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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 21, 2014

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to strongly object to the Committee's plan to call IRS Commissioner John Koskinen to testify yet again this coming Wednesday, which would be the third time in the last month he has appeared before the Committee. This public harassment of an agency head is not only an abuse of authority, but a dereliction of the Committee's obligation to conduct responsible oversight on a host of other critical issues within our jurisdiction.

The Committee has been engaged in a four-year campaign to try to link some type of scandal to the White House, issuing nearly 100 subpoenas with no debate or vote, and holding a barrage of repetitive hearings on investigations into the IRS, Benghazi, and several other issues. This approach unnecessarily squanders millions of taxpayer dollars, and it results in unseemly clashes with other Republican Committee Chairmen conducting their own identical investigations.

Commissioner Koskinen was first forced to testify before the Committee on the evening of June 23, 2014. You rushed to issue a unilateral subpoena compelling his testimony without contacting him first to determine if he was available and despite the fact that he would have testified voluntarily. You issued this subpoena about ten minutes after Rep. Dave Camp, the Chairman of the House Committee on Ways and Means, announced that he would be holding his own hearing.¹ In response, Chairman Camp moved his hearing to Friday, June 20, three days before the Oversight Committee hearing.

Several commentators criticized this inappropriate use of the Committee's subpoena authority. One observer stated: "Issa berated, attacked and attempted to humiliate Koskinen, much as Camp had attempted to do, but he did so with considerably less publicity and with no

¹ *Everyone Wants a Piece of This*, Politico (June 17, 2014) (online at www.politico.com/morningtax/0614/morningtax14317.html?ml=ae_1).

success at changing the basic narrative.”² Another concluded: “Issa, still looking for attention and some semblance of a ‘scandal’ that fell apart a year ago this week, is still hunting for his white whale—except he’s not doing it very well.”³

Although Commissioner Koskinen testified twice in one week before two House Committees, the Oversight Committee heard testimony from the Commissioner again on July 9 at a hearing before the Subcommittee on Government Operations. This hearing was supposed to be about improper payments across federal agencies, and Commissioner Koskinen had agreed to testify “of his own volition.” Nevertheless, you and several other Republicans used the hearing as another opportunity to pillory Commissioner Koskinen about Lois Lerner’s emails, suggesting that he was improperly withholding documents from the Committee, that he had “denied access” to senior IRS officials, that he was “advised to keep quiet,” that he was providing “flippant answers” to the Committee, that there is a “a culture of obstruction at the IRS,” and that any interpretation of documents other than the Republican interpretation is “ridiculous.”⁴

Now, the Committee plans to call Commissioner Koskinen for a third hearing in a month—this time before the Subcommittee on Economic Growth, Job Creation and Regulatory Affairs. It is unclear what questions remain for Commissioner Koskinen, or why they could not be submitted as questions for the record.

Requiring Commissioner Koskinen to testify again this week not only takes him away from the day-to-day duties of operating an agency with 90,000 employees, but it also diverts our Committee from conducting responsible oversight on many key areas that traditionally have been part of our jurisdiction.

Instead of calling Commissioner Koskinen to testify again on Wednesday, I request that the Committee hold a hearing on one of the many issues that Democratic Committee Members have requested over the past four years. Set forth below is a partial list of these unfulfilled requests, several which you said publicly you would hold:

- **Healthcare:** On April 2, 2014, Rep. Jackie Speier, the Ranking Member of the Subcommittee on Energy Policy, Health Care and Entitlements sent a letter requesting that you hold a hearing on alleged fraud perpetrated by Health Management Associates, a for-profit hospital chain. In response to her request, you stated publicly: “I believe that we do need to go after it, and I look forward to holding a hearing in which we look at both sides, vendors who sought to enrich themselves by getting more than they deserved

² *GOP Chairmen Elbow for Right to be Lead Clown*, Atlanta Journal-Constitution (June 24, 2014) (online at www.ajc.com/weblogs/jay-bookman/2014/jun/24/gop-chairmen-elbow-right-be-lead-clown/).

³ *Darrell Issa’s Flailing Search for His White Whale*, MSNBC (June 24, 2014) (online at www.msnbc.com/rachel-maddow-show/darrell-issas-flailing-search-his-white-whale).

