

November 9, 2020

The Honorable Brian D. Miller  
Special Inspector General for Pandemic Recovery  
U.S. Department of Treasury  
1500 Pennsylvania Ave. NW  
Washington, DC 20220

Dear Special Inspector General Miller:

I write regarding your irresponsible, unprofessional, and partisan response to my July 15, 2020 letter which made a simple request that, in your role as Special Inspector General for Pandemic Response (SIGPR), you review and report on the role of lobbyists in the dispensation of hundreds of billions of dollars of *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) funds in your required quarterly report to Congress.<sup>1</sup> Your response, in which you refused to conduct basic, nonpartisan oversight, appears to indicate that you do not understand the responsibility and are unwilling to do the work required to fulfill your role as chief watchdog of hundreds of billions of dollars in taxpayer funds.<sup>2</sup>

My July request to you raised concerns about reports that identified a “Covid Lobbying Palooza” involving dozens of lobbyists with connections to President Donald Trump’s “campaigns, inaugural committee, presidential transition team, or his administration” that have been lobbying the federal government on behalf of clients applying for or receiving, coronavirus disease 2019 (COVID-19) related federal aid.<sup>3</sup> These individuals were reportedly “lobbying to obtain special industry carveouts for aid, government approval of their clients’ products and, most commonly, COVID-related aid across a myriad of programs” and reportedly secured at least \$10.5 billion in COVID-19 related grants, loans, and corporate bond purchases for nearly 30 clients.<sup>4</sup>

I asked that you conduct a comprehensive, nonpartisan report on these matters, using your authority under the CARES Act and the *Inspector General Act of 1978* to “conduct, supervise, and coordinate audits and investigations of the making, purchase, management, and sale of loans, loan guarantees, and other investments made by the Secretary of the Treasury under any program established by the Secretary under this Act, and the management by the Secretary of

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<sup>1</sup> Letter from Senator Elizabeth Warren to the Special Inspector General for Pandemic Recovery Brian D. Miller, July 15, 2020,

<https://www.warren.senate.gov/imo/media/doc/2020.07.15%20Letter%20to%20SIGPR%20on%20CARES%20Act%20lobbying1.pdf>.

<sup>2</sup> Coronavirus Aid, Relief, and Economic Security Act, Public Law No: 116-136, § 4018,

<https://www.congress.gov/bill/116th-congress/house-bill/748/>.

<sup>3</sup> Public Citizen, “COVID Lobbying Palooza,” July 2020, <https://www.citizen.org/wp-content/uploads/Covid-Lobbying-Palooza.pdf>.

<sup>4</sup> *Id.*

any program established under this Act,”<sup>5</sup> and provide “[a]n explanation of the reasons the Secretary determined it to be appropriate to make each loan or loan guarantee under this Act.”<sup>6</sup> I also noted that at your confirmation hearing, you had publicly committed to me, on the record, under oath, that you would investigate if entities receiving CARES Act funds were “lobbying Congress or the White House” and would investigate “all potential conflicts of interest,” with the goal of “mak[ing] all information public...to inform the taxpayer.”<sup>7</sup>

Your response was appalling, indicating that you are either unwilling or unable to meet the responsibilities you have been granted as SIGPR. I did not ask for you to conduct a partisan review, nor did I ask you to review the actions of only Republican lobbyists. I asked that you conduct an investigation of “the role lobbyists are playing in the dispensation of CARES Act funds”; I asked that you determine “whether there are specific or systemic ethics and conflicts of interest issues related to the dispensation of these CARES Act funds”; and I asked that you review “the extent to which Treasury Department officials are following existing policies and procedures.”<sup>8</sup> None of my questions mentioned or invoked a political party, a political appointee, or any specific individual.<sup>9</sup> My interest was, and continues to be, ensuring that the \$500 billion of CARES Act funds that you are tasked with overseeing<sup>10</sup> are spent in an efficient, effective, and fair manner based on the needs of the American people, not on the needs of companies that can afford the best and most well-connected lobbyists.

