC	03/1997	11/1997
Non-government employment	California Clinton Gore Campaign, Los Angeles	Issues and Press Secretary	Los Angeles, CA	06/1996	11/1996
Non-government employment	Yale Law School	Research Assistant to Professors Bruce Ackerman and Michael Graetz	New Haven, CT	09/1995	05/1996

Non-government employment	Paul, Weiss, Rifkind, Wharton & Garrison	Summer Associate	New York, NY	06/ 1995	08/1995
Non-government employment	Jones Day	Summer Associate	Washington, DC	07/1994	08/1994
State government employment	Education Committee, California State Assembly	Jesse Marvin Unruh Fellow	Sacramento, CA	11/1992	08/ 1993
Non-government employment	California Clinton Gore Campaign, Los Angeles	California Democratic Party Fellow	Los Angeles, CA	09/1992	11/1992
State government employment	UCLA Orientation	Counselor	Los Angeles, CA	06/1992	08/1992

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
State of New Jersey Governor's Restart and Recovery Commission,	Commission Member	04/2020	11/2020
CDC	Advisory Committee to the Director Policy Workgroup	09/2010	09/2011 (est)

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

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u>	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)
University of Chicago Institute of Politics	5707 S Woodlawn Ave, Chicago, IL 60637	Educational Institution	Advisory Committee Member	12/ 2012	11/ 2020
Yale Law School	127 Wall St, New Haven, CT 06511	Educational Institution	Executive Committee	07/2011	07/2016

Justice in Aging	1444 Eye Street NW Suite 1100 Washington, DC 20005	Non-Profit	Board Member	06/ 2011	06/ 2020
Center for Community Change	1536 U St NW, Washington, DC 20009	Non-Profit	Putting Families First Advisory Council Member	04/ 2015	01/ 2017 (Est)
National Abortion and Reproductive Rights Action League	1725 Eye Street, NW Suite 900 Washington, DC 20006	Non-Profit	Board Member	06/ 2001	06/ 2003
Protect Our Care	1201 Connecticut Avenue NW, Washington, DC 20036	Non-Profit	Advisory Board	02/ 2010	02/ 2013 (Est)
CDC	1600 Clifton Road, NE, Atlanta, GA 30333	Federal Agency	Advisory Committee to the Director Policy Work group	09/ 2010	09/ 2013 (Est)
Center for American Progress	1333 H St NW Washington, DC 20005	Non-Profit	President of the Board	11/2011	Present
Center for American Progress Action Fund	1333 H St NW Washington DC 20005	Non-Profit	CEO	02/2010	Present

12. **Memberships:** List all memberships and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 5 years.

Individual/Organization Name	Receipt Date	Amount
Sara Gideon	08/20	\$500.00

Haley Stevens For Congress	6/30/19	\$500.00
Haley Stevens	8/13/18	\$500.00
Haley Stevens	6/25/17	\$500.00
Thiru Vignarajah	1/6/18	\$500.00
Bill de Blasio	1/5/17	\$500.00
Hiral Tipernini		\$350.00
Ed Meier for Congress	6/9/17	\$250.00
Whitney Williams	4/16/20	\$250.00
Whitney Williams	10/1/19	\$250.00
Hillary For America	10/20/16	\$150.00
Hiral Tipirneni	9/30/18	\$200.00
Buffy Wicks	6/30/17	\$200.00
Ben Jealous	8/28/18	\$200.00
Montanans For Bullock	3/12/20	\$100.00
Pete For America, Inc	2/12/20	\$100.00
Amy For America	2/12/20	\$100.00
Kamala Harris for the People	9/28/19	\$100.00
Beto For America	9/28/19	\$100.00
Mark Kelly	2/12/19	\$100.00
Stacey Abrams	10/13/18	\$100.00
Heidi Heitkamp	10/4/18	\$100.00
Mike Johnston	2/25/18	\$100.00
Conor Lamb	1/11/18	\$100.00
Jon Ossoff	2/26/17	\$100.00
Hillary For America	6/4/16	\$100.00
Hillary For America	6/6/16	\$100.00
Hillary For America	5/6/16	\$100.00
Hillary For America	5/4/16	\$100.00
Hillary For America	4/6/16	\$100.00
Hillary For America	3/31/16	\$100.00
Hillary For America	9/30/15	\$100.00
Rob Quist	4/12/17	\$75.00
James Thompson - Old	4/7/17	\$75.00
Kate Schroder	10/30/20	\$50.00
Cory Booker	8/20/20	\$50.00
Tania Ganguly	8/16/20	\$50.00
Hiral For Congress	8/8/20	\$50.00
Biden For President	6/29/20	\$50.00

Theresa Greenfield For Iowa	6/13/20	\$50.00
Biden for President	6/29/20	\$50.00
Biden for President	2/29/20	\$50.00
Biden for President	2/29/20	\$50.00
Joe Biden	2/26/20	\$50.00
Biden for President	2/22/20	\$50.00
Biden for President	2/21/20	\$50.00
Warren for President, Inc	2/21/20	\$50.00
Warren for President,	2/12/20	\$50.00
Doug Jones For Us Senate	2/5/20	\$50.00
Committee to Elect Tedra Cobb	11/15/19	\$50.00
Slotkin For Congress	12/16/19	\$50.00
Xochitl For New Mexico	12/15/19	\$50.00
Doug Jones For Us Senate	11/16/19	\$50.00
Biden For President	9/30/19	\$50.00
Warren for President, Inc	9/30/19	\$50.00
Delgado For Congress	12/15/19	\$50.00
John Barrow	11/18/18	\$50.00
Stacey Abrams	11/7/18	\$50.00
Cort Vanostran	10/23/18	\$50.00
Abby Finkenauer	10/21/18	\$50.00
Richard Ojeda	10/14/18	\$50.00
Claire Mccaskill	10/12/18	\$50.00
Joe Donnelly	9/28/18	\$50.00
Jon Tester	9/28/18	\$50.00
Claire Mccaskill	9/28/18	\$50.00
Amy McGrath	8/23/18	\$50.00
Danny O'connor	7/17/18	\$50.00
Sharice Davids	7/15/18	\$50.00
Andrew Janz	2/4/18	\$50.00
Margaret Good	2/4/18	\$50.00
Amy McGrath	8/2/17	\$50.00
Jacky Rosen	7/7/17	\$50.00
Archie Parnell -- Old	6/2/17	\$50.00
Hillary For America	10/1/16	\$50.00
Hillary For America	10/29/16	\$50.00
Hillary For America	2/9/16	\$50.00
Hillary For America	5/26/16	\$50.00
Hillary For America	5/25/16	\$50.00

Hillary For America	4/4/16	\$50.00
Hillary For America	4/4/16	\$50.00
Hillary For America	12/30/15	\$50.00

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

- American India Foundation Honoree
- Friends of Cancer Research Cancer Leadership Award
- Asian American Action Fund Catalyst Award recipient
- India Abroad Publisher's Special Awards for Excellence
- Creating a Voice Award for dedication to public service, Project IMPACT
- Jesse Marvin Unruh Fellow
- Sam Law Leadership Award
- Phi Beta Kappa

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Five Paths to Global Respect	Democracy Journal	October 23, 2020
Holding Trump—and Future Trumps—Accountable	Democracy Journal	October, 2020
Neera Tanden: Like Trump, I know the pain of COVID-19, and how challenging recovery can be	USA Today	October 3, 2020
Like Kamala Harris, I'm the daughter of an Indian immigrant. We are the American story: Tanden	USA Today	August 14, 2020
Donald Trump Championed economic revival. He has achieved the opposite.	USA Today	July 17, 2020
A New Social Contract for the 21st Century	Democracy Journal	June 23, 2020
A National and State Plan to End the Coronavirus Crisis	Center for American Progress	April 3, 2020
Deficit and Debt Shouldn't Factor Into Coronavirus Recession Response	The Roosevelt Institute	March 19, 2020
Public Health Requires an Extraordinarily Aggressive Economic Response to Coronavirus Immediately—One That's Larger Than What Many Imagine	Center for American Progress	March 17, 2020

How partisan gerrymandering leads to more gun violence	CNN	December 19, 2019
Trump's tax law expanded the child tax credit to the wealthy, and left 26 million children behind	NBC News	April 2, 2019
Nancy Pelosi beat Trump at his own game — and she'll do it again and again	NBC News	January 28, 2019
Outraged by Brett Kavanaugh confirmation? Make 2018 another Year of the Woman.	USA Today	November 1, 2018
The Republican Party is now Trump's Corruption Party. Here's how to fix the GOP and DC	USA Today	August 30, 2018
The primaries don't show Democrats divided. They show a party mature enough to handle debate.	NBC News	August 9, 2018
Broken Norms Should End Business-As-Usual Nominations,	Law360	July 23, 2018
Supreme Court Janus case is bigger than unions. Upward mobility is at stake.	USA Today	February 26, 2018
We can do better than tax breaks for the mega rich: Neera Tanden	Women's Agenda	February 22, 2018
Republicans' fiscal hypocrisy is fully on display in the tax bill	NBC News	November 30, 2017
A Message for Republicans in Congress: Virginia's Election Shows Americans Want a Government That Works for Them—Not the 1 Percent	Center for American Progress Action	November 8, 2017
No More Complicity in Gun Violence	U.S. News & World Report	October 6, 2017
Why the Fight for \$15 Matters for the Millennial Generation, and for All Women	Teen Vogue	September 4, 2017
The bipartisan way to strengthen health care	The Washington Post	July 18, 2017
Cruz plan isn't the improvement the GOP wants us to think it is	Houston Chronicle	July 13, 2017
Bipartisan Legislation to Lower Premiums and Stabilize Insurance Markets	Center for American Progress	June 29, 2017

GOP plan yanks lifesaving health care for millions	Center for American Progress	June 27, 2017
The Kremlin's Election Meddling Is Paying Off	The Atlantic	June 24, 2017
Black Lives Matter: a new moment for transformation	The Progressive Post	June 18, 2020
The Secret Bill That Could Destroy Obamacare	Center for American Progress	June 15, 2017
Toward a Marshall Plan for America	Center for American Progress	May 16, 2017
What American progressives should learn from France's Macron	The Washington Post	May 9, 2017
The health care war is far from over: Neera Tanden	USA Today	March 31, 2017
Every Single False Republican Criticism of Obamacare Applies Perfectly to Trumpcare	Los Angeles Times	March 15, 2017
France Should Beware—You're Putin's Next Target	Le Monde	February 14, 2017
The Method to the Madness	Medium	January 26, 2017
Donald Trump Doesn't Deserve The Support Of American Hindus	HuffPost	September 22, 2016
Healthcare for All: The Unfinished Business of a Nation	State of Black America	May 17, 2016
What's Shaping the Global Progressive Movement	The Wall Street Journal	March 11, 2016
Global Progress: New Ideas for the Future of the Global Progressive Movement	Center for American Progress and Canada 2020	March 11, 2016
America Should Be the Best Place to Raise a Child — Not the Hardest	The Huffington Post	May 2, 2016
The Hillary I Know Will Do Wonders for Women	POLITICO Magazine	February 2016
Transparency in Tuitions	Democracy Journal	January 4, 2016

If Canada Can Have a Half-Female Cabinet, Why Can't We?	Politico Magazine	November 11, 2015
Encourage Drug Research Over Profiteering	The New York Times	September 23, 2015
What Washington Can Learn From Japan's Domestic Policy Agenda	Center for American Progress	September 8, 2015
Marriage Equality Isn't Enough	U.S. News & World Report	August 25, 2015
Defunding women's health isn't just irresponsible — it's counterproductive	MSNBC	August 21, 2015
How to Foster Long-Term Innovation Investment	Center for American Progress	June 30, 2015
This Father's Day, let's find common ground for strengthening American families	The Washington Post	June 19, 2015
My Turn: State must fight against efforts to weaken unions	Concord Monitor	March 22, 2015
We Need a Federal LGBT Non-Discrimination Act	Newsweek	December 10, 2014
Getting to the Bottom of 'Grubergate'	The Wall Street Journal	November 14, 2014
Backfire: Republican Rhetoric in 2014 Will Be an Albatross for 2016	Center for American Progress Action	November 3, 2014
Working Mother, Washington Powerhouse? Good Luck.	National Journal	July 28, 2014
Miliband's Visit to Washington Provides a Timely Reminder of the Post-Crash Challenges Faced on Both Sides of the Atlantic	The Huffington Post	July 21, 2014
Washington is not (entirely) broken	The Hill	May 22, 2014
A New Management Structure for a New Phase of the Affordable Care Act	Center for American Progress	May 17, 2014
The Economic Budget Outlook for Individuals, Families, and Communities	Center for American Progress	February 27, 2014
A Short History of Republican Attempts to Repeal Obamacare	Politico Magazine	January 30, 2014

Comparing the Effectiveness of Health Care	Center for American Progress	January 24, 2014
Women: The changing face of U.S. poverty	Reuters	January 17, 2014
Preface to The Shriver Report: A Woman's Nation Pushes Back from the Brink,	The Center for American Progress	January 14, 2014
Washington 'Centrists' Don't Want Obama to Target Inequality. They're Pushing Bad Politics—And Bad Economics	The New Republic	December 15, 2013
Proponents of austerity are out of ideas. We have the alternative	The Guardian	October 24, 2013
Hillary Clinton is no quitter	POLITICO	October 24, 2013
California can lead the way on diversity	San Francisco Chronicle	September 27, 2013
The Dirty Truth About Boehner's 'Clean' Continuing Resolution	Center for American Progress	September 10, 2013
Burying Supply-Side Once and for All	Democracy: A Journal of Ideas	July 23, 2013
As the deficit shrinks, jobs not cuts should be the priority	The Washington Post	June 23, 2013
Striking Down DOMA Won't Cause a 'Backlash' Against Gay Marriage	The Atlantic	March 27, 2013
On government spending, GOP faces a reckoning	The Washington Post	March 3, 2013
Think That Think Tanks Can Be Bought? Not So Fast.	The New Republic	February 20, 2013
Universal Preschool Raises Bar for All	Politico	February 14, 2013
Investing in Our Children	Center for American Progress	February 7, 2013

Preventing Gun Violence in Our Nation	Center for American Progress	January 12, 2013
Reforming Our Tax System, Reducing Our Deficit	Center for American Progress	December 4, 2012
President Obama's Mandate for Fairness	The New Republic	November 7, 2012
U.S. Education Must Keep up With China's, India's Bold Programs	U.S. News	August 22, 2012
Why Democrats Need a Woman on the National Ticket	The New Republic	September 14, 2012
A Systemic Approach to Containing Health Care Spending,	The New England Journal of Medicine	September 6, 2012
Fix the Tax Code!	The New Republic	March 14, 2012
The 1990s Roots of the Contraception Battle	The New Republic	March 12, 2012
The Case for the Individual Mandate in Health Care Reform	Center for American Progress	February 8, 2012
Census Data Underscore the Urgency of Enacting Job-Creation Measures	Center for American Progress	September 13, 2011
Romney's Stupidest Idea of the Week	The New Republic	September 12, 2011
Health Care Hypocrisy	The New Republic	April 30, 2011
Mangled Mandate	The New Republic	April 7, 2011
Need for Speed	The New Republic	March 2, 2011
Democracy Also Means Opportunity	Center for American Progress	February 17, 2011
Interactive Assessment: Judge Vinson's Affordable Care Act Decision	Center for American Progress	February 2, 2011
After Tucson, A Reality Check	The New Republic	January 12, 2011

The Lame Duck Mystery	The New Republic	December 28, 2010
Affordable Care Is Constitutional	Center for American Progress	December 13, 2010
The Female Factor	The New Republic	October 28, 2010
An Idea a Day to Keep Jobs in Play	The New Republic	September 22, 2010
Put Up or Shut Up	The New Republic	August 14, 2010
Short-Sighted	The New Republic	July 10, 2010
Not off the Hook	The New Republic	June 29, 2010
What Makes Elena Kagan Tick?	The New Republic	June 4, 2010
Outsourced Racism	The New Republic	May 5, 2010
Owned	The New Republic	March 29, 2010
A Plea to Liberals	The New Republic	March 13, 2010
A Blue Dog Dream	The New Republic	March 3, 2010
Poll Tax	The New Republic	February 25, 2010
Campaigns Are Destiny	The American Prospect	December 19, 2005
Repeal/Reform of the Estate Tax	Center for American Progress	June 30, 2005

16. **Speeches:** Provide the Committee with four copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Progressive National Security: The First 100 Days	CAP's national security conference	01/14/2020
400 Years of Inequality: Breaking the Cycle of Systemic Racism.	Boston University Dean's Symposium	10/18/2019
Council of the Great City Schools Annual Conference Remarks	Council of the Great City Schools Annual Conference	03/17/2019
Opening remarks: Creating an Economy that Works for All"	SEIU and CAP Action Workers Forum	04/27/2019
National Council of Jewish Women Convention – Keynote	National Council of Jewish Women Convention	03/22/2017
Canadian Electricity Association Dinner Keynote	Canadian Electricity Association, Washington, DC	4/19/2016
The Strategic Implications of the U.S. Debt."	Testimony before the Senate Foreign Relations Committee. Washington, DC	04/6/2016
20th Annual ITUP Conference Keynote	Insure the Uninsured Project. Sacramento, CA	02/9/2016
The Renewal Awards: Celebrating America's Local Innovators Keynote Address	The Renewal Awards. Des Moines, IA	01/26/2016

City Year Women's Leadership Breakfast Keynote Address	City Year. Boston, MA	11/6/2015
Jack Kent Cooke Foundation Alumni Banquet	Jack Kent Cooke Foundation Networking Luncheon, Rosslyn VA	04/11/2015
Schools for All: The New York Times Education Conference Speaker	The New York Times Schools for Tomorrow conference. New York, NY	09/17/2015
Remarks to the Japan Institute of International Affairs	Japan Institute of International Affairs. Tokyo, Japan	06/10/2015

17. **Selection:**

(a) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

OMB is a unique agency in the federal government that covers economic, domestic and national security budget and policy, and plays a central role in ensuring the programs of the federal government are effectively delivering results for families. I have 20 years of experience working on many of the major policy debates confronting the country - from health care to national security, from economic growth to the federal budget - and have led the Center for American Progress, one of the largest think tanks in Washington, for ten of those years. I've also worked on domestic policy in the White House, and served both in an agency and in the Senate.

