

RPTS KERRDCMN ROSEN

MARKUP OF REFERRAL TO THE HONORABLE ERIC H. HOLDER, JR., ATTORNEY GENERAL, OF FORMER INTERNAL REVENUE SERVICE EXEMPT ORGANIZATIONS DIVISION DIRECTOR LOIS G. LERNER FOR POSSIBLE CRIMINAL PROSECUTION FOR VIOLATIONS OF ONE OR MORE CRIMINAL STATUTES BASED ON EVIDENCE THE COMMITTEE HAS UNCOVERED IN THE COURSE OF THE INVESTIGATION OF IRS ABUSES

Wednesday, April 9, 2014

House of Representatives,
Committee on Ways and Means,
Washington, D.C.

The committee met, pursuant to call, at 9:40 a.m., in Room 1100, Longworth House Office Building, Hon. Dave Camp [chairman of the committee] presiding.

Present: Representatives Camp, Johnson, Brady, Ryan, Nunes, Tiberi, Reichert, Boustany, Roskam, Gerlach, Price, Buchanan, Smith, Schock, Jenkins, Paulsen, Marchant, Black, Reed, Young, Kelly, Griffin, Renacci, Levin, Rangel, McDermott, Neal, Becerra, Doggett, Thompson, Larson, Blumenauer, Kind, Pascrell, Crowley, Davis, and Sanchez.

Chairman Camp. The committee will come order.

Mr. Boustany. Mr. Chairman.

Chairman Camp. For what purpose does the gentleman seek recognition?

Mr. Boustany. Mr. Chairman, given the sensitivity surrounding confidential tax information, pursuant to House Rule 112(g)(1), I move that the committee go into executive session for consideration of referring for criminal prosecution Lois Lerner, a former IRS director of Exempt Organizations by the United States Attorney General.

Mr. Levin. Mr. Chairman, if I may inquire.

Chairman Camp. The clerk will call --

Mr. Levin. If I may inquire.

Chairman Camp. The clerk will call the roll.

Mr. Levin. Point of order, Mr. Chairman.

Chairman Camp. The clerk will call the roll.

Mr. Levin. Mr. Chairman, I have a right for a point of order.

Chairman Camp. The clerk will call the roll.

Mr. Levin. Mr. Chairman.

Mr. Crowley. Point of order, Mr. Chairman.

Chairman Camp. Those points of order will be able to be made once we go into executive --

Mr. Levin. No, no, we need to do this in public.

The Clerk. Mr. Johnson.

Chairman Camp. What is the point of order? What is the

gentleman's point of order?

Mr. Levin. Mr. Chairman, I have a right for a point of order.

Chairman Camp. Just chill out. What is the gentleman's point of order?

Mr. Levin. No, no, you follow procedures.

Chairman Camp. What is the gentleman's point of order?

Mr. Levin. I am very chilled out.

Chairman Camp. Okay. What is the gentleman's point of order?

Mr. Levin. I would ask that the motion be read again, and then I want to raise a point of order.

Chairman Camp. Will the gentleman please repeat his motion.

Mr. Boustany. Mr. Chairman, given the sensitivities surrounding confidential taxpayer information pursuant to House Rule 112(g)(1), I move that the committee go into executive session for consideration of referring for criminal prosecution Lois Lerner, the former IRS director of Exempt Organizations by the United States Attorney General.

Mr. Levin. Mr. Chairman, my point of order.

Chairman Camp. What is the gentleman's point of order?

Mr. Levin. There is a reference here to this confidential taxpayer information. We should be able to discuss in open session whether there was a need to proceed on this path violating taxpayer confidentiality. We should be doing this in open session and not in executive session. That is my point of order,

and I think it is a very legitimate point of order. We need to talk about publicly the way the majority here is proceeding, which leads to unprecedented -- unprecedented violation of taxpayer confidentiality.

Chairman Camp. Well, the gentleman has stated his point of order, and the point of order is precisely why we are having to go into executive session. And let me say, as the gentleman well knows, this motion is nondebatable. The clerk will call the roll.

The Clerk. Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson, aye.

Mr. Brady?

Mr. Brady. Aye.

The Clerk. Mr. Brady, aye.

Mr. Ryan?

Mr. Ryan. Aye.

The Clerk. Mr. Ryan, aye.

Mr. Nunes?

Mr. Nunes. Aye.

The Clerk. Mr. Nunes, aye.

Mr. Tiberi?

Mr. Tiberi. Aye.

The Clerk. Mr. Tiberi, aye.

Mr. Reichert?

Mr. Reichert. Aye.

The Clerk. Mr. Reichert, aye.

