

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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November 7, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to inquire about how you intend to proceed with the Committee's latest, partisan investigation of former Secretary of State Hillary Clinton and allegations that she was bribed to orchestrate the unanimous decision in 2010 by all nine member agencies of the Committee on Foreign Investment in the United States (CFIUS) regarding Uranium One.

As a first step, I request access to the former "confidential informant" who at least one Republican Committee Member, Rep. Ron DeSantis, claims to have spoken with about "explosive" new evidence demonstrating how Secretary Clinton allegedly masterminded a plan with then-FBI Director Robert Mueller and other CFIUS member agencies to approve the deal.

Partisan Investigation Launched Directly After President's Tweets

With no consultation with Democrats, you and other Republicans rushed to launch your latest investigation of Secretary Clinton and Mr. Mueller directly after President Trump initiated his own Twitter campaign just days earlier to distract from the ongoing Russia investigations.

On October 19, 2017, President Trump tweeted: "Uranium deal to Russia, with Clinton help and Obama Administration knowledge, is the biggest story that Fake Media doesn't want to follow!"¹ He also tweeted: ".@foxandfriends 'Russia sent millions to Clinton Foundation.'"²

President Trump made these tweets less than 24 hours after a series of blistering news reports that Attorney General Jeff Sessions refused repeatedly to answer questions from the Senate Judiciary Committee about his conversations with the President regarding Russia and the

¹ Donald J. Trump@realDonaldTrump, Twitter (Oct. 19, 2017) (online at <https://twitter.com/realDonaldTrump/status/920972261032648705>).

² Donald J. Trump@realDonaldTrump, Twitter (Oct. 19, 2017) (online at <https://twitter.com/realDonaldTrump/status/920988223362469891>).

firing of FBI Director James Comey.³ Attorney General Sessions previously served as Chairman of the Trump campaign's National Security Advisory Committee.

Within three days of President Trump's tweets, on October 22, 2017, Rep. DeSantis, the Chairman of the National Security Subcommittee, announced during a nationally televised interview on *Fox News* with Leland Vittert that our Committee was already conducting exactly the investigation President Trump sought. This was the first time that any Democratic Committee Members heard about this investigation.

During his interview, Chairman DeSantis stated: "I've been able to speak with the confidential informant that helped the FBI uncover this bribery scheme. I've spoken with his attorney, and this informant wants to tell his story."⁴

Chairman DeSantis then made this very serious—but unsubstantiated—allegation:

We have the money that went to Bill Clinton for the speech, the half a million dollars. Millions of dollars to the Foundation from sources connected with Uranium One. And then you have the approval of the deal on the CFIUS board, which Hillary Clinton was a member of, in 2010. So you do have the quid, you have the quo. This informant, I believe, would be able to link those two together.⁵

During his interview, Chairman DeSantis also sought to implicate Special Counsel Robert Mueller, stating:

I think it's also an issue in terms of Congress doing oversight over the activities of some of these people. We talk so much about Russia, Leland, let's look at the facts here. Who was the FBI Director when all of this stuff was going on? Robert Mueller, who's now the Special Counsel.⁶

Chairman DeSantis is the lead sponsor of legislation to kill Special Counsel Mueller's probe of the Trump campaign and its Russian connections.⁷

³ See, e.g., *Sessions Refuses to Discuss His Conversations With Trump About Comey or Russia*, New York Times (Oct. 18, 2017) (online at www.nytimes.com/2017/10/18/us/politics/sessions-senate-judiciary-committee-hearing.html?_r=0); *Sessions Tells Lawmakers He Will Not Discuss His Conversations with Trump on Comey Firing*, Washington Post (Oct. 18, 2017) (online at www.washingtonpost.com/world/national-security/sessions-testimony-senate-judiciary-committee-hearing/2017/10/17/bf7ab576-b2b2-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.c4d79082f7c9).

⁴ *America's News HQ*, Fox News (Oct. 22, 2017) (online at <http://video.foxnews.com/v/5621831993001>).

⁵ *Id.*

⁶ *Id.*

⁷ *Rep. DeSantis on Defunding Russia Probe: Mueller Needs to 'Put Up or Shut Up,'* Fox News (Aug. 28, 2017) (online at <http://insider.foxnews.com/2017/08/28/donald-trump-russia-probe-robert-mueller-defunded-government-spending>).

