

United States Senate
WASHINGTON, DC 20510

August 25, 2020

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

Dear Inspector General Horowitz:

We write to follow up on our previous request to the Pandemic Response Accountability Committee (PRAC) to open an investigation of the Trump Administration's politicization of the coronavirus (COVID-19) pandemic response effort.¹ Since we last wrote to you in April, a slew of new evidence has revealed that President Trump and his advisors have repeatedly put their partisan political interests ahead of the health and welfare of the American people.

Earlier this year we wrote to you regarding a disturbing pattern of politicization and incompetence in the Trump Administration's response to the COVID-19 pandemic. We concluded by urging "you to open a comprehensive investigation of the partisan and political nature of the Trump Administration's response to the pandemic," noting that "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."² Ongoing actions and statements by the Administration since that time have only heightened our concern.

We continue to be alarmed that President Trump is allowing partisanship to guide crucial decisions instead of expert public health advice, and we therefore ask that you expand your investigation of President Trump's profoundly troubling COVID-19 response to include these newly reported incidents. Our concerns are described in additional detail below.

Partisan Politics Have Prevented the Trump Administration from Implementing a National Testing Strategy

First, the Trump Administration has allowed political concerns to prevent the development of the strongest possible federal response to the COVID-19 pandemic, including the development of a nationwide testing strategy that could have made a significant difference in controlling the spread of the virus. From the beginning of this crisis, President Trump has

¹ Letter from Senators Elizabeth Warren, Richard Blumenthal, and Edward J. Markey to Inspector General Michael Horowitz, April 21, 2020, <https://www.warren.senate.gov/imo/media/doc/2020.04.21%20Letter%20to%20PRAC%20re%20politicization%20of%20covid%20response%202.pdf>.

² *Id.*

focused on minimizing the number of reported cases of COVID-19, even if that results in broader community spread. In February, speaking about the evacuation of Americans who contracted COVID-19 on a cruise ship in Japan, he said, “I would rather [keep them abroad] because I like the numbers being where they are. I don’t need to have the numbers double because of one ship that wasn’t our fault.”³ In June, he made clear that he is still resisting comprehensive testing and accurate reporting about the number of COVID-19 cases in the United States, tweeting that increasing tests “makes us look bad”⁴ and asking his administration to “slow the testing down, please.”⁵ (He later clarified that these remarks were not a joke.⁶) These remarks, separated by months, show a consistent desire to prioritize the political perception of the pandemic over public health actions that recognize the reality of the pandemic, and therefore save lives.

Moreover, recent reports indicate that a comprehensive national testing plan developed by the White House was shelved after White House officials, including those close to the President’s son-in-law, Jared Kushner, concluded that the pandemic was primarily affecting Democratic states, and therefore could be blamed on Democratic governors.⁷ According to *Vanity Fair*, a national testing plan was developed, but was put on hold after “a member of Kushner’s team expressed... that because the virus had hit blue states hardest, a national plan was unnecessary and would not make sense politically.” *Vanity Fair* also reported that “one public health expert in frequent contact with the White House’s official coronavirus task force” said, “The political folks believed that because it was going to be relegated to Democratic states, that they could blame those governors, and that would be an effective political strategy” – a view that “may have swayed Kushner.”⁸

Instead of coordinating a national strategy to make testing and the delivery of test results quick, free, and accessible across the country, which experts agree would have been key to an effective containment strategy,⁹ President Trump sent mixed messages and showed a consistent unwillingness to address the severity of the crisis, whether out of a lack of understanding or a fear that honestly accounting for millions of cases among Americans, and over 170,000 deaths, would hurt his political prospects. As a result, the federal government has repeatedly abdicated

³ Washington Post, “Which is Trump more worried about: Coronavirus numbers or coronavirus patients?” Philip Bump, March 7, 2020, <https://www.washingtonpost.com/politics/2020/03/07/which-is-trump-more-worried-about-coronavirus-numbers-or-coronavirus-patients/>.

⁴ Donald J. Trump, June 15, 2020, <https://twitter.com/realDonaldTrump/status/1272532925460905984>.

⁵ Stat News, “Trump says more Covid019 testing ‘creates more cases.’ We did the math,” Sharon Begley, July 20, 2020, <https://www.statnews.com/2020/07/20/trump-said-more-covid19-testing-creates-more-cases-we-did-the-math/>.