Mr. Boustany?

Mr. Boustany. Aye.

The Clerk. Mr. Boustany, aye.

Mr. Roskam?

Mr. Roskam. Aye.

The Clerk. Mr. Roskam, aye.

Mr. Gerlach?

Mr. Gerlach. Aye.

The Clerk. Mr. Gerlach, aye.

Mr. Price?

Mr. Price. Aye.

The Clerk. Mr. Price, aye.

Mr. Buchanan?

Mr. Buchanan. Aye.

The Clerk. Mr. Buchanan, aye.

Mr. Smith?

Mr. Smith. Aye.

The Clerk. Mr. Smith, aye.

Mr. Schock?

Mr. Schock. Aye.

The Clerk. Mr. Schock, aye.

Ms. Jenkins?

Ms. Jenkins. Aye.

The Clerk. Ms. Jenkins, aye.

Mr. Paulsen?

Mr. Paulsen. Aye.

The Clerk. Mr. Paulsen, aye.

Mr. Marchant?

Mr. Marchant. Aye.

The Clerk. Mr. Marchant, aye.

Mrs. Black?

Mrs. Black. Aye.

The Clerk. Mrs. Black, aye.

Mr. Reed?

Mr. Reed. Aye.

The Clerk. Mr. Reed, aye.

Mr. Young?

Mr. Young. Aye.

The Clerk. Mr. Young, aye.

Mr. Kelly?

Mr. Kelly. Aye.

The Clerk. Mr. Kelly, aye.

Mr. Griffin?

Mr. Griffin. Aye.

The Clerk. Mr. Griffin, aye.

Mr. Renacci?

Mr. Renacci. Aye.

The Clerk. Mr. Renacci, aye.

Mr. Levin?

Mr. Levin. No.

The Clerk. Mr. Levin, no.

Mr. Rangel?

[No response.]

The Clerk. Mr. McDermott?

Mr. McDermott. No.

The Clerk. Mr. McDermott, no.

Mr. Lewis?

[No response.]

The Clerk. Mr. Neal?

Mr. Neal. No.

The Clerk. Mr. Neal, no.

Mr. Becerra?

[No response.]

The Clerk. Mr. Doggett?

Mr. Doggett. Against cutting off all the microphones, no.

The Clerk. Mr. Doggett, no.

Mr. Thompson?

Mr. Thompson. No.

The Clerk. Mr. Thompson, no.

Mr. Larson?

Mr. Larson. No.

The Clerk. Mr. Larson, no.

Mr. Blumenauer?

Mr. Blumenauer. No.

The Clerk. Mr. Blumenauer, no.

Mr. Kind?

Mr. Kind. No.

The Clerk. Mr. Kind, no.

Mr. Pascrell?

Mr. Pascrell. No.

The Clerk. Mr. Pascrell, no.

Mr. Crowley?

Mr. Crowley. No.

The Clerk. Mr. Crowley, no.

Ms. Schwartz?

[No response.]

The Clerk. Mr. Davis?

Mr. Davis. No.

The Clerk. Mr. Davis, no.

Ms. Sanchez?

Ms. Sanchez. No.

The Clerk. Ms. Sanchez, no.

Mr. Rangel?

[No response.]

The Clerk. Mr. Lewis?

[No response.]

The Clerk. Mr. Becerra?

[No response.]

The Clerk. Ms. Schwartz?

[No response.]

The Clerk. Chairman Camp?

Chairman Camp. Aye.

The Clerk. Chairman Camp, aye.

Chairman Camp. The clerk will -- the clerk will report the vote.

The Clerk. 23 ayes, 12 noes.

Chairman Camp. There being 23 ayes and 12 noes, the motion is agreed to. I ask that all members of the public press, member office staff, and nondesignated committee staff leave the room so we can go into executive or closed session.

[Whereupon, at 9:45 a.m., the committee proceeded into closed session.]

OPEN SESSION RESUMES

[11:50 a.m.]

Chairman Camp. The question is on submitting the referral letter. All those --

Voice. Wait, wait. Technical.

Chairman Camp. All right.

I am prepared to proceed. The question is on submitting the referral letter. All those in favor, signify by saying aye.

Those opposed, signify by saying no.

The ayes have it. The motion is agreed to.

Mr. Levin. I would ask for a recorded vote.

Chairman Camp. The clerk will call the roll.

The Clerk. Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson, aye.

Mr. Brady?

Mr. Brady. Aye.

The Clerk. Mr. Brady, aye.

Mr. Ryan?

Mr. Ryan. Aye.

The Clerk. Mr. Ryan, aye.

Mr. Nunes?

