

Let me read the quote in the letter: “Unfortunately the final TPP text simply replicates nearly word for word many of the problematic provisions from past agreements, and indeed would vastly expand the U.S. government’s potential liability under the ISDS system.”

This is about our sovereignty.

I yield to the gentleman.

Mr. TONKO. Doesn’t this give corporations an opportunity to undo regulations that are established by our country or laws that are established?

Mr. POCAN. The net effect by suing for financial gain will do exactly that if someone is going to have to pay damages.

There is an ISDS provision that happened in Peru over an environmental law change by a company that had toxic contamination. That company is now, because of that change to environmental law in Peru, demanding \$800 million from the country—\$800 million because they are saying that that is somehow going to affect their future profits and because of a violation of a trade agreement.

These are real. This is just one of many, many examples. Canada and other countries have been sued through these provisions. But now we have the experts in the United States telling us not to do that.

So this is something that clearly is one of the biggest problems that is in there. As we said, you can’t amend it out. We are not allowed. As Congress, we gave up our ability to amend that section out.

Mr. Speaker, I yield to the gentleman.

Mr. TONKO. I think what you are pointing to here is a very important component of the agreement. We do lose the control, the direct authority, required of us by the constituency that places its trust in each and every Representative that is elected to come to Congress. They believe rightfully that we are going to have their best interests.

We vote in accordance with what we hear from them about standards that should be maintained, established, and implemented; and to have that passed on to a court of whatever, of a format that is far removed from a given situation and may be looking at just greed as a factor, an unwillingness to pay abundantly well for what our standards should be maintained for just reasons, moves the process away from us with any control that we might have had taken away. I think that anonymity is a dangerous outcome as a result of this sort of agreement.

So I think that, again, there is a lot of fine print in the agreement that has to be really examined and thoroughly reviewed so that we are not putting our situations at risk and our communities at risk.

All in all, it is wanting to maintain standards that will respond to the needs of the environment. We know how critical that is. We know how

much improvement is required and that we make great gains. But for those who signed into the process—some were actually directly communicating to the executive branch saying: let’s get this fast track going.

Why would you circumvent your role? Why would you, as a Member of the House, want to remove yourself from the process when we should be here reviewing, examining, recommending, and at least having some sort of input that won’t pass it over and absolve ourselves of given responsibilities?

So I appreciate, again, your yielding, Representative POCAN.

Mr. POCAN. I thank the gentleman.

As much as this is the Progressive Caucus Special Order hour, and many of us are working against this, I see Republicans in the room. I know Republicans are just as concerned about the sovereignty of this country. When you have the ISDS provisions that you have, you take away that sovereignty. So I don’t care if you are a Democrat, a Republican, or an Independent, you want to make sure that if we have a legal system here it is a legal system for everyone and there is not a special system set up for a few multinational corporations that no one else can access with their own players arbitrating these decisions. That is the real problem.

Mr. Speaker, I will close our hour just by repeating a few of the things that I think are really important for our people who are watching to understand. This is a day of action, and 90 organizations have had calls coming into Congress throughout the day. Tens of thousands of calls have come into Washington, D.C., to ask people not to support TPP, but especially not to support a vote on the Trans-Pacific Partnership in a lameduck Congress.

Don’t let people who have just been rejected by the voters make a decision that could impact this country for decades in the future. Don’t allow a vote that is going to take away more American jobs and further depress our wages here. That is what people have been calling us all day about.

I think that an important question for anyone who wants to serve in this body is: are we going to give up those sorts of sovereignty issues? Are we going to give up the very concerns we have around things like food safety and prescription drug prices; around labor standards and environmental standards?

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Are we going to give all of that up through one giant trade deal that has 40 percent of the world’s gross domestic product wrapped into it and think that any agreement we have with Canada and Vietnam are identical?

I don’t think anyone really believes that is in the best interest of America. That is why we had this Special Order tonight. That is why so many people called in today. We thank those people

for watching, and we hope that they will get active on this issue as well. It is important that we have trade, but we need fair trade, not just free trade.

Mr. Speaker, I yield back the balance of my time.

