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April 9, 2025

Kenneth Kies
Nominee for Assistant Secretary for Tax Policy
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Kies:

Congratulations on your nomination to serve as Assistant Secretary for Tax Policy at the Department of Treasury. If you are confirmed, the American people will depend on you to develop and implement tax policy and programs, negotiate tax treaties on behalf of the United States, and provide analysis for domestic and international tax policy decisions.¹ This year, Congress may pass another expansive tax-cut package, and Republicans are seeking to deliver trillions in corporate tax cuts once again.² If confirmed, you would oversee the implementation of that legislation. However, given your background as a tax lobbyist for large corporations and your extensive investments in corporations that lobby the Treasury on tax policy, I am concerned that, if confirmed, you would enter this role with significant conflicts of interest that could cloud your judgment or raise questions about the integrity of official decisions in which you are involved.

I write to request that you mitigate those conflicts by agreeing to: (1) divest your holdings in companies that lobby the Treasury's tax officials or engage with those officials in other ways that could present conflicts of interest for you; (2) for four years, recuse from particular matters that involve your former clients and employers or that impact their financial interests; and (3) not join the industries that you regulated at the Treasury or seek employment as a lobbyist for at least four years after you leave office.

For years, you have worked as a registered lobbyist for many of America's largest corporations.³ Until recently, you were the Managing Director of the Federal Policy Group, LLC, where you

¹ U.S. Department of the Treasury, "About the Office of Tax Policy," <https://home.treasury.gov/about/offices/tax-policy>.

² Committee for a Responsible Federal Budget, "Donald Trump's Proposal to Lower the Corporate Tax Rate to 15%," September 6, 2024, <https://www.crfb.org/blogs/donald-trumps-proposal-lower-corporate-tax-rate-15>; U.S. Senate Finance Committee, "Wyden, Merkley, Neal, Boyle Release Staggering New Cost Estimate of Republican Tax Plan, Blast Giveaways to Corporations and the Wealthy," press release, April 7, 2025, <https://www.finance.senate.gov/chairmans-news/wyden-merkley-neal-boyle-release-staggering-new-cost-estimate-of-republican-tax-plan-blast-giveaways-to-corporations-and-the-wealthy>.

³ OpenSecrets, "Lobbyist Activity: Kenneth J Kies," <https://www.opensecrets.org/federal-lobbying/lobbyists/summary?id=Y0000046429L>.

lobbied on behalf of corporations that seek to influence the tax code.⁴ In that role, you were paid by the same entities whose tax liability you will now have the power to influence. Following the passage of the Tax Cuts and Jobs Act (TCJA) in 2017, the Treasury was “swarmed by lobbyists” employed by many of the country’s largest corporations, who sought to influence the Treasury’s rulemaking in order to mitigate the effects of new corporate tax provisions on their profits.⁵ You were among these lobbyists: in the first quarter of 2018, you lobbied on behalf of Anheuser-Busch⁶ and General Electric.⁷ The lobbying campaign these companies were part of resulted in the Treasury creating a “high-tax exception” to new taxes that aimed to crack down on corporations hiding profits abroad.⁸ With the new exceptions, many of the largest companies in the world owed “little or nothing in new taxes on offshore profits.”⁹ Your biography on Federal Policy Group’s website touted your accomplishments, including “revers[ing] Treasury regulations” on behalf of your clients.¹⁰ Also among your former Federal Policy Group clients are wealthy individuals — including President Donald Trump himself, who “has battled the IRS for years over audits of his taxes.”¹¹

Before your role at Federal Policy Group, you worked as a tax lobbyist with PricewaterhouseCoopers (PWC).¹² There, you lobbied for tax loopholes such as corporate-owned life insurance so that large companies could earn billions by making themselves the beneficiaries of low-level employees’ life insurance policies and profit from the policies’ tax-free growth over

⁴ Letter from Kenneth Kies to Designated Agency Ethics Official Brian J. Sonfield (“Ethics Agreement”), March 10, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/\\$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf).