In this critical moment, OMB will also play a central role ensuring the federal government's Covid19 response is effective and well delivered. I have both authored papers on how to respond to the virus at the state and federal levels and served on the New Jersey Restart and Recovery Commission. The Recovery Commission provided me with insight into how federal funding is operationalized at the state level and how that funding can be most effective, and it provided me with insights on ways to fight and contain the virus. That experience will be invaluable as OMB works to ensure the Administration's Covid response is effectively serving the American people in every corner of the country.

In addition to my professional background, I believe my own lived experience provides me with an invaluable perspective into the importance and impact this role can have on Americans. As a child, my family relied on welfare, food stamps, and Section 8 housing; I used free and reduced lunch vouchers at school. After a few years relying on these programs, my mom was able to get a job and eventually to buy her own home. I know the impact these critical government programs have in people's lives, and I will make sure the government works effectively and efficiently to implement and oversee these programs, if I have the privilege of serving in this role.

(b) Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

No.

(c) Have you made any commitments with respect to the policies and principles you will attempt to implement in the position for which you have been nominated? If so, please identify such commitment(s) and all persons to whom such commitment(s) have been made.

No.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Upon consultation with and approval by my agency ethics officials, I will continue to participate in the Center for American Progress' (CAP's) 401k defined contribution plan. Neither the plan sponsor nor I will make any contributions after my departure. I will also continue to participate in the University of California's defined contribution plan. Neither the plan sponsor nor I will make any further contributions.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, please explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? If so, please explain.

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? If so, please identify such person(s) and commitment(s) and explain.

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? If not, please explain.

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain.

No. However, on any issue that arises I will consult the career ethics professionals at OMB to ensure I am following the highest ethical standards.

2. Identify and describe all investments, obligations, liabilities, business relationships, dealings, financial transactions, and other financial relationships which you currently have or have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute a possible conflict of interest in the position to which you have been nominated.

I do not believe I have any conflicts of interest.

3. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy other than while in a federal government capacity.

Coronavirus Relief

- Supported CARES and various relief packages
- Efforts to fight the virus
- Supported state-based social distancing steps early in the virus, and continued to work with states on measures to combat the virus.
- Helped develop and supported the COVID-19 Racial and Ethnic Disparities Task Force Act.
- Supported Sen. Baldwin's legislation to require Trump to use DPA to expedite the procurement of medical equipment and other essential goods to combat the spread of the coronavirus.

Health Care

- Led CAP's work to stop efforts to weaken or repeal the Affordable Care Act (ACA) in 2017.
- In July of 2017, I called for a bipartisan effort to improve the health care system. Working with our colleagues at AEI, CAP co-hosted Governors John Hickenlooper (D-CO) and John Kasich (R-OH) to discuss what strategies would best support states in their effort to get people covered at the lowest possible cost. Many of their ideas, as well as those outlined in this CAP proposal, ultimately become the foundation of bipartisan Alexander-Murray marketplace stabilization legislation.

Combating Climate Change

- Support for Paris Climate Agreement
- Opposed the Trump administration's decision to withdraw from Paris.
- Advocated for H.R. 9, the Climate Action Now Act, to require the U.S. to remain in the Paris agreement beyond 2020.
- Opposed the Trump administration efforts to weaken Clean Car Standards.
- Supported the Clean Power Plan initiated under the Obama administration and opposed its rollback under President Trump.

Immigration

- Supported passage of H.R. 6, the American Dream and Promise Act, and blocking the Trump administration from terminating DACA and TPS protections.
- Opposed the Trump administration's family separation/family incarceration policies.
- Opposed the inclusion of a citizenship question as part of the U.S. Census.
- Opposed Trump's Muslim Ban and urged passage of the No BAN Act.
- Supported Obama's 2014 immigration executive orders, including expanded DACA eligibility and DAPA, after opposing the White House's decision to delay action.
- Vocal supporter of the bipartisan Gang of 8's immigration reform efforts and worked with Senators on both sides to develop and pass legislation.

Criminal Justice Reform

- Endorsed the First Step Act signed by President Trump.
- Working with the Coalition for Public Safety, CAP has been a leader in championing Clean Slate legislation in Michigan, Pennsylvania, and Utah and supports the bipartisan Clean Slate bills in the U.S. House and U.S. Senate.

- I supported the Obama administration's Office of Personnel Management rule to "ban the box" for federal jobs.

LGBT Equality

- I have advocated for the Equality Act, which CAP helped develop and build support for over many years.
- In 2013, I voiced support for the Employment Non-Discrimination Act (ENDA), following the bill's passage in the Senate.

Gun Violence

- Following the December 2012 Sandy Hook massacre, I co-authored a brief outlining legislative and executive actions to curb gun violence, including expanding background checks.
- CAP advocates for passage of the common-sense gun safety package that failed in the Senate in March of 2013.

Increasing Wages

- Legislative
 - Advocated for passage of the Raise the Wage Act – the original \$12/hour version as well as the \$15/hour version that passed the House in 2019. I've also voiced support for state and local efforts to increase the minimum wage, like New York and Seattle.
- Administrative
 - Supported the Obama administration's executive action to increase the minimum wage for new federal workers to \$10.10/hour. Supported Obama rule to expand FLSA protections to direct care workers to ensure they are being paid the minimum wage.
 - Supported the Obama administration's efforts to expand access to overtime for more federal workers – and opposed the Trump administration's effort to rollback the rule.

Budgets

- Co-author of CAP's long-term deficit reduction proposal that put both tax and spending reforms on the table to achieve a debt-to-GDP ratio below 72 percent by 2022.
- I was a vocal opponent of sequestration's budget cuts, arguing that as the deficit shrinks, jobs – not budget cuts – should be Congress's priority. I oversaw the development of various CAP policy products that detail the impact of sequestration cuts to vital programs, like Head Start.
- CAP outlined a plan to replace the sequester ahead of the 2013 bipartisan budget deal agreed to by Sen. Patty Murray and Rep. Paul Ryan, which I referred to as "a step in the right direction."
- I supported the Bipartisan Budget Act of 2015, arguing it would "avert a series of unnecessary and damaging fiscal crises that would be caused by sequestration, a default on the national debt, sharp benefit cuts for Americans with disabilities, and premium spikes for Medicare beneficiaries."

Support for Child Care and Expanding Access to Pre-Kindergarten

- Advocated for the Child Care Is Essential Act, which passed the U.S. House in July 2020 with bipartisan support, to support child care providers struggling amidst the pandemic.
 - Hosted child care providers for an event in May 2020 to talk about how the pandemic has impacted them and call on Congress to pass relief funding for the child care industry.
- Supported the 2018 bipartisan budget deal's increase in funding for the Child Care Development Block Grant.
- CAP helped conceive and has been a long-time champion for the Child Care for Working Families Act, which would limit the amount families must spend on child care to the amount HHS says is affordable for families, 7 percent of household income.

Support for Paid Leave

- Legislative
 - FAMILY Act
 - I joined Sen. Kirsten Gillibrand and Rep. Rosa DeLauro in 2013 for an event to unveil their legislation the FAMILY Act, which would establish the nation's first comprehensive paid family and medical leave system.
 - CAP has been a long-time proponent of the legislation since.

- I have supported state and local efforts to extend paid sick leave and comprehensive family and medical leave.
- Administrative
- I supported President Obama's executive order to extend paid sick leave protections to nearly 300,000 federal contractors.

4. Do you agree to have written opinions provided to the Committee the ethics officer of the Office of Management and Budget and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

5. Explain how you will resolve potential conflicts of interest, including any disclosed by your responses to the above questions.

I will consult the career ethics professionals at OMB and if they counsel that I have a conflict of interest, I will recuse myself. However, I do not believe I have any conflicts.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. To your knowledge, have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, regulation, or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

To my knowledge, neither CAP nor CAP Action has ever been party to any civil litigation. In the past ten years, CAP and CAP Action have been involved in several administrative proceedings. None of these proceedings involved a specific allegation of an act or omission on my part.

Date Claim/ Suit Was Filed	Court Name	Name(s) of Principal Parties Involved in Action/Proceeding	Nature of Action/Proceeding	Results of Action/Proceeding

10/7/2020	NA	DC Attorney General's Office	Letter or inquiry regarding CAP's 2018 IRS Form 990	CAP has submitted a response to the AG's office explaining our IRS filing
12/16/2019	NA	DC Office of Human Rights	Complaint of retaliation against an employee	Ongoing confidential proceedings at DC OHR
6/20/2019	NA	DC Office of Human Rights	Complaint of discrimination against an employee	Dismissed by DC OHR
5/16/2017	NA	Internal Revenue Service	Audit of CAP Action and CAP Tax Year 2014	Payment by CAP Action to settle disputed FUTA and UBIT issues.
2/1/2016	NA	DC Office of Human Rights	Complaint of discrimination against a contractor	Confidential settlement following mediation with DC OHR
2011	NA	DC Office of Human Rights	Complaint of discrimination against an employee	Confidential settlement following mediation with DC OHR

4. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

E. TESTIFYING BEFORE CONGRESS

1. If confirmed, are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

2. If confirmed, are you willing to provide such information as may be requested by any committee of the Congress?

I will work with OMB staff to ensure that Congressional committees are provided information necessary to do their important work. As has been the practice of OMB across Administrations, I will carefully consider each request for information on a case-by-case basis

F. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection, with the exception of income tax returns.)

1. Please provide personal financial information not already listed on the SF 278 Financial Disclosure form that identifies and states the value of all:

(a) assets of \$10,000 or more held directly or indirectly, including but not limited to bank accounts, securities, commodities futures, real estate, trusts (including the terms of any beneficial or blind trust of which you, your spouse, or any of your dependents may be a beneficiary), investments, and other personal property held in a trade or business or for investment other than household furnishings, personal effects, clothing, and automobiles; and

REDACTED

(b) liabilities of \$10,000 or more including but not limited to debts, mortgages, loans, and other financial obligations for which you, your spouse, or your dependents have a direct or indirect liability or which may be guaranteed by you, your spouse, or dependents; and for each such liability indicate the nature of the liability, the amount, the name of the creditor, the terms of the payment, the security or collateral, and the current status of the debt payment. If the aggregate of your consumer debts exceeds \$10,000, please include the total as a liability. Please include additional information, as necessary, to assist the Committee in determining your financial solvency. The Committee reserves the right to request additional information if a solvency determination cannot be made definitively from the information provided.

REDACTED

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business

relationships, professional services and firm memberships, employers, clients and customers. If dates or amounts are estimated, please so state. Please only include those items not listed on the SF 278 Financial Disclosure form.

REDACTED

3. Provide the identity of and a description of the nature of any interest in an option, registered copyright, or patent held during the past 12 months and indicate which, if any, from which you have divested and the date of divestment unless already indicated on the personal financial statement.

REDACTED

4. Provide a description of any power of attorney which you hold for or on behalf of any other person.

REDACTED

5. List sources and amounts of all gifts exceeding \$500 in value received by you, your spouse, and your dependents during each of the last three years. Gifts received from members of your immediate family need not be listed.

REDACTED

6. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

REDACTED

7. Have your taxes always been paid on time including taxes paid on behalf of any employees? If not, please explain.

REDACTED

8. Were all your taxes, federal, State, and local, current (filed and paid) as of the date of your nomination? If not, please explain.

REDACTED

9. Has the Internal Revenue Service or any other state or local tax authority ever audited your Federal, state, local, or other tax return? If so, what resulted from the audit?

REDACTED

10. Have any tax liens, either federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership? If so, please give the particulars, including the date(s) and the nature and amount of the lien. State the resolution of the matter.

REDACTED

11. Provide for the Committee copies of your Federal income tax returns for the past 3 years. These documents will be made available only to Senators and staff persons designated by the Chairman and Ranking Minority Member. They will not be available for public inspection.

12. Have you ever been late in paying court-ordered child support? If so, provide details.

REDACTED

13. Have you ever filed for bankruptcy or been a party to any bankruptcy proceeding? If so, provide details.

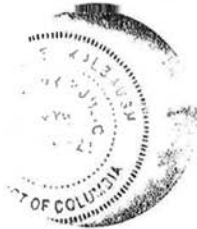
REDACTED**AFFIDAVIT**

Neera Tanden being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Subscribed and sworn before me this

22nd

day of

January2021

Notary Public

Senate Budget Committee Pre-Hearing Questions
Neera Tanden, Nominee for Director of the Office of Management and Budget

Pre-Hearing Questions from Chairman Sanders

Question #1

Will you commit that, if confirmed, the Office of Management and Budget will provide a cost estimate of the Raise the Wage Act – which would raise the federal minimum wage to \$15 per hour – that shows the policy would have a substantial and direct impact on the federal budget?

There is no greater economic priority than ensuring that hard working Americans can put food on the table and keep a roof over their heads, without having to keep multiple jobs. The President was clear and consistent during his campaign about the need to raise the federal minimum wage to \$15 per hour. I commit to working with Congress on making the best case – including a budgetary case – for the \$15 minimum. External analysis has shown that an increased minimum wage lowers costs for programs like SNAP by ensuring more families do not need to rely on public programs. It also stands to reason that an increased minimum wage will increase tax revenue as it raises income for working families. If confirmed, I commit that OMB will conduct an analysis of the impact of a minimum wage of \$15 on the federal budget. OMB analysis will always be guided by facts and evidence for its economic analysis.

Question #2

Will you commit that, if confirmed, you will work with me toward advancing the following goals in a second reconciliation bill this year?

a) Making public colleges tuition free and cancelling student for working families making \$125,000 per year or less.

For too many students, especially low-income and students of color, earning a degree after high school is unaffordable and saddles them with debt. The President supports making public college tuition free for middle class families. This administration welcomes the opportunity to work to make college more affordable and addressing student debt in partnership with Congress.

b) Lowering the Medicare eligibility age and expanding Medicare to cover hearing, vision, and dental care.

As a candidate, the President proposed lowering the Medicare eligibility age. Expanding Medicare to cover hearing, vision, and dental care is also an important reform. About two-thirds of Medicare beneficiaries do not have dental coverage and about three-fourths do not have vision or hearing coverage.

Such reforms have the potential to lower health care costs, expand coverage, and guarantee essential benefits for older Americans. In particular, lowering the Medicare eligibility age has the potential to lower premiums for seniors. If confirmed, I am committed to working with you and the Congress to advance reforms that expand health coverage and lower health care costs for seniors. These are important reforms that will make a real difference for our seniors.

c) Requiring Medicare to negotiate with the pharmaceutical companies to lower prices for prescription drugs for Medicare Part D beneficiaries.

This administration is committed to lowering drug prices for seniors and families across ages. The need is clear: within Medicare Part D, total drug costs increased by 9.5 percent annually from 2007 to 2018. High drug costs are a continuing economic challenge for American families.

As a candidate, the President proposed repealing the ban on Medicare negotiating prices with drug companies. For drugs with limited competition, he proposed an independent review board at the Department of Health and Human Services to negotiate reasonable prices based on average prices in other countries. Importantly, these prices would benefit not only Medicare beneficiaries, but also enrollees in private plans under the Affordable Care Act. The President has also proposed limiting drug price increases to the rate of inflation. If confirmed, I am committed to working with you and the Congress to advance these important reforms.

d) Establishing a federal guarantee of 12 weeks of paid family and medical leave.

The United States is one of a handful of countries that does not offer guaranteed paid family leave to its workers. Eight in ten workers lack paid family leave to care for a new child or loved one. Fewer lower-income workers have access to paid leave. When parents are forced to make a choice between their jobs and caregiving responsibilities, the costs are great—both to them and the economy. This administration is committed to working with Congress to ensure all workers have access to up to 12 weeks of paid family and medical leave and I have long supported a federal guarantee.

The COVID-19 pandemic has laid bare how critical it is to provide working families the support they need to care for their loved ones without having to sacrifice their jobs. In this unprecedented crisis, millions of mothers and fathers have struggled to balance work, child care during school closures, their own health needs, and caregiving responsibilities for children, spouses and elderly parents who have contracted the virus. It's long past time America join most of the rest of the world in ensuring paid family and medical leave for all.

e) Providing universal pre-kindergarten education for every three- and four-year-old in the country and make childcare more affordable for working families.

Providing universal Pre-K is a priority for the President. This administration understands that universal Pre-K is critical to preparing young children for school and enabling all children, no matter what zip code they come from, to start Kindergarten on a level playing field. Investing in Pre-K and child care also reduces unfair barriers to employment for parents, and particularly working mothers. The President looks forward to partnering with Congress on these important issues. Research shows that high quality early childhood programs increase high school graduation and college attendance rates, improve employment outcomes, reduce the need for special education, decrease the number of students who must repeat grades, and reduce juvenile crime. Investing in quality early childhood programs also saves taxpayers money. Economists estimate that for every dollar we invest in these programs, we receive a return of four to seventeen dollars.

f) Investing in K-12 public education, including tripling Title I funding for public schools, fully funding the Individuals with Disabilities Education Act, and rebuilding and modernizing public schools.

