

Congress of the United States

Washington, DC 20515

February 6, 2025

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

Dear Secretary Bessent:

We write to express our concern regarding alarming reports that you have granted Elon Musk and his allies access to the federal government's expansive payments system.¹ This system is responsible for delivering trillions in Social Security and Medicare benefits, tax refunds, and payments to government contractors.² It also functions as the payment intermediary for nearly every federal agency within the Executive Branch.³ This action follows earlier reports that you removed an essential nonpartisan career Treasury official, who has played a critical role in preventing the United States from defaulting on its debt, due to his opposition to Mr. Musk's actions.⁴ These recent developments raise serious questions about your ability to fulfill the essential functions of your role as Treasury Secretary and to protect the economic strength and security of the United States.

As the Treasury Secretary, you serve as the Chief Financial Officer responsible for formulating, managing, and implementing fiscal policies that impact the economy. You are responsible for paying all U.S. bills, collecting taxes, and managing the United States' credit rating, an assessment of how likely we will repay our debts. This role, if mismanaged, puts our national and global economy at risk and could erode public confidence in the U.S. government.

The Treasury Department's (the Department) internal payments system, managed by the Department's Bureau of Fiscal Service, is a critical function performing the necessary duties of the Department. It processed 1.4 billion payments with an aggregate value of more than \$5 trillion for the 2024 fiscal year.⁵ This represents nearly 90 percent of the total payments the federal government makes.⁶ It is responsible for paying Social Security and Medicare benefits, salaries for federal workers, payments to government contractors and grant recipients, and tax refunds, among countless other functions.⁷ Due to this extensive role, it contains highly sensitive information about hundreds of millions of Americans, including Social Security numbers and other

¹ "Elon Musk's Team Now Has Access to Treasury's Payments System, 1 Feb. 2025,

<https://www.nytimes.com/2025/02/01/us/politics/elon-musk-doge-federal-payments-system.html>.

² "Wyden Demands Answers Following Report of Musk Personnel Seeking Access to Highly Sensitive U.S. Treasury Payments System," 31 Jan. 2025,

<https://www.finance.senate.gov/chairmans-news/wyden-demands-answers-following-report-of-musk-personnel-seeking-access-to-highly-sensitive-us-treasury-payments>.

³ Federal Disbursement Services (FDS), <https://fiscal.treasury.gov/fds/>.

⁴ "Treasury Official Quits After Resisting Musk's Requests on Payments," 31 Jan. 2025,

<https://www.nytimes.com/2025/01/31/us/politics/david-lebryk-treasury-resigns-musk.html>.

⁵ "Elon Musk's Attempt to Control the Treasury Payment System Is Incredibly Dangerous," 3 Feb. 2025,

<https://www.rollingstone.com/politics/politics-features/trump-elon-musk-treasury-payment-system-dangerous-1235254831/>.

⁶ *Id.*

⁷ "Musk aides gain access to sensitive Treasury Department payment system, 1 Feb. 2025,

<https://www.washingtonpost.com/business/2025/02/01/elon-musk-treasury-payments-system/>.

identifying information.⁸ Therefore, the Department's payment system is understandably a closely held operation with a limited number of people authorized to access the information.⁹

Specifically, the Bureau's Automated Standard Application for Payments system assists agencies in sending funds to state and local governments, educational and financial institutions, vendors and contractors, profit and nonprofit entities, and Indian tribal organizations.¹⁰ This system collects up to 100,000 Social Security numbers along with identifying business information, including sensitive financial records and business bank accounts.¹¹ It is paramount that the Department's payments system remains under the control of qualified, non-political federal officials who possess the integrity and tact necessary to not only ensure the security and privacy of payment operations—but also to avoid breaching the debt limit.

