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Wyden Statement at Finance Committee Hearing on Treasury and Tax Court Nominations
As Prepared for Delivery

This morning the Finance Committee meets to discuss four important nominations.

Mr. Brent McIntosh is nominated to be Treasury Undersecretary for International Affairs. Mr. Brian Callanan is nominated to be Treasury General Counsel. Mr. Brian McGuire is nominated to be a Deputy Undersecretary of the Treasury for legislative affairs. And Mr. Travis Greaves is nominated to be a Judge of the United States Tax Court.

I'll start my remarks with the Treasury nominees. There's been a pattern among some of the Trump nominees who've come before this committee. In this room they swear up and down that they'll serve with independence on behalf of all Americans. But after they're confirmed, blind loyalty to Donald Trump takes precedence over following the law.

The nominees before the committee today are experienced, there's no question about that. But with the Trump administration defying nearly all congressional oversight, the right resumes are not enough. The Finance Committee should have confidence that nominees would be able to resist pressure to make politically-expedient decisions that help Donald Trump personally at the expense of typical American families.

In that vein, I want to turn to the Treasury Department's handling of the Ways & Means Committee's request for Donald Trump's tax returns under section 6103 of the tax code.

From where I sit, the department has tossed aside the law and decades of precedent to protect the president from congressional scrutiny.

In May, I began investigating whether there was political interference in the decision to withhold the tax returns. I asked the Treasury a series of questions about the involvement of political appointees, and the initial response was misleading and inaccurate. I went back and demanded concrete answers.

After working with the Treasury to get them, the set of facts the department agreed upon shows the unprecedented nature of its actions.

This type of inquiry has never been political. Now the Trump Treasury Department is politicizing it -- top officials there are trampling all over a process that's always been routine.

The Treasury Secretary has never before been involved in responding to a request for tax returns under section 6103. Secretary Mnuchin is the first.

Second, the Treasury Department has never before formally consulted the Office of Legal Counsel on whether to comply with a specific 6103 request. OLC's opinion read like it was written by Rudy Giuliani to justify the decision Treasury had already made. The analysis put forward by the Justice Department has already been laughed out of court by judges who have noted that the Congress has broad investigative authority.

And third, the Treasury Department has never before formally considered whether there is a legitimate legislative purpose behind a 6103 request—not even for Chairman Grassley's investigation into ACORN.

Taken together, it's impossible to conclude that any of what the Treasury did was on the level. That's why I have deep concerns about the nominations of Brent McIntosh and Brian Callanan, who played central roles in the department's response. They were also right in the middle of the Trump administration's decision to allow more foreign money and dark money groups like the NRA to buy their desired outcomes in American elections. That was a terrible decision, and the damage was compounded when the Treasury Department then made a frivolous argument to attempt to thwart congressional review of the rule.

I cannot ignore those facts. Mr. McIntosh and Mr. Callanan are currently the top lawyers at the Treasury. It has appeared that Treasury's leadership is more interested in protecting Donald Trump and party interests than guaranteeing the department follows the law. In my judgement, that conduct does not warrant promotions.

Switching gears for a moment to the U.S. Tax Court, Travis Greaves has been nominated to serve a 15-year term and would help ensure taxpayers get a fair shake in resolving tax disputes.

It's true that this nominee has two years of experience at the Justice Department's Tax Division, as well as time spent in private practice. However, Mr. Greaves' nomination to the committee was not accompanied by a recommendation letter from the American Bar Association's Tax Section. This is the first time in many years such a letter was not included with the paperwork of a Tax Court Judge. It could be because Mr. Greaves' experience is far more limited than other nominees to the tax court. So I look forward to hearing from him as to why he feels he is qualified for this important role.

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