⁶ CNN, “Trump now says he wasn’t kidding when he told officials to slow down coronavirus testing, contradicting staff,” Maegan Vazquez, June 23, 2020, <https://www.cnn.com/2020/06/22/politics/donald-trump-testing-slow-down-response/index.html>.

⁷ Vanity Fair, “How Jared Kushner’s Secret Testing Plan ‘Went Poof Into Thin Air,’” Katherine Eban, July 30, 2020, <https://www.vanityfair.com/news/2020/07/how-jared-kushners-secret-testing-plan-went-poof-into-thin-air>

⁸ *Id.*

⁹ New England Journal of Medicine, “Failing the Test – The Tragic Data Gap Undermining the U.S. Pandemic Response,” Eric C. Schneider, July 23, 2020, <https://www.nejm.org/doi/full/10.1056/NEJMp2014836>.

its responsibility to manage and improve the country's testing infrastructure, deepening our national emergency and costing lives.¹⁰

President Trump Favors Political Allies in His Response to the Public Health Emergency

Second, President Trump has continued to play favorites among states, apparently refusing to address the full scope of problems in states that did not provide him with electoral votes in the 2016 election and granting significant financial advantages to his closest political allies. Recently, he reportedly agreed to pay the full cost of National Guard troops deployed to support the pandemic response in only two states, Florida and Texas, because their governors made “special, direct cases to the President.”¹¹ The National Governors Association reported that governors across the country had asked for the same arrangement, including in states with higher numbers of COVID-19 cases, but the only requests granted initially were those from Texas and Florida, whose governors enjoy a close personal and political relationship with the President and that had voted for President Trump in the 2016 election; other states will face 25% cuts to their federal support later this month.¹² After public criticism, the Administration later announced that Arizona, Connecticut, and California would also receive extensions, but only through September.¹³

This incident echoes reports from earlier this spring that governors who had a close relationship with President Trump and vulnerable Senators up for reelection in the fall were being prioritized for supplies from the Strategic National Stockpile, leaving “officials wondering whether politics is playing a role in the response.”¹⁴ In both cases, it appears that President Trump directed substantial federal emergency response resources to his political allies, at the expense of Americans desperately in need in other states.

The Trump Administration Has Exerted Significant Political Pressure on Public Health Agencies

Third, President Trump and other Administration officials have repeatedly and publicly pressured federal public health agencies to modify or revoke their public health guidelines in order to support his political goals. In April, the Centers for Disease Control and Prevention

¹⁰ The Atlantic, “There’s One Big Reason the U.S. Economy Can’t Reopen,” Robinson Meyer, May 8, 2020, <https://www.theatlantic.com/science/archive/2020/05/theres-only-one-way-out-of-this-mess/611431/>.

¹¹ CNN, “Trump singles out Texas and Florida for help with coronavirus response,” Priscilla Alvarez, Jeremy Diamond, and Ryan Browne, August 6, 2020, <https://www.cnn.com/2020/08/06/politics/trump-national-guard-coronavirus-texas-florida/index.html>.

¹² Politico, “States push back on White House justification for National Guard funding disparity,” Alice Miranda Ollstein, August 6, 2020, <https://www.politico.com/news/2020/08/06/national-guard-funding-states-392457>.

¹³ The Hill, “Trump administration covers full Guard costs for just some states, frustrating governors,” Brett Samuels, August 7, 2020, <https://thehill.com/homenews/administration/511092-trump-administration-cover-full-guard-costs-for-just-some-states>.

¹⁴ 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.

(CDC) announced an extension of its “No Sail” order, which prohibited cruise ship voyages.¹⁵ Vice President Pence reportedly ordered the CDC to remove the announcements of the extension from its website, then interfered to shorten the duration of the order, despite substantial evidence that cruise ships have been a major source of coronavirus outbreaks.¹⁶

In May, the Administration reportedly shelved draft CDC guidance for churches and other places of worship that called for mitigation efforts, such as limiting the size of in-person gatherings, maintaining distance between attendees, and reopening in phases.¹⁷ Weeks later, after references to phased-in openings had been removed,¹⁸ President Trump reversed himself and ordered the CDC to release the revised guidance, saying, “We’ve got to open our churches. People want to go in.”¹⁹