⁵ New York Times, “How Big Companies Won New Tax Breaks From the Trump Administration,” Jesse Drucker and Jim Tankersley, December 30, 2019, <https://www.nytimes.com/2019/12/30/business/trump-tax-cuts-beat-gilti.html>.

⁶ Secretary of the Senate, Kenneth Kies Lobby Report, April 20, 2018, <https://lda.senate.gov/filings/public/filing/826dcab1-7fe3-473c-8f86-a03ea5b77513/print/>.

⁷ *Id.*

⁸ New York Times, “How Big Companies Won New Tax Breaks From the Trump Administration,” Jesse Drucker and Jim Tankersley, December 30, 2019, <https://www.nytimes.com/2019/12/30/business/trump-tax-cuts-beat-gilti.html>.

⁹ *Id.*

¹⁰ Truthout, “Trump Taps Longtime Corporate Lobbyist Ken Kies for Key Tax Policy Position,” Jake Johnson, January 3, 2025, <https://truthout.org/articles/trump-taps-longtime-corporate-lobbyist-ken-kies-for-key-tax-policy-position/#:~:text=Kies%20has%20led%20coalition%20efforts,transactions%2C%20and%20to%20reverse%20Treasur>

¹¹ Politico, “Trump’s pick to run tax policy at Treasury counted Trump as a client,” Michael Stratford and Brian Faler, March 18, 2025, <https://subscriber.politicopro.com/article/2025/03/trumps-pick-to-run-tax-policy-at-treasury-counted-trump-as-a-client-00237386>.

¹² U.S. Senate Lobbying Disclosure Act Reports, “Registrations and Quarterly Activity: Kenneth Kies,” last viewed April 7, 2024, https://lda.senate.gov/filings/public/filing/search/?registrant=®istrant_country=®istrant_ppb_country=&client=&client_state=&client_country=&client_ppb_country=&lobbyist=kenneth+kies&lobbyist_covered_position=&lobbyist_conviction_disclosure=&lobbyist_conviction_date_range_from=&lobbyist_conviction_date_range_to=&report_period=&report_year=&report_dt_posted_from=&report_dt_posted_to=&report_amount_reported_min=&report_amount_reported_max=&report_filing_uuid=&report_house_doc_id=&report_issue_area_description=&affiliated_organizaion=&affiliated_organization_country=&foreign_entity=&foreign_entity_country=&foreign_entity_ppb_country=&foreign_entity_ownership_percentage_min=&foreign_entity_ownership_percentage_max=&search=search#js_searchFormTitle.

time.¹³ As a lobbyist, you offered clients valuable insider knowledge from your time in government; you had previously worked to *limit* this tax loophole as a staff member with the House Ways and Means Committee and later the Joint Committee on Taxation, where you were one of the first to receive information about how companies used life insurance policies to reduce their tax burdens.¹⁴ You then assisted corporations in exploiting the rules you helped create. Given your history of repeatedly passing through the revolving door to facilitate corporations' attempts to evade taxes, the public will have reason to question your impartiality and commitment to serving the public's interest if you are confirmed for this role. The Office of Tax Policy must pursue tax policy that promotes the fiscal health of the nation, which may not always align with corporations' desire to avoid paying taxes.

During the Biden Administration, several appointees mitigated concerns about their own potential conflicts of interest by going beyond what was required under ethics law, the presidential ethics pledge, and even agreements with the Office of Government Ethics and the Designated Agency Ethics Officials.¹⁵ I urge you to do the same.