IMPEACHING JOHN KOSKINEN

The SPEAKER pro tempore (Mr. MACARTHUR). Under the Speaker’s announced policy of January 6, 2015, the Chair recognizes the gentleman from Ohio (Mr. JORDAN) for 30 minutes.

Mr. JORDAN. Mr. Speaker, John Koskinen should no longer hold office. John Koskinen should no longer be the Commissioner of the Internal Revenue Service. Tonight I am joined by some of my colleagues to talk about why that should happen, why he should be removed from office.

If you remember what took place here, the Internal Revenue Service targeted our fellow citizens for their political beliefs. They did it, and they got caught. Maybe most importantly tonight, thinking about the current Commissioner, the targeting continues.

Now, you don’t have to take my word for it. You can take what the United States Appellate Court for the District of Columbia stated. This is a decision from August 5, 2016, last month, from the opinion.

The IRS has admitted to the inspector general, to the District Court, and to us—the United States Court of Appeals for the District of Columbia—that applications for exemption by some of the plaintiffs have never to this day been processed. They are still targeting conservative groups.

They say it again right here:

It is absurd to suggest that the effect of the IRS’ unlawful conduct, which delayed the processing of plaintiffs’ applications, has been eradicated when two of the plaintiffs’ applications remain pending.

So here is the takeaway: they are still doing it.

Here is the standard for removing someone from office: gross negligence, breach of public trust, dereliction of duty.

Mr. Koskinen has certainly had those things take place under his tenure at the Internal Revenue Service.

Here are the facts. February 2014, John Koskinen’s chief counsel is on notice that there are problems with Lois Lerner’s hard drive and missing emails from during the time of the initial targeting. They wait 4 months before they tell Congress and, therefore, the American people.

During that 4 months, they learn in February: Oh, we have got missing emails, problems with Lois Lerner’s hard drive, an essential figure in this scandal.

They wait until June before they tell Congress and the American people.

During that 4-month timeframe, 422 backup tapes are destroyed. Most importantly, they are destroyed with three orders to preserve all documents, and two subpoenas to get those documents are in place. Now, think about

that. You have got missing emails, the backup tapes that contain those missing emails are destroyed during the 4 months you are trying to figure out and 4 months before you tell Congress, and those 422 backup tapes contain potentially 24,000 emails.

That is why he should no longer hold office. That is why it is important that we take this vote at some point and remove him from office. So you have got the standard, which he certainly meets based on that fact pattern; and you have got the court, which just told us last month the targeting continues.

The last thing I will say before turning to my colleagues: No private citizen could get away with that same scenario. If any one of us, any one of the three-quarters of a million people we all get to represent, any of those folks back in the Fourth District of Ohio, which I have the privilege of serving, if any one of those folks are audited by the IRS and they discover that they are missing documents that are critical to that audit and critical to what the IRS is looking for and they wait 4 months to tell the IRS that they are missing those documents, and during that time the backup disk or the backup tape that contains those missing documents somehow gets destroyed, what is going to happen to them?

Well, they are definitely getting fined and they are probably going to jail. But somehow when it happens to John Koskinen, the Commissioner of the IRS, it is okay. It is not okay. It is not okay in this country. This is what frosts so many Americans today. There are now two standards in this country. One for we, the people, and a different one for the politically connected. One for us regular folks and a different one if your name is Lerner, Koskinen or Clinton. That is not supposed to be how it works in this country, not in the greatest Nation ever, where we are all supposed to be treated equally under the law.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. FLEMING), my good friend.

Mr. FLEMING. Mr. Speaker, I thank the gentleman for having this Special Order tonight.

My good friend, Congressman JORDAN has laid out the facts of this case. There are many other detailed facts that we don't have time to get into. But just to give you an example of what my constituents are saying to me, they are over-the-top angry at what Congressman JORDAN was talking about, and that is that there seems to be two standards in America. There is one standard for the elite, there is one standard for the high-up officials in Washington, and then there is a standard for everyone else. We see this play out all the time.

But there are some very notable groups and people who support our effort to begin the impeachment of John Koskinen, head of the IRS. I will just give you some examples.

The National Review's editorial board:

A weaponized IRS put to partisan political ends constitutes an unbearable assault on American democracy and undermines the very institutions of government itself.