Making a robust investment in public education is critical to the Nation's future, particularly at this moment in time given the impact that COVID has had on student learning. On the campaign trail the

President supported tripling Title I investments, funding IDEA to meet its real demand and investing school infrastructure. This administration looks forward to working with Congress to design the education investments in a way that will reach the most disadvantaged students and promote equity, and if confirmed, I look forward to working closely with you on these priorities.

g) Combatting climate change by investing at least \$2 trillion in wind, solar, and geothermal energy; electric vehicles; weatherization; energy storage; and clean drinking water – and creating 10 million good-paying jobs in the process.

Yes. The President proposed a historic investment to create millions of good, union jobs rebuilding America's crumbling infrastructure – from roads and bridges to green spaces and water systems to electricity grids and universal broadband. Through these investments the President committed to build back better, upgrading 4 million buildings, weatherizing 2 million homes and driving dramatic cost reductions in critical clean energy technologies, including battery storage, negative emissions technologies, the next generation of building materials. I commit to working with you to implement these historic investments, including those for wind, solar, and geothermal energy; electric vehicles; weatherization; energy storage; and clean drinking water, while creating millions of good-paying jobs in the process.

h) Rebuilding America by investing \$2 trillion investment in rebuilding our crumbling infrastructure – our roads, bridges, sidewalks, schools, water systems, and affordable housing.

Reinvesting in our core infrastructure is a critical priority to address all four of the major crises we currently face. One of the major components of President Biden's Build Back Better agenda was a large-scale investment in infrastructure, including upgrading our roads, bridges, schools and housing. Any economic strategy to boost growth, and improve the lives of working and middle-class people must include investments in infrastructure. As recently as 2017, the American Society of Civil Engineers rated our infrastructure system a dismal D+, and they currently estimate that failing to act will cost the average household over \$3,000 per year. I know that this is a top priority for many members of Congress, and I look forward to working with you to advance the shared goal of rebuilding our national infrastructure to meet the needs of the 21st century.

Pre-Hearing Questions from Ranking Member Graham

Question 1: Do you believe the nearly \$28 trillion national debt is a concern?

I believe that while we should always be concerned about long term fiscal sustainability, we have learned a lot in recent years about what fiscal room we do have as a country. One important way of measuring the impact of our debt is the cost of financing it. Despite debt as a percent of GDP growing significantly over the past fifteen years, the cost of financing that debt is historically low. The average interest rate on federal debt is near historic lows, and interest payments as a percent of the economy are significantly below the forty-year average. OMB will examine what debt sustainability looks like given less upward pressure on interest rates from debt and less crowding out of capital stock. But of course, OMB's work should always be guided by data and science and if long term interest rates rise, that should affect our thinking. We should also note that interest rates have remained low even under scenarios of historically low unemployment, like we experienced in 2018 and 2019.

Question 2: In the past, you have stated “if we’re going to have a deal to address long-term debt we need to put both entitlements on the table as well as taxes.” Do you still believe that entitlements should be on the table as part of addressing our long-term debt?

I believe in the importance of addressing health care costs, which benefits both the federal budget and families struggling to pay for coverage and care. The President has proposed allowing Medicare to directly negotiate the costs of prescription drugs, decreasing Medicare per-patient costs and saving the program hundreds of billions of dollars over the next decade. The President has proposed lifting the payroll cap for those making over \$400,000; this proposal would both address long term debt and strengthen Social Security solvency.

Question 3: Do you agree that Social Security and Medicare have solvency issues? If so, can we solve these issues without reforms?

It is true that the trust funds for both Social Security and Medicare will need more resources in coming years to ensure that the American people—who paid into the system—will continue to receive full benefits.

In its 2020 report, the Medicare Board of Trustees projected that the Medicare Hospital Insurance Fund will be depleted in 2026; at that point, revenues are projected to cover 90 percent of costs. The 75-year actuarial deficit has improved slightly in the last year.

Medicare’s long-term shortfall can be addressed through revenue increases, reductions in the growth of spending, or a combination of the two. For instance, at the time the Affordable Care Act was enacted it extended Medicare’s solvency by 12 years and reduced the 75-year deficit from 3.88 to 0.66 as a percent of taxable payroll. Importantly, many reforms to the payment and delivery system and reforms to correct overpayments have the potential to reduce the growth in Medicare spending significantly without shifting costs to beneficiaries or cutting benefits.

The President has also proposed to protect and strengthen Social Security by applying Social Security payroll taxes to earnings above \$400,000 to ensure the most fortunate pay their fair share into the system. We must make sure these programs keep their promises for future generations while ensuring that we maintain the benefits that people so rely on.

Question 4: President Biden has introduced the American Rescue Plan, a \$1.9 trillion stimulus that will be on the top of the roughly \$3.5 trillion in legislation Congress has already passed in less than a year. There is also talk of more stimulus and spending outside of that including up to \$4 trillion for infrastructure. Do you believe deficits and debt matter to a nation’s long-term economic health?

Right now, the economic and public health crisis we face demands that we use every tool at our disposal to respond effectively. The risk of doing too little far outweighs the risk of doing too much, as economists across the political spectrum have emphasized.

While we have to always be mindful of long-term sustainability, it’s also the case that interest rates on our debt are at historic lows, and therefore, the cost of debt has declined. In addition, the degree we boost the economy into a stronger position, so that we have more robust economic growth going forward, we will have increased our fiscal capacity.

That said, underlying long-term fiscal challenges remain. The aging of the population, rising health care costs, and insufficient revenue combine to produce a long-term trajectory that should give us all pause. This administration is committed to paying for new, permanent initiatives and has proposed ways to modernize our tax code so that it raises more revenue to meet the coming challenges.

Question 5: What metrics will the Biden Administration use to know that the country can close off the fiscal spigot?

Although there is significant uncertainty surrounding the economic recovery, most economists including Chairman of the Federal Reserve Jerome Powell agree that the cost of doing too little is far greater than the cost of doing too much. If confirmed as the Director of OMB, I will work with this administration to monitor conditions and calibrate our policies to those conditions to ensure our response meets the needs of the time.

Beyond the current crisis, if confirmed I will carefully monitor borrowing costs as I work with the administration and with Congress to ensure that our debt remains sustainable. In particular, economists' thinking on the costs of debt has evolved in recent years, as interest rates and interest payments as a share of GDP have fallen despite rising debt. The causes of low interest rates are complex and depend on a host of economic factors, from the wide availability of capital financing to the monetary policy of the Federal Reserve. If confirmed, I will carefully monitor these economic factors and their implications for the path of interest rates to ensure we are on a fiscally sustainable path.

Question 6: When the time comes to address the debt, what specific government programs need to be considered for cuts or consolidation?

I appreciate the great bipartisan leadership shown in Congress to address the Covid crisis; that leadership has recognized that in the immediate moment it is critical to act aggressively and debt reduction would contract economic growth. The Covid crisis and severe economic challenges remain with us. As we move past the crisis, the long-term fiscal trajectory bears careful examination. The President has pledged to pay for his permanent policies and has put forward specific proposals to do so. By modernizing our tax code, and ensuring better compliance of existing tax law. He has also proposed ways to address structural concerns, such as applying Social Security payroll taxes to high earnings to ensure the richest pay their fair share into the system. These measures will ensure that this administration's permanent policies do not increase the trajectory of federal debt.

We can always ensure that the government works more efficiently and effectively to deliver needed services to people and I look forward to working with the committee on those ideas.

Question 7: Some Democratic Members of Congress have indicated support for an economic theory known as Modern Monetary Theory, which seems to suggest our government can print money without consequence and that deficits don't matter. Do you agree with this economic theory? Are you aware of the nations that have defaulted even though their currencies were controlled by their governments?

I do not subscribe to Modern Monetary Theory. I would note that the cost of borrowing has declined dramatically over the last decade and many economists who have made arguments that particular debt-to-

GDP levels mark dangers for an economy have recently revised their thinking to accommodate more debt. We do need to be concerned about the costs of borrowing; but we should recognize that we are at historic lows. Moreover, the President has pledged to pay for his permanent policies.

In the present crisis and at our current fiscal position, most economists agree that the risk of doing of too little far outweighs the risk of doing too much. Providing too little support will lead to prolonged suffering for families and businesses alike. Personal and business bankruptcies will cast a shadow on the recovery and stunt job growth and wage growth. Providing too much support, on the other hand, poses smaller risks in the current economic environment particularly because the Federal Reserve has tools to address those possible risks.

Question 8: You are prolific user of social media. As the Director of OMB, you will manage a diverse group of federal employees, some liberal, some conservative and others independent. In the past, your social media comments and conduct have been inflammatory. Do you regret the tone of your tweets, or your reactions to questions you have been asked?

Yes, absolutely. I regret the tone of some of my prior tweets.

Question 9: You admitted to pushing, but not punching, a reporter after an interview in which you were unhappy with his questions. How will the women and men who work for the federal government, regardless of their personal views, be assured you won't use your position as the head of OMB to punish or berate them, particularly when you receive answers or information you don't like, or if they have positions contrary to yours?

If confirmed, I will be committed to setting an appropriate tone from the leadership of OMB and help build a collaborative workplace. I have worked in the White House, in the Senate, at a federal agency and have run a larger policy organization I am proud of my management record in these arenas where I have always worked collaboratively to solve problems. I have a 95 percent rating as a CEO on the employer review site GlassDoor. In employee surveys that measure the cultural climate at the Center for American Progress (CAP), over 90 percent of employees would recommend CAP as a place to work under my leadership.

Throughout my career, I have welcomed people who disagree with me; in meetings, as a matter of course, I ask for contrary views. I know that no one has a monopoly on good ideas and that policy outcomes are better when tested by contrary views. As a leader, I simply will not berate anyone for having different ideas from mine. My leadership approach is and will be to welcome different ideas that also test my own beliefs of assumptions. I am proud of the positive feedback I have received from people who work with and for me over my career.

Question 10: Do you understand why, based on your tweets and stories about your management style, federal employees may be concerned?

As a manager, I believe that the trust of your team is something you earn and is not something you are owed. If confirmed, I will work tirelessly to be a fair, honest, principled leader dedicated to every employee at OMB.

Question 11: According to media reports, you have deleted thousands of tweets. Please provide the verbatim content of the deleted tweets.

I do not have and did not retain any of the deleted tweets.

Question 12: Why did you delete these tweets?

I recognized those tweets may have been hurtful, and I regretted them.

Question 13: Do you endorse or support a single-payer health care system? Why or why not?

As a candidate, the President made clear that he does not support a single-payer health care system. If confirmed, I am committed to working with the Congress to expand health coverage and lower health costs by building on the Affordable Care Act. I am aligned with the President on his vision for the future of the nation's health care system.

I believe that health care is a right, not a privilege, and have long supported universal health coverage. While I have not supported single payer health care, I know there are several types of health systems that can achieve universal coverage, as the health systems of other countries illustrate, and single payer is one of those systems.

Question 14: Can you provide the Committee with any article, letter to the editor, or other writing on the issue of single-payer health care that included you as an author?

According to my review and to the best of my knowledge, I have not authored or coauthored any article, letter to the editor, or paper on the issue of single-payer health care.

Question 15: To your knowledge, does President Biden endorse or support a single payer health-care system?

As a candidate, the President made clear that he does not endorse or support a single-payer health care system. Upon taking office, the President issued an Executive Order that aims to protect and strengthen the Affordable Care Act and to make high-quality health care accessible and affordable for every American. The administration supports a public option, which can expand coverage and lower costs.

Question 16: As the potential head of OMB, which not only includes developing the President's budgets but also managing the government, what specific metrics will the Administration have to measure its success or failure for the continued roll-out of the COVID vaccines?

The President has set a goal of at least 100 million vaccinations in 100 days. The metrics that will measure success include the number of doses that are distributed (the supply); the percentage of distributed doses that are administered (the "last mile"); the number of daily vaccinations; the overall vaccination rate; and critically, the vaccination rates in highly-vulnerable areas and for groups of racial and ethnic minorities. If confirmed, I am committed to working with the Congress to ensure that the vaccination program is as aggressive and robust as the crisis demands. I am also focused on ensuring the

resources Congress has allocated are being delivered efficiently and effectively to the workers, communities and businesses they are meant to help.

Question 17: Do you agree with the statement that you have belittled progressive ideas?

I am proud of my record of working on progressive ideas over my career and focusing on the real impact they have on people's lives. I have worked to ensure millions of people have health insurance through my work on the ACA and defending it. I believe all Americans deserve health care. I have developed ideas to ensure all families have access to quality affordable child care. And I have long supported universal paid leave. I have also worked throughout my career to strengthen the social safety net. That work is shaped from my own experience; as a child, my family struggled and we depended on programs like food stamps, Section 8 housing, and Free and Reduced Lunch vouchers to get by. Eventually my mom was able to get a middle class job, and eventually buy a house of her own. I know the difference these programs make in the lives of people. And that is one of the reasons why I am so honored to be nominated to be OMB Director: because, if confirmed, I will be able to oversee programs that make the difference for families like mine.

Question 18: Do you agree with Senator Sanders' proposals to cut defense spending? If so, by how much?

The U.S. defense budget will form a critical part of the Administration's priorities to defend America and deter adversaries, support our servicemembers and their families, modernize alliances and partnerships, preserve America's technological edge, and bolster economic competitiveness. The defense budget has increased in recent years at a faster rate than the non-defense discretionary budget. If confirmed, I will work with the Secretary of Defense on a principled approach to defense policy that recognizes its relationship to other elements of national power, such as diplomacy and a strong economy that supports the middle class.

Pre-Hearing Question from Senator Cramer

Question 1: Ms. Tanden, back in 2012 you participated in a C-SPAN interview in which you discussed entitlement reform. You mentioned items such as Medicaid, and beneficiary structure under Social Security as targets for possible cuts, stating "If we're going to have a deal to address long-term deficit reduction, we need to put entitlements on the table as well as taxes." Given that two-thirds of our debt, at least, is driven by the mandatory side of our ledger, I agree that we simply cannot ignore the significant impact entitlements have on the federal budget. We spend more than we take in, and every solution for fixing that should be on the table.

- Are you still committed to addressing mandatory spending in order to produce a sustainable federal budget? Should you be confirmed, what proposals would you advocate for to address the pending insolvency of many of these programs? How do you believe we can ensure Americans who've contributed to these programs over their lifetime maintain benefits?

The aging of the population, rising health care costs, and insufficient revenue combine to produce a long-term trajectory that should give us all pause. The President and I agree on the importance of addressing

health care costs, which benefits both the federal budget and families struggling to pay for coverage and care. The President has proposed allowing Medicare to directly negotiate the costs of prescription drugs, decreasing Medicare per-patient costs and saving the program hundreds of billions of dollars over the next decade. The President has also proposed to protect and strengthen Social Security by applying Social Security payroll taxes to high earnings to ensure the richest pay their fair share into the system. We of course must make sure these programs keep their promises for future generations but we also must ensure that we maintain the benefits that people so rely on. I do believe that the best way to address these issues in the long term is to do so in a bipartisan manner, guided by facts and evidence. And I would welcome the opportunity to work with all Members of the Committee on these issues.

Pre-Hearing Question from Senator Braun

Question #1:

The Government Accountability Office's March 2020 report, 'The Nation's Fiscal Health,' states the federal government is on an unsustainable fiscal path. GAO notes that an alternative approach to managing debt is needed, particularly relating to the debt limit. GAO also states that executive agencies have opportunities to contribute toward fiscal health.¹

In the Congressional Budget Office's (CBO's) September 2020 report, 'An Update to the Budget Outlook: 2020-2030,' federal outlays in 2020 total \$6.6 trillion \$2.2 trillion (or about 50 percent) more than the amount recorded in 2019. Most of that growth is attributable to mandatory outlays. Relative to the size of the economy, outlays are projected to equal 32.0 percent of GDP, the highest percentage since 1945 and about 12 percentage points above their 50-year average of 20.4 percent.²

In May of 2005, President George W. Bush's Office of Management and Budget (OMB) Director Joshua Bolten issued a memorandum putting into place Administrative PAYGO. This process was intended to leverage the knowledge of agencies to secure bottom-up solutions to save money as an offset to increased mandatory spending. In 2009, the Obama Administration said it would continue the OMB memorandum's process.³ On October 10, 2019, President Donald Trump signed Executive Order 13893: Increasing Government Accountability for Administrative Actions by Reinvigorating Administrative PAYGO.⁴

On January 20, 2021, President Joseph Biden signed an Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation in which President Donald Trump's Executive Order 13893 was included.⁵

As the nation grapples with trillion dollar deficits and a national debt of nearly \$28 trillion, do you support Administrative PAYGO as a useful tool for OMB to save money and put our nation on a path to fiscal solvency? Will OMB issue a memorandum to continue the practice of Administrative PAYGO in the Biden Administration (and if so, do you expect this to be a year one priority)?

1 <https://www.gao.gov/assets/710/705327.pdf>

2 <https://www.cbo.gov/system/files/2020-09/56517-Budget-Outlook.pdf>

3 <https://www.crs.gov/reports/pd/R41375>

4 <https://www.crfb.org/blogs/president-trump-bolsters-administrative-paygo-through-executive-order>

5 <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-revocation-of-certain-executive-orders-concerning-federal-regulation/>

We are committed to continuing OMB's role in looking comprehensively at the impact of regulatory and executive actions and in being good stewards of the budget. We share your appreciation of the role that

agency knowledge can play in identifying ways to save money. Revoking E.O. 13893 does not change OMB's responsibilities regarding the stewardship of the federal budget or our commitment to working with agencies to find cost-savings. I also want to assure the Committee that like the principles of PAYGO adopted by previous administrations, the President believes in paying for permanent programs so they do not contribute to the deficit. We also recognize the vital work Congress has done to address the immediate crisis we face.

As President Biden made clear EO 13992, he wants to empower agencies to use *appropriate* regulatory tools to achieve our Administration's goals of confronting the crises facing the nation. If confirmed, I look forward to working with the agencies on the best use of those regulatory tools and I welcome the views of Members of the Committee in this process.

Questions for the Record
Senate Budget Committee
Neera Tanden, Nominee for the Director of Office of Management and Budget

Senator Grassley**Question**

DOD Leaders have estimated that a clean audit opinion is likely seven or more years away, and the annual audit costs upwards of 200 million dollars. Is conducting an annual audit that is doomed to fail the best use of resources, or would it be a better strategy to conduct an audit every other year, or on another timetable until a clean opinion is reached? Under your leadership, will OMB review the DOD's audit strategy to ensure it is a good use of taxpayer dollars?

Response

Yes, if confirmed, I would review the DOD's audit strategy. An annual financial statement audit for an organization as large, complex, and geographically dispersed as DOD is a costly endeavor; however, it is necessary for sound financial and asset management. Conducting a financial statement audit less frequently than annually, for example, every other year, will not necessarily save money. This is because beginning balances must be audited and if there is no prior-year audit over ending balances, the auditors will have to review transactions from the prior unaudited year, effectively auditing two years of transactions and balances rather than just one year.

DOD is making progress in its efforts to getting to auditability and a clean audit opinion. For fiscal year 2020, DOD conducted 24 standalone audits and an overarching audit. Although only six of the 24 standalone audits resulted in clean opinions, DOD continues to make progress on remediating audit findings and recommendations, closing 20 percent of the 2019 findings and recommendations in 2020.

If confirmed as Director of OMB, I will continue to work with DOD to monitor audit progress and to provide OMB staff support in helping DOD implement auditor recommendations. I would be happy to work with you and your office to ensure that the DOD audit process is taking place efficiently.

Question

The Department of Defense relies on hundreds of outdated legacy financial management systems, and has been unable to obtain a clean audit opinion in part due to these defective systems. Will OMB direct DOD to ensure these systems are replaced or fixed so that they are able to generate complete and reliable financial data needed to support clean opinions?

Response

I understand that DOD has a number of legacy financial management systems that it maintains. I also understand the need for DOD to both reduce the number of systems it maintains and update its systems. If confirmed, I will work with DOD and Treasury to ensure that critical financial

management functions, including financial reporting functions, can be performed with updated, better integrated and fewer systems. I will also work with DOD and Treasury on their continuing efforts to ensure DOD's ability to provide complete and reliable financial information necessary for clean audit opinions.

Question

The Congressional Budget Office analyzed the impact of increasing the minimum wage and found that it would cost 1.4 million jobs and cause the prices of goods, services, and health care to rise. In your testimony, you stated you were committed to pursuing the policy of raising the minimum wage. Under your leadership, will OMB conduct a non-partisan analysis to determine the possible impact on the federal budget of a minimum wage increase?

Response

If I am confirmed, OMB will conduct an analysis of the impact of a minimum wage of \$15 on the federal budget and that analysis will always be guided by facts and evidence in a nonpartisan manner. There is no greater economic priority than ensuring that hard working Americans can put food on the table and keep a roof over their heads, without having to keep multiple jobs.

Question

The Presidential Memo entitled "Modernizing Regulatory Review" directs the Office of Management and Budget to "propose procedures that take into account the distributional consequences of regulations ... to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities." What cost benefit framework exists that would allow agencies to fairly and objectively choose among the potentially competing interests of different marginalized communities?

Response

The memorandum you reference directs the Director of OMB to conduct a process to address, among other objectives, procedures to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable or marginalized communities. If confirmed, I look forward to conducting this process, which will include public engagement with relevant stakeholders. I hope that you will share your views with us as the process moves forward and I would look forward to working with you on this issue.

Question

Larry Summers, President Obama's former Director of the National Economic Council, recently urged caution in enacting a COVID relief package on the scale of the \$1.9 trillion package proposed by the President. As Mr. Summers noted, "the proposed Biden stimulus is three times as large as" the gap between actual and potential output as estimated by the non-partisan Congressional Budget Office. In your opinion, is looking at incremental deficits relative to GDP

gaps a useful metric for assessing what size of fiscal stimulus may be necessary? What metrics, if any, has the Administration considered in concluding that a \$1.9 trillion stimulus is necessary?

Response

The challenge of the current moment is to overcome the pandemic and rebuild our economy. Doing too little to promote the recovery will prolong economic scarring due to the pandemic and worsen the long-run fiscal outlook. The American Rescue Plan was calibrated from the ground up in order to address our vaccination and other public health needs, our schools' needs, the needs of the unemployed, the needs to alleviate large state layoffs that so hampered growth in the past and the needs of all working families during this critical moment of the pandemic. Outside experts have also determined that the American Rescue Plan will ensure stronger economic growth in the future and lower unemployment. Stronger growth will also help address deficits as it will mean higher tax receipts and less reliance on social safety net programs.

Beyond the current crisis, if confirmed I will carefully monitor borrowing costs as I work with the administration and with Congress to ensure that our debt remains sustainable. In particular, economists' thinking on fiscal sustainability has evolved in recent years as interest rates and interest payments as a share of GDP have fallen despite rising debt. The cost of debt has declined. The causes of low interest rates are complex and depend on a host of economic factors, from the wide availability of capital financing to the monetary policy of the Federal Reserve. If confirmed, I will carefully monitor these economic factors and their implications for the path of interest rates to ensure we are on a fiscally sustainable path.

Over the longer term, we need to ensure and to work towards a sustainable path with respect to our debt burden. The President intends modernize the tax code to increase equity and improve our fiscal position.

Question

A common adage for stimulus and economic relief measures is that they should be timely, temporary, and targeted. However, several proposals put forward as part of President Biden's COVID package appear geared toward using the current crisis to fast track long-term policy objectives (such as an increase the minimum wage, mandated family medical leave, and enhancements to refundable tax credits) that are intended to be permanent, rather than focused on targeting immediate assistance to those in need due to the pandemic. Can you commit to me that the proposals included in the President's COVID package are indeed intended to be timely, temporary, and targeted? If not, please identify for me any provisions that are not intended to meet this standard and why their inclusion in an economic relief package is justified.

Response

Millions of American workers, many of whom work for low wages, have been risking their health to provide essential services during the pandemic. The President campaigned on a minimum wage increase and believes that people working full time should not live in poverty. Particularly in this K-shaped recovery, where many higher-income Americans

have been economically insulated from economic shocks while lower-income Americans have borne the burden of lost jobs and lost income, federal policy that promotes higher wages at the lower end makes sense. An increase in the minimum wage will promote the economic dignity of so many essential workers who have risked their lives during the pandemic. However, the paid leave and child tax credit provisions are temporary in the American Rescue Plan. Both programs are targeted to the needs of specific challenges during the pandemic. We want to ensure that workers who are sick do not feel economically pressed to come to work; and the expansion of the child tax credit targets families who are bearing higher burdens during the crisis.

Question

According to CBO, debt held by the public exceeded 100 percent of GDP at the end of fiscal year 2020. CBO projects that by 2023, even without any further pandemic relief legislation, the debt to GDP ratio will reach 107 percent, which would be the highest in the nation's history. In your view, are these levels of debt to GDP sustainable? What level of debt to GDP would you consider sustainable?

Response

I do not believe that there's a single measure for sustainable debt. One measure is the cost of debt and the extent to which interest payments are crowding out other investments and taxpayer resources. It is the case that over the past fifteen years, even as our debt level has increased dramatically, interest rates and therefore interest costs have declined substantially. Moreover, inflation has remained at or near historic lows. I am persuaded by the many respected economists who now argue that there is likely not a specific threshold at which debt becomes unreasonable. Indeed, some conservative economists who once made such claims have since shifted their thinking. Nevertheless, we need to closely monitor interest rates, inflation and the overall costs of borrowing going forward, and I would commit to doing that if confirmed.

That said, underlying fiscal challenges remain. The aging of the population, rising health care costs, and a tax code that does not generate sufficient revenue combine to produce a long-term trajectory that should give us all pause. These are challenges that I hope we can work in a bipartisan basis to address.

Question

The Congressional Budget Office analyzed the impact of increasing the minimum wage and found that it would cost 1.4 million jobs and cause the prices of goods, services, and health care to rise. A recent survey of academic research on the topic published in a National Bureau of Economic Research working paper found that a "clear preponderance" of the literature finds negative employment effects, with particular negative impact on teenagers, young adults, and less educated workers. These are the very groups that have suffered the most economically as a result of pandemic lockdowns. Given that the bulk of economic research suggests that a minimum wage increase will hurt these workers, how do you justify promoting this policy as part

of COVID relief? What analysis will OMB rely on when determining the economic impact of a minimum wage increase?

Response

Some studies are especially comprehensive and provide a better guide than older isolated analyses. The study that, in our opinion, represents the gold standard in this area of research is the 2019 paper published in the top-rated journal *The Quarterly Journal of Economics* by Cengiz, Dube, Lindner and Zipperer. That study analyzed all 138 U.S. state-level minimum wage changes over four decades and concluded that “the overall number of low-wage jobs remained essentially unchanged over the five years following the increase.” A follow-up study using international evidence also found a “very muted effect of minimum wages on employment, while significantly increasing the earnings of low paid workers.” Nevertheless, if confirmed, I am committed to ensuring that we offer non-partisan, impartial analysis of the data in our work on the minimum wage and we will do in a transparent manner so others can assess our analysis.

Senator Wyden**Question**

The Office of Management and Budget currently faces a decision on the poorly made recommendations of the Public Buildings Reform Board to close the National Archives and Records Administration in Seattle, Washington. This decision affects Oregonians, including Klamath Tribes, who rely on their access to important historical records. I joined a bipartisan letter to OMB detailing my concerns about how Native Americans and Alaskan Natives, among others, in the Pacific Northwest were not consulted about this decision and how state archivists in Oregon were not informed. Will you commit to rejecting this recommendation and working with me and other Members of Congress to increase transparency of this process and to receive wider input, particularly from our Tribal leaders, before such recommendations are finalized?

Response

In one of his earliest executive actions, President Biden signed a Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (Jan. 26, 2021), which commits to “regular, meaningful, and robust” tribal consultation on all federal policies with tribal implications. I share President Biden’s strong commitment to tribal consultation. If confirmed as OMB Director, I will confer with the experts within OMB who know the details of this sale to assess, in particular, whether tribes were appropriately consulted regarding the decision; I will always consult with tribes in the decisions I make that affect them. My understanding is that the prior OMB Director already accepted the recommendation to sell this building, but that a federal district court has enjoined the sale. If, on my review, I conclude that this sale should be reconsidered, I will do what I can within my legal authority to rectify the situation.

Question

Federal law obligates the U.S. Army to clean up a former weapons storage depot in eastern Oregon, but the Army told me last year that it had run out of money and did not plan to request more. The recently-enacted National Defense Authorization Act for Fiscal Year 2021 continues language requiring the Army to submit a plan to Congress by April 1, 2021 for finishing the cleanup at Umatilla within three years. Will you commit to requesting sufficient money in the Army budget to get this job done in that timeframe?

Response

The Army is actively working on drafting a plan for the cleanup that will be submitted to Congress within the next two months as required by the FY 2021 National Defense Authorization Act. Once the plan is complete, and if I am confirmed as OMB Director, I will work with OMB colleagues to assess if we need to adjust the budget request to meet the Army’s cleanup requirements, including Umatilla.

Question

The U.S. Coast Guard operates an air facility, or helicopter station, in Newport, Oregon. That helicopter saves lives every year because of its close proximity to Newport's deep-draft port and Oregon's largest commercial fishing fleet. Will you commit to requesting enough money in the budget to fund continued operations across Coast Guard air facilities, including at Newport, Oregon?

Response

The Search and Rescue mission is one of the Coast Guard's highest priorities. The Budget will ensure adequate search and rescue capability for the Coast Guard to perform this mission in all regions of the country, Oregon included.

Question

An October 2020 report by GAO into the implementation of the Open, Public, Electronic and Necessary (OPEN) Data Act of 2018 found that OMB had failed to issue the statutorily-required guidance for agencies to implement comprehensive data inventories required by the Act. Will you commit to implementing the requirements of the OPEN Data Act, including issuing Phase II implementation guidelines to agencies and publishing the required reports on agency performance and compliance?

Response

I believe that making Federal data appropriately open to the public is critical to advancing evidence-based policies and ensuring their equitable delivery. I share Congress's goals expressed in the Open, Public, Electronic, and Necessary (OPEN) [Government] Data Act. If confirmed as OMB Director, I would commit OMB to issuing required "Phase II" implementation guidance and would seek to improve processes around reporting agency performance and compliance.

Question

GAO recommended that OMB, in collaboration with GSA, establish a policy to ensure the routine identification and correction of errors in agencies' electronically published performance information. Will you commit to adopting this GAO recommendation?

Response

If confirmed as Director, I commit to issue "Phase II" guidance to implement the OPEN Data Act, which will help agencies improve the quality of their data inventories. I will also continue to work with GSA to improve processes associated with the Federal data catalogue, work to improve reporting of agency performance and compliance of the Open Government Data Act, and work with GAO to resolve this outstanding recommendation.

Question

Currently, OMB lacks specialty data on Tribes. OMB also lacks dedicated senior officials focused exclusively on tribal needs. Changes to both would allow for the improvement of budgeting for tribal programs. Will you commit to addressing these data deficiencies across OMB and work to establish senior level staff who are dedicated to addressing the generational funding and regulatory issues within our tribal programs?

Response

Yes, if confirmed, I can commit to addressing tribal data deficiencies and identifying senior level OMB staff to work on funding and regulatory issues related to tribal programs. If confirmed, I would also consider it part of my responsibility to ensure the federal government is responsive to the needs of Tribes across programs. The President, however, should retain the prerogative on how to structure and best staff an office within the Executive Office of the President.

Question

The Office of Management and Budget created the Standard Occupational Classification (SOC) to classify all occupations in which work is performed for pay or profit. The SOC currently classifies 9-1-1 call takers and dispatchers as clerical workers and not as protective service workers. Some of us in Congress support legislation to correct the SOC to reflect the important role these professionals play in offering critical emergency medical instruction and direct emergency response efforts, or the toll this work takes on their mental and physical health. Will you commit to looking into this issue and, if confirmed, will you consider using any executive authority to reclassify 9-1-1 call takers and dispatchers in the SOC?

Response

OMB develops and maintains the Standard Occupational Classification system (SOC) under its statistical policy and coordination functions of the Paperwork Reduction Act of 1995 to ensure the efficiency and effectiveness of the Federal statistical system. The SOC is periodically reviewed for currency by a set of interagency technical experts through a long-established process, keeping only statistical purposes in mind to ensure the independence and objectivity of these standards. Most recently, OMB issued the 2018 revision to the SOC. If confirmed, I will commit to ensuring the objectivity and integrity of OMB's statistical standards. I would look forward to working with your office to address your concerns.

Senator Crapo**Question**

Federal law requires the Office of Management and Budget (OMB) to certify that state Medicaid waivers are budget-neutral. How do you intend to use your role to enforce budget neutrality in these waivers?

Response

The Centers for Medicare and Medicaid Services (CMS) officially approves all Medicaid 1115 demonstrations. OMB will continue to work with CMS as part of the Federal Review Team, to ensure demonstrations meet appropriate standards and are consistent with Administration policies and priorities. As Director, I would always work to ensure resources, at the federal or state, level are delivered efficiently and effectively.

Question

OMB is responsible for other agencies' information technology matters. You have also served on presidential campaigns subject to leaks and hacks. In your opinion, what are the biggest challenges to securing government's cyber infrastructure today, particularly in the wake of recent cyberattacks on our agencies?

a. As you know, Idaho National Laboratory is leading efforts in securing critical digital systems and improving cyber risk analysis of information technology. How do you think OMB can better coordinate with our national laboratories and other leading cybersecurity experts to enhance security of our agencies' IT systems?

b. Since Fiscal Year 2010, the Government Accountability Office (GAO) has made over 3,000 recommendations to agencies aimed at addressing cybersecurity challenges. As of July 2020, about 80 percent of the recommendations have been implemented, but more can be done. According to GAO, until the remaining recommendations are addressed, agencies' information and IT systems will be increasingly susceptible to the existing multitude of cyber-related threats. Will you commit to improving the government's cyber infrastructure as head of OMB?