First, I ask that you divest from holdings in any company that lobbies the Treasury on tax policy or that engage with the Treasury's tax officials in other ways that present potential conflicts of interest. For example, you own stock in NextEra Energy and ExxonMobil, which have been prominent lobbyists against increasing corporate taxes.¹⁶ As the Treasury's top tax policy advisor, you could formally or informally sway federal tax policy to favor the interests of companies in which you are invested. To avoid that conflict of interest, or the appearance thereof, you should

¹³ Wall Street Journal, "How Life Insurance Morphed Into a Corporate Finance Tool," Ellen Schultz and Theo Francis, December 30, 2002, https://www.wsj.com/public/resources/documents/dec_30_one.htm

¹⁴ *Id.*

¹⁵ Office of U.S. Senator Elizabeth Warren, "Senator Warren Secures Historic Ethics Commitments from NIH Nominee, Dr. Monica Bertagnolli Pledges Not to Work for Giant Pharmaceutical Companies Immediately After Government Service," August 29, 2023, <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-secures-historic-ethics-commitments-from-nih-nominee-dr-monica-bertagnolli-pledges-not-to-work-for-giant-pharmaceutical-companies-immediately-after-government-service>; Office of U.S. Senator Elizabeth Warren, "Warren Secures Unprecedented Ethics Commitments from OECD Ambassador Nominee; former Congressman Sean Patrick Maloney Pledges Not to Work for Crypto Firms for Four Years After Government Service," February 14, 2024, <https://www.warren.senate.gov/newsroom/press-releases/warren-secures-unprecedented-ethics-commitments-from-oecd-ambassador-nominee-former-congressman-sean-patrick-maloney-pledges-not-to-work-for-crypto-firms-for-four-years-after-government-service>; Office of U.S. Senator Elizabeth Warren, "In Response to Senator Warren's Questions, Secretary of Defense Nominee General Lloyd Austin Commits to Recusing Himself from Raytheon Decisions for Four Years," press release, January 19, 2021, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warrens-questions-secretary-of-defense-nominee-general-lloyd-austin-commits-to-recusing-himself-from-raytheon-decisions-for-four-years>; Office of Senator Elizabeth Warren, "Questions for Mr. Paul M. Rosen, of California, to be Assistant Secretary of the Treasury for Investment Security, Department of the Treasury, from Senator Elizabeth Warren," https://www.warren.senate.gov/imo/media/doc/paul_rosen_-_revised_responses_to_questions_for_the_record_from_senator_warren.pdf.

¹⁶ Office of Government Ethics, "Executive Branch Personnel: Public Financial Disclosure Report (OGE Form 278e)," Kenneth Kies, pp. 5-6, on file with the Office of Senator Elizabeth Warren; Center on Budget and Policy Priorities, "Corporate Lobbying Campaign Against Biden Tax Proposals Is Inaccurate, Unpersuasive," Chuck Marr and George Fenton, September 10, 2021, <https://www.cbpp.org/research/federal-tax/corporate-lobbying-campaign-against-biden-tax-proposals-is-inaccurate#:~:text=It%20is%20somewhat%20jarring%20that,legislation%20to%20slow%20climate%20change>; Vox, "The 4 companies that lobbied most on tax overhaul — and what they got for it," Alexia Fernandez Campbell, December 7, 2017, <https://www.vox.com/policy-and-politics/2017/12/7/16709586/republican-tax-bills-lobbying>

divest holdings in companies that currently lobby the Treasury’s tax officials or interact with them in other ways that present similar risks.

Second, I ask that you commit to recuse for four years from all particular matters that involve your former clients and employers or that are likely to directly and predictably affect their financial interests. Your relationships with former lobbying clients will raise questions about your impartiality if you participate in decisions that directly impact them. You have committed to recuse throughout your time as Assistant Secretary from particular matters in which the Federal Policy Group has a financial interest — though such matters are unlikely to come before the Treasury in the first place, as Federal Policy Group is now ceasing its work.¹⁷ You also agreed to recuse from specific-party matters involving former clients you represented in the past year, pursuant to 5 C.F.R. § 2635.502.¹⁸ However, that standard falls short of President Trump’s 2017 ethics pledge, which required appointees to recuse from former clients’ and employers’ specific-party matters for two years.¹⁹ Furthermore, over a dozen Biden appointees, including former Treasury Department official Marjorie Rollinson,²⁰ voluntarily agreed to recuse from their former clients’ specific-party matters for *four years* — going beyond the two-year recusal requirement in former President Trump’s and President Biden’s ethics pledges.²¹ Given the serious risk of a conflict of interest or the appearance thereof, you should lengthen your commitment and agree to recuse for four years after taking office from particular matters involving your former clients and employers. You should further commit to recuse from particular matters (including those of general applicability) that are likely to have a direct and predictable effect on the financial interests of your former clients and employers.²²

