

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

Opening Statement
Ranking Member Elijah E. Cummings

**Hearing on “IRS: Reviewing Its Legal Obligations,
Document Preservation, and Data Security”**

February 11, 2016

Thank you, Mr. Chairman. I always try to start our hearings by stating what I think we can all agree on. Today, I think we can agree that the IRS should have strong systems in place to properly preserve federal records and to protect its computer systems from cyber attacks. Those are valid goals, and I know the IRS agrees with them.

However, I do not believe this Committee has been serving its intended purpose when it comes to the IRS generally. Unfortunately, Republicans have become obsessed with investigating any and every allegation relating to the IRS—no matter how small.

I believe this is because Republicans were not able to find any evidence to support their baseless accusations that the White House conspired with Lois Lerner to target conservative groups for political reasons. They also were not able to identify any evidence that Commissioner Koskinen or any IRS employees destroyed evidence in order to obstruct our investigation.

For the record, this is our 23rd hearing on the IRS. We have now interviewed 54 witnesses. The IRS Commissioner has testified six times—more than any other agency head over the past three years. The IRS has produced more than 1.3 million pages of documents from 88 custodians in response to more than 80 requests for documents.

Yet, despite this exhaustive, multi-agency, multi-committee, multi-year investigation, this wild goose chase came up empty.

Last year, the Inspector General issued his report and identified no evidence to substantiate Republican claims of political motivation, White House involvement, or intentional destruction of evidence. Specifically, the report found: “No evidence was uncovered that any IRS employees had been directed to destroy or hide information from Congress, the DOJ or TIGTA.”

The Justice Department also conducted an investigation and concluded that “not a single IRS employee reported any allegation, concern, or suspicion that the handling of tax-exempt

applications—or any other IRS function—was motivated by political bias, discriminatory intent, or corruption.”

The Justice Department also found “no evidence that any official involved in the handling of tax-exempt applications or IRS leadership attempted to obstruct justice” and no evidence of any “deliberate attempt to conceal or destroy information.”

Amazingly, none of these findings stopped Republicans from trying to impeach the IRS Commissioner, despite the fact that there is no evidence that he intentionally obstructed our work or destroyed documents.

The problem now is that our Committee is in a mindset where we are just trying to “get” the IRS, and unfortunately the public does not always get a complete or accurate picture as a result.

For example, the impetus for today’s hearing was a press report that an IRS employee who was leaving the agency had his hard drive erased in violation of a court order. However, we received a letter from the IRS last week explaining that, in fact, the IRS copied this employee’s hard drive first.

Another example is the outage the IRS experienced last week. The Chairman stated that his “gut reaction” was that this outage “really does smell like a hack.” However, the IRS has now briefed our Committee that, in fact, it was due to a mechanical device failure, and there is “zero percent chance” that this was a cyber attack.

Yet another example Republicans have focused on is the incident involving PIN numbers that occurred in January. What is not mentioned is that, in fact, the IRS successfully blocked the IP addresses from which this attack was initiated. As a result, this week, the IRS confirmed: “No personal taxpayer data was compromised or disclosed by IRS systems.”

Those are critical facts, and I hope the public understands them and any press that are here will report them.

As I said earlier, this is our 23rd hearing on these types of allegations against the IRS. Imagine instead if we had held 23 hearings on an issue that actually matters to the American people. Imagine if we held 23 hearings where we brought in drug company officials to explain their skyrocketing prices. Now that is something that really could have helped our country.

Going forward, I hope we will use the resources and authority of this Committee to serve the interests of our constituents. I thank our witnesses here today for their service, and I look forward to their testimony.

Contact: Jennifer Werner, Communications Director, (202) 226-5181.