

JOHN L. MICA, FLORIDA  
MICHAEL R. TURNER, OHIO  
JOHN J. DUNCAN, JR., TENNESSEE  
PATRICK T. McHENRY, NORTH CAROLINA  
JIM JORDAN, OHIO  
JASON CHAFFETZ, UTAH  
TIM WALBERG, MICHIGAN  
JAMES LANKFORD, OKLAHOMA  
JUSTIN AMASH, MICHIGAN  
PAUL A. GOSAR, ARIZONA  
PATRICK MEEHAN, PENNSYLVANIA  
SCOTT DESJARLAIS, TENNESSEE  
TREY GOWDY, SOUTH CAROLINA  
BLAKE FARENTHOLD, TEXAS  
DOC HASTINGS, WASHINGTON  
CYNTHIA M. LUMMIS, WYOMING  
ROB WOODALL, GEORGIA  
THOMAS MASSIE, KENTUCKY  
DOUG COLLINS, GEORGIA  
MARK MEADOWS, NORTH CAROLINA  
KERRY L. BENTIVOLIO, MICHIGAN  
RON DESANTIS, FLORIDA

# 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  
FACSIMILE (202) 225-3974  
MINORITY (202) 225-5051  
<http://oversight.house.gov>

CAROLYN B. MALONEY, NEW YORK  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
JOHN F. TIERNEY, MASSACHUSETTS  
WM. LACY CLAY, MISSOURI  
STEPHEN F. LYNCH, MASSACHUSETTS  
JIM COOPER, TENNESSEE  
GERALD E. CONNOLLY, VIRGINIA  
JACKIE SPEIER, CALIFORNIA  
MATTHEW A. CARTWRIGHT, PENNSYLVANIA  
MARK POCAN, WISCONSIN  
L. TAMMY DUCKWORTH, ILLINOIS  
ROBIN L. KELLY, ILLINOIS  
DANNY K. DAVIS, ILLINOIS  
PETER WELCH, VERMONT  
TONY CARDENAS, CALIFORNIA  
STEVEN A. HORSFORD, NEVADA  
MICHELLE LUJAN GRISHAM, NEW MEXICO

LAWRENCE J. BRADY  
STAFF DIRECTOR

June 4, 2013

Mr. Daniel Werfel  
Acting Commissioner  
Internal Revenue Service  
1111 Constitution Avenue NW  
Washington, D.C. 20224

Dear Mr. Werfel:

The Committee on Oversight and Government Reform is conducting an investigation of the Internal Revenue Service's politicization of the tax-exempt application review process. Particularly given the IRS's enormous and complex role in implementing the Affordable Care Act, an extremely partisan measure passed without any Republican support in Congress, it is vital that Congress and the American people learn the full extent of the politicization within IRS over the past few years. We write to request that you make IRS personnel available for transcribed interviews, and to further clarify the Committee's previous document request. We respectfully request your full cooperation with this inquiry.

On May 15, 2013, we wrote to then-Acting Commissioner Steven Miller to request that the IRS make available certain employees for transcribed interviews with Committee staff.<sup>1</sup> We now request that that you make available eight additional employees for transcribed interviews with Committee staff beginning June 10, 2013:

1. Hilary Goehausen
2. Carter Hull
3. Ron Bell
4. Stephen Seok
5. Donna Elliot-Moore
6. Ronald Shoemaker
7. Judith Kindell
8. Steven Bowling

Please contact the Committee by June 4, 2013, to begin scheduling these interviews. In addition, the Committee anticipates that it will be necessary to conduct additional transcribed interviews with other IRS employees. We request your cooperation in making the following employees available for transcribed interviews with Committee staff as necessary:

9. Mike Seto
10. Steve Grodnitzky
11. Cindy Thomas
12. David Fish
13. Justin Lowe
14. Don Spellman
15. Nancy Marks
16. Sarah Hall Ingram
17. William Wilkins

<sup>1</sup> See Letter from Darrell Issa & Jim Jordan, H. Comm. on Oversight & Gov't Reform, to Steven T. Miller, Internal Revenue Serv. (May 15, 2013).

We appreciate your assistance in facilitating these requests. Additionally, on May 14, 2013, we wrote to Lois Lerner, then-Director of the IRS's Exempt Organizations Division, requesting that IRS produce the following material:

1. All documents and communications referring or relating to IRS's evaluation of applications for tax exempt status between January 1, 2009, and the present that contain the following words or phrases:
  - a) Tea Party
  - b) Patriot
  - c) 9/12
  - d) Constitution
  - e) Bill of Rights
  - f) Debt
  - g) We the People
  - h) Government Spending
  - i) America a better place to live
  - j) Take back the country
  
2. All documents and communications between January 1, 2009, and the present referring or relating to processes, procedures, or criteria for evaluating applications for tax exempt status, including but not limited to all documents between or among Lois Lerner, Steve Miller, and Douglas Shulman. For purposes of this request, the Committee is not seeking information about any specific entity's application for tax exempt status at this time.<sup>2</sup>

Lerner informed the Committee that she cannot produce this information.<sup>3</sup> We therefore write to you as the new Acting IRS Commissioner to reiterate this request. To clarify the Committee's request and to assist the IRS with its response, we ask that you prioritize your production to respond first with the following material. We request that you produce this initial material as soon as possible, but no later than 5:00 p.m. on June 7, 2013:

3. All documents and communications sent by, received by, or copied to Lois Lerner or Holly Paz between January 1, 2009, and the present. The IRS has already represented to the Committee that it has collected this material.<sup>4</sup> Given the positions of these officials, all of their documents and communications are presumably responsive to the Committee's request.
  
