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**Wyden Statement at Finance Committee Markup on Pending Nominations**  
*As Prepared for Delivery*

The Finance Committee meets this morning to organize for the 116th Congress, adopt committee rules, and vote on four nominations. First let me thank all our members for their interest in joining Finance Subcommittees. I'd note there will be more members on the Finance Subcommittee on Health Policy than on the entire Senate Judiciary Committee, which I take as a positive sign that there is no shortage of health policy wonks in this room.

Now onto the four nominations the committee will vote on shortly -- all of which are re-nominations from the previous Congress. First I'd like to discuss the nomination of Elizabeth Darling to serve as commissioner of the Administration on Children, Youth & Families. One of the issues she would oversee if she's confirmed is foster care, which brings me to one of the most wrongheaded, un-American policies the Trump administration has cooked up in the last two years.

Last month, the Department of Health and Human Services gave the state of South Carolina a green light for discrimination in its foster care programs. Taxpayer-funded discrimination.

What this means is, adults who can provide safe, loving and nurturing homes for foster kids will be denied that opportunity on religious grounds. People who are Jewish, who are Catholic, who are Muslim, who choose to practice no religion, LGBTQ Americans, potentially others. Under this Trump administration policy, they could legally become the victims of discrimination.

Furthermore, think about what this means for foster kids. As a result of this policy, there will be fewer safe, loving homes available to the most vulnerable youngsters out there. Why would anybody want to punish foster kids that way? They've got it hard enough already. Bottom line, the administration got this wrong. I'm going to be unable to support this nomination, and I plan to place a hold on it if it reaches the floor of the Senate.

I'm also concerned about the slow implementation of the Family First Act, which this committee passed on a bipartisan basis in the last Congress. A big part of that law has been delayed, and the latest information I've heard regarding my concerns is that there are "robust conversations" happening behind the scenes. That's not good enough, in my view. So I expect that to improve.

Next up, the committee will vote on the nomination of Michael Faulkender to be assistant secretary of the Treasury. When Mr. Faulkender came before the committee last year, he was asked about whether the Trump tax handouts to corporations and the wealthy would pay for themselves. He was asked about Trump promises to working Americans, and more.

And Mr. Faulkender put on a masterclass in ducking, dodging, and weaving his way around those questions. He's nominated to head up the Treasury's economic research office, which in my view is a job that requires a basic level of honesty and candor. I certainly don't believe it should go to somebody who seemed so allergic to giving straight answers in his nomination hearing. I will not support Mr. Faulkender's nomination today.

Next is Michael Desmond's nomination to serve as chief counsel of the IRS, which I will support today. This is an important role, and I've had conversations with Commissioner Rettig about getting it filled. But today there is one policy matter involving this job that I need to discuss.

Once again, there's talk that the Trump administration is considering bypassing the Congress and taking administrative action to index capital gains to inflation. It'd be a special tax break for investors -- working families need not apply. According to one recent analysis, it would cost more than \$100 billion over the next decade, and 86 percent of the benefit would go to the top one percent of earners. More than 63 percent of the benefit would go to the top tenth of a percent of earners. So in my judgement, this is Trumpian economics in a nutshell.

At a time when the tax code already favors investors over working people, when America needs funding for priorities like Medicare, Medicaid, education and defense, the Trump administration is discussing yet another handout to the most fortunate. And the legal basis for this administrative change -- which the IRS chief counsel would have a role in crafting -- would be laughable at best. In fact, the first Bush administration reached the conclusion that it did not have the legal authority to make this change 30 years ago. So I'm going to support Mr. Desmond, who is a qualified nominee for an important position. But the Trump administration can expect a fight if they go down this road unilaterally with respect to indexing capital gains.

The last nomination up for a vote today will be the nomination of Jeffrey Kessler to serve as assistant commerce secretary for Enforcement and Compliance. This is an important role when it comes to what I call getting trade done right. The Trump administration puts a lot of effort into getting splashy headlines on trade. But in my view, there needs to be more focus on enforcing our trade laws, which is key to protecting jobs here at home. Mr. Kessler is well qualified, and I will support his nomination today.

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