

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>

Statement for the Record
Ranking Member Elijah E. Cummings
House Committee on Oversight and Government Reform

Hearing on Examining the Allegations of Misconduct
Against IRS Commissioner John Koskinen, Part I
House Committee on the Judiciary

May 24, 2016

John Koskinen is an honorable public servant who agreed to come out of retirement to lead the IRS in 2013 at a very challenging time. He is now being unfairly maligned, and the allegations against him are unfounded. This resolution has no merit and should be withdrawn immediately.

Commissioner Koskinen has been more cooperative than any other agency head who has come before the House Committee on Oversight and Government Reform, on which I serve as Ranking Member. He has overseen the production of more than one million pages of documents, and he has testified personally on 20 occasions.

You do not have to take my word for any of this. You can take the word of J. Russell George, the Treasury Inspector General for Tax Administration (TIGTA). Mr. George was a holdover chosen by President George W. Bush who served previously as the Republican staff director of a subcommittee of the Oversight Committee.

Mr. George conducted an extensive investigation of these issues. His staff interviewed more than 100 witnesses, searched tens of thousands of documents, and even had emails restored from backup tapes. Mr. George spent more than \$2 million on his investigations. He was not invited to testify today, but his previous testimony and reports speak for themselves.

First, supporters of this resolution argue that IRS employees intentionally targeted conservative-leaning applicants for tax-exempt status for political reasons. To the contrary, Mr. George—after his exhaustive multi-year investigation—identified absolutely no evidence that anyone at the IRS targeted any conservative groups for political reasons.

Testifying before two different committees in May 2013—three years ago this week—Mr. George agreed that there was no evidence to support this claim. During a hearing before the House Committee on Ways and Means on May 17, 2013, Mr. George had the following exchange with Ranking Member Sander Levin:

Q: Did you find any evidence of political motivation in the selection of the tax exemption applications?

A: We did not, sir.

Five days later, Mr. George had a similar exchange with Representative Matt Cartwright before the Oversight Committee:

Q: And I want to drill down a little bit with you, Mr. George. You're the Inspector General. Last week, you testified in front of the House Ways and Means Committee to the effect that, from your looking into this matter, whether you call it an audit or an investigation, from your looking into this matter, you saw no evidence that IRS employees were politically motivated in their creation or use of the inappropriate screening criteria. Was that essentially your testimony?

A: That we received no evidence during the course of our audit to that effect, yes, sir.

Mr. George's findings were confirmed by the Oversight Committee itself. In June 2013, an IRS screening manager who worked directly on these cases—and who described himself as a "conservative Republican"—strongly objected to any suggestion that he or his team unfairly targeted conservative groups during an interview with Oversight Committee staff.

Supporters of this resolution argue that Commissioner Koskinen obstructed their partisan investigation by destroying emails from IRS employees. They also claim he did not notify Congress immediately when the IRS noticed that emails were missing from Lois Lerner, the former director of Exempt Organizations, whose hard drive crashed in 2011.

Mr. George's office investigated these claims as well, and he found nothing to substantiate them. In July 2015, Mr. George's office reported that two low-level employees working in West Virginia erased email back-up tapes so they could be re-used and did not understand or follow instructions from IRS headquarters to preserve them.

With respect to claims that the Commissioner directed these actions or was personally involved, Mr. George's office reported:

Interviews of IRS employees involved in the search for the tapes and hard drives as well as those involved in the decommissioning process for the NCFB Exchange 2003 Server provided no evidence that the IRS employees involved intended to destroy the data on the tapes or the hard drives in order to keep this information from Congress, the DOJ or TIGTA. No evidence was uncovered that any IRS employees had been directed to destroy or hide information from Congress, the DOJ, or TIGTA.

Mr. George's office also reported that "the investigation did not uncover evidence that the IRS and its employees purposely erased the tapes in order to conceal responsive e-mails from the Congress, the DOJ or TIGTA."

Career investigators at the Department of Justice agreed. After interviewing more than 100 witnesses and reviewed nearly 500 tax-exempt applications, they reported:

"We found no evidence that any IRS official acted based on political, discriminatory, corrupt, or other inappropriate motives that would support a criminal prosecution. We also found no evidence that any official involved in the handling of tax-exempt applications or IRS leadership attempted to obstruct justice."

Supporters of this resolution argue that Commissioner Koskinen obstructed their investigation and that he "failed to act with competence and forthrightness in overseeing the investigation" To the contrary, Mr. George testified on June 25, 2015, that Commissioner Koskinen has been "extraordinarily cooperative" with this investigation.

After holding more than two dozen hearings, squandering more than \$20 million, and turning up nothing, certain Oversight Committee Republicans and Freedom Caucus Members are still hell-bent on pressing forward with this seemingly endless attack against a widely-respected public servant.

Surely, we have more important things to do here in Congress.

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