

Congress of the United States
Washington, DC 20515

April 10, 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

We are writing to seek your assistance in obtaining documents that the Trump Administration has been withholding from Congress for months relating to attacks against 21 states before the 2016 election by entities linked to the Russian government.

We have been trying to work through the committee process, but we have faced two obstacles: the Trump Administration is refusing to provide the documents we requested, and Republicans appear to have no interest in compelling the Trump Administration to produce them.

Our goal is not to interfere with the ongoing criminal investigation of the Trump Administration being conducted by Special Counsel Robert Mueller. Our goal is to obtain the documents collected and prepared by our federal agencies about these Russian attacks in order to take concrete steps to help prevent them from happening again. That is our responsibility under the Constitution.

Unfortunately, we are being blocked by Trump Administration officials who refuse to produce these documents to Congress and by Republican Chairmen who refuse to demand them. These actions create the unfortunate perception that House Republicans do not want to obtain these documents relating to the Russian attacks against state election systems.

Numerous Oversight Committee Requests

On October 20, 2017, Rep. Elijah E. Cummings, the Ranking Member of the Committee on Oversight and Government Reform, and Rep. Robin Kelly, the Ranking Member of the Subcommittee on Information Technology, sent a letter to the Department of Homeland Security (DHS) requesting “copies of the notifications” that the Department provided to 21 states, as well as copies of all documents “related to the Russian government-backed attempts to hack state election systems.” They requested these documents by October 31, 2017.¹

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Robin Kelly, Subcommittee on Information Technology, House Committee on Oversight and Government Reform, to Robert Kolasky, Acting Deputy Under Secretary, National Protections and Programs Directorate, Department of Homeland Security (Oct. 20, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2017-10-20.EEC%20Kelly%20to%20Kolasky-NPPD%20re%20Cyberattacks%20on%20State%20Election%20Systems.pdf).

On November 28, 2017, DHS responded by producing just one e-mail with a short script that Department employees apparently read over the phone to state election officials. This script is 13 sentences long and does not refer to any specific state or attack. Rather, it is a generic script that provides no specific information.²

The next day, on November 29, 2017, Christopher Krebs, the Senior Official Performing the Duties of the Under Secretary of the National Protection and Program Directorate at DHS, testified at a joint subcommittee hearing on the "Cybersecurity of Voting Machines." Mr. Krebs assured Committee Members that a further response would be forthcoming.³

To follow-up, the Subcommittees sent official Questions for the Record on January 3, 2018, with a request for DHS to produce the following documents and information:

1. Please immediately produce copies of all documents related to the Russian government-backed attempts to monitor, penetrate, or hack state election systems during the presidential election campaign of 2016, including but not limited to, the tools the attackers used, the tactics they utilized, the results of your conversations with these states, and the steps you took to follow-up.
2. For each of the 21 states, please provide details of your notification to state officials of the attempted cyberattacks, including:
 - the date of the notification;
 - the names of the state officials or offices that were notified;
 - the name of the DHS division that provided the notification;
 - whether it was a telephonic notification, or by other means;
 - services offered during the notification; and
 - the dates of any subsequent communications relating to cyberattacks with state officials.
3. Did DHS notify any other states that their election infrastructure had been targeted by cyberattacks in 2016? If so, please provide similar details of your notifications to those States; using the format above.

The letter transmitting these Questions for the Record was signed by both Subcommittee Chairmen Will Hurd and Gary J. Palmer.⁴

² Email from Jeffrey Mitchell, Department of Homeland Security, to House Committee on Oversight and Government Reform Staff (Nov. 28, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/DHS%20Email%20Response%20to%20EEC%20%26%20Kelly%2010-20-17%20Letter1.pdf>).

³ Subcommittee on Information Technology and Subcommittee on Intergovernmental Affairs, House Committee on Oversight and Government Reform, *Joint Hearing on Cybersecurity of Voting Machines* (Nov. 29, 2017).

⁴ Letter from Chairman Will Hurd, Subcommittee on Information Technology, and Chairman Gary J. Palmer, Subcommittee on Intergovernmental Affairs, House Committee on Oversight and Government Reform, to Christopher C. Krebs, Senior Official Performing the Duties of the Under Secretary, National Protection and

Having received no response for weeks, all Democratic Members of the Committee sent a letter to Chairman Trey Gowdy on January 29, 2018, requesting that he issue a subpoena to finally compel DHS to produce these documents. If he refused, the Members asked him to allow all Committee Members to debate and vote on a motion to subpoena the Department for these documents at the next regularly-scheduled business meeting.⁵ Chairman Gowdy did not respond.