That is why we are alarmed that, shortly after your confirmation, you reportedly placed David Lebryk, the most senior career official in the Department responsible for managing the payment system, on administrative leave — effectively forcing him to retire—because he resisted transferring the sensitive and confidential payment system to Mr. Musk and his associates. Subsequently, you allowed Mr. Musk and his allies to take control of the system.¹² Mr. Lebryk, who had served as the Fiscal Assistant Treasury Secretary since 2014, is credited as the person responsible for the continuous cash inflows and outflows at the Department during the debt ceiling crises of the past decade, while also ensuring the debt ceiling was not breached.¹³ This is a reckless decision at a time when the Treasury Department is taking extraordinary measures to prevent the U.S. from defaulting on its debt.¹⁴

It is clear that Mr. Musk and his allies aim to overhaul the payments system to advance their own agenda. Mr. Musk has made numerous comments suggesting that the government should not fund programs that contradict his personal politics. Mr. Musk, who has faced multiple lawsuits over alleged racism at his companies,¹⁵ has stated that “[Diversity, Equity, and Inclusion] must DIE,”¹⁶ and his so-called Department of Government Efficiency (DOGE) is reportedly targeting \$120 billion in cuts from federal diversity spending.¹⁷ Mr. Musk also has significant conflicts of interest as a federal contractor, with two of his companies—Tesla and SpaceX—accounting for nearly \$20 billion in government contracts over the past 16 years.¹⁸

Furthermore, Mr. Musk's connections to foreign governments raise concerns about potential conflicts with the U.S. national interests. He is actively involved in European democratic elections, using his influence to boost

⁸ “Elon Musk's Attempt to Control the Treasury Payment System Is Incredibly Dangerous.”

⁹ “Treasury Dept. gives Elon Musk's team access to federal payment system: Sources,” 2 Feb. 2025, <https://abcnews.go.com/US/treasury-dept-elon-musks-team-access-federal-payment/story?id=118380399>.

¹⁰ Privacy and Civil Liberties Impact Assessment, <https://pia.asappclia.pdf>; See also: “Elon Musk's Attempt to Control the Treasury Payment System Is Incredibly Dangerous.”

¹¹ *Id.*

¹² “Treasury Official Quits After Resisting Musk's Requests on Payments.”

¹³ “Elon Musk's Attempt to Control the Treasury Payment System Is Incredibly Dangerous.”

¹⁴ “Secretaries of the Treasury and the Fed Send Letters to Congress on the Debt Limit,”

¹⁵ “Tesla worker who won \$137m in racism payout says Elon Musk is ‘on notice,’” 5 Oct. 2021, <https://www.independent.co.uk/news/world/americas/tesla-worker-racism-payout-musk-b1932640.html>.

¹⁶ @elonmusk, 15 Dec. 2023, <https://x.com/elonmusk/status/1735568882499211557?lang=en>.

¹⁷ “Elon Musk and DOGE eyeing \$120 billion in cuts on federal diversity spending, says report,” 17 Jan. 2025, <https://www.independent.co.uk/news/world/americas/us-politics/elon-musk-doge-diversity-diversity-b2681232.html>.

¹⁸ “Elon Musk wants to cut government spending. Tesla and SpaceX benefit from it,” 15 Nov. 2024, <https://www.usatoday.com/story/money/2024/11/15/how-tesla-and-spacex-benefit-from-government-spending/76301473007/>.

extremist parties,¹⁹ and has downplayed the atrocities of the Holocaust.²⁰ In December, Mr. Musk attacked the bipartisan year-end Continuing Resolution (CR), making false claims about the contents of the legislation. In truth, his opposition likely stemmed from an outbound investment provision that would have complicated his plans to build more Tesla factories in Shanghai, China.²¹ This provision was later removed. Mr. Musk nearly caused a government shutdown for his own selfish reasons. These actions highlight the risks of entrusting him with access to the sensitive systems responsible for millions of Americans' private data.

Recently, former Treasury Department officials reportedly stated that Mr. Musk and his team believe that political appointees selected by President Trump should oversee the payment system.²² This is inconsistent with wanting to make the government more "efficient." Mr. Musk has a specific agenda that would need to include slashing congressionally authorized funding for lifeline programs like Social Security and Medicare.²³ Consistent with President Trump's unprecedented power grab to freeze federal funding appropriated by Congress, we are concerned that the President and Mr. Musk could use the payments system to impound agency payments.

