

DEVIN NUNES
21ST DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:

HEALTH

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UNITED STATES
HOUSE OF REPRESENTATIVES

September 21, 2010

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ASSISTANT REPUBLICAN WHIP

The Honorable Sander M. Levin
Chairman, Ways and Means Committee
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Levin:

Based on recent reports, there is reason to believe that Obama Administration officials have misused confidential tax information. Such activity raises serious questions about the rule of law and our tax system.

On August 9, 2010, the President delivered a speech in which he chastised Americans for Prosperity, founded by David Koch of Koch Industries, for exercising their First Amendment rights. Several weeks later, on August 30, 2010, *The New Yorker* printed an article entitled "*Covert Affairs: the billionaire brothers who are waging war against Obama,*" which attacked David and Charles Koch for their political beliefs. The apparently coordinated attack on the Koch family and their private company was continued on September 10, 2010, with comments by Democratic Congressional Campaign Committee Chairman Chris Van Hollen. Six days later, the President made yet another attack while speaking to a partisan audience.

The Weekly Standard recently reported that during this sustained effort to discredit two private citizens and a private corporation, White House officials had specific knowledge of Koch Industries' tax liabilities. As evidence, *The Weekly Standard* reported that during an August 27, 2010 conference call on corporate taxes, a "senior Obama administration official" singled out Koch Industries during an on-the-record briefing about corporate taxes as a multibillion dollar business that does not pay corporate income taxes.

Under current law, neither individuals nor private corporations are publically required to disclose tax information. Moreover, federal taxpayers have a statutory right to privacy and confidentiality in their dealings with the Internal Revenue Service (IRS). I find it absolutely appalling to consider that a government official would use tax information to discredit or injure someone, especially in response to an exercise of First Amendment rights.

Whether accurate or not, recent press accounts of White House staff violating federal law by accessing or misusing confidential tax information of private corporations raises significant concerns. Considering the IRS falls under the jurisdiction of the Ways and Means Committee it is incumbent upon the Committee to immediately conduct oversight hearings to determine the veracity of the allegations. It is important to discover the facts in this case and **any other instances where privacy laws have been violated.**

I am convinced that allowing such privacy violations to go unchallenged sets an extremely dangerous precedent and constitutes a failure of leadership. Accordingly, it is my sincere hope that, as Chairman of the Ways and Means Committee, you will investigate this serious matter.

Best regards,

Devin Nunes
Member of Congress

Cc: The Honorable Dave Camp, Ranking Member, Ways and Means Committee