

United States Senate

WASHINGTON, DC 20510

February 12, 2025

The Honorable Scott Bessent
Secretary
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220

Dear Secretary Bessent:

We are writing regarding new court documents indicating that you did not provide Congress and the public with complete and accurate information about the extent to which you have jeopardized the integrity of the Department of the Treasury's payment systems (and the sensitive personal and financial information about millions of Americans) by providing so-called "Department of Government Efficiency" (DOGE) officials with unfettered access to these systems. It is highly concerning that you are either misrepresenting basic facts to Congress and the American people – or simply do not know what DOGE is doing in your agency.

Specifically, it is now clear that you provided inaccurate or incomplete information about which DOGE workers had access to the Treasury systems, the purpose for providing them with access, and the extent to which they could review or modify those systems.¹ Despite Treasury's denials, DOGE personnel had the ability to modify system coding and were planning to use the Treasury systems to help pause payments by other agencies.² Your lack of candor about these events is deeply troubling given the threats to the economy and the public from DOGE's meddling, and you need to provide a clear, complete, and public accounting of who accessed the systems, what they were doing, and why they were doing it.

We have each sent two rounds of letters to you seeking answers about public reports that you had allowed Elon Musk and his DOGE officials to access the Treasury payment systems.³ In

¹ Affirmation of Joseph Gioeli III, *State of New York v. U.S. Dep't of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 34; Affirmation of Vona S. Robinson, *State of New York v. U.S. Dep't of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 32.

² *Id.*; Bloomberg, "Treasury Secretary Scott Bessent on DOGE, Taxes and the Fed," Saleha Mohsin and David Fox, February 6, 2025, <https://www.bloomberg.com/news/articles/2025-02-06/treasury-secretary-scott-bessent-on-doge-taxes-tariffs-china-federal-reserve>; Letter from Treasury Principal Deputy Assistant Secretary Jonathan Blum to Senator Elizabeth Warren, February 4, 2025, https://www.banking.senate.gov/imo/media/doc/treasury_response.pdf.

³ Letter from Senator Elizabeth Warren to Treasury Secretary Scott Bessent, February 2, 2025, https://www.warren.senate.gov/imo/media/doc/final_-_rm_warren_letter_to_bessent_re_treasury_payment_system.pdf; Letter from Senator Elizabeth Warren to Treasury Secretary Scott Bessent, February 7, 2025, https://www.banking.senate.gov/imo/media/doc/warren_follow_up_bessent.pdf; Letter from Senator Ron Wyden to Treasury Secretary Scott Bessent, January 31, 2025, https://www.finance.senate.gov/imo/media/doc/letter_from_senator_wyden_to_secretary_bessent_on_payment_systems.pdf; Letter from Senator Ron Wyden to Treasury Secretary Bessent, February 7, 2025, https://www.finance.senate.gov/imo/media/doc/letter_from_senator_wyden_to_secretary_bessent_2-7-25.pdf; Letter from Senator Jack Reed to Treasury Secretary Bessent, February 3, 2025,

response to our first letter, the Department sent a carefully worded reply that was posted on the Treasury website.⁴ You also conducted an interview with Bloomberg News in which you attempted to reassure Congress and the public. These responses ignored most questions.⁵ Worse, you shared some key information that now appears to be misleading at best: you implied that only one longtime executive from the DOGE team would have access to the systems and stated absolutely that they could “make no changes” given that the scope of access was “read-only.”⁶ And the Department’s letter stated clearly that the DOGE incursion was merely an “operational efficiency assessment” and was “similar” to previous audits and reviews, suggesting there was no intent to use the Treasury systems to stop payments from other agencies.⁷

You have not responded directly to our follow-up requests for information, but we now know – thanks to documents released in a lawsuit by state attorneys general seeking to limit DOGE access to this sensitive material – that those earlier representations have turned out to be wrong.

First, Treasury suggested that “longtime technology executive” Tom Krause was the principal person from the DOGE team with access to the systems and that those systems would otherwise be maintained entirely by career civil servants.⁸ You underscored, for example, that Krause was working with “Treasury staff members” and “in coordination with veteran career Treasury officials, and all operational processes continue to be conducted only by career Treasury staff in accordance with all standard security, safety, and privacy standards.”⁹ This narrative did not disclose that it was actually a 25-year-old software engineer named Marko Elez, not Krause, who had direct access to the payment systems that process trillions of dollars of transactions every year. According to a sworn affidavit from the Deputy Commissioner for Transformation and Modernization at the Bureau of the Fiscal Service (BFS), Elez was a member of the “Treasury DOGE Team” and was “provided direct access to BFS payment systems or source code.”¹⁰ Under your watch, Treasury gave Elez and not Krause a “BFS laptop” for “connecting to the Treasury payments system, both in connecting with the source code repository and for his read-only access of the systems.”¹¹

https://www.reed.senate.gov/imo/media/doc/sen_reed_letter_to_bessent_re_bureau_of_fiscal_service_2325.pdf;
Letter from Senator Jack Reed to Treasury Secretary Bessent, February 7, 2025,
https://www.reed.senate.gov/imo/media/doc/letter_to_bessent_re_tom_krause_2725.pdf.