The Wall Street Journal, their editorial board:

The U.S. attorney has refused to honor Congress' contempt charge against Ms. Lerner for refusing to testify. The Justice Department has closed its investigations into the IRS targeting without prosecutions, and the press corps winks at abuses of power when conservatives are the targets.

That is precisely the point. It appears that the media—the liberal media, which most media is nationally, seems to be agreeing with this. In fact, I have had a number of media outlets out there who ask me: Why would you want to impeach the head of the IRS? What is wrong with him?

Yet, you heard how we learned how Mr. Koskinen deceived Congress, refused to respond to subpoenas, evidence was destroyed in his tenure. So either he did it or someone did it while under his authority, and then again deceived Congress about that as well. So it is very clear there has been wrongdoing.

While Mr. Koskinen has come to the Hill here to talk to Members—but he wants to do it offline and without being sworn in—he has not shown any interest in doing it under oath.

The New York Post editorial board:

If you responded to an IRS audit the way Koskinen's IRS has behaved, you'd be looking at huge penalties and maybe prison time.

George Will, a noted conservative:

Congress should impeach the IRS Commissioner or risk becoming obsolete.

Red State:

Why the impeachment of the IRS Commissioner is a sign that Congress might actually work?

The American people have given up on Congress. Congress is the legislative branch, which is a co-equal branch of government, and it should be a check on the executive branch, and the judicial branch, for that matter. Yet, Congress has shriveled up and atrophied so much. The American people have given up on Congress ever doing anything about corruption at high levels of our government.

And then Americans for Tax Reform:

Why Congress should impeach IRS Commissioner John Koskinen. Since then, Koskinen has failed to reform the IRS with the agency becoming increasingly politicized. Under Koskinen, the agency destroyed several sources of Lois Lerner's emails while he gave numerous false statements to Congress under oath.

So it is very clear that very notable people, patriots, and people of stature, people who are well-respected in America agree with the House Freedom Caucus that we should move forward.

Finally, there has been polling on this matter. Freedom Works, for instance, has commissioned a poll. Very clearly the American people say by as much as a 66 percent net positive over negative that John Koskinen should lose his job. So I think it is very clear.

I would just say that we are not sure what votes that we are going to have tomorrow on this subject, but any vote short of impeachment of the IRS Commissioner would be a vote against impeachment and would be a vote against showing Mr. Koskinen the door and getting someone who will do right by our leadership in the Internal Revenue Service, a very important agency, and one that has been so much abused—or, actually, victims. Americans have been abused—through its institution.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for his hard work on this issue and for bringing the motion forward to get this issue in front of Congress.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I thank the gentleman from Ohio (Mr. JORDAN).

Under the Obama administration, the IRS has consistently proven that it cannot be trusted to serve the best interests of the American people. Unelected bureaucrats like Lois Lerner and John Koskinen have weaponized the agency and used it as a tool to blatantly target innocent Americans simply for having different political beliefs.

Rather than cleaning house and restoring the trust of the American people, the IRS Commissioner John Koskinen has continued the pattern of criminal behavior and lawlessness within the IRS. On Koskinen's watch, more than 24,000 emails and 420 backup tapes providing critical evidence were completely erased.

Koskinen failed to comply with a congressional subpoena, failed to testify truthfully in front of Congress four different times while under oath, and is now the ringleader for the cover-up of the targeting of innocent Americans by this rogue agency.

Our Founding Fathers specifically empowered the House of Representatives with the authority to hold the executive branch in check when it violates the trust of the American people and, more importantly, when it violates the law.

The only way we can change the climate of corruption in Washington, D.C., is to make an example of bureaucratic lawlessness. And we can start right now by removing John Koskinen from his job.

Just you watch, if the House of Representatives takes action to fire John Koskinen, I guarantee you that the rest of the Obama administration and future administrations to come will get that message.

It is beyond outrageous that not a single IRS employee has been brought to justice for targeting innocent Americans. The House has an obligation to pursue all constitutional options on the table to remove John Koskinen, including impeachment.

Koskinen and accountability are within our reach, and my colleagues and I will not yield in our efforts to hold this lawless agency accountable until we get it done.

Mr. JORDAN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman.

Mr. Speaker, Commissioner John Koskinen took over the Internal Revenue Service in the wake of the IRS conservative targeting scandal ostensibly to reform the agency internally. Instead, he continued his predecessor's legacy of stonewalling justice.

After Lois Lerner, Director of the IRS' Tax Exempt Organizations Unit, invoked the Fifth Amendment when she appeared before Congress, the Committee on Oversight and Government Reform issued a subpoena for IRS documents, including all of Lois Lerner's emails.

The IRS' Chief Technology Officer also issued a preservation order instructing employees not to destroy any emails, backup tapes, or anything relevant to the investigation. But, Mr. Speaker, despite a congressional subpoena and a do-not-destroy order, the IRS inspector general found that the agency had erased 422 backup tapes containing as many as 24,000 emails. All the while, Commissioner John Koskinen knowingly and deliberately kept Congress in the dark.

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Commissioner Koskinen was clearly aware that the emails were lost, but he knowingly and deliberately withheld that information from Congress for 4 months and stonewalled the entire investigation.

Mr. Koskinen testified under oath four times before Congress during that 4-month period, saying he would turn over all of Lerner's emails, making no mention of the fact that the bulk of them had been "lost."

Mr. Koskinen provided false testimony and swore under oath that the information on the bulk of the backup tapes was unrecoverable. The inspector general found that approximately 700 of those emails had not, in fact, been erased and were, in fact, recoverable.

Mr. Speaker, John Koskinen then failed to protect citizens against the same type of future discrimination. A General Accounting Office report found no significant measures had been implemented under Mr. Koskinen's watch to ensure that civil servants at the IRS do not continue in the future to unlawfully target Americans based on their political or religious views.

Mr. Speaker, this entire matter is absolutely counter to everything a Republic like ours was meant to be. In a constitutional Republic like the United States of America, we are fundamentally predicated on the rule of law; and there are very few things that break faith with America and the American people or that undermine their trust in their government more than witnessing those who are given the sacred responsibility to enforce tax collection equally and according to the law using

the Federal Government's power of taxation unlawfully to economically destroy and deliberately oppress American citizens based on their religious or political views.

Such a tyrannical abuse of power and the betrayal of their sworn oath to the United States Constitution by Commissioner John Koskinen and Barack Obama will be writ large in their shameful legacy because it is something that goes to the very heart of the rule of law in this Republic and that so many lying out in Arlington National Cemetery died to preserve.

Mr. Speaker, the United States Congress has a duty to impeach Commissioner John Koskinen. The impeachment power is a political check that, as Alexander Hamilton wrote in *Federalist 65* of 1788, protects the public against abuse or violation of public trust. And Commissioner John Koskinen, appointed by Barack Obama, has unequivocally violated public trust.

A taxpayer would never get away with treating an IRS audit the way the IRS officials have treated this congressional investigation; and the Congress of the United States owes it to the American people, to future generations, and to our sworn oath to the Constitution to hold the perpetrators of this tyrannical abuse of power accountable and to make sure that this never happens again.

Mr. JORDAN. Mr. Speaker, I thank the gentleman for all his hard work.

I yield to the gentleman from the great State of Kansas (Mr. HUELSKAMP), another hardworking Member.

Mr. HUELSKAMP. Mr. Speaker, it is a pleasure to be here tonight and tomorrow.

This House will have a chance to redeem itself a bit, or at least remain relevant for now. Hopefully, we will be voting on something of great consequence for a change.

Tomorrow we in this body will be asked to vote for or against removing the IRS Commissioner. Make no mistake, however. This is not just a vote to remove one man from office. It is a vote for or against the rule of law itself. It is a vote for or against maintaining our system of internal checks and balances. It will be a vote for or against accountability for public officials and transparency in our government.

For months, myself and other House Freedom Caucus members have been pushing for this accountability. Those who might oppose this measure most likely believe they are doing the right thing by defending the IRS. In fact, they are defending a toxic status quo in which our Nation's most powerful agency, the IRS, can legitimately be used to thwart one's political enemies. This is a status quo in which one party gains power in one branch of government, then uses the resources of that branch of government to depress the power of all other branches of govern-

ment. This is something we would expect to see in an emerging democracy, not the greatest Republic in the history of man. Let's take a look back at how this all came about.