Less than 48 hours after this interview, on October 24, 2017, Chairman DeSantis held a press conference to confirm that our Committee indeed had launched this investigation with your support and without any consultation with Democrats.⁸

Chairman DeSantis was joined at the press conference by Rep. Devin Nunes, the Chairman of the House Permanent Select Committee on Intelligence, who recused himself from the Russia investigation after his controversial visit to the Trump White House earlier this year and after the House Ethics Committee announced that it “determined to investigate” allegations that “Nunes may have made unauthorized disclosures of House Rules, law, regulations, or other standards of conduct.”⁹

Without waiting for any information from the former informant, and without evaluating the credibility of any information he may provide, several Republican House Members introduced a resolution last Friday calling on Mr. Mueller to resign.¹⁰ Similarly, both the conservative *Wall Street Journal* editorial board and *Fox News* called for Mr. Mueller to step down.¹¹

Even Ken Starr, the former special prosecutor during the Clinton Administration, dismissed calls for Mr. Mueller to step down as “silly.” He added: “But criticism goes with the territory. And if you don’t have the facts, then argue the law. If you don’t have the facts and law, then attack the prosecutor. Every defendant is likely to do that.”¹²

Failure to Acknowledge Previous Committee Investigations

During these various Republican media appearances, neither Chairman DeSantis nor any other Republican Member mentioned that we already investigated this matter years ago and identified no evidence that Secretary Clinton improperly influenced the process to cause the nine CFIUS member agencies to approve the deal.

On June 16, 2015, Chairman DeSantis and then-Chairman Jason Chaffetz launched an investigation into this matter by sending 14 document request letters to all nine CFIUS member agencies—including both the Departments of State and Justice—as well as all five CFIUS observer offices:

⁸ *House GOP Launches Probes Into Obama-era Uranium Deal, Clinton Email Inquiry*, Washington Post (Oct. 24, 2017) (online at www.washingtonpost.com/powerpost/house-leaders-launch-new-probe-into-obama-era-uranium-deal/2017/10/24/2d7e0c5c-b8d6-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.eee426d3cf06).

⁹ *House Intelligence Chairman Devin Nunes Recuses Himself From Russia Probe*, Washington Post (Apr. 6, 2017) (online at www.washingtonpost.com/powerpost/house-intelligence-chairman-devin-nunes-recuses-himself-from-russia-probe/2017/04/06/8122b5bc-1ad2-11e7-855e-4824bbb5d748_story.html?utm_term=.2d5a5643d0cd).

¹⁰ *Conservatives Introduce Measure Demanding Mueller’s Resignation*, Politico (Nov. 3, 2017) (online at www.politico.com/story/2017/11/03/house-republicans-robert-mueller-resignation-244517).

¹¹ *Murdoch-Owned Outlets Bash Mueller, Seemingly in Unison*, Politico (Oct. 30, 2017) (online at www.politico.com/story/2017/10/30/murdoch-fox-mueller-trump-244333).

¹² *This Week with George Stephanopoulos*, ABC News (Nov. 5, 2017) (online at <http://abcnews.go.com/ThisWeek/video/preet-bharara-ken-starr-dan-abrams-latest-mueller-50941704>).

Members: Department of the Treasury (Chair)¹³
Department of Justice
Department of Homeland Security
Department of Commerce
Department of Defense
Department of State
Department of Energy
Office of the U.S. Trade Representative
Office of Science and Technology Policy

Observers: Office of Management and Budget
Council of Economic Advisors
National Security Council
National Economic Council
Homeland Security Council

On July 7, 2015, the Department of the Treasury responded, in its capacity as Chair of CFIUS and on behalf of all member agencies, by offering a briefing by the Department of the Treasury and the Office of the Director of National Intelligence to detail “CFIUS’s review and the investigation of the transactions, including CFIUS’s ultimate determinations and the national security risk assessments underlying those determinations.”¹⁴ The Committee received this briefing on July 29, 2015.

On October 19, 2015, the Department of the Treasury sent additional letters to the Committee offering to provide a comprehensive classified briefing along with the Department of Energy and the Office of the Director of National Intelligence. The Department also invited Committee staff to review a host of classified documents relating to this transaction. The Department wrote:

Due to the sensitive or classified nature of the documents, we will make these documents available at a Sensitive Compartmented Information Facility (SCIF) at the Treasury Department. We welcome Committee staff with appropriate security clearances to spend as much time with the records in the SCIF as required.¹⁵

¹³ See, e.g., Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and Chairman Ron DeSantis, Subcommittee on National Security, to Secretary Jacob J. Lew, Department of the Treasury (June 16, 2015).

¹⁴ Letters from Anne Wall, Assistant Secretary for Legislative Affairs, Department of the Treasury, to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and Chairman Ron DeSantis, Subcommittee on National Security (July 7, 2015).

¹⁵ Letters from Anne Wall, Assistant Secretary for Legislative Affairs, Department of the Treasury, to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and Chairman Ron DeSantis, Subcommittee on National Security (Oct. 19, 2015).

On November 2, 2015, the Committee received the classified briefing relating to this transaction, and Committee staff went to the Department of the Treasury to review the classified documents offered by the Department.