Mr. Nunes. Aye.

The Clerk. Mr. Nunes, aye.

Mr. Tiberi?

Mr. Tiberi. Aye.

The Clerk. Mr. Tiberi, aye.

Mr. Reichert?

Mr. Reichert. Aye.

The Clerk. Mr. Reichert, aye.

Mr. Boustany?

Mr. Boustany. Aye.

The Clerk. Mr. Boustany, aye.

Mr. Roskam?

Mr. Roskam. Aye.

The Clerk. Mr. Roskam, aye.

Mr. Gerlach?

Mr. Gerlach. Aye.

The Clerk. Mr. Gerlach, aye.

Mr. Price?

Mr. Price. Aye.

The Clerk. Mr. Price, aye.

Mr. Buchanan?

Mr. Buchanan. Aye.

The Clerk. Mr. Buchanan, aye.

Mr. Smith?

Mr. Smith. Aye.

The Clerk. Mr. Smith, aye.

Mr. Schock?

Mr. Schock. Aye.

The Clerk. Mr. Schock, aye.

Ms. Jenkins?

Ms. Jenkins. Aye.

The Clerk. Ms. Jenkins, aye.

Mr. Paulsen?

Mr. Paulsen. Aye.

The Clerk. Mr. Paulsen, aye.

Mr. Marchant?

Mr. Marchant. Aye.

The Clerk. Mr. Marchant, aye.

Mrs. Black?

Mrs. Black. Aye.

The Clerk. Mrs. Black, aye.

Mr. Reed?

Mr. Reed. Aye.

The Clerk. Mr. Reed, aye.

Mr. Young?

Mr. Young. Aye.

The Clerk. Mr. Young, aye.

Mr. Kelly?

Mr. Kelly. Aye.

The Clerk. Mr. Kelly, aye.

Mr. Griffin?

Mr. Griffin. Aye.

The Clerk. Mr. Griffin, aye.

Mr. Renacci?

Mr. Renacci. Aye.

The Clerk. Mr. Renacci, aye.

Mr. Levin?

Mr. Levin. No.

The Clerk. Mr. Levin, no.

Mr. Rangel?

Mr. Rangel. No.

The Clerk. Mr. Rangel, no.

Mr. McDermott?

Mr. McDermott. No.

The Clerk. Mr. McDermott, no.

Mr. Lewis?

[No response.]

The Clerk. Mr. Neal?

Mr. Neal. No.

The Clerk. Mr. Neal, no.

Mr. Becerra?

Mr. Becerra. No.

The Clerk. Mr. Becerra, no.

Mr. Doggett?

Mr. Doggett. No.

The Clerk. Mr. Doggett, no.

Mr. Thompson?

Mr. Thompson. No.

The Clerk. Mr. Thompson, no.

Mr. Larson?

Mr. Larson. No.

The Clerk. Mr. Larson, no.

Mr. Blumenauer?

Mr. Blumenauer. No.

The Clerk. Mr. Blumenauer, no.

Mr. Kind?

Mr. Kind. No.

The Clerk. Mr. Kind, no.

Mr. Pascrell?

Mr. Pascrell. No.

The Clerk. Mr. Pascrell, no.

Mr. Crowley?

Mr. Crowley. No.

The Clerk. Mr. Crowley, no.

Ms. Schwartz?

[No response.]

The Clerk. Mr. Davis?

Mr. Davis. No.

The Clerk. Mr. Davis, no.

Ms. Sanchez?

Ms. Sanchez. No.

The Clerk. Ms. Sanchez, no.

Mr. Lewis?

[No response.]

The Clerk. Ms. Schwartz?

[No response.]

The Clerk. Chairman Camp?

Chairman Camp. Aye.

The Clerk. Chairman Camp, aye.

Chairman Camp. The clerk will report the vote.

The Clerk. 23 yeas, 14 nays.

Chairman Camp. There being 23 ayes and 14 noes, the motion is agreed to. Referral to the Honorable Eric H. Holder, Jr., Attorney General, a former Internal Revenue Service Exempt Organizations Division Director Lois G. Lerner for possible criminal prosecution for violation of one or more criminal statutes based on evidence the committee has uncovered in the course of the investigation of the IRS abuses has been ordered favorably reported to the House of Representatives.

Mr. Levin. Mr. Chairman.

Chairman Camp. Mr. Levin.

Mr. Levin. Pursuant to clause 2(1) of Rule 11, I request up to 2 additional calendar days to file Democratic views to this report.

Chairman Camp. Without objection, so ordered, and without objection, the committee stands adjourned.

[Whereupon, at 11:55 a.m., the committee was adjourned.]