Third, you should commit not to seek compensation from a company that you regulated or otherwise interacted with while in government, for at least four years after leaving office. If, for

¹⁷ Letter from Kenneth Kies to Designated Agency Ethics Official Brian J. Sonfield (“Ethics Agreement”), March 10, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/\\$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf).

¹⁸ Office of Government Efficiency, Letter to Department of Treasury Commitment Agreement, Kenneth Kies, March 10, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/\\$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf).

¹⁹ White House, Executive Order: Ethics Commitments by Executive Branch Employees, January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

²⁰ Office of Senator Elizabeth Warren, “At Nomination Hearing, Senator Warren Secures Unprecedented Ethics Commitments from IRS Chief Counsel Nominee,” September 28, 2023, <https://www.warren.senate.gov/newsroom/press-releases/at-nomination-hearing-senator-warren-secures-unprecedented-ethics-commitments-from-irs-chief-counsel-nominee>.

²¹ White House, Executive Order: Ethics Commitments by Executive Branch Employees, January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>; Executive Office of the President, Federal Register Notice, “Ethics Commitments by Executive Branch Personnel,” January 25, 2021, <https://www.federalregister.gov/documents/2021/01/25/2021-01762/ethics-commitments-by-executive-branch-personnel>.

²² Office of Government Efficiency, Letter to Department of Treasury Commitment Agreement, Kenneth Kies, March 10, 2025, p. 2, [https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/\\$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf](https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/E51BD1CA5EF2738B85258C4F002C86C9/$FILE/Kies%2C%20Kenneth%20%20finalEA.pdf).

example, you were to return to your work as a tax lobbyist or legal representative for the tax industry soon after leaving the Treasury, the public would reasonably question whether you were cashing in on your executive-branch connections and government expertise to benefit a company looking to curry favor in the course of enforcement actions or to skirt regulations that you personally led.

Numerous Biden administration appointees have voluntarily agreed to this four-year cooling-off period. For example, a former tax official, Chief Counsel of the Internal Revenue Service (IRS) Marjorie Rollinson, made the following voluntary commitment: “I . . . commit not to seek employment or compensation from, including as a result of any board service, any company (including law firms and large accounting firms) that I interact with or that has a client that I interact with during my time in government for four years following my tenure.”²³ Other former officials have made similar agreements, including: OECD Ambassador Sean Patrick Maloney, who agreed to not work for the crypto industry; members of the Federal Reserve Board of Governors, such as Lisa Cook and Philip Jefferson, who agreed to not work for a financial services company; former National Institutes of Health Director Monica Bertagnolli, who agreed to not work for giant pharmaceutical companies; and military leaders who agreed to not work for defense contractors.²⁴

Finally, you should commit not to seek employment as a lobbyist for four years after leaving office. You have already been through the revolving door, leaving the Congressional Joint Committee on Taxation to lobby for corporations seeking tax breaks at PWC.²⁵ The rampant revolving door of former government officials lobbying the agencies and congressional committees where they once worked, while their government relationships remain fresh, erodes Americans’ faith in the federal government. To mitigate that concern, President Trump’s ethics pledge from his first term required appointees to refrain from lobbying their former agencies for five years after leaving office.²⁶ Furthermore, multiple Biden administration appointees agreed to post-government lobbying restrictions, including IRS Chief Counsel Marjorie Rollinson, Treasury

²³ Letter from Marjorie Rollinson to Senator Elizabeth Warren, September 22, 2023, https://www.warren.senate.gov/imo/media/doc/Marjorie%20Rollinson_Letter_9222023.pdf.

