

Congress of the United States

Washington, DC 20515

December 6, 2022

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Austin:

We write to request information in furtherance of the Senate Finance Committee and House Committee on Oversight and Reform's ongoing investigations into whether former Senior White House Adviser Jared Kushner's financial conflicts of interest may have led him to improperly influence U.S. tax, trade, and national security policies for his own financial gain. Information obtained by the Committees shows that in February 2018 Mr. Kushner's father began negotiating the bailout of one of the Kushner family's flagship properties by an investment firm linked to the Qatari state, months earlier than previously reported, and at a time when the Qatari government was seeking to influence U.S. policy towards the region.

The Committees' investigations and public reporting indicate that the Department of Defense may have information and documents relevant to these investigations. We request that the Department provide these materials to the Committees to better understand the full scope of Mr. Kushner's serious conflict of interest, whether this conflict impacted U.S. foreign policy, and whether criminal conflict of interest and ethics statutes have been properly enforced to prevent senior U.S. officials from using their official positions for personal financial gain. This information will help inform Congress' ongoing examination of whether federal conflict of interest laws pertaining to government officials should be strengthened to prevent these officials from reaping financial windfalls related to their government employment.

Mr. Kushner's financial conflicts of interest: Brookfield Asset Management's bailout of a Kushner Companies' property involved funding from the Government of Qatar

In August 2018, Brookfield Asset Management (Brookfield) leased the entirety of a property owned by Kushner Companies at 666 Fifth Avenue in Manhattan. Brookfield reportedly paid Kushner Companies 99 years of rent – amounting to \$1.1 billion – in advance. This bailout allowed Kushner Companies to avoid an impending default on the property's mortgage and retain full ownership of the property.¹

Even after becoming Senior White House Adviser, Mr. Kushner retained a substantial stake in Kushner Companies, which was run by his father, Charles Kushner.² As you are aware,

¹ *Brookfield: inside the \$500bn secretive investment fund: An FT investigation into the complex dealings of the group that helped out the Kushners by leasing 666 Fifth Avenue*, Financial Times, Feb. 5, 2020,

<https://www.ft.com/content/595a77d0-3867-11ea-a6d3-9a26f8c3cba4>.

² *Kushner's Family Business Received Loans After White House Meetings*, New York Times, Feb. 28, 2018, <https://www.nytimes.com/2018/02/28/business/jared-kushner-apollo-citigroup-loans.html>.

federal criminal conflict of interest statutes bar White House officials from participating in matters affecting their own financial interests. Given the substantial personal financial benefit Brookfield conferred on Mr. Kushner and his family, we are deeply concerned by Mr. Kushner's personal involvement in a range of policy-making processes in which he appears to have exercised his influence as a senior U.S. government official on matters directly affecting Brookfield and its investors.

Brookfield's foreign investors included the government of Qatar, which is a major investor in the Brookfield fund that bailed out 666 Fifth Avenue, sparing Kushner Companies from defaulting on its marque asset. Brookfield structured the 666 Fifth Avenue lease using a fund called Brookfield Property Partners (BPY), in which the Qatar Investment Authority—the sovereign wealth fund of the Qatari state—had invested \$1.8 billion. This investment made Qatar the second-largest investor in the fund, behind only Brookfield itself. This investment reportedly gave the Qatari government “significant influence” over BPY, allowing Qatari officials “to receive confidential information that other investors never see.”³

In May 2018, months before the deal was finalized, the *New York Times* reported that the Qatari-backed BPY might be involved in the 666 Fifth Avenue investment, noting, “The deal is likely to raise further concerns about Jared Kushner’s dual role as a White House point person on the Middle East and a continuing stakeholder in the family’s company.” The Qatar Investment Authority asserted, both before and after the lease agreement was completed, that it had “no involvement whatsoever in this deal” and denied that the deal was part of an effort to influence the Trump Administration. However, the sovereign wealth fund did not deny that Qatari funds were invested with Brookfield and used as part of the bailout or indicate any plans to wind down its investments in Brookfield.⁴ The BPY-controlled limited liability company used to sign the 666 Fifth Avenue lease, BSREP III Nero LLC, reportedly included \$2 billion in capital from Middle Eastern sovereign wealth funds.⁵