In July, President Trump and Vice President Pence once again exerted public pressure on the CDC to revise its guidelines, this time for schools. On July 7, President Trump stated, “we’re very much going to put pressure on governors and everybody else to open the schools... Get open in the fall. We want your schools open.”²⁰ On July 8, he tweeted, “I disagree with @CDCgov on their very tough & expensive guidelines for opening schools. While they want them open, they are asking schools to do very impractical things. I will be meeting with them!!!”²¹ In response, the CDC issued new guidance documents for schools on July 23, including a statement entitled, “The Importance of Reopening America’s Schools this Fall.”²² The White House reviewed this statement and reportedly substantially edited at least one of the updated documents.²³ As with the changes to guidelines for cruise ships and houses of worship, the Administration appears to have prioritized its political interest in reopening over the advice of the CDC’s public health experts, undermining the public credibility of the guidance issued by the agency and making the ongoing pandemic significantly worse.

¹⁵ Centers for Disease Control and Prevention, “CDC Announces Modifications and Extension of No Sail Order for All Cruise Ships,” April 9, 2020, <https://www.cdc.gov/media/releases/2020/s0409-modifications-extension-no-sail-ships.html>.

¹⁶ USA Today, “White House task force quietly softened cruise ship no-sail restrictions after months of industry deference,” Curtis Tate, Morgan Hines, Cara Kelly, and Brett Murphy, April 13, 2020, <https://www.usatoday.com/story/travel/cruises/2020/04/13/coronavirus-cruise-ships-saw-red-flags-amid-chaotic-federal-response/2937001001/>.

¹⁷ Associated Press, “In reversal, White House tells CDC to post church guidance,” Zeke Miller and Mike Stobbe, May 21, 2020, <https://apnews.com/92a389588798ef5fec4a722d6d073955>.

¹⁸ Christianity Today, “Trump Declares Churches ‘Essential’ as CDC Releases Reopening Guidelines,” Elana Schor, May 22, 2020, <https://www.christianitytoday.com/news/2020/may/trump-church-reopening-essential-religious-freedom.html>.

¹⁹ Associated Press, “In reversal, White House tells CDC to post church guidance,” Zeke Miller and Mike Stobbe, May 21, 2020, <https://apnews.com/92a389588798ef5fec4a722d6d073955>.

²⁰ NPR, “Trump Pledges to ‘Pressure’ Governors to Reopen Schools Despite Health Concerns,” Barbara Sprunt, July 7, 2020, <https://www.npr.org/2020/07/07/888157257/white-house-pushes-to-reopen-schools-despite-a-surge-in-coronavirus-cases>.

²¹ Donald J. Trump, July 8, 2020, <https://twitter.com/realDonaldTrump/status/1280857657365200902>.

²² Centers for Disease Control and Prevention, “Statement on the Importance of Reopening America’s Schools this Fall,” Updated July 23, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>.

²³ Washington Post, “CDC director concedes schools in ‘hot spots’ face tougher call on reopening,” Laura Meckler and Rachel Weiner, July 24, 2020, https://www.washingtonpost.com/education/cdc-director-concedes-schools-in-hot-spots-face-tougher-call-on-reopening/2020/07/24/273ee068-cdd8-11ea-b0e3-d55bda07d66a_story.html.

The U.S. Food and Drug Administration (FDA) has also faced political pressure from the Trump Administration. In March, President Trump declared the malaria drug hydroxychloroquine a “game changer” against COVID-19 and called on FDA to “put [it] in use IMMEDIATELY.”²⁴ On March 28, the FDA issued an emergency use authorization (EUA) for use of the drug in patients hospitalized with COVID-19. Less than a month later, on April 24, the FDA cautioned that it was aware of reports of “serious heart rhythm problems in patients with COVID-19 treated with hydroxychloroquine,” and that the drug had “not been shown to be safe or effective” for treating COVID-19.²⁵ The FDA revoked the hydroxychloroquine EUA altogether on June 15. Trump advisor Peter Navarro criticized the revocation of the EUA, calling it “a Deep State blindside by bureaucrats who hate the administration they work for more than they’re concerned about saving American lives.”²⁶ The former director of the Biomedical Advanced Research and Development Authority (BARDA), Dr. Rick Bright, has since filed a whistleblower complaint, detailing pressure from the White House and Administration officials to direct resources toward this unproven and ineffective treatment in violation of the terms of the EUA.²⁷ These events raise concerns about whether the Trump Administration will respect the scientific process around approval or authorization of COVID-19 vaccines, with President Trump already pushing for a vaccine to be ready before Election Day.²⁸

