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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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April 21, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Trump:

On March 27, 2020, you signed H.R. 748, the “Coronavirus Aid, Relief, and Economic Security Act,” (CARES).¹ CARES is a bold bipartisan effort to respond to the effects of a still developing pandemic and I am thankful that the legislative and executive branches were able to work together to accomplish our goals. However, as a cosponsor of the Senate version of the Act, a key player in its formation, and the author of many whistleblower and inspectors general (IG) laws, I am concerned that the signing statement accompanying CARES could negatively impact the ability of IGs to independently communicate with Congress.²

Specifically, a portion of the signing statement addresses the Special Inspector General of Pandemic Response’s (SIGPR) requirements to report directly to Congress any instance where a federal agency is hindering an investigation by unreasonably refusing to provide information or assistance. The statement asserts that “[the] Administration [would] not treat, this provision as permitting the SIGPR to issue reports to the Congress without [] presidential supervision...”³ Read broadly, this interpretation could be cited as authority to unduly strip IGs of their fundamental ability to timely report waste, fraud, abuse, and misconduct in government programs to Congress. Such authority is vital to their role in securing government transparency and efficiency, and is a critical role that all IGs routinely perform.

¹ Presidential Statement on Signing the CARES Act, (Mar. 27, 2020) available at <https://www.govinfo.gov/content/pkg/DCPD-202000194/pdf/DCPD-202000194.pdf>.

² H.R. 748, 116th Cong. (2020) (enacted) available at <https://www.congress.gov/bill/116th-congress/house-bill/748/text?q=%7B%22search%22%3A%22HR+748%22%7D&r=9&s=1#HA4FF3A82BAE248B79E59243339B71735>.

³ Presidential Statement on Signing the CARES Act, (Mar. 27, 2020) available at <https://www.govinfo.gov/content/pkg/DCPD-202000194/pdf/DCPD-202000194.pdf>.

I raised similar concerns in a letter to President Obama about a very similar signing statement attached to the 2009 Omnibus, in which he also incorrectly asserted restrictions on IGs' ability to communicate directly with Congress.⁴ In contrast to President Obama's record, you have made good on many of your efforts to "drain the swamp," including the declassification of large amounts of information pertaining to government waste and misconduct that Congress and the public has a right to know, such as, most recently, the footnotes in the Department of Justice's Office of the Inspector General FISA report. Those footnotes show that the FBI's central document in the Russia investigation, which was paid for by Democrats, was filled with Russian disinformation.⁵ That IG report and the work of IGs generally are critical to Congress's and the public's ability to hold out-of-control bureaucrats accountable and ensure their taxpayer dollars are wisely spent. Moreover, the work of IGs can help cabinet members hold their Departments accountable, such as Attorney General Barr's appointment of U.S. Attorney John Durham to more fully investigate the questionable origins of the Russia investigation.

In this way, IGs can *help* drain the swamp. They find the waste, fraud, and abuse in government programs and they find ways to save taxpayer money. In this effort they publish and publicize reports written to summarize their audits and investigations. These reports are made available to Congress, the White House, the parent agencies a specific IG is attached to, and the general public. In crafting those reports, IGs rely on timely and accurate access to agency information. Without that, they will not be effective. And watchdogs that can't bark are only good for sitting on the front porch.

Over time, politicians in both the legislative and the executive branches have attempted to politicize IGs and use them for gain but, even the appearance of political interference in their process cannot be tolerated. It erodes public confidence in IGs, making them appear to be weapons politicians use against each other and not the assets that they are. We've seen this recently with the attacks on Attorney General Barr. Throughout my career, I have supported the independence that IGs require to do their jobs properly and without political pressure. I urge you to reconsider the language in your signing statement and take steps to ensure that IGs are able to report effectively to Congress.

⁴ Presidential Statement on Signing the Omnibus Appropriations Act, 2009, (Mar. 11, 2009) available at <https://www.govinfo.gov/content/pkg/DCPD-200900145/pdf/DCPD-200900145.pdf>; see also Letter from Charles Grassley, U.S. Senator, to Barack Obama, President of the United States, (Mar. 13, 2009) available at <https://www.grassley.senate.gov/news/news-releases/grassley-holds-president-accountable-promises-make-government-transparent>.

⁵ Press Release, Charles Grassley, U.S. Senator, FBI Ignored Early Warnings that Debunked Anti-Trump Dossier was Russian Disinformation (Apr. 10, 2020) available at <https://www.grassley.senate.gov/news/news-releases/fbi-ignored-early-warnings-debunked-anti-trump-dossier-was-russian-disinformation>; see also Press Release, Charles Grassley, U.S. Senator, IG Footnotes: Serious Problems with Dossier Sources Didn't Stop FBI's Page Surveillance (Apr. 15, 2020) available at <https://www.grassley.senate.gov/news/news-releases/ig-footnotes-serious-problems-dossier-sources-didn-t-stop-fbi-s-page-surveillance>.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on Finance

Should you have questions, please contact Daniel Boatright of my Committee staff at (202) 224-4515. Thank you for your attention to this important mater.

CC

Michael E. Horowitz

Chair

CIGIE

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The Honorable Steven Mnuchin

Secretary

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