

United States Senate
WASHINGTON, DC 20510

April 21, 2020

The Honorable Michael E. Horowitz
Chair
Council of Inspectors General on Integrity and Efficiency
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Inspector General Horowitz:

As you convene the Pandemic Response Accountability Committee (PRAC) authorized by the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*,¹ we urge the Committee to use its authority to open an investigation into President Trump's politicization of the Act's implementation and the federal government's public health and economic response to the coronavirus disease 2019 (COVID-19) pandemic. Congress passed the \$2.2 trillion *CARES Act* in order to help address the ongoing public health emergency and economic crises created by the pandemic. But we are alarmed by reports that the President and other administration officials are taking actions based on partisan and political rationales instead of acting in the most efficient and effective manner to address these twin threats to the American public, and ask that you investigate these concerns, which cut across several different Trump Administration agencies and actions.

In recent weeks, we have seen or learned that (1) the Trump Administration may have delayed payments to American taxpayers in order to attach President Trump's name to their checks, solely for either vanity or political benefit; (2) President Trump has inserted crass political propaganda into his public briefings, and (3) the Trump Administration appears to have made decisions about distributing life-saving supplies based on the electoral concerns of President Trump and his political allies rather than public health needs. Together, these incidents appear to indicate that the Trump Administration has infused political and partisan interests into its response to both the public health and economic crises. We urge you to undertake a comprehensive investigation into the extent of this politicization and determine whether it violated any relevant laws or had an adverse impact on taxpayers and public health.

The *CARES Act* provided "recovery rebates" of \$1200 per adult² to an estimated 150 million Americans³ to provide immediate assistance during this economic crisis. In a time of

¹ H.R. 748, Coronavirus Aid, Relief, and Economic Security Act, Section 15010, <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>.

² H.R. 748, Coronavirus Aid, Relief, and Economic Security Act, Section 2201, <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>.

³ *Washington Post*, "In unprecedented move, Treasury orders Trump's name printed on stimulus checks," Lisa Rein, April 14, 2020, https://www.washingtonpost.com/politics/coming-to-your-1200-relief-check-donald-j-trumps-name/2020/04/14/071016c2-7e82-11ea-8013-1b6da0e4a2b7_story.html.

record unemployment,⁴ Congress provided this quick relief to cushion the blow of economic disruption. Still, it took the Internal Revenue Service (IRS) weeks – until April 15 – to begin delivery of these rebates even in cases where it had taxpayers’ bank account information, and could take months to send checks to every American.⁵ Nonetheless, President Trump’s political interests have apparently taken precedence over both the need for speed and the IRS’s traditional role as a non-partisan agency. According to the *Washington Post*, President Trump insisted that his name be printed on the 70 million checks that will be mailed out.⁶ Department of Treasury Secretary Steve Mnuchin has since claimed credit for the idea.⁷ Regardless, delaying payments to add President Trump’s name was unnecessary, because “the president is not an authorized signer for legal disbursements by the U.S. Treasury,” and “unprecedented” because “it is standard practice for a civil servant to sign checks issued by the Treasury Department to ensure that government payments are nonpartisan.”⁸ This action may have resulted in payment delays of several days.⁹ For taxpayers who are relying on these payments to cover their rent and groceries, it is cruel to delay relief in order to satisfy President Trump’s ego.

President Trump’s replacement of the national interest with his own self-promotion has been on full display during his public briefings. Rather than sharing reliable scientific information with the public and expressing empathy for Americans who are fearful and mourning an ongoing national tragedy, he has used his public press conferences to vent his grievances with negative press coverage.¹⁰ On April 12, 2020, he used the White House briefing room to screen a “campaign-style” video, apparently produced at the White House, that praised his administration for its actions during the coronavirus crisis.¹¹ At this briefing, which came on a day that the United States had reported more than 550,000 COVID-19 cases, and 20,000 fatalities from the disease:

[The President] aired roughly three minutes of footage that resembled a campaign ad on screens set up behind the podium. The video featured clips of cable news doctors saying in January that the coronavirus did not represent an imminent threat to the U.S., Trump announcing measures such as expanded telehealth

⁴ CNN, “22 million Americans have filed for unemployment benefits in the last four weeks,” Anneken Tappe and Tami Luhby, April 16, 2020, <https://www.cnn.com/2020/04/16/economy/unemployment-benefits-coronavirus/index.html>.

⁵ USA Today, “Treasury says first coronavirus stimulus checks have gone out and many will get payments by April 15,” Michael Collins and Christal Hayes, April 14, 2020, <https://www.usatoday.com/story/news/politics/2020/04/13/coronavirus-stimulus-checks-first-payments-going-out-irs/2968900001/>.

⁶ *Washington Post*, “In unprecedented move, Treasury orders Trump’s name printed on stimulus checks,” Lisa Rein, April 14, 2020, https://www.washingtonpost.com/politics/coming-to-your-1200-relief-check-donald-j-trumps-name/2020/04/14/071016c2-7e82-11ea-8013-1b6da0e4a2b7_story.html.