Response

Cybersecurity is a top priority for this Administration, and recent events such as the sophisticated cyber campaign currently impacting agencies have shown that our Federal systems and critical infrastructure remain high-value targets for our adversaries. To effectively protect our systems and respond to these attacks, we need sufficient resources to modernize IT and enhance our cybersecurity. If confirmed, I will work with the Federal Chief Information Officer, the Chief Information Security Officer, and others to modernize IT, improve security monitoring and incident response, and promote the hiring and development of new cybersecurity professionals. In the past, we have left it to agencies to fund their technology needs and that process has not sufficiently invested in cybersecurity. The creation of the Technology Modernization Fund and

other avenues of cybersecurity investment has been important; the Biden Administration has proposed significant new investments in these areas.

a. Idaho National Laboratory (INL) is at the leading edge of the Nation's efforts to protect critical utility's control systems. Water systems or the electrical grid, INL leverages their world class scientists and engineers to develop technical innovations focused on securing those systems from the threat of bad actors. Additionally, they have trained more than 4000 security professionals in Industrial Control Systems Cybersecurity. Coordinating efforts across the cybersecurity landscape not only makes the best use of available talent and fiscal resources, it is in the best interest of the Nation. The Federal Chief Information Officer (CIO) at OMB is responsible for establishing and managing Federal information technology and cybersecurity policy. One of the Federal CIO's responsibilities is to share best practices between Federal agencies and outside groups, including private industry, academia, and researchers such as those at our national laboratories. If confirmed as Director of OMB, I will continue this coordination, including through such forums as the Federal CIO Council, to incorporate the latest research and innovative thinking into our modernization and cybersecurity efforts. We would welcome working with your office on these issues.

b. Yes. GAO has consistently focused on cybersecurity and SolarWinds demonstrates our vulnerability. If confirmed, I would be committed to addressing cybersecurity as one of my top priorities. The Administration is committed to addressing cybersecurity challenges and protecting against future cyber-attacks through modernization of Federal information technology. These activities are necessary to modernize and harden our IT infrastructure, and if confirmed, I commit to working with agencies to provide the necessary support to improve their cybersecurity capabilities.

Question

The recently-retired Senator Mike Enzi championed reform of the budgeting process, including increased reporting requirements for OMB regarding the apportionments of appropriations. I was an original co-sponsor of this bipartisan legislation and I am hopeful that this legislation can make it into law during this Congress. As Director of OMB, would you be willing to provide increased transparency to show Americans how their money is being spent?

As someone who has observed the budgeting process from outside the Capitol, do you think the budgeting process needs reform?

Response

Absolutely. I look forward to engaging with the Congress on improving transparency, to ensure policymakers are getting accurate information in order to make good policy. If confirmed, I also look forward to exploring potential changes to the federal budget process, including the reforms included in recently retired Senator Enzi's plan. I know the budget process has often not worked as it should, and I hope to be a partner with Congress in promoting regular order and a process that works better for all involved.

Question

In our call last week, you talked about long-term fiscal sustainability being a primary focus of OMB, and I appreciate your candor in stating that the current crisis must be dealt with while also moving towards long-term fiscal sustainability. The Committee for a Responsible Federal Budget pointed out this month that, while action is needed, too much spending could burden our country with more debt while not effectively dealing with the current crisis at hand.¹ While you have stated in the past that relief measures for this crisis need to be big and bold,² is there a point where even more spending would do more harm than good, in your opinion?

Can the American economic recovery be sustainable without serious attempts to rectify our national debt?

Response

Right now, the economic and public health crisis we face demands that we use every tool at our disposal to respond effectively. The risk of doing too little far outweighs the risk of doing too much, as economists across the political spectrum have emphasized. It is the case that over the past fifteen years, even as our debt level has increased dramatically, interest rates and therefore interest costs have declined substantially. Only by defeating the virus and restoring our economy to normal levels can federal tax revenue return to trend, which in turn reduces the deficit.

We do need to be mindful of the costs of borrowing and how much of our budget is spent on interest payments and that is an area that if confirmed, I would monitor closely along with other members of the President's economic team. And over the longer term, underlying fiscal challenges remain. The aging of the population, high per capita health care costs, and a tax code that does not generate sufficient revenue combine to produce a long-term trajectory that should give us all pause. These are challenges that I hope we can work in a bipartisan basis to address.

Question

In his executive memorandum "Modernizing Regulatory Review," President Biden commissioned the director of OMB to begin examining ways to "modernize and improve the regulatory review process" including ensuring that the process "fully accounts for regulatory benefits that are difficult or impossible to quantify." Given that much of what OMB does relies on examining the quantifiable benefits and drawbacks of regulations put forward, doesn't this order undermine the purpose and process present at OMB?

Response

OIRA plays a key role not just on procedure, but also on helping agencies produce rigorous analysis that informs agency policy decisions and based on identifying potential alternatives that may garner significant net benefits for society. An agency's decision to regulate or not to regulate is a decision that has impacts on society. Sometimes a new regulatory action could produce significant benefits for society that agencies should consider. This charge from the modernizing memo continues OIRA's role by bringing analysis and good process to bear on regulatory policy decisions.

One example that I believe demonstrates the intent of the modernizing regulatory review memo is the Americans with Disability Act (ADA). The ADA requires that people with disabilities have access to restrooms. There is analysis of the quantifiable costs and benefits to consider as part of this requirement, but there is also a dignity concern that disabled people have in their ability to work productively with the regulation. Like the restroom requirement of the ADA, the intent of the modernizing regulatory review memo is to ensure that the full range of costs and benefits are considered in making regulatory decisions and that burdens are not placed on disadvantaged communities, rural communities, communities of color through the rulemaking process. As with any policy matter, the ultimate decision of whether or not to regulate remains a policy judgment for the agencies and the President to make. I am committed to ensuring facts and analysis are brought to bear and that the process is as transparent as possible.

Senator Stabenow

Question

Fundamental research drives innovation and future job growth, and as we have seen in the last year, it is instrumental in fighting COVID-19 and future pandemics. The federal government plays an essential role as the lead funder of fundamental research in the United States. As an example, the Department of Energy Office of Science is critical in advancing the fundamental science and early stage energy technologies necessary to achieve ambitious net-zero goals. These include new battery technologies; developing industries of the future and emerging technologies such as quantum information science and artificial intelligence; and maintaining the highly skilled science and technology workforce, such as in nuclear physics and materials research, that is essential for the United States to compete globally.

The Office of Science also continues to play an important role in the COVID-19 response, such as improving capabilities for and ensuring effective detection of infection and expediting discovery of therapeutic drugs, including antibodies and antivirals, to complement vaccine development. **As OMB Director, can I get your commitment to put a priority on fundamental science at the Office of Science and across the federal government to lay the foundation for U.S. competitiveness and new technology development for broad applications in energy, the environment, medicine and health care, and national security?**

Response

Yes, the Biden-Harris Administration has committed to supporting innovation, creating good paying jobs and building a modern infrastructure. Fundamental research is a core function of the Federal Government, at both National Laboratories and universities. It creates the basis for discoveries that have long driven economic growth and U.S. competitiveness. I will continue to prioritize our investments to galvanize progress in energy, climate, the environment, medicine, health care, and national security, at the Office of Science, National Science Foundation, National Institutes of Health, and other Federal Agencies that support research and development.

Question

Michigan is home to 12 federally recognized American Indian Tribes. Each Tribe has a unique government-to-government relationship with the United States, and the federal government must continue to uphold its trust responsibility through meaningful consultation and sustained funding for Tribal communities.

Unfortunately, the government-to-government relationship is not adequately understood across federal departments or agencies. Understanding the treaty and trust obligation should be an important priority for the federal government and was recently reaffirmed by President Biden.

As OMB Director, how will you improve federal consultation consistent with President Biden's new Presidential Memorandum (titled Tribal Consultation and Strengthening Nation-to-Nation

Relationships)? How can OMB help the United States government better fulfill its trust and treaty responsibilities to Tribal Nations?

Response

Honoring our government-to-government relationship with Tribal Nations and upholding the U.S.'s trust responsibility to them are priorities for this Administration. If confirmed, I will work to promote regular, robust and meaningful consultation, and I will give significant attention to tribal issues in support of these priorities, including identifying ways to better meet our treaty and trust responsibilities.

Question

There are at least 21 federal departments or agencies that receive federal funding for programs that benefit Native Americans. As OMB Director, what concrete actions will you take to ensure that federal funding for Tribal communities is coordinated, timely, and efficiently distributed?

Response

Supporting tribal communities and honoring the government-to-government relationship we have with Tribal Nations is a high priority for the Administration. If confirmed, I commit to prioritizing the timely and efficient distribution of funding to Tribal communities. I will also identify other points of contact at OMB to address the concerns of Native American communities.

Question

The report "Federal Funding for Native American Programs," known as the "Native American Crosscut," is a measure of spending on Native American programs across the federal government. While this report seems like a valuable tool to track the fulfillment of the federal government's trust and treaty obligations to Tribal Nations, it lacks specificity across the data in a way that would allow for improvements to federal management and budgeting for Tribal programs, such as whether Tribal Nations had actual access to funding, whether they were merely eligible to receive such funding, or whether another entity received the funds to use for the benefit of Native Americans. Will you, as the Director of OMB, commit to addressing these data deficiencies across the federal government for Tribal programs and to improving the Native American Crosscut report in consultation, collaboration, and coordination with Tribal Nations?

Response

Yes, if confirmed I can commit to addressing tribal data deficiencies and promoting robust and meaningful consultation with Tribal Nations as part of that. Current and complete data is a key resource for Federal and tribal policy makers, and the Administration is committed to improving this data and transparency.

Senator Whitehouse**Question**

As you can see in the attached chart, in January 2020 CBO projected that federal health spending over the next decade will be \$4.7 billion lower than CBO's 2010 estimates extrapolated out to this budget window. While a portion of the difference in health care spending relates to the repeal of the individual mandate and other policy changes, much of it appears to result from a sustained slowdown in health spending growth in recent years. CBO has noted "that although a significant amount of research has been conducted to identify the causes of the slowdown in the growth of federal health care spending, a definitive conclusion has not been reached."

What will the Biden Administration, and specifically what will you at OMB, do to better understand the causes of the sustained slowdown in federal health care spending?

Response

If confirmed, I am committed to working with the agencies to better understand trends and changes in federal health care spending that can inform policy choices and changes to achieve and sustain reductions in federal health care spending. I would also work to communicate this information to policy leaders and the public.

Question

I think the slowdown is evidence that structural changes in the delivery of care – many of which were ushered in by the Affordable Care Act – have taken hold and we are seeing lower federal spending as a result. For example, Coastal Medical in Rhode Island, a Medicare Accountable Care Organization, has saved Medicare over \$30 million over five years, and has done so while increasing services and improving the quality of care their patients receive.

Do you agree that ACOs and other alternative care models have the potential to reduce federal health expenditures?

What delivery system reforms will the Biden Administration advance to lower health care spending?

Response

Yes, I do agree ACOs and other alternative care models have the potential to reduce federal health expenditures. CMS operates the Medicare Shared Savings Program (MSSP) and tests, evaluates, and expands, as appropriate, other payment and service delivery models, many of which have shown to reduce Federal health expenditures and improve or preserve beneficiary quality of care. For example, MSSP generated over \$2.2 billion in net savings to the Medicare program between 2017-2019. To date, three demonstrations implemented by the Center for Medicare and Medicaid Innovation have been certified as reducing federal expenditures by the CMS Office of the Actuary, including the Medicare Diabetes Prevention Program, Pioneer

Accountable Care Organization demonstration, and Home Health Value-based Purchasing demonstration. If confirmed, I would support the Administration's mission to reduce healthcare spending growth through innovative delivery system reforms, which would be detailed in the President's Budget.

Question

The president's January 20, 2021 executive order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis creates an inter-agency working group on the social cost of carbon co-chaired by the director of OMB. It tasks the working group with, among other things, determining in which types of decision-making the social cost of carbon should be used. Please share with me your thoughts as to how the social cost of carbon might be used in agency rulemaking, budgeting, grant making, and procurement.

Response

In general, the social cost of carbon represents an important tool for ensuring that the Federal government takes climate into account when making decisions. The clearest application of the social cost of carbon is in regulatory analysis. Agencies should use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible with up-to-date analysis. The courts have been clear that this includes the benefits associated with reducing greenhouse gas emissions (or the costs associated with increasing them). The Interagency Working Group re-established by EO 13990 will bring together experts from across the federal government to examine other areas of decision-making, budgeting, and procurement and I look forward to insights from the Working Group and the public on other areas where these estimates should be applied. I also welcome the opportunity to work with your office on areas of potential application.

Question

The IMF estimates that annual fossil fuel subsidies in this country alone total more than \$600 billion annually. Would you agree that until we eliminate or at least greatly reduce this massive negative externality, it is going to be difficult to transition to a low carbon economy?

Response

I agree with President Biden that fossil fuel subsidies significantly impede our transition to a low carbon economy. Seven days after taking office, President Biden issued E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*. Section 209 of E.O. 14008 directs agencies to work with the Director of OMB to identify fossil fuel subsidies and ensure that Federal funding is not directly subsidizing fossil fuels. If confirmed, I look forward to carrying out that order – helping to transition to a low carbon economy while also helping fossil fuel workers transition to cleaner, greener jobs.

Question

Economists, central bankers, financial regulators, investors, and business people around the world have recognized that climate change poses systemic risks to financial stability and the world economy. Can our economy afford inaction on climate? Given the effect that financial shocks have on the real economy and on federal revenues and expenditures, can the federal government afford inaction on climate?

Response

I do not believe we can afford the costs of inaction on climate. Addressing the existential climate crisis is a top Administration priority. President Biden has taken executive action to rejoin the Paris Agreement, review rollbacks of standards that protect our air, water, and communities, and combat the climate crisis nationally and internationally. The President has also proposed major investments that will build modern and sustainable infrastructure while creating high-paying union jobs. I am committed to working to prioritize and implement clean energy and climate investments with agencies, to advancing a science-based regulatory agenda to combat climate change, and to leveraging the power of procurement to address this existential threat.

Question

According to CBO, in 2020 alone, tax spending—in the form of credits, deductions, exclusions, and other loopholes—was projected to exceed more than \$1.8 trillion. That's more than the \$1.1 trillion we spent on all of the federal health care programs combined in 2019.

- a. Would you agree that as we look for ways to reduce the deficit, it makes sense to review tax expenditures?
- b. Would you agree that closing unjustified tax loopholes that benefit the wealthy and large corporations should be considered in proposals to reduce the deficit?
- c. Are their specific reforms that President Biden supports to restore fairness to the tax code while also addressing budget deficits?

Response

- a. Yes. As one example, the President has proposed eliminating the tax expenditure of preferred tax rates on capital gains and dividend income for households earning over one million dollars. As another example, the President has proposed eliminating 1031 like-kind exchanges, another tax expenditure that nearly exclusively benefits the wealthiest Americans. I wholeheartedly agree that it makes sense to review these and other tax expenditures that favor the wealthy.
- b. Yes. Closing unjustified tax loopholes that benefit the wealthy and large corporations is a cornerstone of the President's policy agenda. For example, the President has proposed to eliminate the carried interest loophole and tax breaks for corporations that ship jobs and profits overseas. Closing these unjustified tax loopholes promotes fairness and reduces the deficit.

c. Yes. The President has proposed taxing capital gains and dividend income at ordinary tax rates for families earning over \$1 million. He has proposed rolling back TCJA's reduction in the ordinary tax rate on income above \$400,000 from 39.6% to 37% so that the highest earners contribute more of their fair share. He supports increasing high earners' compliance with existing tax law. He has proposed raising the corporate tax rate to 28% from 21% and raising taxes on corporate profits hidden in tax havens. These specific reforms and the rest of the President's tax agenda promote fairness in the tax code while strengthening our fiscal position.

Question

On December 23, 2020, the Federal Communications Commission served a draft data collection request on wireless providers participating in the FCC Lifeline program. The draft data request was finalized and served on the providers on January 19, 2021, leaving providers with little time for recourse and response to the request. Lifeline providers have objected on many grounds, including that the FCC's data collection request was not approved by OMB, as is required under the Paperwork Reduction Act (PRA).

- a. What can be done to ensure that agencies are not able to bypass PRA protections?
- b. How can OMB strengthen its oversight such that it addresses PRA violations?

Response

I take agencies' responsibilities under the PRA very seriously. If confirmed, I look forward to learning more from the OMB staff about their experiences with PRA compliance and ideas for strengthening OMB's oversight. I would appreciate your input as we move forward.

Senator Warner**Question**

The Modernizing Government Technology Act, of which I was one of the sponsors, established the Technology Modernization Fund (TMF) as a rapid, government-wide IT modernization account, where agencies can submit funding proposals to the Board for evaluation, and then those chosen agencies will eventually reimburse the fund using leveraged savings from the modernization projects. We've seen during this pandemic, a whole host of ways brought to light that our Federal IT systems have fallen short, whether that's telework or benefits distribution. Could you share your views on the urgent need to make considerable investments in our government's IT?

Response

OMB plays a critical role in supporting and accelerating Federal IT modernization by aligning the President's budget to Administration priorities, and by leading and coordinating government-wide modernization activities. The Technology Modernization Fund (TMF) is a critical source of funding to modernizing outdated legacy IT systems. As you know, the Biden Administration has proposed a significant investment in cybersecurity through the American Rescue Plan. If confirmed, I will continue to support and accelerate Federal IT modernization efforts to ensure our IT systems are safe and allow agencies to meet their critical mission needs.

Senator Merkley**Question**

OMB oversees the Standard Occupational Classification, which, in its inception in the 1970s, classified 9-1-1 professionals alongside office clerks and taxicab dispatchers. OMB has previously declined to move these professionals into the “protective” occupations classification, despite the nature of their work. Will you commit to addressing this issue of classification?