A PRAC Investigation Into Partisan Interference in the Country’s Coronavirus Response Is Needed

These incidents, singly and collectively, reveal numerous ongoing examples of partisan and political interference in public health and emergency response decisions by President Trump and those working for him. And President Trump’s politicization of and resistance to mask-wearing as a necessary preventative measure presents just one example where the consequences of his actions have had direct and deadly consequences.²⁹

A sweeping review of the failed U.S. response to the COVID-19 pandemic concluded that:

²⁴ ABC News, “Timeline: Tracking Trump alongside scientific developments on hydroxychloroquine,” Libby Cathey, August 8, 2020, <https://abcnews.go.com/Health/timeline-tracking-trump-alongside-scientific-developments-hydroxychloroquine/story?id=72170553>.

²⁵ Food and Drug Administration, “FDA cautions against use of hydroxychloroquine or chloroquine for COVID-19 outside of the hospital setting or a clinical trial due to risk of heart rhythm problems,” April 24, 2020, <https://www.fda.gov/drugs/drug-safety-and-availability/fda-cautions-against-use-hydroxychloroquine-or-chloroquine-covid-19-outside-hospital-setting-or>

²⁶ New York Times, “A Mad Scramble to Stock Millions of Malaria Pills, Likely for Nothing,” Sheryl Gay Stolberg, June 16, 2020, <https://www.nytimes.com/2020/06/16/us/politics/trump-hydroxychloroquine-coronavirus.html?smid=tw-share>.

²⁷ U.S. Office of Special Counsel Complaint of Prohibited Personnel Practice or Other Prohibited Activity, filed by Dr. Rick Bright, <https://context-cdn.washingtonpost.com/notes/prod/default/documents/6bfde4d6-4c3d-4671-8eeb-6b3d39e47c03/note/26f73d7a-d060-4c25-af4c-a58a167ee2c7.#page=1>

²⁸ CNN, “Trump’s dreams of a vaccine as his October Surprise aren’t rooted in reality,” Stephen Collinson, August 7, 2020, <https://www.cnn.com/2020/08/07/politics/donald-trump-vaccines-election-2020/index.html>.

²⁹ Vox, “Why masks are (still) politicized in America,” Anna North, July 22, 2020, <https://www.vox.com/2020/7/21/21331310/mask-masks-trump-covid19-rule-georgia-alabama>.

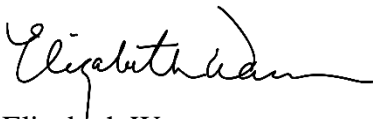
[T]he poor results in the United States stem in substantial measure from the performance of the Trump administration. In no other high-income country — and in only a few countries, period — have political leaders departed from expert advice as frequently and significantly as the Trump administration. President Trump has said the virus was not serious; predicted it would disappear; spent weeks questioning the need for masks; encouraged states to reopen even with large and growing caseloads; and promoted medical disinformation. In recent days, Mr. Trump has continued the theme.³⁰

The PRAC is charged with conducting 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.”³¹ It is increasingly clear that President Trump’s politicization of the coronavirus public health emergency constitutes a major risk that could affect every program and agency involved in the pandemic response.

Americans are seeking trustworthy, objective information and leadership to help them navigate this unprecedented crisis, but the administration’s repeated prioritization of President Trump’s political interests calls into question the integrity of every action of the federal government. These failures have resulted in the deaths of tens of thousands of Americans, and threaten to leave the country with an unabated tragedy. It will be impossible to develop an effective federal response until this partisan interference is addressed and public trust can be restored. We therefore urge you to undertake a comprehensive investigation of partisan and political interference in the Trump Administration’s response to the pandemic.

Thank you for your consideration of this urgent matter.

Sincerely,



Elizabeth Warren
United States Senator

Richard Blumenthal
United States Senator

Edward J. Markey
United States Senator

³⁰ New York Times, “The Unique U.S. Failure to Control the Virus, David Leonhardt, August 6, 2020, <https://www.nytimes.com/2020/08/06/us/coronavirus-us.html>.

³¹ CARES Act, Section 15010.