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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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STAFF DIRECTOR

February 4, 2014

The Honorable J. Russell George  
Treasury Inspector General for Tax Administration  
U.S. Department of the Treasury  
City Center Building  
1401 H Street, NW, Suite 469  
Washington, D.C. 20005

Dear Mr. Inspector General:

We are writing to object strongly to your office's repeated partisan meetings with Chairman Darrell Issa and his staff after intentionally excluding Democratic Committee Members and staff—particularly regarding matters that currently are under active investigation by both your office and this Committee.

We have been informed that your staff held an in-person meeting with Republican Committee staff in their offices on January 27, 2014. During this meeting, your staff discussed substantive information about a new audit your office has initiated on data security issues relating to the Affordable Care Act. Your staff also discussed specific documents relating to this audit that your office has obtained as part of its review.

According to subsequent accounts from your office, Chairman Issa's staff forbade you from including any Democratic Committee Members or staff in that meeting, and your staff accepted these terms without even informing my office. Democratic staff became aware of this meeting only after it occurred.

These private, partisan meetings undermine your obligation as an Inspector General to conduct audits and investigations in a balanced and non-partisan manner. Your actions cause observers to question whether the scope of your new audit on the Affordable Care Act is being inappropriately influenced by Chairman Issa and his staff, similar to the way they influenced the scope of your audit on IRS screening of applicants for tax-exempt status.

In the case of your audit of tax-exempt applicants, we learned only after the fact that your staff held a private meeting and other communications with Chairman Issa's staff that also excluded Democratic Committee Members and staff. As in this case, your staff discussed the scope and substance of that active audit with Republican staff without any knowledge or

participation of Democratic Members or staff. You also had official correspondence with Chairman Issa that you failed to provide to any Democratic Committee Members.<sup>1</sup>

Of course, Chairman Issa's request for the review of tax-exempt applicants, as well as your office's work on that audit, has come under severe criticism for focusing only on the treatment of conservative groups and failing to consider similar treatment of progressive groups. According to press accounts at the time, your Communications Director explained that this flaw was due to specific constraints placed on your office by Chairman Issa:

As for why the report failed to mention that progressive groups, along with tea party groups, had been placed on IRS so-called Be On The Lookout lists for special scrutiny, Karen Kraushaar, the communications director at the treasury inspector general's office, said investigators had been constrained by their mission statement. House Oversight Committee Chairman Darrell Issa (R-Calif.) had specifically requested that investigators "narrowly focus on tea party organizations." So they did just that, Kraushaar said.<sup>2</sup>

Notwithstanding these explicit statements, you claimed in testimony before our Committee that your Communications Director was wrong. You had this exchange with Committee Member Gerry Connolly:

Rep. Connolly:	Mr. George, there have been reports with respect to the scope of your audit or review, including by the spokesperson in your office, that you met with the chairman of this committee and, essentially, he helped limit the scope of the review.
Mr. George:	That's incorrect, sir.
Rep. Connolly:	That is incorrect?
Mr. George:	The report I did see, but that did not occur.
Rep. Connolly:	So Karen Kraushaar, your spokesperson who quoted—who said, and I quote, that Darrell Issa had specifically requested that investigators, quote, "narrowly focus on Tea Party organizations," unquote, so they did just that, according to Kraushaar, that is an inaccurate statement?
Mr. George:	That is correct.
Rep. Connolly:	On what basis would she make such a statement on your behalf to the press?

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<sup>1</sup> Letter from J. Russell George, Inspector General for Tax Administration, to Chairman Darrell E. Issa, House Committee on Oversight and Government Reform (July 11, 2012).

<sup>2</sup> *IRS Scandal Puts Investigators Under Investigation*, Huffington Post (June 25, 2013) (online at [www.huffingtonpost.com/2013/06/25/irs-scandal\\_n\\_3499913.html](http://www.huffingtonpost.com/2013/06/25/irs-scandal_n_3499913.html)). See also *Was the IRS Report 'Flawed in a Fundamental Way'?*, Washington Post (June 26, 2013) (online at [www.washingtonpost.com/blogs/federal-eye/wp/2013/06/26/was-the-irs-report-flawed-in-a-fundamental-way/](http://www.washingtonpost.com/blogs/federal-eye/wp/2013/06/26/was-the-irs-report-flawed-in-a-fundamental-way/)).

Mr. George: Well, it was not without my authorization, and she misspoke, sir.<sup>3</sup>

We have stated repeatedly that this Committee exercises its greatest authority when we act in a bipartisan manner. Private meetings with Members of only one political party clearly risk influencing the scope of audits, the questions that are asked, and the ultimate results. In addition to having the appearance of partisanship and impropriety, they result in information being shared with only half of the Committee. All Committee Members need access to the same information to conduct a fair and responsible analysis of the facts.

For these reasons, we now have three requests:

- (1) First, we ask that your office provide the Democratic staff with the same in-person briefing that was provided to Chairman Issa's staff on January 27, as well as all information your office has shared with the Chairman's staff on this matter to date.
- (2) In addition, if the Committee continues to insist on a partisan approach that excludes Democrats, we believe it is your responsibility, as an Inspector General charged with conducting non-partisan reviews, to resist these tactics, and we request that you not consent to any terms that deny Members of one political party the opportunity to participate in briefings or meetings relating to your active audits or investigations.
- (3) Finally, because you and your Communications Director have made conflicting public statements regarding your audit of tax-exempt applicants, please provide copies of all documents within TIGTA's possession or control related to any statements made by Ms. Kraushaar in June 2013 relating to the audit of tax-exempt applicants, including all emails or other communications between you, Karen Kraushaar, or any other TIGTA employee.

Thank you for your cooperation with this request.

Sincerely,



Elijah E. Cummings  
Ranking Member



Gerald Connolly  
Ranking Member  
Subcommittee on Government Operations

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<sup>3</sup> House Committee on Oversight and Government Reform, *Hearing on The IRS' Systematic Delay and Scrutiny of Tea Party Applications* (July 18, 2013).

The Honorable J. Russell George  
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cc: The Honorable Darrell E. Issa, Chairman