

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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April 14, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Secretary Azar:

We write today to express our escalating concerns about the Trump Administration's commitment to the independence of the Department of Health and Human Services (HHS) Office of Inspector General (OIG).

As you are aware, statutory inspectors general (IGs), such as HHS OIG, are independent, nonpartisan officials charged with detecting waste, fraud, and abuse throughout the federal government.¹ Since Congress passed the Inspector General Act of 1978, IGs have served as critical watchdogs for the public—protecting taxpayer dollars and providing independent oversight of the executive branch.² In fiscal year 2019 alone, HHS OIG produced over \$6.6 billion in expected audit and investigative recoveries and potential savings.³

Consistent with this mission, on April 6, 2020, HHS OIG released a report detailing ways in which hospitals are responding to the COVID-19 pandemic.⁴ The report was performed by over 75 evaluators, auditors, attorneys, and investigators in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency, and it was based on hundreds of interviews with a random sample of

¹ Cong. Research Serv., R45450, *Statutory Inspectors General in the Federal Government: A Primer* (Jan. 3, 2019).

² Inspector General Act of 1978, P.L. 95-452, 92 Stat. 1101.

³ U.S. Dep't of Health & Human Servs., Office of Inspector Gen., *Semiannual Report to Congress April 1, 2019 – September 30, 2019*.

⁴ U.S. Dep't of Health & Human Servs., Office of Inspector Gen., *Hospital Experiences Responding to the COVID-19 Pandemic: Results of a National Pulse Survey March 23–27, 2020* (Apr. 2020) (oig.hhs.gov/oei/reports/oei-06-20-00300.pdf?referringSource=articleShare).

hospital administrators around the country. Among other things, the report identified serious challenges facing hospitals and presented hospitals' suggestions for ways the federal government could better assist in their COVID-19 response efforts.⁵ These on-the-ground insights provide valuable information to Congress, the Administration, and the public as we work to calibrate a robust response to the coronavirus crisis. In short, HHS OIG's report is precisely the type of independent oversight we need during these challenging times.

President Trump, however, clearly does not agree. On the same day HHS OIG released its report, President Trump stated, without evidence, that the report was "wrong" and falsely suggested that its findings were influenced by political considerations.⁶ The next day, the President continued his meritless attacks, tweeting—without any basis—that the report was "fake" and dishonestly suggesting that the HHS Principal Deputy IG had political motivations.⁷

These baseless attacks, by themselves, severely undermine the ability of HHS OIG to operate independently. But they did not occur in a vacuum. On April 3, 2020, President Trump announced that he was removing the IG of the Intelligence Community.⁸ The President has since acknowledged that he fired the Intelligence Community's IG for providing Congress a whistleblower report disclosing urgent matters—an action required by law.⁹ Days later, on April 7, 2020, the President removed the acting IG of the Department of Defense after he was placed in charge of the Pandemic Response Accountability Committee¹⁰—which Congress recently created in the CARES Act to detect waste, fraud, and abuse across all programs formed under the federal government's coronavirus response.¹¹

The President's pattern of conduct toward IGs is corrosive and gravely concerning. It seems that no institution in our government is exempt from President Trump's personal and vitriolic attacks, but there is no institution more dedicated to the principles of independence and integrity than the federal IG community. Now more than ever, IGs must be permitted to conduct independent oversight—especially HHS OIG, which oversees the federal agency principally

⁵ *Id.*

⁶ *Trump Blasts HHS Watchdog for Report on Hospital Shortages*, Politico (Apr. 6, 2020).

⁷ *Trump Decries IG Report on Hospital Shortages as "Another Fake Dossier"*, The Hill (Apr. 7, 2020).

⁸ *Trump to Fire Intelligence Community Inspector General*, Wall Street Journal (Apr. 4, 2020).

⁹ The White House, Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing (Apr. 4, 2020); Statement of Michael K. Atkinson, Inspector General of the Intelligence Community, on His Removal from Office (Apr. 5, 2020).

¹⁰ *Trump Removes Independent Watchdog for Coronavirus Funds, Upending Oversight Panel*, Politico (Apr. 7, 2020).

¹¹ Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, § 15010 (116th Cong.).

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responsible for protecting our nation's public health during the coronavirus pandemic. HHS
OIG's ongoing work, including its oversight of the Administration's response to the coronavirus
pandemic, must continue unimpeded by political interference or threats of reprisal.

We call on HHS to ensure that the long-recognized principle of OIG independence
remains respected, and we expect your Department to cooperate fully and openly with all OIG
evaluations, audits, and investigations. We are watching the Administration's actions toward
HHS OIG closely.

Sincerely,



Frank Pallone, Jr.
Chairman



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations