

United States Senate
WASHINGTON, DC 20510

March 28, 2017

Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions,

We are writing today regarding President Trump's March 2017 decision to fire U.S. Attorney Preet Bharara. We are concerned about a recent report that Mr. Bharara was overseeing an investigation of the Secretary of Health and Human Services, Tom Price, and have questions about whether such an investigation had any impact on President Trump's decision to fire Mr. Bharara.

President Trump recently asked 46 U.S. attorneys to resign from their posts "in order to ensure a uniform transition" within the Department of Justice."¹ Preet Bharara, the former U.S. Attorney for the Southern District of New York, was among those asked to resign.² When he did not do so, he was fired. The decision to remove the vast majority of U.S. Attorneys was not unprecedented—former Presidents Clinton, Bush, and Obama took similar actions.³ But the decision to remove Mr. Bharara was surprising and unusual because in November 2016, then President-elect Trump asked, and Mr. Bharara agreed, to "stay on as the United States attorney."⁴

According to *ProPublica*, when Mr. Bharara was fired, he was investigating Secretary Price's stock trading activity.⁵ We and many of our colleagues raised questions regarding Secretary Price's stock trading during his confirmation process, pointing to possible violations of The Stop Trading on Congressional Knowledge ("STOCK") Act, other securities laws, and

¹ Eric Tucker and Sadie Gurman, "Attorney general seeks resignation of 46 US attorneys," *Associated Press* (March 10, 2017) (online at <http://bigstory.ap.org/article/35aed02cfe574c53b67612c1f85312ab/attorney-general-seeks-resignations-46-us-attorneys>).

² Charlie Savage and Maggie Haberman, "Trump Abruptly Order 46 Obama-Era Prosecutors to Resign," *New York Times* (March 10, 2017) (online at <https://www.nytimes.com/2017/03/10/us/politics/us-attorney-justice-department-trump.html>).

³ Josh Gerstein and Josh Dawsey, "Trump team ousts Obama-appointed U.S. attorneys," *Politico* (March 10, 2017) (online at <http://www.politico.com/story/2017/03/jeff-sessions-trump-obama-us-attorneys-resignation-235940>); Josh <http://www.politico.com/blogs/under-the-radar/2009/05/obama-to-replace-us-attorneys-018390>).

⁴ Preet Bharara Says He Will Stay On as U.S. Attorney Under Trump," *New York Times* (November 30, 2016) (online at https://www.nytimes.com/2016/11/30/nyregion/preet-bharara-says-he-will-stay-on-as-attorney-under-trump.html?_r=0).

⁵ Robert Faturechi, "Fired U.S. Attorney Preet Bharara Said to Have Been Investigating HHS Secretary Tom Price," *ProPublica* (March 17, 2017) (online at <https://www.propublica.org/article/preet-bharara-fired-investigating-tom-price-hhs-stock-trading>).

congressional ethics standards. As you know, the STOCK Act, passed in 2012, prohibits members of Congress and their staff from engaging in abusive insider trader practices, specifically, using “nonpublic information derived from the individual’s position...or gained from performance of the individual’s duties for personal benefit.”⁶

During his time in Congress, Secretary Price traded more than \$300,000 worth of stock in dozens of pharmaceutical, healthcare, and biomedical companies while actively sponsoring, cosponsoring, or voting on dozens of bills that could affect these companies’ bottom lines.⁷ Some of the bills and letters Secretary Price authored stood to directly benefit companies in which he owned stock.⁸

We were particularly concerned by Secretary Price’s investment in a small Australian biopharmaceutical firm, Innate Immunotherapeutics, of which Congressman Chris Collins is a board member and the firm’s largest stockholder. Last year, Secretary Price was among a small group of American investors with political ties to Collins who bought discounted Innate shares in two private stock sales.⁹ Secretary Price paid \$84,000 to purchase 400,000 Innate stock, which is \$40,000 less than what he would have paid for the same amount of stock on the open market.¹⁰ Secretary Price learned about the company from Congressman Collins.¹¹ Moreover, Congressman Price provided misleading information to the Senate and Office of Government Ethics about the size of his investments in Innate, and the role that his relationship with Congressman Collins played in his purchases.¹²

We hope that you can provide us with greater clarity on the circumstances under which Mr. Bharara was fired. We respectfully request responses to the following no later than April 3, 2017.

⁶ Public Law 112-105 (online at <https://www.congress.gov/112/plaws/publ105/PLAW-112publ105.pdf>).

⁷ James V. Grimaldi and Michelle Hackman, “Donald Trump’s Pick for Health Secretary Traded Medical Stocks While in House,” *Wall Street Journal* (December 22, 2016) (online at <https://www.wsj.com/articles/donald-trumps-pick-for-health-secretary-traded-medical-stocks-while-in-house-1482451061>).

⁸ See Sam Frizell, “Donald Trump’s Cabinet Pick Invested in 6 Drug Companies Before Medicare Fight,” *Time* (January 17, 2017) (online at <http://time.com/4636351/tom-price-drug-companies-investments/>); Jayne O’Donnell, “HHS nominee Tom Price bought stock, then authored bill benefiting company,” *USA Today* (February 2, 2017) (online at <http://www.usatoday.com/story/news/politics/2017/02/02/hhs-nominee-tom-price-bought-stock-then-authored-bill-benefiting-company/97337838/>); and James V. Grimaldi and Stephanie Armour, “Health Secretary Nominee Tom Price Proposed Bill Benefiting His Puerto Rico Investments,” *Wall Street Journal* (January 24, 2017) (online at <https://www.wsj.com/articles/health-secretary-nominee-tom-price-proposed-bill-benefiting-his-puerto-rico-investments-1485253807>).

⁹ See Katie Thomas, “Australian Drug Maker Has Low Profile but Powerful Backers in Washington,” *New York Times* (January 13, 2017) (online at https://www.nytimes.com/2017/01/13/health/innate-immunotherapeutics-tom-price.html?_r=1); See Jerry Zremski, “Collins, shared biotech stock news with big Buffalo names,” *The Buffalo News* (January 19, 2017) (online at <http://buffalonews.com/2017/01/19/buffalos-elite-joined-collins-australian-investment/>).

¹⁰ *Congressional Record* Vol. 163, No. 23 (February 9, 2017) (online at <https://www.gpo.gov/fdsys/pkg/CREC-2017-02-09/pdf/CREC-2017-02-09-senate.pdf>), p. 1057.

¹¹ *Ibid.*, p. 1061.

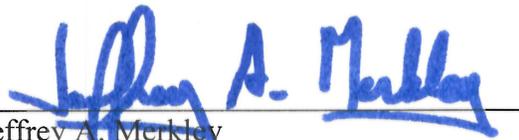
¹² *Ibid.*, p. 1059.

1. Why was Mr. Bharara fired? Which circumstances changed between November 2016, when President-elect Trump announced that Mr. Bharara would remain as U.S. Attorney, and March 2017, when he was fired?
2. Which White House or DOJ officials were responsible for the decision to fire Mr. Bharara?
3. Was Mr. Bharara involved in or conducting an investigation of Secretary Price at the time he was fired?
 - a. If so, were you aware of this investigation at the time Mr. Bharara was fired?
 - b. Was President Trump aware of the investigation at the time Mr. Bharara was fired?
 - c. Which other White House or DOJ officials were aware of the investigation at the time Mr. Bharara was fired?
4. Was Mr. Bharara conducting any other investigations of President Trump, his family, or other Administration officials at the time he was fired?
 - a. If so, what was the nature of these investigations?
 - b. If so, were you aware of this investigation at the time Mr. Bharara was fired?
 - c. Was President Trump aware of these investigations at the time Mr. Bharara was fired?
 - d. Which other White House or DOJ officials were aware of these investigations at the time Mr. Bharara was fired?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Richard Blumenthal
United States Senator