

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

January 22, 2016

The Honorable Dennis C. Shea  
Chairman  
U.S.-China Economic and Security Review Commission  
444 North Capitol Street NW, Suite 602  
Washington, D.C. 20001

Dear Chairman Shea:

On September 3, 2015, the Committee received the attached letter from the Foundation for Accountability and Civic Trust (FACT) highlighting potentially severe conflict of interest concerns with U.S.-China Economic and Security Review Commission (Commission) Member Jeffrey Fiedler.<sup>1</sup> As described in the letter, in addition to serving on the Commission, Mr. Fiedler serves as Assistant to the General President, and Director, Special Projects and Initiatives, for the International Union of Operating Engineers (IUOE), where he has been involved in a number of efforts to scrutinize American-owned casinos in Macau.

While Mr. Fiedler's private work with IUOE may not be problematic on its own, his presence on the Commission complicates this issue and raises possible ethical concerns. Specifically, Mr. Fiedler's commercial interests in China may make it difficult for him to maintain impartiality in his public role on the Commission. Furthermore, the Commission's previous examination of gambling in Macau may imply U.S. support for his private actions due to his presence on the Commission. To assist the Committee in better understanding Mr. Fiedler's work with the Commission, I request that you provide the following documents and information as soon as possible, but no later than noon on February 5, 2016:

1. All documents and communications sent or received by Mr. Fiedler referring or relating to gambling in China, Wynn, or Macau, since January 1, 2010; and
2. All documents and communications referring or relating to Mr. Fiedler's participation, or lack thereof, or recusal from the Commission's June 27, 2013, hearing on Macau and Hong Kong, the Commission's July 2013 visit to the People's Republic of China, and the drafting of the section on Macau in the Commission's 2013 Annual Report to Congress.

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<sup>1</sup> Letter from Matthew G. Whitaker, Exec. Dir., Foundation for Accountability and Civic Trust, to David Skaggs, Co-Chairman, Office of Congressional Ethics (Sep. 3, 2015).

The Honorable Dennis C. Shea

January 22, 2016

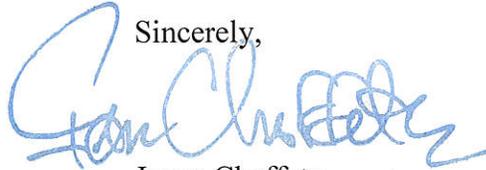
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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representative and may investigate “any matter” at “any time” as set forth in House Rule X.

When producing documents to the Committee, please deliver production sets to the Majority staff in room 2157 of the Rayburn House Office Building and the Minority staff in room 2471 of the Rayburn House Office Building. The Committee prefers, when possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee’s request.

Please contact Jeffrey Post of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention this this matter.

Sincerely,



Jason Chaffetz  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Member

Enclosures (2)



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

September 3, 2015

The Honorable David Skaggs  
Co-Chairman  
Office of Congressional Ethics  
U.S. House of Representatives  
P.O. Box 895  
Washington, D.C. 20515-0895

Dear Congressman Skaggs:

I write to request that the Office of Congressional Ethics (OCE) investigate possible serious conflicts of interest relating to Mr. Jeffrey Fiedler's activity on the U.S. – China Economic and Security Review Commission. Mr. Fiedler, in his private capacity as Assistant to the President and Director of Special Projects and Initiatives for the International Union of Operating Engineers (IUOE), is reported to be spearheading a corporate campaign to unionize the employees of Wynn Resorts, while at the same time the U.S. China-Commission reviewed the activity of Wynn Resorts and other U.S. casino companies doing business in Macau.<sup>1</sup>

Mr. Fiedler was appointed by Minority Leader Nancy Pelosi to serve as a Commissioner on the U.S. China Commission, and his term ends on December 31, 2015. The U.S.-China Commission was "created by the United States Congress in October 2000 with the legislative mandate to monitor, investigate, and submit to Congress an annual report on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China, and to provide recommendations, where appropriate, to Congress for legislative and administrative action." By statute, all of the commissioners are appointed by congressional leadership.

Mr. Fiedler's duties on the Commission and his job with the IUOE present a startling conflict of interest. One commentator referred to this conflict as a "personal vendetta" in which Mr. Fiedler and the IUOE used "questionable tactics."<sup>2</sup> The IUOE has attempted to unionize Wynn Resorts for years with no success. Mr. Fiedler and the IUOE have used those "questionable tactics" to pressure various U.S. casino companies to accede to the IUOE's demands. Mr. Fiedler and the IUOE initiated a website, [Casinoleaks-macau.com](http://Casinoleaks-macau.com), to make allegations that well-regarded U.S. casino companies, including Las Vegas Sands, MGM Resorts International, and Wynn Resorts, have links to organized crime.<sup>3</sup> Fiedler has filed complaints with and put pressure on the Macau Gaming Inspection and Coordination Bureau and the Nevada Gaming Control Board to investigate

<sup>1</sup> See 2013 Report of U.S. China Economic and Security Review Commission, Chapter 3, Sec. 3, [http://www.uscc.gov/Annual\\_Reports/2013-annual-report-congress](http://www.uscc.gov/Annual_Reports/2013-annual-report-congress)

<sup>2</sup> <http://dailycaller.com/2015/05/12/jeffrey-fiedler-the-manchurian-commissioner/>

