

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 20, 2021

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue NW
Washington, D.C. 20224

Dear Commissioner Rettig:

On July 29, 2021, I wrote to you with a request for documents relating to the leak of legally protected tax information of American citizens and its subsequent publication by *ProPublica*.¹ Such information included the audit trail for individuals whose returns had been leaked, as well as “a list of the number, date, and nature of all phone calls you have had with *ProPublica* in an effort to stop them from publishing additional articles containing taxpayer information, and a list of any other steps you may have taken to prevent the public dissemination of this information.”

This afternoon, nearly two months later, you finally responded to my request for information.² While I appreciate the response, some of the information provided is woefully insufficient and needs further clarification.

Unlike a trove of information released in a compressed timeframe, as occurred with the Edward Snowden leaks, the slow drip of *ProPublica* articles has provided ample opportunity for you, as IRS Commissioner, to work to ensure the confidential information *ProPublica* possesses remains private. It is critical you provide assurances to Congress that you are taking every step in your power to ensure *ProPublica* does not publish any more confidential taxpayer information.

In your letter this afternoon, you wrote:

The Department of Justice (DOJ) has sole authority to initiate any civil action (such as seeking an injunction) or criminal prosecution pertaining to an unauthorized disclosure of tax information. Similarly, TIGTA has

¹ Letter from the Hon. James Comer, Ranking Member, Comm. on Oversight and Reform, to the Hon. Charles P. Rettig, Commissioner, Internal Revenue Serv. (July 29, 2021).

² Letter from Hon. Charles P. Rettig, Commissioner, Internal Revenue Serv. to Hon. James Comer, Ranking Member, Comm. on Oversight and Reform (Sept. 20, 2021).

The Honorable Charles P. Rettig
September 20, 2021
Page 2

“sole jurisdiction and responsibility to enforce criminal law as it pertains to IRS operations, including IRS employee misconduct and external attempts to corrupt tax administration.” As part of this mandate, TIGTA is charged with investigating “unauthorized inspection and/or disclosure of tax information.” As Secretary Yellen testified in June, the matter has been referred to TIGTA and DOJ.

My request, however, did not concern a civil action or criminal prosecution, but rather what steps you have taken, in your role as IRS Commissioner, to prevent the slow drip of taxpayer information publicized by *ProPublica*. It is not uncommon for leaders of executive branch agencies to reach out to editors or owners of media enterprises, prior to extremely sensitive information being released, to explain why the release of such information is damaging to the agency or public.

I wrote to you in July asking what steps you have taken to contact *ProPublica*. Your response today provides no information responding to that request. This lack of information is either because you have not taken any steps to contact *ProPublica* to ask them to stop releasing information, or you have spoken with *ProPublica* but have chosen not to disclose that to the Committee. Therefore, please clarify your response to this request no later than Wednesday, September 22, 2021.

Thank you for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style.

James Comer
Ranking Member

cc: The Honorable Carolyn Maloney, Chairwoman