Furthermore, with control over the payments system, we are concerned that Mr. Musk may weaponize this infrastructure to blacklist competitors of the private companies he runs and attack non-profits he dislikes. For instance, over the weekend, Mr. Musk announced that his "DOGE team" would be halting payments to certain federal contractors, potentially including those that directly compete with his business ventures.²⁴ He pledged to end what he grossly mischaracterized as "illegal payments" to Global Refuge, a faith-based organization dedicated to providing safety and support to refugees, asylum seekers, and immigrants from across the world.²⁵ Funding directly appropriated by Congress is not Mr. Musk's or your money to hold hostage.

This assault on the Bureau of Fiscal Service has reportedly been planned for several weeks or months. It has been reported that Trump-affiliated Treasury employees had previously asked about the Department's capability to halt federal payments.²⁶ Furthermore, ahead of President Trump's inauguration, members of his transition team sought detailed information about the Bureau's proprietary computer systems, including "each step in the disbursement process," and wanted to visit field offices where government workers work on computers that disburse these payments.²⁷

²³ "Elon Musk is causing trouble in Europe. What's in it for him?" <https://www.bbc.com/news/europe-politics-x-disinformation-6br-cmd-intl/index.html>.

²⁰ "Elon Musk tells German far-right crowd the nation should move beyond 'past guilt' ahead of Holocaust Remembrance Day," 28 Jan. 2025, <https://www.cbsnews.com/news/elon-musk-germany-far-right-afd-remarks-auschwitz-holocaust-remembrance-day/>.

²¹ "The Government Is Shutting Down Because Elon Musk Has Factories in China," 20 Dec. 2024, <https://prospect.org/politics/2024-12-20-government-shutting-down-elon-musk-factories-china/>.

²² "DOGE Gains Access to Payment System Doling Out Trillions to Americans," 1 Feb. 2025, <https://www.wsj.com/politics/policy/elon-musks-doge-getting-access-to-payment-system-that-doles-out-trillions-to-americans-5625adf0>.

²³ "Musk's plan to cut \$2 trillion in U.S. spending could bring economic turmoil," 29 Oct. 2024, <https://www.washingtonpost.com/business/2024/10/29/elon-musk-2-trillion-budget-cuts-trump-election/>.

²⁴ "Musk Says DOGE Halting Treasury Payments to US Contractors," 2 Feb. 2025, <https://www.bloomberg.com/news/articles/2025-02-02/musk-says-doge-is-rapidly-shutting-down-treasury-payments>.

²⁵ "Elon Musk's Attempt to Control the Treasury Payment System Is Incredibly Dangerous."

²⁶ "How an arcane Treasury Department office became ground zero in the war over federal spending," 1 Feb. 2025, <https://www.cnn.com/2025/01/31/politics/doge-treasury-department-federal-spending/index.html>.

²⁷ *Id.*

These dangerous actions reveal a blatant disregard for Mr. Musk and his allies' conflicts of interest and threaten Americans' national and economic security. To that end, we request answers to the following questions by February 20th, 2025:

1. Does Elon Musk and/or members of his team have access to the Bureau of Fiscal Service and other sensitive payment systems that the Treasury Department manages? If so:
 - a. Please provide the legal authority used to justify providing this access.
 - b. Please provide details of each system that Mr. Musk and his team have access to, including the relevant System of Records Notice (SORN) numbers.
 - c. Please describe whether any of the above systems contain tax return information protected by 26 U.S.C. § 6103.
 - d. If the systems contain protected tax return information, please explain why disclosures to Mr. Musk and/or any individuals on or associated with his team comply with the disclosure restrictions in 26 U.S.C. § 6103.
 - e. Please provide the names of each individual and the title of each person who has been granted access to these systems on a read-only basis.
 - f. Please provide the names of each individual and the title of each person who has been granted the authority to manage fund disbursements.
 - g. Can you confirm that independent, non-political individuals have completed the background checks and security clearances for the individuals who have gained access to these highly sensitive payment systems?
2. To the extent Elon Musk and/or his team members have access to the above systems, please describe whether these individuals are detailees or employees of the Treasury Department.
 - a. If they are detailees or employees of the Department, please explain why their official duties require them to have access to this information.
 - b. If they are employees of the Department, please disclose their titles and salaries.
 - c. If they are not detailees or employees of the Department, please identify what exception under the Privacy Act of 1974 (5 U.S.C. § 552a) justifies disclosing these records outside of the Department.
 - d. To the extent the Department is relying on the "routine use" exception for disclosing these records, please identify the specific routine use and explain why it is applicable.
3. Has the Treasury Department given Mr. Musk and his team access to payment system databases related to the disbursement of Social Security and Medicare benefits?
4. Did President Trump or anyone at the White House suggest firing Mr. Lebryk or putting him on leave?
 - a. If yes, who suggested it, when did they suggest it, and why did they suggest firing or putting him on leave?
5. Mr. Lebryk has served as the Fiscal Assistant Secretary and has been responsible for overseeing the federal government's financial infrastructure operations.
 - a. Who is currently performing those duties?
 - b. Has that person ever managed a potential debt limit crisis?

- c. Has that person ever overseen the payment system that ensures individuals across the country receive their Social Security checks, Medicare payments, and tax refunds?

Thank you for your attention to this very important matter.

Sincerely,



Sean Casten

Member of Congress



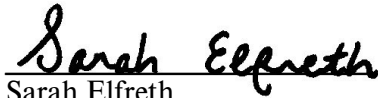
Sydney Kamlager-Dove

Member of Congress



Paul D. Tonko

Member of Congress



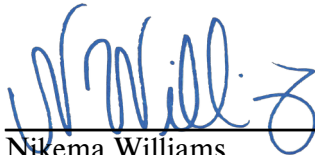
Sarah Elfreth

Member of Congress



Josh Gottheimer

Member of Congress



Nikema Williams

Member of Congress



Emanuel Cleaver, II

Member of Congress



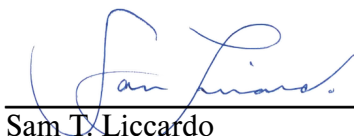
Eleanor Holmes Norton

Member of Congress



Joyce Beatty

Member of Congress



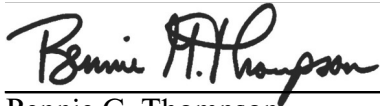
Sam T. Liccardo

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Morgan McGarvey

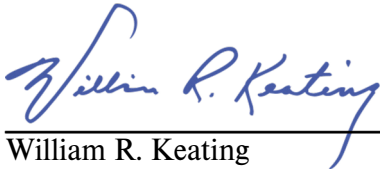
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Bennie G. Thompson
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



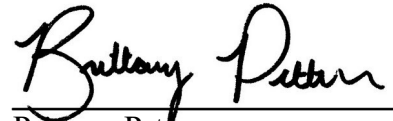
William R. Keating
Member of Congress



Lizzie Fletcher
Member of Congress



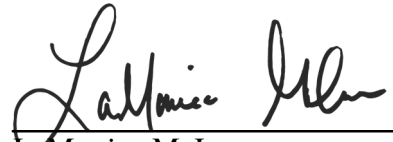
Bonnie Watson Coleman
Member of Congress



Brittany Pettersen
Member of Congress



Bill Foster
Member of Congress



LaMonica McIver
Member of Congress



Sylvia R. Garcia
Member of Congress



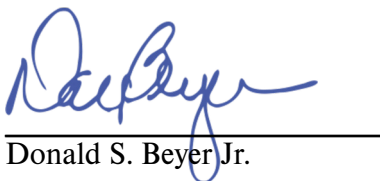
Steve Cohen
Member of Congress



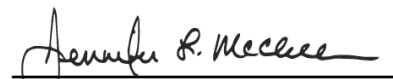
Chrissy Houlahan
Member of Congress



Becca Balint
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Jennifer L. McClellan
Member of Congress