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Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Hearing on "An Update on the IRS Response to Its Targeting Scandal"

July 23, 2014

Commissioner Koskinen, thank you for testifying before this Committee yet again. This is the third time in the past month you have appeared before us, and that does not count a fourth appearance you made before the Ways and Means Committee last month on the same topic.

Unfortunately, it appears that you and other IRS employees are now becoming collateral damage in a fight for the spotlight among two Republican Committee Chairmen—Representative Issa and Representative Camp. This is unseemly, it's embarrassing, and it is not a proper way to run an investigation or to spend millions of dollars in taxpayer funds.

As Commissioner Koskinen knows very well, when Chairman Camp was informed about the crash of Lois Lerner's hard drive, he quickly announced that he would be holding the first public hearing before the Ways and Means Committee. Ten minutes later, Chairman Issa issued a unilateral subpoena compelling the Commissioner to testify first before our Committee. He did not contact the Commissioner before issuing this subpoena, and he did not hold any debate or vote. In response, Chairman Camp just moved his hearing up by several days, so he was the first one in front of the cameras.

It did not seem to matter to either Chairman that the IRS provided numerous contemporaneous documents showing that Ms. Lerner's computer crash was a technological problem that she and multiple IT officials attempted to remedy. Those facts apparently were irrelevant. The goal was to stoke the fire, and to be the first to do so publicly.

Chairman Camp has now asked the Inspector General to conduct an investigation into Ms. Lerner's hard drive crash, which he has agreed to do. Commissioner Koskinen testified the last time he was here that the Inspector General asked him to make his investigation the top priority, which meant not subjecting IRS employees to any other interviews while the Inspector General's interviews were ongoing.

Rather than waiting a few weeks, Chairman Issa disregarded the IG's request and demanded that the IRS make its employees available to him now. Commissioner Koskinen explained that the Inspector General did not want IRS employees subjected to multiple interviews, but Chairman Issa just began issuing more unilateral subpoenas. He forced IRS

employees to appear before the Oversight Committee, and he excluded Chairman Camp's staff from participating.

When the Commissioner testified here before, Republicans accused him of obstruction, claiming that he was hiding witnesses from the Committee. When he again explained that the Inspector General asked him not to subject IRS employees to multiple interviews, Chairman Issa said he was going to follow-up with the Inspector General directly.

Well, that apparently did not happen. Yesterday, I asked my staff to contact the Inspector General's office to find out exactly what was going on. They spoke with the Deputy Inspector General for Investigations, and now I can report what he told us.

The Deputy IG for Investigations confirmed that his office is now conducting the investigation that Chairman Camp requested. He confirmed exactly what Commissioner Koskinen told us, which is that the Inspector General prefers that IRS employees not be subjected to multiple interviews in order to "avoid tainting their testimony."

Without directly criticizing the Chairman's actions, the Deputy IG for Investigations stated that, "as investigators" working for the Inspector General, they want "everyone" to allow them to complete their interviews first, "without distraction." As he stated, "Then, there is no confusion of witness testimony, and the integrity of the investigation is not impaired."

Contrary to these requests, Chairman Issa has been forcing IRS employees to come before our Committee for transcribed interviews, and since he is excluding Chairman Camp's staff, IRS employees are also being forced to appear before the Ways and Means Committee. Invariably, after each of these interviews, Chairman Issa and Chairman Camp issue dueling press releases with tidbits of information or cherry-picked transcript excerpts in their effort to compete for more headlines, no matter how unsubstantiated their claims are.

The Deputy IG for Investigations also told us something else. Over the past year and a half, they have obtained no new evidence that would change the conclusions in their audit from 2013. There is simply no evidence whatsoever of any White House involvement in the screening of tax-exempt applications.

The IRS has already spent \$18 million responding to these duplicative congressional investigations, and Commissioner Koskinen is now testifying before Congress for the fourth time in just over a month. Yet, Chairman Issa informed Committee Members yesterday that he will be holding yet another hearing on this topic next Wednesday. We have the notice here. Could the Chairman please inform us who will be testifying at that hearing?

To close, I ask unanimous consent to put into the record a letter I sent to Chairman Issa on Monday objecting to calling Commissioner Koskinen before this Committee for a third time in the past month and proposing instead that the Committee hold a hearing on one of the many worthy topics Democrats have requested over the past four years.

In January, I requested an investigation of the Target security breach, which affected the personal information of tens of thousands of American consumers, but no hearing was held. In April, Rep. Speier requested a hearing on alleged fraud by a for-profit hospital chain, but no hearing was held. Later in April, Rep. Lynch requested a hearing on the situation in the Ukraine. Although we held multiple hearings on Benghazi, no hearing was held in response to his request.

Mr. Chairman, our time remaining this session is limited, and I hope we can use the final legislative days of this Congress in a constructive effort to help our constituents rather than a repetitive and wasteful competition for headlines.

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