The economic blockade of Qatar may have been used as leverage for the 666 Fifth Avenue bailout and was not supported by other officials, including the Secretaries of State and Defense

Mr. Kushner's direct involvement in U.S. policy towards Qatar before and after Brookfield's bailout of 666 Fifth Avenue creates the appearance that he used his influence as Senior White House Adviser for personal gain. According to public reporting, Kushner Companies “approached Qatar multiple times” about investing in the property, including as late as spring 2017, but the Qatari government declined. On June 5, 2017, less than two months after

³ *Brookfield: inside the \$500bn secretive investment fund: An FT investigation into the complex dealings of the group that helped out the Kushners by leasing 666 Fifth Avenue*, Financial Times, Feb. 5, 2020, <https://www.ft.com/content/595a77d0-3867-11ea-a6d3-9a26f8c3cba4>.

⁴ *Kushners Near Deal With Qatar-Linked Company for Troubled Tower*, New York Times, May 17, 2018, www.nytimes.com/2018/05/17/nyregion/kushner-deal-qatar-666-5th.html; *Qatar revamps investment strategy after Kushner building bailout*, Reuters, Feb. 11, 2019, <https://www.reuters.com/article/us-qatar-fund-kushner-insight/qatar-revamps-investment-strategy-after-kushner-building-bailout-idUSKCN1Q00W3>.

⁵ *Qatar revamps investment strategy after Kushner building bailout*, Reuters, Feb. 11, 2019, <https://www.reuters.com/article/us-qatar-fund-kushner-insight/qatar-revamps-investment-strategy-after-kushner-building-bailout-idUSKCN1Q00W3>.

these prior efforts by Kushner Companies to obtain Qatari investment in 666 Fifth Avenue fell apart, Saudi Arabia and the United Arab Emirates (UAE) implemented a punishing blockade against Qatar.⁶ Top Qatari government officials reportedly believed that the White House's support for the blockade may have been retaliation by Mr. Kushner for the Qatari government's earlier refusal to bail out 666 Fifth Avenue.⁷

Prior to the implementation of the blockade, Mr. Kushner discussed plans to isolate Qatar with top leaders of Saudi Arabia and the UAE; however, he failed to notify other senior U.S. officials.⁸ Former Secretary of State Rex Tillerson informed Congress he was "angry" when he later learned of Mr. Kushner's involvement, and confirmed that "[t]he State Department's views were never expressed."⁹ Secretary of Defense James Mattis, also surprised by the blockade, reportedly called Saudi officials to urge them not to take military action against Qatar, which hosts over ten thousand U.S. military personnel at the Al Udeid Air Base.¹⁰

New revelations raise fresh concerns that Mr. Kushner was directly engaging with Qatari officials around the time his family business was seeking funding from the Government of Qatar. Former Secretary Tillerson recently testified in federal court that it was "evident" that Mr. Kushner frequently engaged with foreign government officials and often did so in a manner that was inconsistent with the views of other U.S. government officials.¹¹ He further testified that Mr. Kushner and other White House officials expressed support for the motivations behind the blockade against Qatar, despite public opposition from the Secretaries of State and Defense.¹²

Following the imposition of the blockade, Qatar reportedly launched a "charm offensive" to win over the Trump Administration.¹³ Documents obtained by the Committees raise serious questions as to whether the bailout of 666 Fifth Avenue by Brookfield was part of a Qatari government effort to placate Mr. Kushner, who had long sought to raise funds for the troubled

⁶ *Mueller team asking if Kushner foreign business ties influenced Trump policy*, NBC News, Mar. 2, 2018, <https://www.nbcnews.com/politics/white-house/mueller-team-asking-if-kushner-foreign-business-ties-influenced-trump-n852681>.

