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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

March 1, 2020

The Honorable Members of the
Senate Committee on Homeland Security
& Governmental Affairs

Dear Colleagues:

I am writing to inform you of my intention to schedule a business meeting to consider issuing a Committee subpoena pursuant to Rule 5(C) of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs.

On February 24, 2020, I notified Ranking Member Peters of my intent to issue a subpoena to an individual for records and attendance related to his work as a consultant at Blue Star Strategies (Blue Star). A copy of my notification letter to Ranking Member Peters—which includes a more detailed explanation of the Committee's oversight work leading up to the request and the subpoena schedule—is enclosed. On February 27, 2020, Ranking Member Peters notified me of his disapproval of the issuance of the subpoena.

Blue Star, a U.S.-based government and public affairs firm founded by Karen Tramontano (former deputy chief of staff to President Clinton) and Sally Painter (a former Senior Advisor for the Clinton administration), was a U.S. representative for a Ukrainian gas company, Burisma Holdings. As part of the Committee's ongoing investigation, it has received U.S. government records indicating that Blue Star sought to leverage Hunter Biden's role as a board member of Burisma to gain access to, and potentially influence matters at, the State Department.

As part of this investigation, the Committee requested and received documents from both Blue Star, and a former consultant for Blue Star, Andrii Telizhenko. Although Mr. Telizhenko expressed his willingness to "cooperate fully" with our investigation, he identified a limited subset of relevant records from his work with Blue Star that are responsive, but subject to a non-disclosure agreement (NDA) in his employment contract. In other words, he cannot provide this responsive information unless he is compelled to do so by subpoena. Unfortunately, Blue Star has not provided this information to the Committee. The Committee notified Blue Star that we consider their response to be incomplete, but they responded that they will not be producing any more documents. In fact, although the Committee asked Blue Star twice to identify its employees and contractors who worked on the Burisma matter, it never identified Mr. Telizhenko. Because Mr. Telizhenko's records and information would be responsive to the Committee's requests, and Blue Star has refused to produce them, a subpoena to Mr. Telizhenko for these records is appropriate at this time.

Ranking Member Peters' disapproval letter stated that he is "concerned that the United States Senate and this Committee could be used to further disinformation efforts by Russian or other actors," and he asked "for the Committee to receive defensive briefings—specifically regarding Mr. Telizhenko—from relevant intelligence community and law enforcement officials."

I share the Ranking Member's interest in ensuring the Senate and this Committee not be used to advance disinformation. As discussed below, this is precisely why I and my staff have gone to great lengths to receive briefings and review and verify all information received by the Committee before making any of it public.

First, we informed Ranking Member Peters' staff that, through the Senate Judiciary Committee, the Federal Bureau of Investigation (FBI) already responded satisfactorily to a request for a defensive briefing on this matter. Ranking Member Peters' staff asked if they could speak with the FBI directly, and we were in the process of scheduling that discussion when we received his disapproval letter. Majority and minority Committee staff spoke with the FBI on February 28, 2020, and the FBI provided a response that directly addressed the stated concerns. I also invite Members to review the February 10, 2020, classified "intelligence product" that was referred to the Committee by Democrat Senators, together with additional information that the Committee will provide for your review in the SCIF.

Second, we narrowly drafted the subpoena to request only "records from [Mr. Telizhenko's] work for Blue Star Strategies [] related to Burisma Holdings" and his attendance to discuss those matters. Any concern about disinformation efforts is simply not relevant to whether or not the Committee should seek to obtain these specific records from Mr. Telizhenko's work for a private U.S. consulting company. We have already received productions from Mr. Telizhenko (which, to date, Ranking Member Peters' staff has refused to accept) confirming his contact with Blue Star about Burisma just prior to his employment. And we know that he worked for over a year on matters for Blue Star as it lobbied the U.S. and Ukrainian governments on behalf of Burisma. Mr. Telizhenko's additional records and information—which can easily be authenticated or challenged by Blue Star—could prove highly relevant to our oversight.

Third, the Committee's investigation is seeking information from the different parties involved precisely because this is how any investigation accurately determines what did and did not happen. The Committee recently reviewed relevant State Department documents that corroborate records Mr. Telizhenko already produced to the Committee, including correspondence with Blue Star officials not covered by his NDA. Blocking the receipt of relevant records, as any Committee member voting against this subpoena would be doing, only heightens the risk of "disinformation" because the Committee would not have access to all pertinent information. Accepting records and testing them against other information—not willfully ignoring potentially relevant information—is intended to discover and prevent disinformation, not advance it.

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One final point. This Committee has been investigating matters related to Burisma for nearly a year. Throughout, we have sought to keep the Committee's information-gathering on these matters largely outside the public spotlight, allowing us to first carefully review information to determine its authenticity and potential confidentiality. If there is a concern that a foreign actor could be using our Committee to provide disinformation to the public, it is someone else, not the Committee majority, who has facilitated those efforts by selectively leaking information to the press. One egregious example occurred last month, when someone improperly leaked information about what we allegedly asked for and received from the Treasury Department about suspicious financial transactions.

For these reasons, it is impossible not to question the motivations behind, and the timing of, Politico's inaccurate article regarding my meeting in a classified setting with Senator Burr and his staff—which "coincidentally" was published on the same day as the Ranking Member's letter disapproving of this subpoena. Apparently, some here in Congress believe they are above the law when they publicize the fact of a meeting and purported details of conversations that occurred in a classified setting. Conveniently for them, but unfortunate for the public and the truth, it is not appropriate or lawful for me to comment on the substance of those discussions. But taking into account all of the information I have learned throughout the course of this investigation, including my discussions with other Members, I am convinced obtaining Mr. Telizhenko's Blue Star documents and information is an important part of this investigation. I sincerely hope the Members of the Committee will agree and support this subpoena.

These coordinated and persistent efforts to undermine this investigation have not deterred me. But I do wonder: why would anyone object to the Committee receiving records about a Democrat lobbying firm appearing to strong-arm U.S. officials at the State Department for the benefit of a corrupt Ukrainian company? As I explained to the Ranking Member in my February 24 letter, "[t]he American people have a right to know how their government officials conducted official business, whether certain parties received special treatment, and whether any apparent or actual conflict of interest unduly influenced U.S. policy. Gathering all of the relevant information is necessary to determine not only whether any wrongdoing occurred, but also if wrongdoing did not occur." The proposed subpoena is probative of an issue within our Committee's jurisdiction, and is necessary to further the aims outlined here and in my February 24 letter to the Ranking Member. Accordingly, I will be scheduling a vote in the near future to approve issuing the enclosed subpoena.

Sincerely,



Ron Johnson
Chairman

Enclosure

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cc: The Honorable Chuck Grassley
Chairman, Senate Committee on Finance

The Honorable Ron Wyden
Ranking Member, Senate Committee on Finance

The Honorable Lindsey Graham
Chairman, Senate Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member, Senate Committee on the Judiciary