<sup>3</sup> <http://www.reviewjournal.com/business/casinos-gaming/website-focused-macau-gaming-closes>

the companies while he was both employed as a Commissioner and senior operative at the IUOE.<sup>4</sup> These companies have strenuously rejected these allegations as unfounded.<sup>5</sup> In reporting on Mr. Fiedler's complaint, the Wall Street Journal referred to him as "a union official and member of the U.S.-China Economic and Security Review Commission, a panel appointed by Congress."<sup>6</sup> As late as April 14, 2015, Mr. Fieldler and the IUOE attacked Wynn Resorts through a website called cotailanddeal.com,<sup>7</sup> and the IUOE recently sponsored a website called Macau Gaming Watch.<sup>8</sup> In it, the IUOE does not hide its purpose as it explains that the "Union is supporting an organizing drive by employees of . . . Wynn Resorts."<sup>9</sup> Not only does the Macau Gaming Watch website expressly associate itself with the IUOE run Cotailanddeal.com,<sup>10</sup> it links to a U.S.-China Commission hearing on Macau and Hong Kong which focused on the U.S. casino industry.<sup>11</sup> On June 8, Mr. Fiedler penned a letter to the Macau Legislative Assembly regarding Wynn Macau business dealings.<sup>12</sup> The IUOE's press release on this matter fails to mention that on June 2, it filed a petition with the NLRB to unionize Wynn's slot and pit technicians. He also recently wrote the Chinese Communist Party's Central Commission for Discipline Inspection<sup>13</sup> about Wynn Resorts.

It cannot be ethical for Mr. Fiedler to seek a benefit from the Chinese officials over which he has oversight authority. Mr. Fiedler is simultaneously requesting Chinese officials take government action for the benefit of his private employer, while he is statutorily obligated to conduct oversight on behalf of the U.S. government of those same Chinese officials. It is clear that the Chinese and Macau officials know Mr. Fiedler is a commissioner on the U.S.-China Commission and therefore has influence over the hearings of the Commission and the annual report submitted to Congress.

Any fair observer would conclude that Mr. Fiedler's work as an IUOE operative has conflicted with his work as a commissioner on the U.S. – China Commission. The conflict includes his ongoing effort to elicit the assistance of foreign governments about whom he is supposed to investigate as a commissioner of the U.S.-China Commission. In light of the foregoing, we respectfully request that you investigate this matter to ensure that personal or private agendas, for which Mr. Fiedler is handsomely compensated, are not intertwined with the work of this congressional commission.

<sup>4</sup> <http://www.scmp.com/news/china/article/1513066/wynn-macau-rejects-us-trade-unionists-accusation-it-works-crime-linked>. See also <http://www.scmp.com/news/china/article/1512956/not-first-time-us-union-boss-has-targeted-macau-casinos>; <http://www.businesswire.com/news/home/20120328006136/en/Operating-Engineers-Call-MGM-Independent-Directors-Launch#.VJNW0ugCAA>; <http://www.reviewjournal.com/business-business-press/casinos-gaming/union-urges-inquiry-las-vegas-casinos-macau-junket-operators>; <http://www.reuters.com/article/2012/03/07/idUS186444+07-Mar-2012+BW20120307>

<sup>5</sup> See infra note 5; [https://gamingtoday.com/articles/article/47245-Steve\\_Wynn\\_rejects\\_Union\\_s\\_Macau\\_triad\\_charges#.VUeQjnLwtHg](https://gamingtoday.com/articles/article/47245-Steve_Wynn_rejects_Union_s_Macau_triad_charges#.VUeQjnLwtHg); <http://www.scmp.com/news/china/article/1513066/wynn-macau-rejects-us-trade-unionists-accusation-it-works-crime-linked>

<sup>6</sup> <http://www.wsj.com/articles/SB10001424052970204603004577269413008057958>

<sup>7</sup> <http://www.cotailanddeal.com/PressRelease4-14-2015-English.html>; <http://calvinayre.com/2014/05/16/casino/bitter-unsuccessful-us-union-boss-questions-wynn-links-to-macau-junket/>

<sup>8</sup> <http://www.macaugamingwatch.com/>

<sup>9</sup> <http://www.macaugamingwatch.com/Pages/About.html>

<sup>10</sup> <http://www.macaugamingwatch.com/Pages/About.html>

<sup>11</sup> [http://www.macaugamingwatch.com/Pages/Document\\_Center.html](http://www.macaugamingwatch.com/Pages/Document_Center.html)

<sup>12</sup> [http://cotailanddeal.com/Press\\_Release\\_6-8-2015.html](http://cotailanddeal.com/Press_Release_6-8-2015.html)

<sup>13</sup> <http://www.scmp.com/news/china/money-wealth/article/1823030/us-union-boss-urges-macau-exert-more-control-vip-junket>; <http://www.businesswire.com/news/home/20150615005951/en/U.S.-trade-union-contacts-Central-Commission-Discipline#.VYhL7nLJBHg>

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Whitaker', enclosed in a large, loopy oval shape.

Matthew G. Whitaker  
Executive Director, Foundation for Accountability & Civic Trust

cc.

Committee on Oversight and Government Reform  
2157 Rayburn House Office Building  
Washington DC 20515

## Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,  
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,  
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,  
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.