⁴ House Committee on Oversight and Government Reform, Subcommittee on Government Operations, *Hearing on “Examining Solutions to Close the \$106 Billion Improper Payments Gap”* (July 9, 2014).

and Government oversight agencies that let it happen.”⁵ Despite your commitment, you never held this hearing.

- **Climate Change:** On February 14, 2013, I sent a letter requesting that you hold hearings on a landmark report issued by the nonpartisan Government Accountability Office concluding for the first time that climate change poses a “high risk” for government agencies, including to: (1) property and lands owned by the federal government; (2) federal insurance programs; (3) federal disaster aid; and (4) federal technical assistance to state and local governments. Although you stated publicly that you “look forward to scheduling that hearing,” no hearings were held.⁶
- **National Security:** On August 24, 2012, Rep. Stephen Lynch sent a letter requesting that you hold a hearing on Green-on-Blue attacks in Afghanistan. Although the Committee held hearings as part of similar investigations in the past, you did not hold a hearing in response to this request.
- **Weapons Systems:** On December 21, 2012, Ranking Member Speier sent a letter requesting an investigation into the failure of the Air Force’s multi-billion dollar Expeditionary Combat Support System and the role of Computer Sciences Corporation, the project’s lead systems integrator. Oversight of defense contracting has traditionally been a core area of the Committee’s jurisdiction, but no hearing was held in response to this request.
- **International Affairs:** On April 30, 2014, Rep. Lynch sent a letter requesting that you hold a hearing on the situation in Ukraine after Russia annexed Crimea. Although the Committee held multiple hearings on Benghazi, no hearing was held in response to this request.
- **Law Enforcement:** On October 1, 2013, Rep. Lynch sent a letter requesting that you hold a hearing on the use of confidential informants by the FBI. This is an issue our Committee investigated extensively under previous Committee chairmen, but no hearing was held in this case.
- **Victims’ Rights:** On March 3, 2011, Rep. Carolyn Maloney sent a letter requesting that you hold a hearing on the national backlog of DNA rape evidence samples pending testing. No hearing was held.

⁵ House Committee on Oversight and Government Subcommittee on Economic Growth, Job Creation and Regulatory Affairs and the Subcommittee on Energy Policy, Health Care and Entitlements, *Hearing on “Examining ObamaCare’s Problem-Filled State Exchanges”* (Apr. 3, 2014).

⁶ House Committee on Oversight and Government Reform, *Hearing on “Exploring GAO’s High-Risk List and Opportunities for Reform”* (Feb. 14, 2013).

- **International Corporate Hacking:** On July 28, 2011, Rep. John Tierney, Ranking Member of the Subcommittee on National Security, and Rep. Bruce Braley sent a letter requesting an investigation of illegal actions by News Corporation, including allegations that the company tried to hack the cellphones of 9/11 victims. On September 12, 2011, Committee Democrats sent a letter reiterating that request, but no hearing was held.
- **Consumer Data Protection:** On January 14, 2014, I sent a letter requesting an investigation of the Target security breach, which affected the personal information of tens of thousands of Americans. No hearing was held.
- **Executive Pay:** On August 30, 2011, I sent a letter requesting that you hold a hearing on CEO compensation, another topic this Committee has focused on extensively in the past, after a report found that 25 of the top 100 CEOs received more in compensation than their company paid in 2010 federal income taxes. No hearing was held.
- **Housing:** As part of the Committee's investigation into widespread and illegal foreclosure abuses—which has been my single highest investigative priority over the past four years—I sent a detailed letter on April 24, 2014, requesting that you hold a hearing on the decision by the Federal Reserve and the Office of the Comptroller of the Currency to suddenly halt the Independent Foreclosure Review and enter into a major settlement agreement with mortgage servicers before the review was finished. Although you joined me in requesting documents, and although your office stated publicly that you were considering this request, no hearing was held.⁷

Each of these thoughtful requests from Members of our Committee is more worthy than yet another hearing with the IRS Commissioner this month. With just 34 legislative days remaining in the 113th Congress—and your chairmanship—I urge you to restore the Committee's traditional oversight priorities and work together on a bipartisan agenda our entire Committee can support.

Sincerely,


Elijah E. Cummings
Ranking Member

⁷ Issa Wants Briefing from Fed, OCC on Foreclosure Reviews, Politico Pro Whiteboard (May 28, 2014).