⁷ *Mueller team asking if Kushner foreign business ties influenced Trump policy*, NBC News, Mar. 2, 2018, <https://www.nbcnews.com/politics/white-house/mueller-team-asking-if-kushner-foreign-business-ties-influenced-trump-n852681>.

⁸ *The troubling overlap between Jared Kushner's business interests and US foreign policy*, The Guardian, July 8, 2019, <https://www.theguardian.com/commentisfree/2019/jul/08/troubling-overlap-between-jared-kushner-business-interests-and-us-foreign-policy>.

⁹ *The troubling overlap between Jared Kushner's business interests and US foreign policy*, The Guardian, July 8, 2019, <https://www.theguardian.com/commentisfree/2019/jul/08/troubling-overlap-between-jared-kushner-business-interests-and-us-foreign-policy>.

¹⁰ *A Saudi Prince's Quest to Remake the Middle East*, The New Yorker, Apr. 2, 2018, <https://www.newyorker.com/magazine/2018/04/09/a-saudi-princes-quest-to-remake-the-middle-east>.

¹¹ *Former Sec. of State Rex Tillerson testifies at foreign lobbying trial of Tom Barrack*, CNN, Oct. 3, 2022, <https://www.cnn.com/2022/10/03/politics/rex-tillerson-tom-barrack-trial>.

¹² *Rex Tillerson, on witness stand, gives insight into time as secretary of state*, Yahoo News, Oct. 3, 2022, <https://www.yahoo.com/now/rex-tillerson-testifies-trial-trump-170925374.html>; *Rex Tillerson Says He Knew Nothing of Foreign Influence Plans*, New York Times, Oct. 3, 2022, <https://www.nytimes.com/2022/10/03/nyregion/rex-tillerson-testify-foreign-influence-trial.html>; *Trump: Qatar Must Stop Funding Terrorism*, June 10, 2017, CNN, www.cnn.com/2017/06/09/politics/trump-qatar-saudi-gulf-crisis.

¹³ *In Charm Offensive, Qatar Pushes for a Comeback in Washington*, New York Times, Feb. 18, 2018, www.nytimes.com/2018/02/09/us/politics/trump-qatar-lobbying-embargo.html.

property. On April 15, 2016—with his father-in-law poised to secure the Republican nomination for President—Mr. Kushner met with Ric Clark, Brookfield’s Senior Managing Partner and subsequent Chairman, and then exchanged emails with the subject line “re 666,” referring to the Kushner Companies property.¹⁴ Neither Brookfield nor the Qatar Investment Authority invested in the property before Donald Trump ascended to the presidency.

Two years later, in the midst of the blockade, Brookfield appeared to regain interest in bailing out 666 Fifth Avenue. On February 14, 2018—months earlier than previously reported—Charles Kushner contacted Brookfield Senior Managing Partner Ric Clark about investing in the Kushners’ troubled property. The following day, on February 15, 2018, Charles Kushner emailed Mr. Clark: “Ric, would appreciate if you could find sometime next week that would work for you in according to our conversation. Best, Charlie.” Mr. Clark responded, “Charlie – thanks again for reaching out to us,” and wrote that Brookfield’s Managing Partner would “advance things right away.”¹⁵ Less than an hour later, Charles Kushner’s associate emailed Brookfield, “Per your conversation with Charlie yesterday please see attached a series of key assumptions for the modernization of 666 Fifth.”¹⁶ It is unclear why Charles Kushner reached out to Brookfield in February 2018 after previous efforts to secure funding from both Brookfield and the Qatari government were apparently unsuccessful, or why Brookfield ultimately chose to invest in the property, apparently using Qatari funds.¹⁷

The Trump Administration’s support for the blockade evaporated shortly after Charles Kushner’s discussion with Brookfield. In April 2018, President Trump welcomed the Emir of Qatar to the White House, and Secretary of State Pompeo publicly called for an end to the blockade. The next month, in May 2018, Brookfield’s negotiations to bail out 666 Fifth Avenue became public. In late 2020, Mr. Kushner led efforts by the White House to broker an end to the blockade, leveraging his “close ties” with Saudi Crown Prince Mohammed bin Salman in order to negotiate the agreement.¹⁸ A pitch deck for Affinity Partners, an investment firm founded by Mr. Kushner that recently secured a \$2 billion investment from the Government of Saudi Arabia, states that “Jared led the diplomatic efforts to end the Gulf rift, reuniting Qatar with the Gulf Cooperation council.”¹⁹

¹⁴ BAM_0000326 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Brookfield%20-%20State-DoD%20Letter%20Underlying%20Documents.pdf>).

¹⁵ BAM_0000308 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Brookfield%20-%20State-DoD%20Letter%20Underlying%20Documents.pdf>).

¹⁶ BAM_0000307 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Brookfield%20-%20State-DoD%20Letter%20Underlying%20Documents.pdf>).

¹⁷ BAM_0000326 (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Brookfield%20-%20State-DoD%20Letter%20Underlying%20Documents.pdf>); *Jared Kushner’s Real-Estate Firm Sought Money Directly From Qatar Government Weeks Before Blockade*, The Intercept, Mar. 2, 2018, <https://theintercept.com/2018/03/02/jared-kushner-real-estate-qatar-blockade/>.

¹⁸ *Qatar, Saudi Arabia Set to End Feud That Hampered U.S. Interests*, The Wall Street Journal, Jan. 4, 2021, <https://www.wsj.com/articles/saudi-arabia-qatar-set-to-end-feud-that-hampered-u-s-interests-11609788973>.

¹⁹ *Jared Kushner Flaunted His Influence with Saudi Arabia, Russia in Pitch to Investors*, The Intercept, Apr. 18, 2022, <https://theintercept.com/2022/04/18/saudi-russia-jared-kushner-affinity-partners/>.

CFIUS approval of Brookfield Business Partners' acquisition of Westinghouse Electric within days of Brookfield's 666 Fifth Avenue bailout

At the same time that Kushner Companies was negotiating the lease of 666 Fifth Avenue with Brookfield, one of its associated business units, Brookfield Business Partners, was seeking the Trump Administration's approval for a deal involving foreign investment and sensitive nuclear technology. As outlined in two House Committee on Oversight and Reform staff reports, Mr. Kushner repeatedly pushed for an initiative to share nuclear technology with Saudi Arabia through a partnership involving Westinghouse Electric Corporation (Westinghouse), the primary U.S. company for large-scale U.S. nuclear reactors. Business leaders involved in that plan prepared a slide deck specifically for Mr. Kushner in his role as Senior White House Advisor, sharing details about the investment plan.²⁰

On January 4, 2018, Brookfield Business Partners announced that it had won the bid to acquire Westinghouse—however, this acquisition required approval by the Committee on Foreign Investment in the United States (CFIUS).²¹ In February 2018, public reports indicated the Trump Administration was “considering permitting Saudi Arabia to enrich and reprocess uranium as part of a deal that would allow Westinghouse and other American companies to build nuclear reactors in the Middle East kingdom.”²² Brookfield Business Partners completed the acquisition after receiving CFIUS approval on August 1, 2018—just two days before Brookfield announced its lease of 666 Fifth Avenue.²³ According to reports, Senior Trump Administration officials, including Energy Secretary Rick Perry, subsequently pursued efforts to convince Saudi Arabia to buy nuclear technology from U.S. companies, including Westinghouse.²⁴ Mr. Kushner's documented support for this plan to sell sensitive nuclear technology to the Saudi government, which would have ultimately benefited his family company's business partner, Brookfield, raises serious questions about conflicts of interest, including what, if any, role Mr. Kushner had in ensuring the Trump Administration's support for initiatives that would benefit Brookfield's business ventures in the Middle East.

²⁰ Majority Staff, House Committee on Oversight and Reform, *Whistleblowers Raise Grave Concerns with Trump Administration's Efforts to Transfer Sensitive Nuclear Technology to Saudi Arabia*, Feb. 2019,

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20-%202-19-2019.pdf>; Majority Staff, House Committee on Oversight and Reform, *Corporate and Foreign Interests Behind White House Push to Transfer U.S. Nuclear Technology to Saudi Arabia*, July 2019, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Trump%20Saudi%20Nuclear%20Report%20July%202019.pdf>.

²¹ *Kushner's Firm Deepens Ties to Those With Business in Washington*, The New York Times, July 11, 2018, <https://www.nytimes.com/2018/07/11/business/jared-kushner-business-washington.html>.

²² *Perry Plans Nuclear-Energy Talks with Saudis, Sources Say*, Bloomberg, Feb. 26, 2018, www.bloomberg.com/news/articles/2018-02-26/u-s-energy-chief-is-said-to-plan-nuclear-deal-talks-with-saudis.

²³ *Brookfield Business Partners Completes Acquisition of Westinghouse Electric Company*, Brookfield Business Partners, Aug. 1, 2018, <https://bbu.brookfield.com/press-releases/brookfield-business-partners-completes-acquisition-westinghouse-electric-company>.

²⁴ *Kushner's Firm Deepens Ties to Those With Business in Washington*, The New York Times, July 11, 2018, <https://www.nytimes.com/2018/07/11/business/jared-kushner-business-washington.html>.

Coordinating USMCA negotiations with the Canadian Government while Kushner Companies was negotiating a major transaction with Canadian investors

Mr. Kushner was also deeply involved in a number of other matters that affected Brookfield or other parties from which Mr. Kushner and Kushner Companies has sought or received investment. In his memoir, Mr. Kushner recounted the central role he played in negotiating the United States-Mexico-Canada Agreement (USMCA).²⁵ While Mr. Kushner was directly engaging with the leaders of Canada and Mexico about the future of one the largest free trade zones in the world, Kushner Companies was negotiating the lease of 666 Fifth Avenue with Brookfield—a Canadian company that reports having \$469 billion assets under management in North America with 48,000 operating employees.²⁶

Mr. Kushner sought UAE investment after pushing to lift aluminum tariffs

We are also deeply concerned about reports that Mr. Kushner sought investments from the UAE's primary sovereign wealth funds shortly after leaving government despite his role in influencing U.S. tariff policy to benefit the UAE government during the Trump Administration. In March 2018, the Trump Administration announced sweeping tariffs on imported aluminum to "address the threat that imports of aluminum articles pose to the national security."²⁷ John R. Bolton, President Trump's National Security Advisor from April 2018 to September 2019, asserted that the "national security" grounds for imposing the 10% tariffs "were gauzy at best."²⁸ In the final hours of President Trump's term in office, his Administration lifted the aluminum tariffs on the UAE while leaving them in place for other countries.²⁹ Mr. Kushner reportedly played a key role in this action, which the White House took against the advice of many specialists in the Commerce Department and the Office of the United States Trade Representative.³⁰ Later in 2021, after leaving his position as Senior White House Adviser, Mr. Kushner traveled to the UAE and reportedly sought investment from the country's primary sovereign wealth funds in his newly formed investment firm, Affinity Partners.³¹

Requests for information

Mr. Kushner's foreign financial entanglements and his conduct as Senior White House Adviser suggest that he may have prioritized his own financial interests over the national interest. The pursuit of personal financial gain should not dictate U.S. tax, trade, and national security policies. The ongoing investigations by the Finance Committee and Oversight

²⁵ *Jared Kushner Memoir Chronicles Frustrations of Negotiating Trade Deal with Canada*, CBC News, Aug. 20, 2022, <https://www.cbc.ca/news/world/kushner-book-usmca-cusma-1.6556647>.

²⁶ *Global Presence*, Brookfield Asset Management, 2022, <https://www.brookfield.com/about-us/global-presence>.

²⁷ *Adjusting Imports of Aluminum into the United States*, Presidential Proclamation 9704 of March 8, 2018, <https://www.federalregister.gov/documents/2018/03/15/2018-05477/adjusting-imports-of-aluminum-into-the-united-states>.

²⁸ John Bolton, *The Room Where it Happened* 170 (2020).

²⁹ *Biden Reinstates Aluminum Tariffs in One of His First Trade Moves*, The New York Times, Feb. 2, 2021, <https://www.nytimes.com/2021/02/02/business/economy/biden-aluminum-tariffs.html>.

³⁰ *Biden Reinstates Aluminum Tariffs in One of His First Trade Moves*, The New York Times, Feb. 2, 2021, <https://www.nytimes.com/2021/02/02/business/economy/biden-aluminum-tariffs.html>.

³¹ *Seeking Backers for New Fund, Jared Kushner Turns to Middle East*, The New York Times, Nov. 26, 2021, <https://www.nytimes.com/2021/11/26/us/politics/kushner-investment-middle-east.html>.

Committee into these matters will inform potential legislative efforts to prevent future abuses by senior U.S. officials.

In light of the significant concerns raised by Mr. Kushner's apparent participation in matters affecting his personal financial interest, and as part of the Committees' investigations, please provide the following documents and information by January 13, 2023:

- 1) Any and all correspondence or other records possessed by, sent to, or received by the Department of Defense, including correspondence sent by, to, or between employees of the Department, from January 20, 2017 to January 20, 2021 related, or referring in any way, to:
 - a. Kushner Companies;
 - b. 666 Fifth Avenue;
 - c. Brookfield Asset Management, including, but not limited to, Brookfield Asset Management's lease of 666 Fifth Avenue;
 - d. Brookfield Business Partners, including, but not limited to, Brookfield Business Partners' acquisition of Westinghouse Electric Corporation (including related CFIUS scrutiny and approval);
 - e. Brookfield Property Partners;
 - f. Affinity Partners;
 - g. Jared Kushner's personal or family financial interests; and
 - h. Westinghouse Electric Corporation pursuing business in Saudi Arabia.
- 2) Any and all correspondence or other records possessed by, sent to, or received by the Department of Defense, including correspondence sent by, to, or between employees of the Department, from January 20, 2017 to January 20, 2021 related, or referring in any way, to former Senior White House Adviser Jared Kushner's involvement or relationship with any of the matters referred to in this letter. These matters include, but are not limited to:
 - a. Westinghouse Electric Corporation;
 - b. the Qatari Investment Authority, the Qatari government, or the Qatari Royal Family;
 - c. the Saudi Public Investment Fund, the Saudi government, or the Saudi Royal Family;
 - d. the economic blockade of Qatar;
 - e. the U.S. response to the economic blockade of Qatar (including avoiding military escalation and potential impacts, of any kind, on Al Udeid Air Base);
 - f. U.S. efforts to resolve the economic blockade of Qatar;
 - g. negotiations related to the USMCA;
 - h. the imposition of aluminum tariffs under the authority of section 232 of the 1962 Trade Expansion Act; and
 - i. the lifting of aluminum tariffs on the UAE.
- 3) Any and all correspondence or other records possessed by, sent to, or received by the Department of Defense, including correspondence sent by, to, or between employees of the Department, from January 20, 2017 to January 20, 2021 related, or referring in any

way, to former Senior White House Adviser Jared Kushner seeking to influence, interfere with, or supersede the normal operations and responsibilities of the Department of Defense.

- 4) Any and all correspondence or other records possessed by, sent to, or received by the Department of Defense, including correspondence sent by, to, or between employees of the Department, from January 20, 2017 to January 20, 2021 related, or referring in any way, to any of former Senior White House Adviser Jared Kushner's official activities actually or apparently being influenced by a real or apparent conflict of interest.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator
Chairman, Committee on Finance



Carolyn B. Maloney
Chairwoman
House Committee on Oversight and Reform

cc: The Honorable Mike Crapo, Ranking Member
Senate Committee on Finance

The Honorable James Comer, Ranking Member
House Committee on Oversight and Reform