

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 6, 2018

The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Ranking Member Cummings:

I received your letter this morning about the upcoming witness interview we have been invited to participate in with the Senate Judiciary Committee. As you know, the Oversight and Government Reform Committee and the House Permanent Select Committee on Intelligence have been conducting a joint investigation of the Committee on Foreign Investment in the United States' (CFIUS) 2010 approval of Rosatom's acquisition of Uranium One. During the course of the Committees' inquiry, Chairman Grassley's staff invited us to attend a meeting with an individual who has described himself as someone with firsthand information relating to our investigative work. Having not yet met with this person, the staff agreed to attend. This meeting, arranged by the Senate Judiciary Committee, is tomorrow. Your staff has also been invited, as have the Democratic staffs from the two other Committees. Rather than jumping to conclusions based on third party accounts about what the witness might offer, I will reserve judgment until we hear directly from him tomorrow.

In a December press release, you stated, "it is inconceivable that the Chairman of a major House Committee would launch a massive new investigation and send multiple document requests based on nothing more than secret allegations from an unidentified 'confidential informant.'"<sup>1</sup> In fact, legitimate questions surrounding the Uranium One transaction have materialized over a substantial period of time,<sup>2</sup> and the joint inquiry with HPSCI builds on the Committee's prior work under a former Chairman.<sup>3</sup>

Over the past several weeks, the Committees have participated in bipartisan briefings with the Department of the Treasury, Department of Energy, Department of State, Department of Justice, Federal Bureau of Investigation, and the Office of the Director of National Intelligence. In addition, the Committees have received unprecedented access to CFIUS documents related to the Uranium One transaction. Your staff has been involved in every single briefing on this matter and our staffs have had equal access to the documents.

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<sup>1</sup> See Cummings Issues Statement on Identification of "Confidential Informant" in Latest Republican Investigation of Hillary Clinton and Uranium One, Oversight Committee Democrats Press Office (Nov. 16, 2017).

<sup>2</sup> See, e.g., *Cash Flowed to Clinton Foundation Amid Russian Uranium Deal*, N.Y. TIMES (Apr. 23, 2015).

<sup>3</sup> See, e.g., letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform and Hon. Ron DeSantis, Chairman, H. Subcomm. on National Security to Hon. Ashton Carter, Sec. of Defense (June 16, 2015).

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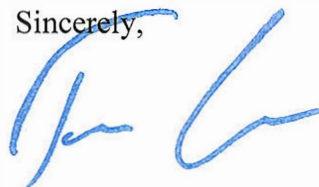
These briefings and documents—much of which is classified and cannot be discussed in an open letter—have continued to shed light on both the Uranium One transaction as well as the CFIUS process itself. This has been the focus and purpose of this investigation, not any one person or organization. As the Committees explained in our request letters, CFIUS has “one purpose,” which is “to review the potential national security effects of transactions in which a foreign company obtains control of a U.S. company.”<sup>4</sup> The Committees are ensuring that CFIUS is indeed fulfilling this purpose.

This methodical approach of obtaining documents, participating in briefings, and interviewing witnesses—all done in a bipartisan manner—stands in stark contrast to the way you recently conducted a fly-by-night investigation. When confronted with recent claims by a whistleblower, you kept these claims hidden from me and my staff for a number of months. In the interim, you spoke to the whistleblower—without inviting my staff to do the same—whom you apparently found “authentic, credible, and reliable.”<sup>5</sup> Then, in a partisan manner you coordinated around us and separately arranged for a public release of the whistleblower’s allegations with the Special Counsel.

Just two days later, however, documents showed the whistleblower’s claim to be spurious at best.<sup>6</sup> Had you exercised more caution and carefulness, you may have understood the assertions and claims you were so hopeful would pan out were not authentic, credible, or reliable. When conducting serious-minded investigations, inclinations to move quickly while jumping to conclusions do not serve the Committee well. Moreover, relying on one witness is a risky proposition in a fact-intensive investigative matter.

The Committees are going to continue to pursue the facts regarding the CFIUS process and the Uranium One transaction—quietly, responsibly, and comprehensively. Toward that end, the Committees are meeting with the confidential informant tomorrow, the identity of whom has not been kept from you or your staff. This is but one facet of our investigation. The Committees have not ruled out the prospect of transcribed interviews in this investigation. And as with all of our investigations, we are hopeful that you and your staff will be equal partners in this fact-finding effort.

Sincerely,



Trey Gowdy

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<sup>4</sup> Holly Shulman, U.S. Dep’t of Treasury, *CFIUS at a Glance*, Feb. 19, 2013, <https://www.treasury.gov/connect/blog/Pages/CFIUS-at-a-Glance.aspx>. See also, e.g., letter from Hon. Devin Nunes, Chairman, H. Permanent Select Comm. on Intelligence, Hon. Trey Gowdy, Chairman, H. Comm. on Oversight and Gov’t Reform, Hon. Peter King, Chairman, H. Subcomm. on Emerging Threats, and Hon. Ron DeSantis, Chairman, H Subcomm. on Nat. Sec. to Hon. Rex Tillerson, Sec. of State (Nov. 14, 2017).

<sup>5</sup> See letter from Hon. Elijah E. Cummings to Hon. Trey Gowdy (Dec. 6, 2017).

<sup>6</sup> See letter from Thomas B. Cochran to Hon. Elijah E. Cummings (Dec. 8, 2017).