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Washington, DC 20515-2108

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GOVERNMENT SPONSORED ENTERPRISES
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

COMMITTEE ON OVERSIGHT AND
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April 3, 2017

The Honorable Jason E. Chaffetz
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Chaffetz:

As Ranking Member of the Subcommittee on National Security, I respectfully request that you reassert the oversight jurisdiction of the Committee on Oversight and Government Reform and commence a bipartisan investigation to examine reports that the Russian Federation (“Russia”) engaged in extensive cyberespionage with the intent to interfere with the 2016 U.S. presidential election.

Under Rule X, clause 4(c)(2) of the Rules of the House of Representatives, the Committee on Oversight and Government Reform “*may at any time conduct investigations of any matter without regard to*” the specific jurisdiction that Rule X confers to other standing committees.¹ In addition, Rule X, clause 11(b)(3) establishing the Permanent Select Committee on Intelligence provides that “*nothing in this clause shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review an intelligence or intelligence-related activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of that committee.*”²

A bipartisan investigation conducted by our Committee on behalf of the American people to examine the security of U.S. federal elections against cyberattacks perpetrated by a foreign government certainly merits the exercise of our extensive jurisdiction; it is also necessary to enhance the bipartisan investigation undertaken thus far by the U.S. Senate. This inquiry is particularly critical given the escalating questions surrounding the inability of the Chairman of the Permanent Select Committee on Intelligence (“Intelligence Committee”) to conduct a fair, impartial, and competent investigation in this area.

On March 22, 2017, Intelligence Committee Chairman Devin Nunes announced that he had confirmed, “*on numerous occasions, the Intelligence Community incidentally collected information about*

¹ H. Rule X, clause 4(c)(2).

² H. Rule X, clause 11(b)(3).

U.S. citizens involved in the Trump transition.”³ That same day, Chairman Nunes briefed President Trump on his findings at the White House without first sharing the information with the Ranking Member or the other Democratic Members of the Intelligence Committee.⁴ In the aftermath of reports published by the *Washington Post*, the *New York Times*, and several other media outlets, Chairman Nunes has now admitted that his announcement followed a previously undisclosed visit on March 21, 2017 to the White House grounds during which he exclusively viewed classified files provided by an unnamed intelligence source.⁵ Two White House officials at the National Security Council and the Office of the White House Counsel reportedly assisted in facilitating Chairman Nunes’ review of the documents at a secure facility.⁶ Following these events, Chairman Nunes abruptly canceled an upcoming open Intelligence Committee hearing that would have examined reports of Russian cyber-interference in the 2016 presidential election and featured the public testimony of former Acting Attorney General Sally Yates, former Central Intelligence Agency Director John Brennan, and former Director of National Intelligence James Clapper.⁷

This highly unusual behavior on the part of the Intelligence Committee Chairman seriously calls into question his stated commitment and ability to undertake a bipartisan inquiry. Pursuant to the joint Scope of Investigation approved by the Intelligence Committee Chairman and Ranking Member, the parameters of this examination include the extent of Russian cyber-activity and other “*active measures*” directed against the U.S. and its allies, whether “*Russian active measures include links between Russia and individuals associated with political campaigns or any other U.S. Persons,*” and the appropriateness of the U.S. response to Russian active measures.⁸ Chairman Nunes’ recent actions fail to reflect the importance of these investigative responsibilities. Chairman John McCain of the Senate Armed Services Committee has characterized Chairman Nunes’ conduct as “*very disturbing*” and as compromising the credibility of the House investigation.⁹ Sen. Lindsey Graham similarly described the recent events surrounding Chairman Nunes as “*bizarre*” and stated: “*The problem that he’s created is he’s gone off on a lark by himself, sort of an Inspector Clouseau investigation here.*”¹⁰

Given the previous bipartisanship and leadership that you have demonstrated in conducting our Committee investigation into the massive breaches of security clearance and other U.S. personnel files at the Office of Personnel Management in 2015, I strongly believe that the initiation of a bipartisan investigation in the Committee on Oversight and Government Reform into Russian interference with the 2016 presidential election would restore the credibility of the House of Representatives in examining this critical issue on behalf of the American people. According to a recent poll conducted by *Fox News*, an estimated 66% of Americans believe that Congress must conduct an investigation into reported Russian

³ House Permanent Select Committee on Intelligence, *Chairman Devin Nunes Public Remarks on Incidental Collection of Trump Associates* (March 22, 2017) (online at <http://intelligence.house.gov/news/documentsingle.aspx?DocumentID=774>).