During President Obama's reelection campaign, the IRS systemically prolonged consideration of applications for nonprofit status from hundreds of conservative organizations—in some cases, as we heard this evening, indefinitely. Many of those organizations were never able to recover from this denial; others were effectively neutralized for the duration of the 2012 election. This, of course, is a matter of fact and not of opinion. Eventually, the discriminatory practice was exposed, and Mrs. Lerner was removed from her position—although, I might note, she retained her full retirement pension from taxpayers.

John Koskinen was imported as Commissioner to sort the mess out. Then, as the President promised, to restore our faith in the Federal Government, he would act in the best interest of all of us and not abuse his power ever again.

But after Lerner refused to testify before Congress, the IRS casually mentioned that some of her emails had gone missing, despite the subpoenas and orders to preserve them—again, casually mentioned. In fact, we found out later, the IRS had erased 422 backup tapes containing as many as 24,000 emails.

Now, think about that. If every email was one single page and you stack those all up, that would be 8 feet worth of erased emails.

When the Commissioner told Congress under oath that many emails had been accidentally destroyed, he was lying. And when the Commissioner told Congress under oath that his agency would provide investigators with all of Mrs. Lerner's remaining emails, he was lying. And when he told Congress under oath that the IRS would fully comply with any FOIA request and otherwise assist our investigation into the practice of unfairly targeting organizations for their First Amendment beliefs, he was lying. And then when he and his boss, the President of the United States, told the American people, under the sacred trust vested in all public officials, that he would reform the IRS, make it more transparent and less hostile to families, faith organizations, and small businesses, he was not telling the truth.

The Commissioner blatantly lied under oath on multiple occasions because he thought he could get away with it. Just like so many other administration officials, the Commissioner believed he was above the law and beyond reproach.

Tomorrow we have a chance to resoundingly prove Mr. Koskinen's audacious assumptions wrong. These Articles of Impeachment—four for each lie he told—represent the negative consequences that the average American would face if he lied under oath.

Some have called this effort petty. There are even some who believe there are other officials more deserving of removal. Perhaps they are right. However, in this case, we have someone whose violations of the law and the public trust cannot be disputed. And I would hope, in light of the indisputable evidence, this body could perhaps move beyond the partisan divisions so that justice can be served. I encourage my fellow Members to do the right thing and vote for accountability, vote for the rule of law, and vote for a government that has checks on its own power.

I thank the Congressman from Ohio for his leadership. He is a true friend. This is a very serious issue. This is not a political issue. This is an issue of principle and rule of law for our government.

Mr. JORDAN. I thank the gentleman for his comments, which are right on target.

Mr. Speaker, I yield to gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman from Ohio.

Mr. Speaker, I actually wanted to touch on something that is a little bit different.

Look, we have all seen the documents. We have all heard the argument, even this evening, on the bad acts. Now I want to walk you through why we must do this. And I understand for a lot of our brothers and sisters in this body, this is uncomfortable. This is something that hasn't been done in a very long time. So let me walk through sort of a line of logic, because you can't be a Member of Congress and go home and do townhalls and talk to reporters and say, "I am going to defend the Constitution," "I am going to defend our Article I authority," and then not stand up and defend it. So let's actually do sort of a linear line of logic here.

If tomorrow one of you became a CEO, 15 years ago this body passed something called Sarbanes-Oxley, which basically said, if you are in the leadership and someone commits bad acts in your organization, you accept the responsibility because you accepted that position of leadership. These are the things we require from the real world outside this body.

Has anyone here ever been a real estate broker, had a securities license, other types? If bad acts happen underneath your license, what happens? You lose your license. You are removed from that position. But somehow these rules, this concept of responsibility that this very body has put out on the rest of the country, the rest of the private sector, is not willing—or is uncomfortable—to demand the very same status of responsibility, the very same status of ethics that we require from a real estate broker, from corporate executives. We are not going to require it from the head of one of the most powerful bureaucracies in this Nation?

And this is to all my brothers and sisters in the body. I accept it is un-

comfortable doing something you have not done before. That does not mean it isn't the right thing to do.

