



U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

May 16, 2023

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

Dear Commissioner Werfel:

I write to request an urgent briefing and explanation from your office regarding extremely troubling allegations that run directly counter to your sworn testimony in front of the Committee on Ways and Means. An Internal Revenue Service (IRS) employee alleges that he or she has been retaliated against for seeking to share information with Congress as a protected whistleblower, despite your testimony before the Committee that “there will be no retaliation.”¹ These allegations are extremely serious. Such retaliation not only discourages whistleblowers from coming forward to Congress but can also constitute an illegal violation of statutory protections for whistleblowers.

As you know, on April 19, 2023, the Committee received a letter from an IRS employee’s legal counsel requesting that the Committee investigate concerns the employee has regarding allegations of misconduct in the handling of a high-profile case.²

The Committee takes seriously any allegations of misconduct by government officials or offices. Given the importance of this issue, I specifically asked you at the Committee’s April 27, 2023, hearing entitled, *Accountability and Transparency at the Internal Revenue Service with IRS Commissioner Werfel*, to commit that there will be no retaliation taken against that whistleblower.³ You responded with the following:

Mr. Chairman, while I can’t comment on a specific case, I can say without any hesitation there will be no retaliation for anyone making an allegation or a call to a whistleblower hotline.⁴

On May 15, 2023—less than three weeks after you made that commitment—the Committee received a letter from the IRS employee’s legal counsel notifying the Committee that on May 15, 2023, the IRS employee “was informed that he and his entire investigative team are being removed from the ongoing and

¹ H. Comm. on Ways and Means Hearing Transcript, *Accountability and Transparency at the Internal Revenue Service with IRS Commissioner Werfel* (Apr. 27, 2023).

² *Statement from Chairman Smith on IRS Whistleblower Outreach*, H. Comm. on Ways and Means (April 19, 2023), <https://waysandmeans.house.gov/statement-from-chairman-smith-on-irs-whistleblower-outreach/>.

³ H. Comm. on Ways and Means Hearing Transcript, *Accountability and Transparency at the Internal Revenue Service with IRS Commissioner Werfel* (Apr. 27, 2023).

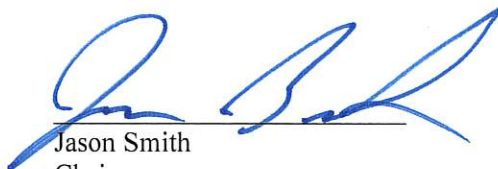
⁴ *Id.*

Letter to the Honorable Daniel Werfel
May 16, 2023
Page 2

sensitive investigation of the high-profile, controversial subject about which [their] client sought to make whistleblower disclosures to Congress.”⁵ Moreover, the letter notes that the IRS employee was informed that the change was made at the request of the U.S. Department of Justice.⁶

This information is incredibly concerning and deserves the immediate attention of the Committee and the agency. Given your testimony, I trust that you take this issue very seriously and will ensure that the Committee receives a briefing on this matter no later than 5pm on Thursday May 18, 2023. Failure to provide forthcoming and transparent information regarding the actions taken against this employee by your agency will necessitate additional Committee action. Please contact Ways and Means Committee Majority staff to schedule this briefing.

Sincerely,



Jason Smith
Chairman
Committee on Ways and Means

⁵ Letter from Mark D. Lytle and Tristan Leavitt, to The Hon. Jason Smith, Chairman, H. Comm. on Ways and Means, et al. (May 15, 2023).

⁶ *Id.*