Not only did you refuse to conduct the basic oversight I requested, you sent me an obtuse five page partisan screed<sup>11</sup> in which you broke your promises to Congress and the public and abdicated your responsibilities as an independent, nonpartisan watchdog of billions of dollars of taxpayer funds needed to address the pandemic and economic recession. You claimed to “eschew all politics”<sup>12</sup> yet responded to my basic request for a review of government officials’ decision-making rationale by (1) appearing to act as a defense attorney for Trump administration connected lobbyists who have helped their clients obtain tens of billions of dollars in CARES Act funds; (2) attacking a series of Democratic lobbyists by name with no evidence whatsoever that they have engaged in any wrongdoing;<sup>13</sup> and (3) completely ignoring questions about

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<sup>5</sup> Coronavirus Aid, Relief, and Economic Security Act, Public Law No: 116-136, § 4018, <https://www.congress.gov/bill/116th-congress/house-bill/748/>.

<sup>6</sup> *Id.*

<sup>7</sup> U.S Senate Committee on Banking, Housing, and Urban Affairs, “Nomination Hearing,” May 05, 2020, <https://www.banking.senate.gov/hearings/04/28/2020/nomination-hearing>.

<sup>8</sup> Letter from Senator Elizabeth Warren to the Special Inspector General for Pandemic Recovery Brian D. Miller, July 15, 2020, <https://www.warren.senate.gov/imo/media/doc/2020.07.15%20Letter%20to%20SIGPR%20on%20CARES%20Act%20lobbying1.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> Coronavirus Aid, Relief, and Economic Security Act, Public Law No: 116-136, § 5001, <https://www.congress.gov/bill/116th-congress/house-bill/748/>

<sup>11</sup> Letter from Special Inspector General for Pandemic Recovery Brian D. Miller to Senator Elizabeth Warren, September 22, 2020, [https://www.warren.senate.gov/imo/media/doc/SIGPR%20Response%20to%20007.15.2020%20Warren%20re%20Lobbying%20\(9.22\)%20\(4\).pdf](https://www.warren.senate.gov/imo/media/doc/SIGPR%20Response%20to%20007.15.2020%20Warren%20re%20Lobbying%20(9.22)%20(4).pdf).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*


whether Department of Treasury officials had established and followed proper decision-making protocols for this hundreds of billions in taxpayer funds.

Ultimately, you missed the point entirely: you correctly indicated that “lobbying is a thoroughly bipartisan affair”<sup>14</sup> – and then proceeded to turn around and wash your hands of these matters, concluding that you could “not identify a ‘clear and clearly stated’ independent basis to open an investigation” of the role of this lobbying.<sup>15</sup> By refusing to determine if this rigged inside game has corrupted the officials who are responsible for handing out CARES Act funds, or if it has resulted in waste, fraud, or abuse related to the expenditure of billions of dollars in taxpayer funds, you have effectively refused to do your job.

Therefore, I reiterate my original request that you do your job and review—in a nonpartisan, professional manner—the role that *all* lobbyists, regardless of party affiliation are playing in helping companies secure CARES Act aid, and the process through which executive agencies responsible for the dispensation of CARES Act grants, loans, and corporate bond purchases are addressing conflicts of interest and ethics issues, and that you **include such an analysis in your next quarterly report to Congress**—a report you are required to produce by law.<sup>16</sup>

I did not support your nomination to be SIGPR earlier this year because I was concerned about your ability to serve as a truly independent watchdog of taxpayer funds. Unfortunately, your response to my request demonstrates that my concerns were prescient. Your unprofessional dismissal of my request to investigate potential corruption in the distribution of CARES Act funds in a nonpartisan manner indicates that you may not be capable of acting as a scrupulous and independent watchdog. If you are either unwilling or unable to fulfill this request and meet the basic standards required of the SIGPR and of all inspectors general, then you are unfit to continue serving in this position and should resign immediately.

Sincerely,

  
Elizabeth Warren  
United States Senator

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<sup>14</sup> Letter from Special Inspector General for Pandemic Recovery Brian D. Miller to Senator Elizabeth Warren, September 22, 2020, [https://www.warren.senate.gov/imo/media/doc/SIGPR%20Response%20to%20007.15.2020%20Warren%20re%20Lobbying%20\(9.22\)%20\(4\).pdf](https://www.warren.senate.gov/imo/media/doc/SIGPR%20Response%20to%20007.15.2020%20Warren%20re%20Lobbying%20(9.22)%20(4).pdf).

<sup>15</sup> *Id.*

<sup>16</sup> Coronavirus Aid, Relief, and Economic Security Act, Public Law No: 116-136, § 4018(f), <https://www.congress.gov/bill/116th-congress/house-bill/748/>.