You have heard the argument made. The facts are crisp and clear. Now it is time to make that decision. Are you willing to defend the Article I position that this body holds in the Constitution? Are you willing to defend the Constitution? Or are you willing to let our representation of the American people continue to be trampled on by this administration?

Mr. JORDAN, thank you for letting me have the mike.

Mr. JORDAN. I thank the gentleman for his good remarks.

I yield to the gentleman from Pennsylvania (Mr. PERRY.)

Mr. PERRY. I thank the gentleman from Ohio for his leadership, bringing this to our attention, and giving us the time to talk about it.

Mr. Speaker, on what we are talking about, we have heard all the facts, so I don't want to belabor them. Numerous protective orders, subpoenas—literally, a preservation order from his own organization, his own agency—the IRS Commissioner just disregarded all that stuff and did exactly what he wanted to do in contravention to what any of us would do.

Two standards of justice is what we are talking about, whether it was for Lois Lerner, whether it was for John Koskinen, or whether it was for Hillary Clinton, two standards of justice: one for them, one for the people who are connected; and one for all the rest of us, one for the people out there in the real world.

I remember in my business, when we got a letter from the IRS, "Oh, provide something from 4 years ago," we would go to our accountant and say, "Well, we already turned this stuff in. We have submitted this stuff."

"Well, you have to save your records for 7 years, and you have got to submit that, or you are going to be in trouble."

I mean, when you see something from the IRS, your heart stops. Do you think Lois Lerner's heart stopped?

Do you think if the police were looking at you or investigating you that you would get to go to the judge without talking to the police and say, "Hey, I will tell you what happened here, but we don't need to involve the police in that"? That is what happened here, folks. That is what happened, Mr. Speaker.

Two standards of justice: one for all of us working people out there, and one for the connected.

Mr. Speaker, ladies and gentlemen, the facts are very clear. It is our duty, it is our requirement under the Constitution, to provide justice. And Mr. Koskinen will have his day in court, his due process. That is the impeachment process. That is where he can tell his story. He will have his day. But the people who have been aggrieved by the weaponization of this agency also must have their justice, and it has been denied to this point.

Mr. Speaker, I call for the action that we are talking about.

Mr. JORDAN. I thank the gentleman. He is right on target.

Mr. Speaker, I yield to the fine gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. I thank the gentleman for the opportunity to address this body. It is an honor to be here tonight, but it is a sad time to be here talking on this topic.

Mr. Speaker, as the newest guy here, I am still figuring out a lot of things. So maybe for anybody who is thinking about this from home, this IRS scandal has been going on since 2010. The first evidence of targeting was 6 years ago. A lot of people say: Why are you guys still looking into this? Why has it taken so long to get to this? Congress has looked into it since 2013. It has been here for a long time. And what we see here is an act of frustration, of frustration with a system that our own body is having a hard time working. A lot of us would like to see this go through the Judiciary Committee, go through a different standard process, but that process has continued to stall, delay, and not happen.

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I think we owe it to the people who sent us here to do what we said we would do, which is to support and defend our Constitution.

If this body can be ignored, if we can have people come and give inaccurate testimony, if we can have subpoenas ignored, if we can have evidence destroyed, then, as George Will wrote, we risk being completely irrelevant.

This is the dilemma: this isn't just the IRS that has done this. This is the email scandal from the State Department. I remember the shock of the CNN anchor saying "the BlackBerry's are destroyed." Fact check that. You just can't believe that these kind of things are going on.

I serve on the Science, Space, and Technology Committee where orders to report data breaches have occurred over and over, and inaccurate testimony is given. Subpoenas are being ignored by Attorneys General for evidence involving cases that are intended to stifle scientific research.

When Congress is acting, the word is on the street: You can ignore these requests. You don't have to respond to subpoenas. You can destroy evidence, and you can always give inaccurate testimony. Nothing is going to happen.

So it is time we do take action. I hope we consider a course that keeps our IRS Commissioner accountable and also sets an example that, when Congress takes action, it should be taken seriously.

Mr. JORDAN. Mr. Speaker, I yield back the balance of my time.

IMPEACHMENT OF IRS COMMISSIONER

(Mr. JODY B. HICE of Georgia asked and was given permission to address the House for 1 minute.)