⁴ U.S. Department of the Treasury, “Treasury Department Letter to Members of Congress Regarding Payments Systems,” February 4, 2025, <https://home.treasury.gov/news/press-releases/sb0009>.

⁵ Bloomberg, “Treasury Secretary Scott Bessent on DOGE, Taxes and the Fed,” Saleha Mohsin and David Fox, February 6, 2025, <https://www.bloomberg.com/news/articles/2025-02-06/treasury-secretary-scott-bessent-on-doge-taxes-tariffs-china-federal-reserve>.

⁶ *Id.*

⁷ U.S. Department of the Treasury, “Treasury Department Letter to Members of Congress Regarding Payments Systems,” February 4, 2025, <https://home.treasury.gov/news/press-releases/sb0009>.

⁸ Letter from Treasury Principal Deputy Assistant Secretary Jonathan Blum to Senator Elizabeth Warren, February 4, 2025, https://www.banking.senate.gov/imo/media/doc/treasury_response.pdf.

⁹ *Id.*

¹⁰ Affirmation of Joseph Gioeli III, State of New York v. U.S. Dep’t of Treasury, No. 1:25-cv-1144-JAV, Dkt. 34, ¶4

¹¹ *Id.* ¶12.

Second, Treasury downplayed the extent of the access, saying it would be “similar to the kind of access that Treasury provides to individuals reviewing Treasury systems, such as auditors.”¹² In interviews, you have similarly said that “there is no tinkering with the system,” that the “DOGE team” are “on read only” and “can make no changes.”¹³ In fact, the new court documents reveal that the degree of access granted to Elez was in fact different from the kind of access that Treasury typically provides – and spanned “Fiscal Service source code, applications, and databases across all these Fiscal Service payment and accounting systems and their hosting environments.”¹⁴ As the Deputy Commissioner explained in his sworn statement, “providing a single individual with access to [the] multiple systems and data records accessed here was broader in scope than what has occurred in the past” with greater “availability of production data” that was “significantly limited” even for professional auditors.¹⁵ The overall DOGE plan also involved significant risks that included “potential operational disruptions to Fiscal Service’s payment systems, access to sensitive data elements, insider threat risk, and other risks that are inherent to any user access to sensitive IT systems.”¹⁶ Indeed, just as you were trying to reassure the public that the DOGE team “can make no changes” and explaining that it was not even possible to give this kind of access within Treasury, the court filings show that Elez in fact was briefly provided read/write access to one of the sensitive payment systems – and the ability to make changes to the source code for multiple systems in a local “sandbox” environment – and a forensic investigation into his access remains ongoing.¹⁷ This series of missteps highlights the special access that DOGE has been provided and demonstrates that Treasury may be unable to keep its systems secure for the duration of DOGE’s engagement.

Third, Treasury asserted that the DOGE team was simply reviewing the Treasury systems to “maximize payment integrity for agencies and the public” and not to stop payments from being made by other agencies.¹⁸ Treasury emphasized that “the agency responsible for making the payment always drives the payment process” and “the ongoing review . . . is not resulting in the suspension or rejection of any payment instructions submitted to Treasury by other federal agencies across the government.”¹⁹ But these assertions have not held up to scrutiny either. According to a separate sworn statement from the Deputy Assistant Commissioner for Federal Disbursement who oversees payment operations, Krause and Elez had worked with BFS on a “4-6 week payment process engagement plan” that would “assist agencies in complying with the President’s January 20, 2025 Executive Order requiring that certain types of foreign aid-related payments be paused.”²⁰ This included developing a process to flag “all USAID payment files” as well as others from the Millennium Challenge Corporation and the Department of Health and

¹² Letter from Treasury Principal Deputy Assistant Secretary Jonathan Blum to Senator Elizabeth Warren, February 4, 2025, https://www.banking.senate.gov/imo/media/doc/treasury_response.pdf.

