

MINORITY VIEWS

Our opposition to this letter and to this process is not about any of us condoning the mismanagement in the Internal Revenue Service (IRS) Exempt Organizations division (EO). Democrats were among the first to call for Lois Lerner to resign and for her to be relieved from her duties.

Indeed, the Department of Justice (DOJ) is investigating the entire matter to determine whether there should be criminal charges. They are working with the IRS and with the Treasury Inspector General for Tax Administration (TIGTA) to gain access to documents, conduct interviews and compel testimony.

Nearly a year ago, the investigation by this committee started with a bipartisan request for documents on May 14. However, the investigation quickly went off those tracks with a declaration by Chairman Camp on May 17 that the IRS matter was the "latest example of a culture of cover-ups and political intimidation in this Administration." That end to bipartisan efforts started a year-long pursuit of a failed effort to prove White House involvement, pursuit of a non-existent enemies list, and a search for non-existent evidence that the IRS targeted only conservative groups.

The selective release of taxpayer information by the Republicans to make political points contradicts the very reason these taxpayer protections were enacted in the first place. The provision under which this information is being released—Section 6103(f)—was enacted in response to the inappropriate use of taxpayer information by the Nixon Administration. The very disclosure that is being made in this report violates the spirit of the taxpayer protections this Committee created.

The Chairman claimed in the executive session that the only way he could notify the Attorney General of specific evidence of criminal activity by Ms. Lerner that the Chairman had found was to make all of this material—previously considered protected taxpayer information—public.

But that is just not accurate. The DOJ has access to all of the same information. If the Chairman was afraid they might have missed something, he could have designated the Attorney General or a designee with his 6103 authority as Chair of the Ways and Means Committee—just as he did for the other Members of this Committee—for the Attorney General to review it.

The Ways and Means Committee has never used this authority. In 1974, Chairman Mills, along with Ranking Member Schneebeli, acting on behalf of the Joint Committee on Taxation, filed in the House and made public the audit of President Nixon's tax returns, which had been requested by the President himself. That process was a public service, letting the nation know that the President, like other Americans, would be paying his fair share of tax for the

years under audit. This new action by the Committee serves no such purpose.

After a year of investigation, \$14 million spent, 15 Congressional hearings held, more than 60 staff interviews of IRS employees conducted and the review of over 660,000 internal IRS documents, it is now clear that Republican members of the Ways and Means Committee have decided that they do not want to be left behind in the Republican campaign to keep this so-called "scandal" going until November.

This entire investigation has arisen from a fundamentally flawed report issued by the Inspector General which failed to indicate that progressive groups were selected for additional screening alongside "Tea Party" groups. The report also failed to mention that the Head of Investigations at TIGTA reviewed 5,500 internal IRS emails and concluded that "there was no indication that pulling these selected applications was politically motivated."

The Republicans have hand selected information that they claim proves their case from the over 660,000 documents provided during this investigation. The Chairman gave Members only 24 hours to look at the evidence he selected to back up the assertions in the letter. Most egregiously, the Republicans have not provided all Committee Members with the necessary authority to look at any other documents beyond what they were provided so that Members could reach a conclusion on their own.

However, the materials released to the public today confirm our position from the very beginning□ that Democratic-leaning and progressive groups were subject to the same scrutiny as "Tea Party" and other Republican-leaning groups. Exhibit 21 (attached to the referral letter) contains a list of tax-exempt applications that were subject to additional review.

Among that list are a group of Democratic-leaning organizations with the term "Emerge" in their name. According to a New York Times story dated July 20, 2011, Emerge Maine, Emerge Nevada and Emerge Massachusetts were all denied tax-exempt status after their applications were pending for over three years. These denials happened during the period of TIGTA's audit, but they were not disclosed by the Inspector General in the audit report or during his testimony before Congress. These applications were processed in the same manner as the Tea Party cases as outlined in TIGTA's audit report:

- The cases were identified and screened for political activities;
- They were transferred to Exempt Organizations Technical Unit;
- They were the subject of a Significant Case Report (included in Exhibit 21 of the Republicans Letter);
- They were subject to multiple levels of review within the IRS; and
- They were reviewed by IRS Chief Counsel.

Now that the documents have been made public, many relate to the application for 501(c)(4) status by Crossroads GPS. It is an organization operated by Karl Rove that spends tens of millions of dollars on political activities while claiming to be a tax-exempt "social welfare" organization. This Committee's action has the effect of

assisting campaign organizations like Crossroads. Crossroads GPS reported to the Federal Election Committee having spent \$71 million during the 2012 election cycle, according to the Center for Responsive Politics.

Questions about Crossroads GPS status as a 501(c)(4) have been around since 2010. If Republicans can shut down those questions, Crossroads GPS can continue to pour hundreds of millions of dollars into advancing Republican candidates without having to disclose their contributors, as can others like Americans for Prosperity and American Future Fund.

We all share the objective of a thorough investigation and prosecution by the U.S. Justice Department, if justified, of any person who violated the law. We all share the objective of ensuring that the IRS is effectively administering procedures to protect every taxpayer from discrimination. Were these the Majority's only objectives, today's unprecedented political theatre would never have occurred.

Making this Committee an arm of any campaign committee does a deep disservice to the proud traditions and legacy of the Committee on Ways and Means.

SANDER LEVIN.
CHARLES RANGEL.
JIM MCDERMOTT.
JOHN LEWIS.
RICHARD E. NEAL.
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LLOYD DOGGETT.
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DISSENTING VIEWS

On Wednesday, April 9, 2014, the Ways and Means Committee took unprecedented action to refer Lois Lerner to the U.S. Department of Justice for possible criminal charges.

I am very disappointed that for the first time in 40 years, the Republicans on this Committee decided to release taxpayer information to the public. I feel very strongly that this action flies directly in the face of the taxpayer protections which the Ways and Means Committee not only created, but also worked in a bipartisan manner to protect and uphold.

As the Ranking Member of the Oversight Subcommittee, I take tax policy and the importance of congressional oversight very seriously. It is unfortunate that I was previously committed to participate in the Lyndon B. Johnson Presidential Library Civil Rights' Summit with the current and former U.S. presidents and civil rights leaders on the day of this unprecedented Committee action. I even tried, unsuccessfully, to rearrange my schedule in order to attend this last-minute markup.

Before departing, however, I was one of the first Members to review the tax documents when the Republicans made them available to the Committee. Had I been present at the hearing, I would have joined my colleagues in opposing this unnecessary political maneuver.

To be clear, I do not support federal mismanagement or potential criminal activity, and I share the bipartisan sentiment supporting a thorough investigation by the U.S. Department of Justice. Yet, there are a number of ways to conduct responsible oversight, without political theatre, and I am disappointed that politics are taking center stage over the compelling issues of fairness, privacy, policy, and process.

JOHN LEWIS.

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