On February 2, 2018, Ranking Member Cummings and Vice Ranking Member Gerald E. Connolly sent another letter to Chairman Gowdy renewing this request and asking for the subpoena motion to be placed on the agenda for the Committee's business meeting on February 6, 2018.⁶ Chairman Gowdy did not respond.

On the day of the Committee's business meeting, February 6, 2018, DHS provided approximately 50 pages of documents with information about how Department officials learned about the Russian-backed attacks and communicated with states.⁷ Most of the production consisted of publicly available documents. For example, DHS produced a Joint Analysis Report with the FBI entitled "GRIZZLY STEPPE—Russian Malicious Cyber Activity." Although this document was marked "For Official Use Only," DHS released this same document publicly more than a year earlier.⁸

The Trump Administration's response has been woefully inadequate. While there have been classified and unclassified briefings about these Russian-backed attacks, including a classified staff briefing scheduled for this week, we have not received all relevant classified documents about these attacks. We recognize that it is possible that some of these documents fall outside DHS's control. In that case, we would expect DHS to consult with the Intelligence Community or other interagency partners to ensure that we obtain the documents we have requested.

Programs Directorate, Department of Homeland Security (Jan. 3, 2018) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/Hurd%20Palmer%20to%20DHS%2001-03-18%20QFRs.pdf).

⁵ Letter from Ranking Member Elijah E. Cummings et al. to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Jan. 29, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-01-29.OGR%20Dems%20to%20Gowdy%20re%20DHS%20Doc%20Production%20for%20Attacks%20on%20State%20....pdf>).

⁶ Letter from Ranking Member Elijah E. Cummings and Vice Ranking Member Gerald E. Connolly to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Feb. 2, 2018) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-02-02.EEC%20%26%20Connolly%20to%20Gowdy%20re.13%20motions%20for%20Subpoenas.pdf).

⁷ Email from Legislative Affairs Advisor for Cybersecurity, Department of Homeland Security, to House Committee on Oversight and Government Reform Staff (Feb. 6, 2018).

⁸ Department of Homeland Security and Federal Bureau of Investigation, *GRIZZLY STEPPE—Russian Malicious Cyber Activity* (Dec. 29 2016) (online at www.us-cert.gov/sites/default/files/publications/JAR_16-20296A_GRIZZLY%20STEPPE-2016-1229.pdf).

To our knowledge, the Trump Administration has not provided any Committee in the House of Representatives with these classified documents about Russian-backed attacks against state election systems.

Request for Assistance

The election happened 17 months ago. It is inexcusable that Republican leaders in Congress have done so little to investigate—or address—Russian-backed attacks on our states, despite the fact that we have been asking repeatedly for congressional action on this important matter. We must be able to evaluate the threat that Russia posed—and still poses—but we cannot do our jobs effectively without obtaining the facts.

We have exhausted our efforts at the committee level, and we ask that you now personally intervene to protect the integrity and authorities of the House of Representatives to obtain the documents we need to protect our nation against foreign attacks.

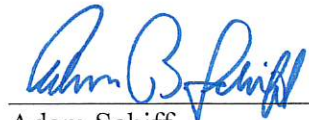
Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Jerrold Nadler
Ranking Member
Committee on the Judiciary



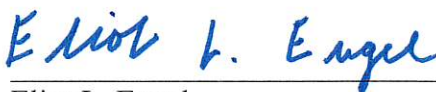
Adam Schiff
Ranking Member
Permanent Select Committee on
Intelligence



Robert A. Brady
Ranking Member
Committee on House Administration



Bennie G. Thompson
Ranking Member
Committee on Homeland Security



Eliot L. Engel
Ranking Member
Committee on Foreign Affairs

cc: The Honorable Trey Gowdy, Chairman
Committee on Oversight and Government Reform

The Honorable Bob Goodlatte, Chairman
Committee on the Judiciary

The Honorable Devin Nunes, Chairman
Permanent Select Committee on Intelligence

The Honorable Gregg Harper, Chairman
Committee on House Administration

The Honorable Michael McCaul, Chairman
Committee on Homeland Security

The Honorable Ed Royce, Chairman
Committee on Foreign Affairs