⁴ *Nunes Apologizes for Going Directly to White House with Monitoring Claims*, Politico (March 23, 2017) (online at <http://www.politico.com/story/2017/03/nunes-apologizes-after-going-directly-to-white-house-with-monitoring-claims-236415>).

⁵ *Nunes Admits Meeting with Source of Trump Surveillance Documents on White House Grounds*, Washington Post (March 27, 2017) (online at https://www.washingtonpost.com/powerpost/senate-panel-plans-to-interview-trump-son-in-law-kushner-in-russia-probe/2017/03/27/84fe10ae-12f9-11e7-ada0-1489b735b3a3_story.html?utm_term=.3b7a5a332950).

⁶ *2 White House Officials Helped Give Nunes Intelligence Reports*, New York Times (March 30, 2017) (online at <https://www.nytimes.com/2017/03/30/us/politics/devin-nunes-intelligence-reports.html>).

⁷ *The House Intelligence Committee’s Civil War*, The Atlantic (March 24, 2017) (online at <https://www.theatlantic.com/politics/archive/2017/03/schiff-nunes-latest/520764/>).

⁸ House Permanent Select Committee on Intelligence, *Intelligence Committee Chairman, Ranking Member Establish Parameters for Russia Investigation* (March 1, 2017) (online at <http://intelligence.house.gov/news/documentsingle.aspx?DocumentID=767>).

⁹ *McCain: Nunes’s Actions ‘Very Disturbing,’* The Hill (March 23, 2017) (online at <http://thehill.com/homenews/senate/325374-mccain-nunes-actions-very-disturbing>).

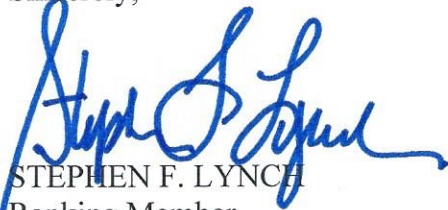
¹⁰ *Graham: Nunes is Running ‘an Inspector Clouseau Investigation,* Politico (March 28, 2017) (online at <http://www.politico.com/story/2017/03/lindsey-graham-devin-nunes-inspector-clouseau-russia-investigation-236582>).

hacking and attempts to interfere in the 2016 election.¹¹ A fair and impartial House investigation is even more urgent in the midst of White House admissions of previously undisclosed contacts between current White House and Russian officials prior to the presidential inauguration as well as reports that former National Security Advisor Michael Flynn is willing to provide relevant testimony to Congress in exchange for immunity from prosecution.¹²

For these reasons, I again request that you reassert our broad oversight jurisdiction and initiate a bipartisan investigation in our Committee to examine this issue. Should you again decline to exercise our jurisdiction to investigate this matter, I alternatively request that you support the establishment of an independent investigation to ensure the integrity and security of future American elections.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen F. Lynch".

STEPHEN F. LYNCH
Ranking Member
Subcommittee on National Security
(MA-08)

¹¹ *Fox News Poll: Voters Want Congressional Investigations into Russia*, Fox News (March 16, 2017) (online at <http://www.foxnews.com/politics/2017/03/16/fox-news-poll-voters-want-congressional-investigations-into-russia.html>).

¹² *Ex-Trump Adviser Flynn Talking to Congress About Testifying in Russia Probe*, Reuters (March 31, 2017) (online at <http://www.reuters.com/article/us-usa-trump-russia-flynn-idUSKBN1721FW>).