4. All documents and communications sent by, received by, or copied to Douglas Shulman, Steven Miller, Jonathan Davis, Sarah Hall Ingram, Joseph Grant, Michael Julianelle, William Wilkins, or Rob Choi between February 1, 2010, and the present referring or relating to the tax-exempt application review process.

---

<sup>2</sup> See Letter from Darrell Issa & Jim Jordan, H. Comm. on Oversight & Gov't Reform, to Lois G. Lerner, Internal Revenue Serv. (May 14, 2013).

<sup>3</sup> See E-mail from William W. Taylor, Zuckerman Spaeder LLP, to Ashok Pinto, H. Comm. on Oversight & Gov't Reform (May 21, 2013).

<sup>4</sup> Phone call with Internal Revenue Serv. staff (May 29, 2013).

5. All documents and communications between or among employees of the Internal Revenue Service and employees of the Department of the Treasury between February 1, 2012, and the present referring or relating to the audit issued by the Treasury Inspector General for Tax Administration dated May 14, 2013 and entitled "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review."
6. All documents and communications between or among employees of the Internal Revenue Service between February 1, 2012, and the present referring or relating to the inclusion of Holly Paz in employee interviews conducted by the Treasury Inspector General for Tax Administration in conducting the audit dated May 14, 2013 and entitled "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review."
7. All documents and communications between or among employees of the Internal Revenue Service and employees of the Department of the Treasury between February 1, 2012, and the present referring or relating to the disclosure, potential disclosure, or any plan to disclose that the Internal Revenue Service had used unique criteria to identify certain tax-exempt applications for additional review.
8. All documents and communications between or among employees of the Internal Revenue Service, employees of the Department of the Treasury, or employees of the Executive Office of the President between February 1, 2010, and the present referring or relating to the review, editing, and approval of all testimony given by IRS personnel before Congressional committees, including but not limited to the following:
  - a. Douglas Shulman's testimony before the House of Representatives Committee on Ways and Means, Subcommittee on Oversight on March 22, 2012; and
  - b. Steven Miller's testimony before the House of Representatives Committee on Ways and Means, Subcommittee on Oversight on July 25, 2012.
9. All documents and communications between or among employees of the Internal Revenue Service, employees of the Department of the Treasury, or employees of the Executive Office of the President between February 1, 2010, and the present referring or relating to the review, editing, and approval of correspondence sent by IRS personnel to Members of Congress, including but not limited to the following:
  - a. Steven Miller's letter to Chairman Dave Camp dated July 1, 2011;
  - b. Steven Miller's letter to Chairman Dave Camp dated July 25, 2011;
  - c. Joseph Grant's letter to Chairman Charles Boustany dated November 18, 2011;
  - d. Joseph Grant's letter to Chairman Charles Boustany dated March 12, 2012;
  - e. Joseph Grant's letter to Chairman Charles Boustany dated March 23, 2012;
  - f. Lois Lerner's letter to Chairman Darrell Issa and Chairman Jim Jordan dated April 26, 2012;
  - g. Joseph Grant's letter to Chairman Charles Boustany dated April 26, 2012;
  - h. Steven Miller's letter to Senator Orrin Hatch dated April 26, 2012;
  - i. Lois Lerner's letter to Chairman Darrell Issa and Chairman Jim Jordan dated May 4, 2012;
  - j. Steven Miller's letter to Chairman Charles Boustany dated June 15, 2012; and
  - k. Steven Miller's letter to Senator Orrin Hatch dated September 11, 2012.

10. All documents and communications between or among employees of the Internal Revenue Service, employees of the Department of the Treasury, or employees of the Executive Office of the President between February 1, 2010, and the present referring or relating to any internal IRS evaluation, review, or investigation into the processing of applications for tax-exempt status.
11. All documents and communications between or among employees of the Internal Revenue Service, employees of the Department of the Treasury, or employees of the Executive Office of the President between February 1, 2010, and the present referring or relating to Congressional inquiries about tax-exempt status.
12. All documents and communications between or among employees of the Internal Revenue Service, employees of the Department of the Treasury, or employees of the Executive Office of the President between March 23, 2010, and the present referring or relating to the establishment of the IRS Affordable Care Act Office and the corresponding personnel and staffing decisions for the Affordable Care Act Office.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

If you have any questions about this request, please contact David Brewer or Brian Blase the Committee Staff at (202) 225-5074. Thank you for your attention to this matter.

Sincerely,



Darrell Issa  
Chairman



Jim Jordan  
Chairman  
Subcommittee on Economic Growth,  
Job Creation and Regulatory Affairs

Mr. Daniel Werfel

June 4, 2013

Page 5

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable Matthew A. Cartwright, Ranking Minority Member  
Subcommittee on Economic Growth, Job Creation and Regulatory Affairs

ONE HUNDRED THIRTEENTH CONGRESS

# 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

### **Responding to Committee Document Requests**

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Schedule Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.