²⁴ Office of U.S. Senator Elizabeth Warren, “Senator Warren Secures Historic Ethics Commitments from NIH Nominee, Dr. Monica Bertagnolli Pledges Not to Work for Giant Pharmaceutical Companies Immediately After Government Service,” August 29, 2023, <https://www.warren.senate.gov/newsroom/press-releases/senator-warren-secures-historic-ethics-commitments-from-nih-nominee-dr-monica-bertagnolli-pledges-not-to-work-for-giant-pharmaceutical-companies-immediately-after-government-service>; Office of U.S. Senator Elizabeth Warren, “Warren Secures Unprecedented Ethics Commitments from OECD Ambassador Nominee; former Congressman Sean Patrick Maloney Pledges Not to Work for Crypto Firms for Four Years After Government Service,” February 14, 2024, <https://www.warren.senate.gov/newsroom/press-releases/warren-secures-unprecedented-ethics-commitments-from-oecd-ambassador-nominee-former-congressman-sean-patrick-maloney-pledges-not-to-work-for-crypto-firms-for-four-years-after-government-service>; Office of U.S. Senator Elizabeth Warren, “In Response to Senator Warren, Federal Reserve Nominees Make Historic Ethics Commitments,” February 10, 2022, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warren-federal-reserve-nominees-make-historic-ethics-commitments>.

²⁵ Wall Street Journal, “How Life Insurance Morphed Into a Corporate Finance Tool,” Ellen E. Schultz and Theo Francis, December 30, 2002, https://www.wsj.com/public/resources/documents/dec_30_one.htm.

²⁶ White House, Executive Order: Ethics Commitments by Executive Branch Employees, January 28, 2017, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

Assistant Secretary for Investment Security Paul Rosen and Defense Secretary Lloyd Austin.²⁷ You should commit to refrain from lobbying for at least four years after leaving office, either as a formal registered lobbyist or informal “shadow lobbyist” — given that former high-level officials can leverage their influence not only by directly lobbying but through facilitating others to do so.

By making these commitments, you would increase Americans’ trust in your ability to serve the public interest — rather than the special interests of mega-corporations seeking tax breaks — during your time at the Treasury. I urge you to demonstrate a commitment to public integrity by agreeing to these requests, and further ask that you reply in writing to the following questions before a vote on your nomination in the Senate Finance Committee:

1. Will you commit to divest your holdings in companies that currently lobby or otherwise engage with the Treasury’s tax officials?
2. Will you commit to recuse from all specific-party matters involving your former clients and employers, and all particular matters that are likely to directly and predictably affect their financial interests, for at least four years while in government?
3. Will you commit to not seek employment or board membership with, or another form of compensation from, a company that you regulated or otherwise interacted with while in government, for at least four years after leaving office?
4. Will you commit not to seek employment as a lobbyist — including through work as an informal “shadow lobbyist” — for at least four years after leaving office?

Sincerely,



Elizabeth Warren
United States Senator

²⁷ Letter from Marjorie Rollinson to Senator Elizabeth Warren, September 22, 2023, https://www.warren.senate.gov/imo/media/doc/Marjorie%20Rollinson_Letter_9222023.pdf; Office of U.S. Senator Elizabeth Warren, “In Response to Senator Warren’s Questions, Secretary of Defense Nominee General Lloyd Austin Commits to Recusing Himself from Raytheon Decisions for Four Years,” press release, January 19, 2021, <https://www.warren.senate.gov/newsroom/press-releases/in-response-to-senator-warrens-questions-secretary-of-defense-nominee-general-lloyd-austin-commits-to-recusing-himself-from-raytheon-decisions-for-four-years>; Office of Senator Elizabeth Warren, “Questions for Mr. Paul M. Rosen, of California, to be Assistant Secretary of the Treasury for Investment Security, Department of the Treasury, from Senator Elizabeth Warren,” https://www.warren.senate.gov/imo/media/doc/paul_rosen_-_revised_responses_to_questions_for_the_record_from_senator_warren.pdf.