Not satisfied with these documents and briefings, the Committee sent a letter on December 18, 2015, inviting the Department of the Treasury to testify at a hearing on January 7, 2016, relating to the Department's failure to fully comply with its requests for information about the Uranium One transaction.¹⁶

On December 31, 2015, the Department of the Treasury offered to provide a second round of documents totaling approximately 1,000 pages, including CFIUS member agency filings, intelligence analysis, and documents from the Department of State. This second review of classified documents occurred on January 15, 2016.

The Department also offered to provide a classified letter to the Committee describing in detail the CFIUS process for the Uranium One transaction and listing the specific officials involved in the review from each agency. The Committee received this classified letter from the Department on January 6, 2016.

Satisfied with this response, the Committee released the Department of the Treasury from testifying at the hearing on January 7, 2017.

In addition to the investigation conducted by the Oversight Committee, at least four other Committees in the House and Senate reviewed this issue, including the House Committee on Financial Services, the Senate Committee on Banking, the Senate Homeland Security and Government Affairs Committee, and the Senate Committee on the Judiciary.¹⁷

The committees that conducted these reviews identified no evidence to substantiate allegations that Secretary Clinton orchestrated, manipulated, or otherwise coerced CFIUS member agencies to approve the deal. In contrast, they all dropped their investigations without further action, stopped sending letters, and never issued a report of their findings.

Access to Former “Confidential Informant”

It appears that the only thing that has changed since our Committee's previous investigation is that Chairman DeSantis spoke with an unidentified “confidential informant” who claims to have uncovered a “bribery scheme” in which Secretary Clinton was paid off to effect the approval of the Uranium One deal. We do not know who this former informant is, where this former informant is from, whether the FBI substantiated this former informant's claims, or whether this former informant is credible.

¹⁶ Letter from Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, to Anne Wall, Assistant Secretary for Legislative Affairs, Department of the Treasury (Dec. 18, 2015).

¹⁷ Letters from Anne Wall, Assistant Secretary for Legislative Affairs, Department of the Treasury, to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform, and Chairman Ron DeSantis, Subcommittee on National Security (Oct. 19, 2015).

On October 25, 2017, the Federal Bureau of Investigation (FBI) sent a letter to Victoria Toensing, the attorney representing the former informant, authorizing the individual to provide whatever information he has to our Committee and others:

Your client is hereby authorized to disclose to the Chairmen and Ranking Members of the Senate Committee on the Judiciary, the House Committee on Oversight and Government Reform, and the House Permanent Select Committee on Intelligence, as well as one member of each of their staffs, any information or documents you have concerning alleged corruption or bribery involving transactions in the uranium market, including but not limited to anything related to Vadim Mikerin, Rosatom, Tenex, Uranium One, or the Clinton Foundation.¹⁸

When Chairman DeSantis was asked during his *Fox News* interview on October 22 what steps the Committee would take, he responded:

I've spoken with Chairman Gowdy. He believes this is an important issue, and he's indicated to me that he's supportive of what we're doing. So I think that you are going to see action.¹⁹

Similarly, when you were asked on October 26 whether our Committee would be speaking with the former informant, you replied: "Talking to witnesses is usually a good thing. I'm glad the Department of Justice has made him available."²⁰

It has now been more than two weeks since Chairman DeSantis declared on national television that our Committee is investigating this matter, but you have not taken any investigative steps—at least as far as I am aware—and you have not brought the confidential informant in to provide us with the information authorized by the Department of Justice.

Request for Access to Former Confidential Informant

These actions raise serious questions about whether Republicans are reopening this investigation of Hillary Clinton for the same illegitimate reasons that President Trump demanded it—to try to distract public attention from the ongoing criminal probe into President Trump's campaign and its ties to Russia, and to unfairly malign the official charged with executing it, Special Counsel Robert Mueller.

¹⁸ Letter from Assistant Director E.W. Priestap, Federal Bureau of Investigation, to Victoria Toensing, Esq. (Oct. 25, 2017) (online at www.scribd.com/document/362679866/Client-letter).

¹⁹ *America's News HQ*, Fox News (Oct. 22, 2017) (online at <http://video.foxnews.com/v/5621831993001>).

²⁰ *Fox & Friends*, Fox News (Oct. 26, 2017) (online at <http://video.foxnews.com/v/5625690931001/?#sp=show-clips>).

Since at least one Republican Member of our Committee, Chairman DeSantis, claims he has access to—and has been in discussions with—this former informant and his attorney, I now request that Democrats are given access to this individual. I ask that you invite the former informant to speak with the Committee this week. I also request copies of any documents or other information that Republican Members or staff have obtained relating to this investigation.

Thank you for your prompt consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member