

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

October 27, 2022

The Honorable Janet L. Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Yellen,

We write to reiterate our concerns about the actions that led to the massive leak of private taxpayer information in June 2021 to ProPublica. Despite repeated efforts by Ways and Means Committee Republicans, the American people remain in the dark about who was responsible and how the Treasury Department allowed this to happen.

On June 8, 2021, ProPublica published a significant amount of confidential, legally protected, tax information and stated that it “obtained a vast trove of Internal Revenue Service data on the tax returns of thousands of the nation’s wealthiest people, covering more than 15 years.”¹ ProPublica has continued to publish that confidential information in a series of articles about numerous American taxpayers.

Members of the Ways and Means Committee have made several efforts to get information from you and the Internal Revenue Service (IRS) Commissioner about this issue. Those efforts have included letters on June 9, 2021;² June 11, 2021;³ June 17, 2021;⁴ and April

¹ Jesse Eisinger, et al., *The Secret IRS Files: Trove of Never-Before-Seen Records Reveal How the Wealthiest Avoid Income Tax*, PROPUBLICA (June 8, 2021), <https://www.propublica.org/article/the-secret-irs-files-trove-of-never-before-seen-records-reveal-how-the-wealthiest-avoid-income-tax>.

² Letter from H. Comm. on Ways and Means Ranking Member Kevin Brady and S. Comm. on Finance Ranking Member Mike Crapo to The Hon. Charles P. Rettig, Commissioner of the Internal Revenue Service (June 9, 2021), https://gop-waysandmeans.house.gov/wp-content/uploads/2021/06/Letter-to-IRS-Rettig_Crapo-Brady_0609212.pdf.

³ Letter from H. Comm. on Ways and Means Sub. Comm. on Oversight Ranking Member Mike Kelly to The Hon. Charles P. Rettig, Commissioner of the Internal Revenue Service (June 11, 2021), https://gop-waysandmeans.house.gov/wp-content/uploads/2021/06/2021.06.11_Kelly-to-IRS-re-ProPublica.pdf.

⁴ Letter from H. Comm. on Ways and Means Ranking Member Kevin Brady, et al., to The Hon. J. Russell George, Inspector General for Tax Administration, U.S. Department of Treasury (June 17, 2021); Letter from H. Comm. on Ways and Means Ranking Member Kevin Brady, et al., to Mr. Richard K. Delmar, Acting Inspector General, U.S. Department of Treasury (June 17, 2021).

18, 2022;⁵ and questions at hearings on June 17, 2021,⁶ and June 8, 2022.⁷ The responses from the Treasury Department and the IRS all express a similar sentiment. You have stated that you are “deeply concerned” about the issue and that the issue has been referred to the Treasury Inspector General for Tax Administration (TIGTA). TIGTA, however, strictly interprets 26 U.S.C. § 6103 and thus will not discuss anything related to the matter publicly.⁸

While details about any ongoing investigations are protected under 26 U.S.C. § 6103, the statute does not prevent you from making commitments to Congress and the American people about what the Department intends to do regarding this leak and the protection of taxpayer information generally. The statute also does not prevent you from committing to making a full accounting to Congress and the American people within the bounds of the law. After sixteen months of waiting, we are concerned that the Department will continue to sit on this issue under the guise of § 6103 to avoid addressing the issue publicly. This investigation cannot go on forever and the American people deserve answers. Therefore, please answer the following questions:

1. Will you commit to setting a reasonable deadline by which you expect this investigation to be completed?
2. Do you support having TIGTA or the Treasury Department create a report to Congress on any investigative findings related to the leak to ProPublica, so long as such a report would be completed and provided to Congress in accordance with 26 U.S.C. § 6103?
3. Would you support having TIGTA or the Treasury Department create a report of findings once the investigation is complete and make that report publicly available so long as publication of a report is done in accordance with 26 U.S.C. § 6103?
4. To the extent you believe there are challenges under 26 U.S.C. § 6103 related to the reports considered above, do you commit to working with the Ways and Means Committee to develop a process that would comply with the requirements of § 6103 while still allowing for an accounting of this matter to both Congress and the American people?

It is essential that this matter is not swept under the rug. Congress and the American people deserve to know what happened and who is responsible. If the U.S. government is unable to determine who is responsible, then Congress and the American people deserve to know that as

⁵ Letter from H. Comm. on Ways and Means Ranking Member Kevin Brady and S. Comm. on Finance Ranking Member Mike Crapo to The Hon. Charles P. Rettig, Commissioner of the Internal Revenue Service (Apr. 18, 2022), https://gop-waysandmeans.house.gov/wp-content/uploads/2022/04/4-18-2022-Brady-Crapo-to-Yellen_FINAL.pdf.

⁶ H. Comm. on Ways and Means Hearing, *Hearing on the President's Proposed Fiscal Year 2022 Budget with Treasury Secretary Janet Yellen* (June 17, 2021), <https://gop-waysandmeans.house.gov/event/hearing-on-the-presidents-proposed-fiscal-year-2022-budget-with-treasury-secretary-janet-yellen/>.

⁷ H. Comm. on Ways and Means Hearing, *Hearing on President's Proposed Fiscal Year 2023 Budget with Treasury Secretary Janet Yellen* (June 8, 2022), <https://gop-waysandmeans.house.gov/event/hearing-on-presidents-proposed-fiscal-year-2023-budget-with-treasury-secretary-yellen/>.

⁸ Confidentiality and disclosure of returns and return information, 26 U.S.C. § 6103.

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well. Please provide answers to the questions above by November 10, 2022. If you have any questions or wish to discuss the request, please contact Sean Clerget or Brittany Havens of the Ways and Means Committee staff at (202) 225-4021.

Sincerely,



Kevin Brady
Republican Leader
Committee on Ways and Means



Jodey Arrington
Committee on Ways and Means



David Kustoff
Committee on Ways and Means