

# 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: TIGTA Update" February 26, 2015

Thank you, Mr. Chairman. I want to take a moment to commend you for the way the Committee has been running since you became Chairman. Everyone notices the more collegial and collaborative atmosphere on our Committee, and that is due to your efforts to set the tone from the top.

There are certainly issues we are going to disagree on—and today's hearing is one of those—but we take your words to heart, and we will disagree without being disagreeable.

With respect to today's hearing, I believe it is premature. Two days ago, Mr. Camus, who will be testifying in a few moments with the Inspector General, told our staffs that their investigation is not finished, that their report is not done, and that they will not be able to fully answer many of the questions Members have at this time. He provided our staffs with some information about the status of their efforts to recover additional emails from Ms. Lerner, but he cautioned us not to discuss those details publicly while their investigation is still ongoing.

Based on this request, it seems that the best course of action would be to have the Inspector General come back when his report is complete so he can discuss it fully. Nevertheless, since we are here, I will make three points.

First, according to the Inspector General's previous work, the emails that were lost when Ms. Lerner's hard drive crashed were from before Ms. Lerner discovered that inappropriate criteria were being used by IRS employees in Cincinnati.

Ms. Lerner's computer crashed on June 13, 2011, but she was not informed until June 29, 2011, that IRS employees were using inappropriate criteria to screen tax-exempt applicants. That is according to a report issued by the Inspector General in May 2013—more than a year and a half ago. According to the same report, after Ms. Lerner discovered what was going on, she "immediately directed that the criteria be changed."

Second, the Inspector General has identified no evidence to us that the White House directed this activity. Despite multiple claims by Republicans, there is simply no evidence after nearly two years of investigating to support this wholly unsubstantiated conspiracy theory.

Third, the Inspector General has identified no evidence to us that Ms. Lerner intentionally crashed her computer. To the contrary, all of the evidence we have obtained, including contemporaneous emails sent at the time, indicates that her computer crashed due to technological problems.

Nothing we have learned since the Inspector General issued his previous report contradicts these findings.

We have also learned nothing since that time to contradict the account of the self-described “conservative Republican” screening group manager in Cincinnati who was interviewed by this Committee on June 6, 2013. He stated that he and his employees were motivated only by a desire to efficiently group a large number of similar cases, rather than by any political bias.

Let me conclude by putting some additional facts on the record:

- Today’s hearing is the 21st hearing our Committee has held on these issues.
- This is the fourth time the Inspector General has testified before us on this subject.
- The Commissioner of the IRS, John Koskinen, has testified before us six times on these topics, not counting many additional appearances before other committees.
- This Committee has conducted more than 50 transcribed witness interviews on these issues.
- The IRS has produced more than 1 million pages of documents on this topic.
- At its peak, the IRS had more than 250 employees responding to these inquiries, and they dedicated more than 150,000 hours to this effort.
- At the end of last year, the IRS reported spending approximately \$20 million responding to congressional inquiries.

\$20 million is an enormous amount of money. That total does not include the amounts we spent here on this Committee. It does not include the amounts numerous other committees have spent. It does not include the amounts other agencies have spent, including the Department of Justice, the Federal Elections Commission, or the Securities and Exchange Commission. And it does not include the amounts the Inspector General has spent, and continues to spend to this day.

Going forward, it is my sincere hope that we will work in a bipartisan manner on hearings that further our shared goals of benefiting the American people.

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