Response

OMB develops and maintains the Standard Occupational Classification system (SOC) under its statistical policy and coordination functions of the Paperwork Reduction Act of 1995 to ensure the efficiency and effectiveness of the Federal statistical system. The SOC is periodically reviewed for currency by a set of interagency technical experts through a long-established process, keeping only statistical purposes in mind to ensure the independence and objectivity of these standards. Most recently, OMB issued the 2018 revision to the SOC. If confirmed, I will commit to ensuring the objectivity and integrity of OMB’s statistical standards and would be happy to work with your office to address your concerns.

Senator Toomey**Question**

I think we all agree that it is absolutely essential to get as many vaccines into as many arms as quickly as possible.

260 million Americans are eligible to receive a COVID-19 vaccine. By this summer, Pfizer and Moderna combined will have delivered enough doses to vaccinate 300 million Americans— 40 million more than the number of people eligible to receive a vaccine. Further, it seems likely the FDA will authorize more vaccine candidates soon. The federal government has also already paid for most costs of administering the vaccine.

The Biden Administration is requesting \$20 billion for vaccinations. Just 45 days ago Congress provided \$8.75 billion for vaccine-related expenses. \$3 billion has been made available to states, but it has become incredibly difficult to know exactly how much money remains available and how much has been spent in granular detail. This has been a common theme throughout the pandemic.

My staff has requested certain documents from the Department of Health and Human Services commonly referred to by the previous administration as “weekly draw down reports.” These reports provide some insight into the allocation of federal funding and subsequent spending by the states. It is my understanding that these reports have been shared with other members of this chamber and are generally used for press inquiries.

Ms. Tanden, given this information is important as policymakers and the public review additional funding requests from this administration, if you are confirmed, will you commit to making public the funding appropriated, obligated, and spent on COVID-19 relief in a manner that is easily accessible and understood by the general public?

Response

Yes. Transparency into quality and accurate data about Federal spending is important and can facilitate strategic data-driven decisions, and I understand that OMB is actively engaged in these efforts. If confirmed, I look forward to working with you to improve the transparency into the COVID-19 relief funds and to provide this information.

Question

In your written answers to questions from Ranking Member Graham, you state that:

“Medicare’s long-term shortfall can be addressed through revenue increases, reductions in the growth of spending, or a combination of the two.”

Further, you mention “many reforms to the payment and delivery system and reforms to correct overpayments have the potential to reduce the growth in Medicare spending significantly without shifting the costs to beneficiaries or cutting benefits.”

What reforms are available to the Biden Administration that reduce the growth of spending? Please be specific.

Response

As a candidate, President Biden articulated actions to improve the health care of Americans and bring down costs, including reducing drug spending, addressing market concentration, and partnering with the health care workforce to deploy innovative solutions. Over the last decade, payment reforms like bundled payments and accountable care organizations have helped reduce growth in spending. In fact, over the last decade federal medical expenditures have been over a trillion dollars lower than CBO’s projections in 2010, savings that have helped extend the life of the Medicare Trust Fund. Greater efficiency in health care expenditures through payment reforms can help address the growth of spending without hurting beneficiaries.

If confirmed, I will lead development of the President’s Budget, which would provide details on how the Administration will improve health care in America and strengthen Medicare. I look forward to working with Congress to pursue specific policies developed by the Administration to enhance and protect Medicare for the program’s current and future beneficiaries.

Question

The Medicare Advantage program has grown substantially in popularity among seniors. Nearly 40 percent of seniors have chosen to enroll in private plans over traditional fee-for-service. Under the previous Administration, numerous actions were taken to strengthen the Medicare Advantage program, resulting in increased plan choices, lower costs, and more benefits. For instance:

1. In 2021 there are an average of 47 plan choices per county, a 78.5 percent increase since 2017;
2. 2021 premiums were down 34.2 percent from 2017 and beneficiaries have saved an estimated \$3.4B since 2017 in premium costs; and
3. 730 plans serving 3 million seniors are now offering supplemental benefits, like meal services, adult daycare services and transportation for beneficiaries with Alzheimer’s disease.

Under the administration of former President Barack Obama, including while you served at HHS, a number of actions were taken to restrict Medicare Advantage plan flexibility that ultimately reduced choice for seniors.

a. If you are confirmed, will you commit to ensuring that any proposed Medicare Advantage and Part D regulations protect the strides that the previous administration made in improving choice, reducing costs, and increasing access to direct and indirect medical benefits for the almost 25 million seniors enrolled?

b. Similarly, I was concerned to see a position your organization took recently on a policy that would condition insurer participation in the Medicare Advantage program with participation in the ACA marketplace. This policy could ultimately result in less plan offerings for seniors enrolled in Medicare Advantage. Is this a policy you will continue to support in your role at OMB?

Response

a. As a candidate, President Biden articulated that he will always support seniors and strengthen Medicare. He also stressed the importance of choice, access, and affordability of health coverage. If confirmed, I am committed to working with the Congress on the President's agenda to achieve these goals and expand health coverage and lower health costs for all Americans, while improving the value and cost-effectiveness of the system. That would be my approach within the Medicare program as well.

b. If confirmed, I would follow the President's policies on this and other issues. The President hasn't adopted a stance that insurer participation in Medicare Advantage is conditioned upon participation in the ACA marketplace, and so it's not my plan to pursue this policy. If confirmed, I would look forward to leading development of the President's Budget with specific proposals to achieve these goals and working with Congress to pursue legislation that strengthens Medicare and expands access to health care for all Americans.

Question

As you know OMB's Office of Information and Regulatory Affairs reviews proposed and final regulations before they are published. If confirmed, you will play a critical role as gatekeeper against potentially harmful and costly administrative actions.

The previous administration attempted to implement a regulation banning post-sale rebates in Medicare Part D, a proposal colloquially known as the "rebate rule." Both the non-partisan Congressional Budget Office (CBO) and the Centers for Medicare and Medicaid Services' own Office of the Actuary (CMS OACT) reached similar conclusions about its costs. CBO projected the rebate rule to result in \$177 billion additional federal spending over a decade.⁴ CMS OACT estimated the rule to cost \$196.1 billion over the same period.⁵

These costs come in the form of increased Medicare Part D premiums, for which the federal government pays three out of every four dollars. CMS OACT estimated beneficiaries' share of these increased premiums to be \$58 billion over the decade. According to both scorekeepers, premiums rise not only because rebates are currently used to lower them, but because eliminating this mechanism for plans to negotiate discounts could ultimately increase the net price of Part D medications.

Further, while many of my colleagues have the well-intentioned belief that all rebates will be passed onto consumers in the form of discounts at the point of sale, both CMS OACT and CBO acknowledge that this behavioral change is unlikely. Specifically, CMS OACT assumes drug manufacturers are likely to retain a portion of the existing Medicare Part D rebates, not apply towards discounts for beneficiaries or lower list prices, to “recapture forgone revenue streams.”⁶

Lastly, in the face of overwhelming evidence to the contrary, the previous Secretary of Health and Human Services certified that the rule would not increase Medicare Part D premiums.⁷ The public rightfully demands its government officials provide accurate and objective estimates of the policies it implements.

Ms. Tanden, if confirmed, will OMB make public the objective analyses used to evaluate regulatory proposals? Further, do you commit to abiding by the Administrative Procedure Act when enacting rules and regulations?

Response

Yes. If confirmed, I will ensure that OMB promotes access to data relied upon in the rulemaking process with appropriate protections for privacy. Yes, I will commit to abiding by the Administrative Procedure Act in the rulemaking process.

Senator Sasse**Question**

Ms. Tanden, as I've mentioned during other nomination hearings with President Biden's nominees, I'm worried that while official US government policy documents have identified China as a top threat and strategy priority, we have not seen an appropriate shift in resources across the national security apparatus. The status quo where the US Government talks about the strategic threat but makes no change in resourcing to address that strategic threat is unacceptable. Can you briefly describe the nature of the strategic threat the Chinese Communist Party poses to the United States and how you propose our national security agencies reorient to match this threat?

Beyond the bilateral trade relationship, do you have any thoughts about properly resourcing the FBI to counter the CCP's espionage and influence campaigns domestically or the Department of Defense's ability to defend our interests and allies in the Indo-Pacific?

Response

Overall, we face many challenges from China, some direct and many indirect. On your question regarding FBI resourcing, I agree that FBI efforts to counter Chinese espionage and influence campaigns domestically are critical to the nation's long-term security. My understanding is that the FBI has established Foreign Influence Task Forces in its domestic field offices and, if confirmed, I would have my staff work with the FBI to expand those task forces where necessary.

Regarding the second part of your question, the President directed the Department of Defense to conduct a review of our national security strategy in regards to China. Based on the recommendations from this review and interagency input, the Administration will ensure efforts related to our China strategy are properly resourced.

Question

Years of US economic and technological investment in China helped fuel the CCP's mastery over the digital economy. As we have seen that mastery has been employed to establish a techno-authoritarian state that controls the Chinese people and attacks any perceived enemies of the Communist Party: academics, human rights lawyers, Uyghurs, Muslims, and Christians. That investment has also been used to cultivate espionage networks abroad, make the Chinese military more lethal, and intensify Chinese economic predation.

a. It was publicly reported last fall that OMB directed federal agencies to submit to collect all federal funding directly or indirectly related to China. My understanding is that this data collection effort is designed to identify taxpayer dollars spent both as assistance to Chinese entities but also to counter the threats posed by the CCP. Will you commit to reviewing OMB's effort last fall and reporting back to this committee no later than May 31 how you would

improve upon that effort to better inform policymakers interested in making sure federal resources are appropriately tailored to strategic competition with the CCP?

b. Last month I asked the GAO to produce a report that summarizes US Government funding transfers to Chinese entities. Will you commit to ensuring that federal agencies are responsive to GAO for the completion of that report?

Response

a. In mid-January, OMB published a report on federal spending related to China, which summarizes the results of the data collection effort you describe. That report can be found on [Regulations.gov](https://www.regulations.gov) under the title “United States Government Funding for Strategic Competition with China Crosscut”. I will also review OMB’s work and I am happy to work with you on these issues. As OMB Director, I would pay close attention to how federal investments impact the U.S. strategic relationship with China

b. Yes. OMB advises federal agencies to fully cooperate with all GAO inquiries and I will likewise encourage relevant agencies to provide timely, responsive information to GAO as it completes this report.

Question

The CCP’s civil military fusion policy is designed to eliminate the barrier between its military and defense industrial sectors and China’s civilian and commercial sectors to ensure that China’s military becomes the most technologically dominant in the world. Do you think federal funds should be going to Chinese entities with close ties to the Chinese military?

Response

As you noted, China’s industries often have integrated relationships with their military and government; American companies are truly separate entities from our government and military. I do believe that we should recognize the nature of Chinese entities and their relationship to their government as we assess the US relationship towards those entities. For example, as we think through supply chains important for our national security, we should be aware of the nature of Chinese suppliers.

The U.S. government should ensure that all federal funding which flows to Chinese entities aligns with the broader U.S. strategy on China. As referenced above, in January 2021 OMB published a report on federal spending related to China. As part of this effort, OMB asked agencies to provide details on all spending inside China, which totaled only \$30 million in FY 2020. Of this total, the majority was spent pursuant to Congressional earmarks directing support for citizen empowerment, countering wildlife trafficking, and supporting Tibetan populations inside China.

Question

With an increasingly adversarial China flexing its muscles, it has never been more important to stay ahead and maintain our advantage. Yet, the United States' recent spending on R&D betrays a worrying trend in the critical sphere of future technologies. China has been closing the gap with the US on R&D spending; while our spending has been growing at a rate of 4.3% per year, China has been averaging a 17% growth. Since 2000, our share of global R&D spending dropped from 40% to 27% while China's has risen from 5% to 26%.

a. Should this trend continue, China will soon overtake the US as the world's primary spender on technological development. Does this possibility worry you and what are the implications for our domestic economy?

b. Where should we be directing our focus and money in order to combat China's ambition and maintain our technological edge?

Response

a. Yes this possibility very much worries me. Competition with China is one of the central challenges that will define the 21st century. China is the world's second-largest economy, a global leader in key technologies, a dominant actor in a number of critical supply chains, a pacing threat for the U.S. military, and a growing challenge to our allies. The levels of investment China is making in areas like artificial intelligence should be a wake up call; this is one of the reasons why the Biden Administration is so focused on increased investment in research and development. Such investments are absolutely critical to ensuring America's innovation edge in the 21st century and I would welcome the opportunity to work with you on these issues. If confirmed, I will work to support U.S. leadership in science, technology, and innovation, and also will work to ensure OMB works alongside OSTP and agencies that direct, fund, and oversee research to ensure a whole-of-government approach to addressing research integrity and security, and also to ensure strong intellectual property policies and enforcement.

b. China is investing in advanced technologies, including artificial intelligence and 5G. China often seeks out areas where advancement can lead to asymmetric leaps forward. Therefore, it is critical that the United States maintain its innovation edge in across cutting-edge technologies.

Question

The future will be forever changed by the emergence of key technologies such as Artificial Intelligence, 5G, and quantum. The nation that leads the world in the development of these key areas will lead the world by the end of the 21st century. The US has only committed \$1.2 billion in quantum. DARPA, which is responsible for cutting edge military research, only receives \$3.5 billion a year.

- a. Are you satisfied with the amount we are spending on these critical areas?
- b. What is the right balance between government policies that directly fund this research and policies that incentivize the private sector to fund this research more adequately?
- c. How does the fact that China has committed \$2 billion to an AI development park and \$16 billion in the local AI industry at a major port in Tianjin, affect your previous answer?

Response

a. No. Following the President's commitment to US leadership in emerging technologies, the Biden Administration plans to increase R&D funding, including in areas that support these technology advancements. The Biden Administration supports this increased investment precisely because we recognize the importance of ensuring America's innovation edge as we compete with China on a global scale.

b. The investments the United States has made in basic research across multiple dimensions has led to American leadership in many industries. Our investments in the National Institutes of Health have led to a significant American bio-pharma industry; our investments in defense have contributed to significant American defense and technology industries. There is a government role across the spectrum from basic research to experimental development. It's important for the government to coordinate well with the private sector to ensure that government work can be picked up by industry. At the same time, private industry has to invest in research as well, and our policies, including tax policies and other mechanisms, should encourage private sector investment.

c. It does not change my answer. We are planning to invest in these areas and invest intelligently. Our researchers and businesses are allowed to innovate freely without specific government direction. We also have other assets, like our world-class universities and researchers, that allows innovation to flourish freely in the United States. But as noted, we need to recognize that we are in a global competition on innovation and act and invest accordingly.

Question

This administration talks endlessly of their desire to unify the nation even while pushing policies that align with the radical left. What is your justification for failing to commit to protecting the Hyde amendment, which has been the law of the land since 1976 and is supported by a majority of Americans who do not believe that taxpayer dollars should fund abortions?

Response

The President laid out a health care plan that would provide comprehensive health care for all women. Repealing the Hyde Amendment is a matter of economic and racial justice. It most significantly impacts Medicaid recipients, who are low-income and more likely to be women of color. Providing coverage for abortion services does not compel women to have an abortion and does not compel those in the medical community who are morally opposed to abortion to assist in the procedure. There are federal laws that protect these rights.

Senator Van Hollen**Question**

During the previous Administration, I asked the nonpartisan Government Accountability Office to review whether withholding security assistance funding for Ukraine violated the Impoundment Control Act. GAO conducted an independent and nonpartisan investigation, and found that the Office of Management and Budget broke the law by withholding this funding. Moreover, GAO reported that OMB failed to provide GAO with necessary information for their inquiry. The conclusion of GAO's report to Congress included the following statement:

"We consider a reluctance to provide a fulsome response to have constitutional significance. GAO's role under the ICA—to provide information and legal analysis to Congress as it performs oversight of executive activity—is essential to ensuring respect for and allegiance to Congress' constitutional power of the purse. All federal officials and employees take an oath to uphold and protect the Constitution and its core tenets, including the congressional power of the purse."

Under your leadership, will you ensure that OMB provides fulsome responses to GAO as it continues to carry out its role to oversee budget and appropriations matters?

Response

Yes. The GAO serves an important role in overseeing compliance with the laws and promoting public accountability. If confirmed as OMB Director, I will work to ensure that OMB provides GAO with necessary information for their inquiries. I will consult with OMB staff to understand current practices and policies, and work with them to ensure that OMB and federal agencies provide appropriate, timely responses to GAO's inquiries.

Question

In 2019, OMB modified Section 145.8 of Circular A-11 to remove the obligation for agencies to provide a report to Congress when GAO finds that the agency has violated the Antideficiency Act. As OMB revises Circular A-11 under your leadership, will you consider restoring this reporting requirement in cases where GAO finds that an agency has violated the Antideficiency Act?

Response

Yes. If confirmed, I look forward to closely studying this issue and consulting with my OMB colleagues prior to determining what the requirements in Circular A-11 should be. As OMB Director, I will respect Congress' role in directing the expenditure of government resources. I look forward to returning to the traditional relationship between Congress and the Executive Branch on issues like expenditures and obligations.

Question

The 2009 Recovery Act was a model for transparent federal spending, with key information publicly available on recovery.gov. This transparency is vitally needed for COVID-19 relief programs, especially to ensure that funding is equitably distributed to reach communities of color and underserved areas. As OMB Director, what role will you play to deliver federal spending and tax relief in a transparent manner, so that the American people can see how their government is allocating resources in response to the health and economic crisis?

Response

Transparency into quality and accurate data about Federal spending is important and can facilitate strategic data-driven decisions, including ensuring that funding is equitably distributed to reach communities of color and underserved areas. I understand that OMB is actively engaged in these efforts. If confirmed, I look forward to working with you to improve the transparency into the allocation of COVID-19 relief funds.