¹³ Bloomberg, “Treasury Secretary Scott Bessent on DOGE, Taxes and the Fed,” Saleha Mohsin and David Fox, February 6, 2025, <https://www.bloomberg.com/news/articles/2025-02-06/treasury-secretary-scott-bessent-on-doge-taxes-tariffs-china-federal-reserve>.

¹⁴ Affirmation of Joseph Gioeli III, *State of New York v. U.S. Dep’t of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 34, ¶ 11.

¹⁵ *Id.* ¶ 13.

¹⁶ *Id.* ¶ 11.

¹⁷ *Id.* ¶¶ 16, 20.

¹⁸ Letter from Treasury Principal Deputy Assistant Secretary Jonathan Blum to Senator Elizabeth Warren, February 4, 2025, https://www.banking.senate.gov/imo/media/doc/treasury_response.pdf.

¹⁹ *Id.*

Human Services.²¹ Krause himself has acknowledged that he had “received direction from Treasury leadership that the Treasury DOGE team and BFS help agencies effectuate the President’s Executive Orders requiring pauses to certain types of financial transactions, including with respect to foreign development assistance.”²²

It is now beyond dispute that Treasury’s original explanation to Congress and the public shaded the truth. You said that a longtime technology executive was looking at Treasury systems, but it was actually a 25-year-old programmer who quickly resigned after his racist social media posts went viral.²³ You said that DOGE was conducting a review to improve efficiency, but it was actually trying to use the payment systems to help implement a broad funding freeze. You said that access provided to DOGE was similar to that provided to other consultants or experts, but court documents reveal career staff bending over backwards to accommodate a highly unusual arrangement. You downplayed the risk to the integrity of the Treasury systems while career civil servants responsible for them scrambled to mitigate it.

Last week, in a case brought by state attorneys general, a federal court issued a temporary restraining order restricting access to the Treasury systems based on its “firm assessment” that the states would “face irreparable harm in the absence of injunctive relief.”²⁴ As the court explained, “[t]hat is both because of the risk that the new policy presents of the disclosure of sensitive and confidential information and the heightened risk that the systems in question will be more vulnerable than before to hacking.”²⁵ These broader concerns have been echoed by a wide range of former Treasury officials who have underscored that:

DOGE access to or control over BFS systems raises serious concerns, including the risk that payments will be illegally stopped based on Musk’s or the Trump Administration’s own political or policy preferences, the possibility of severe cybersecurity and privacy breaches, and the potential that payments could be inadvertently delayed to millions of individuals, including retirees and veterans; to organizations and businesses providing public services on behalf of the federal government; and to states, localities, territories, and tribal nations providing services like Medicaid and transportation.²⁶

You need to provide clear, complete, and truthful answers to Congress and the public about who has access to complex Treasury payment systems and sensitive personal information for millions of Americans, and what they are doing with it. We ask that you correct your prior

²⁰ Affirmation of Vona S. Robinson, *State of New York v. U.S. Dep’t of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 32, ¶¶ 8-10 & n.2.

²¹ *Id.* ¶ 8.

²² Affirmation of Thomas H. Krause, Jr., *State of New York v. U.S. Dep’t of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 33, ¶ 17.

²³ NPR, “Member of Elon Musk’s DOGE Team Resigns After Racist Posts Resurface,” Bobby Allyn and Shannon Bond, February 7, 2025, <https://www.npr.org/2025/02/06/nx-s1-5289337/elon-musk-doge-treasury>.

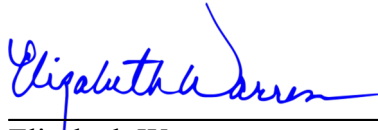
²⁴ *State of New York v. U.S. Dep’t of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 6.

²⁵ *State of New York v. U.S. Dep’t of Treasury*, No. 1:25-cv-1144-JAV, Dkt. 6.

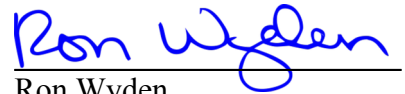
²⁶ Amicus Brief in Support of Plaintiffs’ Motion for a Preliminary Injunction by Former Treasury Department Officials, *Alliance for Retired Americans v. Bessent*, No. 1:25-cv-313-CKK, Dkt. 20-1, at 4.

misrepresentations to us and our colleagues, and that you respond truthfully and completely to the questions in each of our letters no later than February 14, 2025.

Sincerely,



Elizabeth Warren
Ranking Member
Committee on Banking,
Housing, and Urban Affairs



Ron Wyden
Ranking Member
Committee on Finance



Jack Reed
Ranking Member
Subcommittee on Financial
Services and General Government