

1 OPEN EXECUTIVE SESSION TO CONSIDER FAVORABLY REPORTING
2 THE NOMINATION OF NEIL HARVEY MacBRIDE, OF VIRGINIA, TO
3 BE GENERAL COUNSEL, DEPARTMENT OF THE TREASURY
4 THURSDAY, DECEMBER 16, 2021
5 U.S. Senate,
6 Committee on Finance,
7 Washington, DC.

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9 The meeting was convened, pursuant to notice, at
10 10:08 a.m., in Room SD-215, Dirksen Senate Office
11 Building, Hon. Ron Wyden (chairman of the committee)
12 presiding.

13 Present: Senator Crapo.

14 Also present: Democratic staff: Michael Evans,
15 Deputy Staff Director and Chief Counsel; Ian Nicholson,
16 Investigator and Nominations Advisor; and Joshua
17 Sheinkman, Staff Director. Republican staff: Gregg
18 Richard, Staff Director; Lincoln Foran, Policy Advisor;
19 and Jeffrey Wrase, Deputy Staff Director and Chief
20 Economist.

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

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4 The Chairman. The Finance Committee will come to
5 order. We are meeting today to consider a pending
6 nomination for the committee: Mr. Neil MacBride,
7 nominated to be General Counsel for the Treasury
8 Department.

9 Senator Crapo and I have been discussing this and
10 will describe what we are going to do with this busy
11 morning. A lot of committees are conducting business --
12 ours is no exception. After consulting with my friend,
13 Ranking Member Crapo, here is how we are going to
14 proceed.

15 We will use the time now to make statements about
16 the nominee. I intend to make a statement, followed by
17 the ranking member, Senator Crapo, and then following
18 any of the Finance members who want to make statements.

19 At that point we will recess until the next roll
20 call vote on the Senate floor. The committee will
21 reconvene in the President's Room off the floor to have
22 that vote. It is expected to be around the 2:30 range
23 this afternoon, but I think Senator Crapo and I know
24 these things can be pretty fluid. So we will update
25 members if that changes. It is my understanding that

1 that is acceptable to Senator Crapo.

2 Let me make a brief statement on the nomination of
3 Neil MacBride to serve as General Counsel of the U.S.
4 Department of Treasury.

5 This is obviously an important role on the
6 Treasury's senior leadership team. President Biden has
7 chosen, in my view, to put forward a highly qualified
8 individual whose career has included work on matters of
9 law enforcement, national security, and financial
10 enforcement.

11 During the Obama administration, Mr. MacBride served
12 as Associate Deputy Attorney General for Criminal
13 Enforcement, and as the U.S. Attorney for the Eastern
14 District of Virginia. He previously served as a Federal
15 prosecutor in the U.S. Attorney's Office for the
16 District of Columbia. Even closer to these corridors,
17 he served as chief counsel to then-Senator Biden on the
18 Judiciary Committee during the early to mid-2000s.

19 The Department is obviously working hard on policies
20 aimed at creating good-paying jobs, getting more
21 financial support for families, stamping out financial
22 crime and ripoffs, and helping ensure that corporations
23 and those at the top pay their fair share of taxes.

24 Secretary Yellen and the American people need a full
25 team of senior leaders in place at the Department to

1 help all that work move forward. Mr. MacBride and I
2 have spoken in particular about the importance of
3 effective congressional oversight, which is a duty that
4 this committee, Senator Crapo and I specifically, take
5 very seriously. Oversight requires cooperation between
6 the legislative and executive branches, and the previous
7 administration routinely just seemed to dismiss its
8 obligation to respond to Democratic members of this
9 committee on oversight matters. And it seemed that
10 politics always came first in the previous
11 administration.

12 I want to thank Mr. MacBride for his commitment to
13 help us get back on track. And that is making sure that
14 oversight is responsive to this committee and allows us
15 to work together to make the reforms necessary to
16 strengthen our country for working families, and give
17 everybody a chance to get ahead.

18 I know these oversight commitments are priorities
19 that Democrats and Republicans share, so we will be
20 counting on Mr. MacBride in the months ahead.

21 Senator Crapo? And, Senator Crapo, let us be clear
22 as well. After you are done, we will allow any other
23 members to make their statements, and then we will
24 adjourn until later.

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

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4 Senator Crapo. Well, thank you, Mr. Chairman. And
5 I appreciate your comments about encouraging the strong
6 response of Treasury to both the Republican and Democrat
7 members of our committee as we conduct our oversight.

8 And I also thank you for holding today's markup on
9 the nomination of Neil MacBride for General Counsel of
10 the Department of the Treasury. As General Counsel, Mr.
11 MacBride will have an important role in ensuring that
12 the Treasury Department and the Biden administration act
13 in accordance with the law and the Constitution.

14 Mr. MacBride is well-qualified for this position, so
15 I plan to support his nomination. However, I remain
16 concerned about the administration's position regarding
17 implementation of the proposed OECD G20 agreement,
18 particularly with respect to Pillar One and the lack of
19 detail provided by the Treasury Department regarding the
20 effect of the agreement on U.S. competitiveness.

21 This agreement would cede U.S. taxing rights and
22 revenue to foreign countries, thus requiring
23 modification of each of our bilateral tax treaties. The
24 Constitution explicitly states the President's ability
25 to make treaties exists by and with the advice and

1 consent of the Senate. It does not empower the
2 President to approve treaties unilaterally by doing an
3 end-run around the Senate through executive action or
4 other means.

5 Therefore, I urge the administration to consult
6 meaningfully with the Senate as it continues to
7 negotiate sweeping changes to our international tax
8 system. Our members will need significantly more
9 information about both the substance and the proposed
10 implementation of this agreement. I insist that Mr.
11 MacBride, if confirmed, and all other administration
12 officials respond in a timely and good-faith manner to
13 questions from the members of this committee regarding
14 this process.

15 Thank you, Mr. Chairman.

16 The Chairman. I thank my colleague. I do not see
17 any other members on the dais, Democrats or Republicans.
18 Let's check both sides for Republicans. Are we
19 expecting anyone else right now? It does not seem to
20 be. All right, then we will be prepared to take up this
21 nomination off the floor at the first vote, and there
22 will be as much time as Senator Crapo and I can get to
23 inform members of that vote coming up.

24 And with that, we will get back into it at the time
25 of that vote.

1 [Whereupon, at 10:14 a.m., the meeting was recessed,
2 to reconvene the same day.]

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4 The open executive session was reconvened, pursuant
5 to notice, on Thursday, December 16, 2021, at 2:30 p.m.,
6 in Room S-216, The President's Room, U.S. Capitol, Hon.
7 Ron Wyden (chairman of the committee) presiding.

8 The Chairman. We will now continue the open
9 executive session from this morning to consider the
10 nomination of Neil Harvey MacBride.

11 I would entertain a motion to favorably report the
12 nomination of Mr. MacBride.

13 Senator Crapo. So moved.

14 The Chairman. The clerk will call the roll.

15 The Clerk. Ms. Stabenow?

16 Senator Stabenow. Aye.

17 The Clerk. Ms. Cantwell?

18 Senator Cantwell. Aye.

19 The Clerk. Mr. Menendez?

20 Senator Menendez. Aye.

21 The Clerk. Mr. Carper?

22 Senator Carper. Aye.

23 The Clerk. Mr. Cardin?

24 Senator Cardin. Aye.

25 The Clerk. Mr. Brown?

1 Senator Brown. Aye.
2 The Clerk. Mr. Bennet?
3 Senator Bennet. Aye.
4 The Clerk. Mr. Casey?
5 Senator Casey. Aye.
6 The Clerk. Mr. Warner?
7 Senator Warner. Aye.
8 The Clerk. Mr. Whitehouse?
9 Senator Whitehouse. Aye.
10 The Clerk. Ms. Hassan?
11 Senator Hassan. Aye.
12 The Clerk. Ms. Cortez Masto?
13 Senator Cortez Masto. Aye.
14 The Clerk. Ms. Warren?
15 Senator Warren. No.
16 The Clerk. Mr. Crapo?
17 Senator Crapo. Aye.
18 The Clerk. Mr. Grassley?
19 Senator Grassley. Aye.
20 The Clerk. Mr. Cornyn?
21 Senator Cornyn. Aye.
22 The Clerk. Mr. Thune?
23 Senator Thune. Aye.
24 The Clerk. Mr. Burr?
25 Senator Burr. Aye.

1 The Clerk. Mr. Portman?

2 Senator Crapo. Aye by proxy.

3 The Clerk. Mr. Toomey?

4 Senator Toomey. No.

5 The Clerk. Mr. Scott?

6 Senator Crapo. No by proxy.

7 The Clerk. Mr. Cassidy?

8 Senator Crapo. Aye by proxy.

9 The Clerk. Mr. Lankford?

10 Senator Lankford. No.

11 The Clerk. Mr. Daines?

12 Senator Crapo. Aye by proxy.

13 The Clerk. Mr. Young?

14 Senator Young. No.

15 The Clerk. Mr. Sasse?

16 Senator Sasse. Aye.

17 The Clerk. Mr. Barrasso?

18 Senator Barrasso. No.

19 The Clerk. Mr. Chairman?

20 The Chairman. Aye.

21 The clerk will announce the vote.

22 The Clerk. Mr. Chairman, the final tally is 22
23 ayes, 6 nays.

24 The Chairman. The "ayes" have it. The
25 nomination is ordered favorably reported.

1 I thank my colleagues, and with that the committee
2 is adjourned.

3 [Whereupon, at 2:43 p.m., the meeting was
4 concluded.]

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