Question

Our international affairs budget has stagnated while the challenges facing the U.S. and the world have intensified. Do you agree that the U.S. should increase funding for the State Department and USAID as a means of tackling these challenges and bolstering U.S. global leadership?

Response

President Biden has made it clear in many of his remarks, including his inaugural address, that this Administration is committed to repairing our alliances and engaging with the world to address global challenges, including the pandemic and climate change, as well as countering authoritarianism and nuclear proliferation. The President has also committed to restoring the health and morale of our foreign policy institutions. In his visit to the State Department on February 4, 2021, the President said, “I want the people who work in this building and our embassies and consulates around the world to know: I value your expertise and I respect you, and I will have your back. This Administration is going to empower you to do your jobs.” This Administration will work to support and strengthen the State Department, USAID, and other international affairs agencies, which will in turn help to strengthen our country’s role as the leading force for good in the world.

Question

I am a supporter of the 9-1-1 SAVES Act, which would classify 9-1-1 call takers and dispatchers within the Protective Services Occupations category, instead of the Office and Administrative Support Occupations category. 9-1-1 call takers and dispatchers do more than answer the phone – they coach callers on first aid, provide safety directions to callers in active shooter situations, and coordinate multi-agency responses to emergencies. Changing this classification would not create any new costs to the government, but it would more appropriately recognize the work of 9-1-1 call takers and dispatchers.

The 9-1-1 SAVES Act directs OMB to reclassify 9-1-1 call takers and dispatchers, but OMB has the authority to do this already. As OMB Director, will you consider using your existing authority to make this change?

Response

OMB develops and maintains the Standard Occupational Classification system (SOC) under its statistical policy and coordination functions of the Paperwork Reduction Act of 1995 to ensure the efficiency and effectiveness of the Federal statistical system. The SOC is periodically reviewed for currency by a set of interagency technical experts through a long-established process, keeping only statistical purposes in mind to ensure the independence and objectivity of these standards. Most recently, OMB issued the 2018 revision to the SOC. If confirmed, I will commit to ensuring the objectivity and integrity of OMB's statistical standards. I would also look forward to working with your office to address your concerns.

Senator Cramer**Question**

Recently, President Biden announced a 60-day suspension of new oil and gas leasing and drilling permits for Federal lands and waters. Energy production is a significant industry to states like North Dakota. Limiting access will not only kill American jobs, it will bring fewer tax revenues to both states and the Treasury Department. Total revenue in FY 2019 equaled \$11.69 billion – nearly double the amount of FY 2016 at the end of the Obama administration (\$6.23 billion). In addition to the general revenue collected by the Treasury in FY 2019, over \$3.44 billion went to states and tribes. North Dakota saw \$93.65 million of these revenues. Further, in a study conducted by Dr. Tim Considine at the University of Wyoming, he concluded that if the current bans were extended through President Biden's first term, \$33.5 billion in lost Gross Domestic Product (GDP) will be lost and \$8.3 billion in state tax revenues. Nearly 58,700 jobs will be lost annually and workers would lose over \$15 billion in wages. Further, the combination of all of this results in billions more in lost revenue to the treasury. Ms. Tanden, do you support this suspension the administration has put in place, and would you support a permanent leasing and development ban? If so, how do you propose to replace the substantial revenue losses to my state and to the Treasury?

Response

Signed on January 27th, the President's Executive Order on Tackling the Climate Crisis at Home and Abroad directs the Secretary of the Interior to pause new oil and gas leasing on public lands and waters, while complying with all applicable laws, until a comprehensive review of Federal oil and gas permitting and leasing practices is completed. If confirmed, it would be my role as Director to implement the President's policies. It is worth noting that the pause does not apply to permits or other actions associated with existing leases. If confirmed, I will work to ensure OMB always takes into account local impact of particular actions as well national impact. Our federal rulemaking policies must address the needs of all Americans in all corners of the country.

I would also note that this is only one component in the Administration's proactive agenda to tackle the climate crisis while empowering American workers and businesses and creating good paying union jobs. The President has proposed a historic investment to create millions of good, union jobs rebuilding America's crumbling infrastructure – from roads and bridges to green spaces and water systems to electricity grids and universal broadband. These investments will allow us to create sustainable jobs and infrastructure that will ultimately support Federal revenue collections while simultaneously supporting state and local tax bases all across the country, including in North Dakota. The President's jobs agenda is not a substitute for the concerns you've raised, but I believe it is additional context.

Question

Given your political background and leadership at the Center for American Progress, your progressive views and outspoken comments are well known across the political spectrum. As you know, the media has called attention to your various disputes, questionable management

decisions, and aggressive interactions with staffers and colleagues over the years. The Office of Management and Budget is a uniquely positioned entity: it functions as an agency, but is on the White House campus and considered a component of the Executive Office of the President. It is the largest EOP component; your OMB staff would be a mix of hundreds of civil servant career employees, and a handful of political employees. You would oversee all Executive agency spending, interacting on a daily basis with the agencies, but also answering to the West Wing across the street. These dynamics place the OMB Director in a powerful but precarious situation, requiring discretion, patience, and political savvy to unify those under your own roof with the competing demands from the agencies.

With regards to managing and leading this unique agency, how do you consider yourself professionally qualified for this position? Should you be confirmed, do you believe the Director should act in a bipartisan manner? If so, given your partisan background, how do you intend to fulfill that obligation?

Response

I have spent the last 20 years working on many of the major policy debates confronting the country, from health care and national security, to economic growth and the federal budget. I am well-versed in the policy areas that OMB deals with and know from my own experience just how much of a difference these policy outcomes can mean for families.

As the president of a leading think tank, I have also directly engaged in many of the budget debates that have animated congressional action over the last decade or so.

Additionally, I have overseen a large and diverse staff for the past ten years. I am proud of the positive feedback I have received from people who have worked with and for me. Per climate surveys at CAP, 90% of employees recommend CAP as a place to work under my leadership. As I have done throughout my career, if confirmed, I will work every day to earn the trust of the OMB staff and I will be a fair, honest, and principled leader to every employee at OMB.

If confirmed, I will absolutely approach the Director role in a bipartisan manner, guided by facts and evidence. I will seek input from all Members of Congress – regardless of party – to ensure that OMB delivers results for the American people and that our government works for all Americans. I will work with your office just as I would work with any other Senators and I know it's on me to earn the trust of Republican Senators just as any other.

Question

President Biden has established “unity” as the resounding opening theme of his presidency as he leads a deeply divided country. How do you see yourself as someone to best implement the president's call for “unity” as the OMB Director, when voices from both the Republican and Democratic parties have hailed you as inflammatory and divisive?

Response

I appreciate that the role of OMB Director is different from some of my past positions. Over the last few years, it's been part of my role to be an impassioned advocate. I absolutely recognize that the role of OMB Director calls for bipartisan action, as well as nonpartisan adherence to facts and evidence. I share President Biden's commitment to moving forward in a spirit of unity and will work hard to earn the trust of all Members of Congress – Republicans, Independents, and Democrats alike.

Question

You have been supportive of universal health care and the Center for American Progress has released its own health care plan, "Medicare Extra for All," which you have vocalized support for as a path forward. This plan would completely redesign the Medicare program as we know it and make many services, including preventative care, treatment for chronic disease, and generic prescription drugs, free to beneficiaries. However, the "low-cost" estimate of this plan raises federal spending by \$2.8 trillion, the "high-cost" option would raise federal spending by \$4.5 trillion, and the plan is ultimately financed by various combinations of high tax increases. As OMB Director you would be in the driver's seat for any long-term deficit reduction discussions. Do you still support this proposal? Further, wouldn't this health care plan further enlarge the budget deficit?

Over half the North Dakota population is based in rural areas. The CAP plan only has a minor, passing reference to rural health facilities. How will you, in all future discussions of health care reform and funding, prioritize care for rural populations and health care facilities?

Response

I support the President's plan to expand health coverage and his vision for the future of the health care system, which builds upon the Affordable Care Act. I also appreciate and acknowledge the particular challenges facing rural healthcare facilities and patients. As a candidate, the President expressed support for creating new health jobs and expanding access to healthcare in rural communities. In addition, the President committed to protecting and expanding health coverage, including in the 12 states that have not expanded Medicaid; this support will also provide support to rural hospitals because Medicaid expansion has been critical to the financial solvency of those institutions.

If confirmed, I will work closely with the Secretary of HHS and other experts and stakeholders from across the public and private sectors to identify meaningful solutions to address the critical challenges in rural America and will lead preparation of the President's Budget, which would include the details of the Administration's proposals on rural health care. I look forward to working with the Committee on these important issues.

Question

At a time of high unemployment and increasing deficits, we must take particular care to ensure we are not needlessly increasing the burden on federal programs. To that end, I believe now more than ever we must increase the availability of charitable assistance for health care

premiums. Charitable premium assistance can provide the short-term fix needed to allow Americans to keep their health insurance without forcing them onto a government program as their only option.

Can you provide my office with an update on the Medicare Conditions for Coverage Third Party Payer rule, RIN 0938-AT11? Why was this rule withdrawn from the Federal Register on January 25th of this year? What role should private sector charitable premium assistance play in keeping struggling Americans insured?

Response

As I am not yet at OMB, I have not been a party to decisions about implementation of pending rules. Nor am I privy to nonpublic information about the status of pending rules. I commit to working with CMS to learn more about the status of the rule and this issue, if I am confirmed. And I would discuss with you and your office the issues around it.

Treatment for dialysis patients must be affordable and that affordability must be sustainable. I appreciate the unique challenges facing dialysis patients. If confirmed, my role would be to support the President's health care priorities for all Americans, including by expanding access to coverage and lowering health care costs.

Question

As part of President Biden's 60-day regulatory freeze, the final rule for implementing Executive Order 13937, "Executive Order on Access to Affordable Life-saving Medications," was suspended. This rule aims to provide assistance to the approximately 8 million Americans who rely on insulin to manage diabetes and those who rely on epinephrine to manage severe allergic reactions by requiring the 340B Drug Pricing Program covered entities to provide these life-saving medicines to patients at or below the discounted price which the entity paid through the 340B program.

Can you provide my office with a status update on this rule? Why is President Biden pausing a rule that would provide relief to patients who rely on these medicines to live? Is the skyrocketing price of insulin and the increasingly unsustainable financial burden to patients with diabetes and severe allergies not a priority for the Biden Administration? Should you be confirmed, will you commit to review these rules and brief me and my office before any final action is taken?

Response

As I am not yet at OMB, I have not been a party to decisions about implementation of pending rules. If confirmed, I will commit to reviewing these rules and briefing you and your office.

Too many Americans cannot afford their necessary medications, which leads to poor medication adherence and increased medical costs. Rapidly increasing insulin prices are one example of this

problem. Between 2012-2016, the wholesale price increased 15-17 percent per year. As a candidate, the President articulated specific proposals to reduce spending on drugs, and the Administration is committed to lowering the cost of prescription drugs. It is a priority for this Administration that no American has to worry about being able to afford life-saving medications.

Question

In your position at the Center for American Progress (CAP), you have had vast experience and responsibility managing significant funding from special interest groups, notable corporate donors, such as Walmart and Blue Cross Blue Shield, Silicon Valley, Wall Street, and foreign countries. How would you assure the American taxpayers that you are not swayed by outside groups and special interests after your 10+ year career at CAP?

Response

Throughout my career, I have never allowed outside groups or special interests to impact my orientation toward public policy. During my tenure at CAP, I led the organization to take numerous steps to increase transparency related to the organization's funding and to reduce industry influence, including making corporate donations public starting in 2013. Corporate donors make up 2% of CAP's annual budget. Under my leadership, CAP frequently produced ideas and papers that funders disagreed with, and oftentimes, developed policy proposals that directly called for corporations to pay more of their fair share, against their financial interests.

If I have the privilege of serving as OMB Director, my role will be to help implement the President's vision and serve the interests of the American people.

Question

As you know, OMB rulemaking published earlier this year proposes increasing the minimum urban population to qualify as a metropolitan statistical area from 50,000 to 100,000. This rule remains in the comment period, and several cities within my state have expressed real concerns that if this proposal is finalized, it will reduce or eliminate vital funding sources. We need to ensure cities have all funding opportunities available to them during the pandemic. Do you commit to taking a close look at the rule and briefing my office before anything is finalized?

Response

OMB develops and maintains the Metropolitan Statistical Areas (MSAs) under its statistical policy and coordination authorities in the Paperwork Reduction Act of 1995 to ensure the efficiency and effectiveness of the Federal statistical system. The OMB standards that determine the MSAs are regularly reviewed for currency through a long-established process. This process is designed to ensure the independence and objectivity of the Metropolitan Statistical Areas. If confirmed, I will commit to ensuring the objectivity, integrity, and transparency of OMB's statistical standards, and would be happy to provide a briefing for you at any time and address any concerns you have.

Question

33 Americans die every day waiting for a lifesaving organ transplant, and Medicare spends roughly \$36 billion annually on care for dialysis patients because there are not enough kidney transplants available to meet the need.

In November 2020, the Department of Health and Human Services (HHS) finalized a rule that would allow HHS to replace failing OPOs with high performers, and according to the Department, it is projected to save more than 7,000 additional lives every year, as well as over \$1 billion annually to Medicare. However, because it was finalized in the last 60 days of the Trump Administration, it is currently being subjected to the Biden Administration freeze on midnight regulations.

What is your impression of this rule and the goal it seeks to accomplish? What is your position on the objective of this rule and its attempts to improve organ donation efforts? Do you believe that organ donation should be a priority area for the Biden administration?

Response

As part of a general regulatory freeze of rules that were finalized so close to the end of the Trump administration, the effective date of the OPO rule was delayed. In the role of Director of the Office of Management and Budget, I would look forward to working with the Department of Health & Human Services to evaluate whether the policies in the November 2020 OPO Final rule are consistent with the Biden Administration's goals to improve the healthcare system for Americans. Rules that save lives and redress poor performers in the health care system would of course be analyzed favorably. I would examine the record behind all rules.

Question

In 2012 you participated in a C-SPAN interview in which you discussed entitlement reform. You mentioned items such as Medicare and beneficiary structure under Social Security as targets for possible cuts, stating, "If we're going to have a deal to address long-term deficit reduction, we need to put entitlements on the table as well as taxes." I'd like to expand on this. Conversations about the rising debt and deficit must start by addressing the mandatory side of the ledger. We spend more than we take in, and every solution for fixing that should be on the table. While it's a sensitive topic, the longer we wait to address the issue, the more severe the eventual remedy will become.

As we go forward with solutions, I believe we must protect the benefits that today's beneficiaries receive along with the benefits of those nearing eligibility. Are you committed to addressing mandatory spending in order to produce a more sustainable federal budget? What proposals are you advancing that address the pending insolvency of many of these programs, while ensuring that Americans who have contributed to these programs over their lifetime maintain benefits?

Response

We completely agree that we must protect the benefits of these programs, which have constituted a promise to Americans for generations. Over the longer term, the Biden-Harris Administration is fully committed to ensuring that Americans receive the benefits that they are entitled to, while pursuing policies that improve equity and fairness. The Administration is aware that key benefit programs such as Medicare and Social Security are at risk of reserve depletion, and are committed to addressing and improving the programs' financial outlook. Many reforms to improve solvency do not cut benefits. For example, in Medicare, many reforms to the payment and delivery system and reforms to correct overpayments have the potential to reduce the growth in spending significantly without shifting costs to beneficiaries; in the last decade, reforms like these saved the federal government well over a trillion dollars over the full decade and extended the life of the Medicare Trust Fund. In regards to Social Security, the President has proposed lifting the payroll cap for families earning over \$400,000 a year which would both extend solvency of the program and address debt.

I do believe that the best way to move forward on these issues is to work in a bipartisan manner to do so and I welcome a conversation with all Senators concerned about these important programs for America's families.

Senator Braun**Question**

President Biden has expressed his intent to use federal policy to boost the US bioeconomy and, in particular, to promote economic development and job creation in rural communities. To accomplish this goal, EPA has the opportunity to issue new standards that would make it economically feasible for agricultural businesses to expand their use of US grown agricultural crops in the production of renewable chemicals and plastics. An economic impact analysis from 2020 analyzed six industries and found that the creation of a de minimis standard for biogenic emissions for agricultural crops by EPA could result in potential economic gains of \$240 million per year in just thirteen states.

Will OMB prompt and encourage agencies to accelerate regulatory actions that can advance bioeconomy opportunities in the US?

Response

The President is committed to supporting products and services made in the United States, in order to encourage economic growth and job growth. The issue of advancing bioeconomy opportunities is important, particularly in the context of promoting economic development in rural communities and creating good-paying jobs. If confirmed, I will look into the issue more closely and work with your office to address the issues you've raised.

Question

33 Americans die every day waiting for a lifesaving organ transplant, and Medicare spends roughly \$36 billion annually on care for dialysis patients because there are not enough kidney transplants available to meet the need.

The problem is gross inefficiencies in the network of unaccountable government monopoly contractors that run the organ donation system, called organ procurement organizations (OPOs), that have a history of severe performance failure, as well as Medicare fraud and patient safety and quality control issues.

