TREY GOWDY, SOUTH CAROLINA
CHAIRMAN

ONE HUNDRED FIFTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5074
MINORITY (202) 225–5051
http://oversight.house.gov

January 29, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman,

We are writing to request that you issue a subpoena to finally compel the Department of Homeland Security to produce documents it has been withholding from Congress for months relating to Russian government-backed efforts to monitor, penetrate, or otherwise hack at least 21 state election systems in the 2016 election.

Despite repeated requests over the past several months, the Department has refused to provide the Oversight Committee with this information, and to the best of our knowledge, has not provided it to any congressional committee. We have been extremely patient, but we can no longer allow the Trump Administration to defy our requests and withhold this critical information from Congress. The Intelligence Community has warned us that Russia intends to continue interfering with elections in the United States and around the world. It is our responsibility to obtain information about what happened in 2016 so we can adequately prepare for future attempts to interfere with our democracy.

If you decline to issue this subpoena yourself, then we request that you allow Committee Members to debate and vote on a motion to subpoena the Department for these documents at our next regularly-scheduled business meeting.

Multiple Requests Refused by Department of Homeland Security

According to press reports, the Department notified the following 21 states that they were identified as targets of Russian government-linked hacking attempts into their election systems: Washington, Oregon, California, Colorado, Illinois, Alaska, Arizona, Oklahoma, Texas, North Dakota, Minnesota, Wisconsin, Iowa, Ohio, Alabama, Florida, Pennsylvania, Virginia, Maryland, Connecticut, and Delaware.[1]

---

[1] *See, e.g., What We Know About the 21 States Targeted by Russian Hackers*, Washington Post (Sept. 23, 2017) (online at www.washingtonpost.com/news/the-fix/wp/2017/09/23/what-we-know-about-the-21-states-targeted-by-russian-hackers/?utm_term=.776577e66d8a).

On October 20, 2017, Ranking Member Elijah E. Cummings and Information Technology Subcommittee Ranking Member Robin Kelly sent a letter requesting "copies of the notifications" the Department provided to these 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.[2]

In response, the Department produced 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.[3]

On November 29, 2017, during a joint subcommittee hearing on the "Cybersecurity of Voting Machines," Ranking Member Kelly questioned Christopher Krebs, the Senior Official Performing the Duties of the Under Secretary of the National Protection and Program Directorate. Ranking Member Kelly introduced into the official hearing record the request letter from October 20, 2017, and asked Mr. Krebs when these documents would be provided. Although Mr. Krebs assured Ranking Member Kelly that a response would be forthcoming, no further documents were provided.[4]

During the hearing, Mr. Krebs seemed to indicate that he could not provide the requested information because it was provided by the states as part of their "confidential relationship" with the Department. Instead, he suggested that Committee Members "reach back to your states" to obtain the information. He failed to acknowledge that the October 20, 2017, request letter sought information the Department collected from other sources—rather than from the states themselves—including information that led the Department to conclude that these 21 states were at risk, as well as the specific tactics used by Russian government-backed entities.[5]

To follow-up on this request yet again, the Subcommittees sent Mr. Krebs official Questions for the Record on January 3, 2018, that included a request by Ranking Members Cummings and Kelly that the Department produce, by January 19, 2018, the following documents and information:

---

[2] Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Robin Kelly, Subcommittee on Information Technology, 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).

[3] 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).

[4] 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).

[5] *Id.*

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.

Although the letter transmitting these Questions for the Record was signed by both Subcommittee Chairmen Will Hurd and Gary J. Palmer, the Department has produced none of the requested documents to date.[6]

Request for Subpoena

For the reasons set forth above, we respectfully request that you issue a subpoena to compel the Department to produce, by February 5, 2018, documents concerning the information requested in the Questions for the Record sent to the Department on January 3, 2018.

If you chose not to do so, then we ask that you place this matter on the agenda for our next regularly scheduled business meeting so that all Committee Members will have the opportunity to vote on a motion to issue this subpoena.

---

[6] Letter from Chairman Will Hurd, Subcommittee on Information Technology, House Committee on Oversight and Government Reform 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 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).

Thank you for your consideration of this request.

Sincerely,