⁷ *Time*, “Secretary Mnuchin Claims Putting Trump’s Signature on Stimulus Checks Was His Idea, Not the President’s,” Sanya Mansoor, April 19, 2020, <https://time.com/5823829/steve-mnuchin-trump-signature-stimulus-checks/>.

⁸ *Washington Post*, “In unprecedented move, Treasury orders Trump’s name printed on stimulus checks,” Lisa Rein, April 14, 2020, https://www.washingtonpost.com/politics/coming-to-your-1200-relief-check-donald-j-trumps-name/2020/04/14/071016c2-7e82-11ea-8013-1b6da0e4a2b7_story.html.

⁹ *Id.*

¹⁰ *The Hill*, “Trump uses coronavirus briefing to fire back at critics,” Brett Samuels, April 13, 2020, <https://thehill.com/homenews/administration/492604-trump-uses-coronavirus-briefing-to-fire-back-at-critics-of-his>.

¹¹ *Id.*

options and a national emergency, and Democratic governors thanking the president for offering federal assistance to states responding to the virus. Asked where the video came from, Trump said it was produced in the White House in the hours before the briefing. The admission of the apparent blurring of White House business with campaign promotion promptly drew the attention of ethics watchdogs.¹²

If White House staff or other federal employees created this video during their work hours, it would appear to violate the *Hatch Act of 1939*, which prohibits federal employees from “engag[ing] in political activity ... while the employee is on duty,” including advocating for a candidate for partisan political office,¹³ and may have potentially violated other campaign laws – in addition to the fact that it represented a profound disservice to the American public that tuned into this briefing to receive a factual, non-partisan update on the federal response to a national public health emergency.

A third case of potential politicization involves the question of whether political concerns inappropriately influenced the distribution of life-saving medical supplies from the Strategic National Stockpile (SNS) and other federal sources. President Trump and other Administration officials have repeatedly made public comments suggesting personal protective equipment (PPE) and ventilators are being directed toward his political allies. President Trump has called the federal government’s relationship with governors a “two-way street,” telling Fox News, that, in order to benefit from the stockpiles, governors “have to treat us well They can’t say, ‘Oh, gee, we should get this, we should get that.’”¹⁴ He has directed Vice President Mike Pence, head of the White House Task Force on Coronavirus,¹⁵ to ignore Democratic governors’ requests, saying “Don’t call the governor in Washington, you’re wasting your time with him. Don’t call the woman in Michigan. If they don’t treat you right, I don’t call.”¹⁶ A White House aide recently credited electoral concerns and President Trump’s close relationship with Governor Ron DeSantis of Florida for the prompt fulfillment of Florida’s request for supplies from the SNS, saying “The president knows Florida is so important for his reelection, so when DeSantis says that, it means a lot... He pays close attention to what Florida wants.”¹⁷

¹² *The Hill*, “Trump uses coronavirus briefing to fire back at critics,” Brett Samuels, April 13, 2020, <https://thehill.com/homenews/administration/492604-trump-uses-coronavirus-briefing-to-fire-back-at-critics-of-his>.

¹³ U.S. Office of Special Counsel, “Federal Employee Hatch Act Information,” <https://osc.gov/Services/Pages/HatchAct-Federal.aspx>.

¹⁴ Vox, “Trump commits to helping blue states fight the coronavirus – if their governors are nice to him,” Aaron Rugar, March 25, 2020, <https://www.vox.com/2020/3/25/21193803/trump-to-governors-coronavirus-help-ventilators-cuomo>.

¹⁵ Politico, “Trump puts Pence in charge of coronavirus response,” Matthew Choi, February 26, 2020, <https://www.politico.com/news/2020/02/26/trump-puts-pence-in-charge-of-coronavirus-response-117790>

¹⁶ Vox, “How Trump turned ventilators into a form of patronage,” Aaron Rugar, April 10, 2020, <https://www.vox.com/2020/4/10/21215578/trump-ventilators-coronavirus-cory-gardner-colorado-jared-polis-patronage>.

¹⁷ Washington Post, “Governors plead for medical equipment from federal stockpile plagued by shortages and confusion,” Toluse Olorunnipa, Josh Dawsey, Chelsea Janes, and Isaac Stanley-Becker, March 31, 2020, https://www.washingtonpost.com/politics/governors-plead-for-medical-equipment-from-federal-stockpile-plagued-by-shortages-and-confusion/2020/03/31/18aadda0-728d-11ea-87da-77a8136c1a6d_story.html.

President Trump also appears to be using his influence to deliver medical supplies to certain states as a way to support political allies up for re-election in the fall. On April 8, 2020, President Trump announced through a tweet that FEMA “will be immediately sending 100 Ventilators to Colorado at the request of Senator Gardner!”¹⁸ But days before the President tweeted this news, CNN reported that FEMA had acted to cancel Colorado’s request for 500 ventilators because the state “is not on their priority list.”¹⁹ Similarly, Senator Martha McSally of Arizona announced via Twitter, “I spoke with @realDonaldTrump on Wednesday afternoon to request additional ventilators from the Strategic National Stockpile. Today, POTUS delivers with 100 ventilators headed to AZ. Thank you to President Trump and @VP for hearing our call.”²⁰ At the same time, the President has told other governors that they should not expect federal help with procuring supplies, warning them that the federal government is “not a shipping clerk.”²¹ White House Senior Advisor and President Trump’s son-in-law, Jared Kushner, commented that the SNS is “supposed to be our stockpile; it’s not supposed to be state stockpiles that they then use,” directly contradicting the express purpose of the SNS.²²

This alarming pattern of public statements suggests that political concerns are driving and may continue to drive decisions about distribution of supplies and funds. And they are not the only examples of this pattern of behavior affecting administration decision-making about the pandemic. In the first weeks of the outbreak in late February and early March, President Trump stoked confusion and disarray about how to handle passengers on the stricken Diamond Princess cruise ship because he appeared to be more interested in the political problem of the number of reported cases of COVID-19 than in an accurate assessment of the situation, stating at a press conference, “They would like to have the people come off. I would like to have the people stay. I told them to make the final decision. I would rather - because I like the numbers being where they are, I didn't need to have the numbers double because of one ship that wasn't our fault.”²³ In February 2020, Department of Defense (DOD) Secretary Esper “urged American military commanders overseas not to make any decisions, related to coronavirus, that might surprise the

¹⁸ Vox, “How Trump turned ventilators into a form of patronage,” Aaron Rupar, April 10, 2020, <https://www.vox.com/2020/4/10/21215578/trump-ventilators-coronavirus-cory-gardner-colorado-jared-polis-patronage>.

¹⁹ CNN, “Supplies could be delayed due to confusion from the White House, companies say,” Priscilla Alvarez and Kristen Holmes, April 3, 2020, <https://www.cnn.com/2020/04/03/politics/supply-delay-fema-coronavirus/index.html>.

²⁰ Vox, “Trump sent Arizona a fraction of the ventilators it sought. Republicans still framed it as a big win.” Aaron Rupar, April 13, 2020, <https://www.vox.com/2020/4/13/21218938/trump-martha-mcsally-arizona-ventilators-coronavirus>.

²¹ Politico, “‘We’re not a shipping clerk’: Trump tells governors to step up efforts to get medical supplies,” Quint Forgey, March 19, 2020, <https://www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658>.

²² CNN, “Trump administration edits national stockpile website a day after it contradicted Jared Kushner,” Daniel Dale, April 3, 2020, <https://www.cnn.com/2020/04/03/politics/stockpile-website-edited-kushner-claim/index.html>.

²³ See, e.g., Letter from Sen. Elizabeth Warren to Vice President Mike Pence, March 7, 2020, <https://www.warren.senate.gov/imo/media/doc/2020.03.09%20Letter%20to%20Pence%20re%20CDC%20press%20conference.pdf>; New York Times, “Trump Says ‘People Have to Remain Calm’ Amid Coronavirus Outbreak,” Peter Baker, March 6, 2020, <https://www.nytimes.com/2020/03/06/us/politics/trump-coronavirus-cdc.html>.

White House or run afoul of President Trump’s messaging on the growing health challenge”²⁴ – weeks before a major COVID-19 outbreak on the USS THEODORE ROOSEVELT.

The PRAC was created by the *CARES Act* and given the jurisdiction to investigate waste, fraud, and abuse in spending under the *CARES Act* and all matters of the federal government’s response to the COVID-19 crisis. The PRAC has the authority to subpoena witnesses and documents, to hold hearings about the findings of its investigations, and to “expeditiously repor[t] to the Attorney General any instance in which the Committee has reasonable grounds to believe there has been a violation of Federal criminal law” during the coronavirus response.²⁵

The Committee is charged with “promot[ing] transparency and conduct[ing] and support[ing] oversight of ... the Coronavirus response to (1) prevent and detect fraud, waste, abuse, and mismanagement; and (2) mitigate major risks that cut across program and agency boundaries.”²⁶ The politicization of the pandemic response by the Administration meets both criteria: it represents fraud and abuse of executive authority, and presents a major risk that cuts across agency boundaries.

We therefore urge you to open a comprehensive investigation of the partisan and political nature of the Trump Administration’s response to the pandemic. Americans should not have to wonder whether their lives are being put at risk by the President’s concern for his political prospects amidst a public health and economic calamity.

We appreciate your attention to this matter and am happy to discuss a potential investigation in more detail.

Sincerely,

Elizabeth Warren
United States Senator

Richard Blumenthal
United States Senator

Edward J. Markey
United States Senator

²⁴ New York Times, “Defense Secretary Warns Commanders Not to Surprise Trump on Coronavirus,” Eric Schmitt and Helene Coopers, March 2, 2020, <https://www.nytimes.com/2020/03/02/us/politics/esper-trump-military-coronavirus.html>.

²⁵ H.R. 748, Coronavirus Aid, Relief, and Economic Security Act, Section 15010(d)(B)(x), <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>

²⁶ *CARES Act*, Section 15010.