In November 2020, the Department of Health and Human Services (HHS) finalized a rule that would allow HHS to replace failing OPOs with high performers, and is projected to save more than 7,000 additional lives every year, as well as over \$1 billion annually to Medicare. However, because it was finalized in the last 60 days of the Trump Administration, it is currently being subjected to the Biden Administration freeze on midnight regulations.

a. As OMB director, will you commit to implementing and enforcing the November 2020 OPO Final rule swiftly and forcefully as soon as the review period ends?

b. Will you commit to subsequent rulemaking to bring further accountability to this piece of our healthcare system?

Response

a. As part of a general regulatory freeze of rules that were finalized so close to the end of the Trump administration, the effective date of the OPO rule was delayed. In the role of Director of the Office of Management and Budget, I would look forward to working with the Department of Health & Human Services to evaluate whether the policies in the November 2020 OPO Final rule are consistent with the Biden Administration's goals to improve the healthcare system for Americans. Rules that save lives and redress poor performers in the health care system would of course be analyzed favorably. I would examine the record behind all rules.

b. In the role of Director of the Office of Management and Budget, I would look forward to working with the Secretary of Health & Human Services to consider options for enhanced OPO accountability in the context of overall Budget goals and improvements to the healthcare system. I very much appreciate the focus on provider performance and welcome oversight by Congress in this arena. If confirmed, I would work with your office on these issues.

Senator Lujan**Question**

New Mexico children, like every child in every corner of this country, deserve the chance to thrive and succeed. One of the reports I keep my eye on is the Annie E. Casey Foundation's KIDS COUNT data book. As you know, this report ranks states' performance in child well-being.

For the fifth year in a row New Mexico is near the bottom in child well-being and child poverty rankings. The National Academy's 2019 Roadmap to Reduce Childhood Poverty argues that the U.S. Office of Management and Budget (OMB) is the most appropriate agency to coordinate a federal response to child poverty.

If confirmed, can I work with you to ensure we have strong federal metrics and investments to close the gaps in child well-being between states?

Response

Yes. I share your commitment to these goals because I know what it is like to be a child growing up in poverty. If I am confirmed, I will make cutting child poverty and improving child and family wellbeing a central focus of my work.

As you know, the KIDS COUNT data book estimates that nearly 13 million children were living in poverty in the U.S. in 2020, including over 100,000 in New Mexico, while official Census Bureau data show over 10.4 million children were living in poverty in 2019. The National Academy's 2019 Roadmap to Reduce Child Poverty noted that we have powerful tools to address child poverty throughout the Federal Government, such as the Supplemental Nutrition Assistance Program (SNAP) and school meals programs within the Department of Agriculture, the Earned Income Tax Credit and Child Tax Credit administered by the Internal Revenue Service, health insurance and other family support programs within the Department of Health and Human Services, and housing programs within the Department of Housing and Urban Development.

OMB will work with these agencies, as well as every other relevant agency, to ensure the Biden-Harris Administration promotes child and family wellbeing with every tool at our disposal. We will also track those investments to ensure they are delivering the impact that children and families deserve.

Question

The researchers and technicians at Los Alamos and Sandia National Laboratories represent the best among us. From nanotechnology, to climate change research, to the National Virtual Bio lab, which is working to combat the coronavirus, our national laboratories in New Mexico are helping to solve the world's most pressing problems. The Los Alamos and Sandia National

Laboratories also create vital opportunities for New Mexicans to earn a good wage and raise a family.

In recent years, New Mexico's labs have received strong budgets to support their national security mission. I want to make sure they stay on track with both hiring and infrastructure revitalization so they have the best chance possible to meet their mission requirements. How do you see our national security labs fitting into the overall federal budget and the President's priorities for Department of Energy and NNSA?

Response

The President has emphasized the importance of federal investments in research and development and in the scientific community more broadly. The National Nuclear Security Administration's National Laboratories (Los Alamos, Livermore, and Sandia in New Mexico and California) have played a vital role in maintaining our national security since the Manhattan Project. While we will look for the most efficient ways to modernize our nuclear enterprise, the President is committed to a safe and effective nuclear deterrent and to the health of the NNSA labs.

Question

President Biden has signaled that programs that serve Tribal Nations and communities must have budget certainty for the United States to fully meet our treaty and trust responsibilities. I believe that this can be achieved through advance appropriations and plan to introduce the Indian Programs Advance Appropriations Act to provide budget certainty for the Bureau of Indian Affairs, Bureau of Indian Education and the Indian Health Service. Ms. Tanden, can you discuss the importance of providing of Tribal Nations and federal programs with budget certainty and, if confirmed, can you commit to working with me on this issue?

In addition, Tribes and Pueblo governments have asked OMB to create a Tribal programs desk – a liaison who can “connect the dots” on different Tribal priorities within the Administration. Can I get your commitment to work with Congress on this idea?

Response

Tribal funding is a high priority for the Administration. If confirmed, I can commit to work with you on options to provide steady funding for tribal communities, which rely on this funding to plan and manage tribal government activities and programs. I will also work with you to ensure tribal concerns are well reflected and focused on within OMB's work.

Question

I have joined with Senator Heinrich in writing a letter to President Biden on the decision from the Department of Defense to host the U.S. Space Command in Huntsville, Alabama. The speed with which the Air Force finalized their decision raises serious questions. This is a major decision that must be clear of political influence. I find it difficult to understand how the Air

Force can properly evaluate one of the most important aspects of the six final candidate location, including Albuquerque, New Mexico in less than a week. Can I get your commitment to thoroughly review this decision and that the ultimate decision be decided on the merits, and not due to political influence?

Response

I understand that a final decision regarding U.S. Space Command's location has not been made. I look forward to working with the Secretary of Defense to understand the Department's selection process and analysis to date. If confirmed, I would always work to ensure decisions like these are based on the merits.

Question

Ms. Tanden, the Biden Administration has taken steps related to oil and gas development on federal lands which will likely impact New Mexico's budgets for critical health and education spending. Will you work with me, other western Senators, and western Governors to ensure Payment in Lieu of Taxes and Secure Rural Schools programs are strengthened so that states do not lose essential services?

Response

At the President's direction, the Administration is conducting a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters. However, this is only one prong in the Administration's proactive agenda to tackle the climate crisis while empowering American workers and businesses and creating good paying union jobs. The President has proposed a historic investment to create millions of good, union jobs rebuilding America's crumbling infrastructure – from roads and bridges to green spaces and water systems to electricity grids and universal broadband. These investments will include major renewable energy projects (wind, solar and geothermal), many on public lands such as those in New Mexico, that will create jobs and infrastructure to support the state and local tax base. I look forward to working with you and other western leaders on programs such as the Payments in Lieu of Taxes and Secure Rural Schools programs that support disadvantaged rural counties.

Question

There are 574 federally recognized Tribal Nations in the United States, each with a unique government-to-government relationship with the United States. In exchange for the land and resources that made the United States the most powerful country in the world, Tribal Nations paid in full to retain their inherent right of sovereignty and for the programs and services they receive from the federal government. These governmental programs and services are intended to fulfill the promises exchanged and embody the acknowledgement of sovereign rights held by tribal governments. Unfortunately, the government-to-government relationship is not equal across federal departments or agencies, basic education of federal staff on the governmental status of tribal nations often varies, and not all funding mechanisms to receive federal funds are

equal. The end result is decentralized management of the federal government's treaty and trust obligations as they relate to federal government operations and budget policy that result in lower performance outcomes and programmatic inefficiencies.

Tribal Nations' expertise and input is often ignored or minimally adopted to the detriment of the federal tax payer. When it comes to budget and management, solutions suppressed at the department level, for whatever reason, may never make it to the ears OMB officials. The government-to-government relationship is even further constrained at OMB, where past Directors have held that OMB has no requirement to consult Tribal Nations. As OMB Director, how will you improve consultation, collaboration, and coordination with tribal governments specifically within OMB, so that the United States government can better fulfill its trust and treaty obligations to Tribal Nations and reduce past bureaucratic inefficiencies?

Response

Promoting regular, robust and meaningful consultation with Tribal Nations is an Administration priority. If confirmed, I can commit to ensuring that OMB fulfills its responsibilities to oversee agency tribal consultation pursuant to E.O. 13175 Consultation and Coordination with Tribal Governments, as well as the recently issued Presidential Memorandum on Tribal Consultation.

Question

There are not less than 20 federal departments or agencies with federal funding for programs that benefit Native Americans. Establishment of senior level positions at OMB that are dedicated exclusively to expertise in tribal regulatory and funding issues is a common-sense solution to these overarching Executive Branch management and budget needs. **As OMB Director, will you establish these senior level positions within OMB dedicated exclusively to the funding and regulatory inefficiencies that have persisted for of tribal programs for generations?**

Response

If confirmed, I can commit to identifying senior level positions at OMB to work on Tribal issues, and I can commit to giving significant personal attention to issues impacting Tribal programs and communities. The President, however, should retain the prerogative on how to structure an office within the Executive Office of the President.

Question

The report "Federal Funding for Native American Programs," known as the "Native American Crosscut," is a measure of the spending on Native American Programs across the federal government. While this report seems like a valuable tool in tracking the fulfillment of the federal government's trust and treaty obligations to Tribal Nations, it lacks specificity across the data in a way that would allow for improvements to federal management and budgeting for tribal programs, such as whether Tribal Nations had actual access to funding, whether they were merely eligible to receive such funding, or whether another entity received the funds to use for the benefit of Native Americans. Will you commit to addressing data deficiencies across the

federal government for tribal programs and to improving the Native American Crosscut report in consultation, collaboration, and coordination with Tribal Nations at OMB?

Response

Yes, if confirmed I can commit to addressing tribal data deficiencies and promoting regular, robust and meaningful consultation with Tribal Nations as part of that. Current and complete data is a key resource for Federal and tribal policy makers, and the Administration is committed to improving data collection and transparency.

Where Do Vaccine Doses Go, and Who Gets Them? The Algorithms Decide

Health agencies and hospitals are using different formulas to allocate the coronavirus shots, exacerbating disparities in vaccine access.

By Natasha Singer

Feb. 7, 2021

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Faced with the daunting task of parceling out a limited supply of coronavirus vaccines, Trump administration officials came up with a seemingly simple formula last year to streamline distribution of the shots.

First, federal administrators would run an automated algorithm to divide vaccine doses nationwide, based on the size of each state's adult population. Then each state would decide how to dole out the shots to local hospitals, nursing homes and clinics.

But rather than streamline vaccine distribution, public health experts say, the algorithm has increased the burden for many states. It requires them to come up with multiple delivery plans for their weekly quotas of Pfizer and Moderna shots, even if the different shipments are destined for the same clinics and hospitals.

"The way it's set up is so cumbersome," said Dr. Michelle Fiscus, the medical director of the Tennessee Department of Health's Vaccine-Preventable Diseases and Immunization Program. Her team initially resorted to planning out the vaccine deliveries with a big paper map of the state, she said, covered with pink and yellow sticky notes. "If these artificial allotments were scrapped," she said, "it would help us tremendously."

The federal vaccine allocation formula is among the dozens of algorithms — some automated systems and others simple prioritization lists — being used by government health agencies and hospital systems across the United States to help determine where the vaccines are sent and who can get them.

The algorithms are intended to speed Covid-19 shots from pharmaceutical plants to people's arms. The formulas generally follow guidelines from the Centers for Disease Control and Prevention recommending that frontline health care workers, nursing home residents, senior citizens and those with major health risks be given priority for the vaccines.

Yet federal agencies, states, local health departments and medical centers have each developed different allocation formulas, based on a variety of ethical and political considerations. The result: Americans are experiencing wide disparities in vaccine access.

Oregon, for instance, has prioritized teachers over the elderly for Covid shots, an approach that could help schools and businesses reopen. New Jersey has put smokers ahead of educators, which could save lives.

Some prioritization formulas also conflict with one another or impose such prescriptive rules that they hinder immunizations, public health experts say. Yet many Americans may not be aware of the layers of algorithms influencing their access to vaccines.

Ellen P. Goodman, a professor at Rutgers Law School who studies how governments use automated decision-making systems, said algorithms were needed to efficiently allocate the vaccines. But public agencies and health centers should be transparent about the prioritization formulas, she added.

"We want to know who is using them, what they are trying to do, who owns the proprietary algorithms, whether they are audited," she said.

The vaccine prioritization formulas fall roughly into three tiers: federal, state and local. At the top level, Operation Warp Speed — a multiagency federal effort, created by the Trump administration — has managed nationwide vaccine distribution through Tiberius, an online portal developed by Palantir, the data-mining giant. The Biden administration, which has retired the program's name, has taken over and is continuing the effort.

To divvy up doses, federal administrators use a simple algorithm. It automatically divides the total amount of vaccine available each week among the 50 states — as well as U.S. territories and a few big cities like New York — based on the number of people over 18 in each place.

Some health officials and researchers, however, described the Tiberius algorithm as a black box.

"Why can't they make public the methods that they use to make these estimations?" said Dr. Rebecca Weintraub, an assistant professor of medicine at Harvard Medical School who was a co-author of a recent study on state vaccination plans. "Why are the states receiving a different number of doses than they expected per week?"

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States began warning about Tiberius's drawbacks last fall. In interim vaccine plans filed with the C.D.C., some state health administrators complained that the platform seemed overly cumbersome and that the algorithm's week-by-week allotments would make it difficult to plan monthslong vaccination campaigns.

Another potential drawback: The Tiberius algorithm calculates state vaccine allotments based on data from the American Community Survey, a household poll from the United States Census Bureau that may undercount certain populations — like undocumented immigrants or tribal communities — at risk for the virus.

Although demographics experts said the survey data was the best available resource, they cautioned that it could have high margins of error at the smallest census tract levels. That could potentially lead to problems in states using Tiberius for local vaccine allocation.

Already, public health officials in Oklahoma have discovered that a federal vaccine allocation formula overestimated the number of doses nursing homes would need and have reallocated the shots to people 65 or older who don't live in long-term care facilities. And states like Washington have created their own allocation systems — using federal and local data sets — to plot vaccine distribution for the weekly dose shipments.



A drive-through vaccination center in Chattanooga, Tenn. The state is using a social vulnerability algorithm to allocate additional shots to communities at higher risk for the virus. C.B. Schneider/Chattanooga Times Free Press, via Associated Press

Some states also say that they have received fewer doses than the Tiberius algorithm allotted them or that the federal system canceled their vaccine orders without notifying them.

In an emailed statement, the Department of Health and Human Services' coronavirus vaccine operation said that the census survey data provided a baseline for the effort and that officials were working to make sure tribal communities had equitable access to the virus shots. The statement added that 99.9 percent of state vaccine orders had been delivered according to schedule and that the agency was working with states to improve their experience and add new features to the system.

The Biden administration plans to soon start sending shipments of the shots directly to thousands of retail pharmacies, an effort that will not cut into the vaccine doses that states are allotted through Tiberius.

Once the Tiberius algorithm has done its work, state health departments use their own approaches to divide the virus shots among authorized vaccination providers and decide who is eligible to receive them.

Florida and Alaska, for instance, have given residents 65 and older priority for the vaccine. Massachusetts began allowing residents 75 and older to get the shots in early February. Oregon is opening the shots up to people 80 and over this week.

Some health administrators are trying to redress the disparities. States like Tennessee have developed vaccine prioritization algorithms based on a C.D.C. database called the Social Vulnerability Index. It uses variables like poverty and crowded housing to identify neighborhoods that could suffer the most harm from disasters like tornadoes or disease outbreaks.

As a result, Tennessee has sent extra vaccine doses — beyond its standard, adult population-based allocation — to 35 of its 90 counties hardest hit by the virus. Among them is Haywood, a county whose population is about 51 percent African-American and where the coronavirus mortality rate is more than double the state average.

"We want to give more vaccines to that county to be able to vaccinate the population faster because their people are dying," said Dr. Fiscus, the health

official leading Tennessee's vaccination program.

Public health administrators in Alaska said they were taking a similar equity approach to vaccine allocation — only using spreadsheets to look at community risks and needs line by line.

"We're making sure we're identifying these stakeholders and communicating with those who are prioritized but might not know that yet," said Tessa Walker Linderman, a co-lead of the Alaska Covid Vaccine Task Force.

Once states have allocated the shots to vaccination providers, medical centers use their own formulas to decide which health care workers and patients may receive them. The process can be fraught. In December, administrators at Stanford Medical Center in Palo Alto, Calif., scrambled to fix a vaccine algorithm that failed to prioritize resident physicians, who were treating coronavirus patients, for the shots.



Providence Health's risk-scoring algorithm gives priority to its frontline health workers for the vaccine. Robin Addison, a nurse who treats coronavirus patients in Everett, Wash., was among the first group to receive the shots. Ted S. Warren/Associated Press

The process has been smoother for Providence Health, one of the nation's largest hospital systems.

In December, Providence asked its more than 200,000 employees and contractors across seven states about their work roles and locations, generating virus risk scores for each person. Those in the highest-risk group were then invited to make vaccination appointments first.

The scoring algorithm has helped the Seattle-based hospital system to fully vaccinate 75,000 workers, moving from those at highest risk to those at lower risk, including some administrators.

"The goal is to get as many shots as possible into arms," said B.J. Moore, Providence's chief information officer who collaborated on the algorithm with the health system's clinical experts.

Now the hospital system is using a similar approach to analyze tens of thousands of patient records, stratify their virus risks and notify those who are eligible to get the vaccine under state rules. Providence declined to answer questions about whether the hospital system had notified patients that their records were being data-mined for public health purposes.

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A version of this article appears in print on, Section B, Page 1 of the New York edition with the headline: Where Do Vaccines Go? The Algorithms Decide. <https://www.nytimes.com/2021/